
**Summary:** In accordance with Article 137(4) of the Constitution and with the recommendations of the First Delimitation Commission (established in terms of Proclamation 12/1990, GG 69), this Presidential Proclamation (GG 368) establishes the boundaries of regions and local authorities as referred to in Chapter 12 of the Constitution.

**Amendments:** This Proclamation is amended by Proc. 20/1992 (GG 436) (spelling of “Otjozondjupa”) and Act 22/1992 (GG 469) (“Liambezi” becomes “Caprivi”).

The boundaries of the constituencies within the regions are set forth in Proc. 25/1992 (GG 473), which is amended by Proc. 42/1992 (GG 506) (substitutes description of boundaries of Rehoboth West Urban Constituency).


**Summary:** This Act (GG 469) provides for the establishment of regional councils in respect of regions determined in accordance with Article 103 of the Constitution and sets forth the rights, powers, duties and functions of such councils. It also provides for the election of National Council members by regional councils.

The Act commenced on 31 August 1992 (GN 117/1992, GG 472), except for section 45(1) which came into operation on the date for regional elections fixed in terms of Article 137(6) of the Constitution. This date was set as 30 November-3 December 1992 in Proc. 39/1992 (GG 502).

**Amendments:** Act 17/1997 (GG 1764) amends sections 5 and 21 and inserts section 18A (erroneously numbered as “(19A)”).

Act 30/2000 (GG 2461) (which came into force on 5 March 2001 in terms of GN 35/2001, GG 2492) amends sections 1, 17, 18A (and also correcting its erroneous numbering), 20, 28, and 32 and inserts sections 24A, 24B, 24C, 44A and 44B.

Act 12/2002 (GG 2870) (which came into force on 15 February 2003 in terms of GN 18/2003, GG 2915) amends sections 1 and 24, substitutes section 23, and repeals section 24A, 24B, and 24C.

Act 12/2010 (GG 4543) amends sections 7 and 8 to reduce the term of office of regional councillors from six years to five years.

Act 16/2010 (GG 4618) amends sections 1, 11, 18 and 21 to delineate the functions of chairpersons of regional councils and regional governors.

Schedule 1 of the Act indicates the regions for which regional councils have been established. Schedule 2 indicates the number of council members and the for each of these regions. These Schedules are amended by Proc. 25/2013 (GG 5261) “so as to bring those Schedules in line with the changes effected by this Proclamation and previous Proclamations issued under section 5(3)”. Proc. 25/2013 is amended by
Proc. 34/2015 (GG 5853) to substitute “//Kharas” for “!Karas”.

**Regulations:** Commercialisation Regulations are contained in GN 41/2001 (GG 2492).

Joint Business Venture Regulations are contained in GN 42/2001 (GG 2492).

Tender Board Regulations are contained in GN 43/2001 (GG 2492).

**Rules:** A Code of Conduct for members of Regional Councils is contained in GN 174/2004 (GG 3255).

Standing rules in connection with meetings of Regional Councils and committees established by Regional Councils, are contained in GN 175/2004 (GG 3255).

**Fees:** Remuneration, allowances and benefits for members of Regional Councils are contained in Proc. 35/2008 (GG 4129).

**Appointments:** The First Delimitation Commission was appointed before this Act was passed in Proc. 12/1990 (GG 69), in terms of the Constitution. Delimitation Commissions are appointed in terms of section 5 of the Act by Proc. 9/1998 (GG 1855) and Proc. 6/2002 (GG 2855).

**Elections of members of the National Council:** No gazette setting the date for the 1992 elections of members of the National Council has been located. The date of election of members of the National Council in 1998 was fixed by the President as 8 December 1998 by GN 291/1998 (GG 2005). The date of election of members of the National Council in 2004 was fixed as 7 December 2004 by GN 255/2004 (GG 3334). No gazette setting the date for the 2010 election of members of the National Council has been located.

**Designation and boundaries of regions:** Prior to the enactment of this law, the boundaries of regions and local authorities were established in the Boundaries of Regions and Local Authorities Proclamation 6 of 1992 (GG 368), as amended by Proc. 20/1992 (GG 436), Act 22/1992 (GG 469), Proc. 15/1998 (GG 1940), Proc. 7/2003 (GG 2942) (which changes the boundaries of Omaheke and Khomas Regions) and Proc. 25/2013 (GG 5261) (which re-names “Caprivi Region” as “Zambezi Region”, and “Karas Region” as “!Karas Region” and divides “Kavango Region” into “Kavango East Region” and “Kavango West Region”).

