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EXTRAORDINARY
OF SOUTH WEST AFRICA

BUITENGEWONE
OFFISIËLE KOERANT
VAN SUIDWES-AFRIKA

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PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 23 August 1989)

No. AG. 32 1989

TRANSFER OF POWERS OF LEGISLATIVE AUTHORITY AND GOVERNMENT OF REHOBOTH

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

L.A. PIENAAR
Administrator-General

Windhoek, 24 August 1989

PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 23 Augustus 1989)

No. AG. 32 1989

OORDRAG VAN BEVOEGDHEDE VAN WETGEWENDE GESAG EN REGERING VAN REHOBOTH

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

L.A. PIENAAR
Administrateur-generaal

Windhoek, 24 Augustus 1989

SCHEDULE

Definitions

1. In this Proclamation, unless the context indicates otherwise -

(i) "Kaptein" means the Kaptein elected under section 2(2) of the Rehoboth Act; (ii)

(ii) "Kaptein's Council" means the Kaptein's Council constituted under section 2 of the Rehoboth Act, and includes the Kaptein or any other member of the Kaptein's Council; (iii)

(iii) "Legislative Council" means the Legislative Council of Rehoboth referred to in section 3 of the Rehoboth Act; (v)

(iv) "Rehoboth Act" means the Rehoboth Self-Government Act, 1976 (Act No. 56 of 1976); (iv)

(v) "territory" means the territory of South West Africa. (i)

Validity of certain laws in relation to Legislative Council and Kaptein's Council

2. Subject to the provisions of this Proclamation, the laws specified in the Annexure, in so far as they relate to the establishment, constitution and powers of the Legislative Council and Kaptein's Council, shall cease to be of any force and effect in the territory to the extent specified in the third column of the Annexure until the date immediately before the date upon which the territory becomes independent.

Transfer of certain powers, duties, functions, rights and obligations to Administrator-General

3. As from the commencement of this Proclamation -

(a) all the powers, duties and functions which -

BYLAE

Woordomskrywing

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken -

(i) "gebied" die gebied Suidwes-Afrika; (v)

(ii) "Kaptein" die Kaptein kragtens artikel 2(2) van die Rehobothwet gekies; (i)

(iii) "Kapteinsraad" die Kapteinsraad kragtens artikel 2 van die Rehobothwet saamgestel, en ook die Kaptein of enige ander lid van die Kapteinsraad; (ii)

(iv) "Rehobothwet" die Wet op Selfregering vir Rehoboth, 1976 (Wet No. 56 van 1976); (iv)

(v) "Volksraad" die Volksraad van Rehoboth in artikel 3 van die Rehobothwet bedoel. (iii)

Regskrag van sekere wette met betrekking tot Volksraad en Kapteinsraad

2. Behoudens die bepalings van hierdie Proklamasie hou die wette vermeld in die Aanhangsel, vir sover dit op die instelling, samestelling en bevoegdhede van die Volksraad en die Kapteinsraad betrekking het, op om in die gebied van krag te wees in die mate in die derde kolom van die Aanhangsel vermeld tot op die datum onmiddellik voor die datum waarop die gebied onafhanklik word.

Oordrag van sekere bevoegdhede, pligte, werksaamhede, regte en verpligtinge aan Administrateur-generaal

3. Vanaf die inwerkingtreding van hierdie Proklamasie -

(a) berus al die bevoegdhede, pligte en werksaamhede wat -

(i) vested in the Kaptein's Council by virtue of the Rehoboth Act;

(ii) have been conferred upon or assigned to the Kaptein's Council under any other law,

and which vested in the Kaptein's Council immediately before such commencement, shall vest, together with the rights and obligations connected therewith, in the Administrator-General;

(b) the Kaptein and every member of the Legislative Council and every member of the Kaptein's Council who, immediately before the commencement of this Proclamation served as Kaptein or such a member, shall vacate his office;

(c) the service of the Kaptein and every member referred to in paragraph (b) shall, for the purposes of the provisions of any law on pensions for members of the Legislative Council and the Kaptein's Council, be deemed to be terminated at such commencement;

