

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG

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CONTENTS:

	<i>Bladsy</i>		<i>Page</i>
PROKLAMASIE:		PROCLAMATION:	
No. AG. 47 Proklamasie op die Verteenwoordigende Owerheid van die Tswanas, 1980	1	No. AG. 47 Representative Authority of the Tswanas Proclamation, 1980	1

PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE
GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 28 Augustus 1980)

No. AG. 47 1980

INSTELLING VAN 'N VERTEENWOORDI-
GENDE OWERHEID VIR DIE TSWANAS, EN
VOORSIENING VIR AANGELEENTHEDE WAT
DAARMEE IN VERBAND STAAN

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

G. van N. VILJOEN
Administrateur-generaal Windhoek, 29 Augustus 1980

BYLAE

Woordomskrywings

1. (1) In hierdie Proklamasie, tensy uit die
samehang anders blyk, beteken —

- (i) "die Tswanas" die Tswana-bevolkingsgroep in
artikel 3 van die Hoofproklamasie bedoel; (ix)

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE
TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 28 August 1980)

No. AG. 47 1980

ESTABLISHMENT OF A REPRESENTATIVE
AUTHORITY FOR THE TSWANAS, AND
PROVISION FOR MATTERS CONNECTED
THEREWITH

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

G. van N. VILJOEN
Administrator-General Windhoek, 29 August 1980

SCHEDULE

Definitions

1. (1) In this Proclamation, unless the context in-
dicates otherwise —

- (i) "Assembly" means the Legislative Assembly
established by section 2(a); (viii)

- (ii) "die kaptein" die kaptein van die Tswanas, as sodanig erken of aangestel ingevolge die wette op die kapteinskap van die Tswanas; (viii)
- (iii) "gebied" die gebied Suidwes-Afrika; (vii)
- (iv) "Hoofproklamasie", die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980); (iv)
- (v) "*Offisiële Koerant*" die amptelike koerant van die Verteenwoordigende Owerheid; (iii)
- (vi) "Sekretaris", met betrekking tot die Vergadering, die persoon wat ingevolge die wette op regeringsdiens in die gebied verantwoordelik is vir die verrigting van die sekretariële werk verbonde aan die verrigtinge van die Vergadering; (vi)
- (vii) "Uitvoerende Komitee" die Uitvoerende Komitee by artikel 2(b) ingestel; (ii)
- (viii) "Vergadering" die Wetgewende Vergadering by artikel 2(a) ingestel; (i)
- (ix) "Verteenwoordigende Owerheid" die Verteenwoordigende Owerheid van die Tswanas by artikel 2 ingestel. (v)
- (ii) "Executive Committee" means the Executive Committee established by section 2(b); (vii)
- (iii) "*Official Gazette*" means the official gazette of the Representative Authority; (v)
- (iv) "principal Proclamation" means the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980); (vi)
- (v) "Representative Authority" means the Representative Authority of the Tswanas established by section 2; (ix)
- (vi) "Secretary", in relation to the Assembly, means the person who in terms of the laws on government service in the territory is responsible for the performance of the secretarial work involved in the proceedings of the Assembly; (vi)
- (vii) "territory" means the territory of South West Africa; (iii)
- (viii) "the chief" means the chief of the Tswanas, recognized or appointed as such under the laws governing the chieftainship of the Tswanas; (ii)
- (ix) "the Tswanas" means the Tswana population group referred to in section 3 of the principal Proclamation. (i)

(2) In hierdie Proklamasie en in enige ander wet, met inbegrip van 'n proklamasie of kennisgewing daarkragtens uitgevaardig, beteken "Verteenwoordigende Owerheid van die Tswanas", "Wetgewende Vergadering van die Tswanas" en "Uitvoerende Komitee van die Tswanas", onderskeidelik, die Verteenwoordigende Owerheid, die Vergadering en die Uitvoerende Komitee.

INSTELLING EN SETEL VAN DIE VERTEENWOORDIGENDE OWERHEID

Instelling van Verteenwoordigende Owerheid van die Tswanas

2. Daar word hierby 'n verteenwoordigende owerheid vir die Tswanas ingestel wat die Verteenwoordigende Owerheid van die Tswanas heet en wat bestaan uit —

- (a) 'n Wetgewende Vergadering waarby die wetgewende gesag van daardie Owerheid berus; en
- (b) 'n Uitvoerende Komitee waarby die uitvoerende gesag van daardie Owerheid berus.

Setel van Verteenwoordigende Owerheid

3. Gobabis is die setel van die Verteenwoordigende Owerheid.

ESTABLISHMENT AND SEAT OF THE REPRESENTATIVE AUTHORITY

Establishment of Representative Authority of the Tswanas

2. There is hereby established a representative authority for the Tswanas, to be known as the Representative Authority of the Tswanas and consisting of —

- (a) a Legislative Assembly, vested with the legislative powers of that Authority; and
- (b) an Executive Committee, vested with the executive powers of that Authority.

Seat of Representative Authority

3. Gobabis shall be the seat of the Representative Authority.

DIE WETGEWENDE VERGADERING

Samestelling van Vergadering

4. Die Vergadering bestaan uit agt lede, naamlik —

- (a) die kaptein; en
- (b) sewe ander lede verkies deur persone wat ingevolge die wette op verkiesings van lede van die Vergadering geregtig is om by sodanige verkiesings te stem en hul stemme uitbring by verkiesings ooreenkomstig sodanige wette gehou.

