

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA



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Bladsy

1

CONTENTS:

PROCLAMATION:

No. AG. 14 Representative Authority of the Coloureds Proclamation, 1980

Page

1

PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE
GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 29 Mei 1980)

No. AG. 14

1980

INSTELLING VAN 'N VERTEENWOORDIGENDE OWERHEID VIR DIE KLEURLINGE, EN VOORSIENING VIR AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vevat.

G. van N. VILJOEN

Administrateur-generaal

Windhoek, 28 Mei 1980

BYLAE

Woordomskrywings

1. (1) In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken —

(i) "die Kleurlinge" die Kleurlingbevolkingsgroep in artikel 3 van die Hoofproklamasie bedoel; (viii)

(ii) "gebied" die gebied Suidwes-Afrika; (vii)

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE
TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 29 May 1980)

No. AG. 14

1980

ESTABLISHMENT OF A REPRESENTATIVE AUTHORITY FOR THE COLOURED, AND PROVISION FOR MATTERS CONNECTED THEREWITH

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

G. van N. VILJOEN

Administrator-General

Windhoek, 28 May 1980

SCHEDULE

Definitions

1. (1) In this Proclamation, unless the context indicates otherwise —

(i) "Assembly" means the Legislative Assembly established by section 2(a); (vii)

(ii) "Executive Committee" means the Executive Committee established by section 2(b); (vi)

- (iii) "Hoofproklamasie" die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980); (iv)
- (iv) "*Offisiële Koerant*" die amptelike koerant van die Verteenwoordigende Owerheid, wanneer een uitgegee word, of die *Offisiële Koerant* van die gebied, wanneer 'n amptelike koerant van die Verteenwoordigende Owerheid nie uitgegee word nie; (iii)
- (v) "Sekretaris", met betrekking tot die Vergadering, die persoon wat ingevolge die wette op regeringsdiens in die gebied verantwoordelik is vir die verrigting van die sekretariële werk verbonde aan die verrigtinge van die Vergadering; (vi)
- (vi) "Uitvoerende Komitee" die Uitvoerende Komitee by artikel 2(b) ingestel; (ii)
- (vii) "Vergadering" die Wetgewende Vergadering by artikel 2(a) ingestel; (i)
- (viii) "Verteenwoordigende Owerheid" die Verteenwoordigende Owerheid van die Kleurlinge by artikel 2 ingestel. (v)

(2) In hierdie Proklamasie en in enige ander wet, met inbegrip van 'n proklamasie of kennisgewing daarkragtens uitgevaardig, beteken "Verteenwoordigende Owerheid van die Kleurlinge", "Wetgewende Vergadering van die Kleurlinge" en "Uitvoerende Komitee van die Kleurlinge", onderskeidelik, die Verteenwoordigende Owerheid, die Vergadering en die Uitvoerende Komitee.

DIE VERTEENWOORDIGENDE OWERHEID

Instelling van Verteenwoordigende Owerheid van die Kleurlinge

2. Daar word hierby 'n verteenwoordigende owerheid vir die Kleurlinge ingestel wat die Verteenwoordigende Owerheid van die Kleurlinge heet en wat bestaan uit —

- (a) 'n Wetgewende Vergadering waarby die wetgewende gesag van daardie Owerheid berus; en
- (b) 'n Uitvoerende Komitee waarby die uitvoerende gesag van daardie Owerheid berus.

DIE WETGEWENDE VERGADERING

Samestelling van Vergadering

3. Die Vergadering bestaan uit vyftien lede verkies deur persone wat ingevolge die wette op verkiesings van lede van die Vergadering geregtig is om by sodanige verkiesings te stem en hul stemme uitbring by verkiesings ooreenkomstig sodanige wette gehou.

- (iii) "*Official Gazette*" means the official gazette of the Representative Authority, when one is published, or the *Official Gazette* of the territory, when an official gazette of the Representative Authority is not published; (iv)
- (iv) "principal Proclamation" means the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980); (iii)
- (v) "Representative Authority" means the Representative Authority of the Coloureds established by section 2; (viii)
- (vi) "Secretary", in relation to the Assembly, means the person who in terms of the laws on government service in the territory is responsible for the performance of the secretarial work involved in the proceedings of the Assembly; (v)
- (vii) "territory" means the territory of South West Africa; (ii);
- (viii) "the Coloureds" means the Coloured population group referred to in section 3 of the principal Proclamation. (i)

(2) In this Proclamation and in any other law, including any proclamation or notice issued thereunder, "Representative Authority of the Coloureds", "Legislative Assembly of the Coloureds" and "Executive Committee of the Coloureds" mean the Representative Authority, the Assembly and the Executive Committee, respectively.

THE REPRESENTATIVE AUTHORITY

Establishment of Representative Authority of the Coloureds

2. There is hereby established a representative authority for the Coloureds, to be known as the Representative Authority of the Coloureds and consisting of —

- (a) a Legislative Assembly, vested with the legislative powers of that Authority; and
- (b) an Executive Committee, vested with the executive powers of that Authority.

THE LEGISLATIVE ASSEMBLY

Constitution of Assembly

3. The Assembly shall consist of fifteen members elected by persons who in terms of the laws governing elections of members of the Assembly are entitled to vote at such elections, and vote at elections held in accordance with such laws.

Ontruiming van setels in Vergadering

4. 'n Lid van die Vergadering ontruim sy setel in die Vergadering —

- (a) indien hy by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig, as sodanige lid bedank;
- (b) indien hy 'n hele gewone sessie afwesig bly van die sittings van die Vergadering sonder die spesiale verlof daarvan;
- (c) indien hy nie meer die kwalifikasies wat by die een of ander wet vir lede van die Vergadering voorgeskryf is, besit nie of aan 'n diskwalifikasie wat aldus vir sodanige lede voorgeskryf is, onderworpe raak;
- (d) indien hy verkies, benoem of andersins aangewys word as lid van die liggaam in artikel 3(5) van die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), bedoel, of van die uitvoerende owerheid, soos in artikel 1 van die Hoofproklamasie omskryf, van 'n ander bevolkingsgroep as die Kleurlinge.

