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REPUBLIC OF SOUTH AFRICA

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PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika
No. R. 150, 1977

DAMARA- VERTEENWOORDIGENDE OWERHEID

Nademaal die Damaravolk in die gebied Suidwes-Afrika versoek het dat 'n Verteenwoordigende Owerheid vir die Damaravolk ingestel word en dat voorsiening gemaak word vir aangeleenthede wat daarmee in verband staan;

En nademaal dit wenslik geag word om aan sodanige versoek te voldoen;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), hierby soos volg verklaar:

DEEL 1

DIE VERTEENWOORDIGENDE OWERHEID

Instelling van Verteenwoordigende Owerheid

1. 'n Verteenwoordigende Owerheid vir die Damaravolk vir die gebied omskryf in Bylae B by Goewermementskennisgewing 2428 van 1972, wat bekend sal staan as die Damara- Verteenwoordigende Owerheid (hierna die Verteenwoordigende Owerheid genoem), word hierby ingestel.

Samestelling van die Verteenwoordigende Owerheid

2. Die Verteenwoordigende Owerheid bestaan uit hoogstens 46 lede as volg aangewys:

- (a) Negentien lede ten opsigte van Damaraland;
- (b) vyf lede ten opsigte van die landdrostdistrik Grootfontein;
- (c) vyf lede ten opsigte van die landdrostdistrik Windhoek;
- (d) vier lede ten opsigte van die landdrostdistrik Gobabis;
- (e) twee lede ten opsigte van die landdrostdistrik Otjiwarongo;
- (f) twee lede ten opsigte van die landdrostdistrik Keetmanshoop;
- (g) twee lede ten opsigte van die landdrostdistrik Tsumeb;
- (h) twee lede ten opsigte van die landdrostdistrik Walvisbaai;
- (i) een lid ten opsigte van die landdrostdistrik Swakopmund;
- (j) een lid ten opsigte van die landdrostdistrik Karibib;
- (k) een lid ten opsigte van die landdrostdistrik Outjo;

61799—A

PROCLAMATIONS

by the State President of the Republic of South Africa
No. R. 150, 1977

DAMARA REPRESENTATIVE AUTHORITY

Whereas the Damara Nation in the Territory of South-West Africa has requested that a Representative Authority be established for the Damara Nation and that provision be made for matters incidental thereto;

And whereas it is deemed desirable to comply with such request;

Now, therefore, under and by virtue of the powers vested in me by section 38 of the South-West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby declare as follows:

PART 1

THE REPRESENTATIVE AUTHORITY

Establishment of Representative Authority

1. A Representative Authority for the Damara Nation is hereby established for the area defined in Schedule B to Government Notice 2428 of 1972, to be known as the Damara Representative Authority (hereinafter referred to as the Representative Authority).

Constitution of Representative Authority

2. The Representative Authority shall consist of not more than 46 members designated in the following manner:

- (a) Nineteen members in respect of Damaraland;
- (b) five members in respect of the Magisterial District of Grootfontein;
- (c) five members in respect of the Magisterial District of Windhoek;
- (d) four members in respect of the Magisterial District of Gobabis;
- (e) two members in respect of the Magisterial District of Otjiwarongo;
- (f) two members in respect of the Magisterial District of Keetmanshoop;
- (g) two members in respect of the Magisterial District of Tsumeb;
- (h) two members in respect of the Magisterial District of Walvis Bay;
- (i) one member in respect of the Magisterial District of Swakopmund;
- (j) one member in respect of the Magisterial District of Karibib;
- (k) one member in respect of the Magisterial District of Outjo;

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- (l) een lid ten opsigte van die landdrosdistrik Rehoboth; en
 (m) een lid ten opsigte van die landdrosdistrik Marien-
 tal.

Aanwysing van lede van die Verteenwoordigende Owerheid

3. (1) Behoudens die bepalings van artikel 2, word die lede van die eerste Verteenwoordigende Owerheid aangewys deur die persone wat op die datum van die uitvaardiging van hierdie Proklamasie die Damara-bevolkingsgroep van die Staatskundige Beraad te Windhoek verteenwoordig.

(2) Onmiddellik na die aanwysing van lede van die Verteenwoordigende Owerheid ingevolge subartikel (1) stel genoemde verteenwoordigers die Naturellekommissaris skriftelik in kennis van die name van die lede aldus aangewys.

(3) Voor die verstryking van die termyn van die eerste Verteenwoordigende Owerheid of voor ontbinding daarvan ingevolge artikel 5 bepaal die Verteenwoordigende Owerheid 'n nuwe wyse van aanwysing van lede om die wyse van aanwysing soos in subartikel (1) omskryf, te vervang.

Diskwalifikasie van lede

4. (1) Geen persoon is bevoeg om lid van die Verteenwoordigende Owerheid te wees of te bly nie indien hy—

(a) onder die ouderdom van 18 jaar is;

(b) nie 'n lid van die Damaravolk in die gebied Suidwes-Afrika is nie wat—

(i) in die gebied Suidwes-Afrika gebore is en minstens een jaar onmiddellik voor sy aanwysing gewoonweg in die gebied Suidwes-Afrika woonagtig is; of

(ii) wettiglik toegelaat is vir permanente verblyf in die gebied Suidwes-Afrika en minstens vyf jaar onmiddellik voor sy aanwysing gewoonweg in die gebied Suidwes-Afrika woonagtig is;

(c) in die gebied Suidwes-Afrika skuldig bevind is—

(i) aan hoogverraad of moord; of

(ii) aan enige ander misdryf en daarvoor gevonnis is tot gevangenisstraf vir 'n tydperk van minstens 12 maande sonder die keuse van 'n boete, of beveel is om aangehou te word kragtens die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet 41 van 1971), of enige wet by genoemde Wet herroep, en genoemde tydperk nie verstryk het nie of sodanige bevel nie finaal opgehou het om van krag te wees nie;

(d) kragtens die Wet op Geestesgebreken, 1916 (Wet 38 van 1916), of die Wet op Geestesgesondheid, 1973 (Wet 18 van 1973), as geestelik gekrenk of gebrekkig aangehou word;

(e) 'n gelyste kommunist kragtens die bepalings van die Wet op Binnelandse Veiligheid, 1950 (Wet 44 van 1950) is.

(2) Vir die doeleindes van subartikel (1) (c) word 'n persoon wat ten volle begenadig is, geag nie aan die betrokke misdryf skuldig bevind te gewees het nie en beteken gevangenisstraf die hele termyn van gevangenisstraf al is die vonnis in sy geheel of gedeeltelik opgeskort of kwytgeskeld.

Termyn van Verteenwoordigende Owerheid

5. Die termyn van elke Verteenwoordigende Owerheid is vyf jaar vanaf die datum van die eerste sittingsdag van die eerste sessie van die Verteenwoordigende Owerheid gehou na sy samestelling, welke sessie binne drie maande na sodanige samestelling 'n aanvang moet neem: Met dien verstande dat die Verteenwoordigende Owerheid om redes wat hy oortuigend en grondig ag die Verteenwoordigende

(l) one member in respect of the Magisterial District of Rehoboth; and

(m) one member in respect of the Magisterial District of Mariental.

Designation of members of the Representative Authority

3. (1) Subject to the provisions of section 2, the members of the first Representative Authority shall be designated by the persons who represent the Damara population group at the Constitutional Conference in Windhoek on the date of the promulgation of this Proclamation.

(2) Immediately after the designation of the members of the Representative Authority in terms of subsection (1) the said representatives shall, in writing, inform the Native Commissioner of the names of the members who have been designated.

(3) Before the expiry of the term of the first Representative Authority or before the dissolution thereof in terms of section 5 the Representative Authority shall determine a new manner of designation of members in substitution for the manner of designation described in subsection (1).

Disqualification of members

4. (1) No person shall be qualified to be or remain a member of the Representative Authority if he—

(a) is under the age of 18 years;

(b) is not a member of the Damara Nation in the Territory of South-West Africa who—

(i) was born in the Territory of South-West Africa and was ordinarily resident in the Territory of South-West Africa for at least one year immediately prior to his designation; or

(ii) has been lawfully admitted for permanent residence in the Territory of South-West Africa and has been ordinarily resident in the Territory of South-West Africa for at least five years immediately prior to his designation;

(c) has been convicted in the Territory of South-West Africa—

(i) of treason or murder; or

(ii) of any other offence and sentenced therefor to a term of imprisonment of not less than 12 months without the option of a fine, or ordered to be detained under the Abuse of Dependence—producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971), or any law repealed by the said Act, and the said term has not expired or such order has not finally ceased to be operative;

(d) is being detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916) or the Mental Health Act, 1973 (Act 18 of 1973);

(e) is listed as a communist in terms of the provisions of the Suppression of Communism Act, 1950 (Act 44 of 1950).

(2) For the purposes of subsection (1) (c), a person who has been granted a free pardon shall be deemed not to have been convicted of the offence concerned, and a term of imprisonment means the full term of a sentence of imprisonment, notwithstanding any suspension or remission of the whole or any portion of the sentence.

Term of Representative Authority

5. The term of each Representative Authority shall be five years from the date of the first sitting day of the first session of the Representative Authority held after its constitution, which session shall commence within three months of such constitution: Provided that the Representative Authority may, for reasons it may deem sound and cogent

Owerheid op enige stadium voor die verstryking van die termyn kan ontbind en die samestelling van 'n nuwe Verteenwoordigende Owerheid gelas.

Ontruiming van setels van lede

6. Die setel van 'n lid van die Verteenwoordigende Owerheid word geag ontruim te wees—

- (a) by die afsterwe van sodanige lid;
- (b) by ontvangs deur die Sekretaris van 'n kennisgewing van bedanking onder die handtekening van sodanige lid;
- (c) indien sodanige lid sonder spesiale toestemming van die Verteenwoordigende Owerheid versuim om die sitting daarvan gedurende 'n hele gewone sessie by te woon;
- (d) indien sodanige lid onderhewig raak aan enige diskwalifikasies in artikel 4 (1) genoem.

Aanvulling van vakatures

7. Indien die setel van 'n lid van die Verteenwoordigende Owerheid ingevolge artikel 6 vakant raak, moet die vakature, ondanks die bepalinge van artikel 3 en behoudens die bepalinge van artikel 2, binne ses maande nadat dit ontstaan het, deur die Verteenwoordigende Owerheid aangevul word en wel vir die onverstreke termyn van die Verteenwoordigende Owerheid.

Setel van Regering en sessies van die Verteenwoordigende Owerheid

8. (1) Die eerste sessie van die Verteenwoordigende Owerheid na die uitvaardiging van hierdie Proklamasie word te Khorixas gehou en daarna bepaal die Uitvoerende Raad van tyd tot tyd waar die sessies van die Verteenwoordigende Owerheid gehou word.

(2) Elke daaropvolgende sessie van die Verteenwoordigende Owerheid word gehou op die plek deur die Uitvoerende Raad bepaal.

(3) Daar moet minstens een maal in elke jaar 'n sessie van die Verteenwoordigende Owerheid plaasvind, wat 'n aanvang neem op 'n datum deur die Uitvoerende Raad bepaal, sodat daar nie tussen die laaste sittingsdag van die Verteenwoordigende Owerheid in een sessie en sy eerste sittingsdag in die volgende sessie 'n tydperk van meer as 15 maande verloop nie.

(4) 'n Buitengewone sessie van die Verteenwoordigende Owerheid kan te eniger tyd deur die Uitvoerende Raad byeengeroep word, en gedurende sodanige buitengewone sessie mag slegs die sake wat die Uitvoerende Raad voorleë of goedkeur, behandel word.

(5) Die eerste sessie van die Verteenwoordigende Owerheid na uitvaardiging van hierdie Proklamasie word byeengeroep deur die Naturellekommissaris op 'n datum, tyd en wyse soos deur hom bepaal.

(6) Behoudens die bepalinge van subartikel (5) stel die Sekretaris die lede minstens 30 dae voor 'n gewone sessie en minstens sewe dae voor 'n buitengewone sessie van die Verteenwoordigende Owerheid skriftelik in kennis van die datum, plek en tyd bepaal vir en die sake wat behandel gaan word gedurende sodanige sessie.

PROSEDURE IN DIE VERTEENWOORDIGENDE OWERHEID

Procedure

9. (1) Alle kwessies wat in die Verteenwoordigende Owerheid ontstaan, word beslis deur 'n meerderheid van stemme van die aanwesige lede, uitgesonderd die lid wat op die sitting voorsit, welke lid 'n beslissende stem het en dit in die geval van 'n staking van stemme uitoefen.

(2) Enige getal lede wat meer is as die helfte van die getal lede van die Verteenwoordigende Owerheid, maak 'n kworum uit.

(3) Behoudens die bepalinge van hierdie Proklamasie, is daar vryheid van spraak en debat op sittings van die Verteenwoordigende Owerheid.

dissolve the Representative Authority at any time before the expiry of the term thereof and order the constitution of a new Representative Authority.

Vacating of seats of members

6. The seat of a member of the Representative Authority shall be deemed to have been vacated—

- (a) upon the death of such member;
- (b) upon receipt by the Secretary of a notice of resignation under the hand of such member;
- (c) should such member fail for a whole ordinary session to attend any sittings of the Representative Authority without its special leave;
- (d) in the event of a member becoming subject to any of the disqualifications mentioned in section 4 (1).

Filling of vacancies

7. Should the seat of a member of the Representative Authority become vacant in terms of section 6, the vacancy shall, for the unexpired term of the Representative Authority, notwithstanding the provisions of section 3 and subject to the provisions of section 2, be filled by the Representative Authority within six months of its occurring.

Seat of Government and sessions of Representative Authority

8. (1) The first session of the Representative Authority after the promulgation of this Proclamation shall be held at Khorixas and thereafter the Executive Council shall from time to time decide where the session of the Representative Authority are to be held.

(2) Every successive session of the Representative Authority shall be held at the place decided upon by the Executive Council.

(3) There shall be a session of the Representative Authority at least once in every year, which shall commence on a date to be decided upon by the Executive Council so that a period exceeding 15 months shall not intervene between the last sitting day of the Representative Authority in one session and its first sitting day in the next session.

(4) A special session of the Representative Authority may be called at any time by the Executive Council and at such special session only such business as the prior to a special session of the Representative Authority transacted.

(5) The first session of the Representative Authority after the promulgation of this Proclamation shall be called by the Native Commissioner on a date, time and in the manner decided upon by him.

(6) Subject to the provisions of subsection (5) the Secretary shall, in writing, not less than 30 days prior to an ordinary session and not less than seven days Executive Council may lay before it or approve shall be inform the members of the date, place and time fixed for, and the business to be transacted at, such session.

PROCEDURE IN REPRESENTATIVE AUTHORITY

Procedure

9. (1) All questions arising in the Representative Authority shall be determined by a majority of votes of the members present, other than the member presiding at the sitting who shall have and exercise a casting vote in the case of an equality of votes.

(2) Any number of members exceeding half the number of members of the Representative Authority shall form a quorum.

(3) Subject to the provisions of this Proclamation there shall be freedom of speech and debate at sittings of the Representative Authority.

(4) Behoudens die bepalings van sy Reglement van Orde, is die verrigtinge van die Verteenwoordigende Owerheid oop vir die publiek.

(5) Die Speaker of die Adjunk-speaker in artikel 27 genoem, sit voor op alle sittings van die Verteenwoordigende Owerheid of, as sowel die Speaker as die Adjunk-speaker weens afwesigheid of om 'n ander rede nie op 'n sitting kan voorsit nie, moet die aanwesige lede onder die voorsitterskap van die Sekretaris, wat geen stemreg het nie, een van die lede benoem om op sodanige sitting voor te sit: Met dien verstande dat die Sekretaris gedurende die eerste sessie van die Verteenwoordigende Owerheid voorsit totdat 'n Speaker verkies is.

Eed wat lede van die Verteenwoordigende Owerheid moet aflê

10. Elke lid van die Verteenwoordigende Owerheid moet, voordat hy sy plek inneem, voor 'n Regter van die Suidwes-Afrika afdeling van die Hooggeregshof van Suid-Afrika of 'n persoon deur die Staatspresident aangewys, of in die geval van 'n lid wat 'n toevallige vakature aanvul, voor die Speaker of in sy afwesigheid die Adjunk-speaker of die lid wat op die betrokke sitting van die Verteenwoordigende Owerheid voorsit, na gelang van die geval, 'n eed of 'n plegtige verklaring in die volgende vorm aflê en onderteken:

Ek, A.B., sweer dat ek alle wette van toepassing in die gebied onder jurisdiksie van die Damara- Verteenwoordigende Owerheid sal respekteer en handhaaf en ek belooft plegtig om my pligte as lid van die Damara- Verteenwoordigende Owerheid na my beste vermoë te vervul. So help my God.

Wetgewende bevoegdheede van Verteenwoordigende Owerheid

11. (1) Behoudens die bepalings van hierdie Proklamasie, is die Verteenwoordigende Owerheid ten opsigte van die gebied, bevoeg—

(a) om wette te maak wat nie met hierdie Proklamasie strydig is nie met betrekking tot al die aangeleenthede in Bylae A bedoel; en

(b) om in so 'n wet vir die wysiging of herroeping van 'n wet, met inbegrip van 'n Wet van die Parlement, voorsiening te maak, vir sover dit betrekking het op so 'n aangeleentheid en van toepassing is in die gebied of op 'n lid van die Damaravolk wat in die gebied Suidwes-Afrika woon, hetsy in of buite die gebied;

en kan verskillende sodanige wette vir verskillende streke of plekke en verskillende kategorieë of groepe persone maak.

(2) Waar die Verteenwoordigende Owerheid ingevolge Bylae A gemagtig is om wette te maak wat van toepassing is buite die gebied, maar in die gebied Suidwes-Afrika, of met betrekking tot lede van die Damaravolk wat buite die gebied maar in die gebied Suidwes-Afrika woon, geld so 'n wet en kan dit bepalings bevat vir die behoorlike toepassing daarvan in dié gedeelte van die gebied Suidwes-Afrika wat buite die gebied geleë is, of met betrekking tot so 'n lid in 'n plek binne die gebied Suidwes-Afrika, na gelang van die geval, ongeag waar hy hom ook al bevind of woon.

(3) Geen wet wat gemaak word na die datum waarop hierdie Proklamasie uitgevaardig word nie, [met inbegrip van 'n Wet van die Parlement, maar uitgesonderd 'n wet gemaak deur die Staatspresident of die Verteenwoordigende Owerheid of 'n Wet of ordonnansie in artikel 42 (2) (a) (ii) of (iii) bedoel] en wat betrekking het op 'n aangeleentheid bedoel in subartikel (1), is van toepassing in die gebied of met betrekking tot 'n lid van die Damaravolk ten opsigte van wie die Verteenwoordigende Owerheid bevoeg is om wette te maak vir sover dit so 'n aangeleentheid betref nie.

(4) The proceedings of the Representative Authority shall, subject to its Rules of Procedure, be open to the public.

(5) The Speaker or the Deputy Speaker referred to in section 27 shall preside at all sittings of the Representative Authority or if both the Speaker and the Deputy Speaker are unable through absence or other cause to preside at a sitting, the members present shall, with the Secretary, who shall not be entitled to vote, as presiding officer, nominate one of the members to preside at such sitting: Provided that the Secretary shall preside at the first session of the Representative Authority until a Speaker is elected.

Oath to be taken by members of Representative Authority

10. Every member of the Representative Authority shall before taking his seat make and subscribe before a Judge of the South-West Africa division of the Supreme Court of South Africa or a person designated by the State President, or, in the case of a member elected to fill a casual vacancy, before the Speaker or, in his absence, the Deputy Speaker or the member presiding at the relevant session of the Representative Authority, as the case may be, an oath or a solemn affirmation in the following form:

I, A.B., do swear to respect and uphold all laws applicable in the area under the jurisdiction of the Damara Representative Authority and solemnly promise to perform my duties as a member of the Damara Representative Authority to the best of my ability.

So help me God.

Legislative powers of Representative Authority

11. (1) Subject to the provisions of this Proclamation, the Representative Authority shall in respect of the area, have power—

(a) to make laws not inconsistent with this Proclamation with regard to all matters referred to in Schedule A; and

(b) to provide in any such law for the amendment or repeal of any law, including any Act of Parliament in so far as it relates to any such matter and applies in the area or to a member of the Damara Nation concerned resident within the Territory of South-West Africa, whether within or outside the area;

and may make different such laws for different regions or places and different categories or groups of persons.

(2) Where in terms of Schedule A the Representative Authority is empowered to make laws applicable outside the area, but within the Territory of South-West Africa, or in relation to members of the Damara Nation who are resident outside the area but within the territory of South-West Africa, such law shall have effect and may contain provisions for the due enforcement thereof in that portion of the Territory of South-West Africa which falls outside the area or, as the case may be, in relation to such member in a place within the Territory of South-West Africa, irrespective of where he may be or may be resident.

(3) No law made after the date on which this Proclamation is issued [including an Act of Parliament but excluding a law made by the State President or the Representative Authority or any such Act or ordinance as is referred to in section 42 (2) (a) (ii) or (iii)] and which relates to a matter referred to in subsection (1) shall apply in the area or in relation to a member of the Damara Nation in respect of whom the Representative Authority is empowered to make laws in so far as that matter is concerned.

DIE UITVOERENDE RAAD

Uitvoerende gesag

12. (1) Die uitvoerende gesag van die gebied waarvoor die Damara- Verteenwoordigende Owerheid ingestel is, met betrekking tot die aangeleenthede in Bylae A vermeld, berus by die Uitvoerende Raad wat saamgestel word op die wyse in artikel 16 van hierdie proklamasie bepaal.

(2) (a) Die departemente in Bylae B vermeld, word hierby ingestel.

(b) 'n Uitvoerende Raad kan in verband met die aangeleenthede bedoel in subartikel (1) en met die goedkeuring van die Staatspresident die verdere departemente instel wat hy goedvind.

(3) Behoudens die bepalinge van hierdie Proklamasie—

(a) is die Uitvoerende Raad bevoeg om voorsiening te maak vir die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte ingevolge subartikel (1);

(b) is die lede van die Uitvoerende Raad verantwoordelik vir die administrasie van die departemente bedoel in subartikel (2);

(c) moet die Uitvoerende Raad die leiding neem in verband met aangeleenthede rakende die stoflike, geestelike, sedelike en maatskaplike welsyn van die Damara-volk;

(d) oefen die Uitvoerende Raad en die lede daarvan die ander bevoegdhede uit en verrig hulle die ander werksaamhede en pligte wat in hierdie Proklamasie bepaal word.

(4) 'n Minister deur die Staatspresident aangewys kan—

(a) met inagneming van die wette op die Staatsdiens, beamptes en werknemers in die Staatsdiens; en

(b) iemand anders in diens van die Staat, en, met die instemming van die Administrasie van die gebied Suidwes-Afrika of iemand wat finansiële bystand van die Staat ontvang, iemand in diens van dié Administrasie of so iemand wat aldus bystand ontvang, na gelang van die geval,

aanwys om die Uitvoerende Raad by te staan by die administrasie van die departemente bedoel in subartikel (2).

Oordrag van sekere regs- en uitvoerende bevoegdhede

13. Behoudens die bepalinge van hierdie Proklamasie, berus al die regte, bevoegdhede, gesag, pligte, verpligtings en werksaamhede wat regens by 'n Minister of by 'n ander persoon of liggaam in die Republiek of die gebied Suidwes-Afrika berus, en wat betrekking het op aangeleenthede waarvoor die Verteenwoordigende Owerheid ingevolge hierdie Proklamasie op die datum van instelling daarvan bevoeg is, of op 'n datum daarna bevoeg word, om wette te maak, vanaf die betrokke datum in die gebied by die Uitvoerende Raad of die persoon of liggaam, na gelang van die geval, wat soortgelyke bevoegdhede, gesag en werksaamhede in die gebied uitoefen of, by ontstentenis van so 'n persoon of liggaam, die persoon of liggaam wat dié Raad vir die doel aanwys: Met dien verstande dat die bepalinge van hierdie Proklamasie nie so uitgelê word dat dit 'n departement, inrigting, raad, liggaam of persoon onder die beheer van die Regering van die Republiek of die Administrasie van die gebied Suidwes-Afrika verhoed om, onderworpe aan die voorwaardes waarop daar tussen genoemde Regering of genoemde Administrasie, na gelang van die geval, en die Regering van die gebied ooreengekom word, 'n bevoegdheid in verband met so 'n aangeleentheid uit te oefen of 'n werksaamheid of plig in verband daarmee te verrig nie.

THE EXECUTIVE COUNCIL

Executive government

12. (1) The executive government of the area for which the Damara Representative Authority has been established, in regard to the matters referred to in Schedule A, shall vest in the Executive Council which shall be constituted in the manner determined in section 16 of this Proclamation.

(2) (a) The Departments referred to in Schedule B are hereby established.

(b) An executive council may with the approval of the State President establish the further departments in connection with the matters referred to in subsection (1) as it may deem fit.

(3) Subject to the provisions of this Proclamation—

(a) the Executive Council shall have power to make provision for the exercise of its powers and the performance of its functions and duties in terms of subsection (1);

(b) the members of the Executive Council shall be responsible for the administration of the departments referred to in subsection (2);

(c) the Executive Council shall assume a leading role in connection with matters affecting the material, spiritual, moral and social welfare of the Damara Nation;

(d) the Executive Council and the members thereof shall exercise such other powers and perform such other functions and duties as may be determined in this Proclamation.

(4) A Minister designated by the State President may designate—

(a) subject to the laws governing the public service, officers and employees of the public service; and

(b) any other person in the employ of the State, and, with the concurrence of the Administration of the Territory of South-West Africa or a person receiving financial assistance from the State, any person in the employ of such Administration or such a person so receiving assistance, as the case may be;

to assist the Executive Council in the administration of the departments referred to in subsection (2).

Transfer of certain legal and executive powers

13. Subject to the provisions of this Proclamation, all rights, powers, authorities, duties, obligations and functions which are vested by any law in a Minister or in any other person or body in the Republic or the Territory of South-West Africa, and which have reference to matters in respect of which the Representative Authority is, on the date of its establishment, empowered or becomes, on a later date, empowered to make laws in terms of this Proclamation, shall, as from the relevant date, in the area be vested in the Executive Council, or in the person or body, as the case may be, exercising similar powers, authorities and functions in the area or, in the absence of any such person or body, the person or body designated by the Council for the purpose: Provided that nothing in this Proclamation shall be construed as preventing any department, institution, board, body or person under the control of the Government of the Republic or the Administration of the Territory of South-West Africa from exercising any power or performing any function or duty in connection with any such matter, subject to such terms and conditions as may be agreed upon by the said Government or the said Administration, as the case may be, and the government of the area.

Administratiewe beheer, bevoegdhede, gesag en werksaamhede van Uitvoerende Raad

14. Behoudens die bepalings van hierdie Proklamasie, berus die administratiewe beheer, bevoegdhede, gesag en werksaamhede wat by die Staatspresident berus of deur hom uitgeoefen word met betrekking tot aangeleenthede ten opsigte waarvan die Verteenwoordigende Owerheid van die gebied ingevolge hierdie Proklamasie op die datum van instelling daarvan bevoeg is, of op 'n datum daarna bevoeg word, om wette te maak, vanaf die betrokke datum in die gebied by die Uitvoerende Raad.

Pligte, bevoegdhede, gesag en werksaamhede van die Hoofkaptein en hoofmanne bly van krag

15. Ondanks die bepalings van hierdie Proklamasie, bly die pligte, bevoegdhede, gesag en werksaamhede wat op die datum waarop die eerste Uitvoerende Raad vir die gebied saamgestel word, wettiglik deur die hoofkaptein en hoofmanne uitgeoefen word, van krag totdat dit deur die bevoegde gesag verander of ingetrek word.

Samestelling van Uitvoerende Raad

16. Die Uitvoerende Raad bestaan uit 'n Voorsitter en ses ander Raadslede.

Verkieping van Voorsitter

17. Onmiddellik nadat al die lede wat op die sitting van die Verteenwoordigende Owerheid aanwesig is, die eed in artikel 10 genoem, afgelê en onderteken het, gaan die Verteenwoordigende Owerheid oor tot die verkieping van 'n Voorsitter uit die geledere van die Verteenwoordigende Owerheid en wel op die wyse in artikel 18 bepaal.

Wyse waarop Voorsitter verkies word

18. (1) 'n Lid wat vooraf vasgestel het dat die persoon wat hy as Voorsitter wil voorstel, gewillig is om te dien as hy verkies word, kan sodanige persoon as Voorsitter voorstel en indien sodanige voorstel nie gesekondeer word nie, vervel dit.

(2) Daar is geen beperking op die getal kandidate wat kragtens subartikel (1) voorgestel en gesekondeer kan word nie, maar geen lid wat reeds 'n kandidaat voorgestel of gesekondeer het, mag 'n ander kandidaat voorstel of sekondeer nie en geen lid mag sy eie kandidatuur voorstel of sekondeer nie.

(3) Die name van die behoorlik genomineerde persone moet deur die Sekretaris aangekondig word op die sitting waartydens die verkieping moet plaasvind, en geen debat word by die verkieping toegelaat nie.

(4) Indien meer as een lid as Voorsitter voorgestel word, word 'n geheime stemming gehou waarby—

(a) die Sekretaris aan elke lid teenwoordig 'n stembriefie met die name van al die kandidate daarop en met 'n geheime amptelike merk op die keersy daarvan uitreik;

(b) elke lid die kandidaat vir wie hy wil stem, aandui deur 'n kruis teenoor die naam van sodanige kandidaat te plaas;

(c) die Sekretaris die name van al die lede uitroep en elke lid, wanneer sy naam uitgeroep word, na die Tafel kom en sy stembriefie in 'n stembus op die Tafel laat val;

(d) die Sekretaris, sodra alle lede wat wil stem dit gedoen het, met die hulp van sodanige lede as wat die Verteenwoordigende Owerheid bepaal, die stembriefies in teenwoordigheid van die Verteenwoordigende Owerheid ondersoek en die uitslag van die stemming bekendmaak;

(e) die kandidaat ten gunste van wie 'n meerderheid van 'stemme aangeteken word, deur die persoon wat tydens die betrokke sitting van die Verteenwoordigende Owerheid voorsit, behoorlik as Voorsitter verkose verklaar word.

Administrative control, powers, authorities and functions of Executive Council

14. Subject to the provisions of this Proclamation, the administrative control, powers, authorities and functions which are vested in or exercised by the State President in relation to matters in respect of which the Representative Authority of the area, is on the date of its establishment, empowered or becomes, on a later date, empowered to make laws in terms of this Proclamation, shall, as from the relevant date, in the area be vested in the Executive Council.

Duties, powers, authorities and functions of paramount chief and headmen to remain in force

15. Notwithstanding anything in this Proclamation contained, the duties, powers, authorities and functions lawfully exercised by the paramount chief and headmen at the date on which the first Executive Council for the area is constituted, shall remain in force until varied or withdrawn by the competent authority.

Constitution of Executive Council

16. The Executive Council shall consist of a Chairman and six other Councillors.

Election of Chairman

17. Immediately after all the members present at the sitting of the Representative Authority have taken and subscribed to the oath referred to in section 10, the Representative Authority shall proceed to the election of the Chairman from the members of the Representative Authority in the manner prescribed in section 18.

Manner of election of Chairman

18. (1) A member, having first ascertained that the person whom he wishes to propose as Chairman is willing to serve if elected, may propose such person as Chairman and such proposal shall lapse if not seconded.

(2) There shall be no limit to the number of candidates who may be proposed and seconded under subsection (1), but no member who has already proposed or seconded a candidate shall propose or second any other candidate and no member shall propose or second his own candidature.

(3) The names of the persons duly nominated shall be announced by the Secretary at the sitting at which the election is to take place, and no debate shall be allowed at the election.

(4) If more than one member be proposed as Chairman a secret ballot shall be held at which—

(a) the Secretary shall hand each member present a ballot paper with the names of the candidates thereon and having a secret official mark on the reverse side thereof;

(b) every member shall signify the candidate for whom he desires to vote by placing a cross opposite the name of such candidate;

(c) the Secretary shall call the names of all the members and each member shall, when his name is called, come to the Table and drop his ballot paper into a ballot box on the Table.

(d) when all members who wish to vote have done so the Secretary shall examine the ballot papers in the presence of the Representative Authority with the assistance of such members as the Representative Authority may decide upon and declare the result of the ballot;

(e) the candidate who obtains a majority of the votes cast shall be declared duly elected Chairman by the person presiding at the relative sitting of the Representative Authority.

(5) 'n Lid wat opdaag nadat die lede se name uitgeroep is, is nie geregtig om te stem nie.

(6) Indien slegs een lid as Voorsitter voorgestel en gesekondeer word, word hy verkose verklaar.

Verkiezing van Raadslede

19. Onmiddellik nadat die Voorsitter verkies is, gaan die Verteenwoordigende Owerheid oor tot die verkiezing van die ander lede van die Uitvoerende Raad uit die geledere van die Verteenwoordigende Owerheid, en die bepalings van artikel 18 is *mutatis mutandis* van toepassing by die verkiezing van sodanige lede.

