



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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[No. 2332.]

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 521. 28 Maart 1969.

No. 521. 28th March, 1969.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 31 van 1969: Wysigingswet op die Landbank, 1969.

No. 31 of 1969: Land Bank Amendment Act, 1969.

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LAND BANK AMENDMENT ACT, 1969.

ACT

To provide for the transfer of the assets, rights, liabilities and obligations of the Land and Agricultural Bank of South-West Africa to the Land and Agricultural Bank of South Africa; to apply the Land Bank Act, 1944, to the territory of South-West Africa and for that purpose to amend the said Act; and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 21st March, 1969.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “bank of the territory” means the Land and Agricultural Bank of South-West Africa referred to in the Land Bank Proclamation, 1935 (Proclamation No. 22 of 1935 of the territory of South-West Africa); (i)
 - (ii) “principal Act” means the Land Bank Act, 1944 (Act No. 13 of 1944); (iv)
 - (iii) “principal bank” means the Land and Agricultural Bank of South Africa referred to in the principal Act; (iii)
 - (iv) “repealed laws” means the laws repealed by this Act. (ii)

Abolition of the bank of the territory and transfer of its assets, rights, liabilities and obligations to the principal bank.

2. (1) The bank of the territory is hereby abolished and all its assets, rights, liabilities and obligations shall devolve on the principal bank without formal transfer and without payment of any taxes, duties, fees or other charges.

(2) Subject to the provisions of this Act, the said rights, liabilities and obligations shall continue to exist and the provisions of the repealed laws shall, in so far as they relate to such rights, liabilities or obligations, remain in force as if such laws had not been repealed.

(3) Any application for an advance made under the repealed laws, which has not been disposed of at the commencement of this Act, shall be disposed of as if it had been made under the principal Act.

(4) Notwithstanding anything to the contrary contained in the repealed laws or in any mortgage bond in favour of the bank of the territory, the provisions of sections 55 and 56 of the principal Act shall *mutatis mutandis* apply in respect of advances made or approved by or on behalf of the bank of the territory.

(5) The powers conferred by sections 52, 53 and 54 of the principal Act may be exercised in respect of advances made or approved under the repealed laws as if such advances had been made or approved under the principal Act.

(6) (a) Notwithstanding anything in this Act contained any scheme administered in terms of section 51*bis* of the Land Bank Proclamation, 1935 (Proclamation No. 22

WET

Om voorsiening te maak vir die oordrag van die bates, regte, laste en verpligtinge van die Land- en Landboubank van Suidwes-Afrika aan die Land- en Landboubank van Suid-Afrika; om die Landbankwet, 1944, op die gebied Suidwes-Afrika toe te pas en om vir daardie doel bedoelde Wet te wysig; en om voorsiening te maak vir ander aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Maart 1969.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woord-
beteken— omskrywing.

- (i) „gebiedsbank” die Land- en Landboubank van Suidwes-Afrika bedoel in die Landbank Proklamasie, 1935 (Proklamasie No. 22 van 1935 van die gebied Suidwes-Afrika); (i)
- (ii) „herroepe wette” die wette wat deur hierdie Wet herroep word; (iv)
- (iii) „hoofbank” die in die Hoofwet bedoelde Land- en Landboubank van Suid-Afrika; (iii)
- (iv) „Hoofwet” die Landbankwet, 1944 (Wet No. 13 van 1944). (ii)

2. (1) Die gebiedsbank word hierby afgeskaf en al sy bates, regte, laste en verpligtinge gaan oor op die hoofbank sonder formele oordrag en sonder betaling van enige belastinge, regte, gelde of ander koste. Afskaffing van die gebiedsbank en oordrag van sy bates, regte, laste en verpligtinge aan die hoofbank.

(2) Behoudens die bepalinge van hierdie Wet, bly bedoelde regte, laste en verpligtinge voortbestaan en bly die bepalinge van die herroepe wette vir sover hulle op bedoelde regte, laste of verpligtinge betrekking het, van krag asof daardie wette nie herroep is nie.

(3) 'n Aansoek om 'n voorskot ingevolge die herroepe wette gedoen en wat by die inwerkingtreding van hierdie Wet nog nie afgehandel is nie, word afgehandel asof dit ingevolge die Hoofwet gedoen is.

(4) Ondanks andersluidende bepalinge van die herroepe wette of van 'n verbandakte ten gunste van die gebiedsbank, is die bepalinge van artikels 55 en 56 van die Hoofwet *mutatis mutandis* van toepassing ten opsigte van voorskotte wat deur of namens die gebiedsbank verstrekk of goedgekeur is.

(5) Die bevoegdhede verleen by artikels 52, 53 en 54 van die Hoofwet kan ten opsigte van voorskotte wat ingevolge die herroepe wette verstrekk of goedgekeur is, uitgeoefen word asof bedoelde voorskotte ingevolge die Hoofwet verstrekk of goedgekeur is.

