



Republic of Namibia
Annotated Statutes

Second General Law Amendment Act 94 of 1974 (RSA), section 2

(RSA GG 4510)

section 2 came into force in South Africa
on date of publication: 20 November 1974

APPLICABILITY TO SOUTH WEST AFRICA: The text of the Act makes no reference to South West Africa. No legal authority for the general application of the Act to South West Africa has been located, although some of the amendments made to other legislation by this Act may have been applicable to South West Africa by virtue of provisions in the principal Acts which made South African amendments to those Acts automatically applicable to South West Africa. However, section 2 of the Act, which is an independent section rather than an amendment to another law, was 'substituted' in post-independence Namibia (effective 15 September 2001), which would seem to make it part of Namibian law now even if it was not previously.

TRANSFER TO SOUTH WEST AFRICA: The Act was not generally applicable to South West Africa, making the issue of transfer irrelevant.

as amended by

International Co-operation in Criminal Matters Act 9 of 2000 (GG 2327)

brought into force on 15 September 2001 by GN 185/2001 (GG 2614)

Note that there are two versions of GG 2327. The correct one states at the top:

"This Gazette replaces previous Gazette No. 2327."

ACT

... to prohibit, in certain circumstances, the furnishing of information as to businesses carried on in or outside the Republic; ...

[This is the portion of the long title relevant to section 2 of the Act,
which is the only section with independent applicability to Namibia.]

(English text signed by the State President)

(Assented to 11 November 1974)

ARRANGEMENT OF SECTIONS

Second General Law Amendment Act 94 of 1974 (RSA), section 2

2. Prohibition of furnishing of information as to business carried on in or outside Namibia, in compliance with order, direction or letters of request issued or emanating from outside Namibia**Prohibition of furnishing of information as to business carried on in or outside Namibia, in compliance with order, direction or letters of request issued or emanating from outside Namibia**

2. (1) Notwithstanding anything to the contrary contained in any law or other legal rule, and except with the permission of the Minister of Trade and Industry, no person shall in compliance with any order, direction or letters of request issued or emanating from outside Namibia in connection with any civil proceedings, furnish any information as to any business, whether carried on in or outside Namibia.

(2) The permission contemplated in subsection (1) may -

- (a) be granted either by notice in the *Gazette* or by written authority addressed to a particular person;
- (b) be granted subject to such conditions as the said Minister may deem fit;
- (c) relate only to specified goods or businesses or classes of goods or businesses or to orders, directions or letters of request issued in a specified country;
- (d) if it is granted by notice in the *Gazette*, relate only to specified persons or classes of persons.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction liable to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[section 2 substituted by Act 9 of 2000, despite not originally being applicable to South West Africa or thereby to Namibia]