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PROCLAMATIONS

by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 10 September 1981)

No. AG. 21

1981

AMENDMENT OF THE NATIONAL ASSEMBLY PROCLAMATION, 1979, SO AS TO INCREASE THE MEMBERSHIP OF THE NATIONAL ASSEMBLY OF SOUTH WEST AFRICA AND TO

PROKLAMASIES

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 10 September 1981)

No. AG. 21

1981

WYSIGING VAN DIE PROKLAMASIE OP DIE NASIONALE VERGADERING, 1979, TEN EINDE DIE LEDETAL VAN DIE NASIONALE VERGADERING VAN SUIDWES-AFRIKA TE

PROVIDE 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.

D. J. HOUGH

Administrator-General Windhoek, 10 September 1981

SCHEDULE

Amendment of section 1 of Proclamation AG. 21 of 1979

1. Section 1 of the National Assembly Proclamation, 1979 (hereinafter referred to as the principal Proclamation), is hereby amended —

- (a) by the insertion of the following definition after the definition of "Constituent Assembly":

"'executive authority' means an executive authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980);";

- (b) by the deletion of the definition of "political organization"; and

- (c) by the insertion of the following definition after the definition of "representative":

"'representative authority' means a representative authority as defined in section 1 of the Representative Authorities Proclamation, 1980 (Proclamation AG. 8 of 1980);".

Amendment of section 4 of Proclamation AG. 21 of 1979

2. Section 4 of the principal Proclamation is hereby amended —

- (a) by the substitution in subsection (1) for the expression "sixty-five" of the expression "seventy-two";

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

" (2) There shall be fifty ordinary seats in the Assembly, being the seats which immediately before the fixed date were seats in the Constituent Assembly, and such number of additional seats, but not exceeding twenty-two, in respect of which representatives may have been nominated

VERGROOT EN VOORSIENING TE MAAK 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.

D. J. HOUGH

Administrateur-generaal Windhoek, 10 September 1981

BYLAE

Wysiging van artikel 1 van Proklamasie AG. 21 van 1979

1. Artikel 1 van die Proklamasie op die Nasionale Vergadering, 1979 (hieronder die Hoofproklamasie genoem), word hierby gewysig —

- (a) deur die omskrywing van "politieke organisasie" te skrap;

- (b) deur na die omskrywing van "Sekretaris" die volgende omskrywing in te voeg:

"'uitvoerende owerheid' 'n uitvoerende owerheid soos in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), omskryf"; en

- (c) deur na die omskrywing van "Vergadering" die volgende omskrywing in te voeg:

"'verteenwoordigende owerheid' 'n verteenwoordigende owerheid soos in artikel 1 van die Proklamasie op Verteenwoordigende Owerhede, 1980 (Proklamasie AG. 8 van 1980), omskryf";.

Wysiging van artikel 4 van Proklamasie AG. 21 van 1979

2. Artikel 4 van die Hoofproklamasie word hierby gewysig —

- (a) deur in subartikel (1) die uitdrukking "vyf-en-sestig" deur die uitdrukking "twee-en-sewentig" te vervang;

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

" (2) Daar is vyftig gewone setels in die Vergadering, synde die setels wat onmiddellik voor die vasgestelde datum setels in die Grondwetgewende Vergadering was, en die aantal addisionele setels, maar hoogstens twee-en-twintig, ten opsigte waarvan te eniger tyd kragtens sub-

at any time under subsection (6) whose nominations have not been withdrawn under section 6(1)(d)*bis*.”;

(c) by the deletion of subsections (4) and (5);

(d) by the substitution for subsection (6) of the following subsection:

“(6) (a) The executive authority of every representative authority shall be entitled to nominate, subject to the provisions of section 5 or any other law, not more than two representatives in respect of the additional seats referred to in subsection (2).

(b) The provisions of subsections (1) and (2) of section 7 shall not apply in relation to the first nomination of a representative by a particular executive authority under paragraph (a) after the commencement of the National Assembly Amendment Proclamation, 1981, or the nomination of a representative by a particular executive authority under that paragraph, in the place of a representative whose nomination has been withdrawn by that executive authority under section 6(1)(d)*bis*.”; and

(c) by the deletion of subsection (7).