(6) (a) Ondanks die bepalinge van hierdie Wet word, behoudens die bepalinge van paragraaf (b), die administrasie van 'n skema wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge artikel 51bis

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of 1935 of the territory of South-West Africa), immediately prior to the commencement of this Act, shall, subject to the provisions of paragraph (b), continue to be administered as if this Act had not been enacted.

- (b) For the purposes of continuing the administration of any scheme in terms of paragraph (a), any reference in sections 51 and 51bis of the said Proclamation—
 - (i) to the "Administrator" shall be construed as a reference to the Minister of Agriculture;
 - (ii) to the "Bank" or the "Board" or the "manager" shall be construed as a reference to the Secretary for Agricultural Credit and Land Tenure.
- (c) All moneys received by the Secretary for Agricultural Credit and Land Tenure in the continued administration of any scheme in terms of paragraph (a), shall be paid into the Consolidated Revenue Fund to the credit of the South-West Africa Account.

Interpretation of references to the bank of the territory in laws, documents or registers.

3. Unless it would in any particular case obviously be inappropriate, having regard to the objects of this Act, any reference in any law (including a law as defined in The Interpretation of Laws Proclamation, 1920 (Proclamation No. 37 of 1920 of the territory of South-West Africa) and the repealed laws), or in any document or register, to the bank of the territory or to an officer of or any person or body attached to that bank, shall be construed as a reference to the principal bank or to an officer of or a person or body attached to the principal bank performing functions or exercising powers similar to those of the first-mentioned officer, person or body, as the case may be.

Transfer of staff of bank of the territory to principal bank.

4. Any person who is the manager or an officer or a clerk of the bank of the territory shall be deemed to have been appointed under section 14 (1) of the principal Act on such terms and conditions and with the retention of such rights and privileges as may have been applicable to such person as an employee of the bank of the territory, except as may otherwise be determined by the board of the principal bank: Provided that the terms and conditions of service (including rights and privileges) of any such person, so determined, shall not be less favourable than those which may so have been applicable to him.

Amendment of section 2 of Act 13 of 1944, as amended by section 1 of Act 42 of 1951, section 1 of Act 13 of 1953, section 1 of Act 60 of 1957 and section 1 of Act 47 of 1959.

5. Section 2 (1) of the principal Act is hereby amended—
- (a) by the addition to the definition of "co-operative company" or "company" of the expression "or the Co-operative Societies Ordinance, 1946 (Ordinance No. 15 of 1946 of the territory)";
 - (b) by the addition to the definition of "registrar" of the expression "or section 3 of the Co-operative Societies Ordinance, 1946 (Ordinance No. 15 of 1946 of the territory)";
 - (c) by the insertion after the definition of "registrar" of the following definition:

"'Republic' includes the territory;";
 - (d) by the insertion after the definition of "staff" of the following definition:

"'territory' means the territory of South-West Africa;".

Amendment of section 3 of Act 13 of 1944.

6. Section 3 (2) of the principal Act is hereby amended by the deletion of the expression "the Currency and Banking Act, 1920 (Act No. 31 of 1920), or".

Amendment of section 4 of Act 13 of 1944, as

7. Section 4 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:

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van die Landbank Proklamasie, 1935 (Proklamasie No. 22 van 1935 van die gebied Suidwes-Afrika), geadministreer is, voortgesit asof hierdie Wet nie verorden was nie.

- (b) Vir die doeleindes van die voortsetting van die administrasie van 'n skema ingevolge paragraaf (a), word 'n verwysing in artikels 51 en 51*bis* van bedoelde Proklamasie—

(i) na die „Administrateur” uitgelê as 'n verwysing na die Minister van Landbou;

(ii) na die „Bank” of die „Raad” of die „bestuurder” uitgelê as 'n verwysing na die Sekretaris van Landboukrediet en Grondbesit.

- (c) Alle gelde deur die Sekretaris van Landboukrediet en Grondbesit ontvang by die voortgesette administrasie van 'n skema ingevolge paragraaf (a), word in die Gekonsolideerde Inkomstefonds gestort in die krediet van die Suidwes-Afrikarekening.

3. Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, met inagneming van die oogmerke van hierdie Wet, word 'n verwysing in 'n wet (met inbegrip van 'n wet soos in „De Wetsuitlegging Proklamatie, 1920” (Proklamasie No. 37 van 1920, van die gebied Suidwes-Afrika) omskryf en die herroepe wette), of in 'n dokument of register, na die gebiedsbank of na 'n beampte van of 'n persoon of liggaam verbonde aan daardie bank, uitgelê as 'n verwysing na die hoofbank of 'n beampte van of 'n persoon of liggaam verbonde aan die hoofbank, wat soortgelyke werksaamhede verrig of bevoegdhede uitoefen as dié van eersbedoelde beampte, persoon of liggaam, na gelang van die geval.

Uitleg van verwysings na die gebiedsbank in wette, dokumente en registers.