Kennisgewing van vakature in Vergadering

5. (1) Indien 'n lid van die Vergadering sy setel ingevolge artikel 4 ontruim of te sterwe kom, verklaar die Sekretaris van die Vergadering onverwyld by kennisgewing in die *Offisiële Koerant* dat 'n vakature ontstaan het, wat die datum is met ingang waarvan dit ontstaan het en wat die oorsaak van die vakature is.

(2) Sodra 'n vakature tot die kennis van die Voor-sitter van die Vergadering kom, verwittig hy die Vergadering daarvan, as die Vergadering in sitting is, en, as die Vergadering nie in sitting is nie, verwittig hy die Vergadering van die vakature so gou doenlik na die aanvang van die eersvolgende sitting.

Vul van vakature in Vergadering

6. 'n Toevallige vakature in die Vergadering moet binne ses maande nadat dit ontstaan het, gevul word deur die verkiesing van 'n lid ooreenkomstig die wette op verkiesings van lede van die Vergadering, tensy die termyn van die Vergadering gedurende genoemde ses maande verstryk.

Eed wat lede van Vergadering moet aflê

7. Elke lid van die Vergadering moet, voordat hy sy plek inneem, voor die Administrateur-generaal of 'n persoon deur hom aangewys, of, in die geval van 'n lid wat verkies is om 'n toevallige vakature te vul, voor die Voor-sitter van die Vergadering, 'n eed of plegtige verklaring in die volgende vorm aflê en onderteken:

Vacation of seats in Assembly

4. A member of the Assembly shall vacate his seat in the Assembly —

- (a) if he resigns as such member by notice under his hand addressed to the Secretary of the Assembly;
- (b) if he fails for a whole ordinary session to attend the sittings of the Assembly without its special leave;
- (c) if he no longer possesses the qualifications prescribed by any law for members of the Assembly, or becomes subject to any disqualification so prescribed for such members;
- (d) if he is elected, nominated or otherwise designated as a member of the body referred to in section 3(5) of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979), or of the executive authority, as defined in section 1 of the principal Proclamation, of any population group other than the Coloureds.

Notice of vacancy in Assembly

5. (1) If a member of the Assembly vacates his seat in terms of section 4 or dies, the Secretary of the Assembly shall forthwith by notice in the *Official Gazette* declare that a vacancy has occurred, the date on which it has occurred and the cause of the vacancy.

(2) As soon as the Chairman of the Assembly becomes aware of a vacancy, he shall notify the Assembly thereof, if the Assembly is in session, and, if the Assembly is not in session, he shall notify the Assembly of the vacancy as soon as possible after the commencement of the next ensuing session.

Filling of vacancy in Assembly

6. A casual vacancy in the Assembly shall be filled within six months after it has occurred, by the election of a member in accordance with the laws governing elections of members of the Assembly, unless the term of the Assembly expires during the said six months.

Oath to be taken by members of Assembly

7. Every member of the Assembly shall before taking his seat make and subscribe before the Administrator-General or a person designated by him, or, in the case of a member elected to fill a casual vacancy, before the Chairman of the Assembly, an oath or affirmation in the following form:

" Ek, A.B., sweer dat ek
verklaar plegtig en opreg

my pligte as lid van die Wetgewende Vergadering van
die Kleurlinge getrou en na my beste vermoë sal uit-
voer.

(In die geval van 'n eed)

So help my God."

Voorsitter en Adjunkvoorsitter van Vergadering

8. Op sy eerste sitting na 'n algemene verkiesing van sy lede, voordat daar tot die afhandeling van ander sake oorgegaan word, kies die Vergadering uit sy lede 'n Voorsitter van die Vergadering en 'n Adjunkvoorsitter van die Vergadering op die wyse in artikel 9 bepaal.

Wyse van verkiesing van Voorsitter en Adjunkvoorsitter van Vergadering

9. (1) By die verkiesing van die Voorsitter van die Vergadering word geen debat toegelaat nie.

(2) 'n Lid van die Vergadering wat vooraf vasgestel het dat 'n lid wat hy as Voorsitter van die Vergadering wil voorstel en wat in die Vergadering aanwesig is, gewillig is om te dien as hy verkies word, kan daardie lid aldus voorstel, maar die voorstel verval indien dit nie gesekondeer word nie.

(3) 'n Lid wat reeds 'n kandidaat voorgestel of gesekondeer het, kan nie 'n ander kandidaat voorstel of sekondeer nie en geen lid kan sy eie kandidatuur voorstel of sekondeer nie.

(4) Indien slegs een kandidaat voorgestel en gesekondeer word, word hy deur die persoon wat op die sitting voorsit, as behoorlik verkies verklaar.

(5) Indien meer as een kandidaat voorgestel en gesekondeer word, vind 'n stemming plaas en word die kandidaat ten gunste van wie 'n meerderheid aangeteken word van al die stemme wat uitgebring is, deur die persoon wat op die sitting voorsit, as behoorlik verkies verklaar.

(6) Indien geen kandidaat 'n meerderheid van al die stemme wat uitgebring is, verkry nie, word die kandidaat wat die minste stemme gekry het, uitgeskakel en word 'n verdere stemming ten opsigte van die oorblywende kandidate gehou, en hierdie prosedure word herhaal so dikwels as wat nodig is totdat 'n kandidaat so 'n meerderheid verkry.

