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CONTENTS:

INHOUD:

	<i>Page</i>		<i>Bladsy</i>
GOVERNMENT NOTICES:		GOEWERMENSKENNISGEWINGS:	
No. AG. 160 Regulations made under the Judges' Remuneration Act, 1981	1	No. AG. 160 Regulasies uitgevaardig Kragtens die Wet op die Besoldiging van Regters 1981	1
No. AG. 161 Determination of Period under Section 1(2) of the Amnesty Proclamation, 1980 (Proclamation AG. 3 of 1980)	5	No. AG. 161 Bepaling van Tydperk kragtens Artikel 1(2) van die Proklamasie op Amnestie, 1980 (Proklamasie AG. 3 van 1980)	5

Government Notices

Goewermentskennisgewings

Office of the

Kantoor van die

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

DEPARTMENT OF JUSTICE.

DEPARTEMENT VAN JUSTISIE

No. AG.160 1981

No. AG. 160 1981

REGULATIONS MADE UNDER THE JUDGES' REMUNERATION ACT, 1981

REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP DIE BESOLDIGING VAN REGTERS, 1981

The Administrator-General has under section 2 of the Judges' Remuneration Act, 1981 (Act 16 of 1981), made the regulations contained in the Schedule.

Die Administrateur-generaal het kragtens artikel 2 van die Wet op die Besoldiging van Regters, 1981 (Wet 16 van 1981), die regulasies uitgevaardig wat in die Bylae vervat word.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates—

- (i) "actual service" includes —
 - (a) every vacation of the court;
 - (b) every period of leave of absence under regulation 2(3), but excluding any period of leave under regulation 2(2) or 2(4);
 - (c) continuous service as acting judge immediately preceding service in a permanent capacity; (vi)
- (ii) "Administrator-General", in regard to regulation 5(5) includes the holder of a post in the government service, acting under his authority; (i)
- (iii) "court" means the Supreme Court of South West Africa; (iii)
- (iv) "effects" means household or personal effects but excluding motor vehicles; (ii)
- (v) "judge" in regulations 2(1) and (2) and 3(1) does not include an acting judge; (iv)
- (vi) "leave of absence" means leave of absence on full pay. (v)

Leave of absence

2. (1) The judge president shall grant any judge whose services in the opinion of the judge president are not required, leave of absence for not less than fifty days per annum during any vacation of the court and the registrar shall keep a record of all leave of absence so granted.

(2) The Administrator-General may on the recommendation of the judge president and having regard to the number of judges available, grant to any judge, in addition to leave of absence referred to in subregulation (1), leave of absence for a period of three months for every period of four years actual service completed by such judge.

(3) If it appears from a medical certificate that any judge is unable to carry out his duties for any period mentioned therein owing to illness, the Administrator-General may grant such judge sick-leave for such period.

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken —

- (i) "Administrateur-generaal", met betrekking tot regulasie 5(5) ook die bekleër van 'n pos in die regeringsdiens wat op sy gesag handel; (ii)
- (ii) "besittings" huishoudelike of persoonlike besittings maar nie ook motorvoertuie nie; (iv)
- (iii) "hof" die Hooggeregshof van Suidwes-Afrika; (iii)
- (iv) "regter" in regulasies 2(1) en (2) en 3(1) nie ook 'n waarnemende regter nie; (v)
- (v) "verlof" verlof met volle betaling; (vi)
- (vi) "werklike diens" ook —
 - (a) elke vakansietydperk van die hof;
 - (b) elke tydperk van verlof kragtens regulasie 2(3), maar nie ook 'n tydperk van verlof kragtens regulasie 2(2) of 2(4) nie;
 - (c) ononderbroke diens as waarnemende regter wat diens in 'n permanente hoedanigheid onmiddellik voorafgaan. (i)

Verlof

2. (1) Aan 'n regter wie se dienste na die oordeel van die regterpresident nie benodig word nie, ken die regterpresident gedurende 'n vakansietydperk van die hof verlof toe van minstens vyftig dae in die jaar en die griffier hou 'n register van alle verlof aldus toegeken.