4. 'n Persoon wat die bestuurder of 'n amptenaar of klerk van die gebiedsbank is, word geag kragtens artikel 14 (1) van die Hoofwet aangestel te wees op die bedinge en voorwaardes en met behoud van die regte en voorregte wat op daardie persoon as 'n werknemer van die gebiedsbank van toepassing was, behalwe soos anders deur die raad van die hoofbank bepaal word: Met dien verstande dat die aldus bepaalde bedinge en voorwaardes (met inbegrip van regte en voorregte) met betrekking tot die diens van so 'n persoon, nie minder gunstig mag wees as dié wat aldus op hom van toepassing was nie.

Oorplasing van personeel van gebiedsbank na hoofbank.

5. Artikel 2 (1) van die Hoofwet word hierby gewysig—

- (a) deur in die omskrywing van „koöperatiewe maatskappy” of „maatskappy” na die uitdrukking „(Wet No. 29 van 1939)” die uitdrukking „of die Ordonnansie op Koöperatiewe Verenigings, 1946 (Ordonnansie No. 15 van 1946 van die gebied)” in te voeg;

- (b) deur in die omskrywing van „registrateur” na die uitdrukking „(Wet No. 29 van 1939)” die uitdrukking „of artikel 3 van die Ordonnansie op Koöperatiewe Verenigings, 1946 (Ordonnansie No. 15 van 1946 van die gebied)” in te voeg;

- (c) deur na die omskrywing van „registrateur” die volgende omskrywing in te voeg:
„Republiek’ ook die gebied;”;

- (d) deur na die omskrywing van „personeel” die volgende omskrywing in te voeg:
„gebied’ die gebied Suidwes-Afrika;”.

Wysiging van artikel 2 van Wet 13 van 1944, soos gewysig deur artikel 1 van Wet 42 van 1951, artikel 1 van Wet 13 van 1953, artikel 1 van Wet 60 van 1957 en artikel 1 van Wet 47 van 1959.

6. Artikel 3 (2) van die Hoofwet word hierby gewysig deur die uitdrukking „die Betaalmiddels en Bankwet, 1920” (Wet No. 31 van 1920), of” te skrap.

Wysiging van artikel 3 van Wet 13 van 1944.

7. Artikel 4 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 4 van Wet 13 van 1944,

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amended by
section 2 of Act 42
of 1951 and
section 1 of
Act 46 of 1965.

“(1) The operations of the bank shall be controlled by a board consisting of a chairman (who shall be the managing director appointed under section 4*bis* (1) or a general manager appointed under section 13 (1) who serves as acting managing director) and not less than six or more than eight other members to be appointed by the State President.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) No person who is a member of the Senate, the House of Assembly, a Provincial Council or the Legislative Assembly of the territory, or a director of any other banking or money-lending institution, shall be eligible for appointment as a member of the board.”.

Amendment of
section 5 of Act 13
of 1944.

8. Section 5 (2) (a) of the principal Act is hereby amended by the substitution for the expression “subsection (1) of section *ten* of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935)” of the expression “section 22 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), or section 10 (1) of the Farmers' Assistance Ordinance, 1962 (Ordinance No. 11 of 1962 of the territory)”.

Amendment of
section 15 of
Act 13 of 1944,
as amended by
section 5 of
Act 42 of 1951,
section 6 of Act 13
of 1953, section 1
of Act 31 of 1954
and section 3 of
Act 60 of 1957.

9. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The board may out of the funds of the bank pay such allowances as it may deem fit, to a pensioner of a pension fund established under any regulation made under section 69, or to a seconded or retired public servant who occupies or who has retired from a post in the bank, or to a former member of the Land Bank Provident Fund of South-West Africa who has retired from a post in the bank, or to the wife, widow, child, or such other dependant as the board may determine, of such a pensioner, or such a seconded or retired public servant, or such a former member, as the case may be.”.

Amendment of
section 19 of
Act 13 of 1944.

10. Section 19 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections:

“(1) The funds of the bank shall consist of—

- (a) the capital vested in the bank at the commencement of this Act;
- (b) funds raised by the board under the provisions of section 20;
- (c) the capital amounts paid to the bank under the provisions of section 46 (6);
- (d) such moneys as Parliament may from time to time by appropriation authorize the Minister to pay to the bank as part of its funds; and
- (e) the capital of the former Land and Agricultural Bank of South-West Africa.

(2) The bank shall pay to the Minister interest upon the moneys which under paragraphs (a), (c), (d) and (e) of subsection (1) form part of its funds: Provided that in respect of the moneys referred to in subsection (1) (e) interest shall be paid only on that portion consisting of loans from the Administration of the territory.”.

Amendment of
section 25 of
Act 13 of 1944,
as amended by
section 8 of
Act 47 of 1959.

11. Section 25 of the principal Act is hereby amended by the substitution for subparagraph (i) of paragraph (b) of the following subparagraph:

“(i) a mortgage or charge created under the Land Bank Act, 1912, or any amendment thereof, or under this

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„(1) Die werksaamhede van die bank word beheer deur 'n raad bestaande uit 'n voorsitter (wat die kragtens artikel 4*bis* (1) aangestelde besturende direkteur is of 'n kragtens artikel 13 (1) aangestelde hoofbestuurder is wat as waarnemende besturende direkteur dien) en minstens ses maar hoogstens agt, ander lede wat deur die Staatspresident aangestel word.”;

soos gewysig deur artikel 2 van Wet 42 van 1951 en artikel 1 van Wet 46 van 1965.