Amendment of section 6 of Proclamation AG. 21 of 1979

3. Section 6 of the principal Proclamation is hereby amended by the insertion in subsection (1) after paragraph (d) of the following paragraph:

“(d)*bis* in the case of a member nominated under section 4(6), if his nomination is withdrawn by the executive authority concerned.”.

Amendment of section 7 of Proclamation AG. 21 of 1979

4. Section 7 of the principal Proclamation is hereby amended —

(a) by the substitution in subsection (1) for the expression “vacant or is in terms of subsection (7) of section 4 deemed to be vacant” of the expression “vacant, but subject to the provisions of paragraph (b) of subsection (6) of section 4.”; and

artikel (6) verteenwoordigers genomineer is wie se nominasies nie kragtens artikel 6(1)(d)*bis* ingetrek is nie.”;

(c) deur subartikels (4) en (5) te skrap;

(d) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) (a) Die uitvoerende owerheid van elke verteenwoordigende owerheid is geregtig om, behoudens die bepalings van artikel 5 of ’n ander wet, ten opsigte van die addisionele setels in subartikel (2) bedoel, hoogstens twee verteenwoordigers te nomineer.

(b) Die bepalings van subartikels (1) en (2) van artikel 7 is nie van toepassing nie met betrekking tot die eerste nominasie van ’n verteenwoordiger deur ’n bepaalde uitvoerende owerheid kragtens paragraaf (a) na die inwerkingtreding van die Wysigingsproklamasie op die Nasionale Vergadering, 1981, of die nominasie van ’n verteenwoordiger deur ’n bepaalde uitvoerende owerheid kragtens daardie paragraaf, in die plek van ’n verteenwoordiger wie se nominasie deur daardie uitvoerende owerheid kragtens artikel 6(1)(d)*bis* ingetrek is.”; en

(e) deur subartikel (7) te skrap.

Wysiging van artikel 6 van Proklamasie AG. 21 van 1979

3. Artikel 6 van die Hoofproklamasie word hierby gewysig deur in subartikel (1) na paragraaf (d) die volgende paragraaf in te voeg:

“(d)*bis* in die geval van ’n lid wat kragtens artikel 4(6) genomineer is, indien sy nominasie deur die betrokke uitvoerende owerheid ingetrek word;”.

Wysiging van artikel 7 van Proklamasie AG. 21 van 1979

4. Artikel 7 van die Hoofproklamasie word hierby gewysig —

(a) deur in subregulasie (1) die uitdrukking “is of ingevolge subartikel (7) van artikel 4 geag word vakant te wees” deur die uitdrukking “is, maar behoudens die bepalings van paragraaf (b) van subartikel (6) van artikel 4,” te vervang; en

(b) by the substitution for the words "political organization", wherever they occur, of the words "executive authority".

Short title

5. This Proclamation shall be called the National Assembly Amendment Proclamation, 1981.

(b) deur die woorde "politieke organisasie", oral waar dit voorkom, deur die woorde "uitvoerende owerheid" te vervang.

Kort titel

5. Hierdie Proklamasie heet die Wysigingsproklamasie op die Nasionale Vergadering, 1981.

No. AG. 22

1981

AMENDMENT OF THE COUNCIL OF MINISTERS PROCLAMATION, 1980, SO AS TO INCREASE THE MEMBERSHIP OF THE COUNCIL OF MINISTERS; TO EXTEND THE POWERS OF THE SAID COUNCIL; AND TO PROVIDE 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.

D. J. HOUGH

Administrator-General

Windhoek, 10 September 1981

SCHEDULE

Amendment of section 2 of Proclamation AG. 19 of 1980

1. (1) Section 2 of the Council of Ministers Proclamation, 1980 (hereinafter referred to as the principal Proclamation), is hereby amended —

(a) by the substitution in subsection (2) for the expression "twelve" of the expression "fifteen"; and

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

"(3) (a) The Chairman shall be elected by the Assembly from amongst its members and the other members of the Council shall be elected on the proposal of the Chairman by the Assembly from amongst its members or otherwise.

(b) Whenever the Chairman is for any reason unable to exercise or perform his powers, duties or functions, the Chairman or, if he is for any reason unable thereto, the Administrator-General may from amongst the members of the Council designate one to act as Acting Chairman of the Council."

