

LEARN ABOUT THE LAWS OF NAMIBIA

Legal Information Online November 2020



The rule of law requires that laws must be accessible to everyone. The Legal Assistance Centre (LAC) has for many years now been publishing information to help members of the public know the law of Namibia as it stands today.

The LAC publishes **three free legal databases** to inform the legal profession and the public about the laws in force.

In 2020, the LAC and the Ministry of Justice entered into an agreement making all of these databases into a joint project to ensure their long-term sustainability.

- ▶ All of the databases are available on the LAC website at www.lac.org.na.
- ▶ The annotated laws are also available on the Parliament website at www.parliament.na.
- ▶ All of the databases will soon be available on the Namibia Legal Information Institute website hosted by the Law Reform and Development Commission at www.namiblii.org.

1. NAMLEX: Index of Namibian law

NAMLEX is a list of the laws in force in Namibia, organised by topic, with brief descriptions of each law. In the case of laws inherited from South Africa, NAMLEX explains how they came to apply to Namibia and which South African amendments are in force in Namibia. The index also provides references to rules and regulations, appointments, court cases and commentary under each statute, and includes links to online versions of virtually all of the *Gazettes* cited. Think of it as the “Wikipedia” of Namibian law. NAMLEX was initiated by the late Adv Anton Lubowski in 1988, and continued by the LAC after his death. NAMLEX is now current to **31 October 2020**.

2. NAMLEX APPENDIX: Index of international law

NAMLEX is supplemented by a separate document called the NAMLEX APPENDIX, which contains detailed entries for all multilateral international treaties that are binding on Namibia. Each entry includes a summary of the treaty, a link to the most authoritative text of the treaty available online, the date when the treaty became binding on Namibia, information about amendments and protocols, and other explanatory information. The NAMLEX APPENDIX is prepared and updated with assistance from the Ministry of International Relations and Cooperation and Parliament. It is now current to **31 October 2020**.

3. ANNOTATED LAWS: Statutes and regulations

The database of annotated laws was initiated by the Parliamentary Support Project in 2015 and has been maintained by LAC to date. This database includes all **statutes** and **post-Independence regulations** in force in Namibia, as amended. This enable users to view or download *the current version* of a statute in Word or PDF, and to access the regulations issued in terms of each statute. The database is now current to **31 October 2020**. Pre-independence regulations will be added in 2021.

1

Public Private Partnership Act 4 of 2017

Summary: This Act (GG 6357) provides a legal framework for public private partnership projects and establishes the Public Private Partnership Committee. It was brought into force on 1 December 2018 by GN 335/2018 (GG 6785).

Regulations: Regulations and guidelines are authorised by section 40 of the Act. Regulations are contained in GN 353/2018 (GG 6796).

Notices: GN 336/2018 (GG 6785) provides a form for the disclosure of business and financial interests by nominees for membership on the Public Private Partnership Committee, in terms of section 8(2) of the Act.

Appointments: GN 336/2018 (GG 6785) announces the appointment of the Chairperson and members of the Public Private Partnership Committee.

2

SADC Protocol Against Corruption, 2001

Summary: The Protocol aims to promote and strengthen the development, within each member state, of mechanisms needed to prevent, detect, punish and eradicate corruption in the public and private sector. The Protocol further seeks to facilitate and regulate cooperation in matters of corruption amongst member states and foster development and harmonization of policies and domestic legislation related to corruption. The Protocol defines “acts of corruption”, preventative measures, jurisdiction of member states as well as extradition. Institutional arrangements for the implementation of this Protocol have been outlined within the document.

Text: A copy of the authoritative text of the original Protocol is available [here](#). A link to the text of the 2016 amendments is provided below.

Binding on Namibia: 23 July 2005 (Article 18(2) of the Protocol)

- signature: 14 August 2001 (source: SADC)
- approval by National Assembly: 27 April 2004 (source: Hansard)
- ratification: 23 June 2005 (source: SADC)
- entry into force internationally: 6 July 2005 (source: SADC)¹

Depositary: SADC Executive-Secretary

Commentary: Frederico Links & Clement Daniels, “Protected Disclosure: Informing the Whistleblowing Debate in Namibia, Anti-Corruption Research Programme”, Paper 10, Institute for Public Policy Research, 2012.

Amendments: Amendments can be adopted by a decision of three quarters of Members of the Summit. The Agreement Amending the SADC Protocol on Corruption, 2016 came into force on 24 July 2017. A copy of the Agreement is available [here](#).

3



Republic of Namibia
Annotated Statutes

Stock Theft Act 12 of 1990

(GG 63)
came into force on date of publication: 28 August 1990

as amended by

Stock Theft Amendment Act 4 of 1991 (GG 201)
came into force on date of publication: 14 May 1991

Stock Theft Amendment Act 19 of 1993 (GG 703)
brought into force on 1 October 1993 by GN 117/1993 (GG 725)

Stock Theft Amendment Act 19 of 2004 (GG 3351)
came into force on date of publication: 20 December 2004

General Law Amendment Act 14 of 2005 (GG 3585)
came into force in relevant part on date of publication: 28 December 2005

Note that portions of section 14 were struck out and read down as a result of *Daniel v Attorney-General & Others; Peter v Attorney-General & Others* 2011 (1) NR 336 (HC), confirmed on appeal in *Prosecutor-General v Daniel & Others* 2017 (3) NR 837 (SC).

ACT

To consolidate and amend the laws relating to the theft of stock and produce.

(Signed by the President on 20 August 1990)

ARRANGEMENT OF SECTIONS

1. Definitions
2. Failure to give satisfactory account of possession of stock or produce
3. Absence of reasonable cause for believing stock or produce properly acquired
4. Entering enclosed land or kraal, shed, stable, or other walled place with intent to steal stock or produce
5. Delivery of stock or produce between sunset and sunrise
6. Document of identification to be furnished by person who disposes of stock
7. Acquisition of stock or produce from persons whose places of residence are unknown
8. Stock or produce driven, conveyed or transported on or along public roads
9. Arrest and search without warrant

The latest updates of the databases were produced with funding from the U.S. Embassy and the Ministry of Justice.