

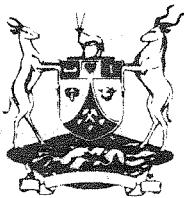
BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY



OF SOUTH WEST AFRICA

UITGawe OP GESAG

PUBLISHED BY AUTHORITY

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Maandag 30 Junie 1980

WINDHOEK

Monday 30 June 1980

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PROKLAMASIE:

No. AG. 29 Proklamasie op die Verteenwoordigende Owerheid van die Capriviane, 1980

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No. AG. 29 Representative Authority of the Caprivians Proclamation, 1980

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PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GE-
BIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 27 Junie 1980)

No. AG. 29 1980

INSTELLING VAN 'N VERTEENWOORDIG-
ENDE OWERHEID VIR DIE CAPRIVIANE, 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 vervat.

G. van N. VILJOEN

Administrateur-generaal

Windhoek, 25 Junie 1980

BYLAE

Woordomskrywings

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

(i) "die Capriviane" die Capriviaanse bevolkingsgroep in artikel 3 van die Hoofproklamasie bedoel; (viii)

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TER-
RITORY OF SOUTH WEST AFRICA

(Approved by the State President on 27 June 1980)

No. AG. 29

1980

ESTABLISHMENT OF A REPRESENTATIVE
AUTHORITY FOR THE CAPRIVIANS, 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, 25 June 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) "gebied" die gebied Suidwes-Afrika; (vii)
- (iii) "Hoofproklamasie", die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980); (v)
- (iv) "kaptein" 'n kaptein as sodanig erken of aangestel kragtens die wette op die erkenning en aanstelling van kapteins van die Capriviane; (ii)
- (v) "*Offisiële Koerant*" die amptelike koerant van die Verteenwoordigende Owerheid; (iv)
- (vi) "Uitvoerende Komitee" die Uitvoerende Komitee by artikel 2(b) ingestel; (iii)
- (vii) "Vergadering" die Wetgewende Vergadering by artikel 2(a) ingestel; (i)
- (viii) "Verteenwoordigende Owerheid" die Verteenwoordigende Owerheid van die Capriviane by artikel 2 ingestel. (vi)

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

INSTELLING EN SETEL VAN DIE VERTEENWOORDIGENDE OWERHEID

Instelling van Verteenwoordigende Owerheid

2. Daar word hierby 'n verteenwoordigende owerheid vir die Capriviane ingestel wat die Verteenwoordigende Owerheid van die Capriviane 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.

Setel van Verteenwoordigende Owerheid

3. Katima Mulilo is die setel van die Verteenwoordigende Owerheid.

- (ii) "chief" means a chief recognized or appointed as such under the laws governing the recognition and appointment of chiefs of the Caprivians; (iv)
- (iii) "Executive Committee" means the Executive Committee established by section 2(b); (vi)
- (iv) "*Official Gazette*" means the official gazette of the Representative Authority; (v)
- (v) "principal Proclamation" means the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980); (iii)
- (vi) "Representative Authority" means the Representative Authority of the Caprivians established by section 2; (viii)
- (vii) "territory" means the territory of South West Africa; (ii)
- (viii) "the Caprivians" means the Capravian 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 Caprivians", "Legislative Assembly of the Caprivians" and "Executive Committee of the Caprivians" mean the Representative Authority, the Assembly and the Executive Committee, respectively.

ESTABLISHMENT AND SEAT OF THE REPRESENTATIVE AUTHORITY

Establishment of Representative Authority

2. There is hereby established a representative authority for the Caprivians, to be called the Representative Authority of the Caprivians 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.

Seat of Representative Authority

3. Katima Mulilo shall be the seat of the Representative Authority.

DIE WETGEWENDE VERGADERING

Samestelling van Vergadering

4. Die Vergadering bestaan uit twintig lede, naamlik —

- (a) die kaptein van die Mafwe-stam;
- (b) die kaptein van die Basubia-stam;
- (c) agt lede verkies soos in artikel 5 beoog; en
- (d) tien lede ingevolge artikel 6 benoem.

Verkose lede van Vergadering

5. Behoudens die bepalings van artikel 9 van die Hoofproklamasie en tensy en totdat die Vergadering, in die mate ingevolge die Hoofproklamasie daartoe gemagtig, by ordonnansie anders bepaal —

- (a) word die lede van die Vergadering in artikel 4(c) bedoel ten opsigte van die volgende stamme van die Capriviane verkies, naamlik —
 - (i) die Mafwe-stam; en
 - (ii) die Basubia-stam;
- (b) word ten opsigte van elk van genoemde stamme vier lede van die Vergadering ooreenkomstig die wette op die verkiesing van lede van die Vergadering verkies deur kiesers wat ingevolge sodanige wette geregtig is om by 'n verkiesing van sodanige lede ten opsigte van die betrokke stam te stem;
- (c) het elke kieser wat aldus geregtig is by so 'n verkiesing soveel stemme as wat daar lede van die Vergadering is wat by daardie verkiesing ten opsigte van die betrokke stam verkies moet word maar mag hy nie vir een kandidaat meer as een stem uitbring nie;
- (d) is geen persoon bevoeg om as 'n lid van die Vergadering verkies te word nie tensy hy —
 - (i) ses-en-twintig jaar oud of ouer is; of
 - (ii) 'n kaptein is; of
 - (iii) 'n lid is van die Mafwe-stamowerheid of die Basubia-stamowerheid, by Proklamasie R.261 van 1971 erken,

en andersins voldoen aan die kwalifikasies wat by wet vir lede van die Vergadering voorgeskryf is.

THE LEGISLATIVE ASSEMBLY

Constitution of Assembly

4. The Assembly shall consist of twenty members, namely —

- (a) the chief of the Mafwe tribe;
- (b) the chief of the Basubia tribe;
- (c) eight members elected as contemplated in section 5; and
- (d) ten members nominated in terms of section 6.

Elected members of Assembly

5. Subject to the provisions of section 9 of the principal Proclamation, and unless and until the Assembly, to the extent authorized thereto in terms of the principal Proclamation, by ordinance provides otherwise —

- (a) the members of the Assembly referred to in section 4(c) shall be elected in respect of the following tribes of the Caprivians, namely —
 - (i) the Mafwe tribe; and
 - (ii) the Basubia tribe;
- (b) four members of the Assembly shall be elected in respect of each of the said tribes in accordance with the laws governing the election of members of the Assembly, by voters entitled in terms of such laws to vote at an election of such members in respect of the tribe concerned;
- (c) every voter so entitled shall at any such election have as many votes as there are members of the Assembly to be elected at that election in respect of the tribe concerned, but he shall not record more than one vote for any one candidate;
- (d) no person shall be qualified to be elected as a member of the Assembly, unless he —
 - (i) is of or over the age of twenty-six years; or
 - (ii) is a chief; or
 - (iii) is a member of the Mafwe Tribal Authority or the Basubia Tribal Authority, recognized by Proclamation R.261 of 1971,

and otherwise complies with the qualifications prescribed by law for members of the Assembly.

Benoemde lede van Vergadering

6. (1) Die benoemde lede van die Vergadering bestaan uit —

- (a) vyf lede deur die in paragraaf (d)(iii) van artikel 5 vermelde Mafwe-stamowerheid uit sy eie lede benoem; en
- (b) vyf lede deur die in genoemde paragraaf vermelde Basubia-stamowerheid uit sy eie lede benoem:

Met dien verstande dat 'n aldus benoemde lid van die Vergadering wat ophou om 'n lid van die stamowerheid wat hom benoem het, te wees maar ingevolge artikel 7(1)(e) 'n lid van die Vergadering bly omdat hy 'n lid van die Uitvoerende Komitee is, geag word, terwyl hy lid van die Uitvoerende Komitee is, 'n lid van die Vergadering te wees wat ooreenkomsdig die bepalings van paragraaf (a) of (b), na gelang van die geval, van hierdie subartikel deur die betrokke stamowerheid benoem is.

(2) Die kwalifikasies en diskwalifikasies by wet ten opsigte van verkose lede van die Vergadering voorgeskryf, is ook ten opsigte van benoemde lede van die Vergadering van toepassing.

(3) Wanneer lede van die Vergadering na 'n ontbinding van die Vergadering benoem moet word, word 'n datum waarop of 'n tydperk waartydens die benoemings moet plaasvind op dieselfde wyse bepaal en bekend gemaak as die stemdag of stemtydperk vir die verkiesing van lede van die Vergadering.

(4) Die stamowerheid wat 'n persoon ingevolge hierdie artikel benoem het, moet die naam van die benoemde persoon en die datum waarop hy benoem is skriftelik aan die Sekretaris van die Vergadering meegeel.

(5) 'n Aldus benoemde persoon is lid van die Vergadering —

- (a) indien hy as gevolg van die ontbinding van die Vergadering en voor die stemdag of eerste stemdag vir die verkiesing van lede van die Vergadering uit hoofde van die ontbinding gehou, benoem is, vanaf daardie stemdag of eerste stemdag, na gelang van die geval;
- (b) indien hy in ander omstandighede as dié in paragraaf (a) vermeld, benoem is, vanaf die datum waarop hy benoem is.