Ontruiming van setels in Vergadering

5. (1) 'n Lid van die Vergadering in artikel 4(b) bedoel, ontruim sy setel in die Vergadering —

- (a) indien hy by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig, as sodanige lid bedank;
- (b) indien hy 'n hele gewone sessie afwesig bly van die sittings van die Vergadering sonder die spesiale verlof daarvan;
- (c) indien hy nie meer die kwalifikasies wat by die een of ander wet vir lede van die Vergadering voorgeskryf is, besit nie of aan 'n diskwalifikasie wat aldus vir sodanige lede voorgeskryf is, onderworpe raak;
- (d) indien hy verkies, benoem of andersins aangewys word as lid van die Ministersraad of as lid van die uitvoerende owerheid, soos in artikel 1 van die Hoofproklamasie omskryf, van 'n ander bevolkingsgroep as die Tswanas.

(2) Die kaptein ontruim sy setel as lid van die Vergadering indien hy ophou om kaptein van die Tswanas te wees.

Kennisgewing van vakature in Vergadering

6. (1) Indien 'n lid van die Vergadering sy setel ingevolge artikel 5 ontruim of te sterwe kom, verklaar die Sekretaris van die Vergadering onverwyld by kennisgewing in die *Offisiële Koerant* dat 'n vakature ontstaan het, wat die datum is met ingang waarvan dit ontstaan het en wat die oorsaak van die vakature is.

(2) Sodra 'n vakature tot die kennis van die Voor-sitter van die Vergadering kom, verwittig hy die Vergadering daarvan, as die Vergadering in sessie is, en, as die Vergadering nie in sessie is nie, verwittig hy die Vergadering van die vakature so gou doenlik na die aanvang van die eersvolgende sessie.

THE LEGISLATIVE ASSEMBLY

Constitution of Assembly

4. The Assembly shall consist of eight members, namely —

- (a) the chief; and
- (b) seven other members elected by persons who in terms of the laws governing elections of members of the Assembly are entitled to vote at such elections and vote at elections held in accordance with such laws.

Vacation of seats in Assembly

5. (1) A member of the Assembly referred to in section 4(b) shall vacate his seat in the Assembly —

- (a) if he resigns as such member by notice under his hand addressed to the Secretary of the Assembly;
- (b) if he fails for a whole ordinary session to attend the sittings of the Assembly without its special leave;
- (c) if he no longer possesses the qualifications prescribed by any law for members of the Assembly, or becomes subject to any disqualification so prescribed for such members;
- (d) if he is elected, nominated or otherwise designated as a member of the Council of Ministers or as a member of the executive authority, as defined in section 1 of the principal Proclamation, of any population group other than the Tswanas.

(2) The chief shall vacate his seat as a member of the Assembly if he ceases to be chief of the Tswanas.

Notice of vacancy in Assembly

6. (1) If a member of the Assembly vacates his seat in terms of section 5 or dies, the Secretary of the Assembly shall forthwith by notice in the *Official Gazette* declare that a vacancy has occurred, the date on which it has occurred and the cause of the vacancy.

(2) As soon as the Chairman of the Assembly becomes aware of a vacancy, he shall notify the Assembly thereof, if the Assembly is in session, and, if the Assembly is not in session, he shall notify the Assembly of the vacancy as soon as possible after the commencement of the next ensuing session.

Vul van vakature in Vergadering

7. (1) 'n Toevallige vakature in die Vergadering in 'n setel in artikel 4(b) beoog, moet binne ses maande nadat dit ontstaan het, gevul word deur die verkiesing van 'n lid ooreenkomstig die wette op verkiesings van lede van die Vergadering, tensy die termyn van die Vergadering gedurende genoemde ses maande verstryk.

(2) Indien die kaptein sy setel in die Vergadering ingevolge artikel 5(2) ontruim of te sterwe kom, word die persoon wat hom as kaptein van die Tswanas opvolg 'n lid van die Vergadering op die datum van sy erkenning of aanstelling as kaptein ingevolge die wette op die kapteinskap van die Tswanas.

Eed wat lede van Vergadering moet aflê

8. (1) Elke lid van die Vergadering moet, voordat hy sy plek inneem, voor 'n persoon deur die Administrateur-generaal vir dié doel aangewys, of, in die geval van 'n lid wat verkies is om 'n toevallige vakature te vul, voor die Voorsitter van die Vergadering, 'n eed in die volgende vorm aflê en onderteken:

“ Ek, A.B., sweer en beloop plegtig dat ek my pligte as lid van die Wetgewende Vergadering van die Tswanas getrou en na my beste vermoë sal uitvoer.

So help my God.”

(2) 'n Lid kan, in plaas van sodanige eed, 'n plegtige verklaring in ooreenstemmende vorm aflê en onderteken.

Voorsitter van Vergadering

9. Op sy eerste sitting na 'n algemene verkiesing van sy lede, voordat daar tot die afhandeling van ander sake oorgegaan word, kies die Vergadering uit sy lede 'n Voorsitter van die Vergadering op die wyse in artikel 10 bepaal.

Wyse van verkiesing van Voorsitter van Vergadering

10. (1) Die verkiesing van 'n Voorsitter van die Vergadering vind plaas onder voorsitterskap van die Sekretaris van die Vergadering, en geen debat word by bedoelde verkiesing toegelaat nie.

(2) 'n Lid van die Vergadering wat vooraf vasgestel het dat 'n lid wat hy as Voorsitter van die Vergadering wil voorstel en wat in die Vergadering aanwesig is, gewillig is om te dien as hy verkies word, kan daardie lid aldus voorstel, maar die voorstel vervel indien dit nie gesekondeer word nie.

(3) 'n Lid wat reeds 'n kandidaat voorgestel of gesekondeer het, kan nie 'n ander kandidaat voorstel of sekondeer nie en geen lid kan sy eie kandidatuur voorstel of sekondeer nie.

Filling of vacancy in Assembly

7. (1) A casual vacancy in the Assembly in a seat contemplated in section 4(b) shall be filled within six months after it has occurred, by the election of a member in accordance with the laws governing elections of members of the Assembly, unless the term of the Assembly expires during the said six months.

(2) If the chief vacates his seat in the Assembly in terms of section 5(2) or dies, the person who succeeds him as chief of the Tswanas shall become a member of the Assembly on the date of his recognition or appointment as chief in terms of the laws governing the chieftainship of the Tswanas.

Oath to be taken by members of Assembly

8. (1) Every member of the Assembly shall before taking his seat make and subscribe before a person designated by the Administrator-General for that purpose, or, in the case of a member elected to fill a casual vacancy, before the Chairman of the Assembly, an oath in the following form:

“ I, A.B., do swear and solemnly promise to perform my duties as a member of the Legislative Assembly of the Tswanas to the best of my ability.

So help me God.”

(2) A member may, in lieu of such oath, make and subscribe a solemn affirmation in corresponding form.

Chairman of Assembly

9. The Assembly shall at its first sitting after a general election of its members, before proceeding to the dispatch of any other business, elect from among its members a Chairman of the Assembly in the manner provided in section 10.

Manner of election of Chairman of Assembly

10. (1) The election of the Chairman of the Assembly shall take place under the chairmanship of the Secretary of the Assembly and no debate shall be allowed at such election.

(2) A member of the Assembly, having first ascertained that a member whom he wishes to propose as Chairman of the Assembly and who is present in the Assembly, is willing to serve if elected, may so propose such member, but the proposal shall lapse if it is not seconded.

(3) A member who has already proposed or seconded a candidate may not propose or second any other candidate and no member may propose or second his own candidature.

(4) Indien slegs een kandidaat voorgestel en gesecondeer word, word hy deur die Sekretaris van die Vergadering as behoorlik verkies verklaar.

(5) Indien meer as een kandidaat voorgestel en gesecondeer word, vind 'n stemming plaas en word die kandidaat wat die meeste stemme verkry, deur die Sekretaris van die Vergadering as behoorlik verkies verklaar.

(6) Indien daar 'n staking van stemme tussen die kandidate is, word die kandidaat vir wie die kaptein gestem het, deur die Sekretaris van die Vergadering as behoorlik verkies verklaar.

Ampstermyn van Voorsitter van Vergadering

11. (1) Die Voorsitter van die Vergadering beklee sy amp, behoudens die bepalings van subartikel (2), vir die duur van die Vergadering waardeur hy verkies is.

(2) Die Voorsitter van die Vergadering ontruim sy amp —

(a) indien hy sy setel in die Vergadering ontruim;

(b) indien hy as sodanige Voorsitter bedank by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig of deur 'n aankondiging te dien effekte op 'n sitting van die Vergadering te doen; of

(c) indien hy by besluit van die Vergadering van sy amp as sodanige Voorsitter onthef word.

(3) Indien die Voorsitter van die Vergadering sy amp ontruim anders as deur bedanking op 'n sitting van die Vergadering of onthefing van sy amp kragtens subartikel (2), moet die Sekretaris van die Vergadering gedurende die eersvolgende sitting die Vergadering daarvan verwittig.

(4) 'n Toevallige vakature in die amp van Voorsitter van die Vergadering word gevul deur die verkiesing deur die Vergadering van 'n lid daarvan as Voorsitter ooreenkomstig die bepalings van artikel 10.

Duur van Vergadering

12. Behoudens die bepalings van artikel 10 van die Hoofproklamasie, bly elke Vergadering in stand vir 'n tydperk van vyf jaar vanaf die datum van die eerste sittingsdag van sy eerste sessie na die algemene verkiesing waarby sy lede verkies is, welke sessie binne drie maande na die stemdag of laaste stemdag, na gelang van die geval, van die betrokke verkiesing moet begin.

(4) If only one candidate is proposed and seconded, he shall be declared duly elected by the Secretary of the Assembly.

(5) If more than one candidate is proposed and seconded, a vote shall be taken and the candidate who obtains the most votes shall be declared duly elected by the Secretary of the Assembly.

(6) If there is an equality of votes between the candidates, the candidate for whom the chief voted shall be declared duly elected by the Secretary of the Assembly.

Period of office of Chairman of Assembly

11. (1) The Chairman of the Assembly shall hold office, subject to the provisions of subsection (2), for the duration of the Assembly by which he was elected.

(2) The Chairman of the Assembly shall vacate his office —

(a) if he vacates his seat in the Assembly;

(b) if he resigns as such Chairman by notice under his hand addressed to the Secretary of the Assembly or by making an announcement to that effect at a sitting of the Assembly; or

(c) if he is removed from office as such Chairman by resolution of the Assembly.

(3) If the Chairman of the Assembly vacates his office otherwise than by resignation at a sitting of the Assembly or removal from office under subsection (2), the Secretary of the Assembly shall inform the Assembly thereof at the next ensuing sitting.

(4) A casual vacancy in the office of Chairman of the Assembly shall be filled by the Assembly by the election of a member thereof as Chairman in accordance with the provisions of section 10.