(b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Niemand wat lid is van die Senaat, die Volksraad, 'n Provinsiale Raad of die Wetgewende Vergadering van die gebied, of direkteur is van 'n ander bank of geldlenende inrigting, is bevoeg om as lid van die raad aangestel te word nie.”.

8. Artikel 5 (2) (a) van die Hoofwet word hierby gewysig deur die uitdrukking „sub-artikel (1) van artikel *tien* van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935)” deur die uitdrukking „artikel 22 (1) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), of artikel 10 (1) van die Boere-bystandsordonnansie, 1962 (Ordonnansie No. 11 van 1962 van die gebied)” te vervang.

Wysiging van artikel 5 van Wet 13 van 1944.

9. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die raad kan uit die fondse van die bank die toelaes wat hy goedvind betaal aan 'n pensioentrekker van 'n pensioenfonds wat ingestel is kragtens 'n regulasie wat uit hoofde van artikel 69 uitgevaardig is, of aan 'n gesekondeerde of afgetrede staatsamptenaar wat 'n betrekking in die bank beklee of daaruit afgetree het, of aan 'n voormalige lid van die Landbankvoorsieningsfonds van Suidwes-Afrika wat uit 'n betrekking in die bank afgetree het, of aan die vrou, weduwee, kind, of so 'n ander afhanklike as wat die raad mag bepaal, van so 'n pensioentrekker, of so 'n gesekondeerde of afgetrede staatsamptenaar, of so 'n voormalige lid, na gelang van die geval.”.

Wysiging van artikel 15 van Wet 13 van 1944, soos gewysig deur artikel 5 van Wet 42 van 1951, artikel 6 van Wet 13 van 1953, artikel 1 van Wet 31 van 1954 en artikel 3 van Wet 60 van 1957.

10. Artikel 19 van die Hoofwet word hierby gewysig deur subartikels (1) en (2) deur die volgende subartikels te vervang:

Wysiging van artikel 19 van Wet 13 van 1944.

„(1) Die fondse van die bank bestaan uit—

- (a) die kapitaal wat ten tyde van die inwerkingtreding van hierdie Wet aan die bank behoort;
- (b) gelde wat ingevolge die bepalings van artikel 20 deur die raad opgeneem word;
- (c) die kapitaalbedrae wat ingevolge die bepalings van artikel 46 (6) aan die bank betaal word;
- (d) die gelde wat die Minister van tyd tot tyd deur be-willing van die Parlement gemagtig mag word om aan die bank as deel van sy fondse te betaal; en
- (e) die kapitaal van die voormalige Land- en Landbou-bank van Suidwes-Afrika.

(2) Die bank moet aan die Minister rente betaal op die gelde wat volgens paragrafe (a), (c), (d) en (e) van subartikel (1) deel van sy fondse uitmaak: Met dien verstande dat ten opsigte van die in subartikel (1) (e) bedoelde gelde, rente betaal word slegs op daardie deel wat uit lenings van die Administrasie van die gebied be-staan.”.

11. Artikel 25 van die Hoofwet word hierby gewysig deur subparagraaf (i) van paragraaf (b) deur die volgende sub-paragraaf te vervang:

Wysiging van artikel 25 van Wet 13 van 1944, soos gewysig deur artikel 8 van Wet 47 van 1959.

„(i) 'n verband of las wat kragtens die Landbank Wet, 1912, of 'n wysiging daarvan, of kragtens hierdie

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Act or under any law repealed by the Land Bank Amendment Act, 1969; or”.

Amendment of section 28 of Act 13 of 1944, as substituted by section 3 of Act 5 of 1968.

12. Section 28 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection:

“(1A) Advances for fencing may be made in the territory in cases where such advances could have been made by the former Land and Agricultural Bank of South-West Africa if the Land Bank Amendment Act, 1969, had not been enacted.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The provisions of section 27, except those contained in subsection (2) thereof, shall *mutatis mutandis* apply to advances under this section.”.

Amendment of section 34bis of Act 13 of 1944, as inserted by section 16 of Act 47 of 1959 and amended by section 3 of Act 35 of 1961, section 9 of Act 46 of 1965 and section 10 of Act 5 of 1968.

13. Section 34bis of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (8) of the following paragraph:

- “(a) If the estate of a person to whom an advance has been made under this section is sequestrated or assigned, or if a compromise is effected with his creditors in terms of section 24 of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), or section 12 of the Farmers' Assistance Ordinance, 1962 (Ordinance No. 11 of 1962 of the territory), or his assets are being dealt with in terms of section 28 of that Act or section 16 of that Ordinance, the hypothecated property shall not vest in the Master of the Supreme Court concerned or the trustee or the assignee or the liquidator, as the case may be, unless the board notifies such Master or trustee or assignee or liquidator as provided in paragraph (e).”.

Amendment of section 55 of Act 13 of 1944, as amended by section 11 of Act 46 of 1965 and section 11 of Act 5 of 1968.

