

MAINTENANCE

Reciprocal Enforcement of Maintenance Orders Act 3 of 1995.

Summary: This Act provides for the reciprocal enforcement of maintenance orders between Namibia and other countries designated by the Minister of Justice. It replaces the South African *Reciprocal Enforcement of Maintenance Orders Act 80 of 1963*.

Amendments: Sections 1, 5, 6, 7, 8, and 9 are amended by the *Maintenance Act 9 of 2003*.

Regulations: Rules and regulations made under the previous Act survive in terms of section 13 of the new Act. Rules issued under the previous Act are contained in RSA GN R.98 of 22 January 1965.

Section 13 of the Act provides that any country designated under the *Reciprocal Enforcement of Maintenance Orders Act 80 of 1963* will be deemed to be a designated country for the purposes of the Act. South Africa was named as a designated country in GN 124/1993 (GG 727), effective 10 September 1993.

Maintenance Act 9 of 2003.

Summary: This Act concerns the payment of maintenance, the holding of maintenance enquiries, and enforcement of maintenance orders. It replaces the South African *Support of Dependants (Natives) Proclamation of 1936* and the South African *Maintenance Act 23 of 1963*. It came into operation on 17 November 2003 (GN 232/2003, GG 3093).

Regulations: Regulations are contained in GN 233/2003 (GG 3093).

Cases: Cases decided under the repealed *Maintenance Act 23 of 1963*:

S v Koyoko 1991 NR 369 (HC) (section 5(4))

S v Shivute & Several Other Cases 1991 NR 433 (HC) (sections 11(1) and (2))

S v Afrikaner 1991 NR 109 (HC) (section 11(1))

S v Exabuja 1992 NR 196 (HC) (section 11(3))

S v De Koe 1993 NR 359 (HC) (section 11(3))

S v Geiseb 1994 NR 175 (HC) (section 11(3))

Tsaoseb v Geingos 1995 NR 107 (HC)

Van Zyl v Fourie 1997 NR 85 (HC) (section 4(1)(b))

Jantjies v Jantjies & Another 2001 NR 26 (HC) (principle of set-off not applicable to maintenance order).

See also regulations on financial assistance issued under the *Children's Act 33 of 1960* (CHILDREN).