The boundaries of the constituencies within the regions are set forth in Proc. 25/1992 (GG 473), which is amended by Proc. 42/1992 (GG 506) (substitutes description of boundaries of Rehoboth West Urban Constituency), Proc. 16/1998 (GG 1940) (re-divides constituencies in all regions other than Karas), Proc. 35/1999 (GG 2233) (affecting two constituencies in the Oshikoto Region), Proc. 7/2003 (GG 2942) (which affects constituencies in a number of regions), Proc. 11/2011 (GG 4767) (renaming “Soweto Constituency” in the Khomas Region as “John Pandeni Constituency”) and Proc. 25/2013 (GG 5261) (which substitutes names and/or boundaries of many constituencies pursuant to the report of the Fourth Delimitation Commission).

Note: Proc. 25/2013 re-named several constituencies, amongst them the “Luderitz Constituency” in !Karas Region which was re-named “!Nami≠Nüs Constituency”. This was widely reported in the press as having changed the name of the local authority of Lüderitz to !Nami≠Nüs, but in fact the Proclamation was issued in terms
Designations of settlement areas and withdrawals of such designations have not been recorded here.

**Commentary:**


**Local Authorities Act 23 of 1992.**

**Summary:** This Act ([GG 470](http://www.ippr.org.na)) provides for the determination of local authorities and the establishment of local authority councils. It also sets forth the powers, duties and functions of such councils. This Act came into force on 31 August 1992 (GN 118/1992, [GG 472](http://www.ippr.org.na)). It replaces the Municipal Ordinance 13 of 1963, the Village Management Boards Ordinance 14 of 1963 and the Peri-Urban Development Board Ordinance 19 of 1970.

**Amendments:** The Registration of Deeds in Rehoboth Amendment Act 35 of 1994 ([GG 995](http://www.ippr.org.na)) amends section 78.

Act 3/1997 ([GG 1584](http://www.ippr.org.na)) substitutes sections 5 and 6 to provide that the second local government elections shall be held on a party list system and defer the delimitation of local authorities into wards until after the second elections. These substitutions also increase the maximum size of municipal councils from 12 to 15, and strengthen the affirmative action provisions for women in respect of the second local elections.

Act 14/1997 ([GG 1743](http://www.ippr.org.na)) amends section 8 of the Act in connection with the postponement of Namibia’s second local authority elections.


Act 17/2002 ([GG 2887](http://www.ippr.org.na)) (which was brought into operation on 15 February 2003 by GN 19/2003, [GG 2915](http://www.ippr.org.na)) amends the Act substantially. Amongst other things, it eliminates provisions for a ward system and extends the period for the third general elections for members of local authority councils.
The Electoral Amendment Act 7 of 2003 (GG 3013), which came into operation on 8 July 2003 (GN 146/2003, GG 3014), substitutes the definition of ‘party list’ in section 1 of the Act.

Act 27/2003 (GG 3126) substitutes the date for elections for members of local authority councils in section 8 of the Act.

Act 14/2004 (GG 3330), which came into operation on 27 November 2004 (GN 254/2004, GG 3331), amends sections 1 and 30 and inserts section 94C.

The Electoral Amendment Act 4 of 2006 (GG 3759) amends section 1 of the Act.

Act 1/2009 (GG 4258) amends section 8 on the dates for elections of local authority councils.

The Water Resources Management Act 11 of 2013 (GG 5367), which has not yet been brought into force, amends section 30(1).

The Government Notices which establish new local authorities, change the designations of local authorities or alter the size of local authority councils (listed below) amend or substitute the Schedules to the Act accordingly.


**Regulations:** Model Pound Regulations are contained in GN 191/1994 (GG 945).

Model Electricity Supply Regulations are contained in GN 71/1996 (GG 1283).

Model Water Supply Regulations are contained in GN 72/1996 (GG 1283).

Model Sewerage and Drainage Regulations are contained in GN 99/1996 (GG 1311).

Model Regulations for the Control of Dogs in Local Authority Areas are contained in GN 166/2008 (GG 4077). These regulations repeal a number of regulations made under the Municipal Dog Tax Ordinance 13 of 1967.

Note that there is a corrected version of GG 4077.

Tender Board Regulations are contained in GN 30/2001 (GG 2486), which was subsequently replaced by GN 73/2011 (GG 4685).

Commercialisation Regulations are contained in GN 39/2001 (GG 2492), as amended by GN 113/2007 (GG 3864).