14. Section 55 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) the security for the advance be declared executable by order of a competent court or be attached in pursuance of a judgment of any such court or under section 22ter of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), or section 37 of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), or section 20D of the Farmers' Assistance Ordinance, 1962 (Ordinance No. 11 of 1962 of the territory), or becomes the subject of a direction under subsection (2) of the said section 22ter or subsection (1) of the said section 37; or”;

- (b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) the debtor being deceased, his estate is about to be dealt with under the provisions of section 48 (3) of the Administration of Estates Act, 1913 (Act No. 24 of 1913), or that section as applied to the territory or section 34 (2) or (5) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), or has been sequestrated as insolvent; or”;

- (c) by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) a notice has been published with reference to the debtor under section 22 of the Agricultural Credit Act, 1966, or section 10 of the Farmers'

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Wet of kragtens 'n deur die Wysigingswet op die Landbank, 1969, herroepe wet gevestig is; of”.

12. Artikel 28 van die Hoofwet word hierby gewysig—

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

„(1A) Voorskotte vir omheining kan in die gebied verstrek word in gevalle waar sodanige voorskotte deur die voormalige Land- en Landboubank van Suidwes-Afrika verstrek sou kon word indien die Wysigingswet op die Landbank, 1969, nie verorden was nie.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bepalings van artikel 27 behalwe dié in subartikel (2) daarvan vervat, is *mutatis mutandis* op voorskotte kragtens hierdie artikel van toepassing.”.

Wysiging van artikel 28 van Wet 13 van 1944, soos vervang deur artikel 3 van Wet 5 van 1968.

13. Artikel 34*bis* van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (8) deur die volgende paragraaf te vervang:

- „(a) Indien die boedel van iemand aan wie 'n voorskot kragtens hierdie artikel verstrek is, gesekwestreer of afgestaan word, of indien met sy skuldeisers 'n skikking ingevolge artikel 24 van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), of artikel 12 van die Boerebystandsordonnansie, 1962 (Ordonnansie No. 11 van 1962 van die gebied), getref word of met sy bates ingevolge artikel 28 van daardie Wet of artikel 16 van daardie Ordonnansie gehandel word, gaan die goed wat verhipotekeer is nie oor op die betrokke Meester van die Hooggeregshof of die kurator of die boedelredder of die beredderaar, na gelang van die geval, nie, tensy die raad dié Meester of kurator of boedelredder of beredderaar volgens voorskrif van paragraaf (e) in kennis stel.”.

Wysiging van artikel 34*bis* van Wet 13 van 1944, soos ingevoeg deur artikel 16 van Wet 47 van 1959 en gewysig deur artikel 3 van Wet 35 van 1961, artikel 9 van Wet 46 van 1965 en artikel 10 van Wet 5 van 1968.

14. Artikel 55 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:

„(d) die sekuriteit vir die voorskot by bevel van 'n bevoegde hof eksekutabel verklaar word of ingevolge 'n bevel van so 'n hof of kragtens artikel 22*ter* van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), of artikel 37 van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), of artikel 20D van die Boerebystandsordonnansie, 1962 (Ordonnansie No. 11 van 1962 van die gebied), in beslag geneem word of die onderwerp word van 'n opdrag kragtens subartikel (2) van genoemde artikel 22*ter* of subartikel (1) van genoemde artikel 37; of”;

- (b) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

„(e) die skuldenaar oorlede is en sy boedel ingevolge die bepalings van artikel 48 (3) van die Boedelwet, 1913 (Wet No. 24 van 1913), of daardie artikel soos toegepas op die gebied of artikel 34 (2) of (5) van die Boedelwet, 1965 (Wet No. 66 van 1965), mee gehandel staan te word, of as insolvent gesekwestreer is; of”;

- (c) deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

„(f) 'n kennisgewing ingevolge artikel 22 van die Wet op Landboukrediet, 1966, of artikel 10 van die Boerebystandsordonnansie, 1962, van die gebied,

Wysiging van artikel 55 van Wet 13 van 1944, soos gewysig deur artikel 11 van Wet 46 van 1965 en artikel 11 van Wet 5 van 1968.

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Assistance Ordinance, 1962, of the territory; or”;

- (d) by the substitution for paragraph (ii) of the proviso to subsection (2) (b) of the following paragraph:

“(ii) in the circumstances mentioned in subsection (1) (c), (d), (e) or (f) the board may so attach and sell the whole or any part of such security as soon after the debtor's estate has been finally sequestrated or assigned, or the debtor has been sentenced, or the property has been declared executable or attached or become the subject of a direction under section 22*ter* of the Farmers' Assistance Act, 1935, or section 37 (1) of the Agricultural Credit Act, 1966, or the debtor's estate is being dealt with under the provisions of section 48 (3) of the Administration of Estates Act, 1913, or that section as applied to the territory or section 34 (2) or (5) of the Administration of Estates Act, 1965, or a notice has been published with reference to the debtor under section 22 of the Agricultural Credit Act, 1966, or section 10 of the Farmers' Assistance Ordinance, 1962, of the territory, as the board may deem expedient;”;

