



GOVERNMENT GAZETTE

OF THE

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General Notice

REHOBOTH TOWN COUNCIL

No. 723

2025

NOISE CONTROL REGULATIONS: LOCAL AUTHORITIES ACT, 1992

Under section 94(1)(w) of the Local Authorities Act, 1992 (Act No. 23 of 1992), after consultation with the Minister of Urban and Rural Development, the Rehoboth Town Council has made the regulations set out in the Schedule.

J. J. COETZEE
CHAIRPERSON OF THE COUNCIL
BY ORDER OF THE COUNCIL

Rehoboth, 21 August 2025

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Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates –

“authorised official” means a staff member of the Council authorised by the Council to administer and enforce these regulations;

“broadcast” means to emit or amplify, by means of broadcasting equipment or otherwise, music, speech, messages of any kind or any other sound which causes or is likely to cause a noise nuisance;

“broadcasting equipment” means any equipment or device used for broadcasting;

“Council” means the Town Council of Rehoboth;

“fee” means a fee determined under section 30(1)(u) of the Act;

“local authority area” means the local authority area of Rehoboth;

“noise nuisance” means any sound which disturbs or impairs, or is likely to disturb or impair, the convenience, peace, safety or health of any person in the local authority area;

“owner” in relation to premises, includes the occupier or person in charge of the premises and, when used in relation to broadcasting equipment, means the person broadcasting with the equipment or the person in charge of the broadcasting equipment;

“premises” means –

- (a) land; or
- (b) a building or a structure together with the land which it is situated on; and

“the Act” means the Local Authorities Act, 1992 (Act No. 23 of 1992).

General prohibition of noise nuisance

2. (1) A person may not in the local authority area broadcast or cause to be broadcasted on or from –

- (a) a street, a road or a public place;

- (b) property that vest in, or is owned by the Council; or
- (c) any other premises.

(2) Subregulation (1) does not apply to broadcasting authorised in terms of these regulations.

Authorised broadcasting

3. (1) For the purpose of this regulation –
“emergency” means any occurrence involving actual or imminent danger to persons or property and which demands immediate action;

“maintenance equipment” means all engine powered or motor driven garden or maintenance tools such as lawnmowers, saws, grinders, drills or similar devices intended for use in residential areas; and

“public emergency sound signal” means an electronic, a mechanical siren or a signal device attached to a building or a structure, a motor vehicle or other means of conveyance for the purpose of sounding an alarm during an emergency.

(2) Despite regulation 2, a person may at premises in the local authority area, broadcast or cause to be broadcasted, if the broadcasting is –

- (a) as a result of, or relating to, an emergency;
- (b) by a public emergency sound signal;
- (c) by maintenance equipment or agricultural equipment;
- (d) by engine powered or motor driven equipment used for construction work, drilling work or demolition work in or near a residential area;
- (e) by a bell or similar device from a church, a school or a similar institution; or
- (f) as a result of on-site recreational or sporting activities, including athletic contests, carnivals, parades and public celebrations authorised by the Council,

subject to the conditions that the broadcasting is –

- (i) reasonable and necessary in the circumstances; and
- (ii) at such times which are reasonable in the circumstances.

(3) The authorisation of the Council under these regulations is not required for broadcasting in the interior of a building or a structure, a motor vehicle or other means of conveyance subject to the condition that the broadcasting does not cause a noise nuisance.

(4) A person who broadcasts under these regulations must ensure that the broadcasting equipment is set up in a safe manner and does not endanger persons or property.

(5) The owner of the premises on which broadcasting equipment is being used and the owner of the broadcasting equipment are both, jointly and severally, responsible for the installation, maintenance, controlling, silencing and removal of that equipment.

Application for authorisation to broadcast

4. (1) Except where broadcasting is authorised in terms of these regulations a person who wishes to broadcast must on a form determined by the Council apply to the Council for authorisation to do so.

(2) An application made under subregulation (1) must unless the Council otherwise determines be accompanied by –

- (a) a description of the broadcasting equipment to be used;
- (b) a description of the premises at which the broadcasting will take place; and
- (c) the applicable fee.

(3) If mobile broadcasting is to take place the applicant referred to in subregulation (1) must provide the Council with a full description of the route along which broadcasting is to take place.

(4) On receipt of the completed application form, documents, information and the fee contemplated in subregulation (2) and (3), the Council may request the applicant to submit to the Council such further information as may be reasonable and necessary in respect of the application.

Decision on application for authorisation to broadcast

5. (1) The Council must consider an application submitted to it in terms of regulation 4 and may having regard to all accompanying documents and information –

- (a) grant the application without imposing any conditions;
- (b) grant the application and impose conditions, including conditions which restrict the period of broadcasting and the sound levels; or
- (c) refuse the application and in writing provide the applicant with reasons for the refusal.

(2) If an application is granted under subregulation (1)(a) or (b), the Council must issue to the applicant a written authorisation to broadcast and the conditions, if any, imposed by the Council and specified in that authorisation.

Powers of Council

6. (1) The Council may conduct an investigation if –

- (a) it has reason to believe that there is noise nuisance in the local authority area; or
- (b) it receives a complaint that there is noise nuisance in the local authority area.

(2) If the Council after investigation in terms of subregulation (1) finds that there is noise nuisance, the Council may –

- (a) give a notice to the owner to lower the noise or to stop broadcasting within the period specified by Council;
- (b) if the owner referred to in paragraph (a) refuses or fails to comply with the notice referred to in that paragraph, impound the broadcasting equipment; or

- (c) if the broadcasting is taking place in terms of an authorisation granted by Council, impound the broadcasting equipment or by written notice to the owner amend or cancel the authorisation.

(3) If the Council impounds the broadcasting equipment in terms of this regulation an authorised official who impounded the broadcasting equipment must give the owner a document stating –

- (a) the full particulars of the broadcasting equipment;
- (b) the full name of the authorised official who impounded the broadcasting equipment;
- (c) the address where the broadcasting equipment will be kept; and
- (d) how the broadcasting equipment can be reclaimed.

(4) If broadcasting equipment is impounded in terms of this regulation the Council must return the broadcasting equipment to its owner if the owner or the person to whom authorisation to broadcast has been granted –

- (a) gives the Council a written undertaking –
 - (i) not to broadcast in contravention of these regulations; or
 - (ii) to comply with the conditions imposed under these regulations by the Council; and
- (b) pays to the Council the applicable fees relating to the impounding of the broadcasting equipment.

Reconsideration of decision by Council

7. (1) A person who is aggrieved by a decision of the Council made under these regulations may within 14 days of receiving that decision apply to the Council for reconsideration of that decision.

(2) An application made under subregulation (1) must be in writing and must specify the grounds on which the decision is to be reconsidered.

(3) On receipt of an application made under subregulation (1), the Council must reconsider its decision and may –

- (a) confirm the decision;
- (b) confirm the decision and impose conditions, including conditions relating to sound levels and time limits, which are necessary and reasonable in the circumstances; or
- (c) set aside the decision.

(4) The Council must within a reasonable time notify the applicant contemplated in subregulation (1) in writing of its decision under subregulation (3).

Notices

8. A notice, instruction or document to be served or given under these regulations must be served or given in accordance with section 93 of the Act.

Access to premises

9. For purposes of enforcing these regulations a authorised official may exercise powers and perform functions conferred or imposed under section 91 of the Act.

Offences and penalties

10. (1) A person commits an offence, if that person –

- (a) contravenes or fails to comply with regulation 2(1);
- (b) contravenes or fails to comply with any condition imposed by the Council in terms of these regulations;
- (c) contravenes or fails to comply with an instruction or requirement set out in a notice issued in terms of these regulations;
- (d) intentionally makes a false statement when making an application for authorisation to broadcast in terms of these regulations; or
- (e) threatens, hinders or obstructs an authorised official in the exercise of his or her powers or in the performance of his or her functions under these regulations.

(2) A person convicted of an offence in terms of subregulation (1) is liable on conviction to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