No. AG. 22

1981

WYSIGING VAN DIE PROKLAMASIE OP DIE MINISTERSRAAD, 1980, TEN EINDE DIE LEDETAL VAN DIE MINISTERSRAAD TE VERGROOT; DIE BEVOEGDHEDE VAN BE-DOELDE RAAD UIT TE BREI; EN VOOR-SIENING TE MAAK 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.

D. J. HOUGH

Administrateur-generaal

Windhoek, 10 September 1981

BYLAE

Wysiging van artikel 2 van Proklamasie AG. 19 van 1980

1. (1) Artikel 2 van die Proklamasie op die Ministersraad, 1980 (hieronder die Hoofproklamasie genoem), word hierby gewysig —

(a) deur in subartikel (2) die uitdrukking "twaalf" deur die uitdrukking "vyftien" te vervang; en

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

"(3) (a) Die Voorsitter word deur die Vergadering uit sy geledere verkies en die ander lede van die Raad word op voorstel van die Voorsitter deur die Vergadering uit sy geledere of andersins verkies.

(b) Wanneer die Voorsitter om die een of ander rede nie in staat is om sy bevoegdhede, pligte of werksaamhede uit te oefen of te verrig nie, kan die Voorsitter of, indien hy om die een of ander rede nie daartoe in staat is nie, die Administrateur-generaal iemand uit die geledere van die Raad aanwys om as Waarnemende Voorsitter van die Raad op te tree."

(2) Subsection (1)(a) shall come into operation on the date of the first session of the National Assembly of South West Africa after the date of commencement of this Proclamation.

Amendment of section 3 of Proclamation AG. 19 of 1980

2. Section 3 of the principal Proclamation is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) if he was a member of the Assembly when elected as member of the Council, and he vacates his seat in the Assembly;”.

Substitution of section 4 of Proclamation AG. 19 of 1980

3. The following section is hereby substituted for section 4 of the principal Proclamation:

“Executive powers of the territory

4. (1) The executive powers of the territory in relation to any matter of which the administration —

- (a) has been transferred from the State President to the Administrator-General by or under a transfer proclamation; or
- (b) has been transferred from a Minister of the Republic of South Africa to the Administrator-General by or under a transfer proclamation; or
- (c) vests in the Administrator-General by or under any proclamation of the State President or any proclamation of the Administrator-General other than a transfer proclamation or any Act of the Assembly; or
- (d) vests in the Administrator-General by or under any law which is not included under paragraph (a), (b) or (c) and which the Administrator-General may from time to time specify by proclamation in the *Official Gazette*,

shall, notwithstanding anything to the contrary contained in any law but subject to the provisions of subsections (2), (3) and (4), vest in the Administrator-General who shall act in accordance with the directions, directives or policy which the Council may by resolution determine from time to time.

(2) (a) Any power, duty or function which vested in the Administrator-General —

- (i) immediately before the date of commence-

(2) Subartikel (1)(a) tree in werking op die datum van die eerste sitting van die Nasionale Vergadering van Suidwes-Afrika na die datum van inwerkingtreding van hierdie Proklamasie.

Wysiging van artikel 3 van Proklamasie AG. 19 van 1980

2. Artikel 3 van die Hoofproklamasie word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) indien hy lid van die Vergadering was toe hy as lid van die Raad verkies is, en hy sy setel in die Vergadering ontruim;”.

Vervanging van artikel 4 van Proklamasie AG. 19 van 1980

3. Artikel 4 van die Hoofproklamasie word hierby deur die volgende artikel vervang:

“Uitvoerende gesag van die gebied

4. (1) Die uitvoerende gesag van die gebied met betrekking tot die een of ander aangeleentheid waarvan die administrasie —

- (a) by of kragtens ’n oordragproklamasie oorgedra is van die Staatspresident aan die Administrateur-generaal; of
- (b) by of kragtens ’n oordragproklamasie oorgedra is van ’n Minister van die Republiek van Suid-Afrika aan die Administrateur-generaal; of
- (c) by of kragtens ’n proklamasie van die Staatspresident of ’n ander proklamasie van die Administrateur-generaal as ’n oordragproklamasie of ’n Wet van die Vergadering by die Administrateur-generaal berus; of
- (d) by die Administrateur-generaal berus by of kragtens ’n wet wat nie by paragraaf (a), (b) of (c) ingesluit word nie en wat die Administrateur-generaal van tyd tot tyd by proklamasie in die *Offisiële Koerant* aanwys,

berus, ondanks andersluidende bepalings van die een of ander wet maar behoudens die bepalings van subartikels (2), (3) en (4), by die Administrateur-generaal wat moet handel ooreenkomstig die voorskrifte, riglyne, of beleid wat die Raad by besluit van tyd tot tyd bepaal.

