



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.00

WINDHOEK - 30 December 2011

No. 4863

CONTENTS

Page

GOVERNMENT NOTICE

No. 256 Promulgation of High Court Amendment Act, 2011 (Act No. 14 of 2011), of the Parliament 1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 256

2011

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 2011: High Court Amendment Act, 2011.

Act No. 14, 2011 HIGH COURT AMENDMENT ACT, 2011**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 High Court Act, 1990, to provide for the creation of local divisions; and to provide for matters incidental thereto.

(signed by the President on 25 December 2011)

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

Insertion of section 2A of Act No. 16 of 1990

1. The High Court Act, 1990 (Act No. 16 of 1990), (hereinafter referred to as “the principal Act”) is amended by the insertion of the following section after section 2:

“Divisions of High Court

2A. (1) The High Court shall consist of the main division that may exercise the jurisdiction of the High Court referred to in section 2 in any matter and such local divisions as may be established in terms of section 4A (1).

(2) Any process issued out of, or order made by a judge sitting as a judge of the main division or a local division shall be a process or order of the High Court and shall be of force throughout Namibia.”.

Substitution of section 4 of Act No. 16 of 1990

2. The principal Act is amended by the substitution for section 4 of the following section:

“Seat of High Court

- 4.** The seat –
- (a) of the main division of the High Court shall be in Windhoek;
- (b) of a local division shall be at the place determined in terms of section 4A(2),

but if the Judge-President considers it to be necessary or expedient in the interests of the administration of justice, he or she may authorise the holding of a sitting elsewhere in Namibia.”.

Act No. 14, 2011 HIGH COURT AMENDMENT ACT, 2011**Insertion of section 4A of Act No. 16 of 1990**

3. The principal Act is amended by the insertion of the following section after section 4:

“Local divisions

4A. (1) The President may by proclamation establish such local divisions of the High Court as may be necessary.

(2) The Judge-President must, as soon as possible after the establishment of a local division, by notice in the *Gazette* determine the area of jurisdiction of the local division concerned as well as the seat of such local division.

(3) The Judge-President must assign judges to local divisions on a permanent or temporary basis (or for a particular case) as may be necessary for the proper administration of justice.

(4) A local division has concurrent jurisdiction with the main division in the area of jurisdiction of that local division.

(5) If any civil cause, proceeding or matter has been instituted in the main or local division, and it is made to appear to the court concerned that the same may be more conveniently or more fitly heard or determined in another division, that court may, upon application by any party thereto and after hearing all other parties thereto, order such cause, proceeding or matter to be removed to that other division.

(6) Subject to a determination under subsection (7), unless the context indicates otherwise, any reference in any law to “the High Court” shall be construed as to include a local division having jurisdiction.

(7) The Judge-President may in the notice contemplated in subsection (2) determine the circumstances under which appeals or reviews (whether automatic or otherwise) of decisions of lower courts situated within the area of jurisdiction of a local division are decided by the main division or the local division concerned.”.

Short title

4. This Act is called the High Court Amendment Act, 2011.