(7) Indien twee of meer kandidate dieselfde aantal stemme gekry het maar minder as al die ander kandidate, bepaal die Vergadering by afsonderlike stem-

" I, A.B., do swear to per-
solemnly and sincerely declare
form my duties as member of the Legislative
Assembly of the Coloureds to the best of my ability.

(In the case of an oath)

So help me God."

Chairman and Deputy Chairman of Assembly

8. The Assembly shall at its first sitting after a general election of its members, before proceeding to the dispatch of any other business, elect from among its members a Chairman of the Assembly and a Deputy Chairman of the Assembly in the manner provided in section 9.

Manner of election of Chairman and Deputy Chairman of Assembly

9. (1) At the election of the Chairman of the Assembly no debate shall be allowed.

(2) A member of the Assembly, having first ascertained that a member whom he wishes to propose as Chairman of the Assembly and who is present in the Assembly, is willing to serve if elected, may so propose such member, but the proposal shall lapse if it is not seconded.

(3) A member who has already proposed or seconded a candidate may not propose or second any other candidate and no member may propose or second his own candidature.

(4) If only one candidate is proposed and seconded, he shall be declared duly elected by the person presiding at the sitting.

(5) If more than one candidate is proposed and seconded, a vote shall be taken and the candidate in whose favour a majority of all the votes cast is recorded, shall be declared duly elected by the person presiding at the sitting.

(6) If no candidate obtains a majority of all the votes cast, the candidate who received the smallest number of votes shall be eliminated and a further vote shall be taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate obtains such a majority.

(7) If two or more candidates being the lowest on the poll have received the same number of votes the Assembly shall determine by separate vote repeated as

ming wat so dikwels as wat nodig is, herhaal word, watter van daardie kandidate vir die doeleindes van subartikel (6) uitgeskakel moet word.

(8) Indien slegs twee kandidate voorgestel en gesekondeer word, of slegs twee kandidate oorbly na die uitskakeling van 'n kandidaat ingevolge subartikel (6), en daar 'n staking van stemme tussen hulle is, word 'n verdere stemming ten opsigte van dié twee kandidate gehou, wat so dikwels as wat nodig is, herhaal word tot dat een van hulle 'n meerderheid verkry van die stemme wat uitgebring word: Met dien verstande dat die persoon wat op die sitting voorsit, op 'n mosie deur die Vergadering aangeneem, die oorweging van die aangeleentheid tot die eersvolgende sittingsdag moet uitstel.

(9) Indien die Vergadering in enige stadium van die verrigtinge besluit dat die stemming in die geheim moet wees, word die stemming of verdere stemming na die besluit, na gelang van die geval, op die in subartikel (10) bepaalde wyse gehou.

(10) By 'n geheime stemming ingevolge subartikel (9) gehou —

- (a) reik die persoon wat op die sitting voorsit, aan elke aanwesige lid 'n stembrief uit met die name van die kandidate daarop en, op die keersy daarvan, 'n amptelike merk;
- (b) bring 'n lid sy stem uit deur 'n kruis teenoor die naam van die kandidaat vir wie hy wil stem op die stembrief aan te bring, en vou hy die stembrief op so 'n wyse dat die kruis wat hy daarop aangebring het, nie sigbaar is nie;
- (c) roep die persoon wat op die sitting voorsit, die naam van elke lid uit, waarop die betrokke lid, indien hy wil stem, na die Tafel gaan en sy stembrief, gevou soos vermeld, daar in 'n stembus plaas;
- (d) sodra elke lid wat wil stem dit gedoen het, ondersoek die persoon wat op die sitting voorsit, met die hulp van die Sekretaris van die Vergadering (indien daardie persoon nie die Sekretaris is nie) en die lede van die Vergadering wat die Vergadering aanwys, die stembriewe en bepaal hy met bedoelde hulp die aantal stemme wat vir elke kandidaat uitgebring is, en kondig hy die uitslag van die stemming aan.

(11) Die bepalings van subartikels (1) tot (10) is *mutatis mutandis* van toepassing op die verkiesing van die Adjunkvoorsitter van die Vergadering.

often as may be necessary, which of those candidates shall be eliminated for the purposes of subsection (6).

(8) If only two candidates are proposed and seconded, or only two candidates remain after the elimination of any candidate in terms of subsection (6), and there is an equality of votes between them, a further vote shall be taken in respect of those two candidates, which shall be repeated as often as may be necessary until one of them obtains a majority of the votes cast: Provided that the person presiding at the sitting shall, upon a motion adopted by the Assembly, postpone the consideration of the matter until the next ensuing sitting day.

(9) If the Assembly at any stage of the proceedings resolves that the voting is to be by secret ballot the vote or any further vote after the resolution, as the case may be, shall be taken in the manner provided in subsection (10).

(10) At any voting by secret ballot in terms of subsection (9) —

- (a) the person presiding at the sitting shall issue to each member present a ballot paper bearing the names of the candidates and, on the reverse side thereof, an official mark;
- (b) a member shall record his vote by placing a cross on the ballot paper opposite the name of the candidate for whom he wishes to vote, and shall fold the ballot paper in such a manner that the cross placed on it by him is not visible;
- (c) the person presiding at the sitting shall call the name of each member, whereupon the member concerned shall, if he wishes to vote, proceed to the Table and there place his ballot paper, folded as aforesaid, into a ballot box;
- (d) as soon as every member who wishes to vote has done so, the person presiding at the sitting shall examine the ballot papers with the assistance of the Secretary of the Assembly (if such person is not the Secretary) and such members of the Assembly as the Assembly may designate, and determine with the said assistance the number of votes cast for each candidate, and shall announce the result of the voting.

(11) The provisions of subsections (1) to (10) shall apply *mutatis mutandis* to the election of the Deputy Chairman of the Assembly.

