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OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA



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Government Notice

Goewermentskennisgewing

The following Government Notice is published for general information.

J. F. GREEBE
Secretary for South West Africa

Administration of South West Africa
Windhoek.

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

J. F. GREEBE
Sekretaris van Suidwes-Afrika

Administrasie van Suidwes-Afrika
Windhoek.

No. 68]

[30 March 1979

No. 68]

[30 Maart 1979

ORDINANCE, 1979: PROMULGATION OF

ORDONNANSIE, 1979: UITVAARDIGING VAN

The Administrator-General has assented, 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:—

Die Administrateur-generaal het, ingevolge artikel 27 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), tot die volgende Ordonnansie toegestem wat hierby vir algemene inligting gepubliseer word ingevolge artikel 29 van genoemde Wet:—

No. 9 of 1979 Municipal Amendment Ordinance,
1979

No. 9 van 1979 Munisipale Wysigingsordonnansie,
1979

No. 9 of 1979

MUNICIPAL AMENDMENT ORDINANCE, 1979

(Assented to 22 March 1979)

(English text signed by the Administrator-General)

(Date of commencement 1 July 1978 — see sec. 1(2))

ORDINANCE

To amend the Municipal Ordinance, 1963, in regard to the termination of employees' services; and to provide for incidental matters.

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

Amendment of section 148 of Ordinance 13 of 1963, as amended by section 3 of Ordinance 5 of 1964, section 3 of Ordinance 17 of 1970, section 1 of Ordinance 7 of 1971, sections 1 and 5 of Ordinance 15 of 1972, section 1 of Ordinance 8 of 1976 and section 1 of Ordinance 11 of 1977.

1. (1) Section 148 of the Municipal Ordinance, 1963 (hereinafter referred to as the principal Ordinance), is hereby amended —

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

“(3) Subject to the provisions of this section and of the staff regulations of the council and the rules of, or any regulations made in terms of subsection (4) of section *two hundred and thirty-nine* relating to, any pension or provident fund governing the terms of employment in the municipality concerned, the council may terminate the services of the town clerk and any employee in receipt of remuneration equal to or higher than the remuneration of any head of a department with the same council or reduce their emoluments, and the Management Committee may terminate the services of any other employee of the council: Provided that where a subcommittee, town clerk or head of a department has, in terms of paragraph (b) of subsection (1) been delegated the power to make an appointment, the power to terminate the services of the relevant employees shall vest in such subcommittee, town clerk or head of a department.”;

(b) by the deletion of subsection (4); and

MUNISIPALE WYSIGINGSORDONNANSIE, 1979

No. 9 van 1979

(Goedgekeur 22 Maart 1979)

(Engelse teks deur die Administrateur-generaal onderteken)

(Datum van inwerkingtreding 1 Julie 1978 — sien art. 1(2))

ORDONNANSIE

Tot wysiging van die Munisipale Ordonnansie 1963, betreffende die beëindiging van die dienste van werknemers; en om voorsiening te maak vir bykomstige aangeleenthede.

Die Wetgewende Vergadering van die Gebied Suidwes-Afrika VERORDEN SOOS VOLG:-

1. (1) Artikel 148 van die Munisipale Ordonnansie 1963 (hieronder die Hoofordonnansie genoem), word hierby gewysig –

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

“(3) Behoudens die bepalings van hierdie artikel en van die raad se personeelregulasies en die reëls van, of enige regulasies gemaak ingevolge subartikel (4) van artikel tweehonderd negen-en-dertig betreffende, enige pensioen- of voorsorgsfonds wat die diensvoorwaardes in die betrokke munisipaliteit beheer, kan die raad die dienste van die stadsklerk en enige werknemer wat in ontvangs is van besoldiging gelyk aan of hoër as die besoldiging van enige hoof van ’n departement by dieselfde raad beëindig, of hul besoldiging verminder en kan die bestuurskomitee die dienste van enige ander werknemer van die raad beëindig: Met dien verstande dat waar die bevoegdheid om ’n aanstelling te doen ingevolge paragraaf (b) van subartikel (1) aan ’n subkomitee, stadsklerk of hoof van ’n departement oorgedra is, die bevoegdheid om die dienste van die betrokke werknemers te beëindig, by sodanige subkomitee, stadsklerk of hoof van ’n departement berus.”;

(b) deur subartikel (4) te skrap; en

Wysiging van artikel 148 van Ordonnansie 13 van 1963, soos gewysig deur artikel 3 van Ordonnansie 5 van 1964, artikel 3 van Ordonnansie 17 van 1970, artikel 1 van Ordonnansie 7 van 1971, artikels 1 en 5 van Ordonnansie 15 van 1972, artikel 1 van Ordonnansie 8 van 1976 en artikel 1 van Ordonnansie 11 van 1977.

No. 9 of 1979 MUNICIPAL AMENDMENT ORDINANCE, 1979

- (c) by the substitution for subsection (5) of the following subsection:

“(5) Any employee whose services have been terminated in terms of subsection (3), shall have a right of appeal against the termination of his services –

- (a) to the Executive Committee where his services have been so terminated by the council;
- (b) to the council where his services have been so terminated by the Management Committee;
- (c) to the Management Committee where his services have been so terminated by a sub-committee referred to in the said subsection or by the town clerk or the head of a department:

Provided that such appeal shall be made in writing within seven days of such termination of services.”.

- (2) Subsection (1) shall be deemed to have come into operation on 1 July 1978.

Short title.

2. This Ordinance shall be called the Municipal Amendment Ordinance, 1979.

MUNISIPALE WYSIGINGSORDONNANSIE, 1979 **No. 9 van 1979**

- (c) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) ’n Werknemer wie se dienste ingevolge subartikel (3) beëindig is, het die reg van appèl teen die beëindiging van sy dienste –

- (a) by die Uitvoerende Komitee waar sy dienste deur die raad aldus beëindig is;
- (b) by die raad waar sy dienste deur die bestuurskomitee aldus beëindig is;
- (c) by die bestuurskomitee waar sy dienste deur ’n subkomitee bedoel in genoemde subartikel of deur die stadsklerk of die hoof van ’n departement aldus beëindig is:

Met dien verstande dat sodanige appèl skriftelik binne sewe dae na sodanige diensbeëindiging moet geskied.”.

- (2) Subartikel (1) word geag op 1 Julie 1978 in werking te getree het.

2. Hierdie Ordonnansie heet die Munisipale Wysigingsordonnansie, 1979.

Kort titel.