

CO-OPERATIVES

Co-operatives Act 23 of 1996

Summary: This Act ([GG 1467](#)) regulates the formation, registration and winding-up of co-operatives.

Repeals: The Act repeals the Co-operative Societies Ordinance 15 of 1946 ([OG 1262](#)), as amended,⁸² which in turn repealed the SWA Co-operation Proclamation 19 of 1922 ([OG 87](#)) as amended.⁸³

Regulations: Regulations made in terms of the previous Co-operatives Societies Ordinance 15 of 1946 survive pursuant to section 110(2) of this Act, which states:

Anything done under a provision of the repealed Ordinance which may be done under a provision of this Act shall be deemed to have been done under the last-mentioned provision.

Model co-operatives regulations issued under the repealed Co-operative Societies Ordinance 15 of 1946 are contained in SWA GN 313/1946 ([OG 1277](#)), as amended by RSA GN 1866/1975 ([RSA GG 4860](#)) (which substitutes Schedule L), and RSA GN 1948/1976 ([RSA GG 5316](#)) (which substitutes Schedule K).

The previous SWA Co-operation Proclamation 19 of 1922 ([OG 87](#)) made no provision for regulations other than the model co-operatives regulations which are contained in the Schedule to the Proclamation, and there is no savings clause for regulations attached to that Proclamation Act in Co-operative Societies Ordinance 15 of 1946.

Regulations are authorised by section 107 of the current Act, but none have been promulgated.

Notices: Notices relating to the establishment and winding up of particular co-operatives have not been recorded here.

Fees: Fees for registration and provisional registration of co-operatives are set in GN 66/1997 ([GG 1537](#)).

Commentary: Division of Cooperative Development, Ministry of Agriculture, Water and Rural Development, *Book 1-Cooperatives in Namibia: Introduction*, *Book 2-Guide to the Namibian Cooperatives Act*, *Book 3-Guide to the Model By-laws for Namibian Cooperatives*, undated.

⁸² The Co-operative Societies Ordinance 15 of 1946 was amended by RSA Proc. R.124/1969 ([RSA GG 2398](#)), SWA Act 7/1980 ([OG 4182](#)), SWA Act 6/1982 ([OG 4619](#)) and the *RSA Companies Amendments Act 90 of 1969* ([RSA GG 2474](#)).

The corresponding South African law was the Co-operative Societies Act 29 of 1939 ([SA GG 2654](#)), which was not directly applicable to SWA but allowed some SWA farmers and co-operatives to participate in some aspects of co-operatives set up under the South African Act.

⁸³ The SWA Co-operation Proclamation 19 of 1922 was amended by Proc. 32/1924, Ord. 5/1932, Proc. 14/1934 and Ord. 4/1943.