Ampstermyn van die Voorsitter en Raadslede

20. Behoudens die bepalings van artikel 21 beklee die Voorsitter en Raadslede hulle ampte totdat hulle opvolgers ingevolge artikel 18 of 19, na gelang van die geval, verkies is.

Ontruiming van Amp deur Voorsitter en Raadslede

21. Die Voorsitter of 'n Raadslid ontruim sy amp—

(a) indien sy setel in die Verteenwoordigende Owerheid ingevolge artikel 6 geag word ontruim te wees; of

(b) indien hy uit sy amp bedank by skriftelike kennisgewing gerig aan die Speaker van die Verteenwoordigende Owerheid.

Ontslag van Voorsitter of Raadslid

22. (1) Die Verteenwoordigende Owerheid kan om gegronde en oortuigende redes die Voorsitter of 'n Raadslid by besluit deur die Verteenwoordigende Owerheid ontslaan en die verkiezing van 'n nuwe Voorsitter of Raadslid in sy plek gelas.

(2) Die Speaker van die Verteenwoordigende Owerheid moet onverwyld na die ontslag van die Voorsitter of 'n Raadslid deur die Verteenwoordigende Owerheid oorgaan tot die verkiezing van 'n nuwe Voorsitter of Raadslid ingevolge die bepalings van hierdie Proklamasie.

Aanvulling van toevallige vakatures in die Uitvoerende Raad

23. (1) 'n Toevallige vakature wat in die amp van Voorsitter of Raadslid ontstaan, word aangevul by wyse van 'n verkiezing ooreenkomstig die bepalings van hierdie Proklamasie wat gehou moet word binne 'n tydperk van 14 dae na die datum waarop sodanige vakature ontstaan het indien die Verteenwoordigende Owerheid dan in sitting is, en, indien die Verteenwoordigende Owerheid nie dan in sitting is nie, moet vir dié doel 'n buitengewone sessie van die Verteenwoordigende Owerheid byeengeroep word binne 'n tydperk van 14 dae na die datum waarop sodanige vakature ontstaan het.

(2) 'n Lid verkies soos in subartikel (1) bepaal, beklee die amp vir die onverstreke gedeelte van die tydperk waartydens sy voorganger in die amp sou aangebly het, tensy sy amp eerder vakant raak of hy uit sy amp ontslaan word.

Werksaamhede van Voorsitter en Raadslede

24. (1) Die Voorsitter of, in sy afwesigheid, 'n Raadslid deur hom vir dié doel benoem, sit op alle Uitvoerende Raadsvergaderings voor.

(2) Wanneer die amp van Voorsitter vakant raak of hy afwesig is of nie in staat is om op te tree nie, en geen raadslid ingevolge subartikel (1) benoem is om op te tree nie, wys die Uitvoerende Raad uit eie geledere een aan om as Voorsitter op te tree totdat die vakature aangevul is of totdat die Voorsitter in staat is om sy amp te hervat, na gelang van die geval.

(3) Die Verteenwoordigende Owerheid moet na goed-dunke die verantwoordelikheid vir die beheer en administrasie van die verskillende departemente aan die onderskeie Raadslede opdra en toewys, en kan die verskillende aangeleenthede in Bylae A vermeld aan die onderskeie departemente toewys, en kan, indien hy dit nodig ag,

(5) A member who arrives after the names of the members have been called shall not be entitled to vote.

(6) If only one member is proposed and seconded as Chairman he shall be declared elected.

Election of Councillors

19. Immediately after the Chairman has been elected the Representative Authority shall proceed to the election of the other members of the Executive Council from among the members of the Representative Authority and the provisions of section 18 shall apply *mutatis mutandis* at the election of such members.

Period of office of Chairman and Councillors

20. Subject to the provisions of section 21 the Chairman and Councillors shall hold office until their successors are elected in terms of sections 18 or 19, as the case may be.

Vacating of office by Chairman and Councillors

21. The Chairman or a Councillor shall vacate his office if—

(a) in terms of section 6, his seat in the Representative Authority is deemed to have been vacated; or

(b) he resigns his office by notice in writing addressed to the Speaker of the Representative Authority.

Removal of Chairman or a Councillor

22. (1) The Representative Authority may for sound and cogent reasons, by decision of the Representative Authority, remove the Chairman or a Councillor and order the election of a new Chairman or Councillor in his stead.

(2) The Speaker of the Representative Authority shall forthwith, after the removal of the Chairman or a Councillor by the Representative Authority, proceed to the election of a new Chairman or Councillor in terms of the provisions of this Proclamation.

Filling of casual vacancies in the Executive Council

23. (1) Any casual vacancy occurring in the office of Chairman or Councillor shall be filled by election in accordance with the provisions of this Proclamation, which election shall be held within a period of 14 days from the date on which such vacancy occurred if the Representative Authority is then in session and if the Representative Authority is not then in session a special session of the Representative Authority shall be convened for this purpose within a period of 14 days from the date upon which such vacancy occurred.

(2) A member elected as provided in subsection (1) shall, unless his office sooner becomes vacant or he is removed from office, hold office for the unexpired portion of the period for which his predecessor would have remained in office.

Functions of Chairman and Councillors

24. (1) The Chairman, or in his absence, a Councillor nominated by him for this purpose, shall preside at all Executive Council meetings.

(2) Whenever the office of Chairman becomes vacant or he is absent or unable to act and no Councillor has been nominated in terms of subsection (1) to act, the Executive Council shall designate one of their number to act as Chairman until the vacancy is filled or until the Chairman is able to resume his office, as the case may be.

(3) The Representative Authority shall, as he deems fit, assign and allocate the responsibility for the control and administration of the different departments to the various Councillors, and he may allocate the various matters set out in Schedule A to the different departments, and may, if he deems it necessary, re-organise such departments in

bedoelde departemente na oorlegpleging met die Regeeringsdienskommissie en die betrokke Raadslede met die oog op beter administrasie herorganiseer.

Die voer van verrigtinge van Uitvoerende Raad

25. (1) Kwessies wat in die Uitvoerende Raad ontstaan, word deur 'n meerderheid van stemme van die aanwesige Raadslede beslis en in die geval van 'n staking van stemme het die Voorsitter 'n beslissende stem.

(2) Die Uitvoerende Raad kan reëls maak vir die wyse waarop sy vergaderings gehou word.

(3) Die Uitvoerende Raad kan van tyd tot tyd uit eie gelede 'n komitee aanstel vir enige doel wat hy nodig ag, en kan een of meer lede van die Verteenwoordigende Owerheid koöpteer om in sodanige komitee te dien en sodanige komitee doen aan die Uitvoerende Raad verslag oor sy bevindings en kan sodanige aanbevelings as wat hy nodig ag aan die Uitvoerende Raad vir oorweging voorlê.

(4) Die Sekretaris van 'n departement en enige ander persoon, kan deur die Uitvoerende Raad toegelaat word om enige vergadering van die Uitvoerende Raad by te woon om advies te gee oor aangeleenthede wat binne die bestek van die administrasie van die Damaravolk val.

Eed wat lede van die Uitvoerende Raad moet aflê

26. Elke Raadslid, met inbegrip van die Voorsitter moet, voordat hy sy amp aanvaar, voor die Speaker of in sy afwesigheid die Adjunk-speaker of die lid wat op die betrokke sitting van die Verteenwoordigende Owerheid voorsit na gelang van die geval, 'n eed of 'n plegtige verklaring in die volgende vorm aflê en onderteken:

Ek, A.B., sweer dat ek my amp as lid van die Uitvoerende Raad van die Damara- Verteenwoordigende Owerheid op eervolle en waardige wyse sal beklee; dat ek alle wette wat in die gebied onder jurisdiksie van die Verteenwoordigende Owerheid van toepassing is, sal eerbiedig en handhaaf; dat ek 'n opregte en getroue Raadslid sal wees; dat ek geen sake wat voor die Uitvoerende Raad dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek my ampsligte met nougesetheid en na my beste vermoë sal nakom; en ek onderneem voor God om hierdie eed te eerbiedig.

So help my God.

SPEAKER EN ADJUNK-SPEAKER

Verkieping van Speaker en Adjunk-speaker

27. Onmiddellik nadat die Voorsitter en Raadslede verkies is, gaan die Verteenwoordigende Owerheid oor tot die verkieping van 'n Speaker en 'n Adjunk-speaker, en die prosedure wat by die verkieping van die Voorsitter gevolg word, is *mutatis mutandis* van toepassing by die verkieping van 'n Speaker en 'n Adjunk-speaker.

Ampstermyn van Speaker en Adjunk-speaker

28. Behoudens die bepalings van artikels 6 en 29 (1), beklee die Speaker en die Adjunk-speaker hulle amp vir die duur van die termyn van die Verteenwoordigende Owerheid: Met dien verstande dat indien die amp van Speaker of van Adjunk-speaker vakant raak, 'n lid, soos bepaal in hierdie Proklamasie, verkies moet word tot Speaker of Adjunk-speaker, na gelang van die geval, wat, tensy sy amp eerder ontruim word, sy amp beklee vir die onverstreke gedeelte van die tydperk waartydens sy voorganger in die amp sou aangebly het.

Ontruiming van amp deur Speaker of Adjunk-speaker

29. (1) Die Speaker of die Adjunk-speaker ontruim sy amp—

(a) indien sy setel as lid van die Verteenwoordigende Owerheid geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

the interest of better administration after consultation with the Government Service Commission and with the Councillors concerned.

Conduct of proceedings of Executive Council

25. (1) Questions arising in the Executive Council shall be determined by a majority of votes of the Councillors present and in the case of an equality of votes the Chairman shall have a casting vote.

(2) The Executive Council may make rules for the conduct of its meetings.

(3) The Executive Council may from time to time appoint a committee from among its members for any purpose it may deem necessary and may co-opt one or more members of the Representative Authority to serve on such committee and such committee shall report on its findings to the Executive Council and may submit such recommendations as it may deem necessary to the Executive Council for consideration.

(4) The Secretary of a department and any other person may be permitted by the Executive Council to attend any meeting of the Executive Council to advise on matters falling within the purview of the administration of the Damara Nation.

Oath to be taken by members of Executive Council

26. Every Councillor, including the Chairman, shall before assuming office make and subscribe before the Speaker or, in his absence, the Deputy Speaker or the member presiding at the relevant session of the Representative Authority, as the case may be an oath or a solemn affirmation in the following form:

I, A.B., do hereby swear to hold my office as Member of the Executive Council of the Damara Representative Authority with honour and dignity; to respect and uphold all laws applicable in the area under the jurisdiction of the Representative Authority; to be a true and faithful Councillor, not to divulge directly or indirectly any matters brought before the Executive Council which are entrusted to me under secrecy; and to perform the duties of my office conscientiously and to the best of my ability; and I undertake before God to honour this oath.

So help me God.

SPEAKER AND DEPUTY SPEAKER

Election of Speaker and Deputy Speaker

27. Immediately after the Chairman and Councillors have been elected the Representative Authority shall proceed with the election of a Speaker and a Deputy Speaker, and the procedure followed at the election of the Chairman shall apply *mutatis mutandis* at the election of a Speaker and a Deputy Speaker.

Period of office of Speaker and Deputy Speaker

28. Subject to the provisions of sections 6 and 29 (1) the Speaker and the Deputy Speaker shall hold office for the duration of the term of the Representative Authority: Provided that if the office of Speaker or Deputy Speaker becomes vacant a member shall, as provided in this Proclamation, be elected Speaker or Deputy Speaker, as the case may be, who shall, unless his office is sooner vacated, hold office for the unexpired period for which his predecessor would have remained in office.

Vacating of office by Speaker or Deputy Speaker

29. (1) The Speaker or the Deputy Speaker shall vacate his office—

(a) if his seat as a member of the Representative Authority is deemed to have been vacated in terms of the provisions of this Proclamation;

(b) indien hy uit sy amp as Speaker of Adjunk-speaker bedank by skriftelike kennisgewing aan die Sekretaris of 'n aankondiging tot dien effekte op 'n sitting van die Verteenwoordigende Owerheid doen; of

(c) indien hy by besluit van die Verteenwoordigende Owerheid van sy amp onthef word.

(2) Indien die Speaker of die Adjunk-speaker sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Verteenwoordigende Owerheid of by besluit van die Verteenwoordigende Owerheid, ver-wittig die Sekretaris die Verteenwoordigende Owerheid dienooreenkomstig gedurende die eerste daaropvolgende sessie van die Verteenwoordigende Owerheid.

Aanvulling van toevallige vakatures

30. 'n Toevallige vakature in die amp van Speaker of van Adjunk-speaker word, indien die Verteenwoordigende Owerheid in sessie is wanneer die vakature ontstaan, aangevul deur die verkiesing van 'n bekleër vir die betrokke amp op die wyse in hierdie Proklamasie bepaal, en indien die Verteenwoordigende Owerheid nie dan in sessie is nie, vind sodanige verkiesing in die daaropvolgende sessie plaas.

WETGEWING

Goedkeuring van en ondertekening van wette

31. (1) Elke wetsontwerp wat deur die Verteenwoordigende Owerheid aangeneem is, moet onverwyld nadat dit aangeneem is, tesame met die verduidelikende opmerkings wat nodig is om die omvang, uitwerking en redes vir die aanname daarvan aan te dui aan die Staatspresident vir sy goedkeuring voorgelê word.

(2) (a) Die Staatspresident kan, wanneer 'n wetsontwerp aan hom voorgelê word, dit goedkeur of dit na die Verteenwoordigende Owerheid terugverwys vir verdere oorweging in die lig van die verdere inligting en advies wat gegee word.

(b) Waar die Staatspresident sy goedkeuring tot 'n wetsontwerp verleen, word een eksemplaar van die wetsontwerp deur hom onderteken.

(3) 'n Opgawe wat aandui dat 'n wetsontwerp vir verdere oorweging terugverwys is, word binne sewe dae na ontvangs daarvan deur die Uitvoerende Raad, indien die Verteenwoordigende Owerheid in sessie is, of, as die Verteenwoordigende Owerheid nie in sessie is nie, binne sewe dae na die aanvangsdatum van die volgende sessie van die Verteenwoordigende Owerheid, in die Verteenwoordigende Owerheid ter tafel gelê saam met die inligting en advies wat die Staatspresident gegee het.

Afkondiging en datum van inwerkingtreding van wette

32. (1) Die Uitvoerende Raad van die gebied laat elke wet ten opsigte waarvan goedkeuring verleen is, in die *Amptelike Koerant* afkondig.

(2) 'n Wet tree in werking op die datum waarop dit in die *Amptelike Koerant* afgekondig word, tensy sodanige wet self bepaal dat dit in werking tree op 'n ander datum of op 'n datum wat by kennisgewing daarkragtens bepaal moet word.

(3) 'n Wet wat deur die Staatspresident goedgekeur is en wat behoorlik afgekondig is, het regs-krag onderworpe aan die bepalings van hierdie Proklamasie.

Registrasie van wette

33. (1) So spoedig moontlik nadat die Staatspresident 'n wet goedgekeur het, laat die Uitvoerende Raad eksemplare van die wet, in elk van die amptelike tale, opneem in die register van die kantoor van die griffier van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika.

(b) if he resigns his office as Speaker or Deputy Speaker by notice, in writing, to the Secretary or makes an announcement to that effect at a sitting of the Representative Authority; or

(c) if he is removed from office by resolution of the Representative Authority.

(2) If the Speaker or the Deputy Speaker vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Representative Authority or by resolution of the Representative Authority, the Secretary shall at the first ensuing session of the Representative Authority inform it accordingly.

Filling of casual vacancies

30. A casual vacancy in the office of Speaker or of Deputy Speaker shall, if the Representative Authority is in session when the vacancy occurs, be filled by the election of an incumbent to the office concerned in the manner provided in this Proclamation and if the Representative Authority is then not in session such election shall take place at its next session.

LEGISLATION

Approval of and signing of laws

31. (1) Every bill passed by the Representative Authority shall forthwith, after having been passed, together with such explanatory observations as may be necessary to indicate the scope, effect and reasons for the passing thereof, be submitted to the State President for his approval.

(2) (a) The State President may on presentation to him of a bill declare that he approves thereof or refer it back to the Representative Authority for further consideration in the light of such further information and advice as may be given.

(b) Where a bill is approved of by the State President, one copy of the bill shall be signed by him.

(3) A return indicating that a bill has been referred back for further consideration shall within a period of seven days after it has been received by the Executive Council, if the Representative Authority is in session, or, if the Representative Authority is not in session, within a period of seven days after the date of the opening of the next session of the Representative Authority, be laid upon the table of the Representative Authority together with such information and advice as may have been given by the State President.

Promulgation and date of coming into operation of laws

32. (1) The Executive Council of the area shall cause every law to which approval has been given to be published in the *Official Gazette*.

(2) A law shall come into operation on the date of its publication in the *Official Gazette*, unless such law itself provides that it shall come into operation on another date or on a date to be fixed by notice thereunder.

(3) A law approved of by the State President and duly promulgated shall, subject to the provisions of this Proclamation, have the force of law.

Enrolment of laws

33. (1) As soon as possible after a law has been approved by the State President, the Executive Council shall cause fair copies of the law, in each of the official languages, to be enrolled of record in the office of the registrar of the South-West Africa division of the Supreme Court of South Africa.

(2) Bedoelde eksemplare is afdoende bewys van die bepalings van die wet, en in geval van verskil tussen die eksemplare aldus opgeneem, gee die eksemplaar wat deur die Staatspresident onderteken is, die deurslag.

(3) Die regsgeldigheid of inwerkingtreding van 'n wet word nie geraak deur versuim om eksemplare aldus te laat opneem nie.

Voortbestaan van bestaande wette

34. Behoudens die bepalings van hierdie Proklamasie bly alle wette wat onmiddellik voor die samestelling van die eerste Uitvoerende Raad vir die gebied ingevolge hierdie Proklamasie in die gebied of 'n gedeelte daarvan van krag was, van krag tot dat hulle deur die bevoegde gesag herroep of gewysig word.

Beslissings oor geldigheid van wette van 'n Verteenwoordigende Owerheid

35. (1) Die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika is bevoeg om uitspraak te doen oor die geldigheid van 'n wet van die Verteenwoordigende Owerheid.

(2) Geen landdroshof of ander laerhof is bevoeg om oor die geldigheid van 'n wet van die Verteenwoordigende Owerheid uitspraak te doen nie.

Registrasie van voertuie en bestuurderslisensies

36. 'n Wet wat deur die Verteenwoordigende Owerheid ten opsigte van die registrasie van voertuie of die lisensiering van bestuurders daarvan gemaak is, is nie van toepassing nie met betrekking tot 'n voertuig wat buite die gebied geregistreer is of iemand wat buite die gebied gelisensieer is om 'n voertuig te bestuur, indien daardie voertuig in die gebied ingebring word of so iemand die gebied binnegaan, en nie vir langer as ses agtereenvolgende maande daarin bly nie.

EISE TEEN VERTEENWOORDIGENDE OWERHEID

37. (1) 'n Eis teen die Verteenwoordigende Owerheid van die gebied, wat, indien daardie eis teen 'n persoon ontstaan het, 'n gedingorsaak in 'n bevoegde hof sou uitmaak, is deur daardie hof beregbaar, hetsy die eis ontstaan uit 'n kontrak wat wettiglik namens die Verteenwoordigende Owerheid van die gebied aangegaan is of uit 'n onregmatige daad wat gepleeg is deur 'n dienaar van die Verteenwoordigende Owerheid, terwyl hy in sy hoedanigheid van, en binne die bestek van sy bevoegdheid as, so 'n dienaar gehandel het.

(2) In 'n aksie of ander regsgeding wat uit hoofde van die bepalings van subartikel (1) ingestel word, kan die lid van die Uitvoerende Raad wat vir die administrasie van die betrokke departement verantwoordelik is as nominale verweerder of respondent versantwoordelike.

(3) Geen lasbrief tot tenuitvoerlegging of beslaglegging of dergelike prosesstuk kan teen die nominale verweerder of respondent in so 'n aksie of regsgeding of teen eiendom van die Verteenwoordigende Owerheid uitgereik word nie, maar die bedrag, as daar is, wat vereis word om te voldoen aan 'n uitspraak of bevel wat teen die nominale verweerder of respondent in so 'n aksie of regsgeding gedoen of uitgereik is, kan uit die Inkomstefonds betaal word.

(4) Die bepalings van hierdie artikel maak geen inbreuk nie op 'n bepaling van 'n wet wat—

(a) die aanspreeklikheid van die Verteenwoordigende Owerheid van die gebied of 'n departement daarvan ten opsigte van 'n handeling of versuim van sy dienaars beperk;

(b) bepaalde tydperke voorskryf waarin 'n eis ten opsigte van sodanige aanspreeklikheid ingestel moet word; of

(c) voorwaardes vir die instelling van 'n aksie oplê.

(2) Such copies shall be conclusive evidence of the provisions of the law, and in the case of conflict between the copies thus enrolled, the copy signed by the State President shall prevail.

(3) The validity or coming into operation of any law shall not be affected by failure to cause copies so to be enrolled.

Continuation of existing laws

34. Subject to the provisions of this Proclamation, all laws which immediately prior to the constitution of the first Executive Council for the area in terms of this Proclamation, were in force in the area or any portion thereof, shall continue in force until repealed or amended by the competent authority.

Decisions on validity of laws of a Representative Authority

35. (1) The South-West Africa division of the Supreme Court of South Africa shall be competent to pronounce upon the validity of a law of the Representative Authority.

(2) No magistrate's court or other inferior court shall be competent to pronounce upon the validity of a law of the Representative Authority.

Registration of vehicles and drivers' licences

36. No law made by a Representative Authority in respect of the registration of vehicles or the licensing of drivers thereof shall apply with reference to any vehicle registered outside the area or any person licensed outside such area to drive a vehicle, if such vehicle is brought into, or such person enters, the area and does not remain therein for a longer period than six consecutive months.

CLAIMS AGAINST REPRESENTATIVE AUTHORITY

37. (1) Any claim against the Representative Authority of the area which would, if that claim had arisen against a person, be the ground of an action in any competent court, shall be cognisable by such court, whether the claim arises out of any contract lawfully entered into on behalf of the Representative Authority of the area or out of any wrong committed by any servant of the Representative Authority acting in his capacity and within the scope of his authority as such servant.

(2) In any action or other proceedings instituted by virtue of the provisions of subsection (1), the member of the Executive Council responsible for the administration of the department concerned may be cited as nominal defendant or respondent.

(3) No writ of execution or attachment or like process shall be issued against the nominal defendant or respondent in any such action or proceedings or against any property of the Representative Authority, but the amount, if any, which may be required to satisfy any judgment or order given or made against the nominal defendant or respondent in such action or proceedings may be paid out of the Revenue Fund.

(4) Nothing in this section contained shall affect any provision of any law which—

(a) limits the liability of the Representative Authority of the area or a department thereof in respect of any act or omission of its servants;

(b) prescribes specified periods within which a claim is to be made in respect of any such liability; or

(c) imposes conditions on the institution of any action.

HOWE

Bestaande howe bly voortbestaan

38. (1) Ondanks die bepalings van hierdie Proklamasie bly elke wettiglik saamgestelde hof voortbestaan wat in die gebied, op die datum waarop die eerste uitvoerende raad vir die gebied saamgestel is, bevoeg is om straf- of siviele sake van welke aard of omvang ook al te verhoor of met betrekking tot laerhowe hersieningsbevoegdheid of die bevoegdheid om appèlle te verhoor, besit, en bly dit in werking ooreenkomstig die bestaande samestelling en jurisdiksie daarvan totdat dit deur die daartoe bevoegde gesag verander of ontbind word.

(2) Die bevoegdheid wat ingevolge die Wet op Landdroshowe, 1944 (Wet 32 van 1944), of die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie 15 van 1928 van die Administrateur van die gebied Suidwes-Afrika), aan 'n Minister of aan 'n beamppte van die Republiek verleen word om 'n landdroshof of 'n naturellekommissarishof in te stel of af te skaf of om 'n regterlike beamppte of ander beamppte daarvoor aan te stel in die gebied, berus by die betrokke lid van die Uitvoerende Raad of by die ooreenstemmende beamppte in die gebied, na gelang van die geval: Met dien verstande dat so 'n hof nie deur bedoelde lid of so 'n beamppte ingestel of afgeskaf word, en so 'n regterlike beamppte of ander beamppte nie deur hom aangestel word nie, ten opsigte van persone wat nie lede van die Damaravolk is nie, behalwe met die goedkeuring van 'n persoon deur die Staatspresident aangewys.

(3) Die bepalings van hierdie artikel word nie uitgelê as sou dit 'n Minister of beamppte van die Republiek belet om 'n landdroshof ingevolge die Wet op Landdroshowe, 1944, of 'n naturellekommissarishof ingevolge die Naturelle-administrasie-Proklamasie, 1928, in 'n gedeelte van die gebied vir die verhoor of beregting van sake van persone of tussen partye wat nie lede van die Damaravolk is nie, in te stel of af te skaf nie, en so 'n hof kan, ondanks die bepalings van of genoemde Wet of genoemde proklamasie, ten opsigte van enige getal van bedoelde gedeeltes van die gebied ingestel word, ongeag of dit 'n enkele gebied uitmaak al dan nie.

(4) Die jurisdiksie van 'n hof wat ingevolge 'n wet van die Verteenwoordigende Owerheid ingestel is, is, wat betref persone en gebied, beperk in die mate waarvoor daar ingevolge subartikel (3) voorsiening gemaak is.

Howe ingestel ingevolge 'n wet van 'n Verteenwoordigende Owerheid, en aangeleenthede wat daarmee in verband staan

39. (1) (a) Die jurisdiksie, bevoegdhede, pligte en werksaamhede van 'n laerhof wat ingestel is deur die bevoegde gesag in die gebied ingevolge 'n wet deur die Verteenwoordigende Owerheid gemaak ingevolge die bevoegdhede uit hoofde van die bepalings van hierdie Proklamasie aan hom verleen, of van 'n regterlike beamppte daarvoor aangestel, oorskry nie die jurisdiksie, bevoegdhede, pligte en werksaamhede ten opsigte van die gebied waarvoor dit ingestel is, van 'n landdroshof ingestel kragtens die Wet op Landdroshowe, 1944 (Wet 32 van 1944), of 'n landdroshof aangestel is nie, na gelang van die geval, en verrigtings in so 'n laerhof of voor so 'n regterlike beamppte, met inbegrip van verrigtings in verband met 'n wet deur die Verteenwoordigende Owerheid gemaak, word vir die doeleindes van 'n wet wat in die gebied Suidwes-Afrika van krag is, geag verrigtings in so 'n landdroshof of, na gelang van die geval, voor so 'n landdroshof te wees: Met dien verstande dat die Prokureur-generaal van die Suidwes-Afrika-afdeling van die Hooggeregshof van Suid-Afrika in 'n bepaalde geval kan gelas dat verrigtings ingestel word in, of, indien dit reeds ingestel is, oorgeplaas word na, 'n ander hof, hetsy binne of buite

COURTS

Existing courts to continue

38. (1) Notwithstanding anything in this Proclamation contained, every lawfully constituted court having jurisdiction in the area, on the date upon which the first executive council for the area is constituted, to hear criminal or civil cases of whatever nature or scope or having power of review or of hearing of appeals from inferior courts, shall remain in existence and remain functioning in accordance with its existing constitution and jurisdiction until altered or disestablished by the authority having power to do so.

(2) The power conferred on a Minister or on any officer of the Republic in terms of the provisions of the Magistrates' Courts Act, 1944 (Act 32 of 1944), or the Native Administration Proclamation, 1928 (Proclamation 15 of 1928 of the Administrator of the territory of South-West Africa), to establish or disestablish a magistrate's court or a native commissioner's court or to appoint any judicial officer or other officer thereto in the area, shall vest in the member of the Executive Council concerned, or, as the case may be, in the corresponding officer of the area: Provided that no such court shall be established or disestablished and no such judicial officer or other officer shall be appointed by such member or by any such officer in respect of persons who are not members of the Damara Nation, without the approval of a person designated by the State President.

(3) Nothing in this section contained shall be construed as preventing any Minister or officer of the Republic from establishing or disestablishing a magistrate's court in terms of the Magistrates' Courts Act, 1944, or a native commissioner's court in terms of the Native Administration Proclamation, 1928, in any portion of the area, for the trial or hearing of cases of persons or between parties who are not members of the Damara Nation or any one of whom is not a member of the Damara Nation, and any such court may notwithstanding anything contained in either the said Act or the said Proclamation, be established in respect of any number of such portions of the area, whether or not constituting a single area.

(4) The jurisdiction of any court established in terms of any law of the Representative Authority, shall in respect of persons and area be limited to the extent for which provision has been made in terms of subsection (3).

Courts established in terms of a law of a Representative Authority, and matters incidental thereto

39. (1) (a) The jurisdiction, powers, duties and functions of any inferior court established by the competent authority in the area, in terms of any law made by the Representative Authority in pursuance of the powers conferred upon it by virtue of the provisions of this Proclamation, or of any judicial officer appointed thereto, shall not exceed the jurisdiction, powers, duties and functions in respect of the area for which it has been established, of a magistrate's court established under the Magistrates' Courts Act, 1944 (Act 32 of 1944), or, as the case may be, a magistrate appointed under that Act in respect of such a magistrate's court, and any proceedings in any such inferior court or before any such judicial officer, including proceedings in connection with any law made by the Representative Authority, shall, for the purposes of any law in force in the territory of South-West Africa, be deemed to be proceedings in such a magistrate's court, or as the case may be, before such magistrate: Provided that the Attorney-General of the South-West Africa division of the Supreme Court of South Africa, may in any particular case direct that proceedings be instituted in, or, if already commenced, be transferred to, any other court,

die gebied, en daarop geld die bepalings van 'n toepaslike wet *mutatis mutandis* asof die lasgewing kragtens artikel 59 (6) van die Strafprosesordonnansie, 1963 (Ordonnansie 34 van 1963 van die gebied Suidwes-Afrika), geskied het.

(b) 'n Wet wat deur die Verteenwoordigende Owerheid ten opsigte van laerhowe gemaak is, kan, behoudens die bepalings van artikel 38 (4) voorsiening maak vir die wysiging of herroeping van die Wet op Landdroshowe, 1944, of die bepalings van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie 15 van 1928 van die Administrateur van die gebied Suidwes-Afrika), met betrekking tot howe, vir sover genoemde Wet of genoemde bepalings in die gebied geld.

(2) Verrigtings kragtens 'n wet wat deur die Verteenwoordigende Owerheid gemaak is, kan vir sover daardie wet van toepassing is op lede van die Damaravolk wat buite die gebied maar binne die gebied Suidwes-Afrika woon, teen so 'n lid ingestel word in 'n bevoegde hof wat regsbevoegdheid besit in die gebied waarin bedoelde lid is of woon.

(3) 'n Bedrag deur die Regering van die Republiek of van die gebied verhaal in verrigtings voor 'n laerhof in subartikel (1) bedoel of voor 'n ander hof uit hoofde van die bepalings van subartikel (2), behalwe 'n bedrag betaal by wyse van 'n strafregtelike boete wat in dié verrigtings opgelê is, word gestort—

(a) in die geval van 'n bedrag verhaal in verrigtings in verband met 'n wet wat deur die Verteenwoordigende Owerheid gemaak is of ten opsigte van inkomste wat die Inkomstefonds toeval, in die Inkomstefonds; en

(b) in 'n ander geval, in die Inkomstefonds van die gebied Suidwes-Afrika;

en 'n bedrag aldus verhaal by wyse van 'n strafregtelike boete opgelê, word, indien die verrigtings plaasgevind het voor 'n laerhof wat ingevolge 'n wet van die Verteenwoordigende Owerheid ingestel is, in die Inkomstefonds, en, in 'n ander geval, in die Inkomstefonds van die gebied Suidwes-Afrika gestort.

DIVERSE BEPALINGS

Verteenwoordigende Owerheid moet rekords hou

40. Die Verteenwoordigende Owerheid moet rekord hou van die vernaamste gebeurtenisse wat plaasvind vanaf die datum van die instelling daarvan, en in die besonder moet die volgende opgeteken word:

(a) Alle wette, proklamasies en goewermentskennisgewings met betrekking tot die instelling of sake van die Verteenwoordigende Owerheid;

(b) die name en ampstermyne van Voorsitters, Raadslede, Speakers, Adjunk-speakers en lede van die Verteenwoordigende Owerheid; en

(c) sodanige ander aangeleenthede as wat die Verteenwoordigende Owerheid bepaal.

Gebruik van tale

41. (1) Alle Notules en Ordelyste van die Verteenwoordigende Owerheid moet of in Afrikaans of in Engels gehou word: Met dien verstande dat geregtelike, administratiewe en finansiële dokumente ook, na gelang van omstandighede, aldus gehou word.