Ampstermyn van Voorsitter en Adjunkvoorsitter van Vergadering

10. (1) Die Voorsitter en Adjunkvoorsitter van die Vergadering beklee hul onderskeie ampte, behoudens die bepalings van subartikel (2), vir die duur van die Vergadering wat hulle verkies het.

(2) Die Voorsitter of Adjunkvoorsitter van die Vergadering ontruim sy amp —

- (a) indien hy sy setel in die Vergadering ontruim;
- (b) indien hy as sodanige Voorsitter of Adjunkvoorsitter bedank by skriftelike kennisgewing aan die Sekretaris van die Vergadering of deur 'n aankondiging te dien effekte op 'n sitting van die Vergadering te doen; of
- (c) indien hy by besluit van die Vergadering van sy amp as sodanige Voorsitter of Adjunkvoorsitter onthef word.

(3) Indien die Voorsitter of Adjunkvoorsitter van die Vergadering sy amp ontruim anders as deur bedanking op 'n sitting van die Vergadering of onthef van sy amp kragtens subartikel (2), moet die Sekretaris van die Vergadering gedurende die eersvolgende sitting die Vergadering daarvan verwittig.

(4) 'n Toevallige vakature in die amp van Voorsitter of Adjunkvoorsitter van die Vergadering word gevul deur die verkiesing deur die Vergadering van 'n lid daarvan tot die betrokke amp ooreenkomstig die toepaslike bepalings van artikel 9.

Duur van Vergadering

11. Behoudens die bepalings van artikel 10 van die Hoofproklamasie, bly elke Vergadering in stand vir 'n tydperk van vyf jaar vanaf die datum van sy eerste sitting na die algemene verkiesing waarby sy lede verkies is, welke sitting binne drie maande na die betrokke verkiesing moet plaasvind.

Sessies van Vergadering

12. (1) Elke sessie van die Vergadering word in Khomasdal te Windhoek gehou en neem 'n aanvang en eindig op die onderskeie datums wat die Uitvoerende Komitee met inagneming van die bepalings van artikel 11 van hierdie Proklamasie en artikel 11(1) van die Hoofproklamasie bepaal.

(2) 'n Buitengewone sessie kan te eniger tyd deur die Uitvoerende Komitee byeengeroep word, en by so 'n buitengewone sessie word slegs die sake behandel wat die Uitvoerende Komitee voorlê of goedkeur.

Period of office of Chairman and Deputy Chairman of Assembly

10. (1) The Chairman and Deputy Chairman of the Assembly shall hold their respective offices, subject to the provisions of subsection (2), for the duration of the Assembly which elected them.

(2) The Chairman or Deputy Chairman of the Assembly shall vacate his office —

- (a) if he vacates his seat in the Assembly;
- (b) if he resigns as such Chairman or Deputy Chairman by notice in writing to the Secretary of the Assembly or by making an announcement to that effect at a sitting of the Assembly; or
- (c) if he is removed from office as such Chairman or Deputy Chairman by resolution of the Assembly.

(3) If the Chairman or Deputy Chairman of the Assembly vacates his office otherwise than by resignation at a sitting of the Assembly or removal from office under subsection (2), the Secretary of the Assembly shall inform the Assembly thereof at the next ensuing sitting.

(4) A casual vacancy in the office of Chairman or Deputy Chairman of the Assembly shall be filled by the Assembly by the election of a member thereof to the office concerned in accordance with the appropriate provisions of section 9.

Duration of Assembly

11. Subject to the provisions of section 10 of the principal Proclamation, every Assembly shall continue for a period of five years from the date of its first sitting after the general election at which its members were elected, which sitting shall take place within three months after the election concerned.

Sessions of Assembly

12. (1) Every session of the Assembly shall be held in Khomasdal at Windhoek and shall commence and end on the respective dates determined by the Executive Committee with due regard to the provisions of section 11 of this Proclamation and section 11(1) of the principal Proclamation.

(2) A special session may be summoned at any time by the Executive Committee, and at any such special session only such business shall be dealt with as the Executive Committee may submit or approve.

(3) Die Sekretaris van die Vergadering moet minstens dertig dae voor die aanvang van 'n gewone sessie en minstens sewe dae voor die aanvang van 'n buitengewone sessie van die Vergadering die lede skriftelik in kennis stel van die datum en tyd vir die aanvang van die betrokke sessie bepaal.

Prosedure in Vergadering

13. (1) Agt lede maak 'n kworum vir 'n sitting van die Vergadering uit.

(2) Alle vrae in die Vergadering word beslis deur 'n meerderheid van stemme van aanwesige lede met die uitsondering van die voorsittende lid wat egter by 'n staking van stemme 'n beslissende stem het en uitbring.

(3) Die Voorsitter van die Vergadering of, in sy afwesigheid, die Adjunkvoorsitter van die Vergadering sit voor op sittings van die Vergadering en, wanneer sowel die Voorsitter as die Adjunkvoorsitter van 'n sitting afwesig is, kies die Vergadering onder voorsitterskap van die Sekretaris van die Vergadering een uit sy lede om op daardie sitting voor te sit: Met dien verstande dat die Sekretaris van die Vergadering op die eerste sitting na 'n algemene verkiesing van die Vergadering voorsit totdat 'n Voorsitter van die Vergadering verkies is.

(4) Alle debatte en handelinge in die Vergadering geskied in die Afrikaanse of die Engelse taal en alle joernale, inskrywings, notule en verrigtinge van die Vergadering word in albei daardie tale gehou en genotuleer.

Verslag van verrigtinge van Vergadering

14. Die Sekretaris van die Vergadering moet 'n woordelike verslag hou van die verrigtinge van die Vergadering.

Afkondiging en registrasie van ordonnansies

15. Die Sekretaris van die Vergadering laat elke ordonnansie van die Vergadering in artikel 17 van die Hoofproklamasie bedoel, in die *Offisiële Koerant* afkondig, en die eksemplare daarvan in artikel 19 van die Hoofproklamasie bedoel, opneem in die register in laasgenoemde artikel bedoel.

