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Government Notice

The following Government Notice is published for general information.

H. P. F. GOUS,
Secretary for South West Africa.

Administrator's Office
Windhoek.

No. 115] [23 March 1977

REGULATIONS MADE UNDER THE REFERENDUM ORDINANCE, 1977

The Executive Committee has, under section 6(1) of the Referendum Ordinance, 1977 (Ordinance 3 of 1977), made the regulations set out in Schedules 1 and 2.

SCHEDULE 1

The following provisions of the Electoral Consolidation Act, 1946, as applied to the Territory by section 34 of the South-West Africa Affairs Amendment Act, 1949, and construed according to the provisions of the said section, shall in the application thereof with reference to the referendum, be construed as if those provisions were amended as specified below, namely -

(a) in the case of section 13, by the substitution for subsection (6) of the following subsection:

"(6) No person shall merely by reason of his not being qualified to be registered in any particular elec-

Goewermentskennisgewing

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

H. P. F. GOUS,
Sekretaris van Suidwes-Afrika.

Kantoor van die Administrateur,
Windhoek.

No. 115] [23 Maart 1977

REGULASIES UITGEVAARDIG KRAGTENS DIE ORDONNANSIE OP DIE VOLKSTEMMING, 1977

Die Uitvoerende Komitee het kragtens artikel 6(1) van die Ordonnansie op die Volkstemming, 1977 (Ordonnansie 3 van 1977), die regulasies uiteengesit in Bylaes 1 en 2 uitgevaardig.

BYLAE 1

Die volgende bepalings van die Wet tot Konsolidasie van die Kieswette, 1946, soos op die Gebied van toepassing gemaak by artikel 34 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, en ooreenkomstig die bepalings van genoemde artikel uitgelê, word, by die toepassing daarvan met betrekking tot die volkstemming, uitgelê asof bedoelde bepalings gewysig is soos hieronder aangedui, te wete -

(a) in die geval van artikel 13, deur subartikel (6) deur die volgende subartikel te vervang:

"(6) Niemand is bloot op grond daarvan dat hy ingevolge hierdie artikel onbevoeg is om in 'n bepaalde

toral division in terms of this section, be disqualified from recording his vote in that electoral division if his name is included in the voters' list for that division.";

(b) in the case of section 20, by the addition of the words "and one copy to every referendum agent appointed under section 4 of the Referendum Ordinance, 1977, in respect of a division within that area who applies therefor in writing";

(c) in the case of section 25 -

(i) by the substitution in subsection (1) for the words "chief electoral officer" of the words "Secretary for South-West Africa" and for the word "Minister" of the words "Executive Committee";

(ii) by the substitution in subsection (2) for the words "the proclamation referred to in section 35 or 88, is issued" of the words "the government notice referred to in section 2 of the Referendum Ordinance, 1977, is published"; and

(iii) by the substitution in subsection (3)(a) for all the words following the words "on which" of the words "a government notice referred to in section 35 is published";

(d) in the case of section 35 -

(i) by the substitution for subsection (1) of the following subsection:

"(1) As soon as practicable after the date of publication of the Government notice referred to in section 2 of the Referendum Ordinance, 1977, the Executive Committee shall appoint one returning officer in every division of the Territory and shall cause such appointments to be published by notice in the *Official Gazette.*"; and

(ii) by the substitution in subsection (2) for the word "Minister" of the words "Executive Committee";

(e) in the case of section 38, by the substitution for all the words preceding paragraph (a) of the following words:

"As soon as practicable after his appointment the returning officer shall give public notice of -";

(f) in the case of section 40, by the substitution in the proviso to subsection (4) for the words "chief electoral officer" of the words "Secretary for South-West Africa";

kiesafdeling geregistreer te word, onbevoeg om in daardie kiesafdeling sy stem uit te bring as sy naam in die kieserslys vir daardie afdeling opgeneem is nie.";

(b) in die geval van artikel 20, deur die woorde "en een afskrif aan elke volkstemmingsagent kragtens artikel 4 van die Ordonnansie op die Volkstemming, 1977, ten opsigte van 'n afdeling binne daardie gebied aangestel wat skriftelik daarom aansoek doen" by te voeg;

(c) in die geval van artikel 25 -

(i) deur in subartikel (1) die woord "hoofverkiesingsbeampte" deur die woorde "Sekretaris van Suidwes-Afrika" en die woord "Minister" deur die woorde "Uitvoerende Komitee" te vervang;

(ii) deur in subartikel (2) die woorde "in artikel 35 of 88 bedoelde proklamasie uitgevaardig word," deur die woorde "in artikel 2 van die Ordonnansie op die Volkstemming, 1977, bedoelde goewermentskennisgewing afgekondig word," te vervang; en

