

# OFFICIAL GAZETTE

EXTRAORDINARY  
OF SOUTH WEST AFRICA

BUITENGEWONE

# OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



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## Government Notice

## Goewermentskennisgewing

The following Government Notice is published for general information.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. S. P. W. VAN NIEUWENHUIZEN,  
*Secretary for South West Africa.*

H. S. P. W. VAN NIEUWENHUIZEN,  
*Sekretaris van Suidwes-Afrika.*

Administrator's Office,  
Windhoek.

Kantoor van die Administrateur,  
Windhoek.

No. 244] [28 November 1973

No. 244] [28 November 1973

### ORDINANCE, 1973: PROMULGATION OF

### ORDONNANSIE, 1973: UITVAARDIGING VAN

The Administrator has been pleased to assent, in terms of section 27 of the South West Africa Constitution Act, 1968 (Act 39 of 1968) to the following Ordinance which is hereby published for general information in terms of section 29 of the said Act.

Dit behaag die Administrateur om sy goedkeuring te heg, ooreenkomstig artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika 1968 (Wet 39 van 1968) aan die volgende Ordonnansie wat hierby vir algemene inligting gepubliseer word ooreenkomstig artikel 29 van gemelde Wet:-

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No. 23 of 1973.]

## TOWN PLANNING FURTHER AMENDMENT ORDINANCE, 1973.

*(Assented to 27 November 1973.)**(Afrikaans text signed by the Administrator.)**(Date of commencement 28 November 1973.)***ORDINANCE**

To amend the Town Planning Ordinance, 1954, in regard to the prohibition of the erection of buildings; and to provide for incidental matters.

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

Substitution of section 48A of Ordinance 18 of 1954, as inserted by section 6 of Ordinance 11 of 1973.

1. The following section is hereby substituted for section 48A of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954):

"Prohibition of the erection of buildings.

*Amend. O. 10/77/2*

48A. (1) If the Executive Committee after consultation with the board is of the opinion that the steps taken or intended to be taken in connection with the erection of a building or buildings on any land, other than for *bona fide* farming operations, form or are likely to form the nucleus of a township, it may, notwithstanding the provisions of any other law, in writing prohibit the erection of any such building or buildings on such land.

(2) Subject to the provisions of subsections (3) and (4) any person who erects any such building or buildings or causes any such building or buildings to be erected on such land in defiance of such prohibition, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding six months.

(3) Whenever the Executive Committee has in terms of subsection (1) prohibited the erection of a building or buildings on land, any person who wishes to erect such building or buildings on such land shall apply to the Executive Committee for permission to do so and the Executive Committee shall refer such application to the board for consideration.

(4) After consideration and after such inquiry or inspection as the board may deem necessary, the board shall report to the Executive Committee on the application or on any matter connected therewith which it may deem necessary to bring to the notice of the Executive Committee and the Executive Committee may refuse or grant such application whether unconditionally or subject to such conditions as it may in its discretion prescribe, and its decision shall be final.

**TOWN PLANNING FURTHER AMENDMENT ORDINANCE, 1973.**

(5) Whenever the Executive Committee has in terms of subsection (1) prohibited the erection of a building or buildings on land, a copy of such prohibition shall be lodged with the Registrar of Deeds who shall cause a note of such prohibition to be made in his registers and to be endorsed on the office copy of the title deed concerned, and if at any time the original of such title deed is lodged in his registry for any purpose, he shall cause a similar note to be endorsed thereon.

(6) Every prohibition that has before the deletion of section 22 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) in terms of subsection (1) of that section been imposed on the owner or lessee of land whereby the erection of a building or buildings on such land is prohibited shall be deemed to be a prohibition against the erection of such building or buildings imposed in terms of subsection (1) of this section."

Short  
title.

2. This Ordinance shall be called the Town Planning Further Amendment Ordinance, 1973.