DIE UITVOERENDE KOMITEE

Samestelling van Uitvoerende Komitee

16. Die Uitvoerende Komitee bestaan uit vyf lede, naamlik —

- (a) die Voorsitter van die Uitvoerende Komitee; en
- (b) vier ander lede.

(3) The Secretary of the Assembly shall at least thirty days before the commencement of an ordinary session and at least seven days before the commencement of a special session of the Assembly, notify the members in writing of the date and time determined for the commencement of the session concerned.

Procedure in Assembly

13. (1) Eight members shall form a quorum for a sitting of the Assembly.

(2) All questions in the Assembly shall be determined by a majority of votes of members present other than the presiding member who shall, however, in the event of an equality of votes, have and exercise a casting vote.

(3) The Chairman of the Assembly or, in his absence, the Deputy Chairman of the Assembly, shall preside at sittings of the Assembly, and whenever both the Chairman and the Deputy Chairman are absent from any sitting, the Assembly, under the chairmanship of the Secretary of the Assembly, shall elect one from among its members to preside at that sitting: Provided that the Secretary of the Assembly shall preside at the first sitting after a general election of the Assembly until a Chairman of the Assembly has been elected.

(4) All debates and transactions in the Assembly shall be conducted in the English or Afrikaans language and all journals, entries, minutes and proceedings of the Assembly shall be made and recorded in both such languages.

Record of proceedings of Assembly

14. The Secretary of the Assembly shall keep a *verbatim* record of the proceedings of the Assembly.

Promulgation and enrolment of ordinances

15. The Secretary of the Assembly shall cause every ordinance of the Assembly referred to in section 17 of the principal Proclamation to be promulgated in the *Official Gazette*, and the copies thereof referred to in section 19 of the principal Proclamation to be enrolled in the register referred to in the last-mentioned section.

THE EXECUTIVE COMMITTEE

Constitution of Executive Committee

16. The Executive Committee shall consist of five members, namely —

- (a) the Chairman of the Executive Committee; and
- (b) four other members,

op die hieronder bepaalde wyse deur die Vergadering uit sy lede verkies.

Verkiesing van lede van Uitvoerende Komitee

17. (1) Onmiddellik na die verkiesing van die Voor-sitter en Adjunkvoorsitter van die Vergadering in-gevolge artikel 8, gaan die Vergadering oor tot die verkiesing van die lede van die Uitvoerende Komitee: Met dien verstande dat die verkiesing van die Voor-sitter van die Uitvoerende Komitee voor, en afsonderlik van, dié van die ander lede moet plaasvind.

(2) Die bepalings van artikel 9 is *mutatis mutandis* van toepassing op die verkiesing van 'n lid van die Uitvoerende Komitee.

Ampstermyn van lede van Uitvoerende Komitee

18. Behoudens die bepalings van artikel 19, beklee die lede van die Uitvoerende Komitee hul onderskeie ampte vir die duur van die Vergadering wat hulle as sodanige lede verkies het en totdat hul opvolgers in-gevolge artikel 17 na 'n algemene verkiesing van die Vergadering verkies word.

Ontruiming van amp deur lid van Uitvoerende Komitee

19. (1) 'n Lid van die Uitvoerende Komitee ontruim sy amp as sodanige lid —

- (a) indien hy sy setel in die Vergadering ontruim;
- (b) indien hy as lid of, in die geval van die Voor-sitter, as Voorsitter van die Uitvoerende Komitee bedank deur skriftelike kennisgewing aan die Sekretaris van die Vergadering of deur 'n aankon-diging te dien effekte op 'n sitting van die Vergadering of op 'n vergadering van die Uitvoerende Komitee te doen;
- (c) indien hy van vier opeenvolgende vergaderings van die Uitvoerende Komitee afwesig is sonder die toestemming daarvan;
- (d) indien hy by besluit van die Vergadering op 'n mosie met minstens agt stemme aangeneem, van sy amp onthef word;
- (e) indien hy verkies, genomineer of andersins aangewys word as lid van die liggaam in artikel 3(5) van die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), bedoel, of van die wetgewende owerheid, soos in artikel 1 van die Hoofproklamasie omskryf, of die uitvoerende owerheid, soos aldus omskryf, van 'n ander bevolkingsgroep as die Kleurlinge.

elected by the Assembly from among its members in the manner hereinafter provided.

Election of members of Executive Committee

17. (1) Immediately after the election of the Chair-man and Deputy Chairman of the Assembly in terms of section 8, the Assembly shall proceed to the election of the members of the Executive Committee : Provided that the election of the Chairman of the Executive Com-mittee shall take place before and separately from that of the other members.

(2) The provisions of section 9 shall apply *mutatis mutandis* to the election of a member of the Executive Committee.

Period of office of members of Executive Committee

18. Subject to the provisions of section 19, the members of the Executive Committee shall hold their respective offices for the duration of the Assembly by which they were elected as such members and until their successors are elected in terms of section 17 after a general election of the Assembly.

Vacation of office by member of Executive Committee

19. (1) A member of the Executive Committee shall vacate his office as such member —

- (a) if he vacates his seat in the Assembly;
- (b) if he resigns as member or, in the case of the Chairman, as Chairman of the Executive Com-mittee by notice in writing to the Secretary of the Assembly or by making an announcement to that effect at a sitting of the Assembly or at a meeting of the Executive Committee;
- (c) if he is absent from four consecutive meetings of the Executive Committee without its consent;
- (d) if he is removed from office by resolution of the Assembly on a motion adopted with at least eight votes;
- (e) if he is elected, nominated or otherwise designated as a member of the body referred to in section 3(5) of the National Assembly Proclama-tion, 1979 (Proclamation AG. 21 of 1979), or of the legislative authority, as defined in section 1 of the principal Proclamation, or the executive authority, as so defined, of any population group other than the Coloureds.