Duration of Assembly

12. Subject to the provisions of section 10 of the principal Proclamation, every Assembly shall continue for a period of five years from the date of the first sitting day of its first session after the general election at which its members were elected, which session shall commence within three months after the polling day or last polling day, as the case may be, of the election concerned.

Sessies van Vergadering

13. (1) Elke sessie van die Vergadering word by die setel van die Verteenwoordigende Owerheid gehou en neem 'n aanvang en eindig op die onderskeie datums wat die Uitvoerende Komitee met inagneming van die bepalinge van artikel 12 van hierdie Proklamasie en artikel 11(1) van die Hoofproklamasie bepaal.

(2) 'n Buitengewone sessie kan te eniger tyd deur die Uitvoerende Komitee byeengeroep word, en by so 'n buitengewone sessie word slegs die sake behandel wat die Uitvoerende Komitee voorlê of goedkeur.

(3) Die Sekretaris van die Vergadering moet minstens dertig dae voor die aanvang van 'n buitengewone sessie van die Vergadering die lede skriftelik in kennis stel van die datum en tyd vir die aanvang van die betrokke sessie bepaal.

Procedure in Vergadering

14. (1) Vyf lede maak 'n kworum vir 'n sitting van die Vergadering uit.

(2) Alle vrae in die Vergadering word beslis deur 'n meerderheid van stemme van aanwesige lede met die uitsondering van die voorsittende lid wat egter by 'n staking van stemme 'n beslissende stem het en uitbring.

(3) Behoudens die bepalinge van artikel 10 en subartikels (4) en (5) van hierdie artikel, sit die Voorsitter van die Vergadering voor op sittings van die Vergadering.

(4) Die Vergadering kan een van sy lede kies om gedurende die sessie waarin hy verkies word of, indien die Vergadering so besluit, gedurende alle daaropvolgende sessies, op sittings van die Vergadering voor te sit wanneer die Voorsitter van die Vergadering afwesig is.

(5) Indien die Voorsitter van die Vergadering van 'n sitting afwesig is en geen lid kragtens subartikel (4) verkies is nie of 'n lid aldus verkies is maar ook van bedoelde sitting afwesig is, kies die Vergadering onder voorsitterskap van die Sekretaris van die Vergadering een van sy lede om op daardie sitting voor te sit.

(6) 'n Lid wat ingevolge subartikel (4) of (5) op 'n sitting van die Vergadering voorsit, kan op die betrokke sitting enige bevoegdheid, plig of werksaamheid van die Voorsitter van die Vergadering uitoefen of verrig.

(7) Die persoon wat ingevolge 'n aanwysing kragtens artikel 21(2) lid en Voorsitter van die Uitvoerende Komitee is, kan aan die verrigtinge van die Vergadering deelneem maar kan nie in die Vergadering stem nie.

Sessions of Assembly

13. (1) Every session of the Assembly shall be held at the seat of the Representative Authority and shall commence and end on the respective dates determined by the Executive Committee with due regard to the provisions of section 12 of this Proclamation and section 11(1) of the principal Proclamation.

(2) A special session may be summoned at any time by the Executive Committee, and at any such special session only such business shall be dealt with as the Executive Committee may submit or approve.

(3) The Secretary of the Assembly shall at least thirty days before the commencement of an ordinary session of the Assembly and at least seven days before the commencement of a special session of the Assembly, notify the members in writing of the date and time determined for the commencement of the session concerned.

Procedure in Assembly

14. (1) Five members shall form a quorum for a sitting of the Assembly.

(2) All questions in the Assembly shall be determined by a majority of votes of members present other than the presiding member who shall, however, in the event of an equality of votes, have and exercise a casting vote.

(3) Subject to the provisions of section 10 and subsections (4) and (5) of this section, the Chairman of the Assembly shall preside at sittings of the Assembly.

(4) The Assembly may elect one of its members to preside at sittings of the Assembly during the session in which he is elected or, if the Assembly so resolves, during all subsequent sessions, whenever the Chairman of the Assembly is absent.

(5) If the Chairman of the Assembly is absent from any sitting and no member has been elected under subsection (4) or a member has been so elected but is also absent from such sitting, the Assembly, under the Chairmanship of the Secretary of the Assembly, shall elect one of its members to preside at such sitting.

(6) A member presiding at a sitting of the Assembly in terms of subsection (4) or (5) may at the sitting in question exercise or perform any power, duty or function of the Chairman of the Assembly.

(7) The person who is a member and Chairman of the Executive Committee in terms of a designation under section 21(2) may take part in the proceedings of the Assembly but may not vote in the Assembly.

Verslag van verrigtinge van Vergadering

15. (1) Die Sekretaris van die Vergadering moet 'n woordelike verslag hou van die verrigtinge van die Vergadering.

(2) Die Sekretaris van die Vergadering moet voorts aantekening hou van die vernaamste gebeurtenisse in verband met die Vergadering vanaf die datum van sy instelling, en in die besonder moet die volgende aangeteken word, naamlik —

- (a) alle wette, proklamasies en goewermentskennisgewings met betrekking tot die instelling of sake van die Vergadering;
- (b) die name en ampstermyne van Voorsitters en ander lede van die Uitvoerende Komitee, en Voorsitters en ander lede van die Vergadering;
- (c) die ander aangeleenthede wat die Vergadering bepaal.

Afkondiging en registrasie van ordonnansies

16. Die Sekretaris van die Vergadering laat elke ordonnansie van die Vergadering in artikel 17 van die Hoofproklamasie bedoel, in die *Offisiële Koerant* afkondig, en die eksemplare daarvan in artikel 19 van die Hoofproklamasie bedoel, opneem in die register in laasgenoemde artikel bedoel.

