

WATER

Water Act 54 of 1956 , in part, as amended in South Africa to September 1977.

Summary: This Act concerns the control, use and conservation of water.

Applicability to SWA: Section 180(1) states “The State President may, by proclamation in the Gazette, apply any of or all the provisions of this Act to the territory of South West Africa or any portion thereof.” Section 180(2) applies sections 1-4 of the Act to South West Africa from the date of commencement of the Act. Section 180(3) and (4) give the State President the power to issue special water regulations for application in South West Africa, so long as such regulations are approved by both the Senate and the House of Assembly.

RSA Proclamation 151 of 1971 applies sections 5-7, 9A, 21-23, 26 (excluding paragraph (a)), 27, 28(1), 30, 34-43, 44(2), 45-51, 54-56, 57(1), 59(2), 61, 66, 67, 69, 70 (excluding paragraphs (d), (f), (g) and (h)), 139-152, 164*bis*, 164*ter*, 165, 166, 170 (excluding paragraphs (3) and (5)(c)) and 171 to SWA.

RSA Proclamation 281 of 1971 applies section 162 to SWA.

The *Water Amendment Act 22 of 1985* makes sections 9B, 30A(a) and 170(3) applicable to “the Territory of South West Africa”.

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers Transfer Proclamation (AG 3/1977, as amended), dated 28 September 1977. None of the amendments to the Act in South Africa after that date were made expressly applicable to SWA.

Amendments: Section 33 of the Public Service Act 2 of 1980 repeals section 3(2). However, AG 18/1980, which brings Act 2/1980 into operation, excludes section 33, and the reference to the Water Act in section 33 of Act 2/1980 is deleted altogether by the Water Amendment Act 4 of 1982. Act 4/1982 amends sections 1 and 3. Act 22/1985 amends several sections of the Act

Application of Act: Section 42 of the Namibia Water Corporation Act 12 of 1997 affects the applicability of this Act to the NamWater Corporation.

Regulations: RSA *Proclamation R.1277/1971* sets forth regulations for SWA pursuant to section 180(3) of the Act. RSA *Proclamation R.1278/1971* sets forth regulations for SWA pursuant to section 30(2) of the Act. Both of these sets of regulations are amended by section 8 of the SWA Water Amendment Act 22 of 1985.

Rates and charges are dealt with in General Notice 5/1978, AG GN 52/1979, AG GN 62/1980, AG GN 80/1981, AG GN 128/1984, GN 132/1986 and GN 10/1988.

AG GN 12/1980, GN 167/1987 and GN 50/2000 (GG 2280) concern the delegation of powers under the Act.

Water Research Act 34 of 1971, as amended in South Africa to October 1972.

Summary: This Act establishes a Water Research Commission to promote research into water affairs, as well as a Water Research Fund.

Applicability to SWA: Section 15 states “The State President may by proclamation in the Gazette declare any of or all the provisions of this Act and of any amendment thereof to be applicable in the territory of South West Africa (including the Eastern Caprivi Zipfel) or any portion thereof.” All of the provisions of the Act were made applicable to SWA by RSA Proc. 279/1972 as from 27 October 1972.

This Proclamation did not make future amendments to the Act in South Africa automatically applicable to SWA. There were five amending acts which came into force after 27 October 1972, none of which were made expressly applicable to SWA.

Transfer of administration to SWA: The administration of the Act appears to have been transferred to SWA by the Executive Powers Transfer Proclamation (AG 3/1977, as amended), dated 28 September 1977.

Amendments: AG 29/1978 makes the *Water Research Amendment Act 106 of 1977* applicable to SWA as from 1 July 1978. This Act amends section 11, which deals with the levying of rates and charges.

Namibia Water Corporation Act 12 of 1997

Summary: This Act establishes “NamWater” and provides for its powers, duties and functions. It came into force on 20 November 1997 (GN 234/1997, GG 1732).

Amendments: Act 17/2001, which had not yet come into force as of 31 December 2004, amends sections 17, 18 and 19 and substitutes section 21. The Water Resources Management Act 24 of 2004 amends cross-references in the Act. The State-owned Enterprises Governance Act 2 of 2006, which was brought into operation by Proc. 13/2006 (GG 3733), amends sections 17, 18, 19, 21, 22 and 28.

Regulations: The date for the transfer of bulk water supply functions from the Department of Water Affairs to the Namibia Water Corporation Ltd is determined to be 1 April 1998 in GN 169/1998 (GG 1909). Bulk water supply tariffs are set forth from time to time and have not been recorded here.

Appointments: Directors of the Board are announced in GN 248/1998 (GG 1965), GN 186/2000 (GG 2386) and GN 58/2004 (GG 3181).

Water Resources Management Act 24 of 2004 .

Summary: This Act concerns the management, development, protection, conservation and use of water resources. It establishes a Water Advisory Council, a Water Regulatory Board and a Water Tribunal. This Act replaces the *Water Act 54 of 1956*. It will come into force on a date set by the Minister.

See also *Mountain Catchment Areas Act 63 of 1970 (ENVIRONMENT)*.