



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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GOVERNMENT NOTICE

No. 253 Promulgation of Local Authorities Amendment Act, 2004 (Act No. 14 of 2004),
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Government Notice

OFFICE OF THE PRIME MINISTER

No. 253 2004

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 14 of 2004: Local Authorities Amendment Act, 2004.

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Local Authorities Act, 1992, so as to define "municipal police service" and to redefine "staff member"; to extend a provision relating to the powers, duties and functions of local authorities councils; to provide for the application of certain provisions of the Act; and to provide for matters incidental thereto.

(Signed by the President on 12 November 2004)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Amendment of section 1 of Act No. 23 of 1992, as amended by section 1 of Act No. 24 of 2000, section 1 of Act No. 17 of 2002 and section 39 of Act No. 7 of 2003

1. Section 1 of the Local Authorities Act, 1992 (hereinafter referred to as the principal Act) is amended -

(a) by the insertion after the definition of "municipality" of the following definition:

" 'municipal police service' means a municipal police service referred to in section 43C of the Police Act, 1990 (Act No. 19 of 1990);"; and

(b) by the substitution for the definition of "staff member" of the following definition:

" 'staff member' means any person employed permanently or temporarily on a full-time or part-time basis or under a contract of employment, in a post on or additional to the establishment of a local authority council, and includes a chief executive officer and, except as otherwise provided in section 94C, the members of a municipal police service ;".

Amendment of section 30 of Act No. 23 of 1992, as amended by section 20 of Act No. 24 of 2000 and section 12 of Act No. 17 of 2002

2. Section 30 of the principal Act is amended -

(a) by the substitution for the words preceding subparagraph (i) of paragraph (u) of subsection (1) of the following words:

"to determine by notice in the *Gazette* the charges, fees and other moneys payable in respect of any service, amenity or facility established and provided by it under this Act or any other law or any matter regulated and controlled by it thereunder, including -";

- (b) by the addition to paragraph (u) of subsection (1) of the following subparagraph:

"(iv) charges for the provision of any service rendered by a municipal police service."; and

- (c) by the substitution for subsection (3) of the following subsection:

"(3) A power referred to -

(a) in paragraph -

(i) (f), (k)(iii), (v) or (vi), (o) or (s) of subsection (1), shall only be exercised by a village council;

(ii) (g), (h), (i), (k)(i), (ii), (vii), (ix) or (x), (l), (m), (p), (q), (r), (x), (aa) or (ab) of that subsection, shall only be exercised by a town council or a village council,

if the Minister has assigned such power to such village council or town council, by notice in the *Gazette*;

(b) in paragraph (u)(iv) of subsection (1), shall only be exercised by a local authority council referred to in section 43C of the Police Act, 1990."

Insertion of section 94C in Act No. 23 of 1992

3. The following section is inserted after section 94B of the principal Act:

"Application of certain provisions of Act

94C. (1) The provisions of Part IV (except subsection (1)(c)(ii)(bb) and (iii) and subsection (5) of section 27 thereof) and of section 94A(1)(d) shall not apply to members of a municipal police service.

(2) In the application, to members of a municipal police service, of -

(a) subsection (1)(c)(ii)(bb) of section 27, any reference in that subsection to 'personnel rules' shall be construed as a reference to 'regulations under section 42 of the Police Act, 1990 (Act No. 19 of 1990), as applied by regulation 10 of the regulations promulgated under Government Notice No. 184 of 16 October 2002';

(b) subsection (5) of section 27, the reference in that subsection to 'any staff member referred to in subsection (1)(b)' shall be construed as a reference to 'any member of a municipal police service.'"

Short title

4. This Act is called the Local Authorities Amendment Act, 2004, and comes into operation on a date to be determined by the Minister by notice in the *Gazette*.