



Republic of Namibia
Annotated Statutes

**Control of Sites (Churches, Schools and
Missions) Proclamation 31 of 1932**

(OG 491)

came into force on date of publication: 15 November 1932

PROCLAMATION

[This Proclamation has no long title.
The date of signature appears at the bottom of the Proclamation.]

WHEREAS it is expedient to make provision for the granting of permissions to occupy sites for church, school or mission purposes, on Crown land or land set apart as a reserve for natives or coloured persons;

NOW THEREFORE, under and by virtue of the powers in me vested, I do hereby proclaim, declare and make known as follows:-

1. The Administrator may, subject to such conditions as he may see fit to impose, grant to any recognised religious denomination, mission society or educational authority permission to use or occupy one or more sites for church, school or mission purposes on Crown land or land set apart as a reserve for natives or coloured persons, if the required land is available, and if he is satisfied that the use thereof will not hamper the maintenance of public order or public morals, and that the granting of such permission is necessary.

2. (1) Any person who, after the commencement of this Proclamation, uses or occupies, or causes to be used or occupied, any Crown land or land set apart as a reserve for natives or coloured persons, for church, school or mission purposes, without the permission of the Administrator shall be guilty of an offence and liable upon conviction to a fine not exceeding twenty-five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

(2) In any criminal proceedings against a person charged with contravening the provisions of sub-section (1) of this section -

(a) the burden of proving that he had the required permission for the act in respect of which he is charged shall be upon the accused;

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- (b) it shall be no defence that the use or occupation in respect of which such proceedings are instituted relates to land duly allotted as a residential or kraal site or for arable or garden purposes, or that such use or occupation commenced at a date prior to the commencement of this Proclamation.
- (3) (a) In addition to any other penalty to which he may be liable, the court may order any person convicted of contravening the provisions of sub-section (1) to remove, within a period to be described in the order, any building erected upon such land for the purposes of the unlawful use or occupation of the land, and in the event of such person failing or neglecting to comply with such order the Chief Native Commissioner, or an officer duly authorised thereto by him, may take all necessary steps to carry out the order himself and may by summary warrant under his hand recover from such person the costs incurred thereby.
- (b) Any warrant issued by the Chief Native Commissioner or authorised officer under the provisions of this subsection shall be executed as if it were a warrant issued in pursuance of a judgment of the court making such order.
- 3. The Administrator may make regulations prescribing -
 - (a) the form in which applications for the use or occupation of sites under the provision of section *one* are to be made, and the particulars to be contained in such applications;
 - (b) the conditions which will apply to the use or occupation of sites under the said provisions; and
 - (c) generally for the carrying out of the objects and purposes of this Proclamation.
- 4. The Proclamation shall apply also to Ovamboland and the Caprivi Zipfel.
- 5. This Proclamation may be cited as the Control of Sites (Churches, Schools and Missions) Proclamation, 1932.

GOD SAVE THE KING.

Given under my hand and seal at Windhoek this ninth day of November, 1932.

A. J. WERTH,
Administrator.