(2) Die Administrateur-generaal kan op aanbeveling van die regterpresident en met inagneming van die aantal beskikbare regters, vir elke tydperk van vier jaar werklike diens deur 'n regter voltooi, benewens die in subregulasie (1) bedoelde verlof, verlof vir 'n tydperk van drie maande aan sodanige regter toestaan.

(3) Indien dit uit 'n sertifikaat van 'n geneesheer blyk dat 'n regter weens siekte vir 'n tydperk daarin gemeld nie sy pligte kan vervul nie, kan die Administrateur-generaal siekteverlof vir sodanige tydperk aan die regter toestaan.

(4) If the Administrator-General is satisfied in special circumstances that leave of absence should be granted in any particular case in respect of which no provision is made in these regulations, he may grant such leave subject to such conditions as he may deem necessary.

(5) No leave which may be granted under these regulations, shall accumulate and no salary or allowance may be claimed in respect of any leave of absence not taken which could have been taken.

(6) The Secretary for Justice shall keep a record of all leave granted by the Administrator-General under these regulations.

Allowances

3. (1) Unless government housing is offered to and accepted by a judge, a housing allowance of R400,00 per month shall be paid to him.

(2) The judge president, excluding an acting judge president, shall receive an entertainment allowance of R1 000,00 per annum.

(3) An acting judge shall be paid an amount of R17,50 per day for the duration of his appointment for maintaining his practice as an advocate.

(4) Any judge on official duty away from Windhoek shall be entitled to an all inclusive subsistence allowance of R45,00 for every period of 24 hours or of a proportionate amount for any portion of such period, during any period of actual absence, including short periods in which the judge returns to Windhoek at his own expense and his obligations in respect of accommodation at the place where he performs his official duties continue in his absence: Provided that if the amount of such allowance is less than the amount reasonably spent by the judge in connection with accommodation, he shall be entitled to a subsistence allowance equal to such last-mentioned amount.

Claims for payment of allowance

4. Any claims for payment of allowances in terms of these regulations, shall be signed by the claimant and, where applicable, he shall state the nature of the services, the exact time of departure and arrival and such other information as may be necessary to calculate the amount payable.

Transport

5. (1) Any judge performing official duty outside Windhoek may use official transport, but if he uses his own private transport, he may be reimbursed at the rate of thirty cents per kilometer.

(4) Indien die Administrateur-generaal in buitengewone omstandighede oortuig is dat verlof in 'n bepaalde geval waarvoor daar nie in hierdie regulasies voorsiening gemaak word nie, toegestaan behoort te word, kan hy sodanige verlof toestaan op die voorwaardes wat hy nodig ag.

(5) Geen verlof wat kragtens hierdie regulasies toegestaan kan word, hoop op nie en geen salaris of toelae kan ten opsigte van verlof wat geneem kon word maar nie geneem is nie, geëis word nie.

(6) Die Sekretaris van Justisie hou 'n register van alle verlof wat deur die Administrateur-generaal kragtens hierdie regulasies toegestaan word.

Toelaes

3. (1) Tensy huisvesting van staatsweë aan 'n regter aangebied en deur hom aanvaar word, word 'n behuisingstoelae van R400,00 per maand aan hom betaal.

(2) Die regterpresident, maar nie ook 'n waarnemende regterpresident nie, ontvang 'n onthaaltoelae van R1 000,00 per jaar.

(3) 'n Waarnemende regter word vir die duur van sy aanstelling 'n bedrag van R17,50 per dag betaal vir die instandhouding van sy praktyk as advokaat.

(4) 'n Regter wat op amptelike diens van Windhoek afwesig is, is geregtig op 'n allesinsluitende onderhoudstoelae van R45,00 vir elke tydperk van 24 uur of van 'n proporsionele bedrag vir 'n gedeelte van so 'n tydperk, gedurende 'n tydperk van werklike afwesigheid, met inbegrip van kort tydperke waarin die regter op eie koste na Windhoek terugkeer en sy verpligtinge ten opsigte van huisvesting op die plek waar hy sy amptelike verrig, in sy afwesigheid voortduur: Met dien verstande dat indien die bedrag van bedoelde toelae minder is as die bedrag wat die regter redelikerwys in verband met verblyf moet bestee, hy geregtig is op 'n onderhoudstoelae gelykstaande aan laasbedoelde bedrag.