(iii) deur in subartikel (3)(a) al die woorde na die woord "waarop" deur die woorde " 'n in artikel 35 bedoelde goewermentskennisgewing afgekondig word" te vervang;

(d) in die geval van artikel 35 -

(i) deur subartikel (1) deur die volgende subartikel te vervang:

"(1) So spoedig doenlik na die datum waarop die in artikel 2 van die Ordonnansie op die Volkstemming, 1977, bedoelde goewermentskennisgewing afgekondig word, stel die Uitvoerende Komitee een kiesbeampte in elke afdeling van die Gebied aan en laat hy sodanige aanstellings by kennisgewing in die *Offisiële Koerant* afkondig."; en

(ii) deur in subartikel (2) die woord "Minister" deur die woorde "Uitvoerende Komitee" te vervang;

(e) in die geval van artikel 38, deur al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"So spoedig doenlik na sy aanstelling vaardig die kiesbeampte 'n openbare kennisgewing uit van -";

(f) in die geval van artikel 40, deur in die voorbehoudsbepaling by subartikel (4) die woord "hoofverkiesingsbeampte" deur die woorde "Sekretaris van Suidwes-Afrika" te vervang;

(g) in the case of section 41, by the substitution in subsection (2) for the words "Consolidated Revenue Fund" of the words "Territory Revenue Fund";

(h) in the case of section 46, by the deletion in subsection (1)(a) of the words "not being later than twenty-one days before polling day" and the brackets enclosing them;

(i) in the case of section 71, by the substitution in subsection (2) for the words "chief electoral officer" of the words "Secretary for South-West Africa or an officer in the public service acting on his authority";

(j) in the case of section 71*bis* -

(i) by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

"Prior to the date seven days after the day of publication of a Government notice referred to in section 35 the Secretary for South-West Africa or an officer in the public service acting on his authority shall provide every presiding officer for votes of special voters with -"; and

(ii) by the substitution for paragraph (b) of the said subsection of the following paragraph:

"(b) ballot papers which on the front thereof do not in any respect differ from the ballot papers referred to in paragraph (1) of section 76, and on the back thereof differ from the ballot papers referred to in the said paragraph only by reason of the insertion on the lefthand side next to the space for the official mark of the words "signature of presiding officer for votes of special voters".";

(k) in the case of section 71*ter* -

(i) by the substitution for subsection (3) of the following subsection:

"(3) No such application shall be signed by an applicant prior to the seventh day after the day of publication of a government notice referred to in section 35."; and

(ii) by the substitution in subsection (4) for the word "second" of the word "third";

(l) in the case of section 71*quat* -

(i) by the substitution for paragraph (a)(ii) of subsection (1) of the following paragraph:

(g) in die geval van artikel 41, deur in subartikel (2) die woord "gekonsolideerde inkomstefonds" deur die woorde "Inkomstefonds van die Gebied" te vervang;

(h) in die geval van artikel 46, deur in subartikel (1)(a) die woorde "nie later dan een-en-twintig dae voor die stemdag nie" en die hakies wat dit omsluit, te skrap;

(i) in die geval van artikel 71, deur in subartikel (2) die woord "hoofverkiesingsbeampte" deur die woorde "Sekretaris van Suidwes-Afrika of 'n beampte in die staatsdiens wat op sy gesag handel" te vervang;

(j) in die geval van artikel 71*bis* -

(i) deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

"Voor die datum sewe dae na die dag waarop 'n in artikel 35 bedoelde goewermentskennisgewing afgekondig word voorsien die Sekretaris van Suidwes-Afrika of 'n beampte in die staatsdiens wat op sy gesag handel iedere voorsittende beampte vir stemme van spesiale kiesers van -"; en

(ii) deur paragraaf (b) van genoemde subartikel deur die volgende paragraaf te vervang:

"(b) stembriewe wat op die voorkant daarvan in geen opsig verskil nie van die stembriewe bedoel in paragraaf (1) van artikel 76 en op die agterkant daarvan verskil van die stembriewe bedoel in genoemde paragraaf slegs in die opsig dat aan die linkerkant langs die ruimte vir die offisiële merk die woorde "naamtekening van voorsittende beampte vir stemme van spesiale kiesers" ingevoeg word.";

(k) in die geval van artikel 71*ter* -

(i) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Geen sodanige aansoek word voor die sewende dag na die dag waarop 'n in artikel 35 bedoelde goewermentskennisgewing afgekondig word, deur 'n aansoeker onderteken nie."; en

(ii) deur in subartikel (4) die woord "tweede" deur die woord "derde" te vervang:

(l) in die geval van artikel 71*quat* -

(i) deur paragraaf (a)(ii) van subartikel (1) deur die volgende paragraaf te vervang:

