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EXTRAORDINARY



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THE UNION OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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CAPE TOWN, 31st MARCH, 1939.
KAAPSTAD, 31 MAART 1939.

PRYS 6d. [No. 2621.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 419.

31st March, 1939.

It is notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

No. 14 of 1939: Justices of the Peace and Oaths (Amendment) Act, 1939	..	ii
No. 15 of 1939: Cannon Island Settlement Management Act, 1939	..	vi
No. 16 of 1939: Part Appropriation Act, 1939	..	ii

KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word vir algemene informasie gepubliseer:—

No. 419.

31 Maart 1939.

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande wette wat hiermee, vir algemene informasie, gepubliseer word:—

No. 14 van 1939: Wysigingswet op Vrederegters en Ede, 1939	..	..	iii
No. 15 van 1939: Kanoneiland-nedersettingsbestuurswet, 1939	..	..	vii
No 16 van 1939: Gedeeltelike Begrotingswet, 1939	..	..	iii

No. 14, 1939.]

ACT

To amend the Justices of the Peace and Oaths Act, 1914.

(Signed by the Governor-General in Afrikaans.)
(Assented to 29th March, 1939.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of
section 3 of Act
16 of 1914.

1. Section *three* of the Justices of the Peace and Oaths Act, 1914 (hereinafter called the principal Act), is hereby amended by the substitution in paragraph (a) for the words "his ward" of the words "the magisterial district within which his ward is situated".

Amendment of
section 4 of Act
16 of 1914.

2. Sub-section (1) of section *four* of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) for the words "inspector-general of the permanent defence forces, and every magistrate" of the words "chief of the general staff of the Union defence forces, the officer commanding the persons appointed under section *fifty-seven* of Act No. 22 of 1916 to maintain order upon the railways and at the harbours, the clerk and clerk-assistant of the Senate, the clerk and clerk-assistant of the House of Assembly, the secretary and under secretary of any department of State, the registrar of any division of the Supreme Court of South Africa, and every magistrate, chief native commissioner or native commissioner";
- (b) by the insertion in paragraph (b) after the word "forces" of the words "and any person appointed under section *fifty-seven* of Act No. 22 of 1916 of the rank of sub-inspector or above"; and
- (c) by the insertion in paragraph (c) after the word "any" of the words "additional magistrate or", and by the addition at the end of that paragraph of the words "and any additional native commissioner or assistant native commissioner for the area for which he holds his office".

Insertion of new
section *8bis* in
Act 16 of 1914.

3. The following new section is hereby inserted in the principal Act after section *eight*:

"Powers as to oaths abroad. *8bis.* (1) Every person appointed by the Government of the Union to hold or to act in the office of high commissioner, secretary or assistant secretary of the office of a high commissioner, political secretary to a high commissioner, envoy, minister, chargé d'affaires, accredited representative, counsellor of legation, secretary of legation, attaché, commercial counsellor, commercial secretary, commercial attaché, consul-general, consul, vice-consul, trade commissioner or assistant trade commissioner may, during his tenure thereof or while acting therein, within the country in which or at the place at which he exercises the functions of the office, and every person appointed to be a commissioner of the Supreme Court of South Africa in relation to a particular matter may in relation to that matter, and every person appointed to be a commissioner of the Supreme Court of South Africa generally may, while his appointment remains unrevoked, at any place outside the Union, administer any oath on affidavit or take a solemn or attested declaration.

(2) Whenever an affidavit or a solemn or attested declaration is made before a person referred to in sub-section (1), he shall authenticate the affidavit or declaration by appending his signature to a certificate at the foot thereof setting forth that the affidavit or declaration has been duly made before him, and by stating in writing underneath his signature what the capacity is in which he acts, and by affixing thereto the seal or impressing thereon the stamp which he uses in that capacity, or, if he possesses no such seal or stamp, certifying to that effect.

No. 14, 1939.]

WET

Tot wysiging van die „Wet op Vrederechters en Eden, 1914”.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 29 Maart 1939.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Artikel drie van die „Wet op Vrederechters en Eden, 1914” (hierna die Hoofwet genoem), word hiermee gewysig deur in paragraaf (a) die woorde „zijn wijk” te vervang deur die woorde „het magistraatsdistrikt waarin zijn wijk gelegen is”.

Wysiging van artikel 3 van Wet 16 van 1914.

2. Sub-artikel (1) van artikel vier van die Hoofwet word hiermee gewysig—

Wysiging van artikel 4 van Wet 16 van 1914.

(a) deur in paragraaf (a) die woorde „de inspekteur-generaal van de staande verdedigingsmacht en iedere magistraat” te vervang deur die woorde „het hoofd van de generale staf van de Unieverdedigingsmacht, de ambtenaar aan het hoofd van de personen aangesteld krachtens artikel zeven en vijftig van Wet No. 22 van 1916 tot het handhaven van de orde op de spoorwegen en aan de havens, de klerk en assistent-klerk van de Senaat, de klerk en assistent-klerk van de Volksraad, de sekretaris en onder-sekretaris van een Staatsdepartement, de griffier van een afdeling van het Hooggerechtshof van Zuid Afrika en iedere magistraat, hoofdnaturellekommissaris of naturellekommissaris”;

(b) deur in paragraaf (b) na die woord „verdedigingsmacht” die woorde „en elke persoon van of boven de rang van sub-inspekteur aangesteld krachtens artikel zeven en vijftig van Wet No. 22 van 1916” ; en

(c) deur in paragraaf (c) na die woord „elke” die woorde „additionele magistraat of” in te voeg, en deur aan die end van daardie paragraaf die woorde „en elke additionele naturellekommissaris of assistent-naturellekommissaris voor de streek waarvoor hij zijn ambt bekleedt” by te voeg.

3. Die volgende nuwe artikel word hiermee in die Hoofwet na artikel ag ingevoeg:

Invoeging van nuwe artikel 8bis in Wet 16 van 1914.