Eise vir betaling van toelae

4. Enige eis vir die betaling van toelae ingevolge hierdie regulasies, moet deur die eiser onderteken word en waar toepaslik, moet hy die aard van die dienste, die presiese tyd van vertrek en aankoms en die ander inligting meld wat nodig is om die betaalbare bedrag te bereken.

Vervoer

5. (1) 'n Regter wat amptelike diens buite Windhoek verrig, kan van amptelike vervoer gebruik maak, maar indien hy van sy private vervoer gebruik maak, kan hy vergoed word teen 'n tarief van dertig sent per kilometer.

(2) Whenever any sitting of the court takes place at any place other than Windhoek, air transport may be used if the judge president deems it to be necessary or expedient in the interests of the administration of justice.

(3) When attending any function the judge president and his wife may use official transport in Windhoek or elsewhere where he may be for official duty and any other judge may use official transport elsewhere than in Windhoek for attending any function whenever he may be there for official duty.

(4) On official journeys the judge president shall be entitled to be accompanied by his wife in the same car at government expense and any other judge may allow his wife accompanying him in the same car on official duty to travel at government expense and may recover in respect of her the subsistence allowance referred to in regulation 3(4) —

- (a) if she accompanies him for a sitting of the court elsewhere than in Windhoek; or
- (b) if she accompanies him to any occasion approved by the Administrator-General.

(5) (a) Whenever any person not resident in the territory of South West Africa is appointed as a judge, there shall be defrayed from the Central Revenue Fund, costs connected with —

- (i) his journey and that of his family to Windhoek, in so far as such costs do not exceed the cost of air transport;
 - (ii) the removal to Windhoek or to or from a warehouse for or after storing, of his effects and those of his family, or connected with the storing of such effects, subject to the provisions of paragraphs (b), (c) and (d);
 - (iii) the removal to Windhoek of not more than two of his motor vehicles or those of his family by goods train at owners risk and incidental expenses on loading or unloading of the vehicles not exceeding twenty three rand per vehicle.
- (b) Where effects are to be removed or stored, the registrar shall obtain tenders in writing beforehand from not less than three cartage contractors for the packing, loading, removal, unloading or unpacking or the storage in a warehouse of such effects and for insurance cover thereof while being removed or stored and unless the Administrator-General for good reasons otherwise directs, the lowest tender shall be accepted.

(2) Waar 'n sitting van die hof op 'n ander plek as in Windhoek plaasvind, kan van lugvervoer gebruik gemaak word indien die regterpresident dit in belang van die regspleging nodig en dienstig ag.

(3) Die regterpresident en sy eggenote kan in Windhoek of elders waar hy hom vir amptelike diens bevind, van amptelike vervoer gebruik maak wanneer hy 'n funksie bywoon en 'n ander regter kan elders as in Windhoek van amptelike vervoer gebruik maak vir die bywoning van 'n funksie wanneer hy hom daar vir amptelike diens bevind.

(4) Die regterpresident is daarop geregtig om op amptelike reise in dieselfde motor deur sy eggenote op staatskoste vergesel te word en 'n ander regter kan sy eggenote wat hom op amptelike diens in dieselfde motor vergesel, op staatskoste laat reis en ten opsigte van haar die in regulasie 3(4) bedoelde onderhoudstoelae verhaal —

- (a) indien sy hom vir 'n hofsitting elders as in Windhoek vergesel; of
- (b) indien sy hom na 'n geleentheid deur die Administrateur-generaal goedgekeur, vergesel.