- (e) by the substitution for subsection (3) of the following subsection:

“(3) No property mortgaged to the bank shall be sold in execution by a messenger of the court, or a sheriff, or the trustee of an insolvent estate, or the assignee of an assigned estate, or the executor dealing with the estate of a deceased person under the provisions of section 48 (3) of the Administration of Estates Act, 1913, or that section as applied to the territory or section 34 (2) or (5) of the Administration of Estates Act, 1965, or a liquidator or trustee elected or appointed under section 27 or 28 of the Agricultural Credit Act, 1966, or section 15 or 16 of the Farmers' Assistance Ordinance, 1962, of the territory, unless the bank agrees in writing to such sale or has failed to sell such mortgaged property within six months after receipt of a notice from that messenger, sheriff, trustee of the insolvent estate, assignee, executor or liquidator, or the trustee so appointed, as the case may be, to the effect that the property mortgaged has been attached, or that the estate of the debtor has been finally sequestrated or assigned or is being dealt with under the aforesaid provisions of the Administration of Estates Act, 1913, or that Act as applied to the territory, or the Administration of Estates Act, 1965, or that a notice with reference to the debtor has been published under section 22 of the Agricultural Credit Act, 1966, or section 10 of the Farmers' Assistance Ordinance, 1962, of the territory.”.

Amendment of section 56 of Act 13 of 1944, as amended by section 25 of Act 47 of 1959, section 5 of Act 35 of 1961 and section 12 of Act 5 of 1968.

15. Section 56 of the principal Act is hereby amended by the substitution for paragraph (bA) of the following paragraph:

“(bA) if any assets of the debtor are in terms of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), or the Farmers' Assistance Ordinance, 1962 (Ordinance No. 11 of 1962 of the territory), vested in a liquidator or trustee elected or appointed under section 27 or 28 of that Act or section 15 or 16 of that Ordinance, to such liquidator or trustee, as the case may be;”.

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met betrekking tot die skuldenaar gepubliseer is; of”;

- (d) deur paragraaf (ii) van die voorbehoudsbepaling by subartikel (2) (b) deur die volgende paragraaf te vervang:

„(ii) onder die omstandighede in subartikel (1) (c), (d), (e) of (f) genoem, die raad bedoelde sekuriteit of ’n deel daarvan aldus in beslag kan neem en verkoop sodra hy dit raadsaam ag nadat die boedel van die skuldenaar finaal gesekwestreer of afgestaan is, of die skuldenaar gevonnissen is, of die eiendom eksekutabel verklaar of in beslag geneem is, of die onderwerp van ’n opdrag kragtens artikel 22ter (2) van die Boere-Bystandswet, 1935 of artikel 37 (1) van die Wet op Landboukrediet, 1966, geword het, of die boedel van die skuldenaar ingevolge die bepalings van artikel 48 (3) van die Boedelwet, 1913, of daardie artikel soos toegepas op die gebied, of artikel 34 (2) of (5) van die Boedelwet, 1965, mee gehandel word of ’n kennisgewing ingevolge artikel 22 van die Wet op Landboukrediet, 1966, of artikel 10 van die Boerebystandsordonnansie, 1962, van die gebied, met betrekking tot die skuldenaar gepubliseer is;”;

- (e) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Geen eiendom wat aan die bank verhipotekeer is, kan deur ’n geregsbode of ’n balju, of die kurator van ’n insolvente boedel, of die boedelredder van ’n afgestane boedel, of die eksekuteur wat met die boedel van ’n oorlede persoon handel ingevolge die bepalings van artikel 48 (3) van die Boedelwet, 1913, of daardie artikel soos toegepas op die gebied of artikel 34 (2) of (5) van die Boedelwet, 1965, of ’n beredderaar of kurator wat kragtens artikel 27 of 28 van die Wet op Landboukrediet, 1966, of artikel 15 of 16 van die Boerebystandsordonnansie, 1962, van die gebied, gekies of aangestel is, in eksekusie verkoop word nie, tensy die bank skriftelik tot die verkoping toestem of versuim het om daardie verhipotekeerde eiendom te verkoop binne ses maande na ontvangs van ’n kennisgewing van daardie bode, balju, kurator van die insolvente boedel, boedelredder, eksekuteur, beredderaar of aldus aangestelde kurator, na gelang van die geval, ten effekte dat op die verhipotekeerde eiendom beslag gelê is, of dat die boedel van die skuldenaar finaal gesekwestreer of afgestaan is of ingevolge gemelde bepalings van die Boedelwet, 1913, of daardie Wet soos toegepas op die gebied, of die Boedelwet, 1965, mee gehandel word, of dat ’n kennisgewing ingevolge artikel 22 van die Wet op Landboukrediet, 1966, of artikel 10 van die Boerebystandsordonnansie, 1962, van die gebied, met betrekking tot die skuldenaar gepubliseer is.”.