"(ii) such other hours during such period as the Secretary for South-West Africa or an officer in the public service acting on his authority may after consultation with the authorised representatives of every political party determine,"; and

(ii) by the substitution in paragraph (b) of the said subsection for the words "chief electoral officer or an electoral officer" of the words "Secretary for South-West Africa or an officer in the public service acting on his authority";

(m) in the case of section 71*nov*, by the substitution in paragraph (a) of subsection (1) for the words "nomination day" of the words "day of publication of a government notice referred to in section 35" and for the word "second" of the word "third";

(n) in the case of section 71*dec*, by the substitution in subsections (2)(b) and (3) for the words "chief electoral officer" wherever they occur of the words "Secretary for South-West Africa";

(o) in the case of section 71*duodec*, by the substitution in subsection (1) for the words "nomination day" of the words "day of publication of a government notice referred to in section 35";

(p) in the case of section 76, by the substitution for paragraph (1) of the following paragraph:

"(1) Every ballot paper shall be in both official languages, in the form set out in the schedule to the Referendum Ordinance, 1977.";

(q) in the case of section 82 -

(i) by the substitution in subsection (6) for the word "Minister" of the words "Executive Committee";

(ii) by the substitution in subsection (8) for the words "chief electoral officer" of the words "Secretary for South-West Africa"; and

(iii) by the deletion of subsection (14);

(r) in the case of section 85, by the substitution for the words "chief electoral officer" wherever they occur of the words "Secretary for South-West Africa";

(s) in the case of section 86, by the substitution for that section of the following section:

"Returning officer to transmit result of ballot to Secretary for South-West Africa.

86. As soon as a returning officer has announced the result of the referendum, he shall without delay transmit to the Secretary for South-West Africa a return in the

"(ii) die ander ure gedurende die tydperk wat die Sekretaris van Suidwes-Afrika of 'n beampte in die staatsdiens wat op sy gesag handel na oorlegpleging met die gemagtigde verteenwoordigers van elke politieke party bepaal,"; en

(ii) deur in paragraaf (b) van genoemde subartikel die woorde "hoofverkiesingsbeampte of 'n verkiesingsbeampte" deur die woorde "Sekretaris van Suidwes-Afrika of 'n beampte in die staatsdiens wat op sy gesag handel" te vervang;

(m) in die geval van artikel 71*nov*, deur in paragraaf (a) van subartikel (1) die woord "nominasiedag" deur die woorde "dag waarop 'n in artikel 35 bedoelde goewermentskennisgewing afgekondig word" en die woord "tweede" deur die woord "derde" te vervang;

(n) in die geval van artikel 71*dec*, deur in subartikels (2)(b) en (3) die woord "hoofverkiesingsbeampte" oral waar dit voorkom deur die woorde "Sekretaris van Suidwes-Afrika" te vervang;

(o) in die geval van artikel 71*duodec* deur in subartikel (1) die woord "nominasiedag" deur die woorde "dag waarop 'n in artikel 35 bedoelde goewermentskennisgewing afgekondig word" te vervang;

(p) in die geval van artikel 76, deur paragraaf (1) deur die volgende paragraaf te vervang:

"(1) Elke stembrief is in albei amptelike tale, in die vorm uiteengesit in die Bylae by die Ordonnansie op die Volkstemming, 1977.";

(q) in die geval van artikel 82 -

(i) deur in subartikel (6) die woord "Minister" deur die woorde "Uitvoerende Komitee" te vervang;

(ii) deur in subartikel (8) die woord "hoofverkiesingsbeampte" deur die woorde "Sekretaris van Suidwes-Afrika" te vervang; en

(iii) deur subartikel (14) te skrap;

(r) in die geval van artikel 85, deur die woord "hoofverkiesingsbeampte" oral waar dit voorkom deur die woorde "Sekretaris van Suidwes-Afrika" te vervang;

(s) in die geval van artikel 86, deur daardie artikel deur die volgende artikel te vervang:

"Kiesbeampte stuur uitslag van stemming aan Sekretaris van Suidwes-Afrika.

86. Sodra 'n kiesbeampte die uitslag van die volkstemming aangekondig het, stuur hy sonder versuim aan die Sekretaris van Suidwes-Afrika 'n opgawe op die voorgeskrewe vorm

prescribed form signed by such returning officer and reflecting the respective numbers of votes recorded in favour of and against the establishment of an interim government and independence for the Territory, the number of tendered ballot papers received, and the number of ballot papers rejected by such returning officer.";

(t) in the case of section 87, by the substitution for that section of the following section:

"Publication of result of referendum.

