

GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.40

WINDHOEK - 2 January 2004

No.3128

CONTENTS

Page

PROCLAMATIONS

No. 2	Declaration as office bearer: Members of Parliament and other Office-bearers Pension Fund Act, 1999	2
No. 3	Announcement of appointment of the Acting Judge of the High Court	2

GOVERNMENT NOTICE

No. 2	Company deemed to be a Namibian Company for the purposes of holding a mineral licence (Hallie Investment Number Fourteen cc)	2
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GENERAL NOTICES

No. 1	Permanent closure of portion "A" of the remainder of Erf 160, Okahandja, as street	3
No. 2	Permanent closure of portion "A" and "B" of the remainder of Erf 1625, Swakopmund, as street	3
No. 3	Vacancy in the membership of the Otjozondjupa Regional Council	4
No. 4	Eenhana Town Council: General valuation of rateable properties situated within the Eenhana Local Authority Area	4
No. 5	Gobabis Municipality: Notice of vacancy in the membership of the Local Authority Council	4
No. 6	Walvis Bay Municipality: Regulations relating to the control of the seas-shore, the sea and its environment with or adjoining the area of jurisdiction of the Municipality of Walvis Bay ..	4
No. 7	Namibian Communications Commission: Granting of a VSAT Telecommunications licence	10
No. 8	Namibian Communications Commission: Renewal of a commercial radio broadcasting licence	10
No. 9	Namibian Communications Commission: Renewal of a commercial radio broadcasting licence	10
No. 10	Namibian Communications Commission: Granting of a community radio re-broadcasting licence	11
No. 11	City of Windhoek: Permanent closing of portion X of the Promenaden Road, Windhoek, "as a street"	11
No. 12	Bank of Namibia: Statement of Assets and Liabilities as at close of business on 30 November 2003	11

Proclamations

by the

PRESIDENT OF THE REPUBLIC OF NAMIBIA

No. 2

2004

**DECLARATION AS OFFICE BEARER: MEMBERS OF PARLIAMENT AND
OTHER OFFICE-BEARERS PENSION FUND ACT, 1999**

Under the powers vested in me by section 1(2) of the Members of Parliament and other Office-bearers Pension Fund Act, 1999 (Act No. 20 of 1999), I declare Mr J.U. Mbako as an office-bearer for the purposes of the Rules of the Members of Parliament and other Office-bearers Pension Fund, promulgated under Government Notice No. 269 of 27 November 2000, with effect from 1 October 1992.

Given under my Hand and the Seal of the Republic of Namibia, at Windhoek, this 11th day of December, Two Thousand and Three.

**S.NUJOMA
PRESIDENT**

BY ORDER OF THE PRESIDENT-IN-CABINET

No. 3

2004

**ANNOUNCEMENT OF APPOINTMENT OF THE ACTING JUDGE OF THE HIGH
COURT**

In terms of Articles 32(4)(a)(aa) and 32(8) of the Namibian Constitution; and section 4(1) of the Judicial Service Commission Act, 1995 (Act No. 18 of 1995), I hereby appoint Mr G M Makhanya, on the recommendation of the Judicial Service Commission, as Acting Judge of the High Court for the Republic of Namibia, from 12 January 2004 till 30 January 2004.

Given under my Hand and the Seal of the Republic of Namibia, at Windhoek, the 2nd day of December Two Thousand and Three.

**S. NUJOMA
PRESIDENT**

BY ORDER OF THE PRESIDENT-IN-CABINET

Government Notice

MINISTRY OF MINES AND ENERGY

No. 2

2004

**COMPANY DEEMED TO BE A NAMIBIAN COMPANY
FOR THE PURPOSES OF HOLDING A MINERAL LICENCE**

Under subsection (3) of section 25 of the Minerals (Prospecting and Mining) Act, 1992 (Act No. 33 of 1992), I declare that the company, Hallie Investment Number Fourteen

cc, (Company registration no. 2003/0146) shall for the purpose of that section be deemed generally to be a company referred to in paragraph (b) of subsection (1) of that section.