„Bevoegdheden betreffende eden buitenlands. 8bis. (1) Een ieder, die door de Regering van de Unie aangesteld wordt om het ambt van hoge kommissaris, sekretaris of assistent-sekretaris van het kantoor van een hoge kommissaris, politieke sekretaris van een hoge kommissaris, gezant, minister, zaakgelastigde, geakkrediteerde vertegenwoordiger, gezantschapsraad, gezantschap-sekretaris, attaché, handelsraad, handelsekretaris, handels-attaché, konsul-generaal, konsul, vice-konsul, handelskommissaris of assistent-handelskommissaris te bekleden of waar te nemen, kan, gedurende zijn ambtstermijn of terwijl hij zulk ambt waarneemt, binnen het land waarin of op de plaats waar hij zijn ambt beoefent, en een ieder die met betrekking tot een bijzondere zaak tot kommissaris van het Hooggerechtshof van Zuid Afrika aangesteld wordt, kan met betrekking tot die zaak, en een ieder die in het algemeen tot kommissaris van het Hooggerechtshof van Zuid Afrika aangesteld wordt, kan, terwijl zijn aanstelling oningetrokken blijft, op enige plaats buiten de Unie, enige eed bij beëdigde verklaring of een plechtige of geattesteerde verklaring afnemen.

(2) Wanneer een beëdigde of een plechtige of geattesteerde verklaring door iemand gemeld in sub-artikel (1) afgenomen wordt, moet hij de verklaring authenticeren door aan het onderend een certificaat, dat de verklaring door hem behoorlijk afgenomen werd, te ondertekenen en door beneden zijn handtekening de hoedanigheid van zijn ambt schriftelijk te melden, en door zijn ambtzegel eraan te hechten of zijn ambtstempel erop te drukken, of, heeft hij zoo een zegel of stempel niet, door aldus te certificeren.

(3) Any affidavit or solemn or attested declaration purporting to have been made before a person referred to in sub-section (1), and to be authenticated in accordance with sub-section (2), may be admitted in evidence in any court in the Union or received in any public office in the Union without proof that any signature appearing thereon or any seal affixed thereto or any stamp impressed thereon is the signature or seal or stamp which it purports to be and without proof that the person before whom the affidavit or declaration was made, holds any office or lawfully acts in any capacity.

(4) Every affidavit or solemn or attested declaration made in accordance with the provisions of this section shall in the Union be as effectual as if made in the Union before a commissioner of oaths.

(5) Any court in the Union shall have jurisdiction to try any person on a charge of having committed an offence under section *nine* in connection with an affidavit or solemn or attested declaration made outside the Union before a person referred to in sub-section (1); and for all purposes incidental to or consequential on the trial of the offence, the offence shall be deemed to have been committed within the area of jurisdiction of the Court.

Amendment of Part I of First Schedule to Act 16 of 1914.

4. The First Schedule to the principal Act is hereby amended by the substitution in the second column of Part I for the words "division or ward for which office is held" of the words "in which his ward is situated, or, in the case of a justice of the peace *ex officio*, the area indicated in section *four*".

Short title.

5. This Act shall be called the Justices of the Peace and Oaths (Amendment) Act, 1939.

No. 16, 1939.]

ACT

To apply a sum not exceeding twelve million pounds on account of the service of the Union for the year ending the thirty-first day of March, 1940.

(Signed by the Governor-General in Afrikaans.)
(Assented to 29th March, 1939.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Exchequer Account charged with £8,000,000 on Revenue Account and £4,000,000 on Loan Account.

1. On and after the first day of April, 1939, there may be issued out of the Exchequer Account such sums of money not exceeding in the aggregate the sum of eight million pounds for revenue services and four million pounds for loan services, as may from time to time be required for the service of the Union for the year ending the thirty-first day of March, 1940, until such time as provision is made therefor by Parliament in an Appropriation Act.

Sums issued under this Act to be advances in anticipation.

2. All sums issued under the provisions of this Act shall be deemed to be advances on account of grants to be made by Parliament in an Appropriation Act for the year ending the thirty-first day of March, 1940, and immediately on the commencement of such Appropriation Act, this Act shall cease to have effect and issues already made hereunder shall be deemed to be issues under that Appropriation Act, and shall be accounted for in accordance with the provisions thereof:

Provided that no services upon which expenditure has not been duly authorized under an Appropriation Act during the year ending the thirty-first day of March, 1939, or for which there is no statutory authority, shall be deemed to be authorized under section *one* of this Act.

Short title.

3. This Act shall be known as the Part Appropriation Act, 1939.

(3) Een beëdigde of plechtige of geattesteerde verklaring die heet door iemand gemeld in sub-artikel (1) afgenomen en overeenkomstig sub-artikel (2) geauthenticeerd te zijn, kan in enig hof in de Unie als bewijsstuk toegelaten of in enig openbaar kantoor in de Unie aangenomen worden zonder bewijs dat enige handtekening die erop voorkomt of enig zegel eraan gehecht of enige stempel erop gedrukt de handtekening of het zegel of de stempel is welk die heet te zijn en zonder bewijs dat de persoon die de verklaring afgenomen heeft enig ambt bekleedt of wettiglik in enige hoedanigheid optreedt.

(4) Iedere beëdigde of plechtige of geattesteerde verklaring afgenomen overeenkomstig de bepalingen van dit artikel geldt tevens in de Unie alsof in de Unie door een kommissaris van eden afgenomen.

(5) Enig hof in de Unie is rechtsbevoegd om een ieder te verhoren op een aanklacht dat hij een overtreding bedoeld in artikel *negen* gepleegd heeft in verband met een beëdigde of plechtige of geattesteerde verklaring die buiten de Unie door iemand gemeld in sub-artikel (1) afgenomen is; en voor alle doeleinden verbonden met of volgende uit het verhoor van de overtreding wordt de overtreding geacht binnen het rechtsgebied van het hof gepleegd te zijn."

4. Die Eerste Bylae tot die Hoofwet word hiermee gewysig deur in die tweede kolom van Afdeling I die woorde „afdeling of wijk waarin ambt bekleed word" te vervang deur die woorde „waarin zijn wijk gelegen is, of, in het geval van een vrederechter ambtshalve, de in artikel *vier* aangewezen streek".

Wysiging van Afdeling I van Eerste Bylae tot Wet 16 van 1914.