Joint Business Venture Regulations are contained in GN 40/2001 (GG 2492), which is replaced by GN 114/2007 (GG 3864).
**Rules:** A Code of Conduct for Members of Local Authority Councils is published in General Notice 139/2015 (GG 5704).

Standing Rules for meetings of Local Authority Councils are contained in General Notice 140/2015 (GG 5705).

**Individual local authorities:** Regulations, rules and tariffs issued by individual local authorities and notices concerning valuations in individual local authorities are not recorded here.

**Designation and boundaries of local authorities:** Prior to the enactment of this law, the boundaries of regions and local authorities were established in the Boundaries of Regions and Local Authorities Proclamation 6 of 1992 (GG 368), as amended by Proc. 20/1992 (GG 436) and Act 22/1992 (GG 469). The local authorities covered were Aranos, Ariamsvlei, Aris, Aroab, Aus, Bethanie, Gobabis, Gochas, Grootfontein, Grünau, Hentiesbaai, Kalkveld, Kalkrand, Kamanjab, Kappsfarm, Karasburg, Karibib, Keetmanshoop, Koes, Leonardville, Lüderitz, Maltahöhe, Mariental, Noordoewer, Okahandja, Okakarara, Omaruru, Omitara, Ondangwa, Ongwediva, Opuwo, Oshakati, Otavi, Otjiwarongo, Outjo, Rehoboth, Stampriet, Summerdown, Swakopmund, Tsumeb, Usakos, Warmbad, Windhoek, Witvlei and Wlotzkasbaken. The boundaries of many of these local authorities were defined with reference to pre-independence proclamations and AG proclamations. Only post-independence changes are recorded here.

The boundaries of Windhoek are extended by Proc. 26/1992 (GG 479) (the incorporation of Brakwater into the municipality under the previous Municipal Ordinance 13 of 1963) and altered further by GN 184/2011 (GG 4801).

Four additional villages (Berseba, Gibeon, Tses and Uis) are proclaimed by Proc. 27/1992 (GG 479), which accordingly substitutes Schedule 3 of the Act.

Four additional towns (Arandis, Katima Mulilo, Khorixas and Rundu) are proclaimed in Proc. 28/1992 (GG 479), which accordingly substitutes Schedule 2 of the Act.

The boundaries of Tsumeb are altered by Proc. 17/1993 (GG 668), GN 39/2010 (GG 4440) and GN 115/2012 (GG 4941).

Note that GN 39/2010 is erroneously labelled as GN 49 on the list of contents in the relevant Gazette.

Five villages are deproclaimed in Proc. 22/1993 (GG 718) (Aris, Kappsfarm, Omitara, Summerdown and Wlotzkasbaken), which accordingly substitutes Schedule 3 of the Act.

The history of the Walvis Bay municipal area is set forth in *Walvis Bay Municipality & Another v Occupiers of the Caravan Sites at Long Beach Caravan Park, Walvis Bay 2007 (2) NR 643 (SC) at 647I-648C.*

Five villages are deproclaimed in Proc. 1/1996 (GG 1241) (*Ariamsvlei*, *Grünau*, *Kalkfeld*, *Noordoewer* and *Warmbad*), which accordingly substitutes Schedule 3 of the Act.

The village of *Aus* is deproclaimed in Proc. 6/1996 (GG 1454), which accordingly substitutes Schedule 3 of the Act.

*Eenhana* and *Outapi* are proclaimed as towns in Proc. 14/1997 (GG 1673), which accordingly substitutes Schedule 2 of the Act. (Proc. 18/1997 (GG 1698), Proc. 26/1997 (GG 1738) and Proc. 31/1997 (GG 1749) amend the election date set for these towns in Proc. 14/1997.)

*Helao Nafidi* is proclaimed as a town in GN 194/2003 (GG 3054), which accordingly substitutes Schedule 2 of the Act. Its boundaries are amended by GN 11/2005 (GG 3379).

*Okahao* is established as a town by GN 233/2004 (GG 3313), which accordingly substitutes Schedule 2 of the Act.

*Oshikuku* is established as a village by GN 234/2004 (GG 3313), which accordingly substitutes Schedule 3 of the Act.

*Ruacana* is established as a village by GN 70/2005 (GN 3456), which accordingly substitutes Schedule 3 of the Act. Its boundaries were altered by GN 176/2014 (GG 5579).

*Nkurenkuru* is established as a town by GN 155/2006 (GG 3699), which accordingly substitutes Schedule 2 of the Act.

*Omuthiya* is established as a town by GN 4/2008 (GG 3974), which accordingly substitutes Schedule 2 of the Act.