N. IYAMBO
MINISTER OF MINES
AND ENERGY

Windhoek, 8 December 2003

General Notices

No. 1

2004

**PERMANENT CLOSURE OF PORTION "A" OF THE REMAINDER OF ERF 160,
OKAHANDJA, AS STREET**

Notice is hereby given in terms of Section 50(3) of the Local Authorities Act of 1992, (Act No. 23 of 1992), that the Okahandja Municipal Council proposes to close permanently the undermentioned portions as indicated on plan W03132/A, which lies for inspection during office hours at the offices of the Town Planning Section, Municipality of Okahandja, Martin Neib Street, Okahandja.

**CLOSURE OF PORTION "A" OF THE REMAINDER OF ERF 160,
OKAHANDJA, AS STREET**

Objections to the proposed closing are to be served on the Chief Executive Officer, Municipality of Okahandja, P O Box 15, Okahandja before or on 16 January 2004 in accordance with Section 50(3)(a) of the Local Authorities Act of 1992, (Act No. 23 of 1992).

R. ALUGODHI
CHIEF EXECUTIVE OFFICER
MUNICIPALITY OF OKAHANDJA

No. 2

2004

**PERMANENT CLOSURE OF PORTION "A" AND "B" OF THE REMAINDER
OF ERF 1625, SWAKOPMUND, AS STREET**

Notice is hereby given in terms of Section 50(3) of the Local Authorities Act of 1992, (Act No. 23 of 1992), that the Swakopmund Municipal Council proposes to close permanently the undermentioned portions as indicated on plan W02150/Boundaries, which lies for inspection during office hours at the offices of the Town Planning Section, Municipality of Swakopmund, Altes Amtsgericht Building, Swakopmund.

**CLOSURE OF PORTION "A" AND "B" OF THE REMAINDER OF ERF 1625,
SWAKOPMUND, AS STREET**

Objections to the proposed closing are to be served on the Chief Executive Officer, Municipality of Swakopmund, P O Box 53, Swakopmund before or on 16 January 2004 in accordance with Section 50(3)(a) of the Local Authorities Act of 1992, (Act No. 23 of 1992).

E.U.W. DEMASIUS
CHIEF EXECUTIVE OFFICER
MUNICIPALITY OF SWAKOPMUND

No. 3

2004

VACANCY IN THE MEMBERSHIP OF THE OTJOZONDJUPA REGIONAL
COUNCIL

Notice is hereby given in terms of Section 10(2) of the Regional Council Act, (Act No. 22 of 1992), as amended that a vacancy has occurred in the Otjozondjupa Regional Council as from 15 November 2003, as a result of Honourable Governor Grace Uushona a regional councillor for the Grootfontein Constituency appointed as Ambassador to Cuba.

O. KAZOMBIAZE
REGIONAL OFFICER
OTJOZONDJUPA REGIONAL COUNCIL

EENHANA TOWN COUNCIL

No. 4

2004

GENERAL VALUATION OF RATEABLE PROPERTIES SITUATED
WITHIN THE EENHANA LOCAL AUTHORITY AREA

Notice is hereby given in terms of the provisions of section 66(1) of the Local Authorities Amendment Act, 2000 (Act No. 24 of 2000) that a general valuation of all rateable properties situated within the Eenhana Local Authority Area will be carried out as from 1 January 2004, in accordance with the provisions and stipulations contained in section 67 to 72 inclusive of the Local Authorities Act, 1992 (Act No. 23 of 1992).

L.D. UYEPA
CHIEF EXECUTIVE OFFICER
EENHANA

GOBABIS MUNICIPALITY

No. 5

2004

NOTICE OF VACANCY IN THE MEMBERSHIP OF
THE LOCAL AUTHORITY COUNCIL

In terms of section 13(2) of the Local Authority Act, 1992 (Act No. 23 of 1992), notice is hereby given that Councillor Rosemarie Eva Luise Swart has resigned from the Town Council of Gobabis with effect from 1 December 2003.

