

RAILWAYS

Rating of Railway Property Act 25 of 1959, with some South African amendments.

Summary: This Act defines the power of local authorities with regard to the imposition of rates upon state-owned property being used by the South African Railways and Harbours Administration.

Applicability to SWA: Section 6 states “This Act shall apply to the Territory of South West Africa.” This wording does not make amendments to the Act in South Africa automatically applicable to SWA. However, all *except* one of the amendments to the Act in South Africa prior to Namibian independence -- the *Financial Relations Act 65 of 1976* -- contain provisions making them expressly applicable to SWA.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Transport) Transfer Proclamation (AG 14/1978), dated 15 March 1978. There were two amendments in South Africa after that date and prior to Namibian independence -- the *Railways and Harbours Acts Amendment Act 67 of 1980* and the *South Africa Transport Services Act 65 of 1981* -- both of which were made expressly applicable to SWA. The *Rating of State Property Act 79 of 1984* repealed the Act only “in so far as it applies in the Republic”.

Amendments: The Natives (Urban Areas) Amendment Act 12 of 1980 affects the application of this Act.

Railways and Harbours Finances and Accounts Act 48 of 1977, as amended in South Africa to March 1978.

Summary: This Act regulates the finances of the SAR and Harbours. Section 17 of the Act came into operation on 1 January 1977, and the remainder of the Act on 1 April 1977.

Applicability to SWA: Section 28 states that “This Act and any amendment thereto is also applicable in the Territory of South West Africa, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Transport) Transfer Proclamation (AG 14/1978), dated 15 March 1978.

There were several amending acts in South Africa after the date of transfer. The following were made expressly applicable to SWA:

Railways and Harbours Acts Amendment Act 80 of 1979

Railways and Harbours Acts Amendment Act 67 of 1980

Railways and Harbours Acts Amendment Act 29 of 1981

South African Transport Services Amendment Act 6 of 1982

The Act was repealed in South Africa by *Act 17 of 1983*, which was not made expressly applicable to SWA.

Note

The Liquor Act 6 of 1998 states that it repeals Chapter V of the *Railways and Harbours Control and Management Consolidation Act 70 of 1957*. However, research by the authors of this index indicates that this Act was not actually in force in Namibia. Act 70 of 1957 was repealed in South Africa by the South African Transport Services Act 65 of 1981, which was made expressly applicable to SWA by virtue of section 78. (Act 65 of 1981 was subsequently repealed in respect of South West Africa by National Transport Corporation Act 21 of 1987.) Thus, it is our theory that even if the *Railways and Harbours Control and Management Consolidation Act 70 of 1957* had already been transferred to SWA in terms of a Transfer Proclamation, the repealing Act would have repealed it in respect of SWA because it was explicitly made applicable to SWA.

COMMISSIONS

Commission of Enquiry into the Activities, Management and Operations of Transnamib Holdings Limited (Proc. 3/2001, GG 2499).

See also GN 51/2001 (GG 2499).

See also laws on pensions paid to railway employees (**PENSIONS**).

See also **TRANSPORTATION**.