(2) Die Verteenwoordigende Owerheid moet 'n *verbatim* verslag van die verrigtinge van die Verteenwoordigende Owerheid byhou en sodanige verslag moet in Afrikaans en/of in Engels gehou word.

DEEL II

FINANSIËLE AANGELEENTHEDE

Inkomstefonds

42. (1) Daar is 'n Inkomstefonds vir die gebied waarin alle inkomste wat deur die Verteenwoordigende Owerheid van die gebied gehef word of wat aan hom toeval, gestort

whether within or outside the area and thereupon the provisions of any applicable law shall apply *mutatis mutandis* as if the direction had been given under section 59 (6) of the Criminal Procedure Ordinance, 1963 (Ordinance 34 of 1963 of the territory of South-West Africa).

(b) Any law made by the Representative Authority in respect of inferior courts may, subject to the provisions of section 38 (4), provide for the amendment or repeal of the Magistrates' Courts Act, 1944, or the provisions of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928 of the Administrator of the territory of South-West Africa), relating to courts, in so far as the said Act or the said provisions apply in the area.

(2) Any proceedings under any law made by the Representative Authority may, in so far as such law applies to members of the Damara Nation who are resident outside the area but within the territory of South-West Africa, be instituted against any such a member in any competent court having jurisdiction in the area within which such member may be or may be resident.

(3) Any amount recovered by the Government of the Republic or of the area in any proceedings before an inferior court referred to in subsection (1) or before any other court by virtue of the provisions of subsection (2), not being an amount paid by way of any criminal penalty imposed in such proceedings, shall be paid—

(a) in the case of an amount recovered in proceedings in connection with any law made by the Representative Council or in respect of revenue accruing to the Revenue Fund, into the Revenue Fund; and

(b) in any other case, into the Revenue Fund of the territory of South-West Africa;

and an amount so recovered by way of any criminal penalty imposed shall be paid, if the proceedings were heard before an inferior court established in terms of any law of the Representative Authority, into the Revenue Fund, and in any other case, into the Revenue Fund of the territory of South-West Africa.

MISCELLANEOUS PROVISIONS

Representative Authority to keep records

40. The Representative Authority shall keep a record of the main events taking place from the date of its establishment, and in particular the following shall be recorded:

(a) All laws, proclamations and government notices relating to its establishment or affairs;

(b) the names and periods of office of the Chairman, Councillors, Speakers, Deputy Speakers and members of the Representative Authority; and

(c) such other matters as it may determine.

Use of languages

41. (1) All Votes and Proceedings of the Representative Authority shall be kept either in English or Afrikaans: Provided that judicial, administrative and financial documents shall also, as circumstances may dictate, be so kept.

(2) The Representative Authority shall maintain a *verbatim* record of the proceedings of the Representative Authority and such record shall be kept in English and/or Afrikaans.

PART II

FINANCIAL MATTERS

Revenue Fund

42. (1) There is a Revenue Fund for the area into which shall be paid all revenue imposed by or accruing to the Representative Authority of the area, and the provisions of the Exchequer and Audit Act, 1975, and the

word, en die bepalings van die Skatkis- en Ouditwet, 1975, en die regulasies, instruksies en voorskrifte ingevolge artikels 38, 39, 40 en 51 daarvan, reël die administrasie en beheer van die Inkomstefonds vir sover dit toegepas kan word en nie met hierdie Proklamasie onbestaanbaar is nie: Met dien verstande dat waar in genoemde Wet of in regulasies, instruksies of voorskrifte wat daarkragtens uitgevaardig is, die magtiging of goedkeuring van die Parlement, die Tesourie, 'n Minister of die Sekretaris van 'n departement of 'n beamppte voorgeskryf word as 'n vereiste vir 'n handeling, of werksaamheid verrig moet word, die betrokke bepaling uitgelê word asof dit na die Verteenwoordigende Owerheid of die gepaste raadslid, sekretaris of beamppte van die gebied verwys: Met dien verstande voorts dat enige verwysing in genoemde Wet of in regulasies, instruksies of voorskrifte wat daarkragtens uitgevaardig is, na die Bank geag 'n verwysing na 'n geregistreerde handelsbank te wees.

(2) Vanaf 'n datum deur 'n persoon deur die Staatspresident aangewys, bepaal word dat daar in die Inkomstefonds van die gebied gestort word—

(a) al die geld betaalbaar—

(i) deur 'n lid van die Damaravolk ten opsigte van belastinge en heffings opgelê deur of ingevolge 'n wet van die Verteenwoordigende Owerheid, behalwe vir sover die Verteenwoordigende Owerheid anders bepaal;

(ii) ingevolge 'n Wet van die Parlement of 'n ordonnansie van die Wetgewende Vergadering van die gebied Suidwes-Afrika wat 'n belasting hef op inkomste, profyte of winste (ongegag of dié Wet of ordonnansie, na gelang van die geval, voor of na die inwerkingtreding van hierdie Proklamasie, aangeneem is of word), deur 'n maatskappy wat ingevolge die betrokke Wet of ordonnansie as 'n private maatskappy erken word en in die gebied bestuur en beheer word en waarin lede van die Damaravolk 'n beherende belang het;

(iii) ingevolge 'n Wet van die Parlement wat 'n boedel of suksessiebelasting hef (ongegag of die Wet voor of na die inwerkingtreding van hierdie Proklamasie aangeneem is of word), ten opsigte van die boedel van 'n lid van die Damaravolk wat ten tyde van sy dood gewoonlik in die gebied woonagtig was;

(b) alle inkomste wat die Verteenwoordigende Owerheid van die gebied toeval, met inbegrip van lisensiegeelde, belastinge, kantoorgeelde, boetes, verbeurings, huurgeld en ander geld verky uit of in die loop van die administrasie van die aangeleenthede ten opsigte waarvan die Verteenwoordigende Owerheid ingevolge hierdie Proklamasie wette kan maak, of uit ander inkomstebronne wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal;

(c) 'n jaarlikse toekenning (wat uit die Staatsinkomstefonds betaal moet word) van 'n bedrag wat deur die Minister van Finansies van die Republiek, na oorlegpleging met die Ouditeur-generaal, goedgekeur is en wat in ooreenstemming is met die uitgawe deur die Regering van die Republiek en die Administrasie van die Gebied Suidwes-Afrika ten opsigte van die aangeleenthede waarvan die administrasie, ooreenkomstig hierdie Proklamasie, aan die Verteenwoordigende Owerheid van die gebied oorgedra word, gedurende die boekjaar wat die datum van die oordrag voorafgaan, min—

(i) die inkomste uit bestaande inkomstebronne soos bepaal deur 'n persoon deur die Staatspresident aangewys in oorleg met die Minister van Finansies van die Republiek wat gedurende genoemde boekjaar aan die Staatsinkomstefonds van die Republiek toegeval het en wat ingevolge paragrawe (a) en (b) aan die Inkomstefonds sal toeval;

regulations, instructions and orders in terms of sections 38, 39, 40 and 51 thereof shall govern the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with this Proclamation: Provided that whenever in the said Act or in regulations, instructions or orders issued in terms thereof, the authority or approval of Parliament, the Treasury, a Minister or the Secretary of a department or any official is prescribed as necessary for an Act, or any function is to be performed, the relevant provision shall be construed as referring to the Representative Authority or the appropriate Councillor, Secretary or official of the area: Provided further that any reference in the said Act or in regulations, instructions or orders issued in terms thereof to a Bank, shall be construed as referring to a registered commercial bank.

(2) As from a date determined by a person designated by the State President there shall be paid into the Revenue Fund of the area—

(a) all moneys payable—

(i) by a member of the Damara Nation in respect of taxes and levies imposed by or in terms of a law of the Representative Authority, except in so far as the Representative Authority may otherwise determine;

(ii) in terms of an Act of Parliament or an ordinance of the Legislative Assembly of the Territory of South-West Africa imposing any tax on incomes, profits or gains (whether such Act or ordinance, as the case may be, was or is passed before or after the commencement of this Proclamation), by any company which is recognised as a private company in terms of the relevant Act or ordinance and is managed and controlled in the area and in which members of the Damara Nation have a controlling interest;

(iii) in terms of any Act of Parliament imposing an estate or succession duty (whether such Act was or is passed before or after the commencement of this proclamation), in respect of the estate of any member of the Damara Nation who at the time of his death was ordinarily resident in the area;

(b) all revenue and income accruing to the Representative Authority of the area, including licence fees, taxes, fees of office, fines, forfeitures, rents and other moneys deriving from or in the course of the administration of those matters in respect of which the Representative Authority may make laws in terms of this Proclamation, or from any other sources of revenue which may be determined by the State President by proclamation in the *Gazette*;

(c) an annual grant (to be paid from the State Revenue Fund) of an amount approved by the Minister of Finance of the Republic after consultation with the Auditor-General and corresponding to the expenditure by the Government of the Republic and the Administration of the Territory of South-West Africa in respect of the matters the administration of which is, in accordance with this Proclamation transferred to the representative Authority of the area, during the financial year preceding the date of the transfer, less—

(i) the income from existing sources of revenue as determined by a person designated by the State President, in consultation with the Minister of Finance of the Republic, which accrued to the State Revenue Fund of the Republic during the said financial year and which will in terms of paragraphs (a) and (b) accrue to the Revenue Fund;

(ii) die salarisse, toelaes, pensioenbydraes en ander voordele wat deur die Regering van die Republiek betaalbaar is aan of ten opsigte van beamptes van die Republiek wat ingevolge artikel 12 (4) in die gebied dien;

(d) die bykomende bedrag wat die Parlement bewillig vir betaling uit die Staatsinkomstefonds in die Inkomstefonds vir 'n bepaalde doel of vir die behoorlike uitvoering in die algemeen van dienste en pligte wat ingevolge hierdie Proklamasie aan die Verteenwoordigende Owerheid van die gebied opgedra is.

(3) Ten opsigte van die tydperk tussen die datum waarop die Verteenwoordigende Owerheid vir die gebied ingestel is en die toepaslike datum wat kragtens subartikel (2) bepaal is, word alle uitgawes in verband met departemente en aangeleenthede ten opsigte waarvan die Verteenwoordigende Owerheid wette kan maak, bestry uit die bron waaruit dit bestry sou gewees het en val alle inkomste en ander gelde gevorder die rekening toe wat dit sou toegeval het, indien hierdie Proklamasie nie afgekondig was nie.

(4) By die toepassing van hierdie artikel beteken 'n "beherende belang" met betrekking tot 'n private maatskappy—

(a) aandele ter waarde van meer as die helfte van die gesamentlike waarde van al die aandele in die maatskappy; of

(b) aandele wat die houeurs daarvan die reg gee op meer as die helfte van sy winste of bates; of

(c) aandele wat die houeurs daarvan die reg gee op 'n meerderheid of oorwig van stemme.

Bewilliging van Inkomstefonds deur Verteenwoordigende Owerheid

43. Die Inkomstefonds word deur die Verteenwoordigende Owerheid vir die administrasie van die gebied in die algemeen beskikbaar gestel, of, in die geval van geld wat deur die Regering van die Republiek vir 'n besondere doel oorbetaal is, dan vir daardie doel, op die wyse by hierdie Proklamasie voorgeskryf, maar geen begrotingspos, besluit, voorstel of wetsontwerp vir die beskikbaarstelling van 'n deel van die Inkomstefonds of vir die oplegging van 'n belasting of heffing vir die een of ander doel word in die Verteenwoordigende Owerheid aanhangig gemaak of aangeneem nie, tensy die Raadslid van Finansies by die Verteenwoordigende Owerheid aanbeveel het dat voorsiening gemaak word vir die besondere doel waarvoor die beskikbaarstelling nodig is.

Vereistes vir onttrekking van geld uit Inkomstefonds

44. Behalwe soos in hierdie Proklamasie bepaal, word geen geld uit die Inkomstefonds onttrek nie, behalwe kragtens 'n bewilliging by wet: Met dien verstande dat tot tyd en wyl so 'n bewilliging gemaak is en vir 'n tydperk van hoogstens vier maande na die aanvang van 'n boekjaar, geld sonder so 'n bewilliging uit daardie fonds onttrek kan word ten einde uitgawes aan dienste te bestry ten opsigte waarvan 'n bewilliging in die onmiddellik voorafgaande boekjaar gemaak is, of ten opsigte waarvan voorsiening by 'n wet gemaak word.

Spesiale volmag vir uitreiking van geld

45. (1) Die Raadslid van Finansies kan, met die goedkeuring van die Uitvoerende Raad, by spesiale volmag deur hom onderteken die uitreiking van geld uit die Inkomstefonds magtig—

(a) om onvoorsiene uitgawes van 'n besondere aard te bestry waarvoor daar nie in 'n begrotingswet voorsiening gemaak is nie en wat nie sonder ernstige nadeel vir die publieke belang uitgestel kan word totdat toereikende voorsiening deur die Verteenwoordigende Owerheid daarvoor gemaak kan word nie; of

(ii) the salaries, allowances, pension contributions and other benefits payable by the Government of the Republic to or in respect of officials of the Republic serving in the area concerned in terms of section 12 (4);

(d) such an additional sum of money as may be appropriated by the Parliament for payment out of the State Revenue Fund into the Revenue Fund for a particular purpose or for the due performance generally of services and duties assigned to the Representative Authority of the area in terms of this Proclamation.

(3) In respect of the period between the date upon which a Representative Authority has been established for the area and the relevant date determined under subsection (2), all expenditure in connection with departments and matters in respect of which the Representative Authority may make laws, shall be met from the source from which it would have been met, and all revenues and other moneys collected, shall accrue to the account to which it would have accrued, had this Proclamation not been promulgated.

(4) For the purposes of this section 'controlling interest' in relation to a private company means—

(a) shares of a value in excess of half the aggregate value of all the shares in the company; or

(b) shares entitling the holders thereof to more than half of its profits or assets; or

(c) shares entitling the holders thereof to a majority or preponderance of votes.

Appropriation of Revenue Fund by Representative Authority

43. A Revenue Fund shall be appropriated by the Representative Authority for the administration of the area generally or, in the case of moneys paid over by the Government of the Republic for particular purposes, then for such purposes, in the manner prescribed by this Proclamation, but the Representative Authority shall not originate or pass any vote, resolution, motion or bill for the appropriation of any part of the Revenue Fund or for the imposition of any tax or impost for any purpose, unless the Councillor for Finance has recommended to the Representative Authority that provision be made for the specific purpose for which the appropriation is required.

Requirements for withdrawal of moneys from Revenue Fund

44. Save as is provided in this Proclamation, no money shall be withdrawn from the Revenue Fund except under an appropriation made by law: Provided that until such appropriation has been made and for a period not exceeding four months after the commencement of a financial year, moneys may be withdrawn from that fund without such appropriation in order to meet expenditure on services in respect of which there has been an appropriation in the immediate preceding financial year or in respect of which provision is made by any law.

Special warrant for the issue of money

45. (1) The Councillor for Finance may, with the approval of the Executive Council, by special warrant under his hand authorise the issue of moneys from the Revenue Fund—

(a) to defray unforeseen expenditure of a special character which is not provided for, in an appropriation law and which cannot without serious injury to the public interest be postponed until adequate provision can be made therefor by the Representative Authority; or

(b) om 'n oorskryding onder 'n uitgawehoof in 'n begrotingswet te bestry.

(2) Die totale bedrag wat genoemde Raadslid kragtens subartikel (1) kan magtig, mag op geen tydstip 'n bedrag gelykstaande aan vyf persent van die totale bedrag wat in 'n begrotingswet in die betrokke boekjaar bewillig is, te bowe gaan nie, en die aangeleentheid moet aan die Verteenwoordigende Owerheid vir bewilliging van die betrokke bedrag tydens sy eersvolgende sitting voorgelê word.

Vereistes vir uitreikings uit Inkomstefonds

46. Geen uitreiking word uit die Inkomstefonds gemaak nie behalwe ooreenkomstig 'n volmag wat deur die Raadslid van Finansies onderteken is.

Jaarlikse begroting van inkomste en uitgawe

47. Die jaarlikse begroting van inkomste en uitgawe word, nadat dit deur die Uitvoerende Raad opgestel is, deur die Uitvoerende Raad voorgelê aan 'n persoon deur die Staatspresident aangewys wat in oorleg met die Minister van Finansies van die Republiek die bykomende bedrag, as daar is, bepaal wat ten opsigte van uitgawes vir die volgende boekjaar deur die Parlement bewillig moet word, en word daarna deur die Uitvoerende Raad aan die Verteenwoordigende Owerheid vir bewilliging voorgelê.

Ouditering van rekenings

48. Tensy en totdat die Verteenwoordigende Owerheid ander voorsiening gemaak het, word die rekenings van die Verteenwoordigende Owerheid van die gebied en al die ander statutêre liggame in die gebied asook dié van al die rekenpligtige beamptes en al die persone belas met die ontvangs, bewaring of uitreiking van openbare geld, seëls, sekuriteite of voorrade, deur die Ouditeur-generaal van die Republiek ondersoek, nagesien en geouditeer.

Waarborge in verband met sekere lenings

49. 'n Minister deur die Staatspresident aangewys kan, op die voorwaardes wat hy in oorleg met die Minister van Finansies van die Republiek bepaal, die terugbetaling van die hoofsom van en die betaling van rente op en koste aangegaan in verband met 'n lening wat aangegaan is of aangegaan gaan word deur die Uitvoerende Raad kragtens die bepalings van 'n wet van die Verteenwoordigende Owerheid, waarborg.

Oordrag van bates, regte, laste en verpligtings

50. (1) Indien enige bates, regte, laste of verpligtings van die een of ander fonds ingevolge artikel 4 (3) van die Wet op die Administrasie van Naturellesake in Suidwes-Afrika, 1954 (Wet 56 van 1954), op die Suid-Afrikaanse Bantoetrust oorgegaan het, en bedoelde fonds na die oordeel van die Staatspresident as trustee van die Suid-Afrikaanse Bantoetrust hoofsaaklik ingestel was vir die mense ten opsigte van wie die Verteenwoordigende Owerheid ingestel is, kan dié Staatspresident te eniger tyd gelas dat enige van of al daardie bates, regte, laste en verpligtings wat nog bestaan, oorgaan op die Uitvoerende Raad.

(2) Indien die Staatspresident 'n lasgewing ingevolge subartikel (1) uitgereik het, word geld wat ingevolge die een of ander wet aan 'n fonds bedoel in genoemde subartikel toeval, in die Verteenwoordigende Owerheid se Inkomstefonds gestort en bestee vir die doeleindes voorgeskryf deur die wet uit hoofde waarvan daardie geld aldus toeval: Met dien verstande dat enige geld wat nie onmiddellik vir sodanige doeleindes benodig is nie, gebruik kan word om ander uitgawes van die Verteenwoordigende Owerheid te bestry.

(b) to meet an excess on any head of expenditure in an appropriation law.

(2) The total sum which the said Councillor may authorise under subsection (1) shall not at any time exceed an amount equivalent to five per cent of the total amount appropriated in an appropriation law in the financial year in question, and the matter shall be submitted to the Representative Authority for appropriation of the amount concerned at its next session.

Requirements for issues from Revenue Fund

46. No issue shall be made out of the Revenue Fund, except in pursuance of a warrant signed by the Councillor for Finance.

Annual estimates of revenue and expenditure

47. The annual estimates of revenue and expenditure shall, after having been prepared by the Executive Council be submitted by the Executive Council to a person designated by the State President, who shall, in consultation with the Minister of Finance of the Republic, determine the additional sum of money, if any, required to be appropriated by Parliament towards the expenditure for the ensuing financial year, and shall thereafter be submitted by the Executive Council to the Representative Authority for appropriation.

Auditing of accounts

48. Unless and until otherwise provided for by the Representative Authority, the Auditor-General of the Republic shall examine, enquire into and audit the accounts of the Representative Authority of the area and all the other statutory bodies in the area, as well as those of all accounting officers and all persons entrusted with the receipt, custody or issue of public moneys, stamps, securities or stores.

Guarantees in connection with certain loans

49. A Minister designated by the State President may, on such conditions as he may determine in consultation with the Minister of Finance of the Republic, guarantee repayment of the capital of and payment of the interest on and any charges incurred in connection with any loan negotiated or to be negotiated by the Executive Council in terms of a law of the Representative Authority.

Transfer of assets, rights, liabilities and obligations

50. (1) If any assets, rights, liabilities or obligations of any fund passed to the South African Bantu Trust in terms of section 4 (3) of the South-West Africa Native Affairs Administration Act, 1954 (Act 56 of 1954), and such fund had, in the opinion of the State President as Trustee of the South African Bantu Trust been established mainly for the people in respect of whom the Representative Authority has been established, the State President may at any time direct that any of or all those assets, rights, liabilities and obligations still in existence shall pass to the Executive Council.

(2) If the State President has given any direction in terms of subsection (1), any moneys which accrue in terms of any law to a fund referred to in the said subsection, shall be paid into the Revenue Fund of the Representative Authority and shall be expended for the purposes prescribed by the law by virtue of which such moneys so accrue: Provided that any moneys not immediately required for such purposes, may be used to defray any other expenses of the Representative Authority.

WOORDOMSKRYWING

51. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken—

“Amptelike Koerant” die *Amptelike Koerant* van die gebied;

“begrotingspos” ’n begrotingspos aangetoon in ’n bylae by ’n Begrotingswet;

“boekjaar” die tydperk vanaf 1 April in enige jaar tot 31 Maart van die daaropvolgende jaar;

“Damaraland” die gebied omskryf in Bylae B by Goewermenskennisgewing 2428 van 1972;

“departement” ’n departement ingestel by of kragtens artikel 12 (2);

“gebied” die gebied ten opsigte waarvan die Verteenwoordigende Owerheid ingestel is;

“Inkomstefonds” die Inkomstefonds ingestel by artikel 42 (1);

“Naturellekommissaris” die amptenaar aangestel as Naturellekommissaris vir die distrik Damaraland kragtens artikel 4 van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie 15 van 1928) (Suidwes-Afrika);

“Raadslid van Finansies” die Raadslid aan wie die beheer en administrasie van die Departement van Owerheidsake en Finansies kragtens artikel 24 (3) opgedra en toegewys is;

“rekenpligtige beampte” ’n persoon wetlik belas met die verantwoording van ’n diens waarvoor daar in ’n begrotingswet voorsiening gemaak word;

“Republiek” die Republiek van Suid-Afrika;

“Sekretaris” die Sekretaris van die Verteenwoordigende Owerheid aangestel ingevolge die Reglement van Orde;

“Tesourie”—

(a) behoudens die bepalings van paragraaf (b), ’n persoon deur die Staatspresident aangewys en ook enige adjunk- en ondersekretaris of administratiewe beheer-beampte of enige beampte van gelyke of hoër rang as dié van administratiewe beheerbeampte in diens van die Staat wat deur bedoelde persoon aangewys is of, ten opsigte van daardie aangeleenthede wat deur bedoelde persoon bepaal word, die Sekretaris van Owerheidsake en Finansies, die Departementele Rekenmeester of ’n ander beampte in die Departement van Owerheidsake en Finansies;

(b) vanaf ’n datum deur die Uitvoerende Raad bepaal, die beampte-in-bevel van die afdeling van die Departement van Owerheidsake en Finansies wat belas is met die koördinering van die finansiële administrasie en handhawing van finansiële reëlmatigheid en orde in die sake van die Verteenwoordigende Owerheid.

“Uitvoerende Raad” die Uitvoerende Raad in artikel 16 bedoel;

“verteenwoordigende owerheid” die verteenwoordigende Owerheid by artikel 1 ingestel.

Kort titel

52. Hierdie Proklamasie heet die Proklamasie op die Damara- Verteenwoordigende Owerheid, 1977.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Veertiende dag van Julie Eenduisend Negehoonderd Sewe-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

B. J. VORSTER.

BYLAE A

AANGELEENTHEDE BEDOEL IN ARTIKELS
11, 12 EN 24

1. Die administrasie en beheer van departemente wat by of kragtens artikel 12 ingestel is.

DEFINITIONS

51. In this Proclamation, unless the context otherwise indicates—

“accounting officer” means a person lawfully charged with the duty of accounting for any service provided for in an appropriation law;

“area” the area in respect of which the Representative Authority is established;

“Councillor for Finance” means the Councillor to whom the control and administration of the Department of Authority Affairs and Finance has been assigned in terms of section 24 (3);

“Damaraland” means the area defined in Schedule B to Government Notice 2428 of 1972;

“department” means a department established in terms of section 12 (2);

“Executive Council” means the Executive Council referred to in section 16;

“financial year” means the period from 1 April in any year to 31 March of the next ensuing year;

“Native Commissioner” means the officer appointed as Native Commissioner for the Damaraland District in terms of section 4 of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa);

“Official Gazette” means the *Official Gazette* of the area;

“Representative Authority” means the Representative Authority established in terms of section 1;

“Republic” means the Republic of South Africa;

“Revenue Fund” means the Revenue Fund established in terms of section 42 (1);

“Secretary” means the Secretary of the Representative Authority appointed in terms of the Rules of Procedure;

“Treasury” means—

(a) subject to the provisions of paragraph (b), a person designated by the State President, and includes any deputy and under-secretary or administrative control officer or any officer of a rank equivalent to or higher than the rank of administrative control officer in the employ of the State designated by the said person, or, in respect of such matters as determined by the said person, the Secretary of Authority Affairs and Finance or the Departmental Accountant in the Department of Authority Affairs and Finance;

(b) as from a date determined by the Executive Council, the officer in charge of the division of the Department of Authority Affairs and Finance charged with the co-ordination of the financial administration and the maintenance of financial regularity and order in the affairs of the Representative Authority.

“Vote” means a vote shown in the Schedule to an Appropriation law.

Short title

52. This Proclamation shall be called the Damara Representative Authority Proclamation, 1977.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Fourteenth day of July, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

B. J. VORSTER.

SCHEDULE A

MATTERS REFERRED TO IN SECTIONS 11,
12 AND 24

1. The administration and control of department established in terms of section 12.

2. Aangeleenthede wat ten doel het die bevordering van die onderwys en kultuur, met inbegrip van die instelling, instandhouding, bestuur en beheer van opvoedkundige inrigtings en koshuise, maar met uitsluiting van aangeleenthede met betrekking tot onderwys wat verskaf word deur 'n universiteit of universiteitskollege wat by of ingevolge 'n Wet van die Parlement ingestel is.

3. Ten opsigte van lede van die Damaravolk, welsynsdienste, met inbegrip van kindersyn en welsynskemas vir en betaling van toelaes aan bejaardes, blindes en behoeftiges, en persone wat aan geestelike of liggaamlike gebreke ly, en die rehabilitasie van persone wat afhanklik is van afhanklikheidsvormende stowwe soos omskryf in die Wet op die Misbruik van Afhanklikheidsvormende Stowwe en Rehabilitasiesentrums, 1971 (Wet 41 van 1971).

4. Die oprigting, instandhouding, bestuur en beheer van klinieke en ander inrigtings in verband met dienste en skemas vermeld in item 3.

5. Die beheer van sake- en handelondernemings van, en die uitreiking van lisensies vir die dryf daarvan aan lede van die Damaravolk, uitgesonderd die uitreiking van lisensies aan hulle in verband met die handeldrywe met wapens en ammunisie en ontplofbare stowwe.

6. Die beplanning, oprigting, finansiering, koördinerende uitvoering en dryf van nywerheids-, handels-, finansierings-, myn- en ander sake-ondernemings en projekte wat die ekonomiese vooruitgang van die Damaravolk ten doel het, hetsy in medewerking met die een of ander korporasie of ander liggaam by wet ingestel of andersins.

7. Die aanlê en instandhouding van paaie, brûe, afvoerkanaale, damme en werke wat nodig geag word vir gesondheids-doeleindes of die versekering van bevredigende watervoorrade of die voorkoming of bestryding van gronderosie.

8. Boerdery- en landboumetodes oor die algemeen, met inbegrip van die bestryding van diersiektes.

9. Vis- en wilddeskerming.

10. Die behoud van plante en diere en die uitroeiing van ongediertes.

11. Bosbou.

12. Markte en skutte.

13. Die instelling en administrasie van en die beheer oor laerhowe en die regspraak, met inbegrip van die uitoefening van siviele en strafregtelike jurisdiksie ooreenkomstig die reg en gebruike wat stamme en gemeenskappe toepas, en die verhoor deur persone en liggame wat ingevolge bedoelde reg en gebruike optree, van oortredings van of versuim om te voldoen aan wette of maatreëls van die Verteenwoordigende Owerheid.

14. Arbeidsaangeleenthede [uitgesonderd alle aangeleenthede wat in die Ongevallewet, 1941 (Wet 30 van 1941), of die Werkloosheidsversekeringswet, 1966 (Wet 30 van 1966), behandel word], met inbegrip van die instelling, instandhouding, bestuur en beheer van arbeidsburo's en die registrasie en indiensplasing in die gebied van werksoekers deur middel van sodanige buro's, en die beskikbaarstelling van werkers vir indiensneming buite die gebied vir sover en onderworpe aan die voorwaardes deur 'n Minister deur die Staatspresident aangewys, bepaal.

15. Die oprigting en instandhouding van geboue en ander strukture deur lede van die Damaravolk, en die oprigting en instandhouding van ander geboue en strukture wat die Verteenwoordigende Owerheid nodig ag vir die uitoefening van sy bevoegdhede en die bevoegdhede van die Uitvoerende Raad en die verrigting van sy werksaamhede en pligte en die werksaamhede en pligte van die Uitvoerende Raad.

16. Direkte belasting—

(a) op—

(i) lede van die Damaravolk of 'n bepaalde kategorie of groep sodanige lede;

2. Matters having as their object the advancement of education and culture, including the establishment, maintenance, management and control of educational institutions and hostels, but excluding matters relating to education provided by a university or a university college established by or in terms of any Act of Parliament.

3. In respect of members of the Damara Nation, welfare services, including child welfare and social benefit schemes for and the payment of allowances to aged, blind or indigent persons, and persons suffering from mental or physical disabilities, and the rehabilitation of persons who are dependent on dependence-producing substances as defined in the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, 1971 (Act 41 of 1971).

4. The establishment, maintenance, management and control of clinics and other institutions in connection with services and schemes referred to in item 3.

5. The control of business and trading undertakings of, and the issue of licences for the carrying on thereof to, members of the Damara Nation, excluding the issue of licences to them in connection with trading in arms and ammunition and explosives.

6. The planning, establishment, financing, co-ordination, execution and carrying on of industrial, trading, finance, mining and other business undertakings and projects having as their object the economic progress of the Damara Nation, whether in co-operation with any corporation or other body established by any law or otherwise.

7. The construction and maintenance of roads, bridges, furrows, dams and works considered necessary for purposes of sanitation or of securing a satisfactory water supply or of preventing or combating soil erosion.

8. Farming and agricultural methods in general, including the combating of animal diseases.

9. Fish and game preservation.

10. The conservation of flora and fauna and the destruction of vermin.

11. Forestry.

12. Markets and pounds.

13. The establishment and administration of and the control over inferior courts and the administration of justice, including the exercise of civil and criminal jurisdiction in accordance with the law and customs observed by tribes and communities, and the trial by persons and bodies acting in terms of such law and customs of contraventions or of failure to comply with laws or enactments of the Representative Authority.

14. Labour matters [excluding all matters dealt with in the Workmen's Compensation Act, 1941 (Act 30 of 1941), or the Unemployment Insurance Act, 1966 (Act 30 of 1966)], including the establishment, maintenance, management and control of labour bureaux and the registration and placing in employment in the area of workseekers by means of such bureaux, and the making available of workers for employment outside the area to such extent and subject to such conditions as may be determined by a Minister designated by the State President.

15. The erection and maintenance of buildings and other structures by members of the Damara Nation, and the erection and maintenance of other buildings and structures as the Representative Authority may deem necessary for the exercise of its powers and the powers of the Executive Council and the performance of its functions and duties and the functions and duties of the Executive Council.

16. A direct tax—

(a) on—

(i) members of the Damara Nation or any particular category or group of such members;

(ii) die inkomste van lede van die Damaravolk of 'n bepaalde kategorie of groep sodanige lede; hetsy die genoemde lede binne of buite die gebied is of woon, mits hulle binne die gebied Suidwes-Afrika is of woon;

(b) op eiendom geleë in die gebied.

17. Gelde betaalbaar vir dienste gelewer deur 'n departement en belastinge betaalbaar deur 'n vermeldde kategorie of groep persone ten opsigte van dienste deur 'n departement beskikbaar gestel.

18. Die uitoefening van bevoegdhede en die verrigting van werksaamhede en pligte met betrekking tot 'n fonds bedoel in artikel 50 wat kragtens die een of ander wet by 'n ander persoon berus en wat die Staatspresident bepaal.

19. Behoudens die bepalings van artikels 42, 48 en 50, die invordering van en beheer oor alle inkomste en gelde wat die Staatspresident by proklamasie in die *Staatskoerant* toewys aan of wat andersins toeval aan die Uitvoerende Raad.