(d) any law of the Legislative Council which was in force in the territory immediately before the commencement of this Proclamation shall, subject to the provisions of section 4, continue in force in so far as it was so in force until repealed or amended by a competent authority;

(e) any law passed by the Legislative Council before the commencement of this Proclamation, but which was not assented to in terms of the provisions of the Rehoboth Act, may be assented to as if the last-mentioned provisions had not in terms of section 2 ceased to be of force and effect;

(f) anything done by the Kaptein's Council in connection with a power, duty or function referred to in paragraph (a), shall be deemed to have been done by the Administrator-General

(i) uit hoofde van die Rehobothwet by die Kapteinsraad berus het;

(ii) kragtens 'n ander wet aan die Kapteinsraad verleen of opgedra is,

en wat onmiddellik voor daardie inwerkingtreding by die Kapteinsraad berus het, tesame met die regte en verpligtinge wat daarmee in verband staan, by die Administrateur-generaal;

(b) ontruim die Kaptein en elke lid van die Volksraad en elke lid van die Kapteinsraad wat onmiddellik voor die inwerkingtreding van hierdie Proklamasie as Kaptein of so 'n lid diens gedoen het, sy amp;

(c) word die diens van die Kaptein en elke lid in paragraaf (b) bedoel, by die toepassing van die bepalings van die een of ander wet op pensioene vir lede van die Volksraad en die Kapteinsraad, by bedoelde inwerkingtreding geag beëindig te gewees het;

(d) bly 'n wet aan die Volksraad wat onmiddellik voor die inwerkingtreding van hierdie Proklamasie in die gebied gegeld het, behoudens die bepalings van artikel 4, van krag vir sover dit aldus gegeld het totdat dit deur 'n bevoegde gesag herroep of gewysig word;

(e) kan toegestem word tot 'n wet wat deur die Volksraad voor die inwerkingtreding van hierdie Proklamasie aangeneem is, maar wat nog nie ingevolge die bepalings van die Rehobothwet toegestem is nie asof laasgenoemde bepalings nie ingevolge artikel 2 opgehou het om regskrag te hê nie;

(f) word enigiets wat deur die Kapteinsraad in verband met 'n bevoegdheid, plig of werksaamheid in paragraaf (a) bedoel, gedoen is, geag deur die Administrateur-generaal gedoen te gewees het.

Interpretation of laws

4. (1) For the purposes of the provisions of the Rehoboth Act, as applied in accordance with the provisions of section 3 of this Proclamation -

(a) a reference to the Speaker of the Legislative Council-

(i) in section 5(2)(b) and (d), shall be deemed to be deleted;

(ii) in section 5(2)(c), shall be construed as a reference to the Administrator-General;

(b) the Administrator-General shall, except for the purposes of section 32(1) and (3), be deemed to be the Government of Rehoboth;

(c) the reference to the Legislative Council shall, wherever it occurs, be deemed to be deleted;

(d) the words "and the relative expenditure shall be submitted to the Kaptein's Council and the Legislative Council for appropriation at the next ensuing several sessions" in section 28(2), shall be deemed to be deleted;

(e) a reference to a matter in respect of which the Legislative Authority of Rehoboth may make laws in terms of the Rehoboth Act and a reference to a matter in respect of which the administration is transferred to the Kaptein's Council in accordance with the Rehoboth Act, shall, wherever it occurs, be construed as a reference to a matter specified in the Schedule to the Rehoboth Act;

(f) a reference to a law of Rehoboth in sections 25(2)(a)(i) and 33(1), shall be construed as including a reference to a proclamation by the Administrator-General;

(g) the Administrator-General shall, subject to the provisions of Proclamation 181 of 1977, be deemed to be the Legislative Authority of Rehoboth.

