

# ARBITRATION

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*Arbitration Act 42 of 1965*, as amended in South Africa prior to Namibian independence.

**Summary:** This Act provides for the settlement of disputes by arbitration tribunals.

**Applicability to SWA:** Section 41 states “This Act and any amendment thereof shall apply also in the territory.” Section 1 defines “the territory” as “the territory of South West Africa including that portion of the territory known as the ‘Rehoboth Gebiet’, and the Eastern Caprivi Zipfel referred to in subsection (3) of section three of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)”.

**Transfer of administration to SWA:** There is no reference to any minister in the Act, so it is not clear from the face of the Act what transfer proclamation, if any, was applicable. In any event, there were no amendments to the Act in South Africa prior to Namibian independence.

**Amendments:** The Fire Brigade Services Ordinance 10 of 1978 makes provision for using arbitration pursuant to this Act to determine compensation for property appropriated by fire brigade services in the performance of their duties.

**Cases:**

*Erongo Mining and Exploration Co Ltd v Mineworkers Union of Namibia*  
1993 NR 270 (LC) (section 30)

*Nel v Kalahari Holdings (Pty) Ltd* 1995 NR 244 (HC) (sections 3(1) and (6)).

*RL Civil Engineering v Ministry of Regional and Local Government and Housing & Another* 1998 NR 61 (HC) (sections 4(2) and 21(f)).

See also **LABOUR**.