BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

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PROKLAMASIE:

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PROKLAMASIE

van die
ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 20 Februarie 1978)

No. AG. 10 1978

WYSIGING VAN PROKLAMASIE AG. 3 VAN 1977, PROKLAMASIE AG. 6 VAN 1977 EN PROKLAMASIE AG. 7 VAN 1977

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

M. T. STEYN
Administrateur-generaal — Windhoek, 24 Februarie 1978

BYLAE

Wysiging van artikel 4 van Proklamasie AG. 3 van 1977, soos gewysig deur artikel 6 van Proklamasie AG. 7 van 1977

1. Artikel 4 van die Proklamasie op die Oordrag van Uitvoerende Gesag, 1977, word hierby gewysig —

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

"(1) Die Administrateur-generaal kan 'n bevoegdheid, behalwe 'n bevoegdheid om 'n

PROCLAMATION

by the
ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 20 February 1978)

No. AG. 10 1978

AMENDMENT OF PROCLAMATION AG. 3 OF 1977, PROCLAMATION AG. 6 OF 1977 AND PROCLAMATION AG. 7 OF 1977

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

M. T. STEYN
Administrator-General — Windhoek, 24 February 1978

SCHEDULE

Amendment of section 4 of Proclamation AG. 3 of 1977, as amended by section 6 of Proclamation AG. 7 of 1977

1. Section 4 of the Executive Powers Transfer Proclamation, 1977, is hereby amended —

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

"(1) The Administrator-General may delegate any power other than a power to issue a

proklamasie uit te vaardig of om regulasies of reëls te maak, wat by 'n wet soos deur artikel 3(1) toegepas, aan hom verleen word en wat hy nie sou kon delegeer as dit nie vir die bepalings van hierdie subartikel was nie, delegeer aan die sekretaris van die departement waardeur daardie wet uitgevoer word of aan 'n beampte van die betrokke departement wat in die gebied diens doen."; en

(b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

"(a) Die sekretaris in subartikel (1) bedoel, kan 'n bevoegdheid wat kragtens daardie subartikel aan hom gedelegeer is of, kragtens of by 'n ander wet aan hom gedelegeer is of verleen word, ondanks andersluidende bepalings van daardie ander wet, aan 'n beampte bedoel in subartikel (1) delegeer.".

Wysiging van artikel 4 van Proklamasie AG. 6 van 1977

2. Artikel 4 van die Proklamasie op die Oordrag van Uitvoerende Gesag (Gevangenisse), 1977, word hierby gewysig —

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

"(1) Die Administrateur-generaal kan 'n bevoegdheid behalwe 'n bevoegdheid om 'n proklamasie uit te vaardig of om regulasies of reëls te maak, wat by 'n wet soos deur artikel 3(1) toegepas, aan hom verleen word en wat hy nie sou kon delegeer as dit nie vir die bepalings van hierdie subartikel was nie, delegeer aan die Kommissaris van Gevangenisse of 'n offisier soos in die Wet op Gevangenisse omskryf wat in die gebied diens doen."; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

"(2)(a) Die Kommissaris van Gevangenisse kan 'n bevoegdheid wat kragtens subartikel (1) of, kragtens of by 'n ander wet aan hom gedelegeer is of verleen word, ondanks andersluidende bepalings van daardie ander wet, aan 'n offisier bedoel in subartikel (1) delegeer.

(b) Die bepalings van paragraaf (a) belet nie 'n delegering wat deur so 'n ander wet gemagtig word nie.".

Wysiging van artikel 3 van Proklamasie AG. 7 van 1977

3. Artikel 3 van die Proklamasie op die Oordrag van Uitvoerende Gesag (Algemene Bepalings), 1977 (hieronder die Algemene Proklamasie genoem), word hierby gewysig deur die volgende subartikel by te voeg:

proclamation or to make regulations or rules, which is conferred upon him by any law as applied by section 3(1), and which but for the provisions of this subsection he would not be empowered to delegate, to the secretary of the department by which such law is administered or to an officer of the department concerned who is stationed in the territory."; and

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) The secretary referred to in subsection (1) may delegate any power delegated to him under that subsection or, delegated to or conferred upon him under or by any other law, notwithstanding anything to the contrary contained in that other law, to an officer referred to in subsection (1).".

