

BUITENGEWONE  
**OFFISIELLE KOERANT**  
 VAN SUIDWES - AFRIKA.



**OFFICIAL GAZETTE**

EXTRAORDINARY  
 OF SOUTH WEST AFRICA.

UITGAWE OP GESAG.

PUBLISHED BY AUTHORITY.

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Woensdag, 25 Junie 1958

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Bladsy

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**Goewermentskennisgewing.**

**Government Notice.**

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

C. F. MARAIS,  
*Sekretaris van Suidwes-Afrika.*

Kantoor van die Administrateur,  
 Windhoek.

The following Government Notice is published for general information.

C. F. MARAIS,  
*Secretary for South West Africa.*

Administrator's Office,  
 Windhoek.

No. 141.]	[25 Junie 1958.	No. 141.]	[25th June, 1958.
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**ORDONNANSIES, 1958: UITVAARDIGING VAN.**

Dit het die Administrateur behaag om sy goedkeuring te heg, ooreenkomsdig artikel *twee-en-dertig* van „De Zuidwest-Afrika Konstitutie Wet 1925” (Wet 42 van 1925), aan die volgende Ordonnansies wat hiermee vir algemene inligting gepubliseer word, ooreenkomsdig artikel *vier-en-dertig* van gennelde Wet:—

**ORDINANCES, 1958: PROMULGATION OF.**

The Administrator has been pleased to assent, in terms of section *thirty-two* of the South West Africa Constitution Act, 1925 (Act No. 42 of 1925), to the following Ordinances which are hereby published for general information in terms of section *thirty-four* of the said Act:—

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No. 21.	Verdere Wysigingsordonnansie op Landnedersetting, 1958 . . . . .	549	No. 21.	Land Settlement Further Amendment Ordinance, 1958 . . . . .	549
No. 22.	Algemene Regswysigingsordonnansie 1958 . . . . .	549	No. 22.	General Law Amendment Ordinance, 1958 . . . . .	549

No. 16 van 1958.]

No. 16 of 1958.]

**ORDONNANSIE**

Tot aanwending van 'n verdere geldbedrag vir die diens van die Gebied Suidwes-Afrika vir die jaar wat op die een-en-dertigste dag van Maart 1957 geëindig het, tot bestryding en dekking van sekere ongemagtige uitgawes.

(Goedgekeur 18 Junie 1958)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Die Administrasierekening van die Gebied Suidwes-Afrika word hierby belas met die bedrag van vyfduisend, seshonderd vier-en-negentig pond en drie pennies tot dekking van sekere uitgawes bo en behalwe die bedrag beskikbaar gestel vir die diens van die Gebied Suidwes-Afrika vir die jaar wat op die een-en-dertigste dag van Maart 1957 geëindig het. Hierdie uitgawes word ultiengesit in die Bylae tot hierdie Ordonnansie en word nader omskryf in paragraaf vier op bladsy tien van die Verslag (aan die Wetgewende Vergadering voorgelê) van die Kontroleur en Ouditeur-Generaal oor die rekenings vir die vermelde boekjaar en in die Eerste Verslag van die Gekose Komitee oor Openbare Rekenings 1958.

2. Hierdie Ordonnansie heet die Ongemagtigde Uitgawes (1956-'57) Ordonnansie 1958.

**BYLAE.**

Begrotingsposnommer.	Titel.	Bedrag.
		£ s. d.
1	Administrasie . . . . .	4,500 0 0
14	Pos-, Telegraaf- en Telefoonwese . . . . .	1,194 0 3
		£5,694 0 3

**ORDINANCE**

To apply a further sum of money towards the service of the Territory of South West Africa for the year ended on the thirty-first day of March, 1957, for the purpose of meeting and covering certain unauthorised expenditure.

(Assented to 18th June, 1958).

(Afrikaans text signed by the Administrator).

BE IT ORDAINED by the Legislative Assembly, for the Territory of South West Africa:—

1. The Administration Account of the Territory of South West Africa is hereby charged with the sum of five thousand, six hundred and ninety-four pounds and three pence to meet certain expenditure over and above the amount appropriated for the service of the Territory of South West Africa for the year which ended on the thirty-first day of March, 1957. Such expenditure is set forth in the Schedule of this Ordinance and is referred to in paragraph four on page ten of the Report (which has been presented to the Legislative Assembly) of the Controller and Auditor-General on the Accounts of the said year and in the First Report of the Select Committee on Public Accounts, 1958.

2. This Ordinance shall be called the Unauthorised Expenditure (1956-'57) Ordinance, 1958.

**SCHEDULE.**

No. of Vote.	Title of Vote.	Amount.
		£ s. d.
1	Administration . . . . .	4,500 0 0
14	Posts, Telegraphs and Telephones . . . . .	1,194 0 3
		£5,694 0 3

No. 17 van 1958.]

No. 17 of 1958.]

**ORDONNANSIE**

Ter wysiging van die wet op kriminele prosedure en bewyslewering en bepaalde skuldbekentenisse.

(Goedgekeur 18 Junie 1958)

(Engelse teks deur die Administrateur geteken).

**ORDINANCE**

To amend the law relating to criminal procedure and evidence and certain admissions of guilt.

(Assented to 18th June, 1958).

(English text signed by the Administrator).

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Artikel driehonderd drie-en-twintig van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die sinsnede „n polisiebeampte van, of bo, die rang van sersjant, en as” in sub-artikel (1) te skrap en te vervang deur die sinsnede „as 'n polisiebeampte van, of bo, die rang van sersjant, of die senior blanke lid van die Suid-Afrikaanse Polisie op diens by enige polisiestasie of -pos, of”.

2. Artikel een van die Proklamasie op Wildbeskerming- en Prysbeheerskuldbekentisse 1944 (Proklamasie 40 van 1944) word hierby gewysig deur die woorde „of die senior blanke lid van die Suid-Afrikaanse Polisie

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

1. Section three hundred and twenty-three of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935) is hereby amended by the insertion in sub-section (1) after the word “sergeant” of the words “or the senior European member of the South African Police on duty at any Police station or Police post.”

2. Section one of the Price Control and Game Preservation Admissions of Guilt Proclamation, 1944 (Proclamation 40 of 1944) is hereby amended by the insertion in sub-section (1) after the word “sergeant” of the words

op diens by enige polisiestasie of -pos," na die woord „sersjant" in sub-artikel (1) in te voeg.

3. Hierdie Ordonnansie heet die Wysingsordonnansie 1958 op die Kriminele Prosedure en Bewyslewering en die Wildbeskerming- en Prysbeheerskuldbekentenisse.

No. 18 van 1958.]

## ORDONNANSIE

Om voorseeing te maak vir die stigting van 'n Parkeeraad en vir die instelling van wildtuine en private wildreserves en verbandhoudende sake.

(Goedgekeur 18 Junie 1958)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. In hierdie Ordonnansie, waar dit bestaanbaar is met die verband, beteken —

„wildtuin" 'n wildtuin wat ingevolge artikels *twee* of *drie* ingestel is;  
 „raad" die Parkeraad wat ingestel word by artikel *sewe*;  
 „wildbewaarder" en „ere-wildbewaarder" iemand wat aangestel is ingevolge sub-artikel (1) van artikel *veertien* van hierdie Ordonnansie;  
 „hierdie Ordonnansie" ook die regulasies daarkragtens uitgevaardig;  
 „eienaar" ten opsigte van grond, die geregistreerde eienaar van sodanige grond, of voor registrasie van die transportakte op sy naam, die koper te goeder trou daarvan, of, by oorlyde van die eienaar, die wettige erfgenaam of, waar sodanige grond aan vruggebruik onderhewig is, die betrokke vruggebruiker, of iemand wat uit hoofde van bestaande landnederzettingswette grond van die Administrasie huur.  
 „Sekretaris" die Sekretaris van Suidwes-Afrika.

