



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Disaster Risk Management Act 10 of 2012

section 59(2)

Regulations made under the Civil Defence Proclamation, 1978

Government Notice AG 70 of 1980

[\(OG 4188\)](#)

came into force on date of publication: 24 June 1980

These regulations were originally made in terms of section 8 of the Civil Defence Proclamation 54 of 1978, which was repealed by the Disaster Risk Management Act 10 of 2012. Pursuant to section 59(2) of the Disaster Risk Management Act 10 of 2012, the regulations are deemed to have been made under that Act.

ARRANGEMENT OF REGULATIONS

1. Definitions
 2. Persons not competent to perform junctions relating to civil defence
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Definitions

1. In these regulations, unless the context indicates otherwise “the Proclamation” means the Civil Defence Proclamation, 1978 (Proclamation AG. 54 of 1978).

Persons not competent to perform junctions relating to civil defence

2. (1) Subject to the provisions of subregulation (2), no person shall be competent to perform any function provided for in the Civil Defence Ordinance, 1979 (Ordinance 3 of 1979), if he -

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- (a) is a member of the South African Police, the Police Reserve or the Reserve Police Force referred to in the Police Act, 1958 (Act 7 of 1958);

[The South African Police Act 7 of 1958 has been replaced by the Police Act 19 of 1990.]

- (b) is a member of the South African Railway Police Force referred to in section 57(1) of the Railway and Harbours Control and Management (Consolidated) Act, 1957 (Act 70 of 1957);

[The South African Railway and Harbours Control and Management (Consolidated) Act 70 of 1957 was repealed by the South African Transport Services Act 65 of 1981, which was made expressly applicable to South West Africa (see section 78).]

- (c) is a member of the Prison Service, referred to in section 1 of the Prisons Act, 1959 (Act 8 of 1959);

[The South African Prisons Act 8 of 1959 was replaced by the Prisons Act 17 of 1998, which was replaced in turn by the Correctional Service Act 9 of 2012.]

- (d) subject to section 6(a) of the Proclamation, is a member of the South African Defence Force referred to in section 5 of the Defence Act, 1957 (Act 44 of 1957);
- (e) is a member of the Permanent Force Reserve referred to in section 47 of the said Defence Act 1957: Provided that the Chief of the South African Defence Force may in his discretion make available any member of the said Reserve to perform any function provided for in the said Civil Defence Ordinance, 1979;
- (f) is a member of the Reserve of Officers, the Citizen Force Reserve or the Commando Reserve referred to in sections 46, 48 and 48A respectively of the said Defence Act, 1957, and who has served in such a Reserve for a period of less than five years: Provided that the Chief of the South African Defence Force may in his discretion and if the operational functions of the South African Defence Force so require, declare that a member or a category of members who has served for more than five years in such a Reserve, shall not be competent to perform any function provided for in the said Civil Defence Ordinance, 1979;
- (g) is a member of an auxiliary service established and designated under section 80 of the said Defence Act, 1957, for the purposes of the South African Defence Force or any portion thereof;
- (h) is an employee defined in section 1 of the Armaments Development and Production Act 1968 (Act 57 of 1968), and who manufactures, repairs or maintains armaments so defined or who performs any function of the Armaments Corporation of South Africa, Limited, established under section 2 of the said Act: Provided that the Chief Executive Officer of the Armaments Corporation of South Africa, Limited, may in discretion make available any such employee or category of employees to perform any function provided for in the said Civil Defence Ordinance 1979;

[The South African Armaments Development and Production Act 57 of 1968 (RSA GG 2100) was indirectly applicable to South West Africa prior to independence by virtue of the definition of "Republic" in section 1, but is no longer applicable in Namibia.]

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- (i) is a member of the National Intelligence Service referred to in section 3 of Bureau for State Security Act, 1978 (Act 104 of 1978): Provided that the Director-General: National Intelligence Service may in his discretion make available any such member or category of members to perform any function provided for in the said Civil Defence Ordinance, 1979;

[The South African Bureau for State Security Act 104 of 1978 (RSA GG 6096) was not applicable to South West Africa.]

- (j) is a person serving in a full-time civilian capacity in the South African Defence Force.

[The South African Defence Act 44 of 1957, which is referred to in several paragraphs above, has been replaced by the Defence Act 1 of 2002.]

(2) The provisions of subregulation (1) shall not apply to an employee of the council of any municipality established or constituted, or deemed to be established or constituted, in terms of the Municipal Ordinance, 1963 (Ordinance 13 of 1963), any Village Management Board constituted, or deemed to be constituted under the Village Management Boards Ordinance, 1963 (Ordinance 14 of 1963), or the Peri-Urban Development Board established in terms of the Peri-Urban Development Board Ordinance, 1970 (Ordinance 19 of 1970).

[The Local Authorities Act 23 of 1992 repealed the Municipal Ordinance 13 of 1963, the Village Management Boards Ordinance 14 of 1963 and the Peri-Urban Development Board Ordinance 19 of 1970.]