

EXTRAORDINARY



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BUITENGEWONE

THE UNION OF SOUTH AFRICA Government Gazette

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

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All Proclamations, Government and General Notices, published for the first time, are indicated by a * in the left-hand upper corner.

PROCLAMATION

By His Excellency the Right Honourable Sir Patrick Duncan, a Member of His Majesty's Most Honourable Privy Council, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, One of His Majesty's Counsel Learned in the Law, Doctor of Laws, Governor-General of the Union of South Africa.

* No. 123, 1940.]

CESSATION OF CIVIL FLYING.

Whereas by reason of the fact that a state of war exists between the Union of South Africa and the German Reich and Italy, now, therefore, under and by virtue of the powers vested in me by sub-section (1) of section five of the Aviation Act, No. 16 of 1923, I do hereby declare, proclaim and make known (a) that the whole of the Union, the Mandated Territory of South West Africa and the territorial waters thereof, shall be a restricted area for the purposes of section five of the said Aviation Act; (b) that in respect of the said restricted area I do hereby issue the orders and instructions set forth in the Schedule hereto; and (c) that in respect of the said restricted area, I do hereby assign to the Secretary for Defence, in his capacity as such, the powers set forth in paragraph (b) of sub-section (1) of section five of the said Act No. 16 of 1923.

GOD SAVE THE KING.

Given under my Hand and the Great Seal of the Union of South Africa at Pretoria this Seventeenth day of June One thousand Nine hundred and Forty.

PATRICK DUNCAN,
Governor-General.

By Command of His Excellency the
Governor-General-in-Council.

J. C. SMUTS.

SCHEDULE.

1. No aircraft of any description other than those mentioned in paragraph 2 of this Schedule shall be navigated or flown in or over the restricted area, i.e., the whole of the Union, the Mandated Territory of South West Africa, and the territorial waters thereof.

2. From the prohibition of paragraph 1 of this Schedule are exempted—

(a) aircraft belonging to or for the time being in exclusive use by the Union or other His Majesty's Forces, or aircraft belonging to or in the service of any of His Majesty's Governments whilst being used exclusively for naval, military or other Government purposes;

Alle Proklamasies, Goewermements- en Algemene Kennisgewings, wat vir die eerste maal gepubliseer word, is in die linkerboboek met 'n * gemerk.

PROKLAMASIE

VAN SY EKSELLENSIE DIE HOOGDELAGBARE SIR PATRICK DUNCAN, LID VAN DIE MEES EERVOLLE GEHEIME RAAD VAN SY MAJESTEIT, GROOTKRUISRIDDER VAN DIE MEES ONDER-SKEIE ORDE VAN SINT MICHEL EN SINT JORIS, EEN VAN SY MAJESTEIT SE ADVOKATE BELESE IN DIE REG, DOKTOR IN DIE REGTE, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

* No. 123, 1940.]

STAKING VAN BURGERLIKE VLUGTE.

Nademaal daar as gevolg daarvan dat daar 'n staat van oorlog tussen die Unie van Suid-Afrika en die Duitse Ryk en Italië bestaan, derhalwe verklaar, proklameer en maak ek hierby ingevolge en kragtens die bevoegdheid my verleen by subartikel (1) van artikel vyf van „De Luchtvaartwet”, Wet No. 16 van 1923, bekend (a) dat die ganse Unie, die Mandaatgebied Suidwes-Afrika en die territoriale waters daarvan vir die doeleindes van artikel vyf van die bogenelde „Luchtvaartwet” 'n beperkte gebied is; (b) dat ek ten opsigte van gemelde beperkte streek die orders en instruksies in bygaande bylae vervat, hierby uitvaardig; en (c) dat ek ten opsigte van die genoemde beperkte gebied hierby aan die Sekretaris van Verdediging, in sy hoedanigheid as sulks, die bevoegdhede uiteengesit in paragraaf (b) van subartikel (1) van artikel vyf van die genoemde Wet, No. 16 van 1923, verleen.

GOD BEHOEDE DIE KONING.