Notice is hereby further given to the Residents Association of Gobabis to nominate a member of the Local Authority Council of Gobabis in written form within three (3) months from the date of publishing of this notice.

J.A. CALITZ
ACTING CHIEF EXECUTIVE OFFICER Gobabis, 28 November 2003

WALVIS BAY MUNICIPALITY

No. 6

2004

REGULATIONS RELATING TO THE CONTROL OF THE SEAS-SHORE, THE
SEA AND ITS ENVIRONMENT WITHIN OR ADJOINING THE AREA OF
JURISDICTION OF THE MUNICIPALITY OF WALVIS BAY.

The Council of the Municipality of Walvis Bay under section 94 of the Local Authorities Act, 1992 (Act No. 23 of 1992), as amended, approved the following regulations:

Definitions

1. In these regulations, unless the context otherwise indicates -

“authorised employee” means a person employed or appointed by the local authority, authorised to administer and enforce the provisions of these regulations;

“bathing area” includes the sea and sea-shore within 250 metres from the high-water mark;

“beach area” includes all areas situated within 50 metres landwards of the bathing area and which are not privately owned and to which the public have access;

“closed area” means an area declared by resolution of the local authority to be a closed area by means of an official notice or notice board indicating the borders of the closed area, and restricted area shall have the same meaning;

“demarcated bathing area” means an area specifically demarcated for bathing purposes only, by way of public notices on the spot;

“environment” means the complex of natural and anthropogenic factors and elements that are mutually interrelated and affect the ecological equilibrium and the quality of life; and the environment includes:

- (a) the natural environment being land, water and air, all organic and inorganic material and all living organisms; and
- (b) the human environment being the landscape and natural, cultural, historical, aesthetic, economic and social heritage and values;

“fireworks” any object that contains chemicals and burn brightly or attractively, often with a noise, including pyrotechnics that is lit to entertain people on special occasions;

“high-water mark” means the highest line reached by the water of the sea during ordinary storms occurring during the most stormy period of the year, excluding exceptional or abnormal floods;

“lifesaver” means any person employed or appointed in that capacity by the local authority or any member of any life-saving club or association of life-savers with the object of saving human life or promoting public safety;

“local authority” means the Municipality of Walvis Bay;

“low-water mark” means the lowest line to which the water of the sea recedes during periods of ordinary spring tides;

“material” means any paper, bottles or parts thereof, plastics, glass, wood, litter or any other material or thing likely of affect the cleanliness of the beach and the environment”

“notice” means an adequate notice in the official language erected or posted in a prominent place or position and maintained in a legible state;

“nuisance” includes any action which is likely to injure the safety, health, peace or convenience of persons, including excessive noise caused by any means whatsoever, and the carrying on of any activity which causes a nuisance or which is otherwise objectionable;

“overnight shelter” means any shelter used to overnight on the seashore;

“**restricted area**” means an area declared by resolution of the local authority to be a restricted area by means of an official notice or notice board indicating the borders of the restricted area, and closed area shall have the same meaning;

“**sea**” means the water and the bed of the sea below the low-water mark and within the territorial waters of the Republic of Namibia, including the water and bed of any tidal river and any tidal lagoon;

“**sea-shore**” means the water and land between the low-water mark and high-water mark;

“**vehicle**” means any self driven motorised vehicle, caravan, trailer including any motor bikes, quad bikes, animal driven vehicles and wind driven vehicles;

Application of regulations

2. These regulations shall apply to the beaches and seashore within the area of jurisdiction of the local authority.

Offences relating to the environmental health, nuisance, indecent or offensive behaviour

3. No person shall -
 - (1) dump, deposit, leave, spill, drop or place in or on the beach area or the seashore any material or thing likely to affect the cleanliness of the seashore, the beach area and the environment or in any way infringe the health, safety, comfort or rights of the other users of the seashore;
 - (2) while knowingly suffering from any infectious or contagious disease or illness enter or remain in the bathing area or the beach area;
 - (3) while on the beach area or bathing area -
 - (i) use any obscene, offensive or indecent language, or
 - (ii) behave or dress in an offensive, improper or disorderly manner, or
 - (iii) wilfully or negligently do any act which cause discomfort to other users of the beach area or bathing area, or cause a breach of the peace, or obstruct or interfere with any authorised employee of the local authority in the execution of his/her duties;
 - (4) allow any animal or pet belonging him/her or under his/her control to enter or remain on any part of the beach area or bathing area except if such animal is properly controlled, and on a leash;