20. Die aangaan van lenings, met die voorafverkreë toestemming van 'n persoon deur die Staatspresident aangewys, verleen in oorleg met die *Minister van Finansies van die Republiek* en op die voorwaardes, indien daar is, wat genoemde persoon, in oorleg met laasgenoemde Minister, bepaal.

21. Behoudens die bepalings van hierdie proklamasie—

(a) die diensvoorwaardes van lede van die Verteenwoordigende Owerheid;

(b) die belê van 'n sessie van die Verteenwoordigende Owerheid, en die kworum vir en die prosedure by so 'n sessie, met inbegrip van die prosedure ingeval die persoon wat by so 'n sessie moet voorsit, afwesig is, die metode waarvolgens by so 'n sessie gestem word, en die uitoefening van 'n beslissende stem deur iemand wat by so 'n sessie voorsit.

22. Die aanstelling, diensvoorwaardes, tug, aftreding, ontslag en pensionering van beamptes of werknemers in diens in verband met departemente.

23. Bedwelmende drank.

24. Die aanstelling, bevoegdhede, pligte en werksaamhede van vrederegters en kommissarisse van ede.

25. Die beskerming van lewe, persone en eiendom en die voorkoming van dieremishandeling.

26. Die bereddering van bestorwe boedels, die verlyding van testamente en aangeleenthede rakende erfopvolging ten opsigte van lede van die Damaravolk.

27. Nedersettings, registrasie van aktes en opmetings, maar nie ook trigonometriele opmetings nie.

28. Die reëling en beheer van padverkeer, met inbegrip van die lisensiering en beheer van voertuie en die bestuurders van voertuie maar met uitsondering van alle aangeleenthede wat in die *Motortransportwet, 1930 (Wet 39 van 1930)*, of die *Wet op Verpligte Motorvoertuigversekering, 1972 (Wet 56 van 1972)*, behandel word.

29. Geboortes, sterftes, huwelike en gebruiklike verbindings ten opsigte van lede van die Damaravolk.

30. Die erkenning, aanstelling, afsetting en ontslag, met die voorafverkreë goedkeuring van die Staatspresident, van die hoofkaptein en hoofmanne, en die diensvoorwaardes, tug, aftreding en pensionering van die hoofkaptein en hoofmanne.

31. Die stigting van dorpe met die voorafverkreë goedkeuring van 'n persoon deur die Staatspresident aangewys en die instandhouding en bestuur van dorpe vir lede van die Damaravolk.

32. Die instelling, met die instemming van 'n persoon deur die Staatspresident aangewys, van openbare feesdae, ter vervanging van openbare feesdae ingestel by of ingevolge die *Wet op Openbare Feesdae, 1952 (Wet 5 van 1952)*.

(ii) the income of members of the Damara Nation or any particular category or group of such members; whether the said members are or reside in or outside the area, provided they are or reside within the territory of South-West Africa;

(b) on property situated in the area.

17. Fees payable for services rendered by a department and taxes payable by a specified category or group of persons in respect of services made available by any such department.

18. The exercise of powers and the performance of functions and duties in relation to any fund referred to in section 50 which are in terms of any law vested in any other person and which the State President may determine.

19. Subject to the provisions of sections 42, 48 and 50, the collection of and the control over all revenue and fees assigned by the State President by proclamation in the *Gazette* to, or which otherwise accrue to, an Executive Council.

20. The raising of loans, with the prior approval of a person designated by the State President, given in consultation with the *Minister of Finance of the Republic*, and on such conditions, if any, as the first-mentioned person may, in consultation with the last-mentioned Minister, determine.

21. Subject to the provisions of this proclamation—

(a) the conditions of service of members of the Representative Authority;

(b) the convening of a session of the Representative Authority, and the quorum for and the procedure at such a session, including the procedure in the case of the absence of the person who is required to preside at such a session, the method according to which voting takes place at such a session and the exercise of a casting vote by any person presiding at such a session.

22. The appointment, conditions of service, discipline, retirement, discharge and pensioning of officers and employees employed in connection with departments.

23. Intoxicating liquor.

24. The appointment, powers, duties and functions of justices of the peace and commissioners of oaths.

25. The protection of life, persons and property and the prevention of cruelty to animals.

26. The administration of deceased estates, the execution of wills and matters relating to secession in respect of members of the Damara Nation.

27. Land settlement, registration of deeds and surveys, but excluding trigonometrical surveys.

28. The regulation and control of road traffic, including the licensing and control of vehicles and the drivers of vehicles, but excluding all matters dealt with in the *Motor Carrier Transportation Act, 1930 (Act 39 of 1930)*, or the *Compulsory Motor Vehicle Insurance Act, 1972 (Act 56 of 1972)*.

29. Births, deaths, marriages and customary unions in respect of members of the Damara Nation.

30. The recognition, appointment, deposition and dismissal, with the prior approval of the State President, of the paramount chief and headmen, and the conditions of service, discipline, retirement and pensioning of the paramount chief and headmen.

31. The establishment of townships with the prior approval of a person designated by the State President, and the maintenance and administration of townships for members of the Damara Nation.

32. The establishment, with the concurrence of a person designated by the State President, of public holidays in substitution for public holidays established by or in terms of the *Public Holidays Act, 1952 (Act 5 of 1952)*.

33. Die registrasie en beheer van honde.

34. (a) Munisipale instellings en ander plaaslike instellings van 'n soortgelyke aard.

(b) Ander instellings of liggame as instellings in paragraaf (a) bedoel, wat ten opsigte van een of meer gebiede (hetsy aangrensend al dan nie) buite die regsgebied van 'n instelling in daardie paragraaf beoog, bevoegdhede en werksaamhede het wat soortgelyk is aan die bevoegdhede en werksaamhede van so 'n laasgenoemde instelling of ten opsigte van die behoud van die oopenbare gesondheid in sodanige gebied of gebiede.

35. Regshulp.

36. Alle gesondheidsdienste, met inbegrip van hospitalisasie van lede van die Damaravolk.

37. Vermaaklikheidsbelastingen in die gebied.

38. Die lisensiering en reëling van, en die beheer oor, vermaaklikheids- en ontspanningsplekke in die gebied, en die oplegging van 'n belasting aan die lisensiehouer ten opsigte van die ontvangste aldaar of 'n heffing gegrond op die prys vir toegang daartoe.

39. Vendusieregte in die gebied.

40. Die beperking en reëling van, en beheer oor, perdewedrenne, die instelling van 'n verbod op, die beperking en reëling van, en beheer oor, ander wedrenne, die beperking en reëling van, en beheer oor, weddenskappe (hetsy met betrekking tot omstandighede, plek of persele), die voorkoming van, die beheer oor, en die reëling van, die verspreiding van inligting betreffende weddenskappe binne die gebied, die lisensiering van 'n instrument, masjien of toestel wat algemeen bekend is as 'n totalisator, en die oplegging van 'n belasting aan die lisensiehouer ten opsigte van die ontvangste daarvan.

41. Die instelling van, beheer oor, en bestuur van, biblioteke en biblioteekdienste ten opsigte van lede van die Damaravolk binne die gebied.

42. Die instelling in die gebied van, beheer daarin oor, en bestuur daarin van, museums, kunsgalerye, herbariums, botaniese tuine en soortgelyke instellings, en dieretuine, akwariums, see-akwariums, slangparke en soortgelyke instellings waar lewendige diere gehou word vir vertoning.

43. Die afsondering van plekke in die gebied as plekke van openbare vermaak of openbare ontspanning, of van geskiedkundige of wetenskaplike belang, en die beheer oor en bestuur van sodanige plekke, hetsy voor of na die inwerkingtreding van hierdie Proklamasie aldus afgesonder.

44. Die aanlê van, beheer oor, en bestuur en reëling van begraafplase en krematoriums, en die reëling van aanleenthede in verband met die verwydering van en beskikking oor lyke in die gebied.

45. Toerisme in die gebied, met inbegrip van die ontwikkeling van die toeristebedryf en die ontwikkeling en verbetering van reisdienste na en in, en die huisvesting van reisigers in, die gebied.

46. Behuiskemas vir lede van die Damaravolk in die gebied.

47. Die oplê van strawwe weens oortreding van of versuim om te voldoen aan 'n wet wat deur die Verteenwoordigende Owerheid gemaak is, by wyse van 'n boete of, by wanbetaling van die boete, gevangenisstraf of 'n boete sowel as gevangenisstraf, en die oplê van dié ander strawwe weens sodanige oortreding of versuim, wat opgelê kan word kragtens die reg en gebruike wat toegepas word deur die Damaravolk, en die betaling van genoemde boete, of 'n boete opgelê ooreenkomstig bedoelde reg en gebruike, met inbegrip van betaling daarvan by wyse van die lewering van vee of ander goed.

33. The registration and control of dogs.

34. (a) Municipal institutions and other local institutions of a similar nature.

(b) Institutions or bodies, other than such institutions as are referred to in paragraph (a), which have in respect of one or more areas (whether contiguous or not) outside the area of jurisdiction of any institution contemplated in that paragraph, authority and functions similar to the authority and functions of any such last-mentioned institution or in respect of the preservation of public health in such area or areas.

35. Legal Aid.

36. All health matters, including hospitalisation of members of the Damara Nation.

37. Entertainment tax in the area.

38. The licensing, regulation and control of places of amusement and recreation within the area, and the imposition of a duty upon the licensee in respect of the takings thereat or a charge based upon the payment for admission thereto.

39. Auction dues in the area.

40. The restriction, regulation and control of horseracing, the prohibition, restriction, regulation and control of other racing, and the restriction, regulation and control of betting and wagering (whether as to circumstances, locality or premises), the prevention, control and regulation of dissemination of information as to betting within the area, the licensing of any instrument, machine or contrivance commonly known as a totalisator, and the imposition of a duty in respect of the takings thereof upon the licensees.

41. The establishment, control and management of libraries and library services in respect of members of the Damara Nation within the area.

42. The establishment, control and management within the area of museums, art galleries, herbaria, botanic gardens and similar institutions, and zoological gardens, aquariums, oceanariums, snake parks and similar institutions where live animals are kept for exhibition.

43. The reservation of places in the area as places of public resort or recreation, or of historical or scientific interest, and the control and management of such places, whether so reserved before or after the commencement of this Proclamation.

44. The establishment, control, management and regulation of cemeteries and crematoria, and the regulation of matters relating to the removal and disposal of dead bodies in the area.

45. Tourism in the area, including the development of the tourist industry and the development and improvement of travel services to and in, and the accommodation of travellers in, the area.

46. Housing schemes for members of the Damara Nation in the area.

47. The imposition of penalties for a contravention of or failure to comply with any law made by the Representative Authority by way of a fine or, in default of payment of the fine, imprisonment or a fine as well as imprisonment, and the imposition of such other penalties for such contravention or failure as may be imposed under the law and customs observed by the Damara Nation, and the payment of such fine, or a fine imposed in accordance with such law and customs, including the payment thereof by way of the delivery of livestock or other property.

BYLAE B
DEPARTEMENTE

- (a) Die Departement van Owerheidsake en Finansies;
- (b) die Departement van Gemeenskapsake;
- (c) die Departement van Justisie;
- (d) die Departement van Onderwys en Kultuur;
- (e) die Departement van Werke;
- (f) die Departement van Landbou en Bosbou; en
- (g) die Departement van Gesondheid en Volkswelsyn.

No. R. 151, 1977

**DAMARA- VERTEENWOORDIGENDE OWER-
HEID.—SALARISSE EN TOELAES VAN LEDE**

Nademaal 'n Verteenwoordigende Owerheid vir die Damaravolk, wat bekend sal staan as die Damara-Verteenwoordigende Owerheid (hierna die Verteenwoordigende Owerheid genoem), ingestel is;

En nademaal dit nodig is om voorsiening te maak vir die betaling van salarisse en toelaes aan lede van die Verteenwoordigende Owerheid en vir sekere aangeleenthede wat daaruit voortvloei;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), hierby voorsiening maak vir die betaling van sodanige salarisse en toelaes en vir sodanige aangeleenthede ooreenkomstig bygaande Bylae.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Veertiende dag van Julie Eenduisend Negenhonderd Sewe-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

B. J. VORSTER.

BYLAE

**DAMARA- VERTEENWOORDIGENDE OWER-
HEID.—SALARISSE EN TOELAES VAN LEDE**

Salarisse van Voorsitter, Raadslede, Speaker en Adjunk-speaker en lede

1. (1) Die salaris betaalbaar aan die Voorsitter, Raadslid, Speaker, Adjunk-speaker en 'n lid van die Verteenwoordigende Owerheid is soos volg:

- (a) Voorsitter: R8 640 per jaar;
- (b) Raadslid: R7 200 per jaar;
- (c) Speaker: R3 600 per jaar;
- (d) Adjunk-speaker: R3 240 per jaar;
- (e) lid: R2 520 per jaar.

(2) Die sessie- en reistoelaes voorgeskryf by regulasies 2 en 3, is nie betaalbaar aan lede van die Uitvoerende Raad vanaf die datum van hulle verkiesing vir sodanige ampte nie.

(3) Indien 'n hoofman verkies word tot Voorsitter of Raadslid, na gelang van die geval, word, vanaf die datum van sodanige verkiesing, die salaris voorgeskryf by subregulasie (1) (a) of (1) (b), na gelang van die geval, aan hom betaal en betaling van sy jaarlikse toelae as hoofman word gestaak.

(4) Indien 'n hoofman verkies word tot Voorsitter of Raadslid, na gelang van die geval, kan hy 'n gevolmagtigde benoem om hom behulpzaam te wees met die uitvoering van sy ampspligte as hoofman en aan sodanige gevolmagtigde word gedurende sy ampstermyn deur die Verteenwoordigende Owerheid 'n toelae van hoogstens R600 per jaar betaal wat deur die Uitvoerende Raad bepaal word.

SCHEDULE B
DEPARTMENTS

- (a) The Department of Authority Affairs and Finance;
- (b) the Department of Community Affairs;
- (c) the Department of Justice;
- (d) the Department of Education and Culture;
- (e) the Department of Works;
- (f) the Department of Agriculture and Forestry; and
- (g) the Department of Health and Social Welfare.

No. R. 151, 1977

**DAMARA REPRESENTATIVE AUTHORITY.—
SALARIES AND ALLOWANCES OF MEMBERS**

Whereas a Representative Authority, to be known as the Damara Representative Authority (hereafter referred to as the Representative Authority), has been established for the Damara Nation:

And whereas it is necessary to provide for the payment of salaries and allowances to members of the Representative Authority and for certain matters incidental thereto;

Now, therefore, under and by virtue of the powers vested in me by section 38 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby provide for the payment of such salaries and allowances and for such matters, in accordance with the provisions of the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Fourteenth day of July, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

B. J. VORSTER.

SCHEDULE

**DAMARA REPRESENTATIVE AUTHORITY.—
SALARIES AND ALLOWANCES OF MEMBERS**

Salaries of Chairman, Councillors, Speaker, Deputy Speaker and members

1. (1) The salary payable to the Chairman, Councillor, Speaker, Deputy Speaker and a member of the Representative Authority shall be as follows—

- (a) Chairman: R8 640 per annum;
- (b) Councillor: R7 200 per annum;
- (c) Speaker: R3 600 per annum;
- (d) Deputy Speaker: R3 240 per annum;
- (e) Member: R2 520 per annum.

(2) The sessional and travelling allowances prescribed by regulations 2 and 3 shall not be payable to members of the Executive Council as from the date of their election to such posts.

(3) If a headman is elected as Chairman or Councillor, as the case may be, he shall as from the date of such election be paid the salary prescribed by subregulation (1) (a) or (1) (b), as the case may be, and payment of his annual allowance as headman shall cease.

(4) If a headman is elected as Chairman or Councillor, as the case may be, he may nominate a deputy to assist him in the performance of his official duties as headman and such deputy shall during the period of his office be paid by the Representative Authority an allowance, not exceeding R600 per annum, to be determined by the Executive Council.

Sessietoelae

2. (1) 'n Sessietoelae van R8 per dag is betaalbaar aan 'n lid van die Verteenwoordigende Owerheid vir werklike bywoning van sessies van die Verteenwoordigende Owerheid.

(2) Die toelae by subregulasie (1) voorgeskryf, is betaalbaar aan 'n lid van die Verteenwoordigende Owerheid vir bywoning van vergaderings van 'n gekose komitee of ander komitee van die Verteenwoordigende Owerheid wat gehou word wanneer die Verteenwoordigende Owerheid nie in sessie is nie.

Reistoelae

3. Wanneer 'n lid van die Verteenwoordigende Owerheid sessies van die Verteenwoordigende Owerheid of van 'n gekose komitee of ander komitee, wat gehou word wanneer die Verteenwoordigende Owerheid nie in sessie is nie, bywoon of wanneer hy op ander dienste van die Verteenwoordigende Owerheid reis, soos gemagtig deur die Verteenwoordigende Owerheid of Uitvoerende Raad of, waar die omstandighede dringend is, deur die Voorzitter, word aan hom betaal—

(a) 10c vir elke kilometer (of gedeelte daarvan) noodsaaklikerwys afgelê met die kortste beskikbare roete vanaf die lid se woonplek tot by die naaste openbare vervoer, as daar is, en terug;

(b) die noodsaaklike uitgawes aan dergelike openbare vervoer aangegaan;

Met dien verstande dat waar openbare vervoer nie beskikbaar is nie, die lid betaal kan word teen die tarief van 10c vir elke kilometer (of gedeelte daarvan) van die gesamentlike reis met die kortste beskikbare roete van die lid se woonplek af na sy bestemming en terug na genoemde woonplek: Met dien verstande voorts dat die betaling van die kilometertoelae geskied alleen ten opsigte van een reteroeris gedurende enige een week waarin die Verteenwoordigende Owerheid, 'n gekose komitee of enige ander komitee in sessie is.

Ander toelae

4. Wanneer 'n lid op ander diens van die Verteenwoordigende Owerheid reis soos gemagtig deur die Verteenwoordigende Owerheid of Uitvoerende Raad of, waar die omstandighede dringend is, deur die Voorzitter, word aan hom betaal 'n toelae van R8 per dag van 24 uur vir die tydperk waarin die lid noodsaaklikerwys van huis op sodanige diens afwesig is: Met dien verstande dat vir elke volle uur van afwesigheid langer as 24 uur of 'n veelvoud van 24 uur aan 'n lid een vier-en-twintigste van die daelike tarief betaal kan word: Met dien verstande voorts dat vir afwesigheid van minder as 24 uur redelike geringe persoonlike uitgawes van hoogstens R8 betaal kan word: Met dien verstande voorts dat wanneer die Voorzitter of 'n Raadslid op ander diens van die Verteenwoordigende Owerheid reis, 'n toelae van hoogstens R10 per dag van 24 uur aan hom betaal word soos deur die Uitvoerende Raad vasgestel.

5. As die Sekretaris van die Departement van Owerheidsake en Finansies in spesiale omstandighede daarvan oortuig is dat die tariewe in regulasies 3 en 4 voorgeskryf, onvoldoende is om die redelike uitgawes van 'n lid van die Verteenwoordigende Owerheid op enige van die dienste genoem in genoemde regulasies 3 en 4 te dek, kan hy magtiging verleen tot sodanige bykomende betaling as wat hy goedvind.

No. R. 152, 1977

DAMARA- VERTEENWOORDIGENDE OWERHEID.—REGLEMENT VAN ORDE

Nademaal 'n Verteenwoordigende Owerheid vir die Damaravolk wat bekend sal staan as die Damara- Verteenwoordigende Owerheid (hierna die Verteenwoordigende Owerheid genoem), ingestel is;

Sessional allowance

2. (1) A sessional allowance of R8 per day is payable to a member of the Representative Authority for actual attendance at sessions of the Representative Authority.

(2) The allowance prescribed by subregulation (1) shall be payable to a member of the Representative Authority for attendance at meetings of a select committee or other committee of the Representative Authority, held when the Representative Authority is not in session.

Travelling allowance

3. A member of the Representative Authority, when attending sessions of the Representative Authority or of a select committee or other committee, held when the Representative Authority is not in session, or when proceeding on other Representative Authority duty as authorised by the Representative Authority or Executive Council or, where circumstances are urgent, by the Chairman, shall be paid—

(a) 10c for each kilometre (or portion thereof) necessarily travelled by the shortest available route from the member's place of residence to the nearest public transport, if any, and back;

(b) the necessary expenditure incurred on such public transport:

Provided that where public transport is not available, the member may be paid at the rate of 10c for each kilometre (or portion thereof) for the combined journey by the shortest available route from the member's place of residence to his destination and back to the said place of residence: Provided further that payment of the kilometre allowances shall be made in respect of one return journey only in any one week during which the Representative Authority, select committee or other committee is in session.

Other allowances

4. A member shall be paid, when proceeding on other Representative Authority duty as authorised by the Representative Authority or Executive Council or, where circumstances are urgent, by the Chairman, an allowance of R8 per day of 24 hours for the period during which the member is necessarily absent from his home on such duty: Provided that for each complete hour of absence in excess of 24 hours or multiple of 24 hours a member may be paid one twenty-fourth of the daily rate: Provided further that for an absence of less than 24 hours reasonable out-of-pocket expenses not exceeding R8 may be paid: Provided further than when the Chairman or a Councillor proceeds on other Representative Authority duty, he shall be paid an allowance not exceeding R10 per day of 24 hours as determined by the Executive Council.

5. If in special circumstances the Secretary for the Department of Authority Affairs and Finance is satisfied that the rates prescribed in regulations 3 and 4 are insufficient to meet the reasonable expenses of a member of the Representative Authority on any of the services mentioned in the said regulations 3 and 4, he may authorise such additional payment as he may deem fit.

No. R. 152, 1977

DAMARA REPRESENTATIVE AUTHORITY.— RULES OF PROCEDURE

Whereas a Representative Authority to be known as the Damara Representative Authority (hereafter referred to as the Representative Authority), has been established for the Damara Nation;

En nademaal dit dienstig is om voorsiening te maak vir 'n reglement van orde vir die reëling en bestuur van die verrigtings van die Verteenwoordigende Owerheid en aanverwante sake, ten einde genoemde Verteenwoordigende Owerheid in staat te stel om sy bevoegdhede uit te oefen en om sy werksaamhede en pligte te verrig;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), hierby voorsiening maak dat die reglement van orde ten opsigte van die verrigtings van genoemde Verteenwoordigende Owerheid moet wees soos in die Bylae hiervan vervat.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Veertiende dag van Julie Eenduisend Negehoonderd Sewe-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-Rade:

B. J. VORSTER.

BYLAË

REGLEMENT VAN ORDE VAN DIE DAMARA-VERTEENWOORDIGENDE OWERHEID

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DEEL I

VERRIGTINGE GEDURENDE EERSTE SESSIE VAN NUWE VERTEENWOORDIGENDE OWERHEID

Aflê van eed

Lede vergader om eed af te lê

1. Die lede vergader by die setel van die regering minstens drie dae voor die vasgestelde datum vir die opening van die eerste sessie van 'n nuwe Verteenwoordigende Owerheid ten einde lede in staat te stel om die eed af te lê en met die doel om 'n Voorsitter, Raadslede, 'n Speaker en 'n Adjunk-speaker te verkies.

Sekretaris moet presensielys opstel

2. Die Sekretaris lees, nadat hy die lede van die doel van die vergadering verwittig het, die name van al die lede uit en al die lede daar teenwoordig antwoord op hulle name.

Aflê van eed voor 'n Regter of persoon deur die Staatspresident aangewys

3. 'n Regter van die Suidwes-Afrika afdeling van die Hooggeregshof van Suid-Afrika of 'n persoon deur die Staatspresident aangewys, moet dan van die lede daar teenwoordig die eed voorgeskryf by artikel 10 van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977, afneem.

And whereas it is expedient to provide for rules of procedure for the regulation and conduct of the proceedings of the Representative Authority and matters related thereto to enable the said Representative Authority to exercise its powers and perform its functions and duties;

Now therefore, under and by virtue of the powers vested in me by section 38 of the South-West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby provide that the rules of procedure in respect of proceedings of the said Representative Authority shall be as contained in the Schedule hereto.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Fourteenth day of July, One thousand Nine hundred and Seventy-seven.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

B. J. VORSTER.

SCHEDULE

RULES OF PROCEDURE

DAMARA REPRESENTATIVE AUTHORITY

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PART I

PROCEEDINGS AT FIRST SESSION OF NEW REPRESENTATIVE AUTHORITY

Taking of oath

Members to meet to take oath

1. The members shall meet at the seat of government at least three days before the date fixed for the opening of the first session of a new Representative Authority to enable members to take the oath and for the purpose of electing a Chairman, Councillors, Speaker and a Deputy Speaker.

Roll call to be taken by Secretary

2. The Secretary having informed members of the purpose of the meeting shall read out the names of all members and the members there present shall answer to their names.

Taking of oath before a Judge or person designated by the State President

3. A Judge of the South-West Africa division of the Supreme Court of South Africa or a person designated by the State President shall then take from the members there present the oath prescribed by section 10 of the Damara Representative Authority Proclamation, 1977.

Daaropvolgende aflê van eed: Procedure

4. 'n Lid wat sitting neem op 'n latere dag as die dag in reël 1 bedoel, of die openingsdag van enige sessie word deur twee lede, nadat sy naam uitgelees is, na die Tafel gebring, en sy eed word deur die Speaker van die Verteenwoordigende Owerheid afgeneem.

Speaker neem eed in sekere gevalle af

5. Behoudens soos andersins in die Proklamasie op die Damara- Verteenwoordigende Owerheid, 1977, of hierdie Reglement bepaal, neem die Speaker, wanneer ook al nodig die eed onmiddellik na gebed af.

Bykomende bevoegdhede van Sekretaris by geleentheid van verkiesings gehou ooreenkomstig die bepalings van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977

6. (1) Indien die Sekretaris oortuig is dat 'n stembrief nie aan die vereistes van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977 voldoen nie kan hy dit verwerp en met die verkiesing voortgaan, of die stembrief of die hele verkiesing nietig verklaar en beveel dat die verrigtings vir die geheime stemming of die hele verkiesing van voor af begin.

(2) Indien die Sekretaris oortuig is dat die vereistes in verband met verkiesings ooreenkomstig die bepalings van die Proklamasie op die Damara- Verteenwoordigende Owerheid, 1977 in enige ander opsig nie behoorlik uitgevoer is of word nie kan hy enige bepaalde geheime stemming of die hele verkiesing nietig verklaar en beveel dat die verrigtings vir die geheime stemming of die hele verkiesing van voor af begin.

(3) Nadat die stembriewe getel en die uitslag van die stemming aangekondig is, moet hulle in 'n stembus geplaas word. Wanneer 'n lid verkose verklaar is tot Voorsitter, Raadslid, Speaker of Adjunk-speaker moet die stembus verseël word in teenwoordigheid van die Verteenwoordigende Owerheid en vir een kalendermaand bewaar word en dan, tensy die Verteenwoordigende Owerheid anders gelas, moet die Sekretaris die stembriewe vernietig.

DEEL II

AMPTELIKE OPENING VAN VERTEENWOORDIGENDE OWERHEID

Kennisgewing van byeenroeping van Verteenwoordigende Owerheid moet gelees word

7. Op die vasgestelde dag vir die opening van die eerste sessie van 'n nuwe Verteenwoordigende Owerheid, nadat die lede vergader is in die Raadsaal en nadat die presensielys deur die Sekretaris opgestel is, lei die Speaker op die vasgestelde tyd vir die amptelike opening die verrigtings in die volgende volgorde:

(a) Hy open die byeenkoms met gebed, soos voorgeskryf in die Aanhangsel hiervan.

(b) Hy versoek die Sekretaris om die kennisgewing wat die Verteenwoordigende Owerheid byeenroep, te lees.

(c) Hy versoek die Voorsitter om voor die Tafel van die Verteenwoordigende Owerheid te verskyn om die eed voorgeskryf by artikel 26 van die Proklamasie op die Damara- Verteenwoordigende Owerheid, 1977, af te lê.

(d) Hy versoek die ander Raadslede om na vore te kom om voor die Verteenwoordigende Owerheid die voorgeskrewe eed af te lê.

(e) Hy kondig vervolgens die persoon wat die openingsrede lewer, aan.

(f) Geen debat word toegelaat oor die openingsrede nie.

Subsequent taking of oath: Procedure

4. In the case of a member taking his seat subsequent to the day referred to in rule 1 or to the opening day of any session, he shall be brought to the Table by two members after his name has been read out, and the oath shall be administered to him by the Speaker of the Representative Authority.

Speaker to administer oath in certain cases

5. Save as otherwise provided in the Damara Representative Authority Proclamation, 1977 or these Rules, the Speaker shall, whenever necessary, administer the oath immediately after prayers.

Additional powers of Secretary at elections held in terms of the provisions of Damara Representative Authority Proclamation, 1977

6. (1) If the Secretary is satisfied that a ballot paper does not conform to the requirements of the Damara Representative Authority Proclamation, 1977, he may reject it and proceed with the election, or declare the ballot paper or the whole election null and void and order that the proceedings for the secret ballot or the whole election is recommenced.

(2) If the Secretary is satisfied that the requirements in respect of elections in terms of the provisions of the Damara Representative Authority Proclamation, 1977 have in any other respect not properly been complied with, he may declare any particular secret ballot or the whole election null and void and order that the proceedings for the secret ballot or the whole election be recommenced.

(3) After the ballot papers have been counted and the result of the ballot announced, the ballot papers shall be placed in a ballot box. Whenever a member is declared elected Chairman, Councillor, Speaker or Deputy Speaker, the ballot box shall be sealed in the presence of the Representative Authority and be kept for one calendar month, whereafter the Secretary shall, unless the Representative Authority directs otherwise, destroy the ballot papers.

PART II

OFFICIAL OPENING OF REPRESENTATIVE AUTHORITY

Notice summoning Representative Authority to be read

7. On the day fixed for the opening of the first session of a new Representative Authority, the members having assembled in the Chamber and after the Secretary has taken roll call, the Speaker shall, at the time fixed for the official opening, conduct the proceedings in the following order:

(a) He shall open the meeting with prayers in the form prescribed in the Annexure hereto;

(b) he shall request the Secretary to read the notice summoning the Representative Authority;

(c) he shall request the Chairman to come to the Table of the Representative Authority to take the oath as prescribed by section 26 of the Damara Representative Authority Proclamation, 1977;

(d) he shall request the other Councillors to come forward to take the prescribed oath before the Representative Authority;

(e) he shall then announce the person delivering the inaugural address;

(f) no debate shall be allowed to take place on the inaugural address.

Procedure by aankoms en vertrek van die persoon wat die opening waarneem

8. By die binnekoms in of vertrek uit die Raadsaal van die persoon wat die openingseremonie waarneem, staan die lede en bly hulle staande op hulle plekke, totdat die persoon sy sitplek ingeem of die Raadsaal verlaat het, na gelang van die geval.

Procedure gedurende Sessie van Verteenwoordigende Owerheid wat nie die eerste sessie van 'n nuwe Verteenwoordigende Owerheid is nie

9. Op die eerste sitting van 'n sessie van die Verteenwoordigende Owerheid wat nie die eerste sessie van 'n nuwe Verteenwoordigende Owerheid is nie, nadat die lede vergader is op die tyd en plek in die kennisgewing bepaal, lei die Speaker die verrigtings wesenlik in ooreenstemming met die prosedure voorgeskryf by reël 7, paslik gewysig ooreenkomstig die behoeftes van die geleentheid.

DEEL III

HANDHAWING VAN ORDE EN REËLS VAN DEBAT

Gedrag en toesprake van lede

Speaker moet orde handhaaf

10. Orde moet in die Verteenwoordigende Owerheid deur die Speaker gehandhaaf word. Sy beslissing oor 'n punt van orde is nie onderworpe aan appèl nie en mag nie deur die Verteenwoordigende Owerheid hersien word nie behalwe na 'n substantiewe mosie ingedien na kennisgewing.

Lede moet sit wanneer Speaker opstaan

11. Wanneer die Speaker gedurende die verrigtings van die Verteenwoordigende Owerheid of in komitee van die hele Verteenwoordigende Owerheid opstaan, moet elke lid gaan sit en lede moet stilbly sodat die Speaker ongestoord gehoor kan word.

Voorkeurbehandeling

12. 'n Raadslid of 'n lid mag nie op grond van sy posisie voorkeurbehandeling in die Verteenwoordigende Owerheid eis nie maar moet 'n voorbeeld stel vir ander lede deur hulle eerbiedigheid en gehoorsaamheid aan die Stoel en by die handhawing van die orde en die waardigheid van die Verteenwoordigende Owerheid en die verrigtings daarvan.

Lede praat staande

13. Elke lid staan as hy praat en rig sy opmerkings tot die Stoel.

Speaker kies spreker

14. Indien twee of meer lede gelyk opstaan om te praat, kies die Speaker een lid en versoek hom om te praat.

'n Lid wat nie praat nie moet sit

15. 'n Lid wat klaar gepraat het, moet sit en enige ander lid wat wil praat, moet opstaan.

Sake waaroor lede kan praat

16. 'n Lid mag oor die vraag voor die Verteenwoordigende Owerheid praat of oor amendemente daarop voorgestel, of oor 'n vraag of amendement wat hy self wil voorstel, of oor 'n punt van orde voortspruitende uit die debat, maar anders nie.

Getal kere wat lede mag praat

17. (1) Geen lid mag die Verteenwoordigende Owerheid meer as een maal oor 'n onderwerp toesprek nie, behalwe by wyse van verduideliking of repliek of in komitee van die hele Verteenwoordigende Owerheid. Sodanige verduideliking word toegelaat slegs ingeval 'n

Procedure on arrival and departure of person performing the opening ceremony

8. Upon the entry into or departure from the Chamber of the person performing the opening ceremony, the members shall rise and remain standing in their places until the person has taken his seat or left the Chamber, as the case may be.

Procedure at session of Representative Authority not being the first session of a new Representative Authority

9. At the first sitting of a session of the Representative Authority not being the first session of a new Representative Authority, after the members have assembled at the time and place determined in the notice, the Speaker shall conduct the proceedings substantially in accordance with the procedure prescribed by rule 7, suitable adapted to the needs of the occasion.

PART III

MAINTENANCE OF ORDER AND RULES OF DEBATE

Conduct and speeches of members

Speaker to maintain order

10. Order shall be maintained in the Representative Authority by the Speaker. His decision on a point of order shall not be open to appeal and shall not be reviewed by the Representative Authority except on a substantive motion made after notice.

Members to sit down when Speaker rises

11. When the Speaker rises during proceedings in the Representative Authority or in committee of the whole Representative Authority every member shall sit down and members shall be silent so that the Speaker may be heard without interruption.

Preferential treatment

12. A Councillor or a member may not claim preferential treatment in the Representative Authority by virtue of his position but shall set an example to other members in their respect and obedience to the Chair and in maintaining the order and dignity of the Representative Authority and the proceedings thereof.

Members to speak standing

13. A member shall speak standing and shall address his observations to the Chair.

Speaker to select speaker

14. If two or more members rise at the same time to speak the Speaker shall select one member and call on him to speak.

Members not speaking to be seated

15. When a member has finished speaking he shall resume his seat and any other member wishing to speak shall rise.

Matters on which members may speak

16. A member may address the Representative Authority on the question before the Representative Authority or upon any amendment proposed thereto, or upon a question or amendment to be proposed by himself, or upon a point of order arising out of debate, but not otherwise.

Number of times members may speak

17. (1) No member shall address the Representative Authority more than once on a question, except in explanation or reply or when the whole Representative Authority is in committee, such explanation being allowed only

wesentlike deel van 'n lid se toespraak verkeerd aangehaal of misverstaan is, maar hy mag geen nuwe aangeleentheid behandel nie en oor sodanige verduideliking word geen debat toegelaat nie.

(2) Met die vergunning van die Verteenwoordigende Owerheid kan 'n lid sake van 'n persoonlike aard verduidelik hoewel daar geen vraag voor die Verteenwoordigende Owerheid is nie en hy moet hom streng bepaal by die regverdiging van sy eie gedrag.

Tydsbeperking vir toesprake

18. (1) Behalwe in die geval van die Voorsitter of 'n Raadslid en enige lid belas met 'n wetsontwerp mag geen lid langer as 30 minute oor enige vraag praat nie.

(2) Geen lid in enige komitee van die hele Verteenwoordigende Owerheid langer as 10 minute op 'n slag oor enige wetsontwerp of ander saak praat nie; ewemin mag hy die komitee vir meer as drie sodanige tydperke na mekaar toespreek.

Reg van indiener van mosie om repliek op debat te lewer

19. Nieteenstaande die bepalings van reëls 16 tot en met 18 moet die indiener van 'n mosie die geleentheid gegun word om repliek te lewer, en sodanige repliek sluit die debat.

Aanspreekvorm

20. Gedurende verrigtings in die Verteenwoordigende Owerheid moet lede na mekaar verwys as "die agbare lid" (naam van lid moet gemeld word).

Lid mag sy toespraak nie voorlees nie

21. 'n Lid mag sy toespraak nie voorlees nie, maar hy kan uittreksels uit boeke of stukke ter staving van sy argument voorlees, en hy kan sy geheue opfris deur aantekeninge te raadpleeg.

Gedrag van lede tydens sittings

22. Gedurende 'n sitting moet 'n lid—

(a) die Raadsaal met dekorum binnekom of verlaat;
(b) blootshoof wees terwyl hy in die Raad saal is in die geval van 'n man en hy moet 'n buiging voor die Stoel maak wanneer hy die Raad saal binnekom of verlaat, of wanneer hy na of van sy sitplek gaan;

(c) nie tussen die Stoel en 'n lid wat aan die woord is, verbygaan nie;

(d) nie die Speaker by sy naam of enige ander titel as "Meneer die Speaker" aanspreek nie;

(e) nie onnodig oor die vloer van die Raadsaal stap nie;

(f) wanneer hy van een deel van die Raadsaal na 'n ander gaan, in die middel stilstaan en 'n buiging voor die Stoel maak;

(g) nie nuusblaaië, boeke, briewe of ander dokumente lees nie, uitgesonderd sodanige stof waarin as wat regstreeks in verband staan met die aangeleentheid dan onder oorweging;

(h) stilbly terwyl 'n lid aan die woord is, en hom nie onnodig in die rede val nie;

(i) wanneer hy deur die Speaker tot orde geroep is, dadelik gaan sit; en

(j) wanneer die Verteenwoordigende Owerheid verdaag, in sy sitplek bly totdat die Speaker die Stoel verlaat het.

Wanneer lede in die rede geval mag word

23. Geen lid mag 'n ander lid wat aan die woord is, in die rede val nie, behalwe—

(a) wanneer hy oor 'n punt van orde opstaan, en dan moet die lid wat aan die woord was, gaan sit, en die lid wat opgestaan het, moet slegs die punt noem waarop hy die aandag wil vestig en dit aan die Speaker voorlê vir sy beslissing; of

(b) om 'n tersaaklike vraag aan die spreker te stel met die toestemming van die Speaker.

in case a material part of his speech has been misquoted or misunderstood, but he shall not introduce any new matter and no debate shall be allowed on such explanation.

(2) By the indulgence of the Representative Authority a member may explain matters of a personal nature although there be no question before the Representative Authority, and he shall confine himself strictly to the vindication of his own conduct.

Time limit for speeches

18. (1) Except in the case of the Chairman or a Councillor and any member in charge of a bill, no member may exceed 30 minutes in speaking on any question.

(2) No member shall in any committee of the whole Representative Authority speak on any bill or other matter for longer than 10 minutes at any one time, nor address the committee for more than three such periods consecutively.

Right of introducer of motion to reply to debate

19. Notwithstanding the provisions of rules 16 to 18 inclusive, a reply shall be allowed to a member who has moved a motion and such a reply closes the debate.

Form of address

20. During proceedings in the Representative Authority members shall refer to one another as "the honourable member" (stating the member's name).

Speeches not to be read

21. A member may not read his speech but he may read extracts from books or papers in support of his argument and refresh his memory by reference to notes.

Conduct of members during sittings

22. During a sitting a member shall—

(a) enter or leave the Chamber with decorum;

(b) in the case of a male, be uncovered while in the Chamber and make an obeisance to the Chair when entering or leaving the Chamber or passing to or from his place;

(c) not pass between the Chair and any member speaking;

(d) not address the Speaker by name or any other title save as "Mr Speaker";

(e) not cross the floor of the Chamber unnecessarily;

(f) when crossing from one side of the Chamber to the other, pause in the centre and bow to the Chair;

(g) not read newspapers, books, letters or other documents except such matter therein as may be directly connected with the business then under consideration;

(h) while a member is speaking be silent and not make unseemly interruptions;

(i) when called to order by the Speaker immediately resume his seat; and

(j) when the Representative Authority adjourns keep his place until the Speaker has left the Chair.

When interruptions may be made

23. A member shall not interrupt the speech of any other member except—

(a) by rising to a point of order, when the member speaking shall resume his seat and the member interrupting shall merely direct attention to the point which he wishes to bring to notice and submit it to the Speaker for decision; or

(b) to put a relevant question to the speaker with the consent of the Speaker.

Toesprake moet ter sake wees

24. 'n Lid moet sy opmerkings oor die onderwerp in bespreking beperk, en mag geen sake wat nie op daardie onderwerp betrekking het byhaal nie.

Hangende hofsakke geprivilegieer

25. Geen verwysing na enige saak waaroor 'n beslissing van 'n geregshof hangende is, mag op sodanige wyse gemaak word dat dit volgens die mening van die Speaker daardie saak kan benadeel nie.

Vrae wat reeds beslis is buite die orde

26. (1) Dit is buite die orde om te poog om enige spesifieke vraag ten opsigte waarvan die Verteenwoordigende Owerheid tydens enige vorige sessie 'n besluit geneem het, te heroorweeg, behalwe na 'n substantiewe mosie om daardie besluit te herroep, ingedien met die toestemming van die Speaker.

(2) Geen mosie of amendement mag voorgestel word wat in wese dieselfde is as enige mosie wat gedurende die loop van daardie sessie aangeneem of verwerp is nie, maar die order of besluit kan by mosie na kennisgewing herroep word.

Beledigende taal buite die orde

27. Dit is buite die orde om aanstootlike en beledigende taal omtrent lede van die Verteenwoordigende Owerheid te gebruik.

Toeskrywing van onbehoorlike motiewe buite die orde

28. 'n Lid mag nie onbehoorlike motiewe aan 'n ander lid toeskryf nie.

Persoonlike aanvalle buite die orde

29. 'n Lid mag nie 'n persoonlike aanval ten opsigte van enige ander lid maak nie.

Aanstootlike uitdrukkings omtrent Verteenwoordigende Owerheid buite die orde

30. 'n Lid mag nie aanstootlike uitdrukkings oor die bestuur of verrigtings van die Verteenwoordigende Owerheid gebruik nie.

Prosedure by beweerde onbehoorlike gedrag

31. Daar mag nie verwys word na die persoonlike gedrag of enige beweerde onbehoorlike motiewe van 'n lid nie, behalwe na 'n substantiewe mosie vir daardie doel ingedien.

Naam van Staatspresident mag nie gebruik word nie

32. Die naam van die Staatspresident mag nie gebruik word om die Verteenwoordigende Owerheid te beïnvloed nie.

Na gedrag van Staatspresident en ander mag nie verwys word nie

33. (1) Daar mag nie na die gedrag van die Staatspresident, 'n regter van die Hooggeregshof of ander persoon wat regterlike pligte uitvoer op vernederende wyse verwys word nie of die gedrag van genoemde persone mag nie in 'n ongunstige lig gestel word nie.

(2) 'n Lid mag nie verraderlike of oproerige taal gebruik of die naam van die Staatspresident oneerbiediglik gebruik nie.

Reëls vir lid wat Verteenwoordigende Owerheid toespreek

34. 'n Lid mag nie—

(a) na enige debat van dieselfde sessie oor 'n onderwerp of wetsontwerp wat op die oomblik nie in bespreking is verwys nie, behalwe met vergunning van die Verteenwoordigende Owerheid ter wille van 'n persoonlike verduideliking;

(b) die bespreking van enige ander onderwerp wat op die Ordelys voorkom, vooruitloop nie: Met dien verstande dat wanneer die Speaker moet beslis of 'n

Speeches to be relevant

24. A member shall restrict his observations to the subject under discussion and shall not introduce matters irrelevant to that subject.

Pending lawsuit privileged

25. Reference shall not be made to a case pending in a court of law in such a way as, in the opinion of the Speaker, might prejudice that case.

Questions on which decision taken out of order

26. (1) It shall be out of order to attempt to reconsider a specific question on which the Representative Authority has taken a decision during any previous session, except on a substantive motion to rescind that decision, made with the permission of the Chairman.

(2) No motion or amendment shall be proposed which is the same in substance as any motion which during the current session has been resolved in the affirmative or negative, but the order or resolution may be rescinded by motion after notice.

Insulting language out of order

27. It shall be out of order to use offensive and insulting language about members of the Representative Authority.

Imputation of improper motives out of order

28. A member shall not impute improper motives to any other member.

Personal charges out of order

29. A member shall not make a personal charge in reference to any other member.

Offensive expressions about Representative Authority out of order

30. A member shall not use offensive expressions about the conduct of proceedings of the Representative Authority.

Procedure on alleged improper conduct

31. The personal conduct or any alleged improper motives of a member shall not be referred to except on a substantive motion moved for that purpose.

Name of State President not to be used

32. The name of the State President shall not be used to influence the Representative Authority.

Conduct of State President and others not to be referred to

33. (1) The conduct of the State President, a Judge of the Supreme Court or other persons performing judicial functions, shall not be referred to or reflected upon in a derogatory manner.

(2) A member shall not use treasonable or seditious words or use the name of the State President irreverently.

Rules for member addressing Representative Authority

34. A member shall not—

(a) refer to debates of the current session upon any question or bill not then under discussion except by the indulgence of the Representative Authority for personal explanation;

(b) anticipate the discussions of any other subject which appears on the Order Paper; Provided that in determining whether a discussion is out of order on the

bespreking buite die orde is weens vooruitloping, hy in ag neem of dit waarskynlik is dat die saak wat vooruitgehoop word, binne 'n redelike tyd voor die Verteenwoordigende Owerheid gebring sal word;

(c) na die verrigtings en verslag van 'n gekose komitee verwys alvorens dit aan die Verteenwoordigende Owerheid voorgelê is nie.

Ontoepaslikheid of herhaling

35. Nadat die Speaker die aandag van die Verteenwoordigende Owerheid gevestig het op die gedrag van 'n lid wat volhou om aangeleenthede wat nie ter sake is nie te bespreek of om sy eie argumente of dié van 'n ander lid in die debat tot vervelens toe te herhaal, kan hy die lid gelas om sy toespraak te staak en sy sitplek in te neem.

Wanordelike gedrag van lid

36. Die Speaker gelas 'n lid wie se gedrag uiters wanordelik is om onmiddellik die Verteenwoordigende Owerheid vir die res van die sittingsdag te verlaat, en die Ampswag handel ooreenkomstig die bevel wat hy van die Stoel ontvang om te verseker dat daar aan die bevel voldoen word.

Wanordelike gedrag: Sensuur deur Verteenwoordigende Owerheid

37. (1) 'n Lid wat—

- (a) die gesag van die Stoel verontagsaam;
- (b) aanstootlike woorde of ontbetaamlike taal gebruik en nie dit verduidelik of terugtrek of bevredigende verskoning vir die gebruik daarvan vra nie;
- (c) deur die Speaker tot orde geroep word en weier om te gaan sit;
- (d) versuim om die reëls van die Verteenwoordigende Owerheid na te kom of hulle verontagsaam of misbruik;
- (e) moedswillig die werksaamhede van die Verteenwoordigende Owerheid belemmer;

moet onverwyld deur die Verteenwoordigende Owerheid gesensuur word.

(2) Enige lid teen wie daar deur die Speaker of die Verteenwoordigende Owerheid kragtens die bepalings van hierdie reël en reël 36 opgetree is, verbeur bo en behalwe enige straf deur die Verteenwoordigende Owerheid of die Speaker opgelê, vir daardie dag enige toelaes aan hom betaalbaar op grond daarvan dat hy lid van die Verteenwoordigende Owerheid is.

Speaker se bevoegdhede om Verteenwoordigende Owerheid te verdaag of sitting op te kort

38. Ingeval groot wanordelikheid in die Verteenwoordigende Owerheid ontstaan, kan die Speaker die Verteenwoordigende Owerheid verdaag of enige sitting opskort vir 'n redelike tydperk deur hom bepaal.

DEEL IV

TALE

Tale wat gebruik moet word

39. Toesprake moet in Damara, Afrikaans of Engels gelewer word, en toesprake moet uit die een taal in een of meer van die tale hierbo genoem, getolk word indien die Speaker aldus gelas.

DEEL V

BEAMPTES VAN DIE VERTEENWOORDIGENDE OWERHEID.—REKORDS EN STUKKE

Sekretaris van Verteenwoordigende Owerheid

40. Die Damara-regering moet in oorleg met die Regeeringsdienskommissie 'n beampte van die Damara-regeeringsdiens aanstel om as Sekretaris te dien.

ground of anticipation regard shall be had by the Speaker to the probability of the matter being brought before the Representative Authority within a reasonable time;

(c) refer to the proceedings and report of a select committee before they have been presented to the Representative Authority.

Irrelevance or repetition

35. The Speaker after having called the attention of the Representative Authority to the conduct of a member who persists in irrelevance or tedious repetition of his own or other member's arguments in debate, may direct him to discontinue his speech and resume his seat.

Disorderly conduct of members

36. The Speaker shall order a member whose conduct is grossly disorderly to withdraw immediately from the Representative Authority for the remainder of that day's sitting, and the Sergeant-at-Arms shall act on orders received by him from the Chair to ensure compliance with this order.

Disorderly conduct: Censure by Representative Authority

37. (1) A member who—

- (a) disregards the authority of the Chair;
- (b) uses objectionable words or unbecoming language and not explaining or retracting them or offering any satisfactory apologies for the use thereof;
- (c) having been called to order by the Speaker refuses to resume his seat;
- (d) disregards, abuses or fails to observe the rules of the Representative Authority;
- (e) wilfully obstructs the business of the Representative Authority;

shall forthwith be censured by the Representative Authority.

(2) Any member against whom action was taken by the Speaker or the Representative Authority in terms of the provisions of this rule and rule 36 shall in addition to any penalty imposed by the Representative Authority or the Speaker forfeit for that day any allowances payable to him by reason of his being a member of the Representative Authority.

Speaker's powers to adjourn Representative Authority or suspend sitting

38. In the case of great disorder arising in the Representative Authority the Speaker may adjourn the Representative Authority or suspend any sitting for such reasonable period as he may determine.

PART IV

LANGUAGES

Languages to be used

39. Speeches shall be delivered either in Damara, English or Afrikaans, and speeches shall be interpreted from one language into one or more of the languages mentioned above if the Speaker so directs.

PART V

OFFICERS OF THE REPRESENTATIVE AUTHORITY.—RECORDS AND PAPERS

Secretary of Representative Authority

40. The Damara Government shall, in consultation with the Government Service Commission, appoint an officer of the Damara Government Service to serve as Secretary.

Beheer oor personeel van Verteenwoordigende Owerheid

41. Die Sekretaris en alle klerke, tolke, wagte, bodes of Raadsaalbeampies wat in diens geneem word in verband met die werksaamhede van die Verteenwoordigende Owerheid ressorteer gedurende die tydperk van sodanige diens onder die Departement van die Voorsitter, en verig hulle pligte onder die algemene bevel en beheer van die Sekretaris van Owerheidsake en Finansies.

Pligte van Sekretaris

42. Die Sekretaris is verantwoordelik vir die aantekening van Notule en, nadat dit deur die Speaker goedgekeur is, moet dit die volgende sittingsdag aan lede beskikbaar gestel word.

Joernale van Verteenwoordigende Owerheid

43. Die Notule aldus beskikbaar gestel, maak die joernale van die Verteenwoordigende Owerheid uit.

Sekretaris moet stukke in sy bewaring hê

44. Al die Notules, rekords of ander dokumente wat aan die Verteenwoordigende Owerheid behoort, moet in die bewaring van die Sekretaris wees, en hy mag nie die verteenwoordigende Owerheid se afskrifte van Notules, rekords of ander dokumente uit die Raadsaal of kantore neem of toelaat dat dit geneem word sonder die uitdruklike verloop of bevel van die Verteenwoordigende Owerheid nie: Met dien verstande dat, ingeval die Verteenwoordigende Owerheid vir 'n tydperk van langer as een week verdaag, sodanige verloop deur die Sekretaris van Owerheidsake en Finansies gegee kan word en hierdie saak word dan aan die Verteenwoordigende Owerheid op die volgende sitting daarvan gerapporteer.

Regte van lede ten opsigte van stukke

45. Elke lid is geregtig om alle stukke wat ter Tafel van die Verteenwoordigende Owerheid gelê word, te lees, of uittreksels daaruit of afskrifte daarvan te maak.

Pligte van Sekretaris in verband met reëling van werksaamhede van Verteenwoordigende Owerheid

46. Die Sekretaris is aan die Speaker verantwoordelik vir die reëling van alle sake betreffende die van-dag-tot-dag-werksaamhede van die Verteenwoordigende Owerheid tensy anders in hierdie Reglement voorgeskryf.

Sekretaris reël vir verslag van toesprake

47. Die Sekretaris reël vir die voortbrenging van 'n *verbatim* verslag van alle toesprake in die Verteenwoordigende Owerheid en in komitee van die hele Verteenwoordigende Owerheid gelewer.

Personeel vir gekose komitees

48. Indien die nodige fondse beskikbaar is, is die Sekretaris, handelende in opdrag van die Speaker, verantwoordelik om gekose en ander komitees van die nodige klerklike persone of stenograaf te voorsien wanneer ook al komitees van die Verteenwoordigende Owerheid verlang om mondelinge getuienis af te neem.

DEEL VI

DAE EN URE VAN SITTINGS
EN VERDAGINGS*Sittingsdae*

49. Die Verteenwoordigende Owerheid sit net op Maandae, Dinsdae, Woensdae, Donderdae en Vrydae, maar sit nie op 'n openbare vakansiedag nie: Met dien verstande dat die Verteenwoordigende Owerheid op 'n mosie ingedien deur 'n Raadslid en aangeneem deur die Verteenwoordigende Owerheid op enige ander dag, uitgesonderd Sondag, in die mosie genoem, kan sit.

Control of staff of Representative Authority

41. The Secretary and all clerks, interpreters, guards, messengers or Chamber officials who may be employed in connection with business of the Representative Authority shall for the period of such employment fall under the Department of the Chairman and perform their duties under the general directions and control of the Secretary for Authority Affairs and Finance.

Duties of Secretary

42. The Secretary shall be responsible for the noting of Votes and Proceedings, and these, after having been passed by the Speaker, shall be made available to members on the next sitting day.

Journals of Representative Authority

43. The Votes and Proceedings thus made available shall constitute the journals of the Representative Authority.

Secretary to have custody of papers

44. The Secretary shall have the custody of all Votes and Proceedings, records, or other documents belonging to the Representative Authority, and he shall neither take nor permit to be taken the Representative Authority's copies of Votes and Proceedings, records or other documents from the Chamber or offices without the express leave or order of the Representative Authority: Provided that in the event of the Representative Authority being adjourned for any period longer than one week such leave may be given by the Secretary for Authority Affairs and Finance, the matter being reported to the Representative Authority at its next sitting.

Rights of members as to papers

45. Every member shall be entitled to read or make extracts from or copies of all papers laid upon the Table of the Representative Authority.

Duties of Secretary regarding regulation of business of Representative Authority

46. The Secretary shall be responsible to the Speaker for the regulation of all matters connected with the day-to-day business of the Representative Authority unless otherwise provided for in these Rules.

Secretary to arrange for report of speeches

47. The Secretary shall arrange for the production of the *verbatim* record of all speeches made in the Representative Authority and in committee of the whole Representative Authority.

Staff for select committees

48. Subject to the necessary funds being available the Secretary, acting under the direction of the Speaker, shall be responsible for providing select and other committees with the necessary clerical staff or shorthand writer whenever committees of the Representative Authority wish to take oral evidence.

PART VI

DAYS AND HOURS OF SITTINGS AND ADJOURNMENTS

Sitting days

49. The Representative Authority shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays only, but shall not sit on a public holiday: Provided that the Representative Authority may on a motion moved by a Councillor and adopted by the Representative Authority sit on any other day, except Sundays, named in the motion.

Verdagings

50. Elke verdaging van die Verteenwoordigende Owerheid is tot die volgende sittingsdag, tensy die Verteenwoordigende Owerheid op 'n mosie deur 'n Raadslid ingedien, besluit om te verdaag tot 'n latere dag of *sine die*.

Tye van sittings

51. Tensy die Verteenwoordigende Owerheid anders besluit, sit die Verteenwoordigende Owerheid—

(a) op Maandag, Dinsdag, Woensdag en Donderdag vanaf 10h00 tot 17h00; en

(b) op Vrydag vanaf 10h00 tot 13h00:

Met dien verstande dat die Speaker, volgens sy diskresie, en na beraadslaging met die Raadslid in beheer van die aangeleentheid in bespreking, die verrigtings van die Verteenwoordigende Owerheid tydelik kan opskort vir maaltye of ander verversings: Met dien verstande voorts dat die Verteenwoordigende Owerheid na aanneming van 'n mosie wat deur 'n Raadslid ingedien word en wat dadelik sonder amendement of debat beslis word 'n sitting kan verkort of verleng, na gelang van die hoeveelheid werk wat afgehandel moet word of die heersende omstandighede op die tydstip.

DEEL VII

KWORUM

Prosedure as daar geen kworum is nie

52. As die aandag van die Speaker daarop gevestig word dat daar nie 'n kworum, soos bepaal by artikel 9 (2) van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977, teenwoordig is nie moet hy opdrag gee dat lede ontbied word deur die klokke te lui, tydens welke tydperk die verrigtings van die Verteenwoordigende Owerheid outomaties opgeskort word. Indien hy na twee minute oortuig is dat 'n kworum nie aanwesig is nie verdaag hy die Verteenwoordigende Owerheid onverwyld tot die volgende sittingsdag.

Stemming ongeldig as dit blyk dat daar geen kworum is nie

53. As dit uit die getal lede wat deelneem aan 'n stemming blyk dat daar nie 'n kworum is nie, is die stemming ongeldig en staan die vraag waaroor gestem is oor tot die volgende sittingsdag wanneer die prosedure voorgeskryf by reël 52 gevolg word.

DEEL VIII

MOSIES

Definisie van mosie

54. (1) 'n Onafhanklike voorstel wat 'n lid wil indien vir oorweging van die Verteenwoordigende Owerheid word 'n mosie genoem.

(2) 'n Ander mosie as—

(a) 'n mosie vir die verdaging van die Verteenwoordigende Owerheid;

(b) 'n mosie vir die verdaging van 'n debat of van die verrigtings van 'n komitee; en

(c) 'n mosie ingedien in die loop van verrigtings insake wetsontwerpe uiteengesit in Deel XII van hierdie Reglement;

word 'n substantiewe mosie genoem.

(3) 'n Substantiewe mosie is nie bevelend nie maar slegs 'n aanbeveling, en elke substantiewe mosie wat ingedien staan te word in die Verteenwoordigende Owerheid word voorafgegaan deur die woorde "dat volgens die mening van hierdie Verteenwoordigende Owerheid oorweging geskenk word aan die wenslikheid van . . .".

(4) Die Verteenwoordigende Owerheid moet die mosies in subreël (3) bedoel, oorweeg en kan sodanige mosies na goeddunke goedkeur, wysig of verwerp.

Adjournments

50. Every adjournment of the Representative Authority shall be until the next sitting day unless the Representative Authority has decided on a motion moved by a Councillor to adjourn to a later day or *sine die*.

Times of sittings

51. Unless the Representative Authority otherwise resolves it shall sit—

(a) on Monday, Tuesday, Wednesday and Thursday from 10h00 until 17h00; and

(b) on Friday from 10h00 until 13h00:

Provided that the Speaker may in his discretion and after consultation with the Councillor in charge of the matter under discussion, suspend the business of the Representative Authority temporarily for meals or other refreshments: Provided further that the Representative Authority may on adoption of a motion by a Councillor, to be decided immediately without amendment or debate, shorten or prolong the sitting having regard to the amount of business to be dispatched or to the circumstances prevailing at the time.

PART VII

QUORUM

Procedure when quorum not present

52. If the attention of the Speaker is drawn to the fact that a quorum as provided for in section 9 (2) of the Damara Representative Authority Proclamation, 1977 is not present, he shall direct that members be summoned by the ringing of the bells, during which period the proceedings of the Representative Authority shall be automatically suspended and if after two minutes he is satisfied that a quorum is not present, he shall adjourn the Representative Authority forthwith until the next sitting day.

Voting invalid if it appears there is no quorum

53. If from the number of members voting, it appears that a quorum is not present, the voting shall be invalid, the question on which it is held shall stand over until the next sitting day, and the procedure prescribed in rule 52 shall be followed.

PART VIII

MOTIONS

Definition of motion

54. (1) An independent proposal which a member wishes to put forward for consideration by the Representative Authority shall be termed a motion.

(2) A motion other than—

(a) a motion for the adjournment of the Representative Authority;

(b) a motion for the adjournment of a debate or of the proceedings of a committee; and

(c) a motion moved in the course of any of the proceedings on bills set out in Part XII of these Rules;

shall be termed a substantive motion.

(3) A substantive motion shall not be mandatory but merely a recommendation and every substantive motion to be moved in the Representative Authority shall be prefaced by the words "that in the opinion of this Representative Authority consideration should be given to the advisability of—".

(4) Motions referred to in subrule (3) shall be considered by the Representative Authority which may approve, amend or reject such motions as it may deem fit.

Kennis van indiening van substantiewe mosie

55. Kennisgewing van substantiewe mosies moet aan die Sekretaris gestuur word sodat dit hom bereik nie later nie as 21 dae voor die datum vasgestel vir die eerste sittingsdag van 'n sessie van die Verteenwoordigende Owerheid.

Metode van kennisgewing van substantiewe mosie

56. Kennis van 'n substantiewe mosie moet gegee word deur die indiening van 'n afskrif van die skriftelike mosie by die Sekretaris. Die kennisgewing moet onderteken wees deur die lid wat dit wil indien.

Bevoegdheid van Speaker ten opsigte van substantiewe mosies

57. 'n Kennisgewing van 'n substantiewe mosie word aan die Speaker voorgelê wat, na oorlegpleging met die Werk-komitee of die verantwoordelike Raadslid beveel—

- (a) dat dit gebruik word soos dit by inlewering bewoord is; of
- (b) dat dit gebruik word met sodanige wysigings as wat hy voorgeskryf het; of
- (c) dat dit na die lid wat dit geteken het, teruggestuur word as buite die orde.

Mosies word op Ordelys gepubliseer

58. Alle mosies, uitgesonderd onbestrede mosies maar insluitende mosies aangaande die prosedure by wetsontwerpe, moet eers in die Ordelys gepubliseer word, tensy die Verteenwoordigende Owerheid anders besluit.

Prosedure by die indiening van 'n mosie

59. (a) 'n Lid wat deur die Speaker versoek word om 'n mosie in te dien, staan in sy plek op en na enige opmerkings wat hy wens te maak, dien hy die mosie in.

(b) Elke mosie ingedien (uitgesonderd in komitee van die hele Verteenwoordigende Owerheid), moet gesekondeer word, tensy anders in hierdie Reglement bepaal. As 'n mosie nie gesekondeer word nie, vervel dit.

(c) Wanneer 'n mosie ingedien is en, indien nodig, gesekondeer is, lees die Speaker dit uit, of laat dit uitlees, en laat toe dat dit bespreek word deur die Verteenwoordigende Owerheid. Die mosie kan dan gedebatteer word en die debat kan, behoudens die nakoming van hierdie Reglement, so lank aanhou as wat enige lid wat die reg het om te praat nog wil praat.

(d) Wanneer daar nie meer lede is wat wens, of geregtig is, om te praat nie stel die Speaker die mosie aan die Verteenwoordigende Owerheid vir beslissing.

(e) Wanneer 'n amendement of amendemente op 'n mosie voorgestel is, stel die Speaker eers die amendemente en na al die amendemente afgehandel is, indien en stel hy weer die oorspronklike mosie of, indien dit gewysig is, die mosie, soos gewysig, ten einde die lede van die Verteenwoordigende Owerheid ten volle vertrouwd te maak met die bepaling daarvan.

(f) Die volgorde waarin amendemente gestel word, is volgens die diskresie van die Speaker.

Amendemente op mosies: Prosedure

60. (a) 'n Lid wat opgestaan het om 'n mosie te bespreek, kan 'n amendement op die mosie voorstel.

(b) 'n Amendement moet gesekondeer word.

(c) 'n Amendement kan een van die volgende vorme aanneem:

- (i) Om een of meer van die woorde van die mosie weg te laat;
- (ii) om een of meer woorde in die mosie in te voeg;
- (iii) om een of meer woorde aan die einde van die mosie by te voeg;
- (iv) om sekere woorde van die mosie deur sekere ander woorde te vervang.

Notice for moving substantive motion

55. Notices of substantive motions shall be forwarded to the Secretary to reach him not later than 21 days prior to the date fixed for the first sitting day of a session of the Representative Authority.

Method of giving notice of substantive motion

56. Notice of a substantive motion shall be given by the delivery to the Secretary of a copy of the motion which shall be in writing and shall be signed by the member wishing to move the motion.

Powers of Speaker as to substantive motions

57. A notice of a substantive motion shall be submitted to the Speaker who, after consultation with the Business Committee or responsible Councillor, shall direct—

- (a) that it be printed in the terms in which it was handed in; or
- (b) that it be printed with such alterations as he may direct; or
- (c) that it be returned to the member who signed it, as being out of order.

Motions to be published on Order Paper

58. All motions except unopposed motions but including motions on the procedure on bills shall first be published in the Order Paper unless the Representative Authority otherwise decides.

Procedure on moving a motion

59. (a) A member called upon by the Speaker to move a motion shall rise in his place and after making such remarks as he may wish he shall move the motion.

(b) Every motion moved (except in committee of the whole Representative Authority) shall require seconding unless otherwise provided in these Rules. If a motion is not seconded it shall lapse.

(c) When a motion has been moved and if necessary seconded, the Speaker shall read it or cause it to be read and allow it to be discussed by the Representative Authority. Debate may then take place on that motion and may continue, subject to these Rules being observed, so long as any member who is entitled to speak wishes to speak.

(d) When no more members wish or are entitled to speak the Speaker shall put the motion to the Representative Authority for its decision.

(e) When an amendment or amendments have been proposed to a motion the Speaker shall first put the amendments and after all amendments have been disposed of, again read and put the original motion or if it has been amended the motion as amended, so as to enable the members of the Representative Authority to be fully acquainted with the terms thereof.

(f) The order in which amendments shall be put shall be in the discretion of the Speaker.

Amendments to motions: Procedure

60. (a) A member who has risen to speak on a motion may propose an amendment to that motion.

(b) An amendment shall require seconding.

(c) An amendment may take one of the following forms:

- (i) To leave out one or more words of the motion;
- (ii) to insert one or more words in the motion;
- (iii) to add one or more words at the end of the motion;
- (iv) to substitute certain other words for certain words contained in the motion.

Amendement moet skriftelik wees

61. (a) 'n Amendement wat voorgestel word, moet op skrif wees en deur die voorsteller aan die Speaker oorhandig word wat die teks aan die Verteenwoordigende Owerheid uitlees. Die amendement kan dan gedebatteer word.

(b) Lede kan meer as een amendement op 'n mosie in bespreking voorstel maar 'n voorstel vir die verdere wysiging van 'n voorgestelde amendement is buite die orde.

Terugtrekking van mosies

62. (a) 'n Mosie of 'n amendement kan teruggetrek word op versoek van die voorsteller, met verlof van die Verteenwoordigende Owerheid, voordat die vraag daaromtrent ten volle gestel is. 'n Mosie of 'n amendement wat teruggetrek is, kan weer voorgestel word, indien, in die geval van 'n mosie, kennis gegee is.

(b) Kennisgewing van 'n mosie of amendement op die Ordelys kan te eniger tyd voor dit deur die betrokke lid voorgestel is van die Ordelys verwyder word.

Voorstel om debat te verdaag

63. 'n Lid wat opgestaan het om te praat oor 'n vraag voor die Verteenwoordigende Owerheid kan voorstel dat die debat verdaag. Geen sekondant is nodig nie. Sodanige mosie word gestel slegs met die goedkeuring van die Speaker en as die Speaker oortuig is dat sodanige mosie nie misbruik van die regte en voorregte van lede is nie stel hy die mosie.

Getal kere wat lid oor mosie of amendement mag praat

64. 'n Lid mag nie meer as een keer oor 'n mosie of 'n amendement praat nie, behalwe—

- (a) in komitee en dan nie meer as drie keer nie;
- (b) ter verduideliking van sy toespraak soos by reël 17 bepaal;
- (c) in antwoord op 'n mosie as hy die voorsteller daarvan is;
- (d) in die geval van 'n Raadslid wat antwoord op vroeë opgewerp deur verskeie lede tydens 'n debat.

Toespraak verbode na mosie deur Speaker gestel is

65. Geen lid mag oor 'n mosie of 'n amendement praat nadat dit ten volle deur die Speaker gestel is nie.

DEEL IX

INDELING VAN WERKSAAMHEDE

Volgorde van werksaamhede

66. Die werksaamhede van elke sittingsdag, uitgesonderd die eerste sittingsdag van 'n sessie, word ooreenkomstig die noodsaaklikheid daarvan in die volgende volgorde verrig:

- (a) Gebed. (Sien Aanhangsel.)
- (b) Sterflys en ander seremoniële toesprake.
- (c) Afneem van ede, as daar is.
- (d) Petisies.
- (e) Uitlees deur die Voorsitter van boodskappe.
- (f) Ander aankondigings deur die Voorsitter of 'n raadslid.
- (g) Aankondigings deur die Speaker.
- (h) Verkiesing van Voorsitter, Speaker en/of Adjunk-speaker, indien nodig.
- (i) Tertafellegging van verslae of stukke.
- (j) Vrae.
- (k) Verrigtinge insake substantiewe mosies en wetsontwerpe.

Vrae moet op Ordelys geplaas word

67. Mondelinge en skriftelike vrae aan Raadslede word op die Ordelys geplaas ooreenkomstig die bepalings van reël 69.

Amendments to be in writing

61. (a) An amendment proposed shall be in writing and shall be handed to the Speaker by the mover who shall read the text to the Representative Authority. Debate may then take place on that amendment.

(b) Members may propose more than one amendment to a motion under discussion but a proposal to further amend a proposed amendment shall be out of order.

Withdrawal of motions

62. (a) A motion or an amendment may be withdrawn at the request of the mover by leave of the Representative Authority before the question has been fully put. A motion or an amendment which has been withdrawn may be proposed again if, in the case of a motion, notice is given.

(b) A notice of motion or an amendment on the Order Paper may be removed at any time before it is moved by the member concerned.

Proposal to adjourn debate

63. A member who has risen to speak on a question before the Representative Authority may move that the debate be adjourned. No seconder shall be required. Such motion shall be put only with the approval of the Speaker and if the Speaker is satisfied that such a motion will not be an abuse of the rights and privileges of members, he shall put the motion.

Number of times member may speak to motions or amendments

64. A member may not speak more than once to a motion or an amendment except—

- (a) in committee and then not more than three times;
- (b) in explanation of his speech as provided in rule 17;
- (c) in reply to a motion if he is the mover thereof;
- (d) in the case of a Councillor when replying to points raised by various members through the course of debate.

Speeches prohibited after motion put by Speaker

65. No member may speak on a motion or amendment after it has been fully put by the Speaker.

PART IX

ARRANGEMENT OF BUSINESS

Order of business

66. The business of each sitting day other than the first day of a session, shall in accordance with the need thereof, be transacted in the following order:

- (a) Prayers. (See Annexure.)
- (b) Obituaries and other ceremonial speeches.
- (c) Administration of oaths, if any.
- (d) Petitions.
- (e) Reading by the Chairman of messages.
- (f) Other announcements by the Chairman or a Councillor.
- (g) Announcements by the Speaker.
- (h) Election of Chairman, Speaker and/or Deputy Speaker if necessary.
- (i) Tabling of Reports or Papers.
- (j) Questions.
- (k) Proceedings on substantive motions and bills.

Questions to be on Order Paper

67. Oral and written questions to Councillors shall be placed on the Order Paper in accordance with the provisions of rule 69.

Sake op Ordelys word deur Werkkomitee nagesien

68. Behoudens die bepalings van reël 58, word alle sake wat op die Ordelys geplaas word deur die Werkkomitee nagesien en goedgekeur of deur 'n Raadslid vir die doel deur die Voorsitter aangewys.

Voorrang word deur Werkkomitee beslis

69. Die Werkkomitee of 'n Raadslid spesiaal vir die doel aangewys bepaal die voorrang van sake op die Ordelys.

Aanbieding van stukke

70. 'n Stuk kan slegs deur 'n Raadslid in die Verteenwoordigende Owerheid aangebied word.

DEEL X

VRAE

Vrae kan aan Raadslede gestel word

71. 'n Lid wat nie 'n Raadslid is nie kan 'n vraag stel aan 'n Raadslid met betrekking tot 'n openbare aangeleentheid waarvoor die Verteenwoordigende Owerheid amptelik verantwoordelik is waardeur hy inligting wil inwin oor daardie saak of amptelike optrede vra. Antwoorde op vrae kan mondeling of skriftelik verstrekk word.

Kennis van vraag moet gegee word

72. Vrae word nie gevra sonder dat behoorlike kennis gegee is nie en dié kennis kan gegee word deur die aflewering van die vraag by die Sekretaris minstens twee volle dae voor die dag waarop 'n antwoord verwag kan word. Sodanige vrae word in die Ordelys gepubliseer op die dag na ontvangs en vermeld die datum waarop 'n antwoord verlang word.

Vrae sonder kennisgewing

73. (1) As 'n lid die toestemming van die Speaker vra om 'n vraag te stel sonder dat kennis vooraf gegee is op grond daarvan dat dit van 'n dringende aard is en betrekking het op 'n aangeleentheid van openbare belang of op die indeling van werksaamhede kan die Speaker toelaat dat die vraag gevra word sonder kennisgewing indien hy oortuig is dat die vraag wel van sodanige aard is.

(2) Behoudens die bepalings van subreël (1), word vrae slegs op een of meer dae van die week beantwoord soos deur die Werkkomitee bepaal.

Vorm van vrae

74. 'n Vraag mag nie—

- (a) die name van persone of verklarings wat nie streng noodsaaklik is vir verstaanbaarheid insluit nie;
- (b) 'n bewering bevat wat die lid wat die vraag stel nie bereid is om te staaf nie;
- (c) argumente, gevolgtrekkings, opinies, aantygings of toevoegings of tendensieuse, ironiese of aanstootlike uitdrukkings bevat nie;
- (d) na verrigtings in 'n komitee verwys alvorens daardie komitee aan die Verteenwoordigende Owerheid verslag gedoen het nie;
- (e) inligting probeer inwin oor 'n saak wat uiteraard geheim is nie;
- (f) refleksie werp op die beslissing van 'n geregshof nie of so ingeklee wees dat 'n hangende saak voor 'n geregshof moontlik benadeel kan word nie;
- (g) gevra word met die doel om 'n uitspraak van opinie, die oplossing van 'n abstrakte saak, of die antwoord op 'n hipotetiese voorstel te verkry nie;
- (h) gevra word of verklarings in die pers of van private individue of private ondernemings akkuraat is nie;

Matters on Order Paper to be scrutinised by Business Committee

68. Subject to the provisions of rule 58, all matters placed on the Order Paper shall be scrutinised and approved of by the Business Committee or by a Councillor designated for the purpose by the Chairman.

Order of precedence to be decided by Business Committee

69. The Business Committee or the Councillor specially designated for this purpose shall decide the order of precedence of business on the Order Paper.

Presentation of papers

70. A paper may be presented to the Representative Authority only by a Councillor.

PART X

QUESTIONS

Questions may be addressed to Councillors

71. A member who is not a Councillor may address a question to a Councillor relating to a public matter for which the Representative Authority is officially responsible, in which he seeks information on that matter or asks for official action. Replies to questions may be given orally or in writing.

Notice of questions to be given

72. Questions shall not be asked without proper notice being given, which may be done by delivering the question to the Secretary not less than two full days before the day on which an answer is required. Such questions shall be published in the Order Paper on the day following the day of receipt, stating the date upon which a reply is desired.

Questions without notice

73. (1) If a member requests the permission of the Speaker to ask a question without notice on the ground that it is of an urgent nature and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice if he is satisfied that it is of that nature.

(2) Save as in subrule (1) provided questions shall be answered only on one day of the week as determined by the Business Committee.

Form of questions

74. A question shall not—

- (a) include the names of persons, or statements which are not strictly necessary to make the question intelligible;
- (b) contain a statement which the member who asks the question is not prepared to substantiate;
- (c) contain arguments, inferences, opinions, imputations or epithets, or tendentious, ironical or offensive expressions;
- (d) refer to proceedings in a committee before that committee has made its report to the Representative Authority;
- (e) seek information about a matter which is on the face of it secret;
- (f) reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law;
- (g) be asked for the purpose of obtaining an expression of opinion, the solution of an abstract case, or the answer to a hypothetical proposition;
- (h) be asked whether statements in the press or of private individuals or private concerns are accurate;

(i) gevra word aangaande die karakter of gedrag van 'n persoon, uitgesonderd in sy amptelike of openbare hoedanigheid nie;

(j) gevra word om inligting te probeer inwin wat verkrygbaar is in toeganklike dokumente of gewone naslaanwerke nie;

(k) gevra word nie met die oog op inligting waarvan die inwinning volgens die mening van die Uitvoerende Raad langdurige en ongeregtigde arbeid sal vereis of buitensporige of onnodige uitgawe sal veroorsaak.

Vrae word slegs een maal beantwoord

75. 'n Vraag wat reeds ten volle beantwoord is, mag nie weer gedurende dieselfde sessie gevra word nie.

Bevoegdheid van Speaker oor vrae

76. Die Speaker kan beveel dat enige vraag wat nie aan die bepalings van hierdie Reglement voldoen nie, nie in die Ordelys ingesluit moet word nie, tensy sekere veranderinge na hy gelas, aangebring is.

Lid moet vraag op Ordelys vra

77. Wanneer 'n vraag bereik word, staan die lid op wie se naam die vraag aangeteken is, op en stel die vraag aan die verantwoordelike Raadslid.

Supplementêre vrae: Procedure

78. Na 'n mondelinge antwoord op 'n vraag verstrek is, kan supplementêre vrae deur enige lid gevra word met die doel om die antwoord toe te lig en dit berus by die betrokke Raadslid of hy die supplementêre vraag wil beantwoord of wil vra dat kennis daarvan op die gewone wyse gegee word.

Vrae geen voorwendsel vir debat

79. 'n Lid mag nie die Verteenwoordigende Owerheid oor 'n vraag toespreek, en geen vraag mag as voorwendsel vir 'n debat gebruik word nie.

Verval van vrae

80. As 'n lid nie teenwoordig is om sy vrae te stel wanneer sy naam uitgeroep word nie, en hy nie 'n ander lid gemagtig het om die vraag namens hom te stel nie, verval die vraag.

DEEL XI

STEMMING

Hoe vrae beslis word

81. Alle vrae voor die Verteenwoordigende Owerheid of 'n komitee daarvan word beslis by meerderheid van stemme van die aanwesige lede, uitgesonderd die Speaker wat 'n beslissende stem uitoefen in geval van 'n staking van stemme; en enige redes wat hy hiervoor aanvoer, word in die Notule aangegeteken.

Wyse waarop mosie vir beslissing gestel word

82. Wanneer die Speaker 'n mosie voorlê, in die gewysigde of oorspronklike vorm of 'n wysiging van 'n mosie, moet hy dit doen deur te sê "Stem almal saam?". Indien enige lid "Nee" sê, moet die Speaker 'n stemming gelas.

Procedure wanneer stemming gelas word

83. (1) Wanneer 'n stemming gelas is, laat die Sekretaris die klokke lui vir 'n tydperk van twee minute waarna die deure van die Raadsaal toegemaak en gesluit word, en geen lid mag daarna die Raadsaal binnekom of verlaat voordat die stemming afgeloop is nie.

(2) Wanneer die deure gesluit is, moet die Speaker die mosie of amendement weer voorlê en elke lid dan teenwoordig, moet stem.

(3) Die Sekretaris moet dan die aantal stemme uitbring vir en teen die mosie of amendement tel en die Speaker moet daarna die getalle aan die Verteenwoordigende Owerheid bekendmaak.

(i) be asked about the character or conduct of a person except in his official or public capacity;

(j) be asked seeking information which can be obtained in accessible documents or ordinary works of reference;

(k) ask for information the collection of which, in the opinion of the Executive Council, will require prolonged or unjustified labour or cause excessive or unnecessary expenditure.

Questions to be replied to only once

75. A question which has been fully answered shall not be asked again during the same session.

Powers of Speaker on questions

76. The Speaker may direct that any question not conforming with the provisions of these Rules shall not be included in the Order Paper unless certain alterations, as he may direct, are made.

Member shall ask question on Order Paper

77. When a question is reached the member in whose name the question stands shall rise and address the question to the responsible Councillor.

Supplementary questions: Procedure

78. After an oral answer has been given to a question supplementary questions may be asked by any member for the purpose of elucidating that answer and it shall be in the discretion of the Councillor concerned whether he wishes to reply to such supplementary question or ask that notice thereof be given in the ordinary way.

Questions not to be pretext for debate

79. A member shall not address the Representative Authority on a question nor shall a question be used as a pretext for a debate.

Lapsing of questions

80. If a member is not present to ask his question when his name is called, and has not authorised any other member to ask the question on his behalf, the question shall lapse.

PART XI

VOTING

How question is decided

81. Every question before the Representative Authority or a committee thereof shall be decided by a majority of votes of the members present other than the Speaker who shall exercise a casting vote in the case of an equality of votes, and any reasons stated by him therefor shall be entered in the Votes and Proceedings.

Mode of putting motions for decision

82. When the Speaker puts a motion, either in its amended or original form, or an amendment to a motion he shall do so by saying "All agreed?". If any member says "No" the Speaker shall order that a ballot be taken.

Procedure when ballot ordered

83. (1) When a ballot has been ordered the Secretary shall cause the bells to be rung for a period of two minutes whereafter the doors of the Chamber shall be closed and locked and no member shall thereafter enter or leave the Chamber until after the ballot has taken place.

(2) When the doors have been locked the Speaker shall again put the motion or amendment and every member then present shall be required to vote.

(3) The Secretary shall then total the number of votes cast for and against the motion or amendment and the Speaker shall thereupon declare the number to the Representative Authority.

(4) Wanneer 'n stemming aan die gang is, kan lede, sittende, oor 'n punt van orde praat wat uit of tydens die stemming ontstaan.

(5) Ingeval verwarring of 'n fout plaasvind in verband met die getalle wat opgegee is, gaan die Verteenwoordigende Owerheid oor tot 'n nuwe stemming, tensy dit op 'n ander wyse in orde gebring kan word.

(6) As die getalle onjuis gerapporteer is, gelas die Verteenwoordigende Owerheid, as dit onder sy aandag gebring word, dat die Notule gekorrigeer word.

DEEL XII WETSONTWERPE

Indiening van publieke wetsontwerpe

84. 'n Wetsontwerp ten behoeve van die Damara-regering ingedien, word 'n publieke wetsontwerp genoem en word soos volg ingedien:

(a) Die betrokke Raadslid moet kennis gee van sy voorneme om 'n wetsontwerp in te dien, en in die kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Op die daaropvolgende dag nadat sodanige kennis gegee is, of so gou moontlik daarna, moet hy 'n skoon afskrif daarvan, in die Afrikaanse en die Engelse taal, na die tafel van die Sekretaris bring, en kan dan sonder kennisgewing voorstel dat dit vir die eerste maal gelees word, en die vraag word sonder amendemente of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

Indiening van private wetsontwerpe

85. 'n Wetsontwerp deur 'n private lid ingedien, word 'n private wetsontwerp genoem en word as volg ingedien:

(a) Die private lid moet kennis gee van 'n mosie waarin verlof gevra word vir die indiening van 'n wetsontwerp, en in dié kennisgewing moet die algemene doel van die wetsontwerp vermeld word.

(b) Die debat oor die mosie vir verlof om sodanige wetsontwerp in te dien, word tot een uur beperk en geen toespraak mag langer as 10 minute duur nie.

(c) As aan 'n lid verlof verleen word om 'n wetsontwerp in te dien, bring hy onmiddellik 'n skoon afskrif daarvan, in die Afrikaanse en die Engelse taal, na die tafel van die Sekretaris, en kan dan sonder kennisgewing voorstel dat dit vir die eerste maal gelees word, en die vraag word sonder amendement of debat gestel. Die Sekretaris lees dan die kort titel van die wetsontwerp.

Wetsontwerp moet getik word

86. Sodra 'n wetsontwerp vir die eerste keer gelees is, moet die Sekretaris, as sodanige wetsontwerp nog nie getik is nie, die teks daarvan, soos vervat in die afskrif wat ter Tafel gelê is, laat tik.

Vorm van wetsontwerp

87. Wanneer 'n wetsontwerp getik word—

(a) moet die wetsontwerp van 'n kort titel voorsien word wat ooreenstem met die titel waarby dit aangehaal word as dit 'n wet word;

(b) moet dit wetsontwerp van 'n lang titel voorsien word wat die algemene doel van die wetsontwerp uiteen sit;

(c) moet die klousules van die wetsontwerp deur die magtigingsbepaling voorafgegaan word wat soos volg lui:

“Vaardig die Damara-Verteenwoordigende Owerheid die volgende Wet uit”;

(d) moet die wetsontwerp in klousules verdeel word, wat agtereenvolgens genommer moet wees met 'n kanttekening by elke klousule;

(e) kan sake van detail in verband met die bepalings van die wetsontwerp aan die wetsontwerp geheg word in die vorm van 'n bylae of bylaes.

(4) While a ballot is in progress members may speak sitting, to a point of order arising out of or during the ballot.

(5) In case of confusion or error occurring concerning the numbers reported, the Representative Authority shall proceed to another ballot unless the same can be otherwise corrected.

(6) If the numbers have been inaccurately reported the Representative Authority, on being informed thereof, shall order the Votes and proceedings to be corrected.

PART XII BILLS

Introduction of public bills

84. A bill introduced on behalf of the Damara Government, shall be termed a public bill and shall be lodged as follows:

(a) The responsible Councillor shall give notice of his intention to introduce the bill and in such notice the general object of the bill shall be stated.

(b) On the next succeeding day after having given such notice or as soon thereafter as possible he shall hand a fair copy thereof, in the English and Afrikaans languages, to the Secretary's table and may then move without notice, that it be read a first time, such question being put without amendment or debate. The Secretary shall then read the short title of the bill.

Introduction of private bills

85. A bill introduced by a private member shall be termed a private bill and shall be lodged as follows:

(a) The private member shall give notice of a motion seeking leave to lodge a bill and in such notice the general object of the bill shall be stated.

(b) The debate on the motion for leave to introduce such a bill shall be limited to one hour and no speech shall exceed 10 minutes.

(c) Should leave be granted to a member to introduce a bill, he shall immediately hand in a fair copy thereof in the English and Afrikaans languages to the Secretary's table and may then move, without notice, that it be read a first time, such question being put without amendment or debate. The Secretary shall thereupon read the short title of the bill.

Bill to be typed

86. As soon as the first reading of a bill has been taken the Secretary shall, if such bill has not yet been typed, cause the text thereof, as contained in the copy laid on the Table, to be typed.

Form of bill

87. When a bill is typed—

(a) the bill shall be given a short title corresponding to the title by which it is to be cited if it becomes an act;

(b) the bill shall be given a long title setting out the general purposes of the bill;

(c) the clauses of the bill shall be preceded by the enacting provision which shall be:

“The Damara Representative Authority makes the following Act”;

(d) the bill shall be divided into clauses, numbered consecutively and have a marginal note to each clause; and

(e) matters of detail pertaining to the provisions of the bill may be annexed to the bill in the form of a schedule or schedules.

Feitlike memorandum oor wetsontwerp

88. 'n Memorandum waarin die doel van die wetsontwerp uiteengesit word, kan daaraan geheg word mits sodanige memorandum geen argumente aanvoer nie.

Lede moet afskrifte van wetsontwerp ontvang

89. So spoedig moontlik na 'n wetsontwerp getik is moet die Sekretaris 'n afskrif daarvan aan elke lid laat stuur.

Kennisgewing van tweede lesing

90. Nadat 'n wetsontwerp vir die eerste keer gelees en getik is, moet die lid wat daarmee belas is 'n dag vir die tweede lesing bepaal.

Alleen algemene beginsels mag by tweede lesing bespreek word

91. By die tweede lesing van 'n wetsontwerp kan 'n debat, wat die algemene meriete en beginsels van die wetsontwerp dek, ontstaan.

Procedure by amendement tydens die tweede lesing

92. 'n Mosie kan ingedien word om die vraag vir die tweede lesing van 'n wetsontwerp te wysig—

(a) deur die woorde na "Dat" te skrap en te vervang deur die woorde "daar nie met die wetsontwerp voortgegaan word nie";

(b) deur al of sommige van die woorde na "Dat" te skrap en te vervang deur woorde wat die een of ander spesiale rede teen die tweede lesing van die wetsontwerp gee;

(c) deur die onderwerp van die wetsontwerp na 'n gekose komitee te verwys.

Procedure wanneer wetsontwerp vir die tweede maal gelees is

93. Wanneer 'n wetsontwerp vir die tweede maal gelees is, kan besluit word dat dit 'n komitee vir die hele Verteenwoordigende Owerheid op 'n dag dan genoem deur die lid wat daarmee belas is, oorweeg word, of dit kan na 'n gekose komitee verwys word.

Kennisgewing van amendement

94. (a) 'n Lid wat 'n voorgestelde amendement op 'n wetsontwerp op die Ordelys wil laat plaas, moet dit aan die Sekretaris oorhandig nie later as 16h00 op die dag voor die dag waarop dit moet verskyn nie;

(b) 'n Voorgestelde amendement moet in behoorlike vorm wees;

(c) 'n Amendement kan te eniger tyd vir publikasie in die Ordelys aan die Sekretaris oorhandig word, nadat die wetsontwerp waarop dit betrekking het vir die eerste maal gelees is.

Speaker verlaat Stoel wanneer Verteenwoordigende Owerheid in komitee is

95. Wanneer die dagorder vir die Verteenwoordigende Owerheid om in komitee oor die wetsontwerp te gaan, gelees word, moet die Speaker bekendmaak dat die Verteenwoordigende Owerheid in komitee moet gaan, en daarop gaan die Verteenwoordigende Owerheid in komitee en die Adjunk-speaker neem sy plek aan die Tafel en die Speaker verlaat die Raadsaal.

Procedure in komitee

96. (a) Die Adjunk-speaker moet, nadat hy sy plek aan die Tafel ingeneem het, die nommer en die kanttekening van elke klousule in volgorde lees, en moet ten opsigte van elke klousule die vraag stel.

(b) Die lang titel en die aanhef (as daar een is) bly oorstaan, sonder dat die vraag gestel word, tot na die klousules en die bylaes (as daar is) oorweeg is.

Factual memorandum on bill

88. A memorandum stating the object of the bill may be attached to it provided that such memorandum shall not be argumentative.

Members to receive copies of bills

89. As soon as possible after the publication of a bill the Secretary shall cause a copy of it to be sent to every member.

Notice to move second reading

90. After a bill has been read the first time and typed the member in charge shall fix a day for its second reading.

General principles only to be discussed on second reading

91. On the second reading of a bill a debate may arise covering the general merits and principles of the bill.

Procedure on amendments at second reading

92. A motion may be introduced to amend the question for the second reading of a bill—

(a) by omitting the words after "that" and substituting therefor the words "the bill be not proceeded with";

(b) by omitting all or some of the words after "that" and substituting words which state some special reason against the second reading of the bill;

(c) by referring the subject matter of the bill to a select committee.

Procedure when bill has been read second time

93. When a bill has been read a second time it may either be resolved that it be considered in committee of the whole Representative Authority on a day then stated by the member in charge or be referred to a select committee.

Notice of amendments to be given

94. (1) A member desiring to have a proposed amendment to a bill placed on the Order Paper, shall hand it to the Secretary not later than 16h00 on the day before that on which it is so to appear.

(b) A proposed amendment shall be couched in the proper form.

(c) An amendment may be handed to the Secretary at any time for publication in the Order Paper after the bill to which it relates has been read a first time.

Speaker leaves chair when Representative Authority in committee

95. On the order of the day being read for the Representative Authority to go into committee on the bill the Speaker shall announce that the Representative Authority shall go into committee and the Representative Authority shall thereupon resolve itself into committee, and the Deputy Speaker shall take his seat at the Table, and the Speaker shall leave the Chamber.

Procedure in committee

96. (a) The Deputy Speaker, upon seating himself at the Table, shall proceed to read the number and the marginal note of each clause in succession, and shall put the question on each such clause.

(b) The long title and the preamble (if any) shall stand postponed until after consideration of the clauses and schedules (if any) without the question being put.

Amendement wat voorgestel kan word

97. 'n Amendement kan in 'n klousule aangebring word, of 'n nuwe klousule kan bygevoeg word, mits dit ter sake is by die onderwerp van die wetsontwerp of ingevolge 'n instruksie is, of andersins ooreenkomstig die Reglement is; maar as 'n amendement wat nie deur die lang titel van die wetsontwerp gedek word nie, aangeneem word, moet die komitee die lang titel dienoreenkomstig wysig, en dit spesiaal aan die Verteenwoordigende Owerheid rapporteer: Met dien verstande egter dat geen klousule of amendement wat strydig is met die beginsel van die wetsontwerp soos vir die tweede maal gelees, voorgestel mag word nie.

Amendement mag nie dieselfde wees as dié reeds verworp

98. Geen nuwe klousule of amendement word toegelaat nie wat wesenlik dieselfde is as een reeds verworp, of wat onbestaanbaar of strydig is met een wat reeds deur die komitee aangeneem is, tensy daar 'n terugverwysing van die wetsontwerp plaasgevind het.

Beginsel van wetsontwerp word nie in komitee bespreek nie

99. Die Beginsel van 'n wetsontwerp word nie in komitee bespreek nie, maar slegs die besonderhede daarvan.

Wysiging van hoofwet

100. Wanneer 'n wysigingswetsontwerp ingedien word om 'n spesifieke artikel of artikels van die hoofwet te wysig of om 'n nuwe artikel daarvan te verorden, moet enige amendement in komitee beperk word tot die onderwerp van die klousules van die wetsontwerp soos vir die tweede maal gelees, en tot enige amendement wat daarop volg.

Reglement bly van toepassing terwyl Verteenwoordigende owerheid in komitee is

101. Behalwe dat die Adjunk-speaker gedurende verrigtings van 'n komitee aan die Tafel van die Verteenwoordigende Owerheid moet sit, bly die verrigtings wat normaalweg gedurende sittings van die Verteenwoordigende Owerheid gevolg word van toepassing, behoudens die bepalinge van hierdie Reglement.

Speaker neem Stoel weer in by afhandeling van komiteestadium

102. By die afsluiting van die verrigtings van 'n komitee van die hele Verteenwoordigende Owerheid oor 'n wetsontwerp keer die Speaker na die Stoel terug en kondig aan dat die Komiteestadium van die wetsontwerp afgehandel en deur die Verteenwoordigende Owerheid in komitee aangeneem is met of sonder amendemente.

Datum vir derde lesing

103. Die Speaker vra daarna die Raadslid of lid belas met die wetsontwerp op watter datum die derde lesing moet plaasvind, en gelas dat die derde lesing op die bepaalde datum of enige ander geskikte datum moet plaasvind.

Wetsontwerp moet getik word indien in komitee gewysig

104. Wanneer 'n wetsontwerp in komitee van die hele Verteenwoordigende Owerheid gewysig is, word dit, indien die Verteenwoordigende Owerheid aldus gelas, getik soos gewysig voordat die derde lesing plaasvind.

Derdelesingsdebat moet oor inhoud van wetsontwerp wees

105. By die derde lesing van 'n wetsontwerp (uitgesonderd 'n begrotingswetsontwerp) word die debat daaroor, as daar is, beperk tot die gevolge van die amendemente wat deur die komitee van die hele Verteenwoordigende Owerheid aangeneem is. Indien die wetsontwerp nie gewysig is nie word die vraag sonder amendement of debat beslis.

Amendments which may be moved

97. An amendment may be made to a clause or a new clause added, if it is relevant to the subject matter of the bill or pursuant to any instruction, or otherwise in conformity with the Rules; but if any amendment be adopted which is not embodied in the long title of the bill, the committee shall amend the long title accordingly and report it specially to the Representative Authority: Provided, however, that no clause or amendment shall be proposed which is in conflict with the principle of the bill as read a second time.

Amendments not to be made if same as one already negatived

98. No new clause or amendment shall be allowed which is substantially the same as one already negatived, or which is inconsistent or in conflict with one already agreed to by the committee unless the bill has been referred back.

Principle of bill not to be discussed in committee

99. The principle of a bill shall not be discussed in committee, but only the details.

Amendment of principal act

100. Where an amending bill is introduced to amend a specific section or sections of the principal act or to enact a new section thereof, an amendment in committee shall be confined to the subject matter of the clauses of the bill as read a second time, and to any amendment consequential thereto.

Rules continue to apply when Representative Authority in committee

101. Except that the Deputy Speaker shall be seated at the Table of the Representative Authority during proceedings in committee, the proceedings normally followed during sittings of the Representative Authority shall, subject to the provisions of these Rules, continue to apply.

Speaker returns to chair when committee stage finalised

102. At the close of the proceedings of a committee of the whole Representative Authority on a bill the Speaker shall return to the Chair and announce that the committee stage of the bill has been finalised and accepted by the Representative Authority in committee with or without amendments.

Date for third reading

103. The Speaker shall thereupon ask the Councillor or member in charge of the bill on what date the third reading is to be taken and order that the third reading be taken on the appointed date or any other suitable date.

Bill to be typed if amended in committee

104. When the bill has been amended in committee of the whole Representative Authority it shall, if the Representative Authority so directs, be typed as amended prior to the third reading being taken.

Third reading debate to be on contents of bill

105. On the third reading of a bill (other than an appropriation bill) the debate thereon, if any, shall be confined to the effects of the amendments which have been adopted by the committee of the whole Representative Authority. If the bill has not been amended the question shall be decided without amendment or debate.

Wetsontwerp aangeneem na derde lesing

106. Na die derde lesing word geen verdere vraag gestel nie en word die wetsontwerp geag deur die Verteenwoordigende Owerheid aangeneem te wees.

Alleenlik kort titel moet gelees word

107. By die ordes vir die eerste, tweede en derde lesing van 'n wetsontwerp lees die Sekretaris slegs die kort titel daarvan, tensy die Verteenwoordigende Owerheid anders gelas.

Verlof vir terugtrekking van wetsontwerp

108. 'n Wetsontwerp wat by die Verteenwoordigende Owerheid ingedien is, mag alleenlik met die verlof van die Verteenwoordigende Owerheid teruggetrek word, en die debat oor 'n mosie om verlof om 'n wetsontwerp terug te trek, is tot een uur beperk en geen toesprake mag langer as 10 minute duur nie.

Wetsontwerp wat nie ingedien mag word nie

109. Wanneer 'n wetsontwerp uiteindelik aangeneem of verwerp is, mag geen wetsontwerp met dieselfde inhoud weer gedurende die lopende sessie van die Verteenwoordigende Owerheid ingedien word nie.

Formele foute kan deur Speaker gekorrigeer word

110. Indien enige fout ontdek word in 'n wetsontwerp wat deur die Verteenwoordigende Owerheid aangeneem is en voordat dit aan die Staatspresident gestuur is vir sy goedkeuring, moet die Speaker sodanige fout rapporteer en daarna word dit soos enige ander amendement behandel. Met dien verstande dat korreksies van letterfoute of van formele aard (dit wil sê spelfoute of klaarblyklike grammatikale of tikfoute) te eniger tyd deur die Sekretaris op las van die Speaker aangebring kan word.

Wetsontwerpe moet aan Staatspresident gestuur word

111. Wanneer 'n wetsontwerp deur die Verteenwoordigende Owerheid aangeneem is, en nadat dit getik is en deur die Speaker geteken is, moet dit aan die Staatspresident gestuur word vir verdere afhandeling soos by wet vereis.

Prosedure wanneer wetsontwerp terugverwys word

112. Wanneer 'n wetsontwerp na die Verteenwoordigende Owerheid terugverwys is deur die Staatspresident ingevolge die bepalings van artikel 31 (2) van die Proklamasie op die Damara- Verteenwoordigende Owerheid, 1977, kan die Verteenwoordigende Owerheid met sodanige wetsontwerp voortgaan ooreenkomstig die bepalings van reëls 113 tot en met 119.

Prosedure by verslag en herindiening van wetsontwerp wat terugverwys is

113. (a) Wanneer 'n wetsontwerp deur die Staatspresident na die Verteenwoordigende Owerheid terugverwys is, moet die Raadslid of lid met die wetsontwerp belas so spoedig moontlik aan die Verteenwoordigende Owerheid verslag doen oor die advies ontvang indien die Verteenwoordigende Owerheid dan nog in sessie is, en indien nie, dan so spoedig moontlik na die aanvang van die daaropvolgende sessie.

(b) Enige lid kan kennis gee van 'n mosie dat geen verdere stappe in verband met die wetsontwerp gedoen word nie, in welke geval die wetsontwerp verval indien die mosie aangeneem word, of dat dit gewysig word in die lig van die advies en inligting wat gegee is.

(c) Behalwe wanneer die Verteenwoordigende Owerheid die teenoorgestelde besluit het, kan die Verteenwoordigende Owerheid dan weer tot die tweede lesing, komiteestadium en derde lesing van die wetsontwerp oorgaan: Met dien verstande—

(i) dat waar die hoofbeginsels van die wetsontwerp nie deur die advies wat gegee is of deur die veranderings wat aangebring is, geraak is nie die Speaker kan beslis dat die Verteenwoordigende Owerheid dadelik tot die komiteestadium oorgaan;

Bill passed after third reading

106. After the third reading, no further question shall be put, and the bill shall be deemed to have been passed by the Representative Authority.

Short title only to be read

107. On the orders of the first, second and third reading of a bill the Secretary shall read only the short title thereof unless the Representative Authority directs otherwise.

Leave to be granted for withdrawal of bill

108. A bill introduced into the Representative Authority shall be withdrawn only with the leave of the Representative Authority and the debate on a motion for leave to withdraw a bill shall be limited to one hour and no speeches shall exceed 10 minutes.

Certain bill not to be introduced

109. When a bill is eventually passed or has been rejected, no bill of the same substance shall be introduced again during the current session of the Representative Authority.

Formal errors may be corrected by Speaker

110. Upon the discovery of any error in a bill which has been passed by the Representative Authority and before it has been forwarded to the State President for his approval, the Speaker shall report such error and it shall thereupon be dealt with as with any other amendment: Provided that corrections of a literal or formal nature (i.e. spelling or obvious grammatical mistakes or typing errors) may be made at any time by the Secretary under the direction of the Speaker.

Bills to be passed to State President

111. When a bill has been passed by the Representative Authority it shall after being typed and signed by the Speaker be forwarded to the State President to be dealt with further as required by law.

Procedure when bill referred back

112. When a bill has been referred back to the Representative Authority by the State President in terms of the provisions of section 31 (2) of the Damara Representative Authority Proclamation, 1977, the Representative Authority may proceed on such bill in accordance with the provisions of rules 113 to 119.

Procedure on report and re-introduction of bill referred back

113. (a) Where a bill has been referred back to the Representative Authority by the State President the Councillor or member in charge of a bill shall make a report to the Representative Authority on the advice received as soon as possible if the Representative Authority is then still in session and, if not, then as soon as possible after the commencement of the next ensuing session.

(b) Any member may give notice of a motion that no further steps be taken on the bill in which event the bill shall lapse if the motion is carried, or that it be amended in the light of the advice and information given.

(c) Unless the Representative Authority has resolved to the contrary the Representative Authority may then again proceed to the second reading, committee stage and third reading of the bill: Provided—

(i) that where the main principles of a bill have not been affected by the advice given or by the alterations effected the Speaker may rule that the Representative Authority proceed immediately to the committee stage;

(ii) dat in die komiteestadium alleenlik daardie artikels van die wetsontwerp wat ter sprake is of wat verander of gewysig is, behandel hoof te word.

DEEL XIII

PROSEDURE BETREFFENDE FINANSIËLE SAKKE

Uitvoerende Raad moet finansiële sake aanbeveel

114. (a) Die Verteenwoordigende Owerheid neem geen mosie, wetsontwerp of verbandhoudende bepaling aan nie in enige wetsontwerp vir die aanwending van enige fondse uit die Inkomstefonds van die Damara-regering of vir die oplegging van enige belasting of heffing sonder die aanbevelings van die Uitvoerende Raad ooreenkomstig die bepalings van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977.

(b) Elke sodanige aanbeveling word aan die Verteenwoordigende Owerheid meegedeel per geskrewe boodskap wesenlik in die volgende vorm:

“Die Uitvoerende Raad, nadat hy in kennis gestel is van die onderwerp van die voorgestelde mosie (wetsontwerp, verbandhoudende bepaling of ander wet), beveel dit aan vir oorweging deur die Verteenwoordigende Owerheid”.

Sekere wetsontwerpe bekend as Begrotingswetsontwerpe

115. Enige wetsontwerp wat die beraamde finansiële vereistes bevat vir uitgawe ten opsigte van die dienste van die Damara-regering vir die lopende of volgende finansiële jaar, staan bekend as 'n Begrotingswetsontwerp. Begrotings wat die besonderhede bevat van genoemde finansiële vereistes word tesame met sodanige wetsontwerp voorgelê.

Tweede lesing van Begrotingswetsontwerp: Prosedure

116. Nadat die mosie vir die tweede lesing van 'n Begrotingswetsontwerp voorgestel is, word die debat daarvoor verdaag en word nie eerder as die daaropvolgende dag hervat nie, en daarna word hoogstens 15 uur vir die tweede lesing van die wetsontwerp toegestaan. Die debat, wanneer dit hervat word, word beperk tot die finansiële en ekonomiese toestand van die Damaras en tot die algemene beginsels van Regeringsbeleid en administrasie soos deur die wetsontwerp en begroting aangedui. Na die verstryking van 15 uur van debat, tensy die debat vroeër afgehandel is, moet die Speaker die Voorsitter 'n geleentheid gee om repliek te lewer, of hy moet 'n datum vir repliek bepaal, en enige vraag stel wat nodig is om die verrigtings van die tweede lesing af te sluit.

Omskrywing van Begrotingskomitee

117. Daar is 'n komitee van die hele Verteenwoordigende Owerheid wat die Begrotingskomitee genoem word. Die beraadslaging van die Komitee is in die openbaar.

Begrotings toevertrou aan Begrotingskomitee

118. Die begrotings word, wanneer hulle aan die Verteenwoordigende Owerheid voorgelê word, na die Begrotingskomitee verwys, en wanneer die Begrotingswetsontwerp 'n tweede maal gelees is, word dit aan daardie Komitee toevertrou.

Prosedure van Begrotingskomitee

119. (1) Wanneer die Verteenwoordigende Owerheid 'n Begrotingskomitee is, word die begrotingsposte van die verskeie portefeuljes van die Raadslede agtereenvolgens behandel.

(2) Die debat in Begrotingskomitee oor die begrotingspos(te) van elke Raadslid word ingelei deur 'n toespraak deur die verantwoordelike Raadslid betreffende die administrasie, toekomstige ontwikkeling en algemene beleid van sy Departement(e).

(ii) that at the committee stage only those sections of the bill which are in issue or which have been altered or amended need be dealt with.

PART XIII

PROCEDURE REGARDING FINANCIAL MEASURES

Financial measures to have recommendation of Executive Council

114. (a) The Representative Authority shall not pass any motion, bill or incidental provision in any bill for the appropriation of any funds from the Damara Government Revenue Fund or for the imposition of any tax or impost without the recommendation of the Executive Council in accordance with the provisions of the Damara Representative Authority Proclamation, 1977.

(b) Every such recommendation shall be communicated to the Representative Authority by written message substantially in the following form:

“The Executive Council having been informed of the subject matter of the proposed motion (bill, incidental provision or other act) recommends it for consideration of the Representative Authority”.

Certain bills known as Appropriation Bills

115. Any bill containing the estimated financial requirements for expenditure on the services of the Damara Government for the current or succeeding financial year shall be known as an Appropriation Bill. Estimates containing the details of the said financial requirements shall be presented at the same time as such bill.

Second reading of Appropriation Bill: Procedure

116. After the motion for the second reading of an Appropriation Bill has been proposed the debate thereon shall be adjourned and shall be resumed not earlier than the day following, after which not more than 15 hours shall be allotted for the second reading of the bill. The debate, when resumed, shall be confined to the financial and economic state of the Damaras and the general principles of Government policy and administration as indicated by the bill and estimates. After the expiry of 15 hours of debate, unless the debate is concluded earlier, the Speaker shall allow the Chairman an opportunity of reply or set a date for such reply and put any question necessary to bring the proceedings of the second reading to a conclusion.

Definition of Committee of Supply

117. There shall be a committee of the whole Representative Authority to be called the Committee of Supply. The deliberations of the Committee shall be in public.

Estimates stand committed to Committee of Supply

118. The estimates shall upon presentation to the Representative Authority stand referred to the Committee of Supply and the Appropriation Bill upon being read a second time shall stand committed to that Committee.

Procedure of Committee of Supply

119. (1) When the Representative Authority is in Committee of Supply the votes falling under the different portfolios of the Councillors shall be dealt with consecutively.

(2) The debate in Committee of Supply on the vote(s) of each Councillor shall be commenced with a speech by the responsible Councillor relating to the administration, future development and general policy of his Department(s).

(3) Nieteenstaande die bepalings van reël 18, word 'n Raadslid se tyd nie beperk wanneer hy sy beleidstoespraak in subreël (2) hierbo bedoel, lower nie.

Bylae van Begrotingswetsontwerp moet eers afgehandel word

120. By oorweging van die Begrotingswetsontwerp in Begrotingskomitee, staan die klousules van die wetsontwerp oor tot na oorweging van die bylae of bylaes.

Hoofde van uitgawe

121. By oorweging van die bylaes word elke hoof van uitgawe tesame met die toepaslike begroting oorweeg en enige verwysing in hierdie Reglement na 'n subhoof, item of subitem beteken 'n subhoof, item of subitem in die begrotings van die hoof dan in bespreking.

Debat oor hoofde van bylaes

122. By die oorweging van 'n bylae lees die Speaker die titel van elke hoof van uitgawe beurtelings uit, en stel die vraag "Dat die bedrag van R..... vir hoof deel van die bylae uitmaak", en, tensy 'n amendement voorgestel word ingevolge die bepalings van die hieropvolgende reëls, kan 'n debat oor daardie vraag gevoer word. Enige sodanige debat word beperk tot die beleid van die diens waarvoor die geld verskaf moet word, en handel nie oor die besonderhede van enige subitem, item of subhoof nie, maar kan na die besonderhede van inkomste of fondse waarvoor daardie diens verantwoordelik is, verwys.

Bylae is deel van wetsontwerp

123. Wanneer al die hoofde in 'n bylae afgehandel is, stel die Speaker onverwyld, sonder amendement of debat, die vraag "Dat die bylae (soos gewysig) deel uitmaak van die wetsontwerp".

Klousules van wetsontwerp moet oorweeg word

124. Wanneer elke bylae afgehandel is, lees die Speaker elke klousule van die wetsontwerp agtereenvolgens uit, en stel onverwyld die vraag "Dat die klousule deel van die wetsontwerp uitmaak", en, tensy 'n gevolglike amendement voorgestel word, word daardie vraag sonder amendement of debat afgehandel.

Amendemente word slegs deur Raadslid voorgestel

125. Geen amendement op enige klousule word voorgestel nie, uitgesonderd enige amendement wat die gevolg is van 'n verandering in die totale som wat by enige bylae begroot is. Enige sodanige gevolglike amendement word slegs deur 'n Raadslid voorgestel en kan sonder kennisgewing voorgestel word en die vraag daaromtrent word dadelik gestel sonder amendement of debat. Wanneer die vraag oor die laaste van enige sodanige amendement op 'n klousule beslis is, stel die Speaker dadelik die vraag "dat die klousule, soos gewysig, deel van die wetsontwerp uitmaak", en daardie vraag word dan beslis sonder amendement of debat.

Speaker keer na Stoel terug na elke klousule beslis is

126. Na die vraag oor alle klousules van die wetsontwerp beslis is, keer die Speaker terug na die Stoel van die Verteenwoordigende Owerheid en kondig aan die Verteenwoordigende Owerheid dat die wetsontwerp deur die Komitee, met of sonder amendemente, goedgekeur is.

Tyd waarin amendement ingedien word

127. Geen amendement word in die Begrotingskomitee kragtens hierdie Reglement ingedien voor 'n volle dag na dit in die Ordelys gepubliseer is nie.

Amendemente om te vermeerder of te verminder

128. 'n Amendement om 'n hoof te vermeerder, hetsy met betrekking tot enige subitem, item of subhoof of die hoof self, word deur die Speaker buite die orde gereël en

(3) Notwithstanding the provisions of rule 18 a Councillor shall not be limited in time when making his policy speech referred to in subrule (2) above.

Schedules to Appropriation Bill to be disposed of first

120. On consideration of the Appropriation Bill in Committee of Supply, the clauses of the bill shall stand postponed until after consideration of the schedule or schedules.

Heads of expenditure

121. On consideration of the schedules each head of expenditure shall be considered with the appropriate estimate, and any reference in these Rules to a subhead, item or subitem means a subhead, item or subitem in the estimates for the head then under discussion.

Debate on heads of schedules

122. On the consideration of a schedule, the Speaker shall call the title of each head of expenditure in turn, and shall put the question "That the sum of R..... for head stand part of the schedule", and unless an amendment is proposed under the provisions of the succeeding rules, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any subitem, item or subhead but may refer to the details of revenues or funds for which that service is responsible.

Schedule to be part of bill

123. When all the heads in a schedule have been disposed of, the Speaker shall forthwith put, without amendment or debate, the question "That the schedule (as amended) stand part of the bill".

Clauses of bill to be considered

124. When every schedule has been disposed of the Speaker shall read each clause of the bill consecutively and shall forthwith put the question "That the clause stand part of the bill" and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

Amendments to be moved by Councillor only

125. No amendment may be moved to any clause except an amendment consequential to an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a Councillor only, and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Speaker shall forthwith put the question "That the clause, as amended, stand part of the bill", and that question shall then be decided without amendment or debate.

Speaker to return to Chair when every clause decided

126. When the question on all clauses of the bill has been decided, the Speaker shall return to the Chair of the Representative Authority and announce to the Representative Authority that the bill has been passed by the Committee with or without amendments, as the case may be.

Time in which amendment shall be moved

127. No amendment shall be moved in the Committee of Supply in terms of these Rules until one clear day after that on which it was published in the Order Paper.

Amendments to increase or reduce

128. An amendment to increase a head, whether in respect of any subitem, item or subhead or of the head itself, shall be ruled out of order by the Speaker and

as meer as een vermindering in 'n pos of item van 'n pos voorgestel word, word die vraag omtrent die grootste vermindering eerste vanuit die Stoel gestel.

Prosedure oor mosies om te wysig

129. (1) Behoudens die bepalings by subreël (2) voorgeskryf, kan enige lid 'n amendement voorstel om die bedrag toegewys aan enige uitgawe hoof ten opsigte van enige item daaronder te verminder, en word in die vorm van 'n mosie gestel "Dat hoof verminder word met R..... ten aansien van (of deur die weglating van) subhoof item subitem"

(2) 'n Amendement om 'n hoof te verminder met betrekking tot enige item of om die item weg te laat, is slegs in die orde as die item nie onderverdeel is nie.

(3) 'n Amendement om 'n hoof te verminder met betrekking tot enige subhoof of om 'n subhoof weg te laat, is slegs in die orde as die subhoof nie in items onderverdeel is nie.

(4) 'n Amendement om 'n hoof te verminder sonder verwysing na 'n subhoof daarin is slegs in die orde as die hoof nie in subhoofde onderverdeel is nie.

(5) 'n Amendement om 'n hoof te skrap, is buite die orde en word nie op die Ordelys geplaas nie.

(6) In die geval van elke hoof word amendemente met betrekking tot subitems, items of subhoofde in daardie hoof op die Ordelys geplaas en oorweeg in die volgorde waarin die subitems, items of subhoofde waarop hulle betrekking het in daardie hoof op die Begroting staan.

(7) Wanneer kennis gegee is van twee of meer amendemente van die vermindering van dieselfde subitem, item, subhoof of hoof word hulle op die Ordelys geplaas en oorweeg in die volgorde van die omvang van die voorgestelde verminderings; die amendement wat die grootste vermindering voorstel, word in elke geval eerste geplaas.

(8) Debat oor elke amendement word beperk tot die subitem, item, subhoof of hoof waarop die amendement betrekking het en nadat 'n amendement op 'n subitem, item of subhoof afgehandel is, word geen verdere amendement of debat oor 'n vorige subitem, item of subhoof van daardie hoof toegelaat nie.

(9) Wanneer al die amendemente op die Ordelys met betrekking tot enige bepaalde uitgawe hoof afgehandel is, stel die Speaker weer die vraag "Dat die som van R..... vir hoof deel van die bylae uitmaak" of stel die gewysigde vraag "Dat die verminderde bedrag van R..... vir hoof deel van die bylae uitmaak", na gelang van die geval. Die debat oor enige sodanige vraag is onderworpe aan dieselfde beperkinge as 'n debat wat kragtens reël 123 ontstaan het.

Derde lesing van Begrotingswetsontwerp

130. Die mosie vir die derde lesing van die Begrotingswetsontwerp word beslis sonder amendement of debat.

Addisionele Begrotingswetsontwerp

131. Indien van tyd tot tyd, hetsy gedurende die loop van 'n bepaalde boekjaar of na afsluiting daarvan, 'n Addisionele Begrotingswetsontwerp voorgelê word wat slegs uitgawes begroot wat reeds goedgekeur is deur die Begrotingskomitee en wat die Verteenwoordigende Owerheid toegestaan het kragtens hierdie Reglement, word die debat by die tweede lesing daarvan streng beperk tot die sake waarvoor bykomende uitgawe nodig is en wanneer die vraag daaromtrent goedgekeur is, word die wetsontwerp nie verwys nie en die vraag "Dat die wetsontwerp nou vir die derde keer gelees word", word dadelik gestel sonder amendement of debat.

when more than one reduction is moved in any vote, or item of a vote, the question on the largest reduction shall first be put from the Chair.

Procedure on motions to amend

129. (1) Save as prescribed in subrule (2), an amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any member, and shall take the form of a motion "That head be reduced by R..... in respect of (or by omitting) subhead item subitem"

(2) An amendment to reduce a head in respect of any item or by leaving out an item shall be in order only if the item is not subitemised.

(3) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall be in order only if the subhead is not itemised.

(4) An amendment to reduce a head without reference to a subhead therein shall be in order only if the head is not divided into subheads.

(5) An amendment to delete a head shall not be in order and shall not be placed on the Order Paper.

(6) In the case of each head, amendments in respect of subitems, items or subheads in that head shall be placed on the Order Paper and considered in the order in which the subitems, items or subheads to which they refer appear in the head in the Estimates.

(7) When notice has been given of two or more amendments to reduce the same subitem, item, subhead or head they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(8) Debate on every amendment shall be confined to the subitem, item, subhead or head to which the amendment refers, and after an amendment to a subitem, item or subhead has been disposed of, no amendment or debate on a previous subitem, item or subhead of that head shall be permitted.

(9) When all amendments standing on the Order Paper in respect of any particular head of expenditure have been disposed of the Speaker shall again put the question "That the sum of R..... for head stand part of the schedule", or shall put the amended question "That the reduced sum of R..... for head stand part of the schedule", as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under rule 123.

Third reading of Appropriation Bill

130. The motion for the third reading of the Appropriation Bill shall be decided without amendment or debate.

Additional Appropriation Bill

131. If from time to time, whether in the course of a particular financial year or after its close, an Additional Appropriation Bill is presented appropriating only expenditure which has been approved by the Committee of Supply, and agreed to by the Representative Authority under these Rules, the debate on the second reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed to, the bill shall not be referred and the question "That the bill now be read a third time", shall be put forthwith without amendment or debate.

Gedeeltelike Begrotingswetsontwerp

132. (a) Die debat oor Gedeeltelike Begrotingswetsontwerpe word soos volg beperk:

(i) Twaalf uur vir die tweede lesing, met uitsluiting van die Voorsitter se repliek wat nie langer as een uur mag duur nie; en

(ii) drie uur vir die derde lesing met uitsluiting van die Voorsitter se repliek.

(b) By die derde lesing van Gedeeltelike Begrotingswetsontwerpe mag geen toespraak langer as 30 minute duur nie.

DEEL XIV

GEKOSE EN SESSIEKOMITEES

Aanstelling van sessiekomitees

133. So gou doenlik na die aanvang van elke sessie stel die Verteenwoordigende Owerheid die volgende sessiekomitees aan wat elk uit vyf lede bestaan insluitende die voorsitter daarvan:

(a) Komitee oor Reglement van Orde en Interne Reëlings, wie se opdrag ook die bestuur van en beheer oor die Verteenwoordigende Owerheid se biblioteek, die verseringskamers en gerief en gemak van lede en die beskikbaarstelling van die verslae van die Verteenwoordigende Owerheid insluit met die Speaker as voorsitter.

(b) Komitee oor Openbare Rekeninge wie se opdrag dit is om die rekeninge na te gaan wat die bestemming van bedrae aantoon wat deur die Verteenwoordigende Owerheid toegestaan is om openbare uitgawes te bestry. Wanneer die Ouditeur-generaal se verslag deur die Voorsitter ontvang word, word dit op staande voet na hierdie Sessiekomitee verwys.

Aanstelling van Werkkomitee

134. (1) Daar is 'n sessiekomitee genoem die Werkkomitee, bestaande uit die Voorsitter, as voorsitter, twee ander Raadslede aangestel deur die Uitvoerende Raad, die Speaker en twee ander lede deur die Verteenwoordigende Owerheid verkies.

(2) Die Werkkomitee oorweeg sake wat op die Ordelys geplaas moet word en watter sake op die Ordelys voorrang moet geniet bo ander en reël in die algemeen die dagorde vir die afhandeling van die van-dag-tot-dag-werksaamhede van die Verteenwoordigende Owerheid.

Aanstelling van gekose komitees

135. (1) Die Verteenwoordigende Owerheid kan, by besluit op 'n mosie, 'n gekose komitee om die bepalings van 'n wetsontwerp te oorweeg of vir enige ander doel aanstel.

(2) Elke gekose komitee bestaan uit vyf lede soos volg:

(a) 'n Voorsitter aangestel deur die Uitvoerende Raad; en

(b) vier ander lede verkies deur lid van die Verteenwoordigende Owerheid op aanbeveling van die Werkkomitee.

(3) Die opdrag van 'n gekose komitee word beslis deur die Verteenwoordigende Owerheid by besluit op 'n mosie wat die gekose komitee aanstel of enige daaropvolgende besluit op 'n mosie.

(4) Die kworum vir 'n gekose komitee is drie lede, die voorsitter ingesluit.

(5) 'n Gekose komitee doen, sodra oorweging geskenk is aan die wetsontwerp of enige ander saak na hom verwys, verslag aan die Verteenwoordigende Owerheid daaroor en sodanige verslag word formeel deur die Verteenwoordigende Owerheid oorweeg. Die komitee word daarna ontbind. Indien die komitee van oordeel is dat hy nie in staat is om die oorweging van die wetsontwerp of

Part Appropriation Bills

132. (a) The debate on Part Appropriation Bills shall be limited as follows:

(i) Twelve hours for the second reading, excluding the Chairman's reply which shall not exceed one hour; and

(ii) three hours for the third reading, excluding the Chairman's reply.

(b) On the third reading of Part Appropriation Bills no speech shall exceed 30 minutes.

PART XIV

SELECT AND SESSIONAL COMMITTEES

Appointment of sessional committees

133. As soon as possible after the beginning of each session the Representative Authority shall appoint the following sessional committees each consisting of five members including the chairman thereof:

(a) Committee on Rules of Procedure and Internal Arrangements, whose terms of reference shall also include the management and control of the library of the Representative Authority, the refreshment rooms and convenience and comfort of members and the making available of the reports of the Representative Authority with the Speaker as chairman.

(b) Committee on Public Accounts whose terms of reference shall be to examine the accounts showing the appropriation of the sums granted by the Representative Authority to meet public expenditure. On receipt of the Report of the Auditor-General by the Chairman such report shall be referred to this Sessional Committee forthwith.

Appointment of business committee

134. (1) There shall be a sessional committee, designated the Business Committee, consisting of the Chairman as chairman, two other Councillors appointed by the Executive Council, the Speaker and two other members elected by the Representative Authority.

(2) The Business Committee shall consider matters which shall be placed on the Order Paper and which matters on the Order Paper shall be given preference over others and generally arrange the programme for the setting of the day by day business of the Representative Authority.

Appointment of select committees

135. (1) The Representative Authority may, by resolution on a motion, appoint a select committee to consider the terms of a bill or for any other purpose.

(2) Every select committee shall consist of five members being—

(a) a chairman appointed by the Executive Council; and

(b) four other members elected on the recommendation of the Business Committee by the Representative Authority.

(3) The terms of reference of a select committee shall be decided by the Representative Authority by resolution on a motion for appointment of the select committee or any subsequent resolution on a motion.

(4) The quorum of a select committee shall be three members including the chairman.

(5) A select committee shall as soon as it has considered the bill or any other matter referred to it, report to the Representative Authority thereon and such report shall be formally considered by the Representative Authority. The committee shall thereupon be dissolved. If the committee is of the opinion that it will not be able to complete

enige ander saak voor die einde van die sessie af te handel nie doen hy aldus verslag aan die Verteenwoordigende Owerheid.

Gekose komitees: Prosedure

136. (1) Die beraadslagings van 'n gekose komitee word beperk tot die saak of sake na hom verwys deur die Verteenwoordigende Owerheid en in die geval van 'n gekose komitee oor 'n wetsontwerp beperk tot die wetsontwerp en relevante amendemente.

(2) 'n Gekose komitee sit op die tye deur die voorsitter bepaal in oorleg met die lede daarvan en kan aanhou sit al sou die Verteenwoordigende Owerheid ook verdaag. Die sittings van 'n gekose komitee is privaat, tensy die komitee anders gelas. Met dien verstande dat hierdie beperking nie vertolk word as sou dit beamptes of getuies wat noodsaaklikwys geassosieer is met die werksaamhede van sodanige gekose komitee uitsluit nie.

(3) As die voorsitter van 'n gekose komitee nie in staat is om teenwoordig te wees op 'n sitting nie verkies die komitee 'n ander lid tot voorsitter wie se ampstermyn die dag van sy verkiesing is.

(4) Verdelings in 'n gekose komitee word deur die komiteeklerk afgeneem wat elke lid van die komitee afsonderlik vra hoe hy wil stem en hy teken die stemme dienoreenkomstig aan.

(5) In geval van 'n geskil oor 'n aangeleentheid van prosedure kan lede van die komitee die voorsitter versoek om die aangeleentheid na die Speaker te verwys vir beslissing, en indien die meerderheid van die lede sodanige versoek rig, moet die voorsitter van die gekose komitee dit doen.

(6) Nóg die voorsitter van die gekose komitee nóg enige ander voorsittende lid stem, tensy daar 'n staking van stemme is, in welke geval hy sy beslissende stem uitoefen.

Spesiale verslag oor bevoegdhede, funksies en verrigtinge van gekose komitee

137. 'n Gekose komitee kan 'n spesiale verslag indien met betrekking tot die bevoegdhede, funksies en verrigtinge van die komitee oor sake wat hy na goeë dunde onder die aandag van die Verteenwoordigende Owerheid wil bring.

Notule

138. Die notule van die verrigtinge van 'n gekose komitee boekstaaf alle verrigtinge by die oorweging van 'n verslag of wetsontwerp in die komitee asook elke amendement voorgestel op die verslag of wetsontwerp, met 'n aantekening van verdelings, as verdelings in die komitee plaasgevind het, met vermelding van die name van lede wat by die verdeling stem of weier om te stem, en wie vir die verslag of wetsontwerp en wie daarteen gestem het en al hierdie aantekeninge of notule word aan die Verteenwoordigende Owerheid gerapporteer wanneer die verslag van die komitee ingedien word.

Tertafellegging van verslag en verrigtinge van gekose komitee

139. 'n Verslag of spesiale verslag, met die notule van verrigtinge van 'n gekose komitee en die notule van getuies, indien getuies afgeneem is, word deur die voorsitter van die komitee ter Tafel van die Verteenwoordigende Owerheid gelê.

Verteenwoordigende Owerheid magtig die laat haal van persone, stukke en rekords

140. Geen gekose komitee oefen sy bevoegdheid uit om persone, stukke en rekords te ontbied nie, tensy spesifiek daartoe gemagtig in opdrag van die Verteenwoordigende Owerheid.

consideration of the bill or other matter before the end of the session it shall so report to the Representative Authority.

Select committees: Procedure

136. (1) The deliberations of a select committee shall be confined to the matter or matters referred to it by the Representative Authority and in the case of a select committee on a bill shall be confined to the bill and relevant amendments.

(2) A select committee shall sit at the times determined by the chairman in consultation with the members thereof and may continue to sit although the Representative Authority may be adjourned. The sittings of a select committee shall be held in private unless the committee otherwise orders: Provided that this restriction shall not be so interpreted as to exclude officials or witnesses necessarily associated with the business of such select committee.

(3) If the chairman of a select committee is unable to be present at a sitting the committee shall elect another chairman whose tenure of office shall be for the day of his election.

(4) Divisions in a select committee shall be taken by the clerk to the committee who shall ask each member of the committee individually how he wishes to vote and record the votes accordingly.

(5) In case of a dispute over a matter of procedure the members of the committee may request the chairman to refer the matter to the Speaker for decision and if so requested by a majority of the members the chairman of the select committee shall be obliged to do so.

(6) Neither the chairman of a select committee nor any other member presiding shall vote unless the votes of other members are equally divided in which case he shall have a casting vote.

Special report on powers, functions and proceedings of select committee

137. A select committee may submit a special report relating to the powers, functions and proceedings of the committee on matters which it thinks fit to bring to the notice of the Representative Authority.

Minutes

138. The minutes of the proceedings of a select committee shall record all proceedings on consideration of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions if divisions were taken in the committee, showing the names of members voting in the division or declining to vote and who voted for or against such report or bill and all such entries or minutes shall be reported to the Representative Authority when the report of such committee is presented.