(2) (a) ’n Bevoegdheid, plig of werksaamheid wat —

- (i) onmiddellik voor die datum van die in-

ment of the Council of Ministers Amendment Proclamation, 1981, in terms of any law referred to in paragraph (b) or (c) of subsection (1); or

- (ii) immediately before the date of the promulgation of a proclamation referred to in paragraph (d) of that subsection, in terms of any law specified by such proclamation,

shall, subject to the provisions of paragraph (b) of this subsection and subsections (3) and (4), vest in the Council as from the said date of commencement or promulgation, as the case may be.

- (b) Anything purporting to have been done by the Chairman or by the Acting Chairman referred to in section 2(3)(b), as the case may be, by order of the Council, shall be deemed to have been done by the Council.

- (c) The provisions of paragraphs (a) and (b) shall not apply in relation to —

(i) any power, duty or function which may or is required to be exercised by the Administrator-General by proclamation in the *Official Gazette*; or

- (ii) those powers, duties or functions which provide for —

(aa) the appointment, remuneration, allowances, suspension, discharge, retirement and privileges or other conditions of service of members of the Government Service Commission in terms of the Government Service Act, 1980 (Act 2 of 1980), or of the Auditor-General in terms of the Exchequer and Audit Act, 1975 (Act 66 of 1975); or

(bb) the appointment and discharge of officers of the South West African Police and the Prisons Service, the award of decorations and medals and other awards connected therewith to members of the South West African Police and the Prison Service and the suspension and discharge on the ground of misconduct or incompetence of heads of departments; or

(cc) the rejection or variation of recommendations of the said Government Service Commission; or

werkingtreding van die Wysigingsproklamasie op die Ministersraad, 1981, ingevolge 'n wet in paragraaf (b) of (c) van subartikel (1) bedoel; of

- (ii) onmiddellik voor die datum van die afkondiging van 'n proklamasie in paragraaf (d) van daardie subartikel bedoel, ingevolge 'n wet by daardie proklamasie aangewys,

by die Administrateur-generaal berus het, berus, behoudens die bepalings van paragraaf (b) van hierdie subartikel en subartikels (3) en (4), vanaf bedoelde datum van inwerkingtreding of afkondiging, na gelang van die geval, by die Raad.

- (b) Enigiets wat heet deur die Voorsitter of deur die Waarnemende Voorsitter in artikel 2(3)(b) bedoel, na gelang van die geval, op las van die Raad gedoen te wees, word geag deur die Raad gedoen te wees.

- (c) Die bepalings van paragraawe (a) en (b) is nie van toepassing nie met betrekking tot —

(i) 'n bevoegdheid, plig of werksaamheid wat deur die Administrateur-generaal by proklamasie in die *Offisiële Koerant* uitgeoefen kan of moet word; of

- (ii) daardie bevoegdhede, pligte of werksaamhede wat voorsiening maak vir —

(aa) die aanstelling, besoldiging, toelaes, skorsing, ontslag, uitdienststreding en diensvoordele of ander diensvoorwaardes van lede van die Regeringsdienskommissie ingevolge die Regeringsdienswet, 1980 (Wet 2 van 1980), of van die Ouditeur-generaal ingevolge die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975); of

(bb) die aanstelling en ontslag van offisiere van die Suidwes-Afrikaanse Polisie en die Gevangenisdiens, die toekenning van dekorasies en medaljes en ander toekennings in verband daarmee aan lede van die Suidwes-Afrikaanse Polisie en die Gevangenisdiens en die skorsing en ontslag op grond van wangedrag of onbekwaamheid van departementshoofde; of

(cc) die verwerping of wysiging van aanbevelings van genoemde Regeringsdienskommissie; of