Ontruiming van setels in Vergadering

7. (1) 'n Lid van die Vergadering, behalwe 'n kaptein in artikel 4 genoem, ontruim sy setel —

Nominated members of Assembly

6. (1) The nominated members of the Assembly shall consist of —

- (a) five members nominated by the Mafwe Tribal Authority, mentioned in paragraph (d)(iii) of section 5, from among its own members; and
- (b) five members nominated by the Basubia Tribal Authority mentioned in the said paragraph, from among its own members:

Provided that a member of the Assembly so nominated who ceases to be a member of the tribal authority that nominated him but in terms of section 7(1)(e) continues to be a member of the Assembly by reason of his being a member of the Executive Committee, shall, while he is a member of the Executive Committee, be deemed to be a member of the Assembly nominated in accordance with the provisions of paragraph (a) or (b), as the case may be, of this subsection by the tribal authority concerned.

(2) The qualifications and disqualifications prescribed by law in respect of elected members of the Assembly, shall apply also in respect of nominated members of the Assembly.

(3) Whenever members of the Assembly are to be nominated after a dissolution of the Assembly, a date on which or a period during which the nominations shall take place, shall be determined and made known in the same manner as the polling day or polling period for the election of members of the Assembly.

(4) The tribal authority which nominated any person in terms of this section shall inform the Secretary of the Assembly in writing of the name of the person nominated and the date on which he was nominated.

(5) A person so nominated shall be a member of the Assembly —

- (a) if he was nominated in consequence of the dissolution of the Assembly and before the polling day or first polling day for the election of members of the Assembly held by virtue of such dissolution, as from that polling day or first polling day, as the case may be;
- (b) if he was nominated in circumstances other than those mentioned in paragraph (a), as from the date on which he was nominated.

Vacation of seats in Assembly

7. (1) A member of the Assembly, except a chief mentioned in section 4, shall vacate his seat —

- (a) indien hy by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig, as lid van die Vergadering 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, onderhewig raak;
- (d) indien hy verkies, benoem of andersins aangewys word as lid van die Ministersraad of as lid van die uitvoerende owerheid, soos in artikel 1 van die Hoofproklamasie omskryf, van 'n ander bevolkingsgroep as die Capriviane;
- (e) indien hy 'n ingevolge artikel 6 benoemde lid is en ophou om 'n lid van die stamowerheid wat hom benoem het, te wees, tensy hy 'n lid van die Uitvoerende Komitee is.

(2) 'n Kaptein in artikel 4 genoem, ontruim sy setel as lid van die Vergadering indien hy ophou om kaptein van die betrokke aldus genoemde stam te wees.

Kennisgewing van vakature in Vergadering

8. (1) Wanneer 'n setel in die Vergadering ingevolge artikel 7 of weens die dood van 'n lid vakant geword het, moet die Sekretaris van die Vergadering onverwyld by kennisgewing in die *Offisiële Koerant* verklaar dat 'n vakature ten opsigte van die betrokke setel ontstaan het, wat die datum is waarop dit ontstaan het en wat die oorsaak daarvan is, en, indien dit 'n setel vir 'n benoemde lid is, dat die benoeming van 'n lid in die vakante setel moet plaasvind op of voor 'n datum in die kennisgewing vermeld en met inagneming van die bepalings van artikel 9 deur die Voorsitter van die Vergadering na oorlegpleging met die Uitvoerende Komitee en die betrokke stamowerheid bepaal.

(2) Sodra 'n toevallige vakature tot die kennis van die Voorsitter van die Vergadering kom, verwittig hy die Vergadering daarvan, as die Vergadering in sessie is, en, as dit nie in sessie is nie, verwittig hy die Vergadering van die vakature so gou doenlik na die aanvang van die eersvolgende sessie en, indien die vakature intussen gevul is, stel hy die Vergadering dienoorkomstig in kennis.

Vul van vakature in Vergadering

9. (1) 'n Toevallige vakature in die Vergadering, behalwe 'n vakature in die setel van 'n kaptein in artikel 4 genoem, moet binne ses maande nadat dit ontstaan het of binne die verdere tydperk wat van tyd tot tyd deur die Administrateur-generaal goedgekeur en deur die Sekretaris van die Vergadering in die *Offisiële Koerant*

- (a) if he resigns as a member of the Assembly 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 a disqualification so prescribed for such members;
- (d) if he is elected, nominated or otherwise designated as a member of the Council of Ministers or as a member of the executive authority, as defined in section 1 of the principal Proclamation, of any population group other than the Caprivians;
- (e) if he is a member nominated in terms of section 6 and ceases to be a member of the tribal authority that nominated him, unless he is a member of the Executive Committee.

(2) A chief mentioned in section 4 shall vacate his seat as a member of the Assembly if he ceases to be chief of the relevant tribe so mentioned.

Notice of vacancy in Assembly

8. (1) Whenever any seat in the Assembly has become vacant in terms of section 7 or on account of the death of any member, the Secretary of the Assembly shall forthwith by notice in the *Official Gazette* declare that a vacancy has occurred in respect of the seat concerned, the date on which it occurred and the cause thereof, and, if it is a seat for a nominated member, that the nomination of a member to the vacant seat shall take place on or before a date mentioned in such notice and determined, with due regard to the provisions of section 9, by the Chairman of the Assembly after consultation with the Executive Committee and the tribal authority concerned.

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

Filling of vacancy in Assembly

9. (1) A casual vacancy in the Assembly, other than a vacancy in the seat of a chief mentioned in section 4, shall be filled within six months after it has occurred or within such further period as may have been approved from time to time by the Administrator-General and made known in the *Official Gazette* by the Secretary of

bekend gemaak is, gevul word deur die verkiesing van 'n lid soos in artikel 5 beoog of deur die benoeming van 'n lid deur die bevoegde stamowerheid kragtens artikel 6, na gelang van die geval, tensy die termyn van die Vergadering gedurende genoemde tydperk van ses maande verstryk.

(2) Indien 'n kaptein in artikel 4 genoem sy setel in die Vergadering ontruim ingevolge artikel 7(2) of te sterwe kom, word sy opvolger in die betrokke kapteinskap 'n lid van die Vergadering op die datum van sy erkennings of aanstelling as kaptein van die betrokke stam ingevolge die wette op die erkenning en aanstelling van kapteins van die Capriviane.

Eed wat lede van Vergadering moet aflê en onderteken

10. (1) Elke lid van die Vergadering moet voordat hy sy plek inneem, voor 'n persoon deur die Administrateur-generaal vir dié doel aangewys, of, in die geval van 'n lid wat verkies of benoem is om 'n toevallige vakature te vul, voor die Voorsitter of Adjunkvoorsitter van die Vergadering, 'n eed in die volgende vorm aflê en onderteken:

“ Ek, A.B., sweer en beloof plegtig dat ek my pligte as lid van die Wetgewende Vergadering van die Capriviane getrou en na my beste vermoë sal uitvoer.

So help my God.”

(2) 'n Lid kan, in plaas van sodanige eed, 'n plegtige verklaring in ooreenstemmende vorm aflê en onderteken.

Voorsitter en Adjunkvoorsitter van Vergadering

11. (1) Op sy eerste sitting na 'n algemene verkiesing en benoeming 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.

(2) By die verkiesing van 'n Voorsitter van die Vergadering word geen debat toegelaat nie.

(3) '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.

(4) '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.

the Assembly, by the election of a member as contemplated in section 5 or by the nomination of a member by the competent tribal authority under section 6, as the case may be, unless the term of the Assembly expires during the said period of six months.

(2) If a chief mentioned in section 4 vacates his seat in the Assembly in terms of section 7(2) or dies, his successor to the chieftainship in question shall become a member of the Assembly on the date of his recognition or appointment as chief of the tribe concerned in terms of the laws governing the recognition and appointment of chiefs of the Caprivians.

Oath to be taken and subscribed by members of Assembly

10. (1) Every member of the Assembly shall before taking his seat make and subscribe before a person designated by the Administrator-General for that purpose or, in the case of a member elected or nominated to fill a casual vacancy, before the Chairman or Deputy Chairman of the Assembly, an oath in the following form:

“ I, A.B., do swear and solemnly promise to perform my duties as a member of the Legislative Assembly of the Caprivians to the best of my ability.

So help me God.”

(2) A member may, in lieu of such oath, make and subscribe a solemn affirmation in corresponding form.

Chairman and Deputy Chairman of Assembly

11. (1) The Assembly shall at its first sitting after a general election and nomination 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.

(2) At the election of a Chairman of the Assembly no debate shall be allowed.

(3) 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.

(4) 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.

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

(6) 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 verklaar.

(7) 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.

(8) Indien twee of meer kandidate dieselfde getal stemme gekry het maar minder as al die ander kandidate, bepaal die Vergadering by afsonderlike stemming wat so dikwels as wat nodig is, herhaal word, watter van daardie kandidate vir die doeleindes van subartikel (7) uitgeskakel moet word.

(9) Indien slegs twee kandidate voorgestel en gesekondeer word, of slegs twee kandidate oorbly na die uitskakeling van 'n kandidaat ingevolge subartikel (7), 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 totdat 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.