Uitleg van wette

4. (1) By die toepassing van die bepalings van die Rehobothwet, soos toegepas ooreenkomstig die bepalings van artikel 3 van hierdie Proklamasie -

(a) word die verwysing na die Spreker van die Volksraad -

(i) in artikel 5(2)(b) en (d), geag geskrap te wees;

(ii) in artikel 6(2)(c), uitgelê as 'n verwysing na die Administrateur-generaal;

(b) word die Administrateur-generaal, behalwe by die toepassing van artikel 32(1) en (3), geag die Regering van Rehoboth te wees;

(c) word die verwysing na die Volksraad, oral waar dit voorkom, geag geskrap te wees;

(d) word die woorde "en die betrokke uitgawes moet by die eersvolgende onderskeie sessies aan die Kapteinsraad en die Volksraad vir bewilliging voorgelê word" in artikel 28(2), geag geskrap te wees;

(e) word 'n verwysing na 'n aangeleentheid ten opsigte waarvan die Wetgewende Gesag van Rehoboth ingevolge die Rehobothwet wette kan maak en 'n verwysing na 'n aangeleentheid ten opsigte waarvan die administrasie ooreenkomstig die Rehobothwet aan die Kapteinsraad oorgedra word, oral waar dit voorkom, uitgelê as 'n verwysing na 'n aangeleentheid in die Bylae by die Rehobothwet vermeld;

(f) word 'n verwysing na 'n wet van Rehoboth in artikels 25(2)(a)(i) en 33(1), uitgelê as 'n verwysing ook na 'n proklamasie van die Administrateur-generaal;

(g) word die Administrateur-generaal, behoudens die bepalings van Proklamasie 181 van 1977 en subartikel (2) van hierdie artikel, geag die Wetgewende Gesag van Rehoboth te wees.

(2) The Administrator-General shall not make any law in respect of any matter referred to in the Schedule to the Rehoboth Act, except after consultation with the persons who were members of the Legislative Council and the Kaptein's Council on the date immediately before the commencement of this Proclamation and who would have been members of the Legislative Council and the Kaptein's Council at the relevant time had this Proclamation not been published.

Pending legal proceedings

5. In any legal proceedings instituted by or against the Kaptein's Council before the commencement of this Proclamation and in which the Kaptein's Council is a party, the Kaptein's Council shall be deemed to have been replaced by the Administrator-General as a party to those proceedings, and the proceedings may, after such notice, if any, as the Court may deem expedient in any particular case, be proceeded with and disposed of by or against the Administrator-General as if the executive authority in relation to Rehoboth had at all relevant times vested in the Administrator-General and the proceedings concerned had been instituted by or against the Administrator-General.

Application of this Proclamation

6. (1) This Proclamation shall cease to be of any force and effect on the date on which the territory becomes independent.

(2) Subject to the provisions of this Proclamation, any Paternal Law, as defined in section 42 of the Rehoboth Act, which was in force in Rehoboth immediately before the commencement of this Proclamation, shall continue in force in so far as it was so in force.

Short title and commencement

7. This Proclamation shall be called the Government of Rehoboth Powers Transfer Proclamation, 1989, and shall be deemed to have come into operation on 1 July 1989.

(2) Die Administrateur-generaal maak nie 'n wet ten opsigte van 'n aangeleentheid in die Bylae by die Rehobothwet bedoel, behalwe na oorlegpleging met die persone wat op die datum onmiddellik voor die inwerkingtreding van hierdie Proklamasie lede van die Volksraad en die Kapteinsraad was en wat op die betrokke tydstip nog lede van die Volksraad en Kapteinsraad sou gewees het indien hierdie Proklamasie nie uitgevaardig was nie.

Hangende regsgedinge

5. In enige geregtelike verrigtinge wat voor die inwerkingtreding van hierdie Proklamasie deur of teen die Kapteinsraad ingestel is en waarin die Kapteinsraad 'n party is, word die Kapteinsraad geag deur die Administrateur-generaal as party by daardie verrigtinge vervang te gewees het, en die verrigtinge kan, na die kennisgewing, indien daar is, wat die Hof in 'n bepaalde geval dienstig ag, deur of teen die Administrateur-generaal voortgesit en afgehandel word asof die uitvoerende gesag met betrekking tot Rehoboth te alle tersaaklike tye by die Administrateur-generaal berus het en die betrokke verrigtinge deur of teen die Administrateur-generaal ingestel is.