The boundaries of *Lüderitz* are altered by GN 250/2003 (GG 3108), GN 242/2013 (GG 5284) and GN 135/2014 (GG 5547).

The boundaries of *Opuwo* are altered by GN 233/2009 (GG 4386).

The boundaries of *Usakos* are altered by GN 65/2010 (GG 4451).

*Uis* is abolished as a local authority in GN 193/2010 (GG 4556), which amends Schedule 3 of the Act accordingly.

The boundaries of *Omaruru* are altered by GN 267/2012 (GG 5069), GN 129/2015 (GG 5772) and GN 1445/2015 (GG 5783).

*Otjinene* is proclaimed as a village in GN 6/2011 (GG 4649), which accordingly substitutes Schedule 3 of the Act. Note that GN 6/2011 contains a confusing error of wording. It does not “substitute section 3(4)(c) of the Local Authorities Act, 1992, for Schedule 3 of that Act” as it states; instead, *pursuant to* section 3(4)(c) of the Act, it *substitutes Schedule 3 of the Act.*

REGIONAL AND LOCAL GOVERNMENT-6

The boundaries of Karibib are altered by GN 115/2011 (GG 4756).

Oranjemund is established as a town by GN 130/2011 (GG 4767), which accordingly substitutes Schedule 2 of the Act.

The boundaries of Otavi are altered by GN 145/2011 (GG 4774). However, all previous legal references to the boundaries of Otavi were subsequently repealed and replaced by GN 248/2012 (GG 5049).

The boundaries of Outjo are altered by GN 217/2011 (GG 4834) and GN 35/2012 (GG 4883).

The boundaries of Ongwediva are altered by GN 238/2012 (GG 5038).

Bukalo is established as a village by GN 225/2013 (GN 5264), which accordingly substitutes Schedule 3 of the Act.

The boundaries of Swakopmund are extended by GN 202/2014 (GG 5590).

Divundu is established as a village by GN 54/2015 (GG 5721), which accordingly substitutes Schedule 3 of the Act.

Okongo is established as a village by GN 56/2015 (GG 5721), which accordingly substitutes Schedule 3 of the Act.

Oniipa is established as a town by GN 59/2015 (GG 5721), which accordingly substitutes Schedule 2 of the Act. GN 59/2015 is corrected by GN 102/2015 (GG 5670).

Tsandi is established as a village by GN 61/2015 (GG 5721), which accordingly substitutes Schedule 3 of the Act.

The boundaries of Otjiwarongo are altered by GN 130/2015 (GG 5772).

Designation of local authorities as municipality, town or village: Proc. 13/1997 (GG 1639) changes the designation of Hentiesbaai from a town to a municipality and amends Schedules 1 and 2 of the Act accordingly. The designations of several local authorities (Karibib, Karasburg, Usakos, Ruacana, Aranos, Oshikuku, Otavi) are altered in GN 193/2010 (GG 4556), which designates all of these local authorities as towns and amends Schedules 1-3 of the Act accordingly.

Size of local authority councils: Proc. 22/1997 (GG 1714) increases the number of members of the Swakopmund Municipal Council from 7 to 10, and increases the number of members of the Windhoek Municipal Council from 10 to 15. This Proclamation also amends Schedule 1 of the Act.

Schedule 2 of the Act, which deals with the number of members on town councils, is substituted by GN 194/2003 (GG 3054).

Wards: A notice pertaining to inspection of a map of local authorities showing the
demarcation of each local authority into wards by the Delimitation Commission is contained in GN 92/1996 (GG 1300). However, Act 17/2002 (GG 2887) (which was brought into operation on 15 February 2003 by GN 19/2003, GG 2915) eliminates the provisions in the Act pertaining to a ward system.

**Other:** The members of the **Rehoboth Town Council** were removed from office by GN 68/2001 (GG 2516), pursuant to section 92 of the Local Authorities Act 23 of 1992. The powers of the Council were transferred to the Minister of Regional and Local Government and Housing and a date was set for the election of a new council. The members of the Omaruru Municipal Council were suspended by GN 326/2013 (GG 5364), pursuant to section 92, and the powers of the Council transferred to the Minister of Regional and Local Government and Housing.

**Appointments:** The First Delimitation Commission was appointed before this Act was passed in Proc. 12/1990 (GG 69), in terms of the Constitution. A Delimitation Commission was appointed in terms of section 5 of the Act by Proc. 9/1995 (GG 1089) and by Proc. 6/2002 (GG 2855).