(10) 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 (11) bepaalde wyse gehou.

(11) By 'n geheime stemming ingevolge subartikel (10) 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;

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

(6) 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.

(7) 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.

(8) 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 often as may be necessary which of those candidates shall be eliminated for the purposes of subsection (7).

(9) If only two candidates are proposed and seconded, or only two candidates remain after the elimination of any candidate in terms of subsection (7), 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.

(10) 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 (11).

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

(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 manner that the cross placed on it by him is not visible;

(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 voormeld, 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.

(12) Die bepalings van subartikels (2) tot (11) is *mutatis mutandis* van toepassing op die verkiesing van die Adjunkvoorsitter van die Vergadering.

Ampstermy van Voorsitter en Adjunkvoorsitter van Vergadering

12. (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 kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig 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 ontheffing 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 aangevul deur die verkiesing deur die Vergadering van 'n lid daarvan tot die betrokke amp ooreenkomsdig die tersaaklike bepalings van artikel 11(2) tot (12).

Duur van Vergadering

13. Behoudens die bepalings van artikel 10 van die Hoofproklamasie, bly elke Vergadering in stand vir 'n tydperk van vyf jaar vanaf die eerste sittingsdag van sy

(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.

(12) The provisions of subsections (2) to (11) shall apply *mutatis mutandis* to the election of the Deputy Chairman of the Assembly.

Period of office of Chairman and Deputy Chairman of Assembly

12. (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 under his hand addressed 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 at the next ensuing sitting inform the Assembly thereof.

(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 relevant provisions of section 11(2) to (12).

Duration of Assembly

13. Subject to the provisions of section 10 of the principal Proclamation, every Assembly shall continue for a period of five years from the first sitting day of its

eerste sessie na sy samestelling, welke sessie binne drie maande na sodanige samestelling 'n aanvang moet neem.

Sessies van Vergadering

14. (1) Elke sessie van die Vergadering word by die setel van die Verteenwoordigende Owerheid gehou, en neem 'n aanvang en eindig op die onderskeie datums wat die Uitvoerende Komitee met inagneming van die bepalings van artikel 13 van hierdie Proklamasie en artikel 11(1) van die Hoofproklamasie bepaal.

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

(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.

Procedure in Vergadering

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

(2) Elf lede maak 'n kworum vir 'n sitting van die Vergadering uit.

(3) Die Voorsitter of die Adjunkvoorsitter van die Vergadering sit voor op sittings daarvan, en, wanneer sowel die Voorsitter as die Adjunkvoorsitter van 'n sitting afwesig is of om 'n ander rede nie daarop kan voor-sit nie, 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 van elke Vergadering na sy samestelling voorsit totdat 'n Voorsitter gekies is.

Sekretaris van Vergadering hou aantekeninge

16. (1) Die Sekretaris van die Vergadering moet 'n woordelike verslag van die verrigtinge van die Vergadering hou.

(2) Die Sekretaris van die Vergadering moet voorts aantekening hou van die vernaamste gebeurtenisse in verband met die Vergadering vanaf die datum van sy instelling, en in die besonder moet die volgende aangeteken word, naamlik —

first session after its constitution, which session shall commence within three months after such constitution.

Sessions of Assembly

14. (1) Every session of the Assembly shall be held at the seat of the Representative Authority, and shall commence and end on the respective dates which the Executive Committee shall determine with due regard to the provisions of section 13 of this Proclamation and section 11(1) of the principal Proclamation.

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

(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

15. (1) 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.

(2) Eleven members shall form a quorum for a sitting of the Assembly.

(3) The Chairman or the Deputy Chairman of the Assembly shall preside at sittings thereof and whenever both the Chairman and the Deputy Chairman are absent from any sitting or unable for any other reason to preside thereat, 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 at the first sitting of each Assembly after its constitution the Secretary of the Assembly shall preside until a Chairman is elected.

Secretary of Assembly to keep records

16. (1) The Secretary of the Assembly shall keep a verbatim record of the proceedings of the Assembly.

(2) The Secretary of the Assembly shall, furthermore, keep a record of the most important occurrences in connection with the Assembly from the date of its establishment, and in particular the following shall be recorded, namely —

- (a) alle wette, proklamasies en goewermentskennisgewings met betrekking tot die instelling of sake van die Vergadering;
- (b) die name en ampstermyne van Voorsitters en ander lede van die Uitvoerende Komitee en Voorsitters, Adjunkvoorsitters en ander lede van die Vergadering;
- (c) die ander aangeleenthede wat die Vergadering bepaal.

Afkondiging en registrasie van ordonnansie van Vergadering

17. Die Uitvoerende Komitee 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

18. Die Uitvoerende Komitee bestaan uit ses lede, naamlik —

- (a) die kaptein van die Mafwe-stam en die kaptein van die Basubia-stam, een van wie deur die Vergadering as die Voorsitter van die Uitvoerende Komitee verkies word op die wyse in artikel 19 bepaal; en
- (b) vier ander lede deur die Voorsitter van die Uitvoerende Komitee uit die lede van die Vergadering aangestel op die wyse in artikel 20 bepaal.

Voorsitter van Uitvoerende Komitee

19. (1) Onmiddellik na die verkiesing van die Voorsitter en die Adjunkvoorsitter van die Vergadering ingevolge artikel 11(1), gaan die Vergadering oor tot die verkiesing van een van die kapteins in artikel 18(a) vermeld as Voorsitter van die Uitvoerende Komitee.

(2) (a) Die stemming by die verkiesing van 'n Voorsitter van die Uitvoerende Komitee geskied, tensy die Vergadering anders besluit, by geheime stembrief *mutatis mutandis* ooreenkomsdig die bepalings van artikel 11(1), en by sodanige stemming het elke aanwesige lid behalwe die voorsittende lid een stem en word geen debat toegelaat nie.

(b) Indien daar 'n staking van stemme tussen die kandidate is word 'n verdere stemming gehou, wat so dikwels as wat nodig is, herhaal word totdat een van die kandidate 'n meerderheid verkry

- (a) all laws, proclamations and government notices in relation to the establishment or business of the Assembly;
- (b) the names and terms of office of Chairmen and other members of the Executive Committee, and Chairmen, Deputy Chairmen and other members of the Assembly;
- (c) such other matters as the Assembly may determine.

Promulgation and enrolment of ordinances of Assembly

17. The Executive Committee shall cause every ordinance of the Assembly referred to in section 17 of the principal Proclamation to be published 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

18. The Executive Committee shall consist of six members, namely —

- (a) the chief of the Mafwe tribe and the chief of the Basubia tribe, one of whom shall be elected by the Assembly as the Chairman of the Executive Committee in the manner provided in section 19; and
- (b) four other members appointed by the Chairman of the Executive Committee from among the members of the Assembly in the manner provided in section 20.

Chairman of Executive Committee

19. (1) Immediately after the election of the Chairman and the Deputy Chairman of the Assembly in terms of section 11(1), the Assembly shall proceed to elect one of the chiefs mentioned in section 18(a) as Chairman of the Executive Committee.

- (2) (a) The vote at the election of a Chairman of the Executive Committee shall, unless the Assembly resolves otherwise, be taken by secret ballot *mutatis mutandis* in accordance with the provisions of section 11(1), and at such election each member present except the presiding member shall have one vote and no debate shall be allowed.
- (b) If there is an equality of votes between the candidates a further vote shall be taken, which shall be repeated as often as may be necessary until one of the candidates obtains a majority of the

van die stemme wat uitgebring word : Met dien verstande dat die voorsittende lid, op 'n mosie deur die Vergadering aangeneem, die oorweging van die aangeleentheid tot die eersvolgende sittingsdag moet uitstel.

- (c) Op die hervatte sitting na 'n uitstelling ingevolge die voorbehoudsbepaling by paragraaf (b), word 'n stemming weer gehou en indien daar weer 'n staking van stemme tussen die kandidate is, het die voorsittende lid 'n beslissende stem wat hy moet uitbring deur die kandidaat van sy keuse as behoorlik verkies te verklaar.

(3) 'n Kaptein in artikel 18(a) genoem —

- (a) wat 'n lid van die Nasionale Vergadering van Suidwes-Afrika is, kan, ondanks die bepalings van artikel 21(1)(b) van die Hoofproklamasie, as Voorsitter van die Uitvoerende Komitee verkies word maar hou, indien aldus verkies, op om lid van genoemde Nasionale Vergadering te wees vir alle doeleindeste asof hy sy setel daarin kragtens artikel 6(1)(d) van die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), met ingang van die datum van sy verkiesing as sodanige Voorsitter bedank het;
- (b) wat die amp van Voorsitter van die Uitvoerende Komitee beklee, is, indien en terwyl die ander aldus genoemde kaptein 'n lid van gemelde Nasionale Vergadering is, en ondanks andersluidende bepalings van die Proklamasie op die Nasionale Vergadering, 1979, nie bevoeg om vir lidmaatskap van gemelde Nasionale Vergadering benoem te word nie.