5. Hierdie Wet heet die Wysigingswet op Vrederegters en Ede, 1939.

Kort titel.

No. 16, 1939.]

WET

Tot aanwending van 'n som van nie meer as twaalfmiljoen pond ten behoeve van die diens van die Unie vir die jaar wat eindig op die een-en-dertigste dag van Maart 1940.

(Deur die Goewerneur-generaal in Afrikaans geteken.)
(Goedgekeur op 29 Maart 1939.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Op en na die eerste dag van April 1939, mag daar uit die Skatkisrekening sodanige somme geld uitgegee word van gesamentlik nie meer as agtmiljoen pond vir inkomstediens en viermiljoen pond vir leningsdienste as wat van tyd tot tyd benodig mag wees vir die diens van die Unie vir die jaar wat eindig op die een-en-dertigste dag van Maart 1940, totdat die Parlement deur 'n Begrotingswet daarvoor voorsiening maak.
2. Alle somme, kragtens die bepalings van hierdie Wet uitgegee, word beskou as voorskotte op rekening van gelde wat deur die Parlement by 'n Begrotingswet toegestaan sal word vir die jaar wat eindig op die een-en-dertigste dag van Maart 1940, en onmiddellik na die inwerkingtreding van daardie Begrotingswet, tree hierdie Wet buite werking en word gelde wat kragtens hom reeds uitgegee is, beskou as uitgawe kragtens daardie Begrotingswet en moet verantwoord word ooreenkomstig die voorskrifte daarvan:
- 20 Met die verstande dat dienste waarop gedurende die jaar wat eindig op die een-en-dertigste dag van Maart 1939, geen uitgawe behoorlik geoutoriseer is kragtens 'n Begrotingswet of waarvoor geen wetlike magtiging verleen is, nie beskou word deur artikel *een* van hierdie Wet gemagtig te wees nie.
- 25 3. Hierdie Wet heet die Gedeeltelike Begrotingswet, 1939.

Skatkisrekening belas met £8,000,000 op Inkomsterekening en £4,000,000 op Leningsrekening.

Somme ingevolge hierdie Wet uitgegee, word beskou as voorlopige voorskotte.

Kort titel.

No. 15, 1939.]

ACT

To establish a board of management for the Cannon Island Settlement, in the divisions of Gordonia and Kenhardt, and for irrigation works from which land situated in the settlement is irrigated; to define the powers of that board; to transfer certain land and certain rights and obligations from the Government to that board; and for other incidental matters.

(Signed by the Governor-General in English.)

(Assented to 29th March, 1939.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows—

Interpretation of terms.

1. In this Act, unless the context indicates otherwise—

“board” means the Cannon Island Settlement Management Board established under section two;

“fixed date” means the date fixed under section two;

“Minister” means the Minister of Lands or any other Minister of State acting in his stead;

“settlement” means the Cannon Island Settlement, which is situated in the divisions of Gordonia and Kenhardt and comprises—

(a) Cannon Island;

(b) Garden Lot No. 162, comprising the islands known as Paarde and Weir Islands;

(c) the remaining extent of the farm Keboes, held by the Government of the Union under deed of transfer No. 10794, dated the ninth day of December, 1935;

“regulation” means a regulation made under section seventeen;

“owner” means—

(a) the registered owner of any agricultural land situated within the boundaries of the settlement; or

(b) any person in whom are vested the rights conferred upon the purchaser by any deed of sale whereby any such agricultural land was sold by the Government of the Union; or

(c) any person to whom any such agricultural land has been leased by the Government of the Union, or the successor in title of such person.

Establishment of Cannon Island Settlement Management Board.

2. As from a date to be fixed by the Governor-General by proclamation in the *Gazette* there shall be established a board to be called the Cannon Island Settlement Management Board.

Composition of board.

3. The board shall consist of five members.

Election and tenure of office of members of board.

4. (1) Once every alternate year, upon a date to be fixed by the board by notice published in the Afrikaans and English languages in the *Gazette* and in a newspaper circulating in the districts of Gordonia and Kenhardt, there shall be held an election of the members of the board: Provided that the first election shall be held during the calendar year within which the fixed date falls on a date which shall be so fixed by the Minister: Provided further that the first publication of any such notice in the *Gazette* and in such a newspaper shall take place not less than one month before the date thereby fixed for an election.

(2) Every member of the board shall hold office until the completion of the next biennial election of members after the date of his election, or until his death or resignation, or until he vacates his seat in terms of section seven or any regulation, and shall, if qualified, be eligible for re-election.

(3) If from any cause the required number of members is not elected the Minister may by notice in the *Gazette* appoint as members so many persons who, in terms of section five, are qualified to be elected members of the board as may be necessary to make up the required number; and any person so appointed shall be deemed to have been duly elected.

No. 15, 1939].

WET

Tot instelling van 'n bestuursraad vir die Kanoneiland-nedersetting geleë in die afdelings Gordonia en Kenhardt, en vir besproeiingswerke waaruit grond binne die nedersetting geleë besproei word; om die bevoegdhede van daardie raad te omskrywe; om sekere grond en sekere regte en verpligtings oor te dra van die Regering aan daardie raad en om voorsiening te maak vir ander daarmee in verband staande sake.

(Deur die Goewerneur-generaal in Engels geteken.)
(Goedgekeur op 29 Maart 1939.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing Wet—

„raad” die Kanoneiland-nedersettingsbestuursraad, ingestel ingevolge artikel twee;

„bepaalde datum” die datum kragtens artikel twee vasgestel;

„Minister” die Minister van Lande of 'n ander Staatsminister wat namens hom optree;

„nedersetting” die Kanoneiland-nedersetting geleë in die afdelings Gordonia en Kenhardt, en bestaande uit—

(a) Kanoneiland;

(b) Tuinperseel No. 162, bevattende die eilande bekend as Paarde- en Weir-eilande;

(c) die resterende gedeelte van die plaas Keboes, deur die Unieregering besit kragtens transportakte No. 10794 gedagteken die negende dag van Desember 1935;

„regulasie” 'n kragtens artikel sewentien uitgevaardigde regulasie;

„eienaar”—

(a) die geregistreerde eienaar van enige landbougrond binne die grense van die nedersetting geleë; of

(b) iemand by wie die regte berus wat aan die koper verleen is in 'n koopbrief by wyse waarvan sodanige landbougrond deur die Unieregering verkoop is; of

(c) enige persoon aan wie landbougrond deur die Unieregering verhuur is, of die regsopvolger van so 'n persoon.

2. Vanaf 'n datum deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vas te stel, word daar 'n raad ingestel genoem die Kanoneiland-nedersettingsbestuursraad.

Instelling van die Kanoneiland-nedersettingsbestuursraad.

3. Die raad bestaan uit vyf lede.

Samestelling van raad.

4. (1) 'n Verkiesing van die lede van die raad word eenmaal al om die ander jaar gehou, op 'n dag deur die raad te bepaal by kennisgewing in die Afrikaanse en Engelse tale gepubliseer in die *Staatskoerant* en in 'n nuusblad in omloop in die distrikte Gordonia en Kenhardt: Met dien verstande dat die eerste verkiesing gehou word gedurende die kalenderjaar waarin die bepaalde datum val op 'n datum wat aldus deur die Minister vasgestel word: Met dien verstande, voorts, dat die eerste publikasie van so 'n kennisgewing ten minste een maand voor die dag, wat daarby vir 'n verkiesing vasgestel word, in die *Staatskoerant* en in so 'n nuusblad moet geskied.

Verkiesing en dienstyl van lede van raad.

(2) Elke lid van die raad bly in amp tot voltooiing van die eersvolgende tweejarige verkiesing van lede na die datum waarop hy verkies was, of tot sy dood of bedanking, of totdat sy setel ingevolge artikel sewe of een of ander regulasie oopval, en is, indien daartoe gekwalifiseer, herkiesbaar.

(3) Ingeval om een of ander rede die benodigde getal lede nie verkies word nie kan die Minister by kennisgewing in die *Staatskoerant* soveel persone wat volgens artikel vyf bevoeg is om as lede van die raad verkies te word, as lede benoem om die benodigde getal vol te maak; en 'n persoon aldus benoem word geag behoorlik verkies te gewees het.

Qualifications of members of the board.	5. Every owner who has reached the age of twenty-one years shall be qualified to be elected a member of the board.
Qualifications of voters.	6. Every owner who has reached the age of twenty-one years shall be entitled to cast as many votes as there are members to be elected at any election of members of the board, but shall not cast more than one vote for any one candidate; and he may exercise his right to vote in person or by proxy, in manner prescribed by regulation.
Members to serve without remuneration.	7. No member of the board shall receive any salary, fee or reward of any kind for the performance of the functions of his office; and any member contravening this provision shall vacate his seat on the board.
Chairman and vice-chairman of the board.	8. There shall be a chairman and a vice-chairman of the board, who shall be elected from amongst the members of the board by the members of the board present at the first meeting held after any biennial election of members of the board, or, in the case of the occurrence of any vacancy in the office of either the chairman or the vice-chairman, at the meeting held next after the occurrence of the vacancy.
Meetings of the board.	9. (1) Three members of the board shall form a quorum. (2) The chairman or in his absence the vice-chairman shall preside at all meetings of the board: Provided that if both the chairman and the vice-chairman are absent from any meeting of the board, the members present shall elect from amongst their number an acting chairman, who shall preside at that meeting. (3) All questions arising at any meeting of the board shall be decided by a majority of the votes of the members present; and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.
Board to be a body corporate.	10. (1) The board shall be a body corporate, with power, subject to the provisions of this act and the rules and regulations made thereunder, to sue and be sued, to let, hire, buy, hold, sell, donate, exchange and mortgage land, and to perform all such acts as bodies corporate may by law perform. (2) The board shall not buy, sell, donate, exchange or mortgage land, unless the purchase, sale, donation, exchange or mortgage has been approved by the Minister and by a resolution passed at the meeting of owners convened by the board, in accordance with regulation, for considering whether the purchase, sale, donation, exchange or mortgage should be effected, in favour of which resolution not less than two-thirds of the owners present at the meeting have voted.
Appointment of staff.	11. The board may employ such persons as may be necessary to enable it duly to carry out its functions, at such remuneration and on such conditions as it may think fit.
Powers and functions of board.	12. (1) The board is hereby empowered and required— (a) to control and manage the settlement and administer the rules made by it under section <i>sixteen</i> ; (b) to control and maintain— (i) the irrigation works situated within the boundaries of the settlement that have been or may hereafter be constructed; and (ii) the irrigation works situated outside the said boundaries that have been or may hereafter be constructed, and that serve or may hereafter serve the settlement (not being works under the control of any body constituted under the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912)), in so far as the distribution of water therefrom to land situated within the boundaries of the settlement is concerned, and to regulate such distribution of water; (c) to exercise all powers, servitudes and other rights transferred to and vested in the board by section <i>fourteen</i> and to perform all duties and obligations transferred to and imposed upon the board by that section; and (d) to preserve against flood damage, erosion and denudation the banks situated within or along the boundaries of the settlement of all rivers, spruits, canals, drainage ditches, furrows or other water-courses; and for that purpose to require any owner to plant trees, reeds, bushes or grasses upon the flood protection strip as marked on the diagram of his land, as the board may consider necessary, or cause to be removed any kraal or similar structure, or prevent any grazing taking

5. Elke eienaar wat die ouderdom van een-en-twintig jaar bereik het, is bevoeg om verkies te word tot lid van die raad. Kwalifikasies van lede van die raad.

6. Elke eienaar wat die ouderdom van een-en-twintig jaar bereik het, is geregtig om by 'n verkiesing van lede van die raad soveel stemme uit te bring as wat daar lede is wat verkies moet word, maar mag nie meer as een stem ten gunste van een kandidaat uitbring nie; en hy kan sy reg om te stem in eie persoon of deur 'n gevolmagtigde nitoefen, op 'n deur regulasie voorgeskrewe wyse. Kwalifikasies van kiesers.

7. Geen lid van die raad ontvang enige salaris, geld of beloning hoegenaamd vir die verrigting van sy ampspligte nie; en die setel op die raad van 'n lid wat hierdie bepaling oortree, val oop. Lede dien sonder betaling.

8. Daar moet 'n voorsitter en vise-voorsitter van die raad wees, wat uit die lede van die raad gekies moet word deur daardie lede van die raad wat teenwoordig is op die eerste vergadering gehou na 'n tweejarige verkiesing van lede van die raad, of, ingeval 'n vakature voorval in die amp van voorsitter of vise-voorsitter, op die eerste vergadering wat na die vakature voorgeval het, gehou word. Voorsitter en vise-voorsitter van die raad.

9. (1) Drie lede van die raad maak 'n kworum uit.

(2) Die voorsitter, of by afwesigheid die vise-voorsitter, moet by alle vergaderings van die raad voorsit: Met dien verstande dat waar albei voorsitter en vise-voorsitter afwesig is van 'n vergadering van die raad, die lede wat teenwoordig is, uit hul getal 'n waarnemende voorsitter moet kies, wat by daardie vergadering moet voorsit. Vergaderings van die raad.

(3) Alle kwessies wat in 'n vergadering van die raad voorkom, word beslis deur 'n meerderheid van stemme van die lede teenwoordig, en by staking van stemme het die persoon wat op die vergadering voorsit, benewens sy beraadslagende stem ook 'n beslissende stem.

10. (1) Die raad is 'n regspersoon wat behoudens die bepalinge van hierdie Wet en die daaronder uitgevaardigde reglemente en regulasies as eiser en verweerder in regte kan optree, grond kan verhuur, huur, koop, besit, verkoop, skenk, verruil en verhipotekeer, en alle handelings kan verrig wat regspersone regtens kan verrig. Raad is 'n regspersoon.

(2) Die raad kan geen grond koop, verkoop, skenk, verruil of verhipotekeer nie tensy die koop, verkoping, skenking, ruil of verhipotekering deur die Minister goedgekeur is en deur besluit aangeneem op 'n vergadering van eienare, wat deur die raad in ooreenstemming met regulasie belê is om die vraag te oorweeg of die koop, verkoping, skenking, ruil of verhipotekering aangegaan behoort te word, ten gunste van watter besluit minstens twee-derdes van die eienare op die vergadering teenwoordig, gestem het.

11. Die raad kan persone in diens neem wat nodig is om hom in staat te stel om sy werksaamhede behoorlik te verrig, en wel teen die besoldiging en op die voorwaardes wat die raad raadsaam ag. Aanstelling van personeel.

12. (1) Die raad word hierby gemagtig en verplig—

(a) om die nedersetting te beheer en te bestuur en die deur hom kragtens artikel *sestien* uitgevaardigde reglemente uit te voer;

(b) om die besproeiingswerke te beheer en in stand te hou—

(i) wat binne die grense van die nedersetting geleë is en reeds gebou is of hierna gebou mag word; en

(ii) wat buite gemelde grense geleë is, en reeds gebou is of hierna gebou mag word, en die nedersetting reeds tot diens strek of hierna tot diens mag strek (behalwe besproeiingswerke onder beheer van 'n liggaam ingestel kragtens die „Besproeiings- en Waterbewarings Wet”, 1912 (Wet No. 8 van 1912)), wat betref die verdeling van water daaruit aan grond geleë binne die grense van die nedersetting,

en om sulke verdeling van water te reël;

(c) om alle bevoegdhede, serwitute, en ander regte wat deur artikel *veertien* aan die raad oorgedra en in die raad gevestig word, uit te oefen, en om alle pligte en verpligtings wat deur daardie artikel aan die raad oorgedra en opgelê word, na te kom; en

(d) om alle binne of langs die grense van die nedersetting geleë rivier-, spruit-, kanaal-, dreineringsloot-, water-voor-, of ander waterslootwalle teen beskadiging deur vloed, grondverspoeling en ontbloting van plantegroei te beskerm; en om vir hierdie doel 'n eienaar te las om bome, riete, bossies of grassoorte te plant op die vloedbeskermingstrook wat op sy grondkaart aangedui word, na gelang die raad dit nodig ag, of 'n kraal of soortgelyke struktuur te laat verwyder, of

Bevoegdhede en werksaamhede van raad.

place upon the said strip; and if the owner neglect or refuse to carry out any requirement made by the board, to enter the said strip and itself to carry out that requirement; at any time to enter upon such strips for the purpose of constructing flood protection works of any description whatever, and for the purpose of maintaining such works, and generally to do whatever may be necessary for the protection of the settlement against floods: Provided that the Minister may, if satisfied that the board is not making proper use of the powers conferred by this paragraph, direct the board in writing to take such measures and to carry out such works as the Minister deems necessary for attaining the objects of this paragraph: Provided further, that if the board fails, for a period of six months after the issue of any such direction by the Minister, to comply therewith, the Minister may cause such measures or such works to be completed at the expense of the board.

(2) The board may, subject to the rights of other persons, construct and maintain a bridge over any channel of the Orange River connecting the settlement with any other area, and may levy annually a special rate payable by owners for the purpose of meeting the capital expenditure incurred in the construction thereof and the interest thereon: Provided that no expenditure shall be incurred in connection with the construction of any such bridge unless the scheme has been approved by the Minister and by a resolution passed in accordance with the provisions of sub-section (2) of section *ten*.

(3) The board shall, in respect of the irrigation works which in terms of sub-section (1) it is empowered and required to control and maintain, and in respect of the land irrigated therefrom and situated within the boundaries of the settlement, have all such powers, including the power to levy irrigation rates, and be subject to all such duties, as are conferred and imposed upon an irrigation board by the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), or any amendment thereof: Provided that the board may devote the proceeds or any portion of the proceeds of any rate so levied to the construction and maintenance of flood protection works.

(4) If damage has occurred or if the board apprehends damage to the irrigation works or flood protection works to such an extent that the cost of repair or replacement cannot conveniently be met out of any rate so levied, or if the board deems it necessary to repair any damage to the irrigation works or flood protection works without delay, the board shall have power to call upon owners to render service free of charge for such repair or replacement work. Each owner shall have the choice of rendering such service in one or other of the following ways:—

- (a) personally; or
- (b) by providing a substitute acceptable to the board; or
- (c) by paying such sum to the board as will enable it to employ an acceptable substitute.