15. Artikel 56 van die Hoofwet word hierby gewysig deur paragraaf (bA) deur die volgende paragraaf te vervang:

„(bA) as enige bates van die skuldenaar ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), of die Boerebystandsordonnansie, 1962 (Ordonnansie No. 11 van 1962 van die gebied), oorgaan op ’n beredderaar of kurator wat kragtens artikel 27 of 28 van daardie Wet of artikel 15 of 16 van daardie Ordonnansie verkies of aangestel is, aan daardie beredderaar of kurator, na gelang van die geval;”.

Wysiging van artikel 56 van Wet 13 van 1944, soos gewysig deur artikel 25 van Wet 47 van 1959, artikel 5 van Wet 35 van 1961 en artikel 12 van Wet 5 van 1968.

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Amendment of section 65 of Act 13 of 1944, as amended by section 9 of Act 13 of 1953 and section 12 of Act 46 of 1965.

16. Section 65 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:
“(1A) The statement of account aforesaid shall show separately the assets and liabilities of the bank in the territory and the profit and loss account in respect of its business in the territory.”.

Amendment of section 67 of Act 13 of 1944.

17. Section 67 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) (a) The reserve fund of the bank shall be credited—
(i) with any nett profit earned by the bank from time to time;
(ii) with all moneys credited to the reserve fund of the Land and Agricultural Bank of South-West Africa at the commencement of the Land Bank Amendment Act, 1969,
and shall be applied by the board in making good any loss or deficiency which may occur in any transaction of the bank.
(b) There shall be an account of the reserve fund of the bank, to be known as the South-West Africa Reserve Fund Account, which shall be credited with any nett profit earned by the bank from time to time from its business in the territory and the moneys referred to in paragraph (a) (ii).”.

Insertion of section 74A in Act 13 of 1944.

18. The following section is hereby inserted in the principal Act after section 74:

“Application 74A. This Act shall apply also in the territory.”.
of Act to
South-West
Africa.

Amendment of Fourth Schedule to Act 13 of 1944.

19. The Fourth Schedule to the principal Act is hereby amended by the insertion in item 4 (a) after the expression “(Act No. 47 of 1937)” of the expression “or section 3 (i) of the Deeds Registry Proclamation, 1939 (Proclamation No. 37 of 1939 of the territory)”.

Substitution in Act 13 of 1944 for the words “Governor-General” and “Union” of the words “State President” and “Republic”, respectively.

20. The principal Act is hereby amended—

- (a) by the substitution for the word “Governor-General”, wherever it occurs, of the words “State President”; and
(b) by the substitution for the word “Union”, wherever it occurs, of the word “Republic”.

Repeal of laws.

21. Subject to the provisions of this Act the laws of the territory of South-West Africa specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

Short title and commencement.

22. This Act shall be called the Land Bank Amendment Act, 1969, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

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16. Artikel 65 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:
 „(1A) Die voormelde staat moet die bates en laste van die bank in die gebied en die wins- en verliesrekening ten opsigte van sy besigheid in die gebied afsonderlik vermeld.”.
- Wysiging van artikel 65 van Wet 13 van 1944, soos gewysig deur artikel 9 van Wet 13 van 1953 en artikel 12 van Wet 46 van 1965.
17. Artikel 67 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
 „(1) (a) Die reserwefonds van die bank word gekrediteer—
 (i) met netto-winste van tyd tot tyd deur die bank gemaak;
 (ii) met alle gelde waarmee die reserwefonds van die Land- en Landboubank van Suidwes-Afrika by die inwerkingtreding van die Wysigingswet op die Landbank, 1969, gekrediteer is,
 en word deur die raad aangewend om enige verlies of tekort wat uit transaksies van die bank ontstaan aan te suiwer.
 (b) Daar is 'n rekening van die reserwefonds van die bank, bekend as die Suidwes-Afrika-reserwefondsrekening, wat gekrediteer word met netto-winste deur die bank van tyd tot tyd gemaak uit sy besigheid in die gebied en die in paragraaf (a) (ii) bedoelde gelde.”.
- Wysiging van artikel 67 van Wet 13 van 1944.
18. Die volgende artikel word hierby in die Hoofwet na artikel 74 ingevoeg:
 „Toepassing 74A. Hierdie Wet is ook in die gebied van toepassing van Wet op Suidwes-Afrika.”.
- Invoeging van artikel 74A in Wet 13 van 1944.
19. Die Vierde Bylae by die Hoofwet word hierby gewysig deur in item 4 (a) na die uitdrukking „(Wet No. 47 van 1937)” die uitdrukking „of artikel 3 (i) van die Registrasie van Aktes Proklamasie 1939 (Proklamasie No. 37 van 1939 van die gebied)” in te voeg.
- Wysiging van Vierde Bylae by Wet 13 van 1944.
20. Die Hoofwet word hierby gewysig—
 (a) deur die woord „Goewerneur-generaal” oral waar dit voorkom deur die woord „Staatspresident” te vervang; en
 (b) deur die woord „Unie” oral waar dit voorkom deur die woord „Republiek” te vervang.
- Vervanging in Wet 13 van 1944 van die woorde „Goewerneur-generaal” en „Unie” deur die woorde „Staatspresident” en „Republiek” onderskeidelik.
21. Behoudens die bepalinge van hierdie Wet word die wette van die gebied Suidwes-Afrika in die Bylae vermeld, herroep in die mate in die derde kolom daarvan uiteengesit.
- Herroeping van wette.
22. Hierdie Wet heet die Wysigingswet op die Landbank, 1969, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.
- Kort titel en inwerkingtreding.