Amendment of section 4 of Proclamation AG. 6 of 1977

2. Section 4 of the Executive Powers (Prisons) Transfer Proclamation, 1977, is hereby amended —

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

"(1) The Administrator-General may delegate any power other than a power to issue a proclamation or to make regulations or rules, which is conferred upon him by any law as applied by section 3(1), and which but for the provisions of this subsection he would not be empowered to delegate, to the Commissioner of Prisons or to an officer as defined in the Prisons Act who is stationed in the territory."; and

(b) by the substitution for subsection (2) of the following subsection:

"(2)(a) The Commissioner of Prisons may delegate any power delegated to him under subsection (1) or, delegated to or conferred upon him under or by any other law, notwithstanding anything to the contrary contained in that other law, to an officer referred to in subsection (1).

(b) The provisions of paragraph (a) shall not prohibit any delegation authorized by such other law.".

Amendment of section 3 of Proclamation AG. 7 of 1977

3. Section 3 of the Executive Powers Transfer (General Provisions) Proclamation, 1977 (hereinafter referred to as the General Proclamation), is hereby amended by the addition of the following subsection:

"(5)(a) Waar sommige of al die bepalings van 'n wet wat deur die Parlement aangeneem is en in die gebied van toepassing is, ingevolge 'n oordragproklamasie of 'n ander proklamasie van die Administrateur-generaal deur hom of onder sy gesag geadministreer word, word 'n verwysing in daardie wet na enige wysiging daarvan wat ook aldus van toepassing is, uitgelê as 'n verwysing na 'n wysiging van daardie wet wat deur die Parlement voor die inwerkingtreding van bedoelde oordragproklamasie of ander proklamasie aangeneem is.

(b) Die bepalings van paragraaf (a) is nie van toepassing nie op 'n wet uit hoofde waarvan bedoelde wysiging aangebring word en waarin uitdruklik verklaar word dat dit in die gebied van toepassing is.".

Wysiging van artikel 4 van Proklamasie AG. 7 van 1977

4. Artikel 4 van die Algemene Proklamasie word hierby gewysig —

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

"(1) Die Administrateur-generaal kan 'n bevoegdheid, behalwe 'n bevoegdheid om 'n proklamasie uit te vaardig of om regulasies of reëls te maak, wat by 'n wet soos deur artikel 3(1) en die betrokke oordragproklamasie toegepas, aan hom verleen word en wat hy nie sou kon delegeer as dit nie vir die bepalings van hierdie subartikel was nie, delegeer aan die hoof van die departement waarin die administrasie van daardie wet behartig word of aan 'n beampte van die betrokke departement wat in die gebied diens doen.";

(b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

"(a) Die genoemde hoof kan 'n bevoegdheid wat kragtens subartikel (1) of kragtens of by 'n ander wet aan hom gedelegeer is of verleen word, ondanks andersluidende bepalings van daardie ander wet, aan 'n beampte bedoel in subartikel (1) delegeer."; en

(c) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:

"(a) Die Administrateur-generaal kan die pos wat deur 'n in subartikel (1) bedoelde beampte beklee word, met die naam aanwys wat hy goedvind, en daardie naam moet deur die Hoofdirekteur van die Kantoor van die Administrateur-generaal by kennisgewing in die *Offisiële Koerant* bekendgemaak word.".

"(5)(a) Where any or all the provisions of a law passed by Parliament and applicable in the territory, are in terms of a transfer proclamation or any other proclamation of the Administrator-General administered by him or under his authority, any reference in that law to any amendment thereof which is also applicable as aforesaid, shall be construed as a reference to an amendment of that law passed by Parliament before the commencement of such transfer proclamation or other proclamation.

(b) The provisions of paragraph (a) shall not apply to a law by virtue of which such amendment is effected and in which is expressly declared that it shall apply in the territory.".

Amendment of section 4 of Proclamation AG. 7 of 1977

4. Section 4 of the General Proclamation is hereby amended —

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

"(1) The Administrator-General may delegate any power other than a power to issue a proclamation or make regulations or rules, which is conferred upon him by any law as applied by section 3(1) and the relevant transfer proclamation, and which but for the provisions of this subsection he would not be empowered to delegate, to the head of the department in which the administration of that law is carried on or to an officer of the department concerned who is stationed in the territory.";

(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) The said head may delegate any power delegated to him under subsection (1) or, delegated to or conferred upon him under or by any other law, notwithstanding anything to the contrary contained in that other law, to an officer referred to in subsection (1).";
and

(c) by the substitution for paragraph (a) of subsection (6) of the following paragraph:

"(a) The Administrator-General may designate the post held by an officer referred to in subsection (1) by such name as he may deem fit, and such name shall be made known by the Chief Director of the Office of the Administrator-General by notice in the *Official Gazette.*".