**Cases:**

- *Kruger v The Council of the Municipality of Windhoek & Another* NLLP 1998 (1) 157 NLC refers to section 239 of the predecessor to this act, the Municipal Ordinance 13 of 1963.
- *The Council of the Municipality of Windhoek & Another v Kruger* NLLP 1998 (1) 161 NLC discusses the exercise of the power to litigate by a local authority established in terms of the Act.
- *Council of the Municipality of Windhoek v Petersen & Others* 1998 NR 8 (HC) discusses the powers of local authorities to regulate trade by hawkers and pedlars (specifically Regulation 15(3) of the Hawker and Pedlar Regulations of the Municipality of Windhoek, in relation to Article 21(2) of the Constitution and section 94(3) of the Act).
- *Hailulu v Council* 2002 NR 305 (LC) (section 27(3))
- *RBH Construction & Another v Windhoek Municipal Council & Another* 2002 NR 443 (HC) (Tender Board Regulations)
- *Cronje v Municipality Council of Mariental* NLLP 2004 (4) 129 NSC (interpretation of section 27, as amended in 2000, and transition from the Municipal Ordinance 13 of 1963)
- *The Municipality of Walvis Bay v The Occupiers of the Caravan Sites at the Long Beach Caravan Park Walvis Bay Republic of Namibia* 2005 NR 207 (HC)(a municipal council has legal personality to sue and be sued, but not a municipality); *Walvis Bay Municipality & Another v Occupiers of the Caravan Sites at Long Beach Caravan Park, Walvis Bay* 2007 (2) NR 643 (SC) (dealing with the Walvis Bay Municipal Ordinance 26 of 1978 which applied to the municipality prior to its reintegration into Namibia)
- *Grobelaar & Another v Council of the Municipality of Walvis Bay & Others* 2007(1) NR 259 (HC) (sections 50 and 63(2))
- *Council of the Municipality of Windhoek v Bruni NO & Others* 2009 (1) NR 151 (HC) (powers and duties of Council and requirement of ratification, citing sections 27(5), 30, 31, 31A, 63 and 93(1))
- *Erongo Regional Council v Wlotzkasbaken Home Owners Association* 2009 (1) NR 252 (SC) (discussion of history of Wlotzkasbaken)

**Summary:** This Act (GG 2451) establishes a Trust Fund to be used for financial and technical assistance to the development of regions and local authorities, and assistance with the implementation of decentralisation programmes. It came into force on 5 March 2001 (GN 38/2001, GG 2492).

**Amendments:** The State-owned Enterprises Governance Act 2 of 2006 (GG 3698), which was brought into operation on 1 November 2006 by Proc. 13/2006 (GG 3733) and which has since been re-named the Public Enterprises Governance Act 2 of 2006, amends section 5 and substitutes section 11.

**Appointments:** The Board of Trustees is announced in GN 189/2001 (GG 2615).


**Summary:** This Act (GG 2464) provides for and regulates the decentralisation of central government functions to regional and local authorities. It came into force on 5 March 2001 (GN 34/2001, GG 2492).

**Notices:** Certain functions are delegated to regional councils in GN 173/2007 (GG 3907), GN 83-84/2009 (GG 4260) and GN 11/2015 (GG 5668).

Local Authorities Fire Brigade Services Act 5 of 2006.

**Summary:** This Act (GG 3760) provides for the establishment, maintenance, utilisation, co-ordination and standardisation of fire brigade services by local authorities, replacing the Fire Brigade Services Ordinance 10 of 1978. It came into force on 13 August 2010 (GN 175/2010, GG 4540).

**Regulations:** Services established and regulations made under the previous law survive to the extent that they are consistent with this Act.

Model Fire Brigade Services Regulations are contained in (GN 176/2010, GG 4540). In terms of section 20 of the Act, these are applicable until a town council, village council or regional council makes its own regulations. Note that model regulations 13, 14, 15(6), 15(7), 15(8) and 18(3) come into operation only after the expiry of a period of six months after the date of publication of the model regulations (13 August 2010).

Other regulations are contained in GN 177/2010 (GG 4540).

See also Electoral Act 5 of 2014 (regional and local elections) (ELECTIONS).

See also Public Office-Bearers (Remuneration and Benefits) Commission Act 3 of 2005 (remuneration, benefits and conditions of service of members of Regional Councils) (CONSTITUTION).

See also Members of Parliament and other Office-bearers Pension Fund Act 20 of 1999 (pensions for members of Regional Councils) (PENSIONS).