

GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1,70

WINDHOEK — 2 April 1994

No. 832

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Government Notices

MINISTRY OF JUSTICE

No. 45

1994

ATTORNEYS ACT, 1979: EXEMPTION FROM SERVICE UNDER ARTICLES OF CLERKSHIP AND PRACTICAL EXAMINATIONS

Under subsection (1) of section 13 of the Attorneys Act, 1979 (Act 53 of 1979), I hereby exempt, on the recommendation of the Board for Legal Education, Allan Olivier from service under articles of clerkship under that Act and from the practical examinations referred to in paragraphs (a), (b), (c) and (d) of section 14(1) of that Act.

DR. E.N. TJIRIANGE MINISTER OF JUSTICE

Windhoek, 10 March 1994

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 46

1994

DECLARATION OF FISHING HARBOUR

Under Section 22(1)(a) of the Sea Fisheries Act, 1992 (Act No. 29 of 1992) I hereby, with the approval of the Minister of Works, Transport and Communication declare the area described in the Schedule to be a fishing harbour to be known as the Walvis Bay Fishing Harbour.

H. ANGULA MINISTER OF FISHERIES AND MARINE RESOURCES

Windhoek, 28 February 1994

SCHEDULE

Within the Walvis Bay Port as described in Schedule 1 of the Namibian Ports Authority Act, 1994 (Act 2 of 1994), the Walvis Bay fishing harbour shall comprise the following area:

The area marked on plan SW 10 Z 374 bounded by

- 1 the straight lines connecting Points A, B and C,
- the old high-water mark in terms of Municipality Proclamation 79 of 1968 from Point C to Point D
- the straight lines connecting Points D, E, F, G, H, J, K, L, M, N, P, Q, R, S, T, U, V, W, X, Y and A,

together with harbour works situated within the aforementioned boundaries, except the syncro lift.

Description of points

A and B are buoys in co-ordinated positions,

C is the point where the straight line between B and C1 intersects the old high-water mark in terms of Municipal Proclamation 79 of 1968 of the Administrator of South West Africa.

C1, D, E, F, G, H, J, K, L, M, N, P, Q, R, S, T, U, V, W, X and Y are co-ordinated points.

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 47

1994

PROCLAMATION OF A DISTRICT ROAD (NUMBER 1707): DISTRICT OF GOBABIS

It is hereby made known -

- (a) in terms of section 22(2) of the Roads Ordinance, 1972 (Ordinance 17 of 1972) that the Minister has, in the district of Gobabis, under section 22(1)(a) of the said Ordinance, proclaimed a road on land where no road previously existed and defined the course thereof as described in the Schedule and shown on sketch-map P1514 by the symbols A-B; and
- (b) in terms of section 23(3) of the said Ordinance that the Minister has, under section 23(1)(c) of the said Ordinance, declared the road referred to in paragraph (a) to be a district road (number 1707).

The said sketch-map shall at all times lie open to inspection at the office of the Permanent Secretary: Works, Transport and Communication, Windhoek, during normal office hours.

SCHEDULE

From a point (A on sketch-map P1514) on district road 1707 on the farm Portion 1 of Hertzog 469 generally northwards across the said farm to a point (B on sketch-map P1514) on trunk road 6/2 on the said farm.

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 48

1994

DEVIATION OF PORTIONS OF FARM ROAD 598: DISTRICT OF KEETMANSHOOP

In terms of section 22(2) of the Roads Ordinance, 1972 (Ordinance 17 of 1972), it is hereby made known that the Minister has under section 22(1)(c) of the said Ordinance, in the district of Keetmanshoop -

(a) deviated a portion of farm road 598 described in paragraph (a) of Schedule I and shown on sketch-map P1510 by the symbols A-D from the route so described and shown to the route described in paragraph (b) of Schedule I and shown on sketch-map P1510 by the symbols A-B-C-D; and

(b) deviated a portion of farm road 598 described in paragraph (a) of Schedule II and shown on sketch-map P1510 by the symbols E-H from the route so described and shown to the route described in paragraph (b) of Schedule II and shown on sketch-map P1510 by the symbols E-F-G.

The said sketch-map shall at all times lie open to inspection at the office of the Permanent Secretary: Works, Transport and Communication, Windhoek, during normal office hours.

SCHEDULE I

- (a) From a point (A on sketch-map P1510) on the farm Aikanes 128 generally north-north-westwards and more and more northwards across the said farm and the farm Hariros 133 to a point (D on sketch-map P1510) on the last-mentioned farm.
- (b) From a point (A on sketch-map P1510) on the farm Aikanes 128 generally west-north-westwards across the said farm to a point (B on sketch-map P1510) on the said farm; thence generally north-north-westwards and more and more northwards across the said farm to a point (C on sketch-map P1510) on the common boundary of the said farm and the farm Ompad 394; thence generally north-north-eastwards across the last-mentioned farm and the farm Hariros 133 to a point (D on sketch-map P1510) on the last-mentioned farm.

SCHEDULE II

- (a) From a point (E on sketch-map P1510) on the common boundary of the farms Hariros 133 and Portion 52 of Keetmanshoop Town and Townlands 150 generally north-eastwards across the last-mentioned farm and the farms Portion 53 of Keetmanshoop Town and Townlands 150 and Remainder of Keetmanshoop Town and Townlands 150 to a point (H on sketch-map P1510) on district road 608 on the last-mentioned farm.
- (b) From a point (E on sketch-map P1510) on the common boundary of the farms Hariros 133 and Portion 52 of Keetmanshoop Town and Townlands 150 generally northwards across the last-mentioned farm and the farm Remainder of Keetmanshoop Town and Townlands 150 to a point (F on sketch-map P1510) on the last-mentioned farm; thence generally north-north-eastwards across the last-mentioned farm to a point (G on sketch-map P1510) on trunk road 1/2 on the last-mentioned farm.

MINISTRY OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

No. 49 1994

DECLARATION OF ROCKY CREST (EXTENSION 3) TO BE AN APPROVED TOWNSHIP: MUNICIPALITY OF WINDHOEK

Under section 13 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963), I hereby declare the area situated on the Remainder of Erf 202 Rocky Crest in the Municipal Area of Windhoek, Registration Division A, and represented by General Plan K264 (A731/93) to be an approved township.

The conditions subject to which the application for permission to establish the township concerned has been granted, are set forth in the Schedule below in terms of the said section 13.

DR. L. AMATHILA MINISTER OF REGIONAL AND LOCAL GOVERNMENT AND HOUSING

Windhoek, 23 March 1994

SCHEDULE

1. NAME OF TOWNSHIP

The township shall be called Rocky Crest (Extension 3).

2. COMPOSITION OF TOWNSHIP

The township comprises 305 erven numbered 221 to 529, and streets as indicated on General Plan K264 (A731/93).

3. RESERVATION OF ERVEN

Erven 221, 527 to 529 are reserved for use as public open spaces.

4. CONDITIONS OF TITLE

The following conditions shall be registered in favour of the local authority against the title deeds of all erven, except erven 221, 527 to 529 reserved as public open spaces:

- "(a) The erf shall only be used for purposes which are in accordance with, and the use or occupation of the erf shall at all times be subject to the provisions of the Windhoek Town Planning Scheme prepared and approved in terms of the Town Planning Ordinance, 1954 (Ordinance 18 of 1954).
- (b) No trees known as Prosopis SSP shall be planted or permitted to grow on the erf.

(c) The building value of the main building, excluding the outbuildings, to be erected on the erf shall be at least twice the prevailing local authority value of the erf.".

MINISTRY OF MINES AND ENERGY

No. 50

IMPOSITION OF LEVY ON PETROL AND DIESEL SOLD IN NAMIBIA: MOTOR VEHICLE ACCIDENTS ACT, 1990

Under section 3(1) of the Motor Vehicle Accidents Act, 1990 (Act 30 of 1990) I hereby, in consultation with the Minister of Finance, impose a levy, for the benefit of the Motor Vehicle Accidents Fund, as set out in the Schedule.

A. TOIVO YA TOIVO MINISTER OF MINES AND ENERGY

Windhoek, 23 March 1994

SCHEDULE

LEVY ON PETROL AND DIESEL

- 1. (1) Subject to subparagraph (3), there is hereby imposed a levy on every litre of petrol and every litre of diesel sold in Namibia by -
 - (a) BP Namibia Limited;
 - (b) Caltex Oil (Namibia) (Proprietary) Limited;
 - (c) Engen Namibia (Proprietary) Limited;
 - (d) Namibia Petroleum (Proprietary) Limited (trading as Trek Petroleum);
 - (e) Shell Namibia Limited;
 - (f) Total Namibia (Proprietary) Limited.
 - (2) The amount of the levy referred to in subparagraph (1) shall be -
 - (a) 3,4 cents on every litre of petrol sold; and
 - (b) 1,9 cents on every litre of diesel sold.
- (3) The levy imposed by this paragraph shall not be payable in respect of the sale of petrol or diesel -
 - (a) by any company referred to in subparagraph (1) to any other company mentioned therein;

- (b) exported by any such company to any other country;
- (c) supplied by any such company to vessels destined for foreign ports, other than any port of a country which is a member of the Southern African Customs Union, or to fishing vessels registered in foreign countries, other than a country which is a member of the Southern African Customs Union.

PAYMENT OF LEVY

- 2. (1) The levy imposed by paragraph 1 shall be calculated on the quantity of petrol and diesel sold during each month by a company referred to in that paragraph, and the amount of the levy so calculated shall be paid by such company not later than the last day of the next succeeding month by means of a deposit or telegraphic transfer into the bank account (account number 104 285 3501) of the National Energy Fund at the main branch of Bank Windhoek, Windhoek.: Provided that if the last day of a month falls on a Saturday, Sunday or public holiday such payment shall be made on the last business day of that month.
- (2) The amount to be paid by a company into the bank account of the National Energy Fund in accordance with subparagraph (1) shall be advised by such company to the Permanent Secretary: Mines and Energy by telex, telegraph or telefax at least 3 days prior to the date of payment, and each payment shall be substantiated by a monthly statement in the form set out in annexure A, which shall be submitted to that Permanent Secretary not later than 14 days after the date of payment.

REFUND OF LEVY PAID

- 3. (1) The amount of the levy paid by a company to the National Energy Fund in respect of the sale of petrol or diesel, as the case may be, which the company is subsequently unable to recover on account of any amount due in respect of such sale having been written off by the company as a bad debt in the ordinary course of its business, shall be refundable to the company concerned if the writing off of such debt is attested in a certificate given under the hand of the auditor of that company.
- (2) Claims for refunds in terms of subparagraph (1) shall be submitted to the Permanent Secretary: Mines and Energy after the end of each calendar quarter simultaneously with the submission of the certificate referred to in paragraph 4.
- (3) Any amount refunded in respect of the levy in accordance with the provisions of this paragraph shall again become payable proportionately to the extent that the amount written off as a bad debt is subsequently recovered by the company concerned, and shall be paid in accordance with the provisions of paragraph 2 as if it were a levy which became payable for the first time on the date of recovery of the amount or portion of the amount which had been written off as a bad debt.

FURNISHING OF AUDITOR'S CERTIFICATE

4. Every company referred to in paragraph 1(1) shall, not later than 45 days after the end of each calendar quarter, furnish the Permanent Secretary: Mines and Energy with a certificate, in the form set out in annexure B, signed by its auditor, and to which shall be attached certified copies of the monthly statements submitted by such company in terms of paragraph 2(2) during the quarter in question.

INTEREST ON LATE PAYMENTS OF THE LEVY

5. Any amount in respect of the levy which is not paid on the last day on which it is payable in accordance with paragraph 2(1) shall bear interest from the day immediately following on that date at a rate 2,5% per annum higher than the standard annual rate of interest which at that date applies in respect of debts owing to the State in terms of section 35(b) of the State Finance Act, 1991 (Act 31 of 1991): Provided that if such amount remains unpaid for a period exceeding 14 days after written demand for the payment thereof has been dispatched to the company by the Permanent Secretary: Mines and Energy, such interest shall be calculated at a rate 1% per annum higher than the normal annual interest rate charged by commercial banks on overdraft accounts as at the date on which the amount became payable in accordance with the provisions of paragraph 2(1), but subject to any increase or decrease of such normal annual interest rate during the period that such amount or any portion thereof remains unpaid after that date.

COMPENSATION OF CERTAIN EXPENSES INCURRED BY COMPANIES

- 6. (1) Compensation for any reasonable expenses incurred by a company referred to in paragraph 1(1) and representing -
 - (a) bank transfer costs which directly relate to the transfer of moneys to the bank account of the National Energy Fund in accordance with the provisions of paragraph 2(1);
 - (b) audit fees directly attributable to any additional audit carried out by the company's auditor for the purposes of furnishing the certificate referred to in paragraph 4,

may be claimed by such company from the Permanent Secretary: Mines and Energy who may pay such claim from moneys of the National Energy Fund.

(2) Compensation claims contemplated in subparagraph (1) shall be submitted to the Permanent Secretary at the end of each calendar quarter simultaneously with the submission of the certificate referred to in paragraph 4.

PAYMENT OF LEVIES TO THE MOTOR VEHICLE ACCIDENTS FUND

7. The Permanent Secretary: Mines and Energy shall not later than 30 days after the end of each month pay to the Motor Vehicle Accidents Fund all such amounts as have been paid into the bank account of the National

Energy Fund during that month by companies referred to in paragraph 1(1) in respect of the levy in terms of paragraph 2(1), and any amounts paid in respect of interest in terms of paragraph 5.

ANNEXURE A

MOTOR VEHICLE ACCIDENTS ACT, 1990 (ACT 30 OF 1990)

MONTHLY STATEMENT FOR PAYMENT OF LEVIES

		ccidents	,		• • •			••••••
				FUND				
(a)	(b)	(c)	(d)	FUND	(e)		(f)	(g)
Fuel Product	Levy c/1	Volume (litres)	Amount Paid	Adjustment		t	Adjusted	ed Payable
Local Sales	·		N\$	Volume (litres)	Amount N\$	Month	(litres)	Amount N\$
Petrol	3,4							
Diesel	1,9							
Sub Total								
Adjustment per month (e)								
Amount of Payment								
			SIGNA			****************	IVE OF C	OMPANY
CAPACITY:								
			DATE:					
NOTE: Volumes must be ad-			AUDITOR'S STAMP:					
justed for own use prior to inclusion in column (c). Bad debts claimed should be included in column (e). Columns (a) to (e) to be com-			AUDITOR'S SIGNATURE:					
			DATE:					

pleted by company.

ANNEXURE B

Ref. No.:	Date: .	
The Permanent Secretary Ministry of Mines and Energy Private Bag 13297 WINDHOEK Namibia		
Dear Sir		
NAME OF COMPANY:		
Levy on Fuel in terms of the Moto 1990)	or Vehicle Accidents	s Act, 1990 (Act 30 of
Quarter: From 1	9 to	19
We have examined, to the extent records of the above-named comp		by us, the books and
We have satisfied ourselves that the	e attached statement	s for the 3 accounting
months of	entification purpose of the Motor Vehicl	es) have been drawn in e Accidents Act, 1990
We confirm that, based on our ex	amination: -	
(a) the statements have been dra	wn in accordance	with the notice date
		·····;
(b) bad debts to the amount of N	\$	were written off;
(c) bad debts to the amount of No been previously written off, we		which had
Yours faithfully		
AUDITORS		

MINISTRY OF MINES AND ENERGY

No. 51

1994

AMENDMENT OF REGULATIONS REGARDING PRICES FOR THE RESELLING OF PETROL: PETROLEUM PRODUCTS AND ENERGY ACT, 1990

Under section 2(1)(c) of the Petroleum Products and Energy Act, 1990 (Act 13 of 1990), I hereby amend the Regulations Regarding Prices for the Reselling of Petrol, promulgated by Government Notice 46 of 1993, by the insertion in Annexure 1 to that Government Notice, after the place "Vungu Vungu" in column 1, of the expressions "Walvis Bay" and "151" in column 1 and column 2 respectively.

A. TOIVO YA TOIVO MINISTER OF MINES AND ENERGY

Windhoek, 23 March 1994

MINISTRY OF JUSTICE

No. 52

1994

ADMISSION OF ADVOCATES ACT, 1964: PARTIAL EXEMPTION FROM SERVICE AS PUPIL

Under subsection (2)(iii) of section 3A of the Admission of Advocates Act, 1964 (Act 74 of 1964), I hereby exempt, on the recommendation of the Board for Legal Education, Michaela Jane Figueira (nee Clayton) from two months of the period of pupilage prescribed under subsection (2)(i) of section 3A of that Act.

DR. E.N. TJIRIANGE MINISTER OF JUSTICE

Windhoek, 10 March 1994

General Notices

BANK OF NAMIBIA

No. 44

1994

STATEMENT OF ASSETS AND LIABILITIES AS AT CLOSE OF BUSINESS ON 28 FEBRUARY 1994

LIABILITIES	<u>28-02-1994</u> N\$	31-01-1994 N\$
Share Capital General Reserve Revaluation Reserve Special Reserve Building Reserve	30 000 000 14 495 513 4 385 756 2 535 000 2 203 864	30 000 000 14 495 513 1. 387 072 2 535 000 2 203 864
Currency in Circulation	199 971 427	187 602 898
Deposits:		
Government Bankers - Current - Reserve Other	457 339 260 939 24 805 900 3 152 785	385 014 472 1 770 24 792 000 1 327 000
Long Term Loan Facility Other Liabilities	609 561 173 11 569 265 1 360 020 882	603 061 173 9 569 624 1 261 990 386
ASSETS		
<pre>External:</pre>		
Rand Cash I M F - Reserve tranche - Special drawing rights	18 533 104 - 54 210	10 693 920 - 52 209
Investments - Rand Currency - Other Currency	479 828 377 201 143 607	456 070 4 58 142 673 154
<u>Domestic</u> :		
Currency Inventory Account Loans and advances	6 912 986	6 439 825
- Government - Other Fixed assets Other assets	628 608 705 1 655 501 15 224 886 8 059 506 1 360 020 882	620 917 903 1 624 836 15 445 135 8 072 946 1 261 990 386
		

T K ALWEENDO ACTING GOVERNOR

CHIEF FINANCIAL ACCOUNTANT

V D KAIMU

MUNICIPALITY OF KARASBURG

No. 45

1994

AMENDMENT OF ELECTRICITY SUPPLY REGULATIONS

The Council of the Municipality of Karasburg, under section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992) further amends the Electricity Supply Regulations promulgated under Government Notice 9 of 1958 as set out in the Schedule.

SCHEDULE

Appendix D is hereby amended:

(a) by the substitution in item 5(a)(ii) for the amount "N\$0,18" of the amount "N\$0,20".

BY ORDER OF THE COUNCIL.

MR. M. WALTERS CHAIRPERSON COUNCIL OF KARASBURG

Karasburg, 28 February 1994

MUNICIPALITY OF MARIENTAL

No. 46

1994

AMENDMENT OF HEALTH REGULATIONS

The Local Authority Council of Mariental further amends its Health Regulations promulgated under Government Notice 113 of 1954, under Section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992) by substituting the amount "N\$16,20" in item 1(a) of Schedule B of the "Tariff of Charges" with the amount "N\$19,20".

MR. M.J. CRONJÉ TOWN CLERK MARIENTAL

MUNICIPALITY OF OTAVI

No. 47

1994

AMENDMENT OF ELECTRICITY SUPPLY REGULATIONS

The Council of the town of Otavi, under Section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992) further amends the Electricity Supply Regulations promulgated under Government Notice 165 of 1964 as set out in the Schedule.

SCHEDULE

Schedule D is hereby amended:

- (a) by the substitution in item 5(a)(i)(a) for the amount "N\$0,65" of the amount "N\$0,70";
- (b) by substitution in paragraph 5(a)(ii)
 - (i) for the amount "N\$0,11" of the amount "N\$0,17"
 - (ii) for the amount "N\$0,11" of the amount "N\$0,16"
 - (iii) for the amount "N\$0,10" of the amount "N\$0,16"
- (c) by the substitution in paragraph 5(c)(i)(a) for the amount "N\$1,90" of the amount "N\$2,00".

BY ORDER OF THE COUNCIL

GERSON GAOAB CHAIRMAN OF THE TOWN COUNCIL

Otavi, 7 March 1994

MUNICIPALITY OF OTAVI

No. 48

1994

AMENDMENT OF ELECTRICITY SUPPLY REGULATIONS

The Council of the Town of Otavi, under section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992) further amends the Electricity Supply Regulations promulgated under Government Notice 165 of 1964 by the substitution in items 5(c) of Schedule D for the amount "N\$25,50" of the amount "N\$28,50".

BY ORDER OF THE COUNCIL

GERSON GAOAB CHAIRPERSON OF THE TOWN COUNCIL

Otavi, 7 March 1994

No. 49

1994

ESTABLISHMENT OF THE TOWNSHIP: OTJOMUISE (EXTENSION 5)

Notice is hereby given in terms of subsection (5) of section 5 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) that application has been made for the establishment of the Township Otjomuise (Extension 5) situated on portion 274 of the Remainder of Portion B of the Farm Windhoek Town and Townlands No. 31 and that the application is lying open to inspection at the office of the Director: National Planning Commission in Windhoek, the Surveyor-General in Windhoek and the Town Clerk, Windhoek.

Any person who wishes to object to the granting of the application or who desires to be heard in the matter, may give personal evidence before the Townships Board at the meeting of the Board which will be held on 10 May 1994 at 09:00 at the office of the Minister of Regional and Local Government and Housing, or submit written evidence to the Townships Board, Private Bag 13289, Windhoek: Provided that such written evidence shall reach the Secretary of the Townships Board not later than 10 May 1994.

G. REUTER

CHAIRMAN: TOWNSHIPS BOARD

CITY OF WINDHOEK

No. 50

1994

PERMANENT CLOSING OF PORTION 1 OF PUBLIC OPEN SPACE, ERF 619 ACADEMIA

Notice is hereby given in terms of article 50(3)(a) of the Local Authorities Act of 1992 (Act 23 of 1992) that the Municipality of Windhoek proposes to close permanently the undermentioned portions as indicated on plan P/3180/A which lies for inspection during office hours at the office of the Town Planner, Room 702, Municipal Offices, Independence Avenue.

Portion 1 of Public Open Space, Erf 619 Academia.

Objections to the proposed closing are to be served on the Director, Local Authorities and Development Planning, Private Bag 13289, and the Town Clerk, P.O. Box 59, Windhoek, within 30 days after the appearance of this notice in accordance with article 50(3)(a) of the above Act.

J.G.B. BLIGNAUT TOWN CLERK WINDHOEK

Windhoek, 14 March 1994

CITY OF WINDHOEK

No. 51

1994

PERMANENT CLOSING OF PORTION 1 OF PUBLIC OPEN SPACE, ERF 2482 KLEIN WINDHOEK, EXTENSION 3

Notice is hereby given in terms of article 50(1)(C) of the Local Authorities Act of 1992 (Act 23 of 1992), that the Municipality of Windhoek proposes to close permanently the undermentioned portion as indicated on plan P/3171/A which lies for inspection during office hours at the office of the Town Planner, Room 702, Municipal Offices, Independence Avenue.

Portion 1 of Public Open Space, Erf 2482 Klein Windhoek, Extension 3.

Objections to the proposed closing are to be served on the Director: Local Authorities and Development Planning, Private Bag 13289, and the Town Clerk, P.O. Box 59, Windhoek, within 30 days after the appearance of this notice in accordance with Article 50(1)(C) of the above Act.

J.G.B. BLIGNAUT TOWN CLERK Windhoek

Windhoek, 16 March 1994