Prohibition of recreational activities within restricted areas

4.
 - (1) Bathing or any other recreational activity within any part of the beach area may be prohibited or restricted by the local authority either as a permanent or as a temporary measure on the grounds that it is unsafe or due to the ecological or environmental sensitivity of the area.
 - (2) Bathing within any part of the sea, may be prohibited or restricted by a lifesaver or authorised official on duty for so long as he/she may consider the conditions of the sea as unsafe.
 - (3) Any temporary or permanent prohibition or restriction of bathing under these regulations, shall be indicated by notice on the spot, by recognisable and intelligible markers at both ends of the restricted area.

Offences relating to recreational activities

5. No person shall -
- (1) bathe on any part of the beach area in which bathing is prohibited in terms of section 4;
 - (2) hang onto, sit upon or tamper with any safety ropes or equipment provided for the protection of bathers, or in any way interfere with such safety ropes or other appliances provided for the assistance of bathers in distress, or
 - (3) enter or remain in the restricted area contrary to a reasonable prohibition by an authorised person having authority over or in charge of such restricted area as evidenced by a notice on the spot.

Life-saving devices and equipment

6. No person other than an authorised official of the local authority, duly authorised thereto, or a lifesaver shall, in time of an emergency handle, touch or in any way make use of the lifeline, lifebuoy or other lifesaving equipment or device, installed or maintained at the demarcated bathing area.

Damage to property

7. No person shall interfere or tamper with, misuse or damage any building, closet, shelter, changing booth, or other amenity provided for the use of the public, or disregard or fail to observe the terms of a notice affixed to any such amenity by the local authority.

Interference with notice boards and markers

8. No person other than an authorised official shall move, deface, or otherwise interfere with any notice in any area erected by the local authority or by any lifesaver in terms of these regulations.

Prohibition of entertainment and trade

9. (1) No person shall conduct any public entertainment or business of any nature on the bathing area or the beach area without the written permission given in accordance with all relevant statutory requirements and on such terms and conditions as may be deemed fit in each case by the local authority.
- (2) Applications for exemption of sub-regulation (1) shall be submitted in writing to the local authority at least six weeks in advance.

Control over vehicles and off-road driving

10. (1) No person shall -
- (a) drive a vehicle in any closed or restricted area
 - (b) drive a vehicle faster than 20 kilometres per hour on the sea-shore;
 - (c) drive or park a vehicle in such a way that it causes a nuisance or inconvenience to any other person.
 - (d) drive a vehicle on the beach area except where proclaimed or demarcated roadways are in existence;
- (2) This regulation shall not apply to any emergency vehicles.

Control of boats, surfboards, jet skis, wind- and kite-surfers

11. (1) The local authority may within a restricted or closed area -
- (a) set aside by notice on the spot a place or area for the launching, landing, beaching, keeping, letting or hiring of boats, jet skis or other craft;
 - (b) set aside by notice on the spot a place or area for the use of surfboards, jet skis, wind surfers or kite surfers, and may prohibit or restrict the use of such except in the place or area so set aside;
 - (c) prohibit the use or operation of any type of boat or craft within or from certain demarcated areas of the bathing area, and
 - (d) make the operation or use of boats or craft or certain types thereof within or from any part of the bathing area subject to its written permission granted on such terms and conditions as it may deem fit to impose.
- (2) Any person who launches, uses, lands, beaches, keeps, lets or hires any boat, craft, surfboard, jet skis, contrary to subsection (1) shall be guilty of an offence unless such act is done in case of an emergency.

Control of anglers

12. (1) No person shall fish or angle from any restricted area. Where fishing or angling is permitted, no person shall throw, cast or swing any line or fishing gear in such a manner as to cause danger or annoyance to any other person.
- (2) No person shall leave any bait, fishhooks, fish offal or refuse on the seashore.

Control of fires

13. (1) No person shall light or kindle a fire on the seashore, unless such fire is made within a container outside the allocated braai areas of Council's resorts. Any coals ash or remnants shall be removed and deposited in the rubbish drums provided for that purpose.
- (2) No person shall conduct any fire works at any area except at those areas demarcated for this purpose, subject to the written permission of the local authority.

Control of camping overnight shelters

14. (1) No person shall erect a tent or any form of temporary structure on any beach or bathing area for the purpose of overnight shelter, without the prior written approval of the local authority and subject to such conditions as may be prescribed by it.
- (2) Applications for exemption of sub-regulation (1) shall be submitted in writing to the local authority six weeks in advance.

Control of intoxicating liquor

15. Any person who is or becomes intoxicated from the use of liquor or other illegal substance, while on the beach area shall be guilty of an offence.

Control of Firearms

16. No person shall discharge a firearm in the bathing area or the beach area except:-

- (1) for the firing of blank cartridges during competitions organized by life savers or during organized sports meetings held with the written permission of the local authority;
- (2) to signal distress.

General

17. Any person entering the seashore shall do so wholly at his/her own risk.
18. The local authority shall not be liable for any damage or injury suffered because of injuries to persons whether fatal or not, which occurred in any manner whatsoever in a bathing area.
19. The local authority shall not be liable for any loss or damage to property suffered in a bathing area or caused because of fire, theft or the neglect of any person on the seashore.
20. The provisions of sections 16, 17 and 18 above shall not indemnify the local authority against the negligent or wilful action of its officials in the execution of their duties.

Appointment of officials to ensure observance of regulations

21. (1) The local authority may appoint at its discretion one or more of its employees and entrust them with the duty of ensuring that these regulations are duly administered and enforced.
- (2) Any person who obstructs or interferes with any such member or employee of the local authority lawfully engaged in the execution of his/her duties shall be guilty of an offence.

Powers and duties of authorised officials

22. (1) Subject to the provisions of these regulations an authorised employee of the local authority is responsible for the enforcement of these regulations within the area in which he/she is appointed;
- (2) An authorised employee of the local authority may demand the name and address of any person whom he or she finds on the beach area or the seashore in respect of which there are reasonable grounds to suspect that a contravention of any of these regulations is being committed.
- (3) Any person to whom a demand is made under sub-regulation (2) and who fails to furnish his or her full names and address to the authorised employee of the local authority making such demand, shall be guilty of an offence.

Penalties

23. Any person who contravenes any of these regulations or who fails to comply with any provision thereof shall be guilty of an offence and liable on conviction to a fine not exceeding N\$1 000.00 or imprisonment not exceeding 3 months or both such fine and imprisonment.

Repeal of Provincial Notice No 263 of 1985

24. The Walvis Bay Municipality By-Law for the Control of the Seashore and the Sea, promulgated under Provincial Notice No 263 of 1985 in Official Gazette No 4370 dated 26 April 1985, is hereby repealed.

BY ORDER OF THE COUNCIL**U.M.N. MUATUNGA
CHAIRPERSON OF THE COUNCIL**

1 December 2003

NAMIBIAN COMMUNICATIONS COMMISSION

No. 7

2004

GRANTING OF A VSAT TELECOMMUNICATIONS LICENCE

In accordance with section 22A(2)(a) of the Namibian Communications Commission Act, 1992, the Namibian communications commission at its ordinary meeting, held on 18 September 2003, resolved to issue a VSAT earth station licence to the following organisation.

Name of Organisation : Comprehensive Nuclear Test Ban Treaty Organisation (CTBTO)
Coverage Area : Namibia
Expiry date : 30 September 2008

**D. IMBILI
CHAIRPERSON**

NAMIBIAN COMMUNICATIONS COMMISSION

No. 8

2004

RENEWAL OF A COMMERCIAL RADIO BROADCASTING LICENCE

In accordance with sections 13(2) and 17(5) of the Namibian Communications Act, 1992 (Act No. 4 of 1992), the following company's commercial radio broadcasting licence has been renewed.