- (4) Behoudens die bepalings van subartikel (5), beklee die kaptein wat as Voorsitter van die Uitvoerende Komitee verkies is sy amp as sodanige Voorsitter uit hoofde van die betrokke verkiesing totdat hy ingevolge subartikel (1) na 'n algemene verkiesing en benoeming van lede van die Vergadering herkies of vervang word.

(5) Die Voorsitter van die Uitvoerende Komitee ontruim sy amp as sodanige Voorsitter —

- (a) indien hy sy setel in die Vergadering ontruim ingevolge artikel 7(2);
- (b) indien hy as sodanige Voorsitter bedank by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig of deur 'n aankondiging te dien effekte op 'n sitting van die Vergadering te doen;
- (c) indien hy, terwyl hy nie ingevolge subartikel (3)(b) van hierdie artikel onbevoeg is nie, nominasie vir lidmaatskap van genoemde Nasionale Vergadering aanvaar soos in artikel

votes cast: Provided that the presiding member shall, upon a motion adopted by the Assembly, postpone the consideration of the matter until the next ensuing sitting day.

- (c) At the resumed sitting after a postponement in terms of the proviso to paragraph (b), a vote shall again be taken and if there is again an equality of votes between the candidates, the presiding member shall have a casting vote which he shall exercise by declaring the candidate of his choice to be duly elected.

(3) A chief mentioned in section 18(a) —

- (a) who is a member of the National Assembly of South West Africa may, notwithstanding the provisions of section 21(1)(b) of the principal Proclamation, be elected as Chairman of the Executive Committee but shall, if so elected, cease to be a member of the said National Assembly for all purposes as if he had resigned his seat therein under section 6(1)(d) of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979), with effect from the date of his election as such Chairman;
- (b) who holds office as Chairman of the Executive Committee, shall, if and while the other chief so mentioned is a member of the said National Assembly, and notwithstanding anything to the contrary contained in the National Assembly Proclamation, 1979, not be qualified to be nominated for membership of the said National Assembly.
- (4) Subject to the provisions of subsection (5), the Chief elected as Chairman of the Executive Committee shall hold office as such Chairman by virtue of the relevant election until re-elected or replaced in terms of subsection (1) after a general election and nomination of members of the Assembly.

(5) The Chairman of the Executive Committee shall vacate his office as such Chairman —

- (a) if he vacates his seat in the Assembly in terms of section 7(2);
- (b) if he resigns as such Chairman by notice under his hand addressed to the Secretary of the Assembly or by making an announcement to that effect at a sitting of the Assembly;
- (c) if, not being disqualified in terms of subsection (3)(b) of this section, he accepts nomination for membership of the said National Assembly as

7(3)(a) van genoemde Proklamasie op die Nasionale Vergadering, 1979, beoog;

(d) indien hy by besluit van die Vergadering op 'n mosie met minstens elf stemme aangeneem, van sy amp as sodanige Voorsitter onthef word.

(6) 'n Toevallige vakature in die amp van Voorsitter van die Uitvoerende Komitee word gevul —

(a) indien die kaptein in artikel 18(a) genoem wat die amp ontruim het lid van die Uitvoerende Komitee bly, deur die ander aldus genoemde kaptein, vir alle doeleindeste asof bedoelde ander kaptein op die dag waarop die vakature ontstaan het, as sodanige Voorsitter verkies is ingevolge subartikel (2) van hierdie artikel;

(b) indien die vakature ingevolge subartikel (5)(a) of as gevolg van die dood van die Voorsitter ontstaan het, of indien daar 'n vakature is in die ander kapteinskap betrokke by die toepassing van paragraaf (a) van hierdie subartikel in 'n bepaalde geval, deur die verkiesing van 'n nuwe Voorsitter ingevolge subartikel (2) binne veertien dae nadat dit moontlik geword het, uit hoofde van die erkenning of aanstelling van 'n kaptein in die vakante kapteinskap, om so 'n verkiesing te hou, indien die Vergadering dan in sessie is en, indien die Vergadering nie dan in sessie is nie, moet 'n buitengewone sessie binne genoemde tydperk van veertien dae vir die doeleindeste van sodanige verkiesing byeengeroep word.

(7) Totdat 'n vakature in die amp van Voorsitter van die Uitvoerende Komitee, wat in die in paragraaf (b) van subartikel (6) beoogde omstandighede ontstaan het, ingevolge daardie paragraaf gevul is, tree 'n lid van die Uitvoerende Komitee wat vir die doel deur die Uitvoerende Komitee aangewys is, as Voorsitter op.

Aanstelling van lede van Uitvoerende Komitee

20. (1) Die Voorsitter van die Uitvoerende Komitee moet binne sewe dae na die datum van sy verkiesing ingevolge artikel 19(1), as lede van die Uitvoerende Komitee aanstel —

(a) twee persone uit die lede van die Vergadering wat ten opsigte van die Mafwe-stam verkies is soos in artikel 5 beoog of deur die Mafwe-stamowerheid ingevolge artikel 6 benoem is; en

(b) twee persone uit die lede van die Vergadering wat ten opsigte van die Basubia-stam verkies is soos in artikel 5 beoog of deur die Basubia-stamowerheid ingevolge artikel 6 benoem is.

contemplated in section 7(3)(a) of the said National Assembly Proclamation, 1979;

(d) if he is removed from office as such Chairman by resolution of the Assembly adopted with at least eleven votes.

(6) A casual vacancy in the office of Chairman of the Executive Committee shall be filled —

(a) if the chief mentioned in section 18(a) who vacated the office continues to be a member of the Executive Committee, by the other chief so mentioned, for all purposes as if such other chief had been elected as such Chairman under subsection (2) of this section on the day on which the vacancy occurred;

(b) if the vacancy occurred in terms of subsection (5)(a) or as a result of the death of the Chairman, or if there is a vacancy in the other chieftainship involved in the application of the provisions of paragraph (a) of this subsection in any particular case, by the election of a new Chairman in terms of subsection (2) within fourteen days after it has, by virtue of the recognition or appointment of a chief in the vacant chieftainship, become possible for such an election to be held, if the Assembly is then in session, and, if the Assembly is not then in session, a special session shall be summoned within the said period of fourteen days for the purposes of such election.

(7) Until a vacancy in the office of Chairman of the Executive Committee, which occurred under the circumstances contemplated in paragraph (b) of subsection (6), has been filled in terms of that paragraph, a member of the Executive Committee designated for that purpose by the Executive Committee shall act as Chairman.

Appointment of members of Executive Committee

20. (1) The Chairman of the Executive Committee shall within seven days after the date of his election in terms of section 19(1) appoint as members of the Executive Committee —

(a) two persons from among the members of the Assembly elected in respect of the Mafwe tribe as contemplated in section 5 or nominated by the Mafwe Tribal Authority in terms of section 6; and

(b) two persons from among the members of the Assembly elected in respect of the Basubia tribe as contemplated in section 5 or nominated by the Basubia Tribal Authority in terms of section 6.

(2) Indien die kaptein van die Mafwe-stam die Voor-
sitter van die Uitvoerende Komitee is en die
kapteinskap van die Basubia-stam nie vakant is nie,
moet hy die kaptein van die Basubia-stam raadpleeg
voordat hy die in paragraaf (b) van subartikel (1)
beoogde aanstellings doen, en indien die kaptein van
die Basubia-stam die Voorsitter is en die kapteinskap
van die Mafwe-stam nie vakant is nie, moet hy die kap-
tein van die Mafwe-stam raadpleeg voordat hy die in
paragraaf (a) van daardie subartikel beoogde aan-
stellings doen.

Ampstermy van aangestelde lede van Uitvoerende Komitee

21. Behoudens die bepalings van artikel 22, beklee 'n lid van die Uitvoerende Komitee ingevolge artikel 20 aangestel sy amp vir die duur van die Vergadering waardeer die Voorsitter van die betrokke Uitvoerende Komitee verkies is en totdat sy opvolger na 'n algemene verkiesing en benoeming van lede van die Vergadering aldus aangestel is.

Ontruiming van amp deur lid van Uitvoerende Komitee

22. (1) 'n Kaptein in artikel 18(a) genoem, ontruim sy amp as lid van die Uitvoerende Komitee indien hy sy setel in die Vergadering ontruim ingevolge artikel 7(2).

(2) 'n Lid van die Uitvoerende Komitee ingevolge artikel 20 aangestel, ontruim sy amp —

- (a) indien hy sy setel in die Vergadering ontruim;
- (b) indien hy as lid van die Uitvoerende Komitee bedank by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig of deur 'n aankondiging te dien effekte op 'n vergadering van die Uitvoerende Komitee of 'n sitting van die Vergadering te doen;
- (c) indien hy by besluit van die Vergadering op 'n mosie met minstens elf stemme aangeneem, van sy amp onthef word;
- (d) indien hy verkies, benoem of andersins aangewys word as lid van die wetgewende owerheid, soos in artikel 1 van die Hoofproklamasie omskryf, van 'n ander bevolkingsgroep as die Capriviane.

