



Republic of Namibia  
Annotated Statutes

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## General Law Amendment Act 101 of 1969 (RSA), section 29

(RSA GG 2464)

came into force in South Africa and South West Africa

on date of publication: 30 June 1969

(see section 29(3) of Act)

**APPLICABILITY TO SOUTH WEST AFRICA:** Section 29(3) states “The provisions of this section and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.”

**TRANSFER TO SOUTH WEST AFRICA:** It is not clear how this provision was administered or whether it was transferred to South West Africa. *Mweuhanga v Administrator-General of South West Africa and Others* 1990 (2) SA 776 (A) (date of judgment: 20 March 1990) at 784C-785E held that the statute empowered the Administrator-General and any other Minister to act in terms of section 29 with respect to a power falling under their administration – thus implying that there was no single authority which ‘administered’ the provision in question. In any event, the issue of transfer is not relevant to the content of section 29 since there were no amendments to that section in South Africa between the earliest possible date of transfer and the repeal of the section in South Africa.

Section 29 was repealed in South Africa by the *Internal Security Act 74 of 1982* (RSA GG 8232), which was not applicable to South West Africa. (See *Mweuhanga v Administrator-General of South West Africa and Others* 1990 (2) SA 776 (A) at 780H-781G, which confirms that that this repeal was not effective in respect of South West Africa.)

as amended by

**General Law Amendment Act 102 of 1972 (RSA) (RSA GG 3610)**

came into force on date of publication: 5 July 1972

The only provision of this Act independently applicable to South West Africa was section 29.

All of the other provisions are amendments to other laws.

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## ACT

To amend the Afrikaans text of the Medical, Dental and Pharmacy Act, 1928; the Magistrates’ Courts Act, 1944; the Rents Act, 1950; the Boxing and Wrestling Control Act, 1954; the Criminal Procedure Act, 1955; the Official Secrets Act, 1956; the Prisons Act, 1959; the Children’s Act, 1960; the Republic of South Africa Constitution Act, 1961; the Extradition Act, 1962; the Rural Coloured Areas Act, 1963; the Coloured Persons Representative Council Act, 1964; the Hotels Act, 1965; to apply the provisions of the Indecent or Obscene Photographic Matter Act, 1967, to the territory of South-West Africa; to amend the Land Bank Amendment Act, 1969; to provide for the cancellation of certain

**title deed restrictions, and for privilege arising out of the interests of the State or public security; and to provide for incidental matters.**

**[The only provision of this Act independently applicable to South West Africa is “to provide... for privilege arising out of the interests of the State or public security”.]**

*(English text signed by the State President)  
(Assented to 20th June, 1969)*

## **ARRANGEMENT OF SECTIONS**

### **29. Privilege arising out of the interests of the State or public security**

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:

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#### **Privilege arising out of the interests of the State or public security**

**29.** (1) Notwithstanding anything to the contrary in any law or the common law contained, no person shall be compelled and no person shall be permitted or ordered to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law or before any commission as contemplated by the Commissions Act, 1947, as to any fact, matter or thing or as to any communication made to or by such person, and no book or document shall be produced in any such proceedings, if an affidavit purporting to have been signed by the Minister responsible in respect of such fact, matter, thing, communication, book or document, or, in the case of a provincial administration or the territory of South-West Africa, the Administrator concerned, is produced to the court of law, body, institution or commission concerned, to the effect that the said Minister or Administrator, as the case may be, has personally considered the said fact, matter, thing, communication, book or document; that in his opinion, it affects the security of the State and that disclosure thereof will, in his opinion, prejudicially affect the security of the State.

**[Subsection (1) is substituted by Act 102 of 1972. The word “evidence” is misspelt in the *Government Gazette*, as reproduced above.]**

(2) The provisions of subsection (1) shall not derogate from the provisions of any law or of the common law which do not compel or permit any person to give evidence or to furnish any information in any proceedings in any court of law or before any body or institution established by or under any law or before any commission as contemplated by the Commissions Act, 1947, as to any fact, matter or thing or as to any communication made to or by such person, or to produce any book or document, in connection with any matter other than that affecting the security of the State.

**[subsection (2) substituted by Act 102 of 1972]**

(3) The provisions of this section and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel.