



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Native Administration Proclamation 15 of 1928
section 18

Regulations framed under the provisions of sub-section (9) of section *eighteen* of the Native Administration Proclamation, 1928, for the Administration and Distribution of Native Estates in that portion of the Territory north of the Police Zone

Government Notice 70 of 1954

[\(OG 1818\)](#)

[deemed to have come into force on 1 August 1950 \(GN 70/1954\)](#)

The Government Notice that contains these regulations notes that they apply to the area north of the Police Zone, which is defined in the First Schedule to the Prohibited Areas Proclamation 26 of 1928 “as amended from time to time”. The First Schedule to the Prohibited Areas Proclamation 26 of 1928 ([OG 296](#)) is amended by GN 105/1933 ([OG 522](#)), GN 83/1938 ([OG 752](#)), GN 126/1938 ([OG 760](#)), GN 375/1947 ([OG 1331](#)), GN 216/1950 ([OG 1542](#)), GN 255/1950 ([OG 1554](#)), GN 2/1953 ([OG 1736](#)), GN 198/1954 ([OG 1854](#)), GN 38/1959 ([OG 2182](#)) and GN 3/1961 ([OG 2289](#)), substituted by GN 222/1961 ([OG 2334](#)) and amended by GN 165/1962 ([OG 2425](#)). The amended version is reproduced as an Appendix to the Native Administration Proclamation 15 of 1928 in the database of annotated laws.

[RSA Proclamation R.192/1974 \(RSA GG 4164\)](#), which came into force on its date of publication (15 February 1974), extended the applicability of the regulations to the whole of South West Africa *with the exception of Owambo, Kavango and Caprivi*.

“APPLICATION OF THE PROVISIONS OF SECTION 18 OF THE NATIVE ADMINISTRATION PROCLAMATION, 1928 (PROCLAMATION 15 OF 1928) (SOUTH-WEST AFRICA), AND OF THE REGULATIONS PUBLISHED UNDER GOVERNMENT NOTICE 70 OF 1954 (SOUTH-WEST AFRICA), IN THE TERRITORY OF SOUTH-WEST AFRICA

By virtue of the powers vested in me by sections 27 and 18(9) of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa), read with section 2 of The South-West Africa Native Affairs Administration Proclamation, 1958 (Union Proclamation 119 of 1958), I, Michiel Coenraad Botha, Minister of Bantu Administration and Development, hereby declare that the provisions of section 18 of the said Native Administration Proclamation, 1928 and the regulations published under Government Notice 70 of 1954 (South-West Africa) shall apply in the whole of the Territory of South-West Africa, excluding the areas referred to in paragraphs (d), (e) and (f) of section 2(1) of the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968).”

REGULATIONS
Native Administration Proclamation 15 of 1928

Regulations framed under the provisions of sub-section (9) of section *eighteen* of the Native Administration Proclamation, 1928, for the Administration and Distribution of Native Estates in that portion of the Territory north of the Police Zone

ARRANGEMENT OF REGULATIONS

[These regulations do not have headings.]

1. In these regulations, unless inconsistent with the context -
“the Proclamation” means the Native Administration Proclamation, 1928;
“estate” means the estate of a deceased native.
2. If a native dies leaving no valid will, his property shall be distributed in the manner following -
 - (a) If the deceased, at the time of his death, was -
 - (i) a partner in a marriage in community of property or under ante-nuptial contract; or
 - (ii) a widower, widow or divorcee, as the case may be, of a marriage in community of property or under ante-nuptial contract and was not survived by a partner to a customary union entered into subsequent to the dissolution of such marriage, the property shall devolve as if he had been a European.
 - (b) If the deceased does not fall in a class described in paragraph (a) hereof, the property shall be distributed according to native law and custom.
3. All the property in any estate falling within the purview of paragraph (a) of regulation *two* shall be administered under the supervision of the Native Commissioner of the district or area in which the deceased ordinarily resided and such Native Commissioner shall give such directions in regard to the distribution thereof as shall seem to him fit and shall take all steps necessary to ensure that the provisions of the Proclamation and of these regulations are complied with.