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Schedule.

LAWS REPEALED.

No. and year of law.	Short title.	Extent of repeal.
Proclamation No. 19 of 1932	Land Bank (Consolidation of Debts) Proclamation, 1932	The whole.
Proclamation No. 22 of 1935	Land Bank Proclamation, 1935	The whole.
Proclamation No. 10 of 1937	Land Bank Amendment Proclamation, 1937	The whole.
Proclamation No. 12 of 1939	Land Bank Amendment Proclamation, 1939	The whole.
Proclamation No. 19 of 1940	Land Bank Amendment Proclamation, 1940	The whole.
Proclamation No. 39 of 1945	Land Bank Amendment Proclamation, 1945	The whole.
Proclamation No. 25 of 1949	Land Bank Amendment Proclamation, 1949	The whole.
Proclamation No. 13 of 1950	Land Bank Amendment Proclamation, 1950	The whole.
Proclamation No. 15 of 1951	Land Bank Amendment Proclamation, 1951	The whole.
Ordinance No. 30 of 1952 ..	Land Bank Amendment Ordinance, 1952 ..	The whole.
Ordinance No. 19 of 1954 ..	Land Bank Amendment Ordinance, 1954 ..	The whole.
Ordinance No. 16 of 1956 ..	Land Bank Proclamation Amendment Ordinance, 1956	The whole.
Ordinance No. 27 of 1960 ..	Land Bank Amendment Ordinance, 1960 ..	The whole.
Ordinance No. 8 of 1961 ..	Land Bank Amendment Ordinance, 1961 ..	The whole.
Ordinance No. 18 of 1963 ..	Land Bank Amendment Ordinance, 1963 ..	The whole.
Ordinance No. 17 of 1964 ..	Land Bank Amendment Ordinance, 1964 ..	The whole.
Ordinance No. 18 of 1965 ..	Land Bank Amendment Ordinance, 1965 ..	The whole.
Ordinance No. 7 of 1966 ..	Land Bank Amendment Ordinance, 1966 ..	The whole.
Ordinance No. 14 of 1966 ..	Land Bank Amendment Ordinance, 1966 ..	The whole.
Ordinance No. 39 of 1967 ..	General Law Amendment Ordinance, 1967 ..	Section 3.

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Bylae.

WETTE HERROEP.

No. en jaar van wet.	Kort titel.	In hoeverre herroep.
Proklamasie No. 19 van 1932	Landbank (Konsolidasie van Skulde) Proklamasie, 1932	Die geheel.
Proklamasie No. 22 van 1935	Landbankproklamasie, 1935	Die geheel.
Proklamasie No. 10 van 1937	Landbank Wysigingsproklamasie, 1937 ..	Die geheel.
Proklamasie No. 12 van 1939	Landbank Wysigingsproklamasie, 1939 ..	Die geheel.
Proklamasie No. 19 van 1940	Landbank Wysigingsproklamasie, 1940 ..	Die geheel.
Proklamasie No. 39 van 1945	Landbankwysigingsproklamasie, 1945 ..	Die geheel.
Proklamasie No. 25 van 1949	Landbankwysigingsproklamasie, 1949 ..	Die geheel.
Proklamasie No. 13 van 1950	Wysigingsproklamasie insake die Landbank, 1950	Die geheel.
Proklamasie No. 15 van 1951	Landbankwysigings-proklamasie, 1951 ..	Die geheel.
Ordonnansie No. 30 van 1952	Landbank-Wysigingsordonnansie, 1952 ..	Die geheel.
Ordonnansie No. 19 van 1954	Landbank-Wysigingsordonnansie, 1954 ..	Die geheel.
Ordonnansie No. 16 van 1956	Wysigingsordonnansie op die Landbank Proklamasie, 1956	Die geheel.
Ordonnansie No. 27 van 1960	Wysigingsordonnansie op die Landbank, 1960	Die geheel.
Ordonnansie No. 8 van 1961	Wysigingsordonnansie op die Landbank, 1961	Die geheel.
Ordonnansie No. 18 van 1963	Wysigingsordonnansie op die Landbank, 1963	Die geheel.
Ordonnansie No. 17 van 1964	Wysigingsordonnansie op die Landbank, 1964	Die geheel.
Ordonnansie No. 18 van 1965	Wysigingsordonnansie op die Landbank, 1965	Die geheel.
Ordonnansie No. 7 van 1966	Wysigingsordonnansie op die Landbank, 1966	Die geheel.
Ordonnansie No. 14 van 1966	Wysigingsordonnansie op die Landbank, 1966	Die geheel.
Ordonnansie No. 39 van 1967	Algemene Regswysigingsordonnansie, 1967 ..	Artikel 3.