DIE UITVOERENDE KOMITEE*Samestelling van Uitvoerende Komitee*

17. Die Uitvoerende Komitee bestaan uit drie lede, naamlik —

- (a) behoudens die bepalings van artikel 21, die kaptein, wat die Voorsitter van die Uitvoerende Komitee is; en
- (b) twee ander lede deur die Voorsitter van die Uitvoerende Komitee uit die lede van die Vergadering aangestel op die wyse hieronder bepaal.

Aanstelling van lede van Uitvoerende Komitee

18. Die Voorsitter van die Uitvoerende Komitee stel voor die eerste sitting van die Vergadering na 'n algemene verkiesing van sy lede, die ander lede van die Uitvoerende Komitee uit die lede van die Vergadering aan met ingang van die datum van genoemde eerste sitting.

Record of proceedings of Assembly

15. (1) The Secretary of the Assembly shall keep a *verbatim* record of the proceedings of the Assembly.

(2) The Secretary of the Assembly shall, furthermore, keep a record of the most important occurrences in connection with the Assembly from the date of its establishment, and in particular the following matters shall be recorded, namely —

- (a) all laws, proclamations and government notices in relation to the establishment or business of the Assembly;
- (b) the names and terms of office of Chairmen and other members of the Executive Committee, and Chairmen and other members of the Assembly;
- (c) such other matters as the Assembly may determine.

Promulgation and enrolment of ordinances

16. The Secretary of the Assembly shall cause every ordinance of the Assembly referred to in section 17 of the principal Proclamation to be promulgated in the *Official Gazette*, and the copies thereof referred to in section 19 of the principal Proclamation to be enrolled in the register referred to in the last-mentioned section.

THE EXECUTIVE COMMITTEE*Constitution of Executive Committee*

17. The Executive Ecommittee shall consist of three members, namely —

- (a) subject to the provisions of section 21, the chief, who shall be the Chairman of the Executive Committee; and
- (b) two other members appointed by the Chairman of the Executive Committee from among the members of the Assembly in the manner hereinafter provided.

Appointment of members of Executive Committee

18. The Chairman of the Executive Committee shall before the first sitting of the Assembly after a general election of its members, appoint the other members of the Executive Committee from among the members of the Assembly with effect from the date of the said first sitting.

Ampstermyn van aangestelde lede van Uitvoerende Komitee

19. Behoudens die bepalings van artikel 20, beklee 'n lid van die Uitvoerende Komitee kragtens artikel 18 aangestel sy amp vir die duur van die Vergadering waarvan hy 'n lid is en, na die ontbinding van daardie Vergadering, tot en met die dag onmiddellik voor die eerste sittingsdag van die eerste sessie van die Vergadering na die algemene verkiesing van sy lede uit hoofde van die ontbinding gehou.

Ontruiming van amp deur lede van Uitvoerende Komitee

20. (1) 'n Lid van die Uitvoerende Komitee kragtens artikel 18 aangestel, ontruim sy amp —

- (a) indien hy sy setel in die Vergadering ontruim;
- (b) indien hy as lid van die Uitvoerende Komitee bedank by kennisgewing deur hom onderteken en aan die Sekretaris van die Vergadering gerig of deur 'n aankondiging te dien effekte op 'n sitting van die Vergadering of op 'n vergadering van die Uitvoerende Komitee te doen;
- (c) indien hy by besluit van die Vergadering op 'n mosie met minstens vyf stemme aangeneem, van sy amp onthef word;
- (d) indien hy verkies, benoem of andersins aangewys word as lid van die wetgewende owerheid, soos in artikel 1 van die Hoofproklamasie omskryf, van 'n ander bevolkingsgroep as die Tswanas.

(2) Die kaptein ontruim sy amp as lid en Voorsitter van die Uitvoerende Komitee indien hy sy setel in die Vergadering ingevolge artikel 5(2) ontruim, en is, ondanks andersluidende bepalings van die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), nie bevoeg om as lid van die Nasionale Vergadering van Suidwes-Afrika benoem te word of dit te wees nie.

(3) Indien 'n lid van die Uitvoerende Komitee sy amp op 'n ander wyse ontruim as deur bedanking op 'n sitting van die Vergadering of ontheffing van sy amp kragtens subartikel (1)(c), moet die Sekretaris van die Vergadering gedurende die eersvolgende sitting die Vergadering daarvan verwittig.

Vul van toevallige vakature in Uitvoerende Komitee

21. (1) Indien die kaptein sy amp as lid en Voorsitter van die Uitvoerende Komitee ingevolge artikel 20(2) ontruim of te sterwe kom, word die persoon wat hom as kaptein van die Tswanas opvolg, lid en Voorsitter van die Uitvoerende Komitee op die datum waarop hy ingevolge artikel 7(2) lid van die Vergadering word.

Period of office of appointed members of Executive Committee

19. Subject to the provisions of section 20 a member of the Executive Committee appointed under section 18 shall hold office for the duration of the Assembly of which he is a member and, after the dissolution of that Assembly, up to and including the day immediately preceding the first sitting day of the first session of the Assembly after the general election of its members held by virtue of the dissolution.

Vacation of office by members of Executive Committee

20. (1) A member of the Executive Committee appointed under section 18 shall vacate his office —

- (a) if he vacates his seat in the Assembly;
- (b) if he resigns as a member of the Executive Committee by notice under his hand addressed to the Secretary of the Assembly or by making an announcement to that effect at a sitting of the Assembly or at a meeting of the Executive Committee;
- (c) if he is removed from office by resolution of the Assembly on a motion adopted with at least five votes;
- (d) if he is elected, nominated or otherwise designated as a member of the legislative authority, as defined in section 1 of the principal Proclamation, of any population group other than the Tswanas.