Tabling of report and proceedings of select committee

139. A report or special report, with the minutes of proceedings of a select committee and the minutes of evidence, if evidence was taken, shall be laid on the Table of the Representative Authority by the chairman of the committee.

Representative Authority must authorise sending for persons, papers and records

140. No select committee shall exercise its powers to send for persons, papers and records, unless specifically authorised to do so by order of the Representative Authority.

Getuienis en dokumente word nie openbaar gemaak nie

141. Getuienis afgeneem voor 'n gekose komitee en dokumente voorgelê aan die komitee word nie deur 'n lid van die komitee of deur enige ander persoon gepubliseer voordat die verslag van die komitee by die Verteenwoordigende Owerheid ingedien is nie.

Lede wat regspraktisyne is en wat voor gekose komitee verskyn, word nie vergoed nie

142. Geen lid verskyn voor die Verteenwoordigende Owerheid of 'n komitee daarvan in sy hoedanigheid as 'n regspraktisyn vir of namens 'n party nie of in 'n hoedanigheid waarvoor hy gelde of vergoeding ontvang nie.

DEEL XV

NIE-LEDE

Definisie van nie-lede

143. 'n Nie-lid beteken enige persoon wat nie 'n lid of beampte is wat pligte te vervul het in verband met die werksaamhede van die Verteenwoordigende Owerheid nie.

Bevoegdheid van Speaker om nie-lede uit te sluit

144. Nie-lede kan toegelaat word om teenwoordig te wes in die Raadsaal op die plekke vir hulle afgesonder, maar moet hulle onttrek wanneer hulle daartoe gelas word deur die Speaker wat hulle na goedgeskik kan gelas om hulle te onttrek.

Bevoegdheid van Ampswag om nie-lede te verwyder

145. Die Ampswag verwyder, of sorg vir die verwydering van enige nie-lid uit enige deel van die Raadsaal of van die galerye toegewys aan slegs lede, asook enige nie-lid wat, nadat hy toegang verleen is tot enige gedeelte van die Raadsaal of van die galery, hom aan wangedrag skuldig maak of hom nie onttrek wanneer nie-lede gelas word om hulle te onttrek terwyl die Verteenwoordigende Owerheid in sitting is nie.

Lid vestig aandag op nie-lid

146. As 'n lid tydens die sitting van die Verteenwoordigende Owerheid of van enige komitee daarvan, die aandag daarop vestig dat nie-lede teenwoordig is, beveel die Speaker dié nie-lede om hulle te onttrek, of stel die vraag "Dat nie-lede beveel word om hulle te onttrek", sonder om enige debat of amendement toe te laat.

DEEL XVI

DIVERSE BEPALINGS

Minagting

147. Enige persoon wat opsetlik 'n regmatige bevel van die Speaker van die Verteenwoordigende Owerheid nie gehoorsaam nie, is aan minagting skuldig.

Lid of persoon skuldig verklaar aan minagting

148. 'n Lid of persoon wat aan minagting skuldig is, word op las van die Speaker in die bewaring van die Ampswag gestel en met hom gehandel na die Verteenwoordigende Owerheid gelas.

Lid mag nie geldelike belang hê nie

149. (1) 'n Raadslid of 'n lid mag nie in of voor die Verteenwoordigende Owerheid of 'n staande, sessie-, gekose of spesiale komitee daarvan, stem oor, of deelneem aan die bespreking van enige aangeleentheid waarin hy 'n geldelike belang het nie.

(2) 'n Lid wat die bepalings van subreël (1) oortree, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of by wanbetaling,

Evidence and documents not to be disclosed

141. The evidence taken before a select committee and documents presented to a committee shall not be published or otherwise divulged by a member of the committee or by any other person before the committee has presented its report to the Representative Authority.

Members who are legal practitioners appearing before select committee not to receive reward

142. No member shall appear before the Representative Authority, or a committee thereof, as a legal practitioner for or on behalf of a party or in a capacity for which he is to receive a fee or reward.

PART XV

NON-MEMBERS

Definition of non-members

143. A non-member means any person who is not a member or an official who has duties to perform in connection with the business of the Representative Authority.

Power of Speaker to exclude non-members

144. Non-members may be permitted to be present in the Chamber in the places set apart for them, but must withdraw when called upon to do so by the Speaker who may, whenever he thinks fit, order them to withdraw.

Power of Serjeant-at-Arms to remove non-members

145. The Serjeant-at-Arms shall remove, or cause to be removed, any non-member from any part of the Chamber or of the galleries set aside for members only, and also any non-member who, having been admitted into any part of the Chamber or of the galleries, misconducts himself or does not withdraw when non-members are directed to withdraw while the Representative Authority is in sitting.

Member calling attention to non-members

146. If at any sitting of the Representative Authority, or of any committee thereof, any member draws attention to the fact that non-members are present, the Speaker shall order such non-members to withdraw, or may put the question "That non-members be ordered to withdraw", without permitting any debate or amendment.

PART XVI

MISCELLANEOUS PROVISIONS

Contempt

147. Any person who wilfully disobeys any lawful order of the Speaker of the Representative Authority shall be guilty of contempt.

Member or person declared guilty of contempt

148. Any member or person guilty of contempt shall be committed to the custody of the Serjeant-at-Arms by order of the Speaker and dealt with as the Representative Authority may direct.

Member not to have pecuniary interest

149. (1) A Councillor or member shall not, in or before the Representative Authority or any standing, sessional, select or special committee thereof, vote upon or take part in the discussion of any matter in which he has a pecuniary interest.

(2) Any member who contravenes the provisions of sub-rule (1) shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or in

met gevangenisstraf van hoogstens vyf jaar en enige boete betaal, word in die Inkomstefonds van die Damara-regering inbetaal.

(3) 'n Hof wat 'n persoon skuldig bevind aan 'n oortreding van hierdie reël kan die veroordeelde persoon gelas om die bedrag of die waarde van enige gelde, vergoeding, geskenk of beloning deur hom aanvaar of ontvang, terug te betaal.

(4) Die bepalings van hierdie reël is nie van toepassing nie op enige stemming of bespreking aangaande die vergoeding of toelae wat 'n Raadslid of 'n lid in sy hoedanigheid van Raadslid of lid sou mag ontvang, of op enige belang wat enige sodanige Raadslid of lid by enige aangeleentheid gemeenskaplik met die algemene publiek, of enige klas of deel daarvan, het nie.

Lede ontvang nie gelde of vergoeding nie

150. (1) Geen Raadslid of 'n lid en geen prokureur of agent wat by die uitoefening van sy professie 'n vennoot is, of in diens is, van sodanige Raadslid of lid, aanvaar of ontvang, hetsy direk of indirek, enige gelde, vergoeding, geskenk of beloning vir of ten opsigte van die bevordering of opponering van 'n wetsontwerp, besluit, aangeleentheid of ding voorgelê, of bedoel om voorgelê te word, vir oorweging deur die Verteenwoordigende Owerheid of enige komitee daarvan nie.

(2) Enige persoon wat die bepalings van subreël (1) oortree, begaan 'n misdryf en by skuldigbevinding is die bepalings van reël 149 (2) en (3) *mutatis mutandis* van toepassing.

Opskorting van Reglement van Orde

151. (1) Enige reël van hierdie Reglement van Orde of 'n sessie-order of orders van die Verteenwoordigende Owerheid kan op mosie na kennisgewing opgeskort word as die mosie met 'n meerderheid van stemme aangeneem word: Met dien verstande dat in gevalle van dringende noodsaaklikheid (waartoe die Speaker oordeel) enige sodanige reël of order met die toestemming van die Verteenwoordigende Owerheid op mosie sonder kennisgewing opgeskort kan word.

(2) Die opskorting van 'n reël of 'n order is by die toepassing daarvan beperk tot die bepaalde doel waarvoor sodanige opskorting gevra is.

Gevalle waarvoor nie voorsiening gemaak is nie

152. In alle gevalle waarvoor hierdie Reglement van Orde of die Proklamasie of die Damara-Verteenwoordigende Owerheid, 1977 nie voorsiening maak nie, moet die Speaker besluit, en neem hy as sy leidsraad die Reglement van Orde en Gebruike van die Volksraad van die Parlement van die Republiek vir sover hulle toegepas kan word op of aangepas kan word by die verrigtinge van die Verteenwoordigende Owerheid.

Reglement van Orde van krag tot gewysig of herroep

153. Hierdie Reglement van Orde bly van krag tot dit verander, gewysig of herroep word deur die Verteenwoordigende Owerheid.

Woordomskrywing

154. In hierdie Reglement van Orde, tensy uit die samehang anders blyk, beteken—

(i) "lid" 'n lid van die Damara-Verteenwoordigende Owerheid;

(ii) "Raadslid" 'n lid van die Uitvoerende Raad bedoel in artikel 16 van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977;

default of payment to imprisonment for a period not exceeding five years, and any fine paid shall be paid into the Damara Government Revenue Fund.

(3) The court which has convicted any person of a contravention of this rule may order the person convicted to repay the amount or the value of any fee, compensation, gift or reward accepted or received by him.

(4) The provisions of this rule shall not apply to any vote or discussion concerning any remuneration or allowance to be received by a Councillor or member in his capacity as a Councillor or member, or to any interest which any such Councillor or member may have in any matter in common with the public generally or with any class or section thereof.

Members not to accept fee or reward

150. (1) No Councillor or member and no attorney or agent who, in the practice of his profession, is a partner or in the service of any such Councillor or member, shall accept or receive either directly or indirectly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the Representative Authority or any committee thereof.

(2) Any person who contravenes the provisions of sub-rule (1) shall be guilty of an offence, and on his conviction the provisions of rule 149 (2) and (3) shall *mutatis mutandis* apply.

Suspension of rules of procedure

151. (1) Any rule of these Rules of Procedure or sessional order or orders of the Representative Authority may be suspended upon motion after notice if such motion is carried by a majority of votes: Provided that in cases of urgent necessity (of which the Speaker shall be the judge) any such rule or order may with the consent of the Representative Authority be suspended upon motion without notice.

(2) The suspension of a rule or order shall be limited in its operation to the particular purpose for which such suspension has been sought.

Cases not provided for

152. In every case not provided for in these Rules of Procedure or in the Damara Representative Authority Proclamation, 1977, the Speaker shall decide, and take as his guide the Standing Orders and Practice of the House of Assembly of the Parliament of the Republic in so far as they can be applied or adapted to the proceedings of the Representative Authority.

Rules of Procedure in force until amended or repealed

153. These Rules of Procedure shall remain in force until altered, amended or repealed by the Representative Authority.

Definitions

154. In these Rules of Procedure, unless the context otherwise indicates—

(i) "chairman" means the member of the Executive Council elected Chairman in terms of section 17 of the Damara Representative Authority Proclamation, 1977, and also any Councillor appointed in terms of the said Proclamation to act in his stead;

(ii) "Councillor" means a member of the Executive Council referred to in section 16 of the Damara Representative Authority Proclamation, 1977;

- (iii) "Republiek" die Republiek van Suid-Afrika;
- (iv) "Sekretaris" die Sekretaris van die Verteenwoordigende Owerheid, as sodanig ingevolge reël 40 aangestel;
- (v) "Verteenwoordigende Owerheid" die Verteenwoordigende Owerheid vir die Damaravolk;
- (vi) "Voorsitter" die lid van die Uitvoerende Raad as Voorsitter verkies ingevolge artikel 17 van die Proklamasie op die Damara- Verteenwoordigende Owerheid, 1977, en ook enige Raadslid wat ingevolge genoemde Proklamasie aangestel is om in sy plek op te tree.

AANHANGSEL

GEBED

O, ALMAGTIGE EN BARMHARTIGE GOD EN HEMELSE VADER WAT IN U EWIGE WYSHEID EN VOORSIENIGHEID OWERHEDE EN MAGTE VERORDEN HET OM TOT WELSYN VAN LANDE EN VOLKE TE REGEER, ONS BID U LAAT U AANGESIG OOR ONS, U DIENSKNEGTE, LIG WAAR U ONS GEROEP HET OM SO 'N BELANGRIKE EN GEWIGTIGE WERK IN ONS VADERLAND TE VERRIG.

LAAT U SEËN RYKLIK NEERDAAL OP ONS WAT HIER VERGADER IS EN BEGENADIG ONS OM, ONDER U LEIDING SO TE BERAADSLAAG EN SO AAN ALLES WAT HIER VERRIG MAG WORD REG EN GERECHTIGHEID TE LAAT GESKIED, DAT DIT SLEGS TOT EER EN VERHEERLIKING VAN U NAAM MAG STREK EN TOT BEVORDERING VAN DIE BELANGE VAN ONS LAND EN VOLK WAT U ONS GEROEP HET OM TE DIEN. DIT ALLES BID ONS IN DIE NAAM VAN ONSE HERE JESUS CHRISTUS. AMEN.

ONSE VADER WAT IN DIE HEMELE IS, LAAT U NAAM GEHEILIG WORD; LAAT U KONINKRYK KOM; LAAT U WIL GESKIED, SOOS IN DIE HEMELE NET SO OOK OP DIE AARDE; GEE ONS VANDAG ONS DAAGLIKSE BROOD; EN VERGEEF ONS ONS SKULDE, SOOS ONS OOK ONS SKULDENAARS VERGEWE; EN LEI ONS NIE IN VERSOEKING NIE, MAAR VERLOS ONS VAN DIE BOSE; WANT AAN U BEHOORT DIE KONINKRYK EN DIE KRAG EN DIE HEERLIKHEID TOT IN EWIGHEID. AMEN.

No. R. 153, 1977

DAMARA - VERTEENWOORDIGENDE OWERHEID.—REËLING VAN DIE AANSTELLING, DIENSVORWAARDES, TUG, AFTREDING, ONTSLAG EN PENSIOENERING VAN AMPTENARE VAN DIE DAMARA - REGERINGSDIENS EN ANDER AANGELEENTHEDE WAT DAARMEE IN VERBAND STAAN

Kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), verklaar ek hierby soos volg:

Woordomskrywing

1. (1) In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken—

"amptenaar" 'n beampte of werknemer bedoel in item 22 van Bylae A van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977;

"burger" 'n persoon wat 'n lid is van die Damara-volk;

(iii) "member" means a member of the Damara Representative Authority;

(iv) "Representative Authority" means the Representative Authority for the Damara Nation;

(v) "Republic" means the Republic of South Africa;

(vi) "secretary" means the Secretary of the Representative Authority appointed as such in terms of rule 40.

ANNEXURE

PRAYER

O, ALMIGHTY GOD AND HEAVENLY FATHER, WHO IN THY INFINITE MERCY AND WISDOM HAS CALLED RULERS AND APPOINTED GOVERNMENTS FOR THE WELFARE OF SOCIETY AND THE JUST GOVERNMENT OF MEN, WE BESEECH THEE TO BESTOW THY ABUNDANT FAVOUR UPON US THY SERVANTS WHOM THOU HAST BEEN PLEASED TO CALL TO THE PERFORMANCE OF SUCH IMPORTANT TRUST IN THIS OUR LAND.

LET THY BLESSING DESCEND UPON US HERE ASSEMBLED AND GRANT THAT WE MAY UNDER THY GUIDANCE TREAT AND CONSIDER ALL MATTERS THAT SHALL COME BEFORE US IN SO JUST AND FAITHFUL A MANNER AS TO PROMOTE THY HONOUR AND GLORY AND TO ADVANCE THE WELFARE OF OUR PEOPLE WHOM THOU HAST CALLED US TO SERVE. ALL THIS WE ASK IN THE NAME AND FOR THE SAKE OF OUR LORD JESUS CHRIST. AMEN.

OUR FATHER WHICH ART IN HEAVEN, HALLOWED BE THY NAME. THY KINGDOM COME. THY WILL BE DONE ON EARTH, AS IT IS IN HEAVEN. GIVE US THIS DAY OUR DAILY BREAD AND FORGIVE US OUR TRESPASSES AS WE FORGIVE THEM THAT TRESPASS AGAINST US, AND LEAD US NOT INTO TEMPTATION, BUT DELIVER US FROM EVIL FOR THINE IS THE KINGDOM, THE POWER AND GLORY, FOR EVER AND EVER. AMEN.

No. R. 153, 1977

DAMARA REPRESENTATIVE AUTHORITY.—TO REGULATE THE APPOINTMENT, CONDITIONS OF EMPLOYMENT, DISCIPLINE, RETIREMENT, DISCHARGE AND PENSIONING OF OFFICIALS OF THE DAMARA GOVERNMENT SERVICE AND OTHER INCIDENTAL MATTERS

Under and by virtue of the powers vested in me by section 38 of the South-West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby declare as follows:

Definitions

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

"allocated officer" means an officer or employee of the Public Service of the Republic of South Africa, designated to assist the Executive Council;

"citizen" means a person who is a member of the Damara nation;

"Damaraland" die gebied omskryf in Bylae B by Goewermentskennisgewing 2428 van 1972;

"departement" 'n departement van die Regeringsdiens, ingestel by of kragtens artikel 12 van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977;

"departementshoof" of enige variasie daarvan, die permanente amptenaar of toegewese beampte wat 'n permanente pos met die benaming Sekretaris van 'n departement beklee of daarin waarneem;

"hoof van kantoor" die hoof van 'n kantoor, afdeling of werkplek en ook 'n departementshoof;

"Inkomstefonds" die Inkomstefonds ingestel by artikel 42 (1) van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977;

"Raadslid" met betrekking tot 'n amptenaar of persoon wat in diens is of was of wat in diens geneem gaan word, die Raadslid wat verantwoordelik is vir die departement waarin sodanige amptenaar of persoon in diens is of laas in diens was of in diens geneem gaan word; en met betrekking tot 'n amptenaar of sodanige ander persoon wat in diens is of was of wat in diens geneem gaan word in die kantoor van die Kommissie, die Raadslid vir die Departement van Owerheidsake en Finansies;

"Regeringsdiens" die Regeringsdiens bedoel in artikel 2;

"Tesourie"—

(a) behoudens die bepalings van paragraaf (b), 'n persoon deur die Staatspresident aangewys en ook enige adjunk- en ondersekretaris of administratiewe beheerbeampte of enige beampte van gelyke of hoër rang as dié van administratiewe beheerbeampte in diens van die Staat wat deur bedoelde persoon aangewys is of, ten opsigte van daardie aangeleenthede wat deur bedoelde persoon bepaal word, die Sekretaris van Owerheidsake en Finansies, die Departementale Rekenmeester of 'n ander beampte in die Departement van Owerheidsake en Finansies;

(b) vanaf 'n datum deur die Uitvoerende Raad bepaal, die beampte-in-bevel van die afdeling van die Departement van Owerheidsake en Finansies wat belas is met die koördinering van die finansiële administrasie en die handhawing van finansiële reëlmatigheid en orde in die sake van die Verteenwoordigende Owerheid;

"toegewese beampte" 'n beampte of werknemer van die Staatsdiens van die Republiek van Suid-Afrika, wat aangewys is om die Uitvoerende Raad by te staan;

"Uitvoerende Raad" die Uitvoerende Raad bedoel in artikel 16 van die Proklamasie op die Damara-Verteenwoordigende Owerheid, 1977;

"Verteenwoordigende Owerheid" die Damara-Verteenwoordigende Owerheid.

Samestelling van die Regeringsdiens

2. (1) 'n Regeringsdiens, wat in departemente verdeel word, om die Uitvoerende Raad by te staan in die uitvoering van sy pligte word hierby ingestel.

(2) Elke departement bestaan uit persone wat in permanente of tydelike poste diens doen of bykomend by hierdie poste in diens gehou word.

(3) Geen lid van die Verteenwoordigende Owerheid of die Regeringsdienskommissie of 'n persoon wat aktief aan die politiek deelneem, mag in die regeringsdiens diens doen nie.

(4) Die Kommissie deel die permanente poste in in 'n voorgeskrewe en 'n nie-voorgeskrewe afdeling.

Die Regeringsdienskommissie

3. (1) Daar is 'n Regeringsdienskommissie wat in hierdie Proklamasie die Kommissie genoem word.

(2) Die Kommissie het die bevoegdheid en vervul die pligte wat in hierdie proklamasie of in enige ander wetgewing aan hom voorgeskryf word.

"Councillor" in relation to an official or person who is or has been employed or is to be employed, means the Councillor responsible for the department in which such official, or person is or was last employed or is to be employed; and in relation to an official or such other person who is or has been employed or is to be employed in the office of the Commission, means the Councillor for the Department of Authority Affairs and Finance;

"Damaraland" means the area defined in Schedule B to Government Notice 2428 of 1972;

"department" means a department of the Government Service, established by or under section 12 of the Damara Representative Authority Proclamation, 1977;

"Executive Council" means the Executive Council contemplated in section 16 of the Damara Representative Authority Proclamation, 1977;

"Government Service" means the Government Service referred to in section 2;

"head of department" or any variation thereof means the permanent official or allocated officer holding or acting in a permanent post designated Secretary of a department;

"head of office" means the head of an office, division or place of work and includes a head of department;

"official" means an officer or employee referred to in item 22 of Schedule A to the Damara Representative Authority Proclamation, 1977;

"Representative Authority" means the Damara Representative Authority;

"Revenue Fund" means the Revenue Fund established by section 42 (1) of the Damara Representative Authority Proclamation, 1977;

"Treasury" means—

(a) subject to the provisions of paragraph (b), a person designated by the State President and includes any deputy and under-secretary or administrative control officer or any officer of a rank equivalent to or higher than the rank of administrative control officer in the employ of the State designated by the said person, or, in respect of such matters as determined by the said person, the Secretary of Authority Affairs and Finance, the Departmental Accountant or another officer in the Department of Authority Affairs and Finance;

(b) as from a date determined by the Executive Council, the officer in charge of the division of the Department or Authority Affairs and Finance charged with the co-ordination of the financial administration and the maintenance of financial regularity and order in the affairs of the Representative Authority.

Constitution of the Government Service

2. (1) A Government Service which is divided into departments is hereby constituted to assist the Executive Council in the execution of its duties.

(2) Each department consists of persons who serve in permanent or temporary posts or who are employed additional to these posts.

(3) No member of the Representative Authority or the Government Service Commission or a person who actively partakes in politics shall serve in the Government Service.

(4) Permanent posts are divided into a Prescribed and a Non-Prescribed Division by the Commission.

The Government Service Commission

3. (1) There shall be a Government Service Commission which in this Proclamation will be referred to as the Commission.

(2) The Commission shall have the powers and shall perform the duties prescribed in this Proclamation or any other legislation.

(3) Die Kommissie bestaan uit drie lede wat deur die Uitvoerende Raad aangestel word.

(4) Die Uitvoerende Raad wys een lid van die Kommissie aan as Voorsitter en 'n ander lid as Ondervoor-sitter.

(5) 'n Lid van die Kommissie mag nie 'n lid van die Verteenwoordigende Owerheid wees of aktief aan die politiek deelneem nie.

(6) 'n Lid van die Kommissie mag nie enige ander gelde of vergoeding as sy salaris as lid van die Kommissie ontvang vir die uitvoering van sy ampspligte nie.

(7) 'n Lid van die Kommissie word vir 'n tydperk van drie jaar aangestel en kan by verstryking van sy ampstermyn weer aangestel word.

(8) Die Uitvoerende Raad bepaal die salarisse en ander vergoeding en voorregte van die lede van die Kommissie, maar mag sodanige salarisse, ander vergoeding en voorregte nie verminder sonder die goedkeuring van die Verteenwoordigende Owerheid nie.

(9) Indien 'n lid van die Kommissie nie sy pligte kan vervul nie, kan die Uitvoerende Raad 'n persoon aanstel om sy pligte gedurende sy afwesigheid te vervul.

(10) Indien 'n lid van die Kommissie lid van die Verteenwoordigende Owerheid word, eindig sy dienste as lid van die Kommissie en word 'n ander persoon ingevolge die bepalinge van subartikel (3) in sy plek aangestel.

(11) Die Uitvoerende Raad kan 'n lid van die Kommissie in sy amp skors—

(a) weens wangedrag;

(b) weens onvermoë om sy pligte op bekwame wyse uit te voer; of

(c) as dit om enige ander rede in belang van die Regeringsdiens is om hom uit sy amp te onthef.

(12) Indien die Uitvoerende Raad ingevolge subartikel (11) 'n lid van die Kommissie in sy amp geskors het, moet hy dit so gou doenlik aan die Verteenwoordigende Owerheid meedeel en kan hy die Verteenwoordigende Owerheid versoek om sodanige lid te ontslaan.

(13) Indien daar nie ingevolge subartikel (12) opgetree word nie, moet die lid van die Kommissie weer sy werk hervat na afloop van die Verteenwoordigende Owerheid se sessie wat op die optrede van die Uitvoerende Raad volg.

(14) Indien 'n amptenaar van die Regeringsdiens as lid van die Kommissie aangestel word, word hy vir die berekening van sy pensioenvoordele geag uit die Regeringsdiens ontslaan te gewees het as gevolg daarvan dat sy pos afgeskaf is.

(15) 'n Lid van die Kommissie moet minstens 40 jaar oud wees en mag nie ouer as 70 jaar wees nie.

Bevoegdheid en pligte van die Kommissie

4. (1) Die Kommissie moet die pligte vervul wat in hierdie Proklamasie of in of kragtens enige ander wetgewing aan hom opgedra word.

(2) Die Kommissie doen aanbevelings of neem besluite oor die aangeleenthede gemeld in subartikels (1), (3) en (4).

(3) Die Kommissie moet aanbevelings doen oor—

(a) die skepping of afskaffing van departemente of dele daarvan of van kantore van departemente;

(b) die pligte wat aan elke departement opgedra word;

(c) die organisasie van departemente of gedeeltes daarvan;

(d) die getal poste in elke departement, die salaris-skale van sodanige poste en enige wysiging daarvan;

(e) die getal persone wat tydelik in diens geneem kan word—

(i) in permanente poste wat nie permanent gevul kan word nie; of

(ii) bykomend by die goedgekeurde poste;

(3) The Commission shall consist of three members who shall be appointed by the Executive Council.

(4) The Executive Council shall designate one member as Chairman and another member as Vice-Chairman of the Commission.

(5) A member of the Commission shall not be a member of the Representative Authority or actively partake in politics.

(6) A member of the Commission shall not receive any other moneys or remuneration apart from his salary as member of the Commission, for the fulfilment of his official duties.

(7) A member of the Commission shall be appointed for a period of three years and may be re-appointed at the expiration of his term of office.

(8) The Executive Council shall determine the salaries and other compensation and privileges of members of the Commission but shall not reduce such salaries, other compensation and privileges unless approved by the Representative Authority.

(9) If a member of the Commission is unable to perform his duties the Executive Council may appoint a person to perform his duties during his absence.

(10) If a member of the Commission becomes a member of the Representative Authority his services as member of the Commission shall terminate and some other person shall be appointed in his place in terms of the provisions of subsection (3).

(11) The Executive Council may suspend from office a member of the Commission—

(a) for misconduct;

(b) for incapacity to carry out his duties efficiently;

(c) if for any other reason his removal from office will be in the interest of the Government Service.

(12) If the Executive Council suspends a member of the Commission from office in terms of subsection (11), it shall communicate the suspension to the Representative Authority as soon as possible and may request the Representative Authority to discharge such member.

(13) If no action is taken in terms of subsection (12) the member of the Commission shall resume office after the conclusion of the Representative Authority's session which followed the action of the Executive Council.

(14) If an officer of the Government Service is appointed a member of the Commission he shall, for the purpose of calculating his pension benefits, be deemed to have been discharged from the Government Service as a result of the abolition of his post.

(15) A member of the Commission shall be at least 40 years of age and shall not be older than 70 years.

Powers and duties of the Commission

4. (1) The Commission shall perform the duties assigned to it in this Proclamation or in or under any other legislation.

(2) The Commission shall make recommendations or give decisions in regard to the matters referred to in subsections (1), (3) and (4).

(3) The Commission shall make recommendations in regard to—

(a) the creation or abolition of departments or parts thereof or of officers of departments;

(b) the duties to be assigned to each department;

(c) the organisation of departments or parts thereof;

(d) the number of posts in each department, the salary scales of such posts and any amendments thereof;

(e) the number of persons who may be employed in a temporary capacity—

(i) in permanent posts which cannot be filled permanently; or

(ii) additional to the posts approved;

(f) die indienshouding van permanente amptenare bykomend by die goedgekeurde poste of in 'n pos van 'n hoër of laer rang as hul eie range;

(g) stappe wat gedoen moet word om besparings of beter werkverrigting in departemente of gedeeltes daarvan te bewerkstellig;

(h) die salarisskale, lone en toelaes van alle persone in diens van die Regeringsdiens; en

(i) die aanstelling of bevordering van 'n persoon of amptenaar in of tot 'n permanente pos wat vakant is.

(4) Die Kommissie besluit oor die kwalifikasies, onder-vinding en ouderdom wat persone of amptenare moet hê om tot of na enige pos bevorder of oorgeplaas te word of om in enige pos aangestel te word.

(5) Die Kommissie moet—

(a) aantekening hou van alle permanente amptenare;

(b) ondersoek instel na griewe van permanente amptenare en ingevolge hierdie Proklamasie die aanbevelings doen wat hy goed dink;

(c) waar hy dit nodig ag, eksamens afneem of laat afneem in die vakke, insluitende tale, soos hy gelas, of soos voorgeskryf as 'n vereiste vir aanstelling in, oorplasing na of bevordering tot 'n pos; en

(d) so spoedig moontlik na die 31ste dag van Desember van elke jaar 'n verslag opstel oor sy werksaamhede gedurende die voorafgaande jaar wat by die eersvolgende sitting van die Verteenwoordigende Owerheid ter tafel gelê moet word.

(6) Die Uitvoerende Raad kan die bevoegdhede, werksaamhede en pligte wat ingevolge enige ander wetgewing aan hom of 'n Raadslid verleen, opgedra of opgelê word in verband met personeelaangeleenthede met betrekking tot persone in diens van die Damararegering of enige ander instelling wat sy fondse geheel of gedeeltelik uit die Inkomstefonds verkry, aan die Kommissie deleger.

Uitvoering van aanbevelings van die Kommissie

5. (1) Elke aanbeveling wat deur die Kommissie ooreenkomstig hierdie Proklamasie gedoen word en wat op 'n bepaalde persoon betrekking het, behoudens die bepalingen van subartikel (2)—

(a) kan voordat dit uitgevoer is, deur die Kommissie teruggetrek of gewysig word of deur die Uitvoerende Raad verwerp of gewysig word te eniger tyd binne 'n tydperk van ses maande na die datum waarop dit deur die Kommissie gedoen is of binne 'n tydperk van ses maande na die datum waarop dit deur die Kommissie gewysig is: Met dien verstande dat die Kommissie nie 'n aanbeveling wat deur die Uitvoerende Raad gewysig is, kan intrek of wysig nie;

(b) word, as dit deur die Uitvoerende Raad gewysig is, onverwyld deur die Raadslid, soos aldus gewysig, uitgevoer;

(c) word, as die Uitvoerende Raad geweier het om dit te wysig of te verwerp, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer;

(d) word, as genoemde tydperk verstryk het en dit nie uitgevoer of deur die Kommissie teruggetrek of deur die Uitvoerende Raad verwerp of gewysig is nie, onverwyld deur die Raadslid soos deur die Kommissie gedoen of gewysig, uitgevoer.

(2) Elke aanbeveling van die Kommissie wat uitgawes uit die Inkomstefonds kan of sal meebring, word aan die Tesourie meegedeel en nie uitgevoer, tensy die Tesourie sodanige uitgawes goedgekeur het nie.

(3) Waar 'n aanbeveling van die Kommissie deur die Uitvoerende Raad verwerp of gewysig is, handel die Raadslid in die aangeleentheid in verband waarmee die

(f) the continued employment of permanent officers additional to the posts approved or in a post of higher or lower rank than their own;

(g) steps to be taken to effect savings or better work performance in departments or parts thereof;

(h) the salary scales, wages and allowances of all persons employed by the Government Service; and

(i) the appointment or promotion of a person or an official to a vacant permanent post.

(4) The Commission shall determine the qualifications, experience and age required for persons or officials to be promoted, transferred or appointed to any post.

(5) The Commission shall—

(a) keep a record of all permanent officials;

(b) inquire into the grievances of permanent officials and make such recommendations under this Proclamation as it may deem fit;

(c) where it deems it necessary, conduct examinations or cause examinations to be conducted in such subjects, including languages, as may be directed by it or prescribed as a qualification for appointment, transfer or promotion to a post; and

(d) as soon as possible after the 31st day of December of each year compile a report on the matters dealt with by the Commission during the previous year, which must be laid on the Table at the next session of the Representative Authority.

(6) The Executive Council may delegate to the Commission the powers, functions and duties as are by any other legislation granted or entrusted to or imposed upon the Executive Council or a Councillor in connection with staff matters relating to persons in the employment of the Damara Government or any other establishment which obtains its funds partly or