2. Die gebied wat in die eerste bylae van hierdie Ordonnansie omskrywe is en wat bekend staan as wildreserve No. 2, word, met uitsondering van die gedeelte wat in 'n Naturellegebied val, hierby tot 'n wildtuin verklaar wat die Etoshawildtuin heet, vir die voortplanting, beskerming en behoud daarin van wilde dierelewé, wilde plantegroei en voorwerpe van geologiese, etnologiese, historiese of ander wetenskaplike belang, in die belang en tot voordeel en genot van die inwoners van die Gebied.

3. Die Administrateur kan by proklamasie in die *Offisiële Koerant* enige ander gebied vir die doeleindes van hierdie Ordonnansie tot 'n wildtuin verklaar.

4. Die Administrateur kan van tyd tot tyd, by kennisgewing in die *Offisiële Koerant* die grense van 'n wildtuin wysig.

5. (1) Ondanks andersluidende bepalings en met inagneming van die bepalings van artikel *ses* is dit vir nieemand buiten 'n beampete of werknemer van die Administrasie of die Unie-Regering wat ampshalwe handel, veroorloof om —

- (a) 'n wildtuin te betree of daarin te woon sonder verlof van die Sekretaris of van 'n beampete wat deur hom gemagtig is om sodanige verlof te verleen en met inagneming van die bepalings van hierdie Ordonnansie;
- (b) enige wapen, ontstoppingsmiddel, val of gif in 'n wildtuin in te bring of binne die grense van 'n wildtuin in besit daarvan te wees;
- (c) in 'n wildtuin enige dier dood te maak, te beseer, te vang of te hinder of 'n eier of nes van enige voël weg te neem of te verniel: Met dien verstande egter dat 'n gevaaalike dier doodgemaak kan word

“or the senior European member of the South African Police on duty at any Police station or Police post".

3. This Ordinance shall be called the Criminal Procedure and Evidence and Price Control and Game Preservation Admissions of Guilt Amendment Ordinance, 1958.

No. 18 of 1958.]

## ORDINANCE

To provide for the establishment of a Parks Board, game parks and private game reserves and for incidental matters.

(Assented to 18th June, 1958).

(Afrikaans text signed by the Administrator).

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

1. In this Ordinance, unless inconsistent with the context —

“game park" means a game park established in terms of sections two and three;

“board" means the Parks Board established under section seven;

“game warden" and “honorary game warden" mean any person appointed in terms of sub-section (1) of section fourteen of this Ordinance;

“this Ordinance" includes the regulations framed thereunder;

“owner" in relation to land means the registered owner of such land, or the *bona fide* purchaser of such land before registration of the deed of transfer in his name; or the lawful heir of the owner at his death, or if such land is subject to a usufruct, the usufructuary thereof; or any person hiring land from the Administration under the laws for the time being in force relating to land settlement;

“Secretary" means the Secretary for South West Africa.

2. The area defined in the first schedule to this Ordinance and known as game reserve No. 2, but excluding that portion which falls within a Native Reserve, is hereby declared a game park, to be known as the Etosha Game Park, for the propagation, protection and preservation therein of wild animal life, wild vegetation and objects of geological, ethnological, historical or other scientific interest for the benefit, advantage and enjoyment of the inhabitants of the Territory.

3. The Administrator may, by proclamation in the *Official Gazette*, declare any other area of land to be a game park for the purposes of this Ordinance.

4. The Administrator may from time to time by notice in the *Official Gazette* amend the boundaries of a game park.

5. (1) Other provisions to the contrary notwithstanding and subject to the provisions of section six it shall not be lawful for any person other than an officer or employee of the Administration or the Union Government on official duty —

- (a) to enter or reside in a game park except with the permission of the Secretary, or of an officer authorised by him to grant such permission, and subject to the provisions of this Ordinance;
- (b) to bring into a game park, or, within the confines thereof, to be in possession of, any weapon, explosive, trap or poison;
- (c) within a game park to kill, injure, capture or disturb any animal or to take away or destroy any egg or nest of any bird: Provided, however, that any dangerous animal may be killed in defence of

No. 21 van 1958.]

**ORDONNANSIE**

Ter wysiging van die wet op landnedersetting.

(Goedgekeur 18 Junie 1958)

(Afrikaanse teks deur die Administrateur geteken.)

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN:—

1. Artikel *vyf-en-dertig* van die Landnedersetting Gekonsolideerde en Wysigings Proklamasie 1927 (Unie Proklamasie 310 van 1927), hierna die hoofproklamasie genoem, word hierby gewysig deur die invoeging van die volgende subartikel na subartikel (3):—

„(4) Vir sover in hierdie Proklamasie nie anders bepaal word nie is dit 'n voorwaarde in iedere huurkontrak van 'n hoeve dat die huurder, of, waar 'n Goewermentsgrondbrief reeds uitgereik is, dieregsverkryger of syregsopvolgers waar die tydperk genoem in subartikel (5) van artikel *drie-en-veertig* nog nie verstryk het nie, te gener tyd aan enigiemand 'n opsie mag verleen of 'n verbintenis van watter aard ookal mag aangaan ten opsigte van die aankoop, verhuur, oordrag, vervreemding of beswaring van die hoeve nie, tensy die Administrateur se skriftelike verlof vooraf daartoe verkry is.

2. Subartikel (5) van artikel *drie-en-veertig* van die hoofproklamasie word hiermee gewysig deur die invoeging van die volgende woorde na die woorde „huurder“ waar dit in die laaste lyn van paragraaf (ii) voorkom;

„of waar 'n Goewermentsgrondbrief reeds uitgereik is, deur dieregsverkryger of syregsopvolgers, waar die tydperk genoem in subartikel (5) van artikel *drie-en-veertig* nog nie verstryk het nie“,

3. Subartikel *een* (c) van artikel *vier-en-vyftig* van die hoofproklamasie word hierby gewysig deur die woorde „Afdeling van Lande“ te vervang deur die woorde „Administrasie van Suidwes-Afrika“.

4. Hierdie Ordonnansie heet die Verdere Wysigingsordonnansie op Landnedersetting, 1958.

No. 22 van 1958.]

**ORDONNANSIE**

Om die openbaarmaking van inligting betreffende die identiteit van kinders wat by regsgedinge betrokke is, te verbied, om erkenning aan die ampstiel „landdros“ te verleen, om die Boedelwet 1913, soos toegepas op die Gebied by Proklamasie 52 van 1921, te wysig, om die Maatskappy-Ordonnansie 1928, die Kriminele Prosedure en Bewysewering Proklamasie 1935, die Magistraatshowe Proklamasie 1935, die Wapens en Ammunition Proklamasie 1938, en die Radio-ordonnansie 1957 te wysig.

(Goedgekeur 18 Junie 1958)

(Engelse teks deur die Administrateur geteken).

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika, met die toestemming van die Goewerneur-generaal, dermate sodanige toestemming nodig is, voorafverkree en deur boodskap van die Administrateur aan die Wetgewende Vergadering meegeedeel ooreenkomstig die bepalings van artikel *ses-en-twintig* van die Zuidwest-Afrika Konstitutie Wet 1925, soos gewysig by artikel *sesien* van die Wysigingswet op Aangeleenthede van Suidwes-Afrika 1949 van die Parlement van die Unie van Suid-Afrika, VERORDEN:—

No. 21 of 1958.]

**ORDINANCE**

To amend the law relating to land settlement.

(Assented to 18th June, 1958).

(Afrikaans text signed by the Administrator).