Invoeging van artikels 4bis en 4ter in Proklamasie AG. 7 van 1977

5. Die volgende artikels word hierby in die Algemene Proklamasie na artikel 4 ingevoeg:

"Uitoefening van bevoegdhede van Administrateur-generaal deur Hoofdirekteur

4bis. (1) Wanneer die Administrateur-generaal afwesig is of om 'n ander rede nie in staat is om op te tree nie, kan die Hoofdirekteur van die Kantoor van die Administrateur-generaal, onderworpe aan die gesag van die Administrateur-generaal en op die voorwaardes (as daar is) wat hy bepaal, 'n bevoegdheid, behalwe 'n bevoegdheid om 'n proklamasie uit te vaardig of om regulasies of reëls te maak, uitoefen wat aan die Administrateur-generaal verleen word by 'n wet soos toegepas deur artikel 3(1) en 'n oordragproklamasie.

(2) 'n Beslissing van die genoemde Hoofdirekteur by die uitoefening van 'n bevoegdheid in subartikel (1) bedoel, word geag 'n beslissing van die Administrateur-generaal te wees tensy daardie beslissing deur die Administrateur-generaal ingetrek word of, indien hy dit wysig, soos deur hom gewysig: Met dien verstande dat 'n wysiging of intrekking van bedoelde beslissing nie die geldigheid van enigiets wat kragtens so 'n beslissing voor die wysiging of intrekking daarvan gedoen is, raak nie.

Bestryding van uitgawes in verband met administrasie van sekere sake van die gebied

4ter. Enige uitgawes wat die Sekretaris van die Tesourie bepaal —

(a) in verband met die administrasie van die Departement van Doeane- en Aksyns in die gebied; of

(b) in of ten opsigte van die gebied van enige ander departement van die Republiek waarvan die administrasie in die gebied nie deur die Administrateur-generaal behartig word nie; of

(c) in verband met die administrasie in of ten opsigte van die gebied van 'n wet of 'n bepaling van 'n wet wat ingevolge hierdie Proklamasie of 'n oordragproklamasie uitgesluit is van die gesag van die Administrateur-generaal,

word, onderworpe aan bewilliging van sodanige uitgawes deur die Administrateur-generaal, uit die Suidwes-Afrikarekening bedoel in artikel 2 van die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), bestry asof die betrokke administrasie deur die Administrateur-generaal behartig word of onder sy gesag geskied.".

Insertion of sections 4bis and 4ter in Proclamation AG. 7 of 1977

5. The following sections are hereby inserted in the General Proclamation after section 4:

"Exercising of powers of Administrator-General by Chief Director

4bis. (1) Whenever the Administrator-General is absent or for any other reason unable to act, the Chief Director of the Office of the Administrator-General may exercise, subject to the authority of the Administrator-General and on the conditions (if any) determined by him, any power other than a power to issue a proclamation or make regulations or rules, conferred upon the Administrator-General by any law as applied by section 3(1) and a transfer proclamation.

(2) Any decision of the said Chief Director given in the exercise of a power referred to in subsection (1), shall be deemed to be a decision of the Administrator-General unless such decision is withdrawn by the Administrator-General or, if it is amended by him, as amended by him: Provided that any amendment or withdrawal of such decision shall not affect the validity of anything done under such a decision before the amendment or withdrawal thereof.

Defrayal of expenditure in connection with the administration of certain affairs of the territory

4ter. Any expenditure determined by the Secretary to the Treasury —

(a) in connection with the administration of the Department of Customs and Excise in the territory; or

(b) in or in respect of the territory of any other department of the Republic of which the administration in the territory is not administered by the Administrator-General; or

(c) in connection with the administration in or in respect of the territory of any law or a provision of any law excluded in terms of this Proclamation or any transfer proclamation from the authority of the Administrator-General,

shall, subject to appropriation of such expenditure by the Administrator-General, be defrayed from the South West Africa Account referred to in section 2 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), as if the relevant administration is carried on by the Administrator-General or takes place under his authority.".

Kort titel

6. (1) Hierdie Proklamasie heet die Wysigingsproklamasie op die Oordrag van Uitvoerende Gesag, 1978.

(2) Artikels 1(a), 2(a) en 4(a) word geag op 15 November 1977 in werking te getree het.

Short title

6. (1) This Proclamation shall be called the Executive Powers Transfer Amendment Proclamation, 1978.

(2) Sections 1(a), 2(a) and 4(a) shall be deemed to have come into operation on 15 November 1977.

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