(2) Die Voorsitter van die Uitvoerende Komitee ont-ruim sy amp as Voorsitter en lid van die Uitvoerende Komitee indien hy nominasie vir lidmaatskap van die Nasionale Vergadering van Suidwes-Afrika aanvaar soos in artikel 7(3)(a) van genoemde Proklamasie op die Nasionale Vergadering, 1979, beoog.

Vul van toevallige vakature in Uitvoerende Komitee

20. (1) 'n Toevallige vakature in die Uitvoerende Komitee word, behoudens die bepalings van subartikel (2), gevul deur verkiesing ooreenkomstig die bepalings van artikel 9 soos deur artikel 17(2) toegepas, wat gehou moet word binne veertien dae na die datum waarop die vakature ontstaan het, indien die Vergadering dan in sitting is, en, indien die Vergadering nie dan in sitting is nie, moet 'n buitengewone sessie van die Vergadering binne veertien dae na daardie datum vir die doeleindes van sodanige verkiesing byeengeroep word.

(2) Totdat 'n vakature in die amp van Voorsitter van die Uitvoerende Komitee ingevolge subartikel (1) gevul is, tree 'n lid van die Uitvoerende Komitee wat vir dié doel deur die Uitvoerende Komitee aangewys is, as Voorsitter op.

Eed wat lede van Uitvoerende Komitee moet aflê

21. Elke lid van die Uitvoerende Komitee moet voordat hy sy amp aanvaar, 'n eed of plegtige verklaring voor die Voorsitter van die Vergadering of, in sy afwesigheid, voor die Adjunkvoorsitter van die Vergadering in die volgende vorm aflê en onderteken:

“ Ek, A.B., sweer dat ek my
verklaar plegtig en opreg

amp as lid van die Uitvoerende Komitee van die Kleurlinge op eervolle en waardige wyse sal beklee; dat ek alle wette wat op die Kleurlinge van toepassing is, sal eerbiedig en handhaaf; dat ek 'n opregte en getroue lid van die Uitvoerende Komitee sal wees; dat ek geen sake wat voor die Uitvoerende Komitee dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek my ampspligte met nougesetheid en na my beste vermoë sal uitvoer.

(In die geval van 'n eed)

So help my God.”

Prosedure in Uitvoerende Komitee

22. (1) Drie lede maak 'n kworum uit vir 'n vergadering van die Uitvoerende Komitee.

(2) Vrae wat by 'n vergadering van die Uitvoerende Komitee ontstaan, word deur meerderheid van stemme van die aanwesige lede beslis, en by 'n staking van stemme het die lid wat voorsit 'n beslissende stem benewens sy beraadslagende stem.

(2) The Chairman of the Executive Committee shall vacate his office as Chairman and member of the Executive Committee if he accepts nomination for membership of the National Assembly of South West Africa as contemplated in section 7(3)(a) of the said National Assembly Proclamation, 1979.

Filling of casual vacancy in Executive Committee

20. (1) A casual vacancy in the Executive Committee shall, subject to the provisions of subsection (2), be filled by election in accordance with the provisions of section 9 as applied by section 17(2), to be held within fourteen days after the date on which the vacancy occurred, if the Assembly is then in session, and, if the Assembly is not then in session, a special session of the Assembly shall be summoned within fourteen days after that date for the purposes of such election.

(2) Until a vacancy in the office of Chairman of the Executive Committee has been filled in terms of subsection (1), a member of the Executive Committee designated for that purpose by the Executive Committee shall act as Chairman.

Oath to be taken by members of Executive Committee

21. Every member of the Executive Committee shall before assuming office make and subscribe before the Chairman of the Assembly or, in his absence, before the Deputy Chairman of the Assembly an oath or affirmation in the following form:

“ I, A.B., do swear to hold
and sincerely declare

my office as member of the Executive Committee of the Coloureds with honour and dignity; to respect and uphold all laws applicable to the Coloureds; to be a true and faithful member of the Executive Committee; not to divulge directly or indirectly any matters brought before the Executive Committee which are entrusted to me under secrecy; and to perform the duties of my office conscientiously and to the best of my ability.

(In the case of an oath)

So help me God.”

Procedure in Executive Committee

22. (1) Three members shall form a quorum for a meeting of the Executive Committee.

(2) Questions arising at any meeting of the Executive Committee shall be determined by a majority of votes of the members present, and, in the event of an equality of votes, the member presiding shall have a casting vote in addition to his deliberative vote.

(3) Die Voorsitter van die Uitvoerende Komitee of, in sy afwesigheid, 'n lid van die Uitvoerende Komitee vir dié doel deur hom benoem, sit voor op vergaderings van die Uitvoerende Komitee.

(4) Wanneer die Voorsitter van die Uitvoerende Komitee van 'n vergadering van die Uitvoerende Komitee afwesig is en geen lid kragtens subartikel (3) deur hom benoem is nie, wys die Uitvoerende Komitee een uit sy lede aan om op daardie vergadering voor te sit.

(5) Die Uitvoerende Komitee kan reëls maak vir die wyse waarop sy vergaderings gehou word.

(6) Die Uitvoerende Komitee kan van tyd tot tyd uit sy lede komitees aanstel vir enige doel wat hy nodig ag, en kan een of meer lede van die Vergadering koöpteer om in so 'n komitee te dien.

ALGEMEEN

Gebruik van tale in afkondigings in Offisiële Koerant

23. Alle ordonnansies, proklamasies, regulasies en kennisgewings vir algemene inligting wat in die *Offisiële Koerant* afgekondig word, geskied in sowel die Afrikaanse as die Engelse taal.

