



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Disaster Risk Management Act 10 of 2012
section 59(2)

Civil Defence Regulations, 1981

Government Notice AG 9 of 1981

(OG 4383)

came into force on date of publication: 18 February 1981

These regulations were originally made in terms of section 17 of the Civil Defence Ordinance 3 of 1979, which was repealed by the Disaster Risk Management Act 10 of 2012. Pursuant to section 59(2) of the Disaster Risk Management Act 10 of 2012, these regulations are deemed to have been made under that Act

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Definitions

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

“Chief” means the Chief of Civil Defence meant in section 4(2) of the Ordinance and also someone authorised by him to act on his behalf;

“corps” means the Civil Defence Corps instituted in terms of regulation 2;

“member” means a person who is appointed or is deemed to have been appointed as a member of the corps in terms of regulation 3;

“service” in relation to civil defence, means the performance of an act in connection with a matter mentioned in section 3(1) of the Ordinance;

“the Proclamation” means the Civil Defence Proclamation, 1978 (Proclamation AG. 54 of 1978);

“the Ordinance” means the Civil Defence Ordinance, 1979 (Ordinance 3 of 1979,

[The closing bracket is missing after “Ordinance 3 of 1979”.]

and any other word or expression shall have the meaning assigned thereto in the Ordinance.

Institution of Civil Defence Corps

2. (1) Subject to the provisions of subregulation 2 a local authority shall as soon as possible after these regulations have come into force institute a Civil Defence Corps.

[The phrase “subregulation 2” should be “subregulation (2)”, as it appears in the Afrikaans text in the Official Gazette.]

(2) As soon as possible after the notice in terms of section 2(4) of the Ordinance that a specific association meant in section 2(1) of the Ordinance shall be deemed to be a local authority, that local authority shall institute a Civil Defence Corps.

(3) The members of each such Civil Defence Corps shall be the persons which have been appointed or are deemed to have been appointed in terms of these regulations by the Chief to render service.

Appointment of members of corps

3. (1) Subject to the provisions of subregulation (2) no person shall be appointed as a member -

(a) unless -

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- (i) he applies in writing on the form prescribed in Schedule A;
 - (ii) he is competent in terms of a regulation contemplated in section 8 of the proclamation;
 - (iii) he resides within the area of jurisdiction of the local authority;
 - (iv) in the opinion of the Chief -
 - (aa) he is of good character;
 - (bb) he is physically and mentally capable of rendering service;
 - (v) he has a basic knowledge of the provisions of the Ordinance and the Regulations;
 - (vi) he has already reached the age of 14 years;
 - (vii) he has bound himself on the said form to render service and to undergo training in connection with service;
- (b) if the Chief after consultation with such person's employer is of the opinion that such a person, by reason of his occupation or profession or for any other reason is not likely to be capable of rendering service when required to do so.

(2) An employee of a local authority other than a local authority in terms of section 2 of the Ordinance who, by reason of the conditions of his service and in the course of the exercise of his normal duties performs any work in connection with any matter contemplated in section 3(1) of the Ordinance, shall be deemed to have been appointed as a member in terms of these regulations, and the provisions of these regulations, except subregulations (1) and (3) and regulations 4(1) and 8, shall *mutatis mutandis* be applicable to him.

(3) A member of an association declared a local authority in terms of section 2(1) of the Ordinance shall be appointed as a member of the corps instituted by such local authority, in terms of subregulation (1), if he is competent of being appointed as such: Provided that for the appointment as member of such corps of the Chief appointed by such local authority, the reference in regulation 2(3) and subregulation (1) to Chief, shall be deemed to be a reference to the Administrator-General.

Chief to keep Members Register

4. (1) The Chief keeps a members register in a form he deems expedient of every person he appoints as a member in terms of regulation 3 and records the following information in respect of such persons in the register, namely -

- (i) full name, surname and identity number;
- (ii) sex;
- (iii) age;
- (iv) full residential address and telephone number;

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- (v) occupation;
- (vi) full business address and telephone number;
- (vii) nature of service to which he has committed himself in terms of regulations 3;
- (viii) date of appointment;
- (ix) details of training completed;
- (x) nature of service rendered for which he was directed and the duration thereof; and
- (xi) such other particulars as the Chief may deem expedient.

(2) When a member is appointed, the Chief shall issue to him -

- (a) an identity card in the form prescribed in Schedule C; and
- (b) a white armband 100 mm wide on which the civil defence distinguishing emblem in the form, size and colours prescribed in Schedule D, has been affixed.