Gegee onder my Hand en die Grootseel van die Unie van Suid-Afrika te Pretoria, op hede, die Sewentiende dag van Junie, Eenduisend Negehoonder-en-Vertig.

PATRICK DUNCAN,
Goewerneur-generaal.

Op las van Sy Eksellensie die
Goewerneur-generaal-in-rade.

J. C. SMUTS.

BYLAE.

1. Geen lugvaartuig, van watter aard ook al, behalwe dié vermeld in paragraaf 2 van hierdie bylae, mag binne of oor die beperkte streek, nl. die ganse Unie, die Mandaatgebied Suidwes-Afrika en die territoriale waters daarvan, genavigeer of bestuur word nie.

2. Van die verbod in paragraaf 1 van hierdie bylae vervat, word vrygestel—

(a) lugvaartuie behorende aan of tans in die uitsluitlike gebruik van die Unie of ander magte van Sy Majesteit, of lugvaartuie behorende aan of in die diens van enige van Sy Majesteit se Regerings, onderwyl sodanige lugvaartuie uitsluitlik vir marine-, militêre of ander staatsdoeleindes gebruik word;

(b) aircraft owned by flying clubs or schools, or companies, which are training pilots on behalf of the Union Forces while such aircraft are being navigated or flown during and for the purpose of such training;

(c) aircraft owned by the undermentioned companies whilst being operated with the approval of the Secretary for Defence on regular scheduled air services—

(i) British Overseas Airways Limited,

(ii) Rhodesia and Nyasaland Airways Limited;

(d) any other aircraft in respect of which the Secretary for Defence has, by writing under his hand, granted special exemption.

3. The Minister of Defence or any person thereto authorised by him may take possession of and use for the purposes of the Union Defence Forces or other His Majesty's Forces, any aerodrome or landing ground, or any aircraft, machinery, plant, material or things found therein or thereon, subject to the payment of compensation in like manner as if the possession and use had been taken under powers conferred by the South Africa Defence Act, 1912 (Act No. 13 of 1912).

4. For the purpose of this Schedule aircraft shall mean and include all flying machines (including gliders), aeroplanes, seaplanes, flying boats or other aircraft designed to be heavier than air, also all airships, balloons or other aircraft designed to be lighter than air.

(b) lugvaartuie wat die eiendom van vliegklubs of -skole of maatskappye is en vlieërs ten behoeve van die Unie-magte oplei, en wel onderwyl sodanige vliegtuie gedurende, en vir die doeleindes van sodanige opleiding, genavigeer of bestuur word;

(c) lugvaartuie wat die eiendom van ondergenoemde maatskappye is, en wel onderwyl sodanige lugvaartuie met die goedkeuring van die Sekretaris van Verdediging op vasgestelde tye op gereelde lugdienste gebruik word—

(i) „British Overseas Airways Limited”;

(ii) „Rhodesia and Nyasaland Airways Limited”;

(d) enige ander lugvaartuig ten opsigte waarvan die Sekretaris van Verdediging by wyse van 'n geskrif onder sy handtekening spesiale vrystelling verleen het.

3. Die Minister van Verdediging of 'n persoon daartoe deur hom gemagtig, kan vir die doeleindes van die verdedigingsmagte van die Unie of ander magte van Sy Majesteit 'n vliegpark of landingsplek of 'n lugvaartuig of die masjinerie, installasies, materiaal of dinge wat daarop gevind word, in besit neem en gebruik teen die betaling van skadevergoeding op dieselfde manier waarop betaling geskied as besit daarvan geneem en gebruik daarvan gemaak word kragtens die bevoegdhede verleen by die „Zuid Afrika Verdedigings Wet” (Wet No. 13 van 1912).

4. Vir die doeleindes van hierdie Bylae beteken lugvaartuig en sluit dit in alle vliegmasjiene (met inbegrip van sweefvliegtuie), vliegtuie, seevliegtuie, vliegbote of ander lugvaartuie wat sodanig ontwerp is dat hulle swaarder as lug is, asook alle lugskepe, ballonne of ander lugvaartuie wat sodanig ontwerp is dat hulle ligter as lug is.

MINERAL LAW AMENDMENT ACT

(No. 36 of 1934)

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