Herroeping van wette

24. (1) Die volgende wette word hierby herroep, naamlik —

- (a) die Ordonnansie op die Instelling van 'n Gekose Kleurlingraad van Suidwes-Afrika, 1966 (Ordonnansie 29 van 1966), hieronder die herroepe Ordonnansie genoem;
- (b) Proklamasie R.158 van 1971 van die Staatspresident;
- (c) artikels 89 en 90 van die Wysigingswet op die Grondwet en Verkiesings, 1973 (Wet 79 van 1973);
- (d) Proklamasie 185 van 1974 van die Staatspresident;
- (e) die Wysigingsproklamasie op die Instelling van 'n Gekose Kleurlingraad van Suidwes-Afrika, 1979 (Proklamasie AG. 28 van 1979), van die Administrateur-generaal.

(2) Die toelaes wat kragtens artikel 19 van die herroepe Ordonnansie ten opsigte van die lede van, onderskeidelik, die Gekose Kleurlingraad van Suidwes-Afrika en die Raadskomitee wat ingevolge daardie Ordonnansie saamgestel was, bepaal is en onmiddellik voor die datum van inwerkingtreding van hierdie

(3) The Chairman of the Executive Committee or, in his absence, a member of the Executive Committee nominated by him for that purpose, shall preside at meetings of the Executive Committee.

(4) Whenever the Chairman of the Executive Committee is absent from any meeting of the Executive Committee and no member has been nominated by him under subsection (3), the Executive Committee shall designate one from among its members to preside at such meeting.

(5) The Executive Committee may make rules for the conduct of its meetings.

(6) The Executive Committee may from time to time appoint committees from among its members for any purpose it may deem necessary, and may co-opt one or more members of the Assembly to serve on any such committee.

GENERAL

Use of languages in publications in Official Gazette

23. All ordinances, proclamations, regulations and notices for general information published in the *Official Gazette*, shall be in both the English and the Afrikaans language.

Repeal of laws

24. (1) The following laws are hereby repealed, namely —

- (a) the Establishment of an Elected Coloured Council for South West Africa Ordinance, 1966 (Ordinance 29 of 1966), hereinafter referred to as the repealed Ordinance;
- (b) Proclamation R. 158 of 1971 of the State President;
- (c) sections 89 and 90 of the Constitution and Elections Amendment Act, 1973 (Act 79 of 1973);
- (d) Proclamation 185 of 1974 of the State President;
- (e) the Establishment of an Elected Coloured Council for South West Africa Amendment Proclamation, 1979 (Proclamation AG. 28 of 1979), of the Administrator-General.

(2) The allowances which in terms of section 19 of the repealed Ordinance were determined and immediately before the date of commencement of this Proclamation payable in respect of members of, respectively, the Elected Coloured Council of South West Africa and the Council's Committee which were es-

Proklamasie betaalbaar was, word geag kragtens artikel 37 van die Hoofproklamasie ten opsigte van die lede van, onderskeidelik, die Vergadering en die Uitvoerende Komitee bepaal te wees.

(3) Die persoon wat onmiddellik voor die datum van inwerkingtreding van hierdie Proklamasie die sekretaris was van die raad in subartikel (2) genoem, word geag die Sekretaris van die Vergadering te wees totdat die werksaamhede van die Sekretaris van die Vergadering aan hom of 'n ander persoon opgedra word ingevolge die wette op regeringsdiens in die gebied.

Uitleg van sekere verwysings in wette

25. Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word 'n verwysing in enige wet vir sover dit ingevolge artikel 23 van die Hoofproklamasie deur die Uitvoerende Komitee uitgevoer word —

- (a) na die Parlement of 'n wetgewende liggaam in enige van die paragrawe van artikel 39 van die Hoofproklamasie genoem, uitgelê as 'n verwysing na die Vergadering;
- (b) na die Sentrale Inkomstefonds of 'n inkomstefonds in enige van voormelde paragrawe genoem, uitgelê as 'n verwysing na die in artikel 32 van die Hoofproklamasie bedoelde inkomstefonds van die Verteenwoordigende Owerheid.

Tussentydse samestelling van Vergadering en Uitvoerende Komitee

26. Ondanks die voorafgaande bepalings van hierdie Proklamasie en die bepalings van die Hoofproklamasie —

- (a) bestaan die Vergadering, behoudens die bepalings van paragrawe (c) en (d), uit die persone wat onmiddellik voor die datum van inwerkingtreding van hierdie Proklamasie lede was van die Gekose Kleurlingraad van Suidwes-Afrika wat toe ingevolge die herroepe Ordonnansie saamgestel was, en maak ses lede van die Vergadering, soos ingevolge hierdie paragraaf saamgestel, 'n kworum vir 'n sitting daarvan uit;
- (b) word die persone wat onmiddellik voor die datum van inwerkingtreding van hierdie Proklamasie uit hoofde van 'n verkiesing ingevolge artikel 14 van die herroepe Ordonnansie, onderskeidelik die voorsitter en die ondervoorsitter van genoemde Gekose Kleurlingraad was, geag ingevolge artikel 9 van hierdie Proklamasie as, onderskeidelik, Voorsitter en Adjunkvoorsitter van die Vergadering soos ingevolge paragraaf (a) van hierdie artikel saamgestel, verkies te wees, tensy die Vergadering by besluit anders bepaal;

established in terms of that Ordinance, shall be deemed to have been determined under section 37 of the principal Proclamation in respect of the members of the Assembly and the Executive Committee, respectively.

(3) The person who immediately before the date of commencement of this Proclamation was the secretary of the council mentioned in subsection (2), shall be deemed to be the Secretary of the Assembly until the functions of the Secretary of the Assembly are assigned to him or some other person in terms of the laws on government service in the territory.