(2) The chief shall vacate his office as member and Chairman of the Executive Committee if he vacates his seat in the Assembly in terms of section 5(2), and shall, notwithstanding anything to the contrary contained in the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979), not be qualified for nomination as, or to be, a member of the National Assembly of South West Africa.

(3) If a member of the Executive Committee vacates his office otherwise than by resignation at a sitting of the Assembly or removal from office under subsection (1)(c), the Secretary of the Assembly shall inform the Assembly thereof during the next ensuing sitting of the Assembly.

Filling of casual vacancy in Executive Committee

21. (1) If the chief vacates his office as member and Chairman of the Executive Committee in terms of section 20(2) or dies, the person who succeeds him as chief of the Tswanas shall become a member and the Chairman of the Executive Committee on the date on which he becomes a member of the Assembly in terms of section 7(2).

(2) (a) Wanneer die amp van kaptein van die Tswanas vakant is, kan die Administrateur-generaal van tyd tot tyd uit eie beweging of op versoek by besluit van die Vergadering gedoen, 'n lid van die Tswana-bevolkingsgroep wat bevoeg is om as lid van die Vergadering verkies te word, aanwys as lid en Voorsitter van die Uitvoerende Komitee.

(b) Behoudens die bepalings van paragraaf (c), beklee 'n persoon aldus aangewys sy amp as lid en Voorsitter van die Uitvoerende Komitee uit hoofde van die aanwysing totdat die vakature in die amp van kaptein van die Tswanas gevul is.

(c) Die Administrateur-generaal kan 'n aanwysing kragtens paragraaf (a) gedoen, te eniger tyd in-trek.

(3) Wanneer die amp van kaptein van die Tswanas vakant is en geen persoon kragtens subartikel (2) as lid en Voorsitter van die Uitvoerende Komitee aangewys is nie, tree die kragtens artikel 18 aangestelde lid van die Uitvoerende Komitee met die langste aaneenlopende diens op as sodanige Voorsitter, en indien die aldus aangestelde lede eweveel aaneenlopende diens het, tree die oudste van hulle aldus op: Met dien verstande dat die lid wat aldus as Voorsitter optree, nie bevoeg is om iemand as lid van die Uitvoerende Komitee in die vakante setel van die kaptein in daardie Komitee aan stel nie.

(4) 'n Ander toevallige vakature in die Uitvoerende Komitee as 'n vakature in subartikel (1) beoog, word deur aanstelling van 'n lid van die Vergadering deur die Voorsitter van die Uitvoerende Komitee gevul binne veertien dae na die datum waarop die vakature ontstaan het: Met dien verstande dat, indien daar terselfdertyd 'n in artikel 7(1) bedoelde toevallige vakature in die Vergadering is, die vakature in die Uitvoerende Komitee na goeddunke van die Voorsitter van die Uitvoerende Komitee aldus gevul kan word binne veertien dae nadat die vakature in die Vergadering gevul is.

Eed wat lede van Uitvoerende Komitee moet aflê en onderteken

22. (1) Elke lid van die Uitvoerende Komitee moet voordat hy sy amp aanvaar, 'n eed voor die Voorsitter van die Vergadering in die volgende vorm aflê en onderteken:

“ Ek, A.B., sweer en beloof plegtig dat ek my amp as lid van die Uitvoerende Komitee van die Tswanas op eervolle en waardige wyse sal beklee; dat ek alle wette wat op die Tswanas van toepassing is, sal eerbiedig en handhaaf; dat ek 'n opregte en getroue lid van die Uitvoerende Komitee sal wees; dat ek geen sake wat voor die Uitvoerende Komitee dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek

(2) (a) Whenever the office of chief of the Tswanas is vacant the Administrator-General may from time to time, of his own motion or by request made by resolution of the Assembly, designate as member and Chairman of the Executive Committee any member of the Tswana population group who is qualified to be elected as a member of the Assembly.

(b) Subject to the provisions of paragraph (c), any person so designated shall hold office as member and Chairman of the Executive Committee by virtue of the designation until the vacancy in the office of chief of the Tswanas has been filled.

(c) The Administrator-General may at any time cancel a designation made under paragraph (a).

(3) Whenever the office of chief of the Tswanas is vacant and no person has been designated as member and Chairman of the Executive Committee under subsection (2), the member of the Executive Committee appointed under section 18 who has the longest continuous service shall act as such Chairman and if the members so appointed have equal continuous service the eldest of them shall so act: Provided that the member so acting as Chairman shall not be empowered to appoint any person as a member of the Executive Committee in the vacant seat of the chief in that Committee.

(4) Any casual vacancy in the Executive Committee other than a vacancy contemplated in subsection (1), shall be filled by appointment of a member of the Assembly by the Chairman of the Executive Committee within fourteen days after the date on which the vacancy occurred: Provided that if there is at the same time in the Assembly a casual vacancy referred to in section 7(1), the vacancy in the Executive Committee may at the discretion of the Chairman of the Executive Committee be filled within fourteen days after the filling of the vacancy in the Assembly.