Name of Company : Radiowave CC
Name of Station : Radiowave 96.7 FM
Expiry date : 30 June 2008

**D. IMBILI
CHAIRPERSON**

NAMIBIAN COMMUNICATIONS COMMISSION

No. 9

2004

RENEWAL OF A COMMERCIAL RADIO BROADCASTING LICENCE

In accordance with sections 13(2) and 17(5) of the Namibian Communications Act, 1992 (Act No. 4 of 1992), the following company's commercial radio broadcasting licence has been renewed:

Company Name : HK. Jensen Beleggings (Pty) Ltd.
Name of Station : Radio Kudu

Expiry date : 30 July 2008

**D. IMBILI
CHAIRPERSON**

NAMIBIAN COMMUNICATIONS COMMISSION

No. 10

2004

GRANTING OF A COMMUNITY RADIO RE-BROADCASTING LICENCE

In accordance with section 17(5) of the Namibian Communications Act, 1992 (Act No. 4 of 1992), the following company has been granted a community television re-broadcasting licence:

Company name : Media for Christ
Name of Station : Channel 7
Coverage Area : Stampriet and Gochas

**D. IMBILI
CHAIRPERSON**

CITY OF WINDHOEK

No. 11

2004

**PERMANENT CLOSING OF PORTION X OF THE
PROMENADEN ROAD, WINDHOEK, AS 'A STREET'**

Notice is hereby given in terms of article 50(3)(a)(ii) of the Local Authorities Act of 1992 (Act No. 23 of 1992) that the City of Windhoek proposes to close permanent the undermentioned portion as indicated on locality plan, which lies for inspection during office hours at the office of Urban Policy, Room 712, Municipal Offices, Independence Avenue.

**PERMANENT CLOSING OF PORTION X OF THE
PROMENADEN ROAD, WINDHOEK, AS 'A STREET'**

Objections to the proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, and the Chief Executive Officer, P O Box 59, Windhoek, within 14 days after the appearance of this notice in accordance with Article 50(1)(C) of the above Act.

**BARRIE WATSON
CHIEF: URBAN POLICY, STRATEGY, FACILITATION AND
IMPLEMENTATION SERVICES**

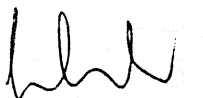
BANK OF NAMIBIA

No. 12

2004

**STATEMENT OF ASSETS AND LIABILITIES
As a close business on 30 November 2003**

	31-11-03	31-10-03
	N\$	N\$
ASSETS		
External:		
Rand Cash	12,073,038	27,027,938
IMF - Special Drawing Rights	159,865	171,319
Invesments		
- Rand Currency	970,562,658	1,260,285,591
- Other Currency	1,108,269,882	1,185,909,444
- Interest Accrued	8,501,590	10,297,291
Domestic:		
Currency Inventory Account	11,242,115	12,026,549
Loans and Advances	88,684,174	73,299,337
Fixed Assets	158,713,412	159,407,381
Other Assets	3,820,609	5,480,786
	<u>2,362,027,343</u>	<u>2,733,905,636</u>
LIABILITIES		
Share capital	40,000,000	40,000,000
General Reserve	241,204,095	241,204,095
Revaluation Reserve	368,922,570	444,672,701
Development Fund Reserve	15,000,000	15,000,000
Currency in Circulation	844,00,792	798,624,959
Deposits:		
Government	283,037,699	727,134,627
Bankers - Reserve	199,309,624	165,634,749
Bankers - Current	8,587	6,600
Bankers - Call	163,435,000	99,813,000
Other	148,838,490	145,545,125
Other Liabilities	58,230,486	56,269,780
	<u>2,362,027,343</u>	<u>2,733,905,636</u>


T K Alweendo
GOVERNOR


E M Kwizi
Acting CHIEF FINANCIAL OFFICER