Construction of certain references in laws

25. Unless in any particular case it would obviously be inappropriate, any reference in any law in so far as it is in terms of section 23 of the principal Proclamation administered by the Executive Committee —

- (a) to Parliament or any legislative body mentioned in any of the paragraphs of section 39 of the principal Proclamation, shall be construed as a reference to the Assembly;
- (b) to the Central Revenue Fund or any revenue fund mentioned in any of the said paragraphs, shall be construed as a reference to the revenue fund of the Representative Authority referred to in section 32 of the principal Proclamation.

Interim constitution of Assembly and Executive Committee

26. Notwithstanding the preceding provisions of this Proclamation and the provisions of the principal Proclamation —

- (a) the Assembly shall, subject to the provisions of paragraphs (c) and (d), consist of the persons who immediately before the date of commencement of this Proclamation were members of the Elected Coloured Council of South West Africa which was then constituted in terms of the repealed Ordinance, and six members of the Assembly as constituted in terms of this paragraph shall form a quorum for a sitting thereof;
- (b) the persons who by virtue of an election in terms of section 14 of the repealed Ordinance were the chairman and the vice-chairman, respectively, of the said Elected Coloured Council immediately before the date of commencement of this Proclamation, shall be deemed to have been elected in terms of section 9 of this Proclamation as the Chairman and the Deputy Chairman, respectively, of the Assembly as constituted in terms of paragraph (a) of this section, unless the Assembly by resolution determines otherwise;

- (c) bly die Vergadering, soos ingevolge paragraaf (a) saamgestel, in stand tot en met die dag onmiddellik voor die stemdag of die eerste stemdag, na gelang van die geval, van die eerste verkiesing van lede van die Vergadering in artikel 9 van die Hoofproklamasie beoog;
- (d) ontruim 'n lid van die Vergadering soos ingevolge paragraaf (a) saamgestel, sy setel indien hy by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig, as sodanige lid bedank;
- (e) bestaan die Uitvoerende Komitee, behoudens die bepalinge van paragraaf (f), uit 'n voorsitter en twee ander lede deur die Vergadering soos ingevolge paragraaf (a) saamgestel, uit sy lede verkies op die wyse voorgeskryf in artikel 9 soos deur artikel 17(2) toegepas; word die persone wat onmiddellik voor die datum van inwerking-treding van hierdie Proklamasie, onderskeidelik die voorsitter en die ander lede was van die Raadskomitee wat toe ingevolge artikel 17 van die herroepe Ordonnansie saamgestel was, geag soos voormeld deur die Vergadering verkies te wees as, onderskeidelik, die Voorsitter en die ander lede van die Uitvoerende Komitee soos ingevolge hierdie paragraaf saamgestel; en maak twee lede 'n kworum uit vir 'n vergadering van die Uitvoerende Komitee soos aldus saamgestel;
- (f) bly die Uitvoerende Komitee, soos ingevolge paragraaf (e) saamgestel, in stand totdat 'n Uitvoerende Komitee na die eerste verkiesing van lede van die Vergadering in artikel 9 van die Hoofproklamasie beoog, ooreenkomstig artikel 16 van hierdie Proklamasie saamgestel is;
- (g) ontruim 'n lid van die Uitvoerende Komitee soos ingevolge paragraaf (e) saamgestel, sy amp in die omstandighede in artikel 19(1)(b) of (c) genoem of indien hy ingevolge paragraaf (d) van hierdie artikel as lid van die Vergadering bedank;
- (h) is die bepalinge van artikel 8(2) van die Hoofproklamasie of, na gelang van die geval, artikel 21(1) daarvan nie op 'n persoon wat 'n lid is van die Vergadering soos ingevolge paragraaf (a) van hierdie artikel saamgestel of van die Uitvoerende Komitee soos ingevolge paragraaf (e) van hierdie artikel saamgestel, van toepassing nie.
- (c) the Assembly, as constituted in terms of paragraph (a), shall continue up to and including the day immediately before the polling day or the first polling day, as the case may be, of the first election of members of the Assembly contemplated in section 9 of the principal Proclamation;
- (d) a member of the Assembly as constituted in terms of paragraph (a), shall vacate his seat if he resigns as such member by notice under his hand addressed to the Secretary of the Assembly;
- (e) the Executive Committee shall, subject to the provisions of paragraph (f), consist of a chairman and two other members elected by the Assembly as constituted in terms of paragraph (a), from among its members in the manner prescribed by section 9 as applied by section 17(2); the persons who immediately before the date of commencement of this Proclamation were the chairman and the other members, respectively, of the Council's Committee which was then constituted in terms of section 17 of the repealed Ordinance, shall be deemed to have been elected as aforesaid by the Assembly as the Chairman and the other members, respectively, of the Executive Committee as constituted in terms of this paragraph; and two members shall form a quorum for a meeting of the Executive Committee as so constituted;
- (f) the Executive Committee, as constituted in terms of paragraph (e), shall continue until an Executive Committee has been constituted in accordance with section 16 of this Proclamation after the first election of members of the Assembly contemplated in section 9 of the principal Proclamation;
- (g) a member of the Executive Committee as constituted in terms of paragraph (e), shall vacate his office in the circumstances mentioned in section 19(1)(b) or (c) or if he resigns as a member of the Assembly in terms of paragraph (d) of this section;
- (h) the provisions of section 8(2) of the principal Proclamation or, as the case may be, section 21(1) thereof, shall not apply to a person who is a member of the Assembly as constituted in terms of paragraph (a) of this section or of the Executive Committee as constituted in terms of paragraph (e) of this section.

Kort titel en inwerkingtreding

27. Hierdie Proklamasie heet die Proklamasie op die Verteenwoordigende Owerheid van die Kleurlinge, 1980, en tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

Short title and commencement

27. This Proclamation shall be called the Representative Authority of the Coloureds Proclamation, 1980, and shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.