Oath to be taken and subscribed by members of Executive Committee

22. (1) Every member of the Executive Committee shall before assuming office make and subscribe before the Chairman of the Assembly an oath in the following form:

“ I, A.B., do swear and solemnly promise to hold my office as member of the Executive Committee of the Tswanas with honour and dignity; to respect and uphold all laws applicable to the Tswanas; to be a true and faithful member of the Executive Committee; not to divulge directly or indirectly any matters brought before the Executive Committee which are entrusted to me under secrecy; and to perform the duties of my office conscientiously and to the best of my ability.

my ampspligte met nougesetheid en na my beste vermoë sal uitvoer:

So help my God.”

(2) 'n Lid kan, in plaas van sodanige eed, 'n plegtige verklaring in ooreenstemmende vorm aflê en onderteken.

Procedure in Uitvoerende Komitee

23. (1) Twee lede maak 'n kworum uit vir 'n vergadering van die Uitvoerende Komitee.

(2) Vrae wat by 'n vergadering van die Uitvoerende Komitee ontstaan, word deur die stemme van minstens twee lede beslis.

(3) Die Voorsitter van die Uitvoerende Komitee of, in sy afwesigheid, 'n lid van die Uitvoerende Komitee vir dié doel deur hom benoem, sit voor op vergaderings van die Uitvoerende Komitee.

(4) Wanneer die Voorsitter van die Uitvoerende Komitee van 'n vergadering van die Uitvoerende Komitee afwesig is en geen lid kragtens subartikel (3) deur hom benoem is nie, sit die in artikel 21(3) bedoelde lid van die Uitvoerende Komitee op daardie vergadering voor.

(5) Die Uitvoerende Komitee kan reëls maak vir die wyse waarop sy vergaderings gehou word.

(6) Die Uitvoerende Komitee kan van tyd tot tyd uit sy lede komitees aanstel vir enige doel wat hy nodig ag, en kan een of meer lede van die Vergadering koöpteer om in so 'n komitee te dien.

TRADISIONELE OWERHEDE

Pligte, bevoegdhede, gesag en werksaamhede van kaptein bly van krag

24. Die pligte, bevoegdhede, gesag en werksaamhede wat onmiddellik voor die datum van inwerkingtreding van hierdie artikel ingevolge artikel 29(2), wettiglik deur die kaptein uitgeoefen was, bly van krag totdat dit deur 'n bevoegde gesag verander of ingetrek word.

Bewys van sekere feite deur beëdigde verklaring

25. Indien dit by enige regsding ter sake is —

(a) of 'n bepaalde persoon 'n lid is of was van 'n stam-, gemeenskaps- of streeksowerheid wat te eniger tyd by of kragtens 'n ordonnansie van die Vergadering kragtens die Hoofproklamasie gemaak, ingestel word; of

So help me God.”

(2) A member may, in lieu of such oath, make and subscribe a solemn affirmation in corresponding form.

Procedure in Executive Committee

23. (1) Two members shall form a quorum for a meeting of the Executive Committee.

(2) Questions arising at any meeting of the Executive Committee shall be determined by the votes of at least two members.

(3) The Chairman of the Executive Committee or, in his absence, a member of the Executive Committee nominated by him for that purpose, shall preside at meetings of the Executive Committee.

(4) Whenever the Chairman of the Executive Committee is absent from any meeting of the Executive Committee and no member has been nominated by him under subsection (3), the member of the Executive Committee referred to in section 21(3) shall preside at such meeting.

(5) The Executive Committee may make rules for the conduct of its meetings.

(6) The Executive Committee may from time to time appoint committees from among its members for any purpose it may deem necessary, and may co-opt one or more members of the Assembly to serve on any such committee.

TRADITIONAL AUTHORITIES

Duties, powers, authorities and functions of chief to remain in force

24. The duties, powers, authorities and functions lawfully exercised by the chief immediately before the date of commencement of this section in terms of section 29(2), shall remain in force until altered or cancelled by a competent authority.

Proof of certain facts by affidavit

25. If in any judicial proceedings it is relevant —

(a) whether any particular person is or was a member of any tribal, community or regional authority which is established at any time by or under any ordinance of the Assembly made under the principal Proclamation; or

- (b) of so 'n owerheid of 'n lid van so 'n owerheid ten opsigte van 'n besondere aangeleentheid opgetree het ooreenkomstig die reg en gebruike wat die betrokke stam of gemeenskap toepas,

is 'n geskrif wat heet 'n beëdigde verklaring te wees van 'n persoon wat daarin beweer —

- (i) dat hy in regeringsdiens in die gebied werksaam is in 'n hoedanigheid in die verklaring vermeld; en
- (ii) dat hy kennis dra van die reg en gebruike wat die betrokke stam of gemeenskap toepas en dat hy op grond van daardie kennis glo dat die betrokke persoon lid is of was van die betrokke stam-, gemeenskaps- of streeksowerheid, of, na gelang van die geval, dat ten opsigte van bedoelde aangeleentheid daar ooreenkomstig die betrokke reg en gebruike opgetree is.

by blote oorlegging in bedoelde geding *prima facie*-bewys dat die betrokke persoon 'n lid van die betrokke owerheid is of was, of dat ten opsigte van bedoelde aangeleentheid daar ooreenkomstig die betrokke reg en gebruike opgetree is, na gelang van die geval.

Verteenwoordigers van Uitvoerende Komitee

26. Die Uitvoerende Komitee kan, met die goedkeuring van die Vergadering by besluit verleen, 'n lid van die Tswana-bevolkingsgroep benoem om —

- (a) as die verteenwoordiger van die Uitvoerende Komitee by lede van daardie bevolkingsgroep in 'n deel van die gebied in die besluit genoem, op te tree;
- (b) namens die Uitvoerende Komitee die belange van sodanige lede in die betrokke deel van die gebied te behartig;
- (c) die Uitvoerende Komitee van advies te dien in verband met aangeleenthede wat die belange van sodanige lede in die betrokke deel van die gebied raak;
- (d) op die wyse in die besluit genoem, 'n komitee in te stel om hom by die verrigting van sy werksaamhede en pligte by te staan.

