



Republic of Namibia
Annotated Statutes

Powers of the S.W.A. Water and Electricity Corporation Act 14 of 1980

(OG 4225)

came into force on date of publication: 15 July 1980

ACT

To provide for approval by the Administrator-General of the tariffs levied and the conditions imposed by the S.W.A. Water and Electricity Corporation (Pty) Ltd in respect of electricity supplied by the said Corporation; for the expropriation of immovable property or the interests in immovable property by the said Corporation for certain purposes; and for matters connected therewith.

(Afrikaans text signed by the Administrator-General on 2 July 1980)

ARRANGEMENT OF SECTIONS

1. Definition
2. Approval of tariffs levied and conditions imposed by the Corporation in respect of supply of electricity
3. Expropriation of immovable property or interests in immovable property by the Corporation
4. Short title

BE IT ENACTED by the National Assembly of South West Africa, as follows:-

Definition

1. In this Act, unless the context indicates otherwise, “the Corporation” means the S.W.A. Water and Electricity Corporation (Pty) Ltd.

Approval of tariffs levied and conditions imposed by the Corporation in respect of supply of electricity

Powers of the S.W.A. Water and Electricity Corporation Act 14 of 1980

2. (1) Notwithstanding anything to the contrary contained in any law but subject to the provisions of section 5(3) of the “Electric Power Proclamation, 1922” (Proclamation 4 of 1922), all tariffs levied and conditions imposed by the Corporation in respect of electricity supplied by it, shall be subject to the prior approval of the Administrator-General.

(2) The provisions of subsections (1) and (2) of section 5 of the said “Electric Power Proclamation, 1922”, shall not apply in respect of the Corporation.

[The Electric Power Proclamation 4 of 1922 was replaced by the Electricity Act 2 of 2000, which was in turn replaced by the Electricity Act 4 of 2007.]

Expropriation of immovable property or interests in immovable property by the Corporation

3. (1) Notwithstanding anything to the contrary contained in any law, the Corporation may, subject to the obligation to pay compensation, with the approval of the Administrator-General and on the conditions as he may determine, in order to exercise its powers in relation to the supply of electricity, expropriate any immovable property or any real right in, over or in respect of immovable property, or take the right to use any immovable property temporarily.

(2) The Administrator-General shall not grant such approval unless he is satisfied -

- (a) that the Corporation is unable to acquire such property or right on reasonable terms by agreement with the owner; and
- (b) that such property or right is reasonably required by the Corporation in order to exercise the said powers.

(3) Upon the approval referred to in subsection (1) being granted, the provisions of sections 5 to 18 of the Expropriation Ordinance, 1978 (Ordinance 13 of 1978), shall *mutatis mutandis* apply in connection with the acquisition of such property or right, and in such application any reference in those sections -

- (a) to the Executive Committee constituted in terms of section 4 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), and to the Administration of the Territory of South West Africa shall be construed as a reference to the Corporation;

[The South-West Africa Constitution Act 39 of 1968 was repealed by Article 147 of the Namibian Constitution.]

- (b) to section 2 of the said Ordinance and to the said Ordinance shall be construed as a reference to this section.

(4) Any person who has suffered damage as a result of the exercise of the powers referred to in subsection (1), shall be entitled to such compensation as the Corporation and any such person may have agreed upon or, if no agreement has been entered into, to the compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965).

Short title

4. This Act shall be called the Powers of the S.W.A. Water and Electricity Corporation Act, 1980.