(3) If a local authority intends placing the civil defence distinguishing emblem on other objects than the white armband prescribed in subregulation (2)(b) the size may vary from that prescribed in Schedule D.

(4) If a local authority deems it expedient, it may designate the activity in respect of which a member renders service by combining on the armband which is issued to a member, the civil defence distinguishing emblem with a symbol in the form prescribed in Schedule E.

(5) Whenever a member changes his residential or business address the Chief should immediately be notified and at the same time be informed in full of his new residential or business address.

(6) When a member in terms of regulation 5 ceases to be a member, he shall without delay return to the Chief the identity card and civil defence distinguishing emblem issued to him in terms of subregulation (2).

(7) A member who refuses, neglects or fails to comply with the provisions of subregulation (6) shall be guilty of an offence.

[The word "guilty" in the phrase "shall be guilty of an offence" is misspelt in the *Official Gazette*, as reproduced above.]

Termination of appointment as member

5. A member shall cease to be a member -

- (a) when his appointment is summarily terminated by the Chief on account of -
 - (i) inability, in the opinion of the Chief, to render service to which he has bound himself satisfactorily;
 - (ii) conduct which, in the opinion of the Chief is misconduct;

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- (iii) negligence in performance of the service to which he has bound himself;
 - (iv) medical unfitness; or
 - (v) a disqualification in terms of regulation 3(1)(a)(ii) to which he may become liable;
- (b) seven days from the date on which either the Chief or such member gave written notice of the termination of such appointment to the member or the Chief, as the case may be;
 - (c) from the date on which he ceases to reside in the area of jurisdiction of the local authority concerned; or
 - (d) in the case of a member referred to in regulation 3(2), upon termination of his employment by the local authority.

Training of members

6. (1) When the Chief deems it expedient he may direct a member in writing by registered post which should reach the member 14 days before commencement of the training to undergo training in connection with the service to which he has bound himself.

- (2) Such training -
 - (a) shall take place at the expense, if any, of the local authority;
 - (b) shall be given at an institution which has been established, maintained, controlled or recognised by the Administrator-General in terms of section 6(1) of the Ordinance and at a time as will be indicated in writing;
 - (c) shall be for a total period not exceeding 96 hours per year, unless the member agrees to undergo training for a longer period.

(3) A member who undergoes training at an institution referred to in subregulation (2)(b) shall, while undergoing such training and for the purposes of such training, be subject to the authority and discipline of such institution.

(4) If a local authority (hereinafter named the first local authority) maintains or controls an institution which has been recognised by the Administrator-General in terms of section 6(1) of the Ordinance the first local authority may undertake the training of members of the corps of another local authority (hereinafter named the second local authority) on such conditions as may be mutually agreed by the first and second local authorities, and the second local authority shall pay any reasonable travel and subsistence allowances of members and such other costs as may directly arise from such training.

(5) A member who without adequate reason refuses, neglects or fails to report for training after having been directed in terms of subregulation (1) to do so shall be guilty of an offence.

Directive to serve; wearing of armband and identity card

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7. (1) A member is directed for service to which he has bound himself by the Chief by means of telephone, radio or messenger as the case may be.

(2) A member is under the authority and discipline of the Chief when he is called up by the Chief to render service during a state of emergency or state of disaster, or where steps are taken in terms of section 2(3) of the Proclamation, he shall be obliged to report for service, perform the service to which he bound himself in terms of these regulations and to carry out all lawful commands which the Chief may give him in connection with such service.

(3) When a member performs the service contemplated in subregulation (2) he shall -

- (a) wear the armband referred to in regulation 4(2) on his right upper arm;
- (b) carry the identity card referred to in regulation 4(2) on his person; and
- (c) produce such identity card to any person requesting him to do so.

(4) A member who without adequate reason refuses, neglects or fails to report for service after having been instructed in terms of subregulation (1) to do so, or a member who reports for duty but refuses to obey lawful orders issued by the Chief in connection with the service, shall be guilty of an offence.

No remuneration while a member undergoes training or performs service

8. Subject to the provisions of regulation 6 a member other than an employee of a local authority, which is not a local authority in terms of section 2 of the Ordinance, is not entitled to any remuneration of any nature whatsoever by such local authority of which corps he is a member, while undergoing training or performing service.