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa as follows:—

1. Section *thirty-five* of the Land Settlement Consolidation and Amendment Proclamation, 1927 (Union Proclamation 310 of 1927) — hereinafter called the principal Proclamation — is hereby amended by the insertion of the following sub-section after sub-section (3):—

“(4) Save as in this Proclamation is provided it shall be a condition of every lease of a holding that the lessee, or, in case a grant has already been issued, the grantee or his successors in title where the period referred to in sub-section (5) of section *forty-three* has not expired, shall not at any time grant any person an option or enter into any obligation whatever with regard to the purchase, lease, transfer, alienation or encumbrance of the holding unless the consent in writing of the Administrator has first been obtained.

2. Sub-section (5) of section *forty-three* of the principal Proclamation is hereby amended by the insertion of the following words after the word “lessee” where it appears in the last line of paragraph (ii):

“or, in case a grant has already been issued, by the grantee or his successors in title where the period referred to in sub-section (5) of section *forty-three* has not expired”.

3. Sub-section *one* (c) of section *fifty-four* of the principal Proclamation is hereby amended by the substitution of the words “Administration of South West Africa” for the words “Lands Branch”.

4. This Ordinance shall be called the Land Settlement Further Amendment Ordinance, 1958.

No. 22 of 1958.]

**ORDINANCE**

To prohibit the disclosure of information concerning the identity of children involved in legal proceedings, to give recognition to the official title of „landdros“, to amend the Administration of Estates Act, 1913, as applied to this Territory by Proclamation 52 of 1921, to amend the Companies Ordinance, 1928, the Criminal Procedure and Evidence Proclamation, 1935, the Magistrates Courts Proclamation, 1935, the Arms and Ammunition Proclamation, 1938, and the Radio Ordinance, 1957.

(Assented to 18th June, 1958).

(English text signed by the Administrator).

BE IT ORDAINED by the Legislative Assembly for the Territory of South West Africa, with the consent of the Governor-General, in so far as such consent is necessary previously obtained and communicated to the Legislative Assembly by message from the Administrator in accordance with the provisions of section *twenty-six* of the South West Africa Constitution Act, 1925, as amended by section *sixteen* of the South West Africa Affairs Amendment Act, 1949, of the Parliament of the Union of South Africa as follows:—

(1) Niemand mag op enige wyse die naam, adres, skool of werkplek van iemand jonger as negentien jaar wat 'n party by 'n siviele geding of 'n getuie in enige regsgeding van watter aard ook al is of was, of enige ander inligting wat so iemand se identiteit waarskynlik aan die lig sal bring, publiseer of bekend maak nie, tensy die regter, magistraat of ander amptenaar wat by so 'n geding voorsit of voorgesit het, na raadpleging met 'n ouer of voog, indien enige, van so iemand, skriftelik tot sodanige publikasie of bekendmaking toestem.

(2) Elkeen wat subartikel (1) verontagsaam is aan 'n oortreding skuldig en is by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond, of met gevangenis vir 'n tydperk van hoogstens drie maande of met beide sodanige boete en sodanige gevangenis.

2. (1) Vanaf die inwerkingtreding van hierdie artikel word 'n verwysing in die Afrikaanse of Hollandse teks van enige wet of dokument na die ampstiel —

- (a) van magistraat of addisionele magistraat of assistent-magistraat so uitgelê dat dit ook onderskeidelik die ampstiel van landdros of addisionele landdros of assistent-landdros behels; en
- (b) van landdros of addisionele landdros of assistent-landdros so uitgelê dat dit ook onderskeidelik die ampstiel van magistraat of addisionele magistraat of assistent-magistraat behels, en word 'n verwysing in so 'n wet of dokument na die bekleer van so 'n amp wat deur so 'n titel aangedui word of na die distrik of subdistrik of ampsetel van daardie bekleer of die hof van daardie distrik of subdistrik of die regsgebied van die hof wat vir daardie distrik of subdistrik ingestel is of 'n bevel of uitspraak wat daardie bekleer gegee het of na enige ander aangeleentheid wat op bedoelde amp of die bekleer daarvan of op so 'n distrik, subdistrik, ampsetel, hof of gebied betrekking het, dienoor-enkomstig uitgelê.

(2) Artikel *honderd-en-vyftien* van die Magistraatshowe Proklamasie 1935 (Proklamasie 31 van 1935) word hierby gewysig deur die woord "Magistraatshowe" in die Afrikaanse teks te vervang deur die woord „Landdros-howe".

3. Artikel *twee* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamaties 1921 (Proklamasie 52 van 1921), word hierby gewysig —

- (a) deur aan die einde van die woordbepaling van „magistraat" die woorde "en met betrekking tot een biezondere aangelegenheid te worden verricht, of bevoegdheid of recht te worden uitgeoefend, of pliek te worden uitgevoerd, door de magistraat van een distrik, wordt onder de uitdrukking ook verstaan een addisionele of assistent-magistraat die elders als op de magistratszetel van dat distrik permanent de werkzaamheden van die magistraat van dat distrik ten aanzien van een deel van dat distrik verricht, wanneer die aangelegenheid, bevoegdheid, recht of pliek verricht, uitgeoefend of uitgevoerd moet worden uit hoofde, al naar het geval, van een sterfgeval in bedoeld deel van dat distrik, of van de aanwezigheid aldaar van enig-iets, of van het feit dat een overledene aldaar woonachtig was of zijn bedrijf aldaar had;" by te voeg.
- (b) deur in die woordbepaling van „Staat" die woorde „en een Gebied ten aanzien waarvan een proklamaties krachtens artikel *veertig uitgereikt is*" in te voeg na die woord „Bezittingen".

4. (1) Artikel *twalf* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamaties 1921 (Proklamasie 52 van 1921), word hierby gewysig deur die woorde „voorzover in de Bijlage tot deze Wet niet anders bepaald is, innen door middel van belastingzegels gehecht aan de stukken, waaruit van die werkzaamheid blijkt ten aanzien waarvan het loon betaald is" te vervang deur die woorde „innen zoals in bedoelde Bijlage bepaald is".

1. (1) No person shall publish or make known in any manner the name, address, school, place of employment or any other information likely to reveal the identity of any person under the age of nineteen years who is or has been a party to any civil proceedings or a witness in any legal proceedings of whatever nature, unless the judge, magistrate or other officer who presides or presided at such proceedings, after having consulted any parent or guardian, if any, of such person, consents in writing to such publication or making known.

(2) Any person who contravenes sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment.

2. (1) As from the commencement of this section any reference in the Afrikaans or Dutch version of any law or document to the official title —

- (a) of "magistraat" or "addisionele magistraat" or "assistant-magistraat" shall be construed to include a reference to the official title of "landdros" or „addisionele landdros" or "assistant-landdros" respectively; and
- (b) of "landdros" or "addisionele landdros" or "assistant-landdros" shall be construed to include a reference to the official title of "magistraat" or "addisionele magistraat" or "assistant-magistraat" respectively, and any reference in such law or document to the holder of an office designated by any such title or to the district or sub-district or seat of office of that holder or the court of that district or sub-district or the area of jurisdiction of the court established for that district or sub-district or an order or judgment given by that holder or to any other matter which pertains to such office or the holder thereof or to any such district, sub-district, seat of office, court or area, shall be construed accordingly.

(2) Section one hundred and fifteen of the Magistrates' Court Proclamation, 1935 (Proclamation 31 of 1935), is hereby amended by the substitution in the Afrikaans version of the word "Landdroshewe" for the word "Magistraatshowe".

3. Section two of the Administration of Estates Act, 1913, (Act 24 of 1913), of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended —

- (a) by the addition at the end of the definition of "magistrate" of the words "and in relation to any particular matter, act or thing to be performed or power or right exercisable or duty to be carried out by the magistrate of a district, the expression shall include an additional or assistant magistrate permanently carrying out at any place other than the seat of magistracy of that district the functions of the magistrate of that district in respect of any portion of that district, whenever such matter, act, thing, power, right or duty has to be performed, exercised or carried out by virtue of any death occurring, thing being or deceased having resided or carried on business, as the case may be, in such portion of that district;"
- (b) by the insertion in the definition of "State" after the words "British Possessions" of the words "and any Territory in respect of which a proclamation has been issued under section forty".

4. (1) Section twelve of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the substitution of the words "as provided in that Schedule" for the words "save where it is otherwise provided in that Schedule to this Act, by means of revenue stamps affixed to the documents evidencing the act, matter or thing in respect of which the fee is paid".

(2) Hierdie artikel word beskou as reeds in werking met ingang van 6 Julie 1955.

5. (1) Artikel *veertig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie 1921 (Proklamasie 52 van 1921), word hierby gewysig deur die woord „Staat” oral waar dit voorkom, deur die woord „Gebied” te vervang.

(2) Enige proklamasie uitgereik kragtens artikel *veertig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie 1921 (Proklamasie 52 van 1921) voor die inwerkingtreding van hierdie artikel, word geag kragtens daardie artikel, soos by subartikel (1) van hierdie artikel gewysig, uitgereik te wees.

6. Die volgende artikel word hierby ingevoeg na artikel *een-en-veertig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie 1921 (Proklamasie 52 van 1921):

*Erkenning van vreemde trustees.*

41bis. (1) Wanneer een behoorlik geraarmerkt en gecertificeerd afschrift van een testament van een overledene, dat in enige Staat ingediend is, aan een Meester overlegd word en het testament goederen binne de Gebied aan een persoon (hieronder een trustee genoemd) bemaakt om door hem ten bate van een andere persoon beheerd te worden, kan de Meester, behoudens de bepalingen van subartikel (2), en indien hij overtuigd is dat het testament behoorlik als een geldige testamentêre beschikking in die Staat bewezen en aangenomen is, het afschrift endosseren en van sijn ambtsgel voorzien en daarna is dat afschrift genoegzaam erkenning van de trustee voor het doel enige goederen binne de Gebied te eisen die hij krachtens het testament moet beheren.

(2) De trustee kiest *domicilium citandi et executandi* binne de Gebied en verschaft zekerheidstelling tot bevrediging van de Meester voor het behoorlik en getrouw beheer van de boedel waartoe hij aangesteld is, tensy het testament gelast dat van de zekerheidstelling afgezien moet worden of de Meester overtuigd is dat van de zekerheidstelling afgezien moet worden of het hof anders beveelt.”

7. Artikel *een-en-negentig* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie 1921 (Proklamasie 52 van 1921) word hierby gewysig deur die woorde “met goedkeuring van die Minister” in paragraaf (c) van subartikel (1) te skrap.

8. Artikel *honderd-en-vier* van die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie (Proklamasie 52 van 1921) word hierby gewysig deur die woorde “in het Hof van die Provincie te verantwoorden, waar” deur die woorde “te verantwoorden in het Hof in wiens rechtsgebied” en die woorde “Provincie of binne het rechtsgebied van het Hof van die Provincie” deur die woorde “het rechtsgebied van het betrokken Hof” te vervang.

9. (1) Die Vierde Bylae by die Boedelwet 1913 (Wet 24 van 1913) van die Parlement van die Unie van Suid-Afrika, soos op die Gebied toegepas by die Betere Rechtsbedeling Proklamatie 1921 (Proklamasie 52 van 1921), word hierby deur die onderstaande Bylae vervang.

(2) Hierdie artikel word beskou as reeds in werking met ingang van 6 Julie 1955.

#### „VIERDE BIJLAGE.

#### TARIEF VAN LONEN.

1. (1) Op alle boedels van overleden personen of op boedels onder kuratele (behalwe boedels waarover een

(2) This section shall be deemed to have come into operation on the 6th July, 1955.

5. (1) Section *forty* of the Administration of Estates Act, 1913, (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the substitution of the word “Territory” for the word “State”, wherever it occurs.

(2) Any proclamation issued under section *forty* of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), before the commencement of this section, shall be deemed to have been issued under that section as amended by sub-section (1) of this section.

6. The following section is hereby inserted in the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), after section *forty-one*:

*Recognition of foreign trustees.*

41bis. (1) Whenever a duly authenticated and certified copy of the will of a deceased person which has been lodged in any State is deposited with the Master and the will settles property within the Territory upon any person (in this section referred to as a trustee) to be administered by him for the benefit of any other person, the Master may subject to the provisions of sub-section (2), and if satisfied that the will has been duly proved and accepted as a valid testamentary disposition in that State, endorse such copy under his seal of office and thereupon such copy shall be sufficient recognition of the appointment of that trustee for the purpose of claiming any property within the Territory which he is required in terms of the will to administer.

(2) The trustee shall choose *domicilium citandi et executandi* within the Territory and furnish security to the satisfaction of the Master for the due and faithful administration of the estate to which he has been appointed, unless the will directs that such security is to be dispensed with or the Master is satisfied that such security should be dispensed with or the court otherwise directs”.

7. Section *ninetynone* of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the deletion in paragraph (c) of sub-section (1) of the words “with the approval of the Minister”.

8. Section *one hundred and four* of the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921), is hereby amended by the substitution for the words “of the Province in which” of the words “in whose area of jurisdiction” and for the words “that Province or otherwise within the jurisdiction of the Court of that Province” of the words “the jurisdiction of the Court concerned”.

9. (1) The following Schedule is hereby substituted for the Fourth Schedule to the Administration of Estates Act, 1913 (Act 24 of 1913) of the Parliament of the Union of South Africa as applied to this Territory by the Better Administration of Justice Proclamation, 1921 (Proclamation 52 of 1921).

(2) This section shall be deemed to have come into operation on the 6th July, 1955.

#### “FOURTH SCHEDULE.

#### TARIFF OF FEES.

1. (1) On all estates of deceased persons or estates under curatorship (except estates under the charge of a

*curator bonis* gesteld is in afwagting van de aanstelling van een eksekuteur) waarvan de brutowaarde —

	f s d
(a) £500 of hoger is, doch £1,000 niet te bowe gaan . . . . .	1 0 0
(b) £1,000 of hoger is, voor elke £1,000 . . . . . met 'n maximum tarief van . . . . . 100 0 0	2 0 0
(2) Die in sub-paragraaf (1) bedoelde lonen zijn betaalbaar in gered geld.	100 0 0

2. (2) Het volgend tarief word geheven ten aanzien van de vermelde dokumenten of diensten —

(a) (i) voor taksatie van de beloning van eksekuteurs, voogden en kurators op elke pond of onderdeel daarvan, van het getaksseerd bedrag . . . . .	1 0
(ii) voor taksatie van de beloning van beëdigde taksateurs, op elke pond of onderdeel daarvan, van het getaksseerd bedrag . . . . .	1 0
(b) (i) voor uittreksels of afschriften van dokumenten gemaakt in het kantoor van een Meester, voor elke honderdtal woorden of onderdeel daarvan . . . . .	1 0
(ii) voor uittreksels of afschriften van dokumenten gecertificeerd in het kantoor van een Meester (hetzij gemaakt in bedoeld kantoor al dan niet) voor elk honderdtal woorden of onderdeel daarvan . . . . .	1 0
(c) voor het binden van de stukken van elke boedel naar gelang van zijn omvang een tarief ter beoordeling van de Meester vanaf 7s. tot . . . . .	1 10 0
(d) voor de bewaring van een testament gedurende het leven van de testator . . . . .	10 0
(e) voor inzage in de stukken van of inlichtingen omtrent elke boedel (behalve in het geval van de eksekuteur of kurator van de betrokken boedel of zijn wettige agent of borg) . . . . .	2 6

(2) De lonen in items (a) (ii), (b), (d) en (e) van sub-paragraaf (1) vermeld zijn betaalbaar door middel van belastingzegels aan de betrokken stukken gehecht en de lonen in items (a) (i) en (c) van de bedoelde sub-paragraaf vermeld zijn betaalbaar in gered geld.

3. Op alle onopgevraagde gelden in handen van een Meester overeenkomstig artikel *twee-en-negentig* van deze Wet of voor rekening van afwezige of onbekende schuld van een boedel, of voor rekening van afwezige of onbekende schuldeisers of aandeelschuldigen van een maatschappij is er betaalbaar in gered geld een kommissie op het gestorte bedrag van vijf percent, te worden afgetrokken van de onopgevraagde, also in handen van de Meester gestorte gelden."

10. Artikel *twee-en-sestig quat* van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928) word hierby gewysig deur die onderstaande voorbehoudsbepaling aan die einde van paragraaf (a) van subartikel (6) by te voeg:—

"Met dien verstande dat voorkeuraandele vir doel-eindes van hierdie paragraaf nie so uitgelê word nie dat dit voorkeur-aandele insluit waaraan stemregte, behalwe stemregte waarna in paragraaf (a) van subartikel (4) verwys word, verbonde is;".

11. Artikel *honderd ses-en-dertig* van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928) word hierby gewysig deur —

*curator bonis* pending the appointment of an executor) the gross value of which —

	f s d
(a) is £500 or more but less than £1,000 . . . . .	1 0 0
(b) is £1,000 or more, for each £1,000 . . . . . subject to a maximum fee of . . . . . 100 0 0	2 0 0

(2) The fees referred to in sub-paragraph (1) shall be payable in cash.

2. (1) The following fees shall be payable in respect of the documents or services mentioned —

(a) (i) taxing the remuneration of executors, tutors and curators, upon every pound or fraction thereof of the taxed amount . . . . .	1 0
(ii) taxing the remuneration of sworn appraisers, upon every pound or fraction thereof of the taxed amount . . . . .	1 0
(b) (i) for extracts or copies of documents made in the office of a Master, for every one hundred words or fraction thereof . . . . .	1 0
(ii) for extracts or copies of documents certified in the office of a Master (whether or not made is such office), for every one hundred words or fraction thereof . . . . .	1 0
(c) for binding the records of any one estate according to the size thereof, a fee in the discretion of the Master from 7s. to . . . . .	1 10 0
(d) for custody of any will during the testator's lifetime . . . . .	10 0
(e) for the inspection of the records of or information concerning any one estate (except in the case of the executor or curator of such estate or his lawful agent or surety) . . . . .	2 6

(2) The fees referred to in items (a) (ii), (b) (d) and (e) of sub-paragraph (1) shall be payable by means of revenue stamps affixed to the relevant documents and those referred to in items (a) (i) and (c) of the said sub-paragraph shall be payable in cash.

3. Upon all unclaimed moneys paid into the hands of a Master in pursuance of section *ninety-two* of this Act or for account of absent or unknown creditors of any estate or for account of absent or unknown creditors or contributors of any company a commission upon the amount paid in of five per cent shall be payable in cash and be deducted from the unclaimed moneys so paid into the hands of the Master".

10. Section *sixty-two* quat of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the addition at the end of paragraph (a) of sub-section (6) of the following proviso:

"Provided that for the purposes of this paragraph preference shares shall not be construed to include preference shares to which voting rights other than voting rights referred to in paragraph (a) of sub-section (4), are attached;".

11. Section *one hundred and thirty-six* of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by —

- the substitution in the Afrikaans version of sub-section (1) for the word "of" where it occurs for the first time of the word "en"; and
- the insertion in sub-section (1) after the word "situate" of the words "or, if such registered office is situated in a portion of such district in respect of which an additional or assistant magistrate permanently performs the functions of the magistrate of the district at a place other than the seat of magistracy of that district, at the office of such additional or assistant magistrate".

**12. Artikel honderd sewen-en-sewentig van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928)** word hierby gewysig deur na die woord „en” waar dit die tweede maal voorkom, die woorde „(behoudens die bepallings van paragraaf (b) van subartikel (1) ter van artikel honderd sewen-en-negentig ter)” in te voeg.

**13. Artikel honderd sewen-en-negentig ter van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928)** word hierby gewysig deur die volgende paragraaf by subartikel (1) ter te voeg, terwyl die bestaande subartikel paragraaf (1) word:—

„(ii) As so 'n geregtelike bestuursorder deur 'n likwidasië-order vervang word, bly die voorkeur wat ingevolge paragraaf (a) aan enige skuld verleen is van krag behalwe wat betref vorderings wat voortspruit uit die koste van die likwidasië-order.”

**14. Artikel tweehonderd-en-agtien van die Maatskappy-Ordonnansie 1928 (Ordonnansie 19 van 1928)** word hierby gewysig deur na die woord „moet” waar dit die tweede maal in subartikel (1) voorkom, die woorde „tensy die bedoelde Bylae anders aandui” in te voeg.

**15. Artikel sewentig van die Kriminele Prosedure en Bewyslewering Proklamasie (Proklamasie 30 van 1935)** word hierby gewysig deur die woorde „bis” na die woorde „ses-en-negentig” in subartikel (2) in te voeg.

**16. Artikel ses-en-negentig van die Kriminele Prosedure en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935)** word hierby deur die volgende artikels vervang:

„Hof kan verlof tot afwezigheid van voorlopige onderzoek in persoon gerig deur 'n beskuldigde of sy verteenwoordiger —

- (a) dat die fiesiese toestand van daardie beskuldigde so is dat hy nie in staat is om die ondersoek by te woon nie of dat dit onwenslik is dat hy die ondersoek moet bywoon; of
- (b) dat omstandighede in verband met die siekte of dood van 'n lid van daardie beskuldigde se familie ontstaan het wat die beskuldigde se teenwoordigheid elders nodig of raadsaam maak,

kan die hof, as die ondersoek volgens sy oordeel nie uitgestel kan word nie sonder onbehoorlike benadeling, belemmering of ongerief vir die vervolging of 'n medebeskuldigde of 'n getuie wat teenwoordig is of gedagvaar is om teenwoordig te wees, die afwesigheid van daardie beskuldigde van die ondersoek magtig vir 'n tydperk deur die hof bepaal en onderworpe aan die voorwaardes wat die hof goedvind om op te lê.

**96bis. (1) As 'n beskuldigde na die aanvang van 'n voorlopige ondersoek —**

- (a) vlug; of
- (b) hom op so 'n wyse gedra dat sy verwydering uit die hof wenslik is en deur die hof gelas word; of
- (c) verlof tot afwesigheid kragtens artikel ses-en-negentig toegestaan word; of
- (d) om enige ander rede afwesig is, kan die hof gelas dat die voorlopige ondersoek in sy afwesigheid voortgaan, en daarna word, behalwe vir sover hierdie hoofstuk 'n spesiale prosedure voorskryf wat in die geval van 'n afwesige beskuldigde gevvolg moet word, met bedoelde ondersoek in alle oopsigte voortgegaan asof daardie afwesige beskuldigde teenwoordig was.

**(2) 'n Lasgewing waarop sub-artikel (1) duif, word nie uitgereik nie indien die hof van oordeel is dat 'n uitstel van die ondersoek vereen kan word sonder onbehoorlike benadeling, ongerief of belemmering vir die vervolging of 'n medebeskuldigde of 'n getuie**

**12. Section one hundred and seventy-seven of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the insertion after the word "and" where it occurs for the second time of the words "(subject to the provisions of paragraph (b) of sub-section (1)ter of section one hundred and ninety-seven ter)".**

**13. Section one hundred and ninety-seven ter of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the addition to sub-section (1)ter of the following paragraph, the existing sub-section becoming paragraph (i):**

“(ii) If such judicial management order is superseded by a winding-up order, the preference conferred upon any liability in terms of paragraph (a) shall remain in force except in so far as claims arising out of the costs of the winding-up are concerned”.

**14. Section two hundred and eighteen of the Companies Ordinance, 1928 (Ordinance 19 of 1928), is hereby amended by the insertion in sub-section (1) after the word "shall" where it occurs for the second time of the words "unless otherwise indicated in the said Schedule".**

**15. Section seventy of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the insertion in sub-section (2) after the word "ninety-six" of the word "bis".**

**16. The following sections are hereby substituted for section ninety-six of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935):**

“Court may grant leave of absence from a preparatory examination.”

- (a) that the physical condition of that accused is such that he is unable to attend or that it is undesirable that he should attend the examination; or
- (b) that circumstances in connection with the illness or death of a member of that accused's family have arisen which make his presence elsewhere necessary or expedient,

the court may, if in its opinion the examination cannot be postponed without undue prejudice, embarrassment or inconvenience to the prosecution or any co-accused or any witness in attendance or subpoenaed to attend, authorize the absence of that accused from the examination for a period fixed by the court and subject to such conditions as it deems fit to impose.

**96bis. (1) If after a preparatory examination has commenced, an accused**

“Court may order preparatory examination to be proceeded with in absence of accused.”

- (a) absconds; or
- (b) conducts himself in such a manner that his removal from the court is desirable and is ordered by the court; or
- (c) is granted leave of absence under section ninety-six; or
- (d) is absent for any other reason, the court may direct that the preparatory examination be proceeded with in his absence and thereafter the said examination shall, except to the extent to which a special procedure is in this Chapter directed to be observed in the case of an absent accused, be proceeded with in all respects as if that absent accused were present.

**(2) A direction referred to in sub-section (1) shall not be made if the court is of opinion that a postponement of the examination can be granted without undue prejudice, inconvenience or embarrassment to the prose-**

“Hof kan gelas dat voorlopige ondersoek in afwesigheid van beskuldigde voortgaan.”

wat teenwoordig is of gedagvaar is om teenwoordig te wees.

(3) 'n Voorlopige ondersoek met betrekking waartoe 'n lasgewing uitgereik is dat dit in die afwesigheid van 'n beskuldigde voortgaan, word met betrekking tot daardie beskuldigde, tensy hy kragtens die bepalings van subartikel (3) van artikel *agt-en-sewentig* ontslaan word, uitgestel indien hy nie teenwoordig is in die stadium waarop die bepalings van artikel *vyf-en-sewentig* in werkking tree nie, en word, onderhewig aan die bepalings van subartikels (4) en (5), vanaf daardie stadium voortgesit wanneer die beskuldigde weer teenwoordig is.

(4) As 'n beskuldigde ten opsigte van wie die hof gelas het dat 'n voorlopige ondersoek in sy afwesigheid voortgaan, weer daardie ondersoek bywoon, word nie vereis dat die getuienis wat tydens sy afwesigheid afgeneem is aan hom voorgelees word nie, maar, as hy nie tydens sy afwesigheid verteenwoordig was nie, deel die hof hom kortlik die aard en strekking van daardie getuienis mee, en laat die hof hom toe om op alle redelike tye onder toesig van die klerk van die hof die rekord na te gaan en om afskrifte daarvan te maak of te laat maak.

(5) As 'n beskuldigde in wie se afwesigheid dit gelas is dat 'n voorlopige ondersoek voortgaan, weer die ondersoek bywoon, kan die hof, tensy 'n regsvteenwoordiger tydens die beskuldigde se afwesigheid vir hom opgetree het, op aansoek van daardie beskuldigde of sy veteenwoordiger, 'n getuie wat by die ondersoek in die afwesigheid van daardie beskuldigde getuig het, vir verdere ondervraging oproep.

Voorlopige ondersoek kan teen aanwesige beskuldigde beëindig word.

**96ter.** Wanneer 'n hof tydens 'n voorlopige ondersoek teen twee of meer beskuldigdes 'n lasgewing kragtens subartikel (1) van artikel *ses-en-negentig bis* uitgereik het en, vanweë die bepalings van subartikel (3) van bedoelde artikel, nie die bedoelde ondersoek ten opsigte van 'n afwesige beskuldigde kan beëindig nie, kan die voorlopige ondersoek teen die beskuldigde wat dan teenwoordig is in alle opsigte beëindig word asof hy die enigste beskuldigde is wat daarby verskyn."

17. Artikel *vyf-en-sewentig* van die Kriminele Procedere en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die woorde „in die teenwoordigheid van die beskuldigde” in subartikel (1) te skrap, en in genoemde artikel na die woorde „beskuldigde” waar dit die tweede keer voorkom, die woorde „wat dan teenwoordig is” in te voeg.

18. Artikel *honderd een-en-veertig* van die Kriminele Procedere en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die woorde „albei” te skrap en die woorde „sodanige oortreding” te vervang deur die woorde „die onderskeie oortredings”.

19. Artikel *honderd ses-en-tagtig* van die Kriminele Procedere en Bewyslewering Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die volgende voorbehoudbepaling aan die einde van subartikel (4) by te voeg:

„Met dien verstande dat as die getuienis dié is van 'n getuie wat vantevore by 'n voorlopige ondersoek in die afwesigheid van die beskuldigde ondervra is, en die Magistraat wat by daardie voorlopige ondersoek voorgesit het, die magistraat is wat by die daaropvolgende verhoor voorsit, die beskuldigde kan toestem, behoudens die reg om daardie getuie onder kruisverhoor te neem, dat sodanige getuienis by bedoelde verhoor uitgelees of gebruik word.”

20. Artikel *honderd-en-negentig* van die Kriminele Procedere en Bewyslewering Proklamasie 1925 (Proklamasie 30 van 1935) word hierby gewysig —

cution or any co-accused or any witness in attendance or subpoenaed to attend.

(3) A preparatory examination in regard to which a direction is made that it be proceeded with in the absence of an accused, shall in respect of that accused, unless he is discharged under the provisions of sub-section (3) of section *seventy-eight*, be postponed if he is not in attendance at the stage at which the provisions of section *seventy-five* come into operation and be proceeded with subject to the provisions of sub-sections (4) and (5), from that stage when the accused is again in attendance.

(4) If an accused in respect of whom the court has directed that a preparatory examination be proceeded with in his absence again attends at such examination the evidence recorded in his absence shall not be required to be read over to him but, if he was not represented during his absence, the court shall briefly inform him of the nature and purport of that evidence and permit him to inspect the record and to make or cause copies thereof to be made at all reasonable times under the supervision of the clerk of the court.

(5) If an accused in whose absence a preparatory examination was directed to be proceeded with again attends the examination the court may, unless such accused was legally represented during his absence, upon the application of that accused or his representative recall for further examination any witness who testified at the examination during that accused's absence.

Preparatory examination may be concluded against accused present.

**96ter.** Whenever a court has in the course of a preparatory examination against two or more accused made a direction under sub-section (1) of section *ninety-six bis* and is unable to conclude the said examination in respect of an absent accused by reason of the provisions of sub-section (3) of the said section, the preparatory examination may be concluded against the accused then present in all respects as if he were the only accused appearing thereat.”

