



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$0.99

WINDHOEK - 15 January 1999

No. 2025

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Government Notice

MINISTRY OF JUSTICE

No. 8

1999

LEGAL PRACTITIONERS ACT, 1995: AMENDMENT OF CANDIDATE LEGAL PRACTITIONERS REGULATIONS

The Minister of Justice has under section 81(1) of the Legal Practitioners Act (Act

No. 15 of 1995), and after consultation with the Board for Legal Education, made the regulations set out in the Schedule.

SCHEDULE

1. In these regulations, "the Regulations" means the Regulations promulgated by Government Notice No. 228 of 1 December 1995, as amended by Government Notices No. 58 of 1997 and No. 67 of 1997.

2. The following regulation is substituted for regulation 7 of the Regulations:

"7. The course of post graduate study shall extend for a period of at least nine months, three months of which shall be devoted to compulsory full time lecturing at the Justice Training Centre, and the syllabus of the course shall comprise the following subjects:

- (a) Civil Practice and Procedure in the Supreme Court, High Court and the Lower Courts, Legal costs, and Prescription;
- (b) Criminal Practice and Procedure in the Namibian Courts;
- (c) Motor Accident Law and Motor Vehicle Accident Claims;
- (d) Professional Ethics and Conduct, and Techniques in Litigation, including salient rules of Evidence;
- (e) Practice, Management and Administration, and Practical Bookkeeping and Accounts;
- (f) Wills and Estates;
- (g) Practice of Constitutional Law, Human Rights and Practical workings of the Organs of the State and Public Bodies;
- (h) Practice of Labour Law and Alternative Dispute Resolution;
- (i) Practice and Procedure relating to the law of Insolvency and Trusts;
- (j) Practice and Procedure relating to Commercial Transactions and Drafting of Contracts;
- (k) Legal Drafting; and
- (l) The Law Practice and Procedure of Conveyancing (optional)."

3. The following regulation is substituted for regulation 13 of the Regulations:

"13. Every candidate shall attend classes of instruction, as directed by the Programme-Director, in all the subjects specified in regulation 7."

4. The following subregulations are inserted after subregulation (1) of regulation 14 of the Regulations:

"(2) A candidate for the Legal Practitioners' Qualifying Examination shall be assessed on the basis of continuous assessment, which continuous assessment shall comprise the aggregate of the marks obtained by the candidate in the written assignments done by him or her during the relevant year and the marks obtained in the Mid-Year Examination, in each of the subjects specified in regulation 7.

(3) The marks for the written assignments and the Mid-Year Examination referred to in subsection (2) shall each total 20 percent of the aggregate of the marks in the continuous assessment and the End of the Year Examination."

5. The following subregulation is substituted for subregulation (2) of regulation 14 of the Regulations:

"(4) No person shall be permitted to enter for the Legal Practitioners' Qualifying Examination or any part thereof unless he or she -

- (a) is registered as a candidate in terms of regulation 4;
- (b) for the purposes of section 5(3) of the Act, has obtained not less than 80 percent class attendance in each of the subjects specified in regulation 7, except in a case where the Board is satisfied that a candidate was for a good reason unable to attain this level of attendance;
- (c) has done his or her written assignments in each of the subjects specified in regulation 7;
- (d) has sat the Mid-Year Examination;
- (e) has obtained at least 40 percent, based on the aggregate of the marks in the continuous assessment and the End of the Year Examination, in each of the subjects specified in regulation 7; and
- (f) has in accordance with section 5(3) of the Act been granted permission to sit that examination."

6. The following subregulation is substituted for subregulation (1) of regulation 15 of the Regulations:

"(1) The Legal Practitioners' Qualifying Examination shall consist of examinations in the subjects specified in regulation 7."

7. The following subregulation is substituted for subregulation (1) of regulation 16 of the Regulations:

"(1) Subject to regulation 19(3), every candidate for the Legal

Practitioners' Qualifying Examination shall be required to pass in every subject of the examination, except Conveyancing."

8. The following subregulations are substituted for subregulations (1), (2) and (3) of regulation 19 of the Regulations:

"(1) The mark to be obtained by a candidate in order to pass any subject in the Legal Practitioners' Qualifying Examination shall be 50 percent, based on the aggregate of the marks obtained in the End of the Year Examination and the continuous assessment, provided that a sub-minimum of at least 40 percent for each subject is obtained in the End of the Year Examination.

(2) The total mark in each subject in the Legal Practitioners' Qualifying Examination shall consist of 60 percent representing the mark in the End of the Year Examination and 40 percent representing the mark in the continuous assessment.

(3) The result of a candidate in the Legal Practitioners' Qualifying Examination shall be graded -

- (a) "Distinction" if he or she gets 75 percent or more of the aggregate marks;
- (b) "Pass" if he or she gets 50 percent or more of the aggregate marks; and
- (c) "Fail" if he or she gets less than 50 percent of the aggregate marks."

9. The following regulation is substituted for regulation 20 of the Regulations:

"20. Any script written by a candidate for the purpose of the Legal Practitioners' Qualifying Examination shall be the property of the Board, provided that a candidate may apply in writing to the Director to have sight of such script."

10. Regulation 21 of the Regulations is deleted.

General Notices

MUNICIPALITY OF OUTJO

No. 10

1999

NOTICE OF VACANCY IN THE MEMBERSHIP OF THE LOCAL AUTHORITY COUNCIL

In terms of section 13(2) of the Local Authorities Act, 1992 (Act 23 of 1992) notice

is hereby given that Councillor Thomas Adam Sheya was elected as a member of the Regional Council and resigned his office on 3 December 1998.

Notice is further hereby given to SWAPO of Namibia to nominate a member of the Local Authority Council of Outjo within three months from the date of publishing of this notice.

**J.G.A. VAN WYK
TOWN CLERK
MUNICIPALITY OF OUTJO**

MUNICIPALITY OF WALVIS BAY

No. 11

1999

**AMENDMENT OF CHARGES AND FEES IN RESPECT
OF TOWN ENGINEER SERVICES**

The Council of the Municipality, under section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992), hereby amends the charges and fees in respect of Town Engineer Services, as set out in the Schedule:-

SCHEDULE

The tariffs of fees is hereby amended -

1. by the insertion of the following item after 3.(a):

"4. Tariffs payable in respect of Properties Transferred:

(a) Registration Fee N\$100,00 per application."

**BY ORDER OF THE COUNCIL
BALBINA PIENAAR
ACTING CHAIRPERSON
OF THE COUNCIL**

Walvis Bay, 7 December 1998

MUNICIPALITY OF SWAKOPMUND

No. 12

1999

AMENDMENT OF HEALTH REGULATIONS

The Council of the Municipality of Swakopmund under Section 30(1)(u) of the Local Authorities Act, 1992 (Act 23 of 1992) further amends the General Health Regulations promulgated under Government Notice 121 of 1969 by the adjustment of the business registration fee where applicable by the following regulations as from 1 January 1999:

- (a) By amending the inspection fee of N\$10-00 in regulations 27(4), 38(4), 46(3), 70(2), 76(2), 86(2), 95(4), 101(2), 111(4), 115(4), 119(4), 128(2), 136(2), 153(2), 164(2), 175(2), 182A2, 218A(1) and 218B to an inspection fee of N\$250-00 (two hundred and fifty N\$) in respect of all businesses; allowance to be made for application for exemption, in which case a fee of N\$60-00 be payable by businesses, institutions and individuals who are granted such exemptions based on the fact that their annual turnover or expected annual turnover is less than N\$50 000-00 (fifty thousand N\$).
- (b) By the insertion of the following new sub-regulation after the sub-regulations mentioned in (a) above:

"A late fee of 10% per month or part of a month shall be charged in addition to the registration fee in respect of each application submitted after 31 March of that year, the date of the official municipal receipt to be accepted as the date of application."

BY ORDER OF THE COUNCIL
R. HOABES
ACTING CHAIRPERSON OF COUNCIL

No. 13

1999

**NOTICE OF VACANCY IN THE MEMBERSHIP OF THE
MUNICIPAL COUNCIL OF SWAKOPMUND**

In terms of section 13(2) of the Local Authorities Act, 1992 (Act 23 of 1992), notice is hereby given that Councillor H-M Rapmund resigned her office as from 31 December 1998.

Notice is hereby further given to DTA to nominate a member for the Municipal Council of Swakopmund within three months from date of publication of this notice.

M.P.C. SWARTS
ACTING TOWN CLERK

No. 14

1999

WINDHOEK AMENDMENT SCHEME NO. 39

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the Windhoek Amendment Scheme No. 39 has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Windhoek Amendment Scheme No. 39 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Windhoek

Municipality and also at the Namibia Planning Advisory Board, Ministry of Regional and Local Government and Housing, 2nd Floor, Room 226, Windhoek.

Any person who wishes to object to the approval of the Town Planning Scheme should lodge objections in writing to the Secretary, Namibia Planning Advisory Board (NAMPAB), Private Bag 13289, Windhoek on or before 15 February 1999.

No. 15

1999

WALVIS BAY AMENDMENT SCHEME NO. 4

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954), as amended, that the Walvis Bay Amendment Scheme No. 4 has been submitted to the Minister of Regional and Local Government and Housing for approval.

Copies of the Walvis Bay Amendment Scheme No. 4 and the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Walvis Bay Municipality and also at the Namibia Planning Advisory Board, Ministry of Regional and Local Government and Housing, 2nd Floor, Room 226, Windhoek.

Any person who wishes to object to the approval of the Town Planning Scheme should lodge objections in writing to the Secretary, Namibia Planning Advisory Board (NAMPAB), Private Bag 13289, Windhoek on or before 15 February 1999.