(3) Indien die Vergadering, nadat 'n vakature in die amp van Voorsitter van die Uitvoerende Komitee ontstaan het, 'n nuwe Voorsitter van die Uitvoerende Komitee gekies het, kan die nuwe Voorsitter te eniger tyd na sy verkiesing enige aanstelling van 'n lid van die Uitvoerende Komitee deur sy voorganger gedoen, skriftelik intrek, en 'n lid wie se aanstelling aldus ingetrek is, ontruim sy amp as sodanige lid by die aanstelling van sy opvolger deur die nuwe Voorsitter *mutatis mutandis* ooreenkomsdig die bepalings van artikel 20.

(2) If the chief of the Mafwe tribe is the Chairman of the Executive Committee and the chieftainship of the Basubia tribe is not vacant, he shall consult the chief of the Basubia tribe before making the appointments contemplated in paragraph (b) of subsection (1), and if the chief of the Basubia tribe is the chairman and the chieftainship of the Mafwe tribe is not vacant he shall consult the chief of the Mafwe tribe before making the appointments contemplated in paragraph (a) of that subsection.

Period of office of appointed members of Executive Committee

21. Subject to the provisions of section 22, a member of the Executive Committee appointed in terms of section 20 shall hold office for the duration of the Assembly by which the Chairman of the Executive Committee concerned was elected and until his successor has been so appointed after a general election and nomination of members of the Assembly.

Vacation of office by member of Executive Committee

22. (1) A chief mentioned in section 18(a) shall vacate his office as a member of the Executive Committee if he vacates his seat in the Assembly in terms of section 7(2).

(2) A member of the Executive Committee appointed in terms of section 20 shall vacate his office —

- (a) if he vacates his seat in the Assembly;
- (b) if he resigns as a member of the Executive Committee by notice under his hand addressed to the Secretary of the Assembly or by making an announcement to that effect at a meeting of the Executive Committee or a sitting of the Assembly;
- (c) if he is removed from office by resolution of the Assembly on a motion adopted with at least eleven votes;
- (d) if he is elected, nominated or otherwise designated as a member of the legislative authority, as defined in section 1 of the principal Proclamation, of any population group other than the Caprivians.

(3) If, after a vacancy in the office of Chairman of the Executive Committee had occurred, the Assembly has elected a new Chairman of the Executive Committee, the new Chairman may at any time after his election, in writing cancel any appointment of a member of the Executive Committee made by his predecessor, and a member whose appointment has been so cancelled shall vacate his office as such member on the appointment of his successor by the new Chairman *mutatis mutandis* in accordance with the provisions of section 20.

(4) Indien 'n lid van die Uitvoerende Komitee sy amp op 'n ander wyse ontruim as deur bedanking op 'n sitting van die Vergadering of ontheffing van sy amp kragtens subartikel (2)(c), moet die Sekretaris van die Vergadering gedurende die eersvolgende sitting die Vergadering daarvan verwittig.

Vul van toevallige vakature in Uitvoerende Komitee

23. (1) Behoudens die bepalings van subartikel (2), word 'n toevallige vakature in die Uitvoerende Komitee deur aanstelling deur die Voorsitter van die Uitvoerende Komitee *mutatis mutandis* ooreenkomstig die bepalings van artikel 20 gevul binne veertien dae na die datum waarop die vakature ontstaan het.

(2) Indien 'n kaptein in artikel 18(a) genoem sy amp as lid van die Uitvoerende Komitee ontruim of te sterwe kom, word sy opvolger in die betrokke kapteinskap 'n lid van die Uitvoerende Komitee op die datum waarop hy ingevolge artikel 9(2) 'n lid van die Vergadering word.

Eed wat lede van Uitvoerende Komitee moet aflê en onderteken

24. (1) Elke lid van die Uitvoerende Komitee moet voordat hy sy amp aanvaar, 'n eed 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 en beloof plegtig dat ek my amp as lid van die Uitvoerende Komitee van die Capriviane op eervolle en waardige wyse sal beklee; dat ek alle wette wat op die Capriviane 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 vermoe sal uitvoer.

So help my God.”.

(2) 'n Lid kan, in plaas van sodanige eed, 'n plegtige verklaring in ooreenstemmende vorm aflê en onderteken.

Prosedure in Uitvoerende Komitee

25. (1) Vier 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 benewens sy beraadslagende stem ook 'n beslissende stem.

(4) If a member of the Executive Committee vacates his office otherwise than by resignation at a sitting of the Assembly or removal from office under subsection (2)(c), the Secretary of the Assembly shall inform the Assembly thereof during the next ensuing sitting of the Assembly.

Filling of casual vacancy in Executive Committee

23. (1) Subject to the provisions of subsection (2), a casual vacancy in the Executive Committee shall be filled by appointment by the Chairman of the Executive Committee *mutatis mutandis* in accordance with the provisions of section 20 within fourteen days after the date on which the vacancy occurred.

(2) If a chief mentioned in section 18(a) vacates his office as a member of the Executive Committee or dies, his successor to the chieftainship in question shall become a member of the Executive Committee on the date on which he becomes a member of the Assembly in terms of section 9(2).

Oath to be taken and subscribed by members of Executive Committee

24. (1) 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 in the following form:

“ I, A.B., do swear and solemnly promise to hold my office as member of the Executive Committee of the Caprivians with honour and dignity; to respect and uphold all laws applicable to the Caprivians; 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.

So help me God.”.

(2) A member may, in lieu of such oath, make and subscribe a solemn affirmation in corresponding form.

Procedure in Executive Committee

25. (1) Four 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.

TRADISIONELE OWERHEDE

Kapteins behou persoonlike status

26. 'n Kaptein behou die persoonlike status wat hy tot nog toe gehad het en het ten opsigte van seremoniële en stamaangeleenthede en by seremoniële geleenthede binne sy gebied voorrang bo die Voorsitter en ander lede van die Uitvoerende Komitee, behalwe ten opsigte van aangeleenthede of geleenthede wat in verband staan met die sake van die Vergadering.

Pligte, bevoegdhede, gesag en werksaamhede van kapteins en hoofmanne bly van krag

27. Die pligte, bevoegdhede, gesag en werksaamhede wat onmiddellik voor die datum van inwerkingtreding van hierdie Proklamasie wettiglik deur kapteins, of deur hoofmanne as sodanig erken of aangestel kragtens die wette op die erkenning en aanstelling van hoofmanne van die Capriviane, uitgeoefen was, bly van krag totdat dit deur 'n bevoegde gesag verander of ingetrek word.

Stam-, gemeenskaps- en streeksowerhede

28. (1) Tensy en totdat die Vergadering, in die mate ingevolge die Hoofproklamasie daartoe gemagtig, by ordonnansie anders bepaal —

(a) kan die Uitvoerende Komitee by proklamasie in die *Offisiële Koerant* —

(i) indien daar in 'n stam of gemeenskap op gemeenskaplike grond van die Capriviane 'n stam- of gemeenskapsbestuur bestaan wat funksioneer ooreenkomsdig die reg en gebruikte wat die betrokke stam of gemeenskap toepas, daardie bestuur as 'n stamowerheid of 'n gemeenskapsowerheid

(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 if it may deem necessary, and may co-opt one or more members of the Assembly to serve on any such committee.

TRADITIONAL AUTHORITIES

Chiefs to retain personal status

26. A chief shall retain the personal status he has hitherto possessed and shall take precedence over the Chairman and other members of the Executive Committee in respect of ceremonial and tribal matters and at ceremonial occasions within his area, except in respect of matters or occasions connected with the business of the Assembly.

Duties, powers, authorities and functions of chiefs and headmen to remain in force

27. The duties, powers, authorities and functions lawfully exercised immediately before the date of commencement of this Proclamation by chiefs, or by headmen recognized or appointed as such under the laws governing the recognition and appointment of headmen of the Caprivians, shall remain in force until altered or cancelled by a competent authority.

Tribal, community and regional authorities

28. (1) Unless and until the Assembly, to the extent authorized thereto in terms of the principal Proclamation, by ordinance provides otherwise —

(a) the Executive committee may by proclamation in the *Official Gazette* —

(i) if in any tribe or community on communal land of the Caprivians there exists a tribal or community government functioning in accordance with the law and customs observed by the tribe or community concerned, recognize such government as a tribal authority or a community authority in

ten opsigte van daardie stam of gemeenskap erken, na die raadpleging met daardie stam of gemeenskap wat die Uitvoerende Komitee dienstig ag;