Chief to keep property register

9. (1) The Chief shall keep or cause to be kept, a property register in the form he deems to be expedient, in which the following particulars shall be forthwith noted with regard to land, building, article or thing in respect of which the power as contemplated in section 3(5) of the Ordinance has been exercised, namely -

- (a) a full description of the land, building, article or thing which has been surrendered, delivered, made available for forthwith occupied by the local authority concerned in terms of section 3(5)(a) of the Ordinance;
- (b) full particulars of the person or owner who has surrendered, delivered or made available any land, building, article or thing referred to in paragraph (a);
- (c) the date on which and the name of the specific person (if any) to whom any such land, building, article or thing has been surrendered delivered or made available, or by whom it was summarily occupied; and
- (d) the date (if any) on which any such land, building, article or thing was returned to the person or owner mentioned in paragraph (b).

(2) The provisions of this regulation shall apply *mutatis mutandis* to any land or building which has been voluntarily surrendered in terms of section 9(1) of the Ordinance or to any article or thing which has been delivered or made available in terms of the said section 9(1).

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Disputes in connection with compensation

10. (1) Should a dispute arise with regard to the compensation which is payable in terms of section 3(6) of the Ordinance for the use of land or a building which was surrendered or summarily used in terms of section 3(5) of the Ordinance or in respect of an article or thing which was delivered or made available or summarily taken in terms of the said provision, the Chief shall furnish such information concerning the dispute which the committee appointed in terms of section 5(1) of the Ordinance to settle such dispute may deem expedient for the settling thereof.

(2) The parties concerned in a dispute in terms of section 3(6) of the Ordinance may personally or through the mouth of a representative put their case in front of a committee, appointed in terms of section 5(1)(i) of the Ordinance to settle such dispute.

Directives with regard to the evacuation of premises

11. The Chief or a member may, in the exercise of his powers or the performance of his functions or duties during a state of emergency, a state of disaster, a disaster or where steps are taken in terms of section 2(3) of the Proclamation, direct any person to evacuate any premises, if he believes on reasonable grounds that such evacuation is necessary for -

- (i) the saving or preservation of lives of persons;
- (ii) the prevention of injury to persons; or
- (iii) the combating of such state of emergency, state of disaster, disaster or the circumstances contemplated in section 2(3) of the Proclamation.

Penalties

12. Any person who is convicted of a contravention of any provision of these regulations shall be liable to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months or to both such imprisonment and such fine.

Short title

- 13.** These Regulations shall be called the Civil Defence Regulations, 1981.

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SCHEDULE A

APPLICATION FOR APPOINTMENT AS MEMBER
OF THE CIVIL DEFENCE CORPS

.....
(Regulation 3(1))

- 1. Full name and surname:
-
- 2. Sex: 3. Age:
- 4. Identity No.: 5. Full residential address:
-
- 6. Occupation:
- 7. Business address:
-
- 8. Telephone No.: (Home)
- (Office)
- 9. (1) Are you a member of -
 - (a) the South African Police? Yes/No
 - (b) the Police Reserve? Yes/No
 - (c) the Reserve Police Force (Reservist)? Yes/No
 - (d) the South African Railways Police Forces Yes/No
 - (e) the Prisons Service? Yes/No
 - (f) the Permanent Force? Yes/No
 - (g) the Citizen Force? Yes/No
 - (h) a Commando? Yes/No
 - (i) the Permanent Force Reserve? Yes/No
 - (j) the Officers Reserve? Yes/No
 - If so, since when?
 - (k) the Citizen Force Reserve? Yes/No
 - If so, since when?
 - (l) the Commando Reserve? Yes/No
 - If so, since when?
 - (m) the South African Defence Force Auxiliary Service? Yes/No
- (2) Are you an employee of:
 - (a) Armscor? Yes/No
 - (b) The National Intelligence Service? Yes/No
 - (c) the South African Defence Force in a full-time civilian [civilian] capacity? Yes/No
- 10. Nature of service in respect of which the applicant is prepared to commit himself:
-
-

.....
Signature of Applicant

Date:

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UNDERTAKING
(Regulation 3(1))

I, the undersigned, hereby solemnly and sincerely and as long as I remain a member of the (1)

.....
Civil Defence Corps commit myself to render to the best of my ability and without fear or contradiction the service referred to in my application above, and to undergo training in connection therewith in terms of the Civil Defence Ordinance, 1979 (Ordinance 3 of 1979) and the regulations promulgated thereunder.

.....
Signature of Applicant

THE APPLICANT entered into and signed this undertaking before met [me] at
..... on
after acknowledging that he knows and understands the contents thereof.