Each owner or his substitute, as the case may be, shall conform to all the instructions of the board for the carrying out of the said repair or replacement work.

(5) The provisions of sections *seventy* and *ninety-three* of the said Act shall, *mutatis mutandis*, apply to irrigation rates levied by the board.

Levy of rate by board.

13. The board may with the approval of the Minister, in addition to the rates mentioned in sub-sections (2) and (3) of section *twelve*, levy annually a rate payable by owners, the proceeds of which will, when added to the fees collected under the rules made under section *sixteen*, be sufficient to meet the lawful expenditure of the board other than the expenditure referred to in sub-section (2) of section *twelve* of this Act and in section *eighty-nine* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), as applied by the said section *twelve*.

Transfer of rights and obligations from Government to board.

14. (1) Every duty and every obligation which at the fixed date is imposed upon the Government, either under the deed of transfer, deed of grant, lease or other document of title of any land situated within or outside the boundaries of the settlement, or otherwise, in relation to the irrigation works that have been or may hereafter be constructed and that serve or may hereafter serve the settlement, shall, to the extent to which it

alle weiding op gemelde strook te verhoed; en, as die eienaar versuim of weier om aan een of ander van die raad se vereistes te voldoen, om op gemelde strook te gaan en self daardie vereiste uit te voer; om te eniger tyd op gemelde strook te gaan ten einde vloedbeskermingswerke van watter aard ookal te bou en ten einde sodanige werke in stand te hou, en oor die algemeen om alles te doen wat nodig mag wees om die nedersetting teen vloed te beskerm: Met dien verstande dat as die Minister daarvan oortuig is dat die raad nie behoorlik gebruik maak van die deur hierdie paragraaf verleende bevoegdhede nie, hy die raad skriftelik kan las om sodanige stappe te doen en sodanige werke uit te voer as die Minister raadsaam ag om die oogmerke van hierdie paragraaf te bereik: Met dien verstande voorts dat indien die raad vir 'n tydperk van ses maande van sodanige opdrag deur die Minister, versuim om daaraan uitvoering te gee, die Minister sodanige stappe of sodanige werke op onkoste van die raad kan laat voltooi.

(2) Met inagneming van die regte van ander persone kan die raad 'n brug wat die nedersetting met 'n ander streek verbind, oor enige kanaal van die Oranjerivier bou en instandhou, en jaarliks 'n spesiale deur eienaars te betale belasting hef ten einde die kapitaaluitgawes wat met die bou daarvan gemaak word, en die rente daarop, te bestry: Met dien verstande dat geen uitgawes in verband met die bou van so 'n brug gemaak mag word nie tensy daar goedkeuring aan die skema verleen is deur die Minister en deur 'n besluit wat ooreenkomstig die bepalinge van sub-artikel (2) van artikel *tien* aangeneem is.

(3) Met betrekking tot die besproeiingswerke wat die raad ingevolge sub-artikel (1) gemagtig en verplig is om te beheer en in stand te hou, en met betrekking tot grond wat daaruit besproei word en binne die grense van die nedersetting geleë is, besit die raad alle bevoegdhede (die bevoegdheid om besproeiingsbelastinge te hef inbegrepe) en is die raad verplig om alle verpligtings na te kom, wat aan 'n besproeiingsraad deur die „Besproeiings en Waterbewarings Wet”, 1912 (Wet No. 8 van 1912), of 'n wysiging daarvan, verleen en opgelê word: Met dien verstande dat die raad die opbrengs (of deel daarvan) van 'n aldus gehewe besproeiingsbelasting aan die bou en instandhouding van vloedbeskermingswerke kan bestee.

(4) Indien die besproeiingswerke of vloedbeskermingswerke so beskadig is, of die raad meen dat dit so beskadig mag word, dat die reparasie- en herstellingskoste nie gemaklik deur 'n aldus gehewe besproeiingsbelasting bestry kan word nie, of indien die raad dit nodig ag om enige skade aan die besproeiingswerke of vloedbeskermingswerke onverwyld te herstel, kan die raad eienare las om hulle dienste vir sodanige reparasie- of herstellingswerk kosteloos te verskaf. Elke eienaar het die keuse om sy dienste op een of ander van die volgende maniere te verskaf:—

(a) persoonlik; of

(b) om 'n vir die raad aanneemlike plaasvervanger te verskaf; of

(c) deur aan die raad 'n bedrag te betaal wat dit in staat sal stel om 'n aanneemlike plaasvervanger te huur.

Elke eienaar of sy plaasvervanger, na gelang van die geval, moet al die raad se instruksies betreffende die uitvoering van gemelde reparasie- of herstellingswerk nakom.

(5) Die bepalinge van artikels *sewentig* en *drie-en-negentig* van genoemde Wet is, *mutatis mutandis*, van toepassing op besproeiingsbelastinge deur die raad gehef.

13. Met goedkeuring van die Minister kan die raad, benewens dié in sub-artikels (2) en (3) van artikel *twaalf* vermelde belastinge, jaarliks 'n belasting hef deur eienare betaalbaar, die opbrengs waarvan saam met die fooie ingevolge die kragtens artikel *sestien* uitgevaardigde reglemente, voldoende sal wees om die wettige uitgawes van die raad te dek, behalwe die in sub-artikel (2) van artikel *twaalf* van hierdie Wet en in artikel *negen-en-tagtig* van die „Besproeiings en Waterbewarings Wet”, 1912 (Wet No. 8 van 1912), soos deur gemelde artikel *twaalf* toegepas, bedoelde uitgawes.

14. (1) Elke plig en elke verpligting wat op die bepaalde datum aan die Regering opgelê is, hetsy volgens die transportakte, grondbrief, huurkontrak of ander titelbewys van grond binne of buite die grense van die nedersetting geleë, hetsy andersins, met betrekking tot die besproeiingswerke wat reeds gebou is of hierna gebou mag word en die nedersetting reeds tot diens strek of hierna tot diens mag strek, word op die

Heffing van belasting deur raad.

