



Republic of Namibia
Annotated Statutes

Administration of the South African Development Trust in South West Africa Proclamation, AG 19 of 1978

(OG 3724)

came into force on date of publication: 31 March 1978

as amended by

Native Laws Amendment Proclamation, AG 3 of 1979 (OG 3898)

deemed to have come into force in relevant part on 1 August 1978 (section 5 of AG 3 of 1979)

PROCLAMATION

of the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

TRANSFER OF ADMINISTRATION OF SOUTH AFRICAN DEVELOPMENT TRUST
TO THE ADMINISTRATOR-GENERAL

[title of proclamation amended by AG 3 of 1979, to substitute
“South African Development Trust” for “South African Bantu Trust”]

(Approved by the State President on 17 March 1978)

ARRANGEMENT OF SECTIONS

1. Definition
2. Transfer of administration of Trust affairs in the territory to the Administrator-General
3. Application of laws
4. Delegation of powers
5. Transitional provisions
6. Short title and commencement

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

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M. T. STEYN
Administrator-General

Windhoek, 23 March 1978

SCHEDULE

Definitions

1. (1) In this Proclamation, unless the context indicates otherwise -

“Republic” means the Republic of South Africa;

“territory” means the territory of South West Africa;

“Trust” means the South African Development Trust established by section 4 of the Development Trust and Land Act, 1936 (Act 18 of 1936).

[paragraph (iii) amended by AG 3 of 1979,
to substitute expressions containing the word “Bantu”]

(2) A reference in this Proclamation to any particular law, shall be construed as including a reference to a regulation, rule or other enactment made under or relating to that law.

Transfer of administration of Trust affairs in the territory to the Administrator-General

2. Notwithstanding any provisions to the contrary contained in any other law but subject to the provisions of this Proclamation, the affairs of the Trust in or in respect of the territory shall be administered by the Administrator-General, and the Administrator-General shall for that purpose be the Trustee of the Trust.

Application of laws

3. (1) Subject to the provisions of subsection (2), any reference in any law in so far as it applies or relates to or is connected with the affairs of the Trust in or in respect of the territory -

- (a) to the Trustee of the Trust, shall be construed as a reference to the Administrator-General as Trustee of the Trust in terms of section 2;
- (b) to the State President (otherwise than as Trustee of the Trust) or to the Parliament (including the Senate or the House of Assembly) or Minister of Plural Relations and Development or Minister of Finance of the Republic, shall be construed as a reference to the Administrator-General;

[Paragraph (b) is amended by AG 3 of 1979, to substitute “Minister of Plural Relations and Development” for “Minister of Bantu Administration and Development”. The References to Plural Relations and Development Act 10 of 1979 (OG 4023), which came into force on 1 July 1979 (section 2 of Act 10 of 1979), provides that a reference in any law to the Minister of Plural Relations and Development shall be construed as a reference to the Minister of Co-operation and Development, without technically amending any laws.]

- (c) to the State or to the Government of the Republic, shall be construed as including a reference to the Administrator-General;
- (d) to the *Gazette* of the Republic, shall be construed as a reference to the *Official Gazette* of the territory.

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- (2) The provisions of subsection (1) shall not apply to -
- (a) section 6*bis*(3) of the Development Trust and Land Act, 1936 (Act 18 of 1936), and the reference in section 8 of that Act, in so far as it relates to the establishment of the South African Development Trust Fund, to the Trustee;

**[paragraph (a) amended by AG 3 of 1979,
to substitute expressions containing the word "Bantu"]**

- (b) the Promotion of the Economic Development of Bantu Homelands Act, 1968 (Act 46 of 1968);

[AG 3 of 1979 provides that "there is hereby substituted for the word 'Bantu' wherever it occurs in any law as a reference to a person or persons, the word 'Black' or 'Blacks', as the context in question may require". It is not clear if this directive would apply to the name of a law, and so the name "Promotion of the Economic Development of Bantu Homelands Act" has not been changed here. In any event, this provision is of no relevance in independent Namibia.]

- (c) such provisions of a law referred to in subsection (1) of this section as the Administrator-General may determine, to such extent or with reference to such matter and with effect from such date (which may be a date earlier than the date of the determination) as he may determine, and made known by the Chief Director of the Office of the Administrator-General by notice in the *Official Gazette*.

(3) In the application of section 9*bis* of the Development Trust and Land Act, 1936, to the books and accounts relating to the administration of the Trust by the Administrator-General in terms of this Proclamation, the words "and the Minister of Finance" in subsection (3) of that section, and subsection (4) of that section, shall be deemed to be deleted.

**[subsection (3) amended by AG 3 of 1979, to substitute
"Development Trust and Land Act" for "Bantu Trust and Land Act"]**

Delegation of powers

4. (1) The Administrator-General may delegate any power conferred upon him by any law as applied by section 3, other than a power to issue a proclamation or to make regulations or rules, to the Secretary for Plural Relations and Development or to an officer in the Department of Plural Relations and Development who is stationed in the territory, and the said Secretary may delegate any power so delegated to him or conferred upon him by any such law, to any officer in that Department.

[Subsection (3) is amended by AG 3 of 1979, to substitute expressions containing the word "Bantu". The References to Plural Relations and Development Act 10 of 1979 (OG 4023), which came into force on 1 July 1979 (section 2 of Act 10 of 1979), provides that a reference in any law to the Department of Plural Relations and Development shall be construed as a reference to the Department of Co-operation and Development, without technically amending any laws. This Proclamation obviously intended to similarly provide that a reference in any law to the Secretary for Plural Relations and Development shall be construed as a reference to the Secretary for Co-operation and Development.]

(2) The said Secretary shall not be deprived of a power delegated by him under subsection (1), and may alter or withdraw any decision given by the officer concerned in the exercise of that power.

(3) The Administrator-General shall not be deprived of a power delegated by him, and may alter or withdraw a decision given in the exercise of that power, including a decision given by the said Secretary under subsection (2).

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(4) Where a power has been delegated to the holder of a post, that power may be exercised by the person who for the time being performs the functions attached to such post.

(5) The provisions of this section shall not prohibit any delegation authorized by a law referred to in subsection (1).

Transitional provisions

5. Anything done under a law referred to in subsection (1) of section 3 before the commencement of this Proclamation, shall be deemed to have been done under that law as applied by that subsection.

Short title and commencement

6. This Proclamation shall be called the Administration of the South African Development Trust in South West Africa Proclamation, 1978, and shall come into operation on 1 April 1978.

[title of proclamation amended by AG 3 of 1979, to substitute
"South African Development Trust" for "South African Bantu Trust"]