- (ii) indien daar in so 'n stam of gemeenskap geen bestuur soos voormeld bestaan nie, 'n stamowerheid of 'n gemeenskapsowerheid ten opsigte van die betrokke stam of gemeenskap instel en die wyse waarop die owerheid saamgestel word, bepaal, na die raadpleging met daardie stam of gemeenskap wat die Uitvoerende Komitee dienstig ag;
- (iii) ten opsigte van twee of meer stamowerhede of gemeenskapsowerhede gesamentlik, of een of meer stamowerhede en een of meer gemeenskapsowerhede gesamentlik, 'n streeksowerheid instel en die wyse waarop so 'n streeksowerheid saamgestel word, bepaal, na die raadpleging met die betrokke mense wat die Uitvoerende Komitee dienstig ag;
- (iv) voorsiening maak vir die verkiesing of aanwysing van die lede van so 'n stam-, gemeenskaps- of streeksowerheid en die ampstermyne en diensvoorraades van sodanige lede;
- (v) die bevoegdhede, pligte en werksaamhede met betrekking tot 'n aangeleenthed waaroer die Vergadering ordonnansies kan maak, en, met die toestemming van die Administrateur-generaal vooraf in elke bepaalde geval verkry, enige ander aangeleenthed, wat deur so 'n stam-, gemeenskaps- of streeksowerheid uitgeoefen kan word of verrig moet word, bepaal;
- (b) kan die Uitvoerende Komitee 'n stam-, gemeenskaps- of streeksowerheid aldus erken of ingestel, gelas om 'n inkomsterekening in te stel waarin die bedrae gestort moet word wat ingevolge die een of ander wet daarin gestort moet word en waaruit al die uitgawes van die betrokke owerheid bestry moet word;
- (c) word die boeke en rekenings van so 'n stam, gemeenskaps- of streeksowerheid ten opsigte waarvan 'n inkomsterekening ingevolge paragraaf (b) ingestel is, deur die Ouditeur-generaal in die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bedoel, geouditeer, en stuur genoemde Ouditeur-generaal 'n afskrif van sy verslag na elke audit of enige spesiale verslag wat hy te eniger tyd wenslik ag, aan die Uitvoerende Komitee, wat die verslag in die Vergadering ter tafel moet lê binne sewe dae na die ontvangs daarvan, as die Vergadering dan in sessie is, of, as die Vergadering dan nie in sessie is nie, binne sewe dae na die aanvang van sy eersvolgende sessie;

respect of that tribe or community, after such consultation with that tribe or community as the Executive Committee deems expedient;

- (ii) if no such government as aforesaid exists in such a tribe or community, establish a tribal authority or a community authority in respect of the tribe or community concerned, and determine the manner in which such authority is to be constituted, after such consultation with that tribe or community as the Executive Committee deems expedient;
- (iii) in respect of two or more tribal authorities or community authorities jointly, or one or more tribal authorities and one or more community authorities jointly, establish a regional authority and determine the manner in which such a regional authority is to be constituted, after such consultation with the people concerned as the Executive Committee deems expedient;
- (iv) provide for the election or designation of the members of any such tribal, community or regional authority and the period of office and conditions of service of such members;
- (v) determine the powers, duties and functions in relation to a matter on which the Assembly may make ordinances, and, with the prior consent of the Administrator-General obtained in each particular case, any other matter, which any such tribal, community or regional authority may exercise or is required to perform;
- (b) the Executive Committee may direct any tribal, community or regional authority so recognized or established, to establish a revenue account, into which shall be paid such amounts as are in terms of any law required to be paid into it and from which shall be defrayed all the expenses of the authority concerned;
- (c) the books and accounts of any such tribal, community or regional authority in respect of which a revenue account has been established in terms of paragraph (b), shall be audited by the Auditor-General referred to in the Exchequer and Audit Act, 1975 (Act 66 of 1975), and the said Auditor-General shall transmit a copy of his report after every audit or any special report which he deems desirable at any time, to the Executive Committee, which shall lay such report upon the table in the Assembly within seven days after the receipt thereof, if the Assembly is then in session, or, if the Assembly is then not in session, within seven days after the commencement of its next ensuing session;

(d) is die bepalings van artikels 42(4), (8), (9)(a) en (c)(i) en (10), 47, 48(1)(a) en 50 van genoemde Skatkis- en Ouditwet, 1975, en geen ander bepaling van daardie Wet nie, *mutatis mutandis* by die uitvoering van 'n audit ingevolge paragraaf (c) van hierdie subartikel van toepassing, en by sodanige toepassing word die verwysing —

- (i) in genoemde artikel 42(9)(c)(i) na die Tesourie uitgelê as 'n verwysing na die Uitvoerende Komitee;
- (ii) in genoemde artikel 48(1)(a) na die Sentrale Inkomstefonds uitgelê as 'n verwysing na die in artikel 32 van die Hoofproklamasie bedoelde inkomstefonds van die Verteenwoordigende Owerheid.

(2) Indien die Uitvoerende Komitee versuim om 'n in paragraaf (c) van subartikel (1) bedoelde verslag in die Vergadering ter tafel te lê binne die tydperk in daardie paragraaf voorgeskryf, stuur die Ouditeur-generaal 'n afskrif van die verslag aan die Voorsitter van die Vergadering, wat dit in die Vergadering ter tafel lê sodra dit vir hom moontlik is om dit te doen.

(3) Indien enige uitgawes verbonde aan die uitoefting of verrigting deur 'n stam-, gemeenskaps- of streeksowerheid van 'n bevoegdheid, plig of werksaamheid wat op 'n aangeleentheid waaraan die Vergadering nie ordonnansies kan maak nie betrekking het en wat kragtens subartikel (1)(a)(v) aan die betrokke owerheid verleen of opgedra is, uit die Sentrale Inkomstefonds betaalbaar is, moet die Ouditeur-generaal 'n afskrif van 'n verslag in subartikel (1)(c) bedoel, ook aan die Administrateur-generaal stuur, en oefen die Uitvoerende Komitee nie sy bevoegdheid ingevolge artikel 42(9)(c)(i) van genoemde Skatkis- en Ouditwet, 1975, soos deur subartikel (1)(d)(i) van hierdie artikel toegepas, ten opsigte van 'n betaling van daardie uitgawes uit nie behalwe met die instemming van die Administrateur-generaal.

Bewys van sekere feite deur beëdigde verklaring

29. Indien dit by enige regsgeding ter sake is —

- (a) of 'n bepaalde persoon 'n lid is of was van 'n stam-, gemeenskaps- of streeksowerheid in artikel 28 bedoel;
- (b) of so 'n owerheid of 'n lid van so 'n owerheid ten opsigte van 'n besondere aangeleentheid opgetree het ooreenkomsdig die reg en gebruikte wat die betrokke stam of gemeenskap toepas,

is 'n geskrif wat heet 'n beëdigde verklaring te wees van 'n persoon wat daarin beweer —

- (i) dat hy in regeringsdiens in die gebied werksaam is in 'n hoedanigheid in die verklaring vermeld; en

(d) the provisions of sections 42(4), (8), (9)(a) and (c)(i) and (10), 47, 48(1)(a) and 50 of the said Exchequer and Audit Act, 1975, and no other provision of that Act, shall apply *mutatis mutandis* at the execution of any audit in terms of paragraph (c) of this subsection, and for the purposes of such application the reference —

- (i) in the said section 42(9)(c)(i) to the Treasury shall be construed as a reference to the Executive Committee;
- (ii) in the said section 48(1)(a) to the Central Revenue Fund shall be construed as a reference to the revenue fund of the Representative Authority, referred to in section 32 of the principal Proclamation.

(2) If the Executive Committee fails to lay a report referred to in paragraph (c) of subsection (1) upon the table in the Assembly within the period prescribed in that paragraph, the Auditor-General shall transmit a copy of the report to the Chairman of the Assembly, who shall lay it upon the table in the Assembly as soon as it is possible for him to do so.

(3) If any expenditure involved in the exercise or performance by a tribal, community or regional authority of any power, duty or function relating to any matter on which the Assembly may not make ordinances, and conferred upon or assigned to the authority concerned under subsection (1)(a)(v), is to be paid from the Central Revenue Fund, the Auditor-General shall transmit a copy of any report referred to in subsection (1)(c) also to the Administrator-General, and the Executive Committee shall not in respect of any payment of such expenditure exercise its power in terms of section 42(9)(c)(i) of the said Exchequer and Audit Act, 1975, as applied by subsection (1)(d)(i) of this section, except with the concurrence of the Administrator-General.

Proof of certain facts by affidavit

29. If in any judicial proceedings it is relevant —

- (a) whether any particular person is or was a member of any tribal, community or regional authority referred to in section 28;
- (b) whether any such authority or any member of any such authority acted in respect of any particular matter in accordance with the law and customs observed by the tribe or community concerned,

any document purporting to be an affidavit by any person who in that affidavit alleges —

- (i) that he is employed in government service in the territory in a capacity specified in the affidavit; and

- (ii) dat hy kennis dra van die reg en gebruikte wat die betrokke stam of gemeenskap toepas en dat hy op grond van daardie kennis glo dat die betrokke persoon lid is of was van die betrokke stam-, gemeenskaps- of streeksowerheid, of, na gelang van die geval, dat ten opsigte van bedoelde aangeleenthed daar ooreenkomsdig die betrokke reg en gebruikte opgetree is,

by blote oorlegging in bedoelde geding *prima facie*-bewys dat die betrokke persoon 'n lid van die betrokke owerheid is of was, of dat ten opsigte van bedoelde aangeleenthed daar ooreenkomsdig die betrokke reg en gebruikte opgetree is, na gelang van die geval.

Verteenwoordigers van Uitvoerende Komitee

30. Die Uitvoerende Komitee kan, met die goedkeuring van die Vergadering by besluit verleen, 'n lid van die Capriviaanse bevolkingsgroep benoem om —

- (a) as die verteenwoordiger van die Uitvoerende Komitee by lede van daardie bevolkingsgroep in 'n deel van die gebied in die besluit genoem, op te tree;
- (b) namens die Uitvoerende Komitee die belang van sodanige lede in die betrokke deel van die gebied te behartig;
- (c) die Uitvoerende Komitee van advies te dien in verband met aangeleenthede wat die belang van sodanige lede in die betrokke deel van die gebied raak;
- (d) op die wyse in die besluit genoem, 'n komitee in te stel om hom by die verrigting van sy werkzaamhede en pligte by te staan.

ALGEMEEN

Tale, en publikasies in Offisiële Koerant

31. (1) Lozi, Afrikaans en Engels is die amptelike tale vir die doeleindeste van die Verteenwoordigende Owerheid, en 'n bykomende taal wat deur Capriviërs gespesifieer word en wat die Uitvoerende Komitee by kennisgewing in die *Offisiële Koerant* bepaal, kan ook gebruik word vir die amptelike doeleindeste van die Verteenwoordigende Owerheid wat die Uitvoerende Komitee aldus bepaal.

(2) Alle joernale, verslae, notules en ordelyste van die Vergadering moet in Lozi, Afrikaans en Engels gehou word, en geregtelike, administratiewe en finansiële stukke kan ook na vereiste van omstandighede aldus gehou word.

(3) Alle ordonnansies, proklamasies, regulasies en kennisgewings vir algemene inligting wat in die *Offisiële Koerant* afgekondig word, geskied in Lozi, Afrikaans en Engels.

- (ii) that he has knowledge of the law and customs observed by the tribe or community concerned and that on the ground of such knowledge he believes that the person concerned is or was a member of the tribal, community or regional authority concerned or, as the case may be, that the law and customs concerned were observed in respect of the said matter,

shall on its mere production in such proceedings be *prima facie* evidence that the person concerned is or was a member of the authority in question or that the law and customs concerned were observed in respect of the said matter, as the case may be.

Representatives of Executive Committee

30. The Executive Committee may with the approval of the Assembly granted by resolution, nominate a member of the Caprivian population group to —

- (a) act as the representative of the Executive Committee with members of that population group in any part of the territory specified in the resolution;
- (b) serve the interests of such members in the relevant part of the territory on behalf of the Executive Committee;
- (c) advise the Executive Committee in connection with matters affecting the interests of such members in the relevant part of the territory;
- (d) in the manner specified in the resolution, establish a committee to assist him in the performance of his functions and duties.

GENERAL

Languages, and publications in Official Gazette

31. (1) Lozi, English and Afrikaans shall be the official languages for the purposes of the Representative Authority, and an additional language used by Capriviërs and determined by the Executive Committee by notice in the *Official Gazette*, may also be used for such official purposes of the Representative Authority as the Executive Committee may so determine.

(2) All journals, records, minutes and proceedings of the Assembly shall be kept in Lozi, English and Afrikaans, and judicial, administrative and financial documents may, as circumstances may require, also be so kept.

(3) All ordinances, proclamations, regulations and notices for general information published in the *Official Gazette*, shall be in Lozi, English and Afrikaans.

Gemeenskaplike grond van Capriviane

32. Die gebied wat bestaan uit die gedeelte oos van die lengtemeridiaan $23^{\circ} 18' 00''$ oos geleë, van dié deel van die gebied Suidwes-Afrika bekend as die Caprivi Zipfel, is, behoudens die bepalings van artikel 33, gemeenskaplike grond van die Capriviane.

Omstandighede waaronder grond ophou om gemeenskaplike grond te wees

33. 'n Opgemete gedeelte van die gemeenskaplike grond van die Capriviane, met inbegrip van grond in Item 1(b) van die Bylae by die Hoofproklamasie bedoel, hou op om sodanige gemeenskaplike grond te wees indien —

- (a) die eiendom van daardie gedeelte te eniger tyd deur of op gesag van die Uitvoerende Komitee of kragtens 'n ordonnansie van die Vergadering of 'n ander wet wat deur of onder die beheer van die Uitvoerende Komitee uitgevoer word, aan enige persoon oorgedra is by wyse van die registrasie van 'n titelbewys in 'n aktekantoor; en
- (b) 'n tydperk van vyftien jaar, of die korter tydperk by ordonnansie van die Vergadering bepaal, verloop het na die datum van sodanige registrasie,

ongeag die registrasie van enige ander oordrag van daardie gedeelte, aan wie ook al, gedurende die betrokke tydperk.

Personeelraad

34. Tensy en totdat die Vergadering by ordonnansie ingevolge die Hoofproklamasie gemaak anders bepaal, is daar 'n personeelraad wat uit drie persone deur die Uitvoerende Komitee aangestel, bestaan, met die bevoegdhede en pligte in verband met persone in die diens van die Verteenwoordigende Owerheid en bykomstige aangeleenthede, wat by of kragtens 'n wet bepaal word.

Voorbehoude op herroeping van Wet 54 van 1968

35. (1) Ondanks die herroeping van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (hieronder die herroepde Wet genoem), ingevolge artikel 52(1) en (2)(c) van die Hoofproklamasie —

- (a) bly 'n lasgewing kragtens subartikel (2) van artikel 9 van daardie Wet met betrekking tot 'n fonds in paragraaf (a) van daardie subartikel bedoel, en die bepalings van paragraaf (b) van daardie subartikel met betrekking tot die gelde wat so 'n fonds toeval, van krag, asof daardie subartikel nie herroep was nie en die verwysing in

Communal land of Caprivians

32. The area comprising the portion lying east of the meridian of longitude $23^{\circ} 18' 00''$ east, of that part of the territory of South West Africa known as the Caprivi Zipfel, shall, subject to the provisions of section 33, be communal land of the Caprivians.

Circumstances under which land ceases to be communal land

33. Any surveyed portion of the communal land of the Caprivians, including land referred to in Item 1(b) of the Schedule to the principal Proclamation, shall cease to be such communal land if —

- (a) the ownership of such portion has at any time been transferred to any person, by or under the authority of the Executive Committee or under any ordinance of the Assembly or any other law administered by or under the control of the Executive Committee, by means of the registration of a title deed in any deeds office; and
- (b) a period of fifteen years, or such shorter period as may be determined by ordinance of the Assembly, has elapsed after the date of such registration,

regardless of the registration of any other transfer of such portion, to whomsoever, during the relevant period.

Personnel board

34. Unless and until the Assembly by ordinance made in terms of the principal Proclamation provides otherwise, there shall be a personnel board, consisting of three persons appointed by the Executive Committee, with such powers and duties in connection with persons in the service of the Representative Authority and incidental matters as may be determined by or under any law.

Savings to repeal of Act 54 of 1968

35. (1) Notwithstanding the repeal of the Development of Self-government for Native Nations in South West Africa Act, 1968 (hereinafter referred to as the repealed Act), in terms of section 52(1) and (2)(c) of the principal Proclamation —

- (a) any direction under subsection (2) of section 9 of that Act with reference to a fund referred to in paragraph (a) of that subsection, and the provisions of paragraph (b) of that subsection with reference to the moneys accruing to any such fund, shall remain in force as if that subsection had not been repealed and the reference in

daardie subartikel na 'n wetgewende raad 'n verwysing na die Vergadering was en totdat 'n bevoegde gesag by of kragtens 'n wet anders bepaal;

- (b) word verrigtinge wat ingevolge artikel 10B van daardie Wet geag sou gewees het verrigtinge in 'n landdroshof of voor 'n landdros te wees indien daardie artikel nie herroep was nie, geag verrigtinge in 'n landdroshof of, na gelang van die geval, voor 'n landdros te wees, en bly die bevoegdheid wat ingevolge die voorbehoudsbepaling by subartikel (1)(a) van daardie artikel by die Prokureur-generaal berus het, by hom berus, asof daardie artikel nie herroep was nie;
- (c) bly die registrasie van 'n motorvoertuig, en 'n lisensie om 'n motorvoertuig te bestuur, wat ingevolge artikel 10E van daardie Wet in die een of ander gebied in daardie artikel vermeld geldig sou gewees het as daardie artikel nie herroep was nie, in die betrokke gebied geldig asof daardie artikel nie herroep was nie en onderworpe aan die bepalings daarvan;
- (d) word eniglets wat kragtens 'n bepaling van daardie Wet gedoen is en wat kragtens 'n ooreenstemmende bepaling van hierdie Proklamasie gedoen kan word, geag kragtens daardie ooreenstemmende bepaling gedoen te wees.