87. As soon as the Secretary for South-West Africa has received the returns mentioned in section 86 he shall make known in the *Official Gazette* the respective numbers of votes recorded in favour of and against the establishment of an interim government and independence for the Territory, the number of tendered ballot papers received, and the number of ballot papers rejected by returning officers in each division and in the Territory.";

(u) in the case of section 93, by the substitution in subsection (3) for the word "Minister" of the words "Secretary for South-West Africa";

(v) in the case of section 111, by the substitution for that section of the following section:

"When referendum commences.

111. For the purposes of this Chapter the referendum shall be deemed to have commenced on the date of publication of the government notice referred to in section 2 of the Referendum Ordinance, 1977.";

(w) in the case of section 127, by the repeal of that section; and

(x) in the case of section 182, by the substitution in subsection (1) for the words "which the chief electoral officer may prescribe" of the words "which the Secretary for South-West Africa or an officer in the public service acting on his authority, may determine".

SCHEDULE 2

The regulations made under section 186 of the Electoral Consolidation Act, 1946, and published under Government Notice R119 of 31 January 1964 of the Republic of South Africa, as amended, as applied to the Territory by section 34 of the South-West Africa Affairs

wat deur daardie kiesbeampte onderteken is en waarin die aantal stemme onderskeidelik ten gunste van en teen die instelling van 'n tussentydse regering en onafhanklikheid vir die Gebied uitgebring, die aantal aangebode stembriewe ontvang, en die aantal stembriewe wat daardie kiesbeampte verwerp het, aangegee word.";

(t) in die geval van artikel 87, deur daardie artikel deur die volgende artikel te vervang:

"Publikasie van uitslag van volkstemming.

87. Sodra die Sekretaris van Suidwes-Afrika die in artikel 86 vermelde opgawes ontvang het, publiseer hy in die *Offisiële Koerant* die aantal stemme onderskeidelik ten gunste van en teen die instelling van 'n tussentydse regering en onafhanklikheid vir die Gebied uitgebring, die aantal aangebode stembriewe ontvang, en die aantal stembriewe wat verwerp is deur kiesbeamptes in elke afdeling en in die Gebied.";

(u) in die geval van artikel 93, deur in subartikel (3) die woord "Minister" deur die woorde "Sekretaris van Suidwes-Afrika" te vervang;

(v) in die geval van artikel 111, deur daardie artikel deur die volgende artikel te vervang:

"Wanneer volkstemming begin.

111. By die toepassing van hierdie Hoofstuk word die volkstemming geag te begin het op die datum waarop die in artikel 2 van die Ordonnansie op die Volkstemming, 1977, bedoelde goewermentskennisgewing afgekondig word.";

(w) in die geval van artikel 127, deur daardie artikel te herroep; en

(x) in die geval van artikel 182, deur in subartikel (1) die woorde "wat die hoofverkiesingsbeampte mag voorskryf" deur die woorde "wat die Sekretaris van Suidwes-Afrika of 'n beampte in die staatsdiens wat op sy gesag handel, bepaal" te vervang.

BYLAE 2

Die regulasies uitgevaardig kragtens artikel 186 van die Wet tot Konsolidasie van die Kieswette, 1946, en afgekondig by Goewermentskennisgewing R119 van 31 Januarie 1964 van die Republiek van Suid-Afrika, soos gewysig, soos op die Gebied van toepassing gemaak by

Amendment Act, 1949, and construed according to the provisions of the said section, shall in the application thereof with reference to the referendum, be construed as if those regulations were amended as specified below, namely -

(a) in the case of form EF 104 set out in Schedule A, by the substitution for the words "seventh day after nomination day to the second day before polling day" of the words "seventh day after the day of publication of a government notice referred to in section 35 to the third day before polling day"; and

(b) in the case of all the forms set out in Schedule A -

(i) by the substitution for the letters "EF" in the numbers of the letters "SEF"; and

(ii) by the substitution for the headings "Republic of South Africa" of the headings "South-West Africa Administration".

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artikel 34 van die Wysigingswet op Aangeleenthede van Suidwes-Afrika, 1949, en ooreenkomstig die bepalings van genoemde artikel uitgelê, word, by die toepassing daarvan met betrekking tot die volkstemming, uitgelê asof bedoelde regulasies gewysig is soos hieronder aangedui, te wete -

(a) in die geval van vorm EF104 in Bylae A uiteengesit, deur die woorde "sewende dag na nominasiedag tot die tweede dag voor stemdag" deur die woorde "sewende dag na die dag waarop 'n in artikel 35 bedoelde goewermentskennisgewing afgekondig word tot die derde dag voor stemdag" te vervang; en

(b) in die geval van al die vorms in Bylae A uiteengesit -

(i) deur die letters "EF" in die nommers deur die letters "SEF" te vervang; en

(ii) deur die opskrifte "Republiek van Suid-Afrika" deur die opskrifte "Administrasie van Suidwes-Afrika" te vervang.

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