.....
CHIEF: CIVIL DEFENCE

CONSENT BY PARENT OR GUARDIAN (2)

I
(full name of guardian), the undersigned, being the legal guardian of
..... (3)
hereby consent to the above-mentioned undertaking

.....
Signature of Guardian

DATE: CAPACITY:

- (1) Name of local authority
- (2) To be completed in the case of a minor
- (3) Name of applicant

NOTICE BY EMPLOYER

.....
Signature of Employer
Office Stamp

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SCHEDULE B

HEALTH QUESTIONNAIRE FOR CIVIL DEFENCE
 (Regulation 3(1))

| FOR OFFICE USE | |
|-------------------------|----------|
| ACCEPTED | REJECTED |
| | |
| CHIEF: CIVQQQIL DEFENCE | |
| LOCAL GOVERNMENT | |
| DATE | |

A

| | | | | | |
|---|-----------|-------|--------------|---------|----------|
| 1. SURNAME (IN BLOCK LETTERS) | | | | | |
| 2. FIRST NAMES | | | | | |
| 3. DATE OF BIRTH | 4. Height | cm | 5. BODY MASS | KG | |
| 6. I.D. NO. | 7. SEX | | | | |
| MARK WITH A CROSS IN THE APPROPRIATE COLUMN | 8. RACE | WHITE | BLACK | ASIATIC | COLOURED |

B

| | | | | | | |
|---|---|--|----------------|--|----|--|
| 1. HAVE YOU BEEN SUCCESSFULLY VACCINATED? | | | YES | | NO | |
| ARE YOU SUFFERING OR HAVE YOU SUFFERED FROM - | MARK WITH A CROSS IN THE APPROPRIATE COLUMN | IF ANY ANSWER IS YES, GIVE DETAILS OF THE NATURE, SEVERITY, DATE, AND DURATION OF THE ILLNESS. | | | | |
| 2. ANY SKIN DISEASE? | YES | NO | | | | |
| | | | | | | |
| 3. ANY AFFECTION [AFFLICTION] OF THE SKELETON AND/OR JOINTS? | YES | NO | | | | |
| | | | | | | |
| 4. ANY AFFECTION [AFFLICTION] OF THE EYES. EARS OR NOSE? | YES | NO | | | | |
| | | | | | | |
| 5. ANY AFFECTION [AFFLICTION] OF THE HEART OF CIRCULATORY SYSTEM? | YES | NO | | | | |
| | | | | | | |
| 6. ANY AFFECTION [AFFLICTION] OF THE CHEST OR RESPIRATORY SYSTEM? | YES | NO | | | | |
| | | | | | | |
| 7. ANY AFFECTION | YES | NO | | | | |

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| | | | |
|--|-----|----|-------|
| [AFFLICTION] OF THE DIGESTIVE SYSTEM? | | | |
| 8. ANY AFFECTION [AFFLICTION] OF THE URINARY SYSTEM AND/OR GENITAL ORGANS? | YES | NO | |
| | | | |
| 9. ANY NERVOUS AFFECTION [AFFLICTION] OR MENTAL ABNORMALITY? | YES | NO | |
| | | | |
| 10. ANY OTHER ILLNESS? | YES | NO | |
| | | | |
| | | | |

C

| | | |
|---|-----|----|
| | YES | NO |
| 1. DO YOU SUFFER FROM ANY DEFECT OF HEARING, SPEECH OR SIGHT? | | |
| 2. ARE YOU PHYSICALLY DISABLE [DISABLED] AND DO YOU USE ARTIFICIAL LIMBS? | | |
| GIVE DETAILS OF THE NATURE AND SEVERITY OF THE DISABILITY | | |
| | | |
| | | |
| | | |

D

| | | |
|---|-----|----|
| | YES | NO |
| 1. HAVE YOU UNDERGONE ANY OPERATION(S)? | | |
| GIVE DETAILS OF THE NATURE AND DATE OF THE OPERATION(S) | | |
| | | |
| | | |
| | | |
| | | |

E

| | |
|---|-------|
| I DECLARE THAT THE ABOVE INFORMATION IS TRUE AND CORRECT AND THAT I HAVE NOT WITHHELD ANY INFORMATION REGARDING MY HEALTH | |
| | |
| SIGNATURE | DATE |

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SCHEDULE C

IDENTITY CARD

(Issued in terms of Regulation 4(2)(a) of the
Civil Defence Regulations, 1980)

[There are substantive differences in respect of this form in the
English and Afrikaans texts in the *Official Gazette*.]