Toepassing van hierdie Proklamasie

6. (1) Hierdie Proklamsie hou op om van krag te wees op die datum waarop die gebied onafhanklik word.

(2) Behoudens die bepalings van hierdie Proklamasie bly enige Vaderlike Wet, soos in artikel 42 van die Rehobothwet omskryf, wat onmiddellik voor die inwerkingtreding van hierdie Proklamasie in Rehoboth gegeld het, in Rehoboth van krag vir sover dit aldus gegeld het.

Kort titel en inwerkingtreding

7. Hierdie Proklamasie heet die Proklamasie op die Oordrag van Bevoegdhede van die Regering van Rehoboth, 1989, en word geag op 1 Julie 1989 in werking te getree het.

SCHEDULE

LAWS WHICH CEASE TO BE OF FORCE AND EFFECT IN TERRITORY

(Section 2)

Column 1	Column 2	Column 3
No. and year of law	Title of law	Extent to which law ceases to be of force and effect
Proclamation No. 28 of 1923	Rehoboth Community: Confirmation of Agreement	The whole
Proclamation No. 9 of 1928	Rehoboth Gebiet Affairs Proclamation, 1928	Sections 1 and 11 to 15
Ordinance No 20 of 1961	Rehoboth Gebiet Affairs Ordinance, 1961	The whole
Act No. 56 of 1976	Rehoboth Self-Government Act, 1976	The whole, except sections 5, 6, 7, 8, 12, 15, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 41, 42, in so far as it relates to the definitions of "Parliament", "revenue" and "statutory body", 43 and the Schedule
Proclamation AG. 1 of 1977	Rehoboth First Elections Proclamation, 1977	The whole
Proclamation AG. 20 of 1979	Rehoboth First Election of a Kaptein Proclamation, 1979	The whole
Proclamation AG. 2 of 1980	Rehoboth Self-Government Proclamation, 1980	The whole
Proclamation AG. 12 of 1984	Increase of Members of the Kaptein's Council and Legislative Council of Rehoboth, and Redelimitation of Electoral Divisions in Rehoboth	The whole

AANHANGSEL

WETTE WAT OPHOU OM DIE GEBIED VAN KRAG TE WEES

(Artikel 2)

Kolom 1	Kolom 2	Kolom 3
No. en jaar van wet	Titel van wet	Mate waarin wet ophou om in gebied van krag te wees
Proklamasie No. 28 van 1923	"Rehoboth Community: Confirmation of Agreement"	Die geheel
Proklamasie No. 9 van 1928	Proklamasie van 1928 met betrekking tot Rehoboth-Gebiet-Aangeleenthede	Artikels 1 en 11 tot 15
Ordonnansie No 20 van 1961	Ordonnansie op die Aangeleenthede van die Rehoboth-gebiet, 1961	Die geheel
Wet No. 56 van 1976	Wet op Selfregering vir Rehoboth, 1976	Die geheel, behalwe artikels 5, 6, 7, 8, 12, 15, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 41, 42, vir sover dit op die omskrywings van "inkomste", "Parlement" en "statutêre liggaam" betrekking het, 43 en die Bylae
Proklamasie AG. 1 van 1977	Proklamasie op die Eerste Verkiesings in Rehoboth, 1977	Die geheel
Proklamasie AG. 20 van 1979	Proklamasie op die Eerste Verkiesing van 'n Kaptein in Rehoboth, 1979	Die geheel
Proklamasie AG. 2 van 1980	Wysigingsproklamasie op Selfregering vir Rehoboth, 1980	Die geheel
Proklamasie AG. 12 van 1984	Uitbreiding van die Aantal Lede van die Kapteinsraad en Volksraad van Rehoboth en Herafbakening van Kiesafdelings in Rehoboth	Die geheel