(5) (a) Wanneer 'n persoon wat nie in die gebied Suidwes-Afrika woonagtig is nie, as regter aangestel word, word daar uit die Sentrale Inkomstefonds bestry, die koste verbonde aan —

- (i) sy reis en dié van sy gesin na Windhoek, vir sover die koste nie die koste van lugvervoer te bowe gaan nie;
 - (ii) die vervoer na Windhoek of ná of van 'n pakhuis vir of ná opberging, van sy besittings en dié van sy gesin, of die opberging van bedoelde besittings, behoudens die bepalinge van paragrawe (b), (c) en (d);
 - (iii) die vervoer na Windhoek van hoogstens twee motorvoertuie van hom en sy gesin per goederetrein op eie risiko en toevallige uitgawes by die laai of aflai van die voertuie tot 'n maksimum bedrag van hoogstens drie-en-twintig rand per voertuig.
- (b) Waar besittings vervoer of opgeberg moet word, verkry die griffier vooraf skriftelike tenders van minstens drie vervoerkontraakteurs vir die verpakking, laai, vervoer, aflai of uitpak of die opberging in 'n pakhuis van bedoelde besittings en vir versekeringsdekking daarvan tydens vervoer of opberging, na gelang van die geval, en, tensy die Administrateur-generaal om gegronde redes anders gelas, word die laagste tender aanvaar.

(c) If the Administrator-General for good reasons grants his permission thereto, effects may, prior to or after removal thereof to Windhoek, be stored in a warehouse for a period not exceeding six months.

(d) Subject to the provisions of paragraph (c), effects or motor vehicles shall be removed to Windhoek before the expiration of a period of two months after the judge concerned has assumed office, unless the Administrator-General within such period grants an extension of time for the removal thereof.

(6) On the retirement or death of any judge his effects may be removed only once to any place in the territory of South West Africa or, in the case of any judge referred to in subregulation (5), the Republic of South Africa, where he or his widow intends settling, and the provision of that subregulation shall *mutatis mutandis* apply: Provided that the removal shall not take place earlier than two months prior to or later than six months after the date of retirement or later than six months after the date of death.

(c) Indien die Administrateur-generaal om gegronde redes sy toestemming daartoe verleen, kan besittings vóór of ná vervoer daarvan na Windhoek, vir 'n tydperk van hoogstens ses maande in 'n pakhuis opgeberg word.

(d) Behoudens die bepalings van paragraaf (c), moet besittings of motorvoertuie voor die verstryking van 'n tydperk van twee maande ná diensaanvaarding van die betrokke regter na Windhoek vervoer word, tensy die Administrateur-generaal binne daardie tydperk uitstel vir die vervoer daarvan verleen.

(6) By die uitdienstreding of afsterwe van 'n regter kan sy besittings slegs een keer vervoer word na enige plek in die gebied Suidwes-Afrika of, in die geval van 'n in subregulasie (5) bedoelde regter, die Republiek van Suid-Afrika, waar hy of sy weduwee hom of haar wil vestig, en is die bepalings van daardie subregulasie *mutatis mutandis* van toepassing: Met dien verstande dat die vervoer nie vroeër as twee maande vóór en nie later as ses maande ná die datum van uitdienstreding of nie later as ses maande na die datum van afsterwe, geskied nie.

DEPARTMENT OF JUSTICE

No. AG. 161 1981

DETERMINATION OF PERIOD UNDER SECTION 1(2) OF THE AMNESTY PROCLAMATION, 1980 (PROCLAMATION AG. 3 OF 1980)

Under subsection (2) of section 1 of the Amnesty Proclamation, 1980 (Proclamation AG. 3 of 1980), I hereby determine that a certificate referred to in subsection (1) of that section may be issued to a person who surrenders himself as contemplated in the said subsection (1) during the period from 1 December 1981 up to and including 28 February 1982.

D.J. HOUGH

Administrator-General Windhoek, 10 December 1981

DEPARTEMENT VAN JUSTISIE

No. AG. 161 1981

BEPALING VAN TYDPERK KRAGTENS ARTIKEL 1(2) VAN DIE PROKLAMASIE OP AMNESTIE, 1980 (PROKLAMASIE AG. 3 VAN 1980)

Kragtens subartikel (2) van artikel 1 van die Proklamasie op Amnestie, 1980 (Proklamasie AG. 3 van 1980), bepaal ek hierby dat 'n sertifikaat in subartikel (1) van daardie artikel bedoel, uitgereik kan word aan 'n persoon wat hom soos in genoemde subartikel (1) beoog, oorgee gedurende die tydperk vanaf 1 Desember 1981 tot en met 28 Februarie 1982.

D.J. HOUGH

Administrateur-generaal Windhoek, 10 Desember 1981
