

LANDLORD AND TENANT

Formalities in respect of Leases of Land Act 18 of 1969, as amended in South Africa prior to independence  

Summary: This Act ([RSA GG 2318](#)) concerns formalities in leases of land.

Applicability to SWA: Section 2 states “This Act and any amendment thereof shall apply also in the territory of South West Africa.” Although amendments to the Act in South Africa would have been automatically applicable to SWA, there were no amendments to the Act in South Africa prior to Namibian independence.

Transfer of administration to SWA: Since the Act does not indicate what Minister administered the Act, it is not clear which transfer proclamation, if any, was applicable. However, the date of transfer is not relevant to the content of the statute, as there were no amendments to the law in South Africa prior to Namibian independence.

Regulations: The Act makes no provision for regulations.

Rents Ordinance 13 of 1977

Summary: This Ordinance ([OG 3634](#)) regulates the letting and hiring of non-commercial immovable property. It was brought into force with effect from 1 January 1978 by Proc. 1/1978 (OG 3685). It repeals the Rents Proclamation 4 of 1944, as amended.

Amendments: The Ordinance is amended by Ord. 4/1980 ([OG 4134](#)) and by the Married Persons Equality Act 1 of 1996 ([GG 1316](#)) (which substitutes section 1).

Regulations: Pre-independence regulations have not yet been comprehensively researched. Regulations promulgated under the repealed legislation survive pursuant to section 39(3) of this Ordinance, but have not yet been investigated.

Regulations are authorised by section 38 of this Ordinance. Regulations issued pursuant to this Ordinance are contained in GN 10/1978 ([OG 3685](#)). These regulations came into operation with effect from 1 January 1978.

No post-independence regulations have been promulgated.

Application of law: AG 21/1985 ([OG 5005](#)) exempts certain dwellings from the provisions of the Ordinance.

Appointments: GN 318/2018 ([GG 6784](#)) establishes Rent Boards for certain areas (Oshana Region, Kavango East Region, Erongo Region (Swakopmund), Erongo Region (Walvis Bay) and Khomas Region (City of Windhoek)), and announces the appointment of their members.

Cases: *Lida Marie CC v O’Portuga Restaurant CC* 2013 (3) NR 895 (HC) (application re notice to vacate in terms of section 31(1)(a), decided on basis of incorrect identity of tenant).

See also **LAND AND HOUSING**.