Oordrag van regte en verpligtings van Regering aan raad.

relates to the supply or distribution of water therefrom to land situated within the settlement, at the fixed date be transferred to and imposed upon the board.

(2) Every servitude and every other right which at the fixed date is held and exercisable by the Government, either under the deed of transfer, deed of grant, lease or other document of title of any land situated within or outside the boundaries of the settlement or otherwise, in relation to any of the said irrigation works shall, to the extent to which it relates to the supply or distribution of water therefrom to land situated within the settlement, at the fixed date be transferred to and vested in the board.

Ownership in
certain lands
vested in board.

15. (1) Upon the fixed date the ownership in—

(a) all land (other than land reserved or occupied for any Government purpose) situated on Cannon Island, and belonging to the Government of the Union;

(b) Garden Lot No. 162, comprising the islands known as Paarde and Weir Islands; and

(c) the remaining extent of the farm Keboes, held by the Government of the Union under deed of transfer No. 10794, dated the ninth day of December, 1935, situated in the divisions of Gordonia and Kenhardt, shall, subject to the provisions of sub-section (2) hereof, be vested in the board, except land which the Minister may by notice published in the *Gazette* before the fixed date, exclude from the operation of this sub-section.

(2) Notwithstanding anything contained in any law, the Governor-General may cause to be issued to the board deeds of grant of any land the ownership in which is by this section vested in the board, subject to—

(a) such conditions as are usually inserted in deeds of grant of land in the Province of the Cape of Good Hope, the ownership whereof is vested in the Government of the Union;

(b) the condition that all existing servitudes and other rights shall be preserved; and

(c) such further conditions as the Governor-General may deem it fit to impose.

Power of board to
make rules.

16. (1) Subject to the provisions of any law and the conditions of any deed of transfer, deed of grant, deed of sale, lease, or other document of title, the board may in respect of the settlement make rules as to all or any of the following matters—

(a) the regulation, control and preservation of such land as the board may from time to time set aside for commonage purposes (including the establishment of grazing camps), and the number and kinds of livestock which each owner may depasture thereon; and the fees payable in connection with such depasturing;

(b) the use of any bridges constructed under the provisions of sub-section (2) of section *twelve*;

(c) the distribution of the water from the irrigation works referred to in paragraph (b) of sub-section (1) of section *twelve*;

(d) the construction, erection, maintenance, control and letting of buildings, dipping tanks, and other improvements, machinery, implements and the like for communal use, and the fees payable in connection with the use thereof;

(e) the planting, care, and protection of grass, trees, shrubs and bushes and the destruction or cutting of grass, trees, shrubs and bushes, and the sale thereof;

(f) the construction, maintenance and control of roads not being roads under the control of the Provincial Administration or any local authority other than the board;

(g) the removal and disposal of night-soil, slop-water and refuse, and the prevention, removal and abatement of nuisances which may tend either to injure the health, interfere with the comfort or affect the rights of persons residing in the settlement;

(h) the siting, construction and erection of dwelling houses, outhouses, sanitary conveniences, sheds, huts and other buildings, and the demolition of any dwelling or building which is unhealthy, insanitary or dangerous to life;

(i) the building of bridges over furrows where necessary;

(j) the control and maintenance of ponts and ferries serving the settlement;

(k) the prevention of the pollution of water to which owners have a common right;

bepaalde datum aan die raad oorgedra en opgelê, vir sover dit betrekking het op die lewering of verdeling van water daaruit aan grond wat binne die nedersetting geleë is.

(2) Elke serwituut en elke ander reg met betrekking tot een of ander van bedoelde besproeiingswerke wat die Regering op die bepaalde datum besit en kan uitoefen, hetsy volgens die transportakte, grondbrief, huurkontrak of ander titelbewys van grond binne of buite die grense van die nedersetting geleë, hetsy andersins, word op die bepaalde datum oorgedra aan en gevestig in die raad, vir sover dit betrekking het op die lewering of verdeling van water daaruit aan grond wat binne die nedersetting geleë is.

15. (1) Behoudens die bepalinge van sub-artikel (2) hiervan word op die bepaalde datum die eiendom van—

Oordrag van
sekere grond
aan raad.

(a) alle grond (behalwe grond wat vir regeringsdoeleindes uitgehou of geokkupeer word), geleë op Kanoneiland en behorende aan die Regering van die Unie;

(b) tuinperseel No. 162, bevattende die eilande bekend as Paarde- en Weir-eilande; en

(c) die resterende gedeelte van die plaas Keboes, deur die Unieregering besit kragtens transportakte No. 10794 gedagteken die negende dag van Desember 1935, geleë in die afdelings Gordonia en Kenhardt, in die raad gevestig, met uitsondering van grond wat die Minister by kennisgewing wat voor die bepaalde datum in die *Staatskoerant* gepubliseer is, aan die werking van hierdie artikel onttrek het.

(2) Ondanks andersluidende wetsbepalinge kan die Goewerneur-generaal aan die raad grondbriewe laat uitreik vir grond waarvan die eiendom deur hierdie artikel in die raad gevestig word, behoudens—

(a) sodanige voorwaardes as gewoonlik in grondbriewe vir grond in die Provinsie die Kaap die Goeie Hoop, wat aan die Unieregering behoort, opgeneem word;

(b) die voorwaarde dat alle bestaande serwitute en ander regte van krag gehou word; en

(c) sodanige ander voorwaardes as die Goewerneur-generaal wenslik ag om te stel.

16. (1) Behoudens enige wetsbepaling en die voorwaardes van enige transportakte, grondbrief, verkoopakte, huurkontrak, of ander titelbewys, kan die raad met betrekking tot die nedersetting reglemente uitvaardig omtrent een of meer van die volgende aangeleenthede—

Bevoegdheid van
raad om reglemente
uit te vaardig.