ALGEMEEN

Tale, en publikasies in Offisiële Koerant

27. (1) Tswana, Afrikaans en Engels is die amptelike tale vir die doeleindes van die Verteenwoordigende Owerheid.

- (b) whether any such authority or any member of any such authority acted in respect of any particular matter in accordance with the law and customs observed by the tribe or community concerned,

and document purporting to be an affidavit by any person who in that affidavit alleges —

- (i) that he is employed in government service in the territory in a capacity specified in the affidavit; and
- (ii) that he has knowledge of the law and customs observed by the tribe or community concerned and that on the ground of such knowledge he believes that the person concerned is or was a member of the tribal, community or regional authority concerned or, as the case may be, that the law and customs concerned were observed in respect of the said matter,

shall on its mere production in such proceedings be *prima facie* evidence that the person concerned is or was a member of the authority in question or that the law and customs concerned were observed in respect of the said matter, as the case may be.

Representatives of Executive Committee

26. The Executive Committee may with the approval of the Assembly granted by resolution, nominate a member of the Tswana population group to —

- (a) act as the representative of the Executive Committee with members of that population group in any part of the territory specified in the resolution;
- (b) serve the interests of such members in the relevant part of the territory on behalf of the Executive Committee;
- (c) advise the Executive Committee in connection with matters affecting the interests of such members in the relevant part of the territory;
- (d) in the manner specified in the resolution, establish a committee to assist him in the performance of his functions and duties.

GENERAL

Languages, and publications in Official Gazette

27. (1) Tswana, English and Afrikaans shall be the official languages for the purposes of the Representative Authority.

(2) Alle joernale, verslae, notules en ordelyste van die Vergadering moet in Tswana, Afrikaans en Engels gehou word, en geregtelike, administratiewe en finansiële stukke kan ook na vereiste van omstandighede aldus gehou word.

(3) Alle ordonnansies, proklamasies, regulasies en kennisgewings vir algemene inligting wat in die *Offisiële Koerant* afgekondig word, geskied in Tswana, Afrikaans en Engels.

Uitleg van sekere verwysings in wette

28. Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word 'n verwysing in enige wet vir sover dit ingevolge artikel 23 van die Hoofproklamasie deur die Uitvoerende Komitee uitgevoer word —

- (a) na 'n wetgewende liggaam in enigeen van die paragrawe van artikel 39 van die Hoofproklamasie genoem of die Parlement, uitgelê as 'n verwysing na die Vergadering;
- (b) na 'n inkomstefonds in enigeen van voormelde paragrawe genoem of die Sentrale Inkomstefonds, uitgelê as 'n verwysing na die in artikel 32 van die Hoofproklamasie bedoelde inkomstefonds van die Verteenwoordigende Owerheid;
- (c) na die *Offisiële Koerant* van die gebied, of die *Staatskoerant*, uitgelê as 'n verwysing na die *Offisiële Koerant* van die Verteenwoordigende Owerheid.

Eerste sessie van Vergadering, en inwerkingtreding van sekere bepalings van hierdie Proklamasie

29. (1) Ondanks andersluidende bepalings van artikel 13, neem die eerste sessie van die Vergadering na die eerste verkiesing van sy lede in artikel 9 van die Hoofproklamasie beoog, 'n aanvang op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* van die gebied bepaal.

(2) Artikels 4(a), 17(a) en 24 tree in werking op die stemdag of die eerste stemdag, na gelang van die geval, van die eerste verkiesing in subartikel (1) van hierdie artikel vermeld.

Kort titel

30. Hierdie Proklamasie heet die Proklamasie op die Verteenwoordigende Owerheid van die Tswanas, 1980.

(2) All journals, records, minutes and proceedings of the Assembly shall be kept in Tswana, English and Afrikaans, and judicial, administrative and financial documents may, as circumstances may require, also be so kept.

(3) All ordinances, proclamations, regulations and notices for general information published in the *Official Gazette*, shall be in Tswana, English and Afrikaans.

Construction of certain references in laws

28. Unless in any particular case it would obviously be inappropriate any reference in any law in so far as it is in terms of section 23 of the principal Proclamation administered by the Executive Committee —

- (a) to any legislative body mentioned in any of the paragraphs of section 39 of the principal Proclamation or Parliament, shall be construed as a reference of the Assembly;
- (b) to any revenue fund mentioned in any of the aforesaid paragraphs or the Central Revenue Fund, shall be construed as a reference to the revenue fund of the Representative Authority, referred to in section 32 of the principal Proclamation;
- (c) to the *Official Gazette* of the territory or the *Government Gazette*, shall be construed as a reference to the *Official Gazette* of the Representative Authority.

First session of Assembly, and commencement of certain provisions of this Proclamation

29. (1) Notwithstanding anything to the contrary contained in section 13, the first session of the Assembly after the first election of its members contemplated in section 9 of the principal Proclamation, shall commence on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette* of the territory.

(2) Sections 4(a), 17(a) and 24 shall come into operation on the polling day or the first polling day, as the case may be, of the first election referred to in subsection (1) of this section.

Short title

30. This Proclamation shall be called the Representative Authority of the Tswanas Proclamation, 1980.