Herroeping van wette

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

- (a) die Proklamasie op die Wetgewende Raad van Oos-Caprivi, 1972 (Proklamasie R.6 van 1972), van die Staatspresident;
 - (b) die Caprivi-grondwetproklamasie, 1976 (Proklamasie R.42 van 1976), van die Staatspresident, hieronder die herroope Proklamasie genoem;
 - (c) die Wysigingsproklamasie op die Caprividewet, 1978 (Proklamasie AG. 23 van 1978), van die Administrateur-generaal;
 - (d) die Tweede Wysigingsproklamasie op die Caprividewet, 1978 (Proklamasie AG. 35 van 1978), van die Administrateur-generaal.
- (2) Die besoldiging of toelaes wat wettiglik bepaal en onmiddellik voor die datum van inwerkingtreding van hierdie Proklamasie betaalbaar was ten opsigte van die lede van, onderskeidelik, die wetgewende raad en die kabinet wat ingevolge die herroope Proklamasie saamgestel 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.

that subsection to a legislative council had been a reference to the Assembly, and until a competent authority provides otherwise by or under any law;

- (b) any proceedings which in terms of section 10B of that Act would have been deemed to be proceedings in a magistrate's court or before a magistrate if that section had not been repealed, shall be deemed to be proceedings in a magistrate's court or, as the case may be, before a magistrate, and the power vested in the Attorney-General in terms of the proviso to subsection (1)(a) of that section, shall remain vested in him, as if that section had not been repealed;
- (c) the registration of any motor vehicle, and any licence to drive a motor vehicle, which would in terms of section 10E of that Act have been valid in any area referred to in that section if that section had not been repealed, shall remain valid in the area concerned, as if that section had not been repealed and subject to the provisions thereof;
- (d) anything done under any provision of that Act, which may be done under a corresponding provision of this Proclamation, shall be deemed to have been done under such corresponding provision.

Repeal of laws

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

- (a) the Eastern Caprivi Legislative Council Proclamation, 1972 (Proclamation R.6 of 1972), of the State President;
 - (b) the Caprivi Constitution Proclamation, 1976, (Proclamation R.42 of 1976), of the State President, hereinafter referred to as the repealed Proclamation;
 - (c) the Caprivi Constitution Amendment Proclamation, 1978 (Proclamation AG. 23 of 1978), of the Administrator-General;
 - (d) the Second Caprivi Constitution Amendment Proclamation, 1978 (Proclamation AG. 35 of 1978), of the Administrator-General.
- (2) The remuneration or allowances lawfully determined and immediately before the date of commencement of this Proclamation payable in respect of the members of the legislative council and the cabinet, respectively, which were constituted in terms of the repealed Proclamation, 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.

Uitleg van sekere verwysings in wette

37. Behoudens die bepalings van artikel 43(1) van die Hoofproklamasie en tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees —

(a) word 'n verwysing in enige wet vir sover dit ingevolge artikel 23 van die Hoofproklamasie deur die Uitvoerende Komitee uitgevoer word —

(i) na die wetgewende raad wat ingevolge artikel 3 van die herroep Proklamasie saamgestel was, enige ander wetgewende liggaam in enige van die paragrawe van artikel 39 van die Hoofproklamasie genoem of die Parlement, uitgelê as 'n verwysing na die Vergadering;

(ii) na die inkomstefonds wat ingevolge die herroep Wet ingestel was vir die selfregerende gebied wat by artikel 2 van die herroep Proklamasie ingestel was, 'n ander inkomstefonds in enige van voormalde paragrawe genoem of die Sentrale Inkomstefonds, uitgelê as 'n verwysing na die in artikel 32 van die Hoofproklamasie bedoelde inkomstefonds van die Verteenwoordigende Owerheid;

(iii) na die *Offisiële Koerant* van die gebied, die *Amptelike Koerant* van genoemde selfregerende gebied of die *Staatskoerant*, uitgelê as 'n verwysing na die *Offisiële Koerant* van die Verteenwoordigende Owerheid;

(b) word 'n verwysing in enige wet vir sover dit ingevolge artikel 46 van die Hoofproklamasie deur die Administrateur-generaal uitgevoer word —

(i) na die wetgewende vergadering wat soos voormald saamgestel was, uitgelê as 'n verwysing na die Nasionale Vergadering van Suidwes-Afrika;

(ii) na die inkomstefonds wat soos voormald vir genoemde selfregerende gebied ingestel was, uitgelê as 'n verwysing na die Sentrale Inkomstefonds;

(iii) na die *Amptelike Koerant* van genoemde selfregerende gebied, uitgelê as 'n verwysing na die *Offisiële Koerant* van die gebied;

(c) word 'n verwysing in enige wet na genoemde selfregerende gebied, uitgelê as 'n verwysing na die gebied in artikel 32 genoem.

Construction of certain references in laws

37. Subject to the provisions of section 43(1) of the principal Proclamation and unless in any particular case it would obviously be inappropriate —

(a) 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 —

(i) to the legislative council which was constituted in terms of section 3 of the repealed Proclamation, any other legislative body mentioned in any of the paragraphs of section 39 of the principal Proclamation or Parliament, shall be construed as a reference to the Assembly;

(ii) to the revenue fund which was established in terms of the repealed Act for the self-governing area which was established by section 2 of the repealed Proclamation, any other revenue fund mentioned in any of the aforesaid paragraphs or the Central Revenue Fund, shall be construed as a reference to the revenue fund of the Representative Authority, referred to in section 32 of the principal Proclamation;

(iii) to the *Official Gazette* of the territory, the *Official Gazette* of the said self-governing area or the *Government Gazette*, shall be construed as a reference to the *Official Gazette* of the Representative Authority;

(b) any reference in any law in so far as it is in terms of section 46 of the principal Proclamation administered by the Administrator-General —

(i) to the legislative council which was established as aforesaid, shall be construed as a reference to the National Assembly of South West Africa;

(ii) to the revenue fund which was established as aforesaid for the said self-governing area, shall be construed as a reference to the Central Revenue Fund;

(iii) to the *Official Gazette* of the said self-governing area, shall be construed as a reference to the *Official Gazette* of the territory;

(c) any reference in any law to the said self-governing area, shall be construed as a reference to the area mentioned in section 32.

Tussentydse samestelling van Vergadering en Uitvoerende Komitee

38. 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 wetgewende raad wat toe ingevolge artikel 3 van die herroep Proklamasie saamgestel was, en is sewentien lede 'n kworum vir 'n sitting van die Vergadering soos ingevolge hierdie paragraaf saamgestel;
- (b) word die persone wat onmiddellik voor genoemde datum uit hoofde van 'n verkiesing ingevolge artikel 22 van die herroep Proklamasie die ampte van, onderskeidelik, voorsitter en ondervoor- sitter van die wetgewende raad wat soos voormeld saamgestel was, beklee het, geag ingevolge artikel 11 van hierdie Proklamasie as, onderskeidelik, die Voorsitter en die Adjunk- voorsitter van die Vergadering soos ingevolge paragraaf (a) van hierdie subartikel saamgestel, verkies te wees, tensy die Vergadering by besluit anders bepaal;
- (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) word die persone wat onmiddellik voor genoemde datum onderskeidelik die hoofminister en die aangestelde lede was van die kabinet wat toe ingevolge artikel 13 van die herroep Proklamasie saamgestel was, geag onderskeidelik, ingevolge artikel 19 van hierdie Proklamasie as die Voor- sitter van die Uitvoerende Komitee verkies te wees en ingevolge artikel 20 as lede van die Uit- voerende Komitee aangestel te wees, en beklee hulle hul onderskeie ampte, behoudens die bepalings van paragraaf (f) van hierdie sub- artikel, totdat hulle opvolgers na die in paragraaf (c) van hierdie subartikel bedoelde eerste verkiesing, ingevolge genoemde artikels 19 en 20 verkies of aangestel word;

Interim constitution of Assembly and Executive Committee

38. 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 legislative council which was then constituted in terms of section 3 of the repealed Proclamation, and seventeen members shall be a quorum for a sitting of the Assembly as constituted in terms of this paragraph;
- (b) the persons who immediately before the said date held the offices of chairman and deputy chairman, respectively, of the legislative council which was constituted as aforesaid, by virtue of an election in terms of section 22 of the repealed Proclamation, shall be deemed to have been elected in terms of section 11 of this Proclamation as the Chairman and the Deputy Chairman, respectively, of the Assembly as constituted in terms of paragraph (a) of this subsection, unless the Assembly by resolution determines otherwise;
- (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 persons who immediately before the said date were the chief minister and the appointed members, respectively, of the cabinet which was then constituted in terms of section 13 of the repealed Proclamation, shall be deemed to have been elected in terms of section 19 of this Proclamation as the Chairman of the Executive Committee and to have been appointed in terms of section 20 as members of the Executive Committee, respectively, and shall hold their respective offices, subject to the provisions of paragraph (f) of this subsection, until their successors are elected or appointed in terms of the said sections 19 and 20 after the first election referred to in paragraph (c) of this subsection;

- (f) ontruim 'n lid van die Uitvoerende Komitee soos ingevolge paragraaf (e) saamgestel, sy setel in die omstandighede in artikel 22(1) en (2)(a) en (b) genoem;
- (g) is die bepalings 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, en is die bepalings van artikel 19(3) van hierdie Proklamasie nie op die Voorsitter van die Uitvoerende Komitee soos aldus saamgestel, van toepassing nie.

Kort titel en inwerkintreding

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

- (f) a member of the Executive Committee as constituted in terms of paragraph (e), shall vacate his seat in the circumstances mentioned in section 22(1) and (2)(a) and (b);
- (g) the provisions of section 8(2) of the principal Proclamation or, as the case may be, section 21(1) thereof, shall not apply to any 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, and the provisions of section 19(3) of this Proclamation shall not apply to the Chairman of the Executive Committee as so constituted.

Short title and commencement

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