17. Section *seventy-five* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the deletion in sub-section (1) of the words “in the presence of the accused” and the insertion in the said sub-section after the words “ask the accused” of the words “then present”.

18. Section *one hundred and forty-one* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the deletion of the word “both” and the substitution for the words “such offence” of the words “the respective offences”.

19. Section *one hundred and eighty-six* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the addition at the end of sub-section (4) of the following provision:

“Provided that if the evidence is that of a witness who was previously examined at a preparatory examination in the absence of the accused, and the magistrate who presided at that preparatory examination is the magistrate who is presiding at the subsequent trial, the accused may, subject to the right to cross-examine that witness, consent to such evidence being read or used at such trial”.

20. Section *one hundred and ninety* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended —

- (a) deur in sub-artikel (1) die woorde „of dat hy artikel *ses* van die Algemene Regswysigingsordonnansie 1956 (Ordonnansie 12 van 1956) oortree het” na die woorde „diefstal” waar dit die eerste keer voorkom, en die woorde „of 'n oortreding van die genoemde artikel *ses*” na die woorde „diefstal” waar dit die tweede keer voorkom, in te voeg;
- (b) deur in subartikel (2) die woorde „of dat die beskuldigdestryding met subartikel (1) van artikel *sewe* van die Algemene Regswysigingsordonnansie 1956 (Ordonnansie 12 van 1956) gesteelde goed verkry of in sy besit ontvang het” na die woorde „gesteel is” waar dit die eerste keer voorkom, en die woorde „of weens 'n oortreding van die genoemde subartikel (1) van artikel *sewe*, al na gelang” na die woorde „gesteel is” waar dit die tweede keer voorkom, in te voeg.

21. Artikel *honderd ses-en-negentig* van die Kriminale Prosedure en Bewyslewing Proklamasie 1935 (Proklamasie 30 van 1935) word hierby vervang deur die volgende artikel:

„Personen wat weens diefstal aangekla word, kan weens ander misdrywes skuldig gevind word.”

196. Iemand wat weens diefstal aangekla word, kan skuldig gevind word weens die ontvangst van goedere wetende dat dit gesteel is, of weens 'n oortreding van artikel *ses* van die Algemene Regswysigingsordonnansie 1956 (Ordonnansie 12 van 1956) of weens 'n oortreding van subartikel (1) van artikel *sewe* van daardie Ordonnansie of weens 'n oortreding van artikel *agt* van die Algemene Regswysigingsordonnansie (Ordonnansie 12 van 1956), as die feite dit bewys.”

22. Artikel *twee honderd-en-dertig* van die Kriminale Prosedure en Bewyslewing Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die woorde „*bis*” na die woorde „ses-en-negentig” in subartikel (1) in te voeg.

23. Artikel *drie-honderd-en-agtien* van die Kriminale Prosedure en Bewyslewing Proklamasie 1935 (Proklamasie 30 van 1935) word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

„(2) Wanneer 'n geneeskundige skriftelik sertifieer dat iemand wat ingevolge subartikel (1) gevonniss is, nie geskik is om die vonnis of enige deel daarvan te ondergaan nie, besorg die persoon wat deur die hof aangewys is om die vonnis te voltrek, die sertifikaat onverwyld aan die vonnisvellende hof, of 'n hof wat soortgelyke regsvvoegdheid besit, wat dan, as hy oortuig is dat so iemand nie geskik is om daardie vonnis of enige deel daarvan te ondergaan nie, bedoelde vonnis na goedunke kan wysig: Met dien verstande dat as bedoelde geneeskundige nie 'n distriksgeneesheer of iemand met soortgelyke gesag is nie, die hof, as die omstandighede dit toelaat, die distriksgeneesheer of iemand met soortgelyke gesag kan gelas om skriftelik te sertifiseer of die betrokke persoon geskik is om bedoelde vonnis of enige deel daarvan te ondergaan al dan nie.”

24. Artikel *agt-en-twintig* van die Landdroshewe Proklamasie 1935 (Proklamasie 31 van 1935) word hierby gewysig deur die volgende paragraawe in te voeg na paragraaf (c) van subartikel (1):

- „(d) alle eise op grond van 'n likwiede dokument of 'n verband ter verhaling van 'n bedrag van hoogstens vyfhonderd pond;
- (e) alle eise op grond van 'n kontrak, soos bepaal by subartikel (1) van artikel *een* van die Huurkoopordonnansie 1942 (Ordonnansie 7 van 1942), waar die eis of die waarde van die eiendom in geskil hoogstens vyfhonderd pond is.”

25. Artikel *twoe* van die Wapens en Ammunition Proklamasie 1938 (Proklamasie 28 van 1938) word hierby gewysig deur die woorde „maar hoogstens ses maande vanaf die datum van invoer van sodanige wapen” in subartikel (9) te skrap.

- (a) by the insertion in sub-section (1) after the word “indictment” where it appears for the second time of the words “or that he did commit an offence under section *six* of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956); and the insertion after the word “theft” where it occurs the second time of the words “or of a contravention of the said section *six*”; and
- (b) by the insertion in sub-section (2) after the word “stolen” where it occurs the second time of the words “or that the accused acquired or received into his possession stolen goods in contravention of sub-section (1) of section *seven* of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956)”, and the insertion after the word “stolen” where it occurs the fourth time of the words “or of a contravention of the said sub-section (1) of section *seven*, as the case may be”.

21. The following section is hereby substituted for section *one hundred and ninety-six* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935):

“Persons charged with theft may be convicted of other offences.”

196. Any person charged with theft may be found guilty of receiving stolen goods knowing them to have been stolen, or of a contravention of section *six* of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956), or of a contravention of sub-section (1) of section *seven* of that Ordinance or of a contravention of section *eight* of the General Law Amendment Ordinance, 1956 (Ordinance 12 of 1956, if such be the facts proved”.

22. Section *two hundred and thirty* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the insertion in sub-section (1) after the word “*ninety-six*” of the word “*bis*”.

23. Section *three hundred and eighteen* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation 30 of 1935), is hereby amended by the addition of the following sub-section, the existing section becoming sub-section (1):

“(2) Whenever any medical practitioner certifies in writing that any person sentenced under sub-section (1) is not in a fit state to undergo the sentence or any part thereof, the person appointed by the court to execute the sentence shall submit the certificate immediately to the court which passed the sentence or to a court having like jurisdiction which may thereupon, if it is satisfied that such person is not in a fit state to undergo such sentence or any part thereof, amend such sentence as it deems fit: Provided that if such medical practitioner is not a district surgeon or a person with like authority, the court may, if the circumstances so permit, require the district surgeon or a person with like authority to certify in writing whether or not the person concerned is in a fit state to undergo such sentence or any part thereof”.

24. Section *twenty-eight* of the Magistrates' Courts Proclamation, 1935 (Proclamation 31 of 1935), is hereby amended by the insertion after paragraph (c) of sub-section (1) of the following paragraphs:

- “(d) in actions on a liquid document or a mortgage bond for the recovery of an amount not exceeding five hundred pounds;
- (e) in actions on any agreement as defined in sub-section (1) of section *one* of the Hire Purchase Ordinance, 1942 (Ordinance 7 of 1942), where the claim or the value of the property in dispute does not exceed five hundred pounds.”

25. Section *two* of the Arms and Ammunition Proclamation, 1938 (Proclamation 28 of 1938), is hereby amended by the deletion in sub-section (9) of the words “but not exceeding a period of six months as from the date of importation of such arm”.

**26. Artikel negen-en-twintig van die Wapens en Ammunition Proklamasie 1938 (Proklamasie 28 van 1938) word hierby gewysig —**

(a) deur paragraaf (i) deur die volgende paragrawe te vervang:

„(i) Weens 'n oortreding van of versuim om te voldoen aan 'n bepaling van artikel een, met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens tien jaar;

(i)*bis* weens 'n oortreding van of versuim om te voldoen aan 'n bepaling van artikel twee, vier vyftien, drie-en-twintig, vyf-en-twintig of vyf-en-twintig *bis* of 'n kennisgewing kragtens artikel ses-en-twintig uitgevaardig, of weens 'n in paragraaf (a), (b), (f) of (g) bedoelde misdryf, by 'n eerste veroordeling, met 'n boete van hoogstens vierhonderd pond of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of met beide daardie boete en daardie gevangenisstraf, en by 'n tweede of latere veroordeling, met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens drie jaar: Met dien verstande dat as die betrokke persoon veroordeel word weens 'n oortreding —

(aa) van sub-artikel (1) van artikel drie-en-twintig, en die getuenis bewys dat hy die betrokke wapen of ammunisie aan 'n persoon wat nie 'n blanke is nie of aan 'n maatskappy waarvan enige direkteur of die bestuurder of die sekretaris nie 'n blanke is nie, verstrek het; of

(bb) van sub-artikel (1) van artikel vier of sub-artikel (2) van artikel drie-en-twintig, en die aantal wapens met uitsondering van wapens wat ontwerp is om 'n patroon af te vuur wat gelaai is met 'n koeël met 'n gebruiklik aangegewe deursnee van .22 van 'n duim of minder, ten opsigte waarvan hy veroordeel is, meer as een is of die hoeveelheid ammunisie, met uitsondering van enige patroon wat gelaai is met 'n koeël met 'n gebruiklike aangegewe deursnee van .22 van 'n duim of minder, ten opsigte waarvan hy veroordeel is, meer as honderd patronen is en bedoelde persoon oortuig nie die hof dat bedoelde aantal of hoeveelheid nie in die omstandighede meer was as sy redeklike benodigdhede nie, hy strafbaar is met gevangenisstraf sonder die keuse van 'n boete vir 'n tydperk van hoogstens tien jaar;";

(b) deur in paragraaf (ii) die woord „vier” te skrap en die woorde „twee-en-twintig of drie-en-twintig” deur die woorde „of twee-en-twintig” en die woorde „vyftig” deur die woorde „honderd” te vervang; en

(c) deur in paragraaf (iii) na die uitdrukking „(i)” die uitdrukking „(i)*bis*” in te voeg en die woorde „vyftig” deur die woorde „honderd” te vervang.

**27. Artikel drie-en-dertig van die Wapens en Ammunition Proklamasie 1938 (Proklamasie 28 van 1938) word hierby gewysig deur in paragraaf (a) na die woorde „certifikate” die woorde „aansoeke, magtigings” in te voeg.**

**28. Artikel agtien van die Radio-ordonnansie 1957 (Ordonnansie 7 van 1957) word hierby gewysig —**

(a) deur in paragraaf (a) van subartikel (1) die woorde „twaalf of sestien” te vervang deur die woorde „of twaalf”;

(b) deur in genoemde subartikel die woorde „behalwe soos by subartikel (1)*bis* bepaal” in te voeg na die woorde „skuldig aan 'n oortreding en is” in te voeg.

(c) deur die volgende subartikel na subartikel (1) in te voeg:

„(1)*bis*. Elkeen wat in stryd met artikel vier deur middel van radio oorsend of wat in stryd met sub-artikel (1) van artikel vyf radio-apparaat, be-

**26. Section twenty-nine of the Arms and Ammunition Proclamation, 1938 (Proclamation 28 of 1938), is hereby amended —**

(a) by the substitution for paragraph (i) of the following paragraphs:

“(i) In the case of a contravention of or failure to comply with any provision of section one, to imprisonment without the option of a fine for a period not exceeding ten years;

(i)*bis*. In the case of a contravention of or failure to comply with any provision of section two, four, fifteen, twenty-five or twenty-five *bis* or a notice issued under section twenty-six, or in the case of an offence mentioned in paragraphs (a), (b), (f) or (g), upon a first conviction, to a fine not exceeding four hundred pounds or to imprisonment for a period not exceeding two years, or to both such fine and such imprisonment, and upon a second or subsequent conviction, to imprisonment without the option of a fine for a period not exceeding three years; Provided that if the person concerned is convicted of a contravention —

(aa) of sub-section (1) of section twenty-three and the evidence establishes that he supplied the arm or ammunition in question to a person other than a European or to a company of which any director or the manager or the secretary is not a European; or

(bb) of sub-section (1) of section four or sub-section (2) of section twenty-three, and the number of arms excluding arms designed to discharge any cartridge loaded with a bullet of a reputed diameter of .22 of an inch or less, in respect of which he is convicted exceeds one or the quantity of ammunition, excluding any cartridge loaded with a bullet of a reputed diameter of .22 of an inch or less, in respect of which he is convicted exceeds one hundred rounds and such person does not satisfy the court that such number or quantity was not in the circumstances in excess of his reasonable requirements, such person shall be liable to imprisonment without the option of a fine for a period not exceeding ten years;”

(b) by the deletion in paragraph (ii) of the word “four” and the substitution for the words “twenty-two or twenty-three” of the words “or Twenty-two” and for the word “fifty” of the words “one hundred”; and

(c) by the insertion in paragraph (iii) after the expression “(i)” of the expression “(i)*bis*” and the substitution for the word “fifty” of the words “one hundred”.

**27. Section thirty-three of the Arms and Ammunition Proclamation, 1938 (Proclamation 28 of 1938), is hereby amended by the insertion in paragraph (a) after the word “certificates” of the words “applications, authorizations”.**

**28. Section eighteen of the Radio Ordinance, 1957 (Ordinance 7 of 1957), is hereby amended —**

(a) by the substitution in paragraph (a) of sub-section (1) for the words “twelve or sixteen” of the words “or twelve”;

(b) by the insertion in the said sub-section after the words “guilty of an offence and” of the words “except as provided in sub-section (1)*bis*; and

(c) by the insertion after sub-section (1) of the following sub-section:

“(1)*bis*. Any person who transmits by radio in contravention of section four or who has in his possession radio apparatus, other than a radio re-

halwe 'n radio-ontvangstoestel, in sy besit het of iemand, wat kragtens 'n lizensie, sertifikaat of permit ingevolge hierdie Wet uitgereik, gemagtig is om deur middel van radio oor te send of om in besit van radio-apparaat, soos voormeld te wees, wat enige voorwaarde van bedoelde lizensie, sertifikaat of permit oortree of in gebreke bly om daaraan te voldoen, of wat artikel *sestien* oortree, is by skuldigbevinding strafbaar met 'n boete van hoogstens driehonderd pond of met gevangenis vir 'n tydperk van hoogstens drie jaar of met beide sodanige boete en sodanige gevangenis, en die hof wat bedoelde persoon skuldig bevind kan verder enige van die in sub-paragraaf (i), (ii) of (iii) van sub-artikel (1) van hierdie artikel bedoelde bevele uitreik."

29. Hierdie Ordonnansie heet die Algemene Regswy-sigingsordonnansie 1958.

ceiving set, in contravention of sub-section (1) of section *five* or who, having been authorised under a licence, certificate or permit issued under this Ordinance to transmit by radio or to be in possession of radio apparatus as aforesaid, contravenes or fails to comply with any condition of such licence, certificate or permit, or who contravenes section *sixteen*, shall be liable on conviction to a fine not exceeding three hundred pounds or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment, and the court convicting such person may in addition make any of the orders referred to in sub-paragraphs (i), (ii) or (iii) of sub-section (1) of this section".

29. This Ordinance shall be called the General Law Amendment Ordinance, 1958.