It is hereby certified that

Identity Number (3)

has been duly appointed a member of the (1)

Civil Defence Corps in terms of the above-mentioned regulations.

Date of Issue

.....

SIGNATURE OF CHIEF OF DEFENCE

(1) Fill in name of local authority

(2) Fill in name of member

(3) Fill in Identity Number

(4) Passport Size

(2)

(1)

.....
.....
.....
.....
.....
.....

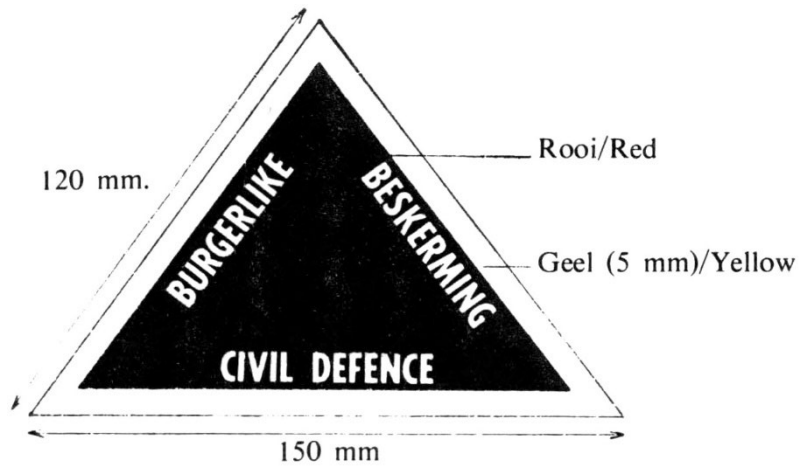
Member's

Photograph (4)

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SCHEDULE D

CIVIL DEFENCE DISTINGUISHING EMBLEM
(REGULATION 4(2))



Dimensions of letters: 7 mm high and 3 mm wide.
Colour of letters: Yellow [Yellow]



1. Fire-fighting



2. Communication



3. Electrical Services



4. Water Services

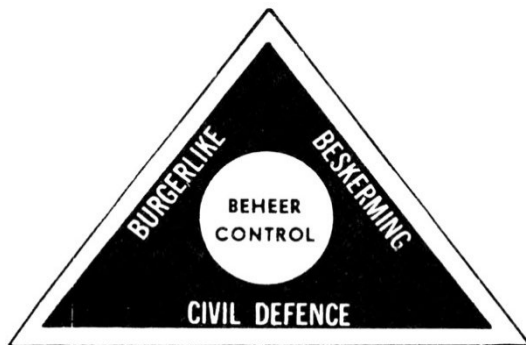
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5. Traffic Control



6. First Aid



7. Control (For personal use by Chief and his control element)



8. Care Services



9. Transport Services



10. (Municipal coat of arms (For use by members of administrative and executive services))

Signs Nos. 1 to 10 above shall be of the same sizes and colours as the sign described in Schedule D.

The colour of the activity symbols, in the case of signs Nos. 1, 4, 6, 8 and 9 shall be green on a yellow background, and in the case of signs Nos. 2, 3, 5, 7 and 10 the symbol shall be outlined in green on a yellow background.

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SCHEDULE F

ADMINISTRATION OF SOUTH WEST AFRICA

Ref. No.

Tel. No.

Mr

DIRECTIVE TO UNDERGO TRAINING
(REGULATION 6(1))

1. Mister
(full name) subject to the provisions of section 7(2) of the Civil Defence Ordinance (Ordinance 3 of 1979) and Regulation 6(1) of the Civil Defence Regulations you are hereby directed to undergo training in connection with the service to which you have bound yourself.
2. The training will take place at the expense of
.....
for the period from
to at
3. Take note that, should you without adequate reason refuse, neglect or fail to report for training, you shall be guilty of an offence under the provisions [provisions] of regulation 6(5) and liable under the provisions of regulation 12 to a fine not exceeding one hundred rand or imprisonment for a period not exceeding one month or with both such imprisonment and such fine.
4. Please acknowledge receipt of this directive hereunder.

CHIEF: CIVIL DEFENCE

..... (Place)
..... (Date)

THE CHIEF: CIVIL DEFENCE

P.O. Box

DIRECTIVE TO UNDERGO TRAINING

I, the undersigned, acknowledge receipt of the above directive.

.....
Signature of member

Date: