



Republic of Namibia
Annotated Statutes

Amendment of Execution (Mortgaged Properties) Proclamation 6 of 1933

(OG 502)

came into force on date of publication: 1 March 1933

PROCLAMATION

[This Proclamation has no long title.
The date of signature appears at the bottom of the Proclamation.]

ARRANGEMENT OF SECTIONS

[The provisions in this Proclamation have no headings.]

WHEREAS it is expedient, in view of the prevailing, financial depression, to amend the law relating to the execution of judgments in respect of immovable property so as to come to the assistance of mortgage debtors;

NOW THEREFORE, under and by virtue of the powers in me vested, I do hereby proclaim, declare and make known as follows: -

1. (1) Notwithstanding anything to the contrary in any law contained, when judgment has been granted on a mortgage bond by any Court of competent jurisdiction, such Court may, on application by the mortgagor and after hearing the mortgagee, suspend execution of the judgment for a period not exceeding six months, upon such terms for the protection of the rights and for the security of the mortgagee as to such Court may seem just and reasonable; provided the mortgagor satisfies the said Court -

- (a) that, before issue of summons, he had paid all interest due in respect of the mortgage debt, and all Fire Insurance premiums payable on any Fire Insurance Policy ceded to or held by the mortgagee in terms of such mortgage bond, and all rates, taxes or Government, Municipal or other charges due in respect of the property mortgaged under such mortgage bond;
- (b) that his assets fairly valued exceed his liabilities fairly assessed.

Amendment of Execution (Mortgaged Properties) Proclamation 6 of 1933

(2) Upon the expiration of any period for which suspension of execution has been granted, the said Court may, upon application by the mortgagor for a further period of extension, make any order that it was competent to make in the first instance.

(3) Such Court may, further, upon good cause being shown by the mortgagee, vary or cancel the order of suspension.

(4) Upon an application for suspension, or variation or cancellation of suspension, the said Court may make any order as to costs that may be just.

2. Any order made by a Magistrate's Court in terms of this Proclamation shall be subject to appeal in the same way as if such order had been made under the powers conferred upon such Court by the Magistrate's Court Act, 1917 (Act No. 32 of 1917), of the Parliament of the Union of South Africa, as applied to this Territory.

**[The Magistrates' Courts Act 32 of 1917 has been replaced
by the Magistrates' Courts Act 32 of 1944.]**

3. This Proclamation may be cited as the Amendment of Execution (Mortgaged Properties) Proclamation, 1933.

GOD SAVE THE KING.

Given under my hand and seal at Capetown this 28th day of February, 1933.

A. J. WERTH,
Administrator.