(a) die reëling van, beheer oor en behoud van grond wat die raad van tyd tot tyd opsy mag sit as gemeenskaplike weiveld (met inbegrip van die maak van weikampe), en die aantal en soorte vee wat elke eienaar daarop kan wei, en die gelde betaalbaar in verband met sodanige weiding;

(b) die gebruik van enige brê gebou ingevolge sub-artikel (2) van artikel *twaalf*;

(c) die verdeling van water uit die besproeiingswerke waarna in paragraaf (b) van sub-artikel (1) van artikel *twaalf* verwys word;

(d) die bou, oprig, instandhou, beheer en verhuur van geboue, dipbakke en ander verbeterings, masjinerie, gereedskap en dergelike sake, vir gemeenskaplike gebruik, en die gelde betaalbaar in verband met die gebruik daarvan;

(e) die plant, versorging en beskerming van gras, bome, struik en bossies en die vernietiging of die afkap, of sny van gras, bome, struik en bossies en die verkoop daarvan;

(f) die aanlê, instandhou en beheer van paaie, behalwe paaie onder die beheer van die Provinsiale Administrasie, of van 'n ander plaaslike bestuur dan die raad;

(g) die wegruiming en wegmaak van nagvuilis, slopwater en ander vuilis, en die voorkoming, wegruiming en vermindering van hindernisse wat aanleiding kan gee tot benadeling van die gesondheid, verstoring van die gerief of inbreuk op die regte van diegene wat op die nedersetting woon;

(h) die uitlê, bou en oprig van woonhuise, buitegeboue, gemakshuise, skure, hutte en ander geboue, en die afbreek van woonhuise en geboue wat ongesond, onrein of gevaarlik vir mense is;

(i) die aanlê van brê oor vore waar nodig;

(j) die beheer en instandhou van ponte en bote wat die nedersetting bedien;

(k) die voorkoming van die besoedeling van water waarop eienare 'n gemeenskaplike reg het;

- (l) the quarrying and removal of stone, and the digging and removal of sand and earth, and the fees payable in connection therewith;
- (m) the prohibition of the keeping of dangerous or undesirable animals;
- (n) the disposal of the carcasses of animals;
- (o) subject to any law relating to pounds, the impounding of animals trespassing on land belonging to the board;
- (p) the branding and marking of stock;
- (q) the eradication of noxious weeds and the destruction of vermin;
- (r) penalties, not exceeding a fine of twenty pounds, for contravention of or failure to comply with the rules or any permit or order issued thereunder; and
- (s) any other matter in regard to which, in the opinion of the Minister, it is necessary or desirable that the board should be permitted to make rules.

(2) The rules made under this section shall be subject to the approval of the Minister.

Regulations by
Minister.

17. The Minister may make regulations as to all or any of the following matters—

- (a) the election of members of the board and voting by proxy at any such election;
- (b) the circumstances in which members of the board shall vacate their seats, and the filling of vacancies;
- (c) the convening of meetings of the board, the proceedings thereat, and the records to be kept of such proceedings;
- (d) the convening of meetings of owners under sub-section (2) of section *ten*, the quorum necessary for such meetings, the conduct of such meetings and the voting thereat;
- (e) the procedure governing the making of rules by the board under section *sixteen*;
- (f) the procedure governing the levying and recovery of rates imposed by the board under section *thirteen* and the incidence of such rates;
- (g) the method by which and the form in which the board shall keep its accounts;
- (h) the circumstances in which the board shall be required to convene a meeting of owners for the discussion of matters affecting the settlement, and the quorum necessary for and the conduct of any such meeting; and
- (i) the rendering by the board of statements of its accounts and reports of its proceedings.

Short title.

18. This Act shall be known as the Cannon Island Settlement Management Act, 1939.

- (l) die uitbreek en verwydering van klip en die grawe en verwydering van sand en grond, en die gelde in verband daarmee betaalbaar;
 - (m) verbod van die aanhou van gevaarlike of ongewenste diere;
 - (n) die wegmaak van die dooie liggame van diere;
 - (o) behoudens enige wetsbepalings betreffende die skut van diere, die skut van oortredende diere wat op grond in besit van die raad loop;
 - (p) die brandmerk en die merk van vee;
 - (q) die uitroeiing van skadelike onkruid en die vernietiging van skadelike diere;
 - (r) strawwe nie te bowegaande 'n boete van twintig pond nie vir oortreding van of versuim om te voldoen aan die reglemente, of aan 'n uit kragte daarvan uitgereikte permit of uitgevaardigde bevel; en
 - (s) alle andere aangeleenthede waaromtrent na oordeel van die Minister dit nodig of wenslik is dat die raad veroorloof moet word om reglemente uit te vaardig.
- (2) Die kragtens hierdie artikel uitgevaardigde reglemente is onderworpe aan die goedkeuring van die Minister.

17. Die Minister kan regulasies uitvaardig omtrent een of meer van die volgende aangeleenthede—

Minister kan regulasies uitvaardig.

- (a) die verkiesing van lede van die raad en stemming by volmag by so 'n verkiesing;
- (b) die omstandighede waarin die setels van lede van die raad oopval en die aanvulling van vakatures;
- (c) die byeenroep van vergaderings van die raad, die verrigtings by sodanige vergaderings en die notule wat van sodanige verrigtings gehou moet word;
- (d) die byeenroep van vergaderings van eienare ingevolge sub-artikel (2) van artikel *tien*, hoeveel eienare 'n kworum van so 'n vergadering uitmaak, die reëling van sulke vergaderings, en die wyse van stemming daarop;
- (e) die prosedure vir die uitvaardiging van reglemente deur die raad kragtens artikel *sestien*;
- (f) die prosedure vir die heffing en invordering van belastingen deur die raad kragtens artikel *dertien* opgelê en die verdeling van sulke belastingen;
- (g) die wyse waarop en die vorm waarin die raad sy rekenings moet hou;
- (h) die omstandighede waarin die raad verplig is om 'n vergadering van eienare byeen te roep vir die bespreking van sake wat die nedersetting raak, hoeveel eienare 'n kworum uitmaak en die reëling van sulke vergaderings; en
- (i) die verstrekking deur die raad van rekeningstate en verslae van sy verrigtings.

18. Hierdie Wet heet die Kanoneiland-nedersettingsbestuurs- Kort titel. wet, 1939.

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A.C.W.	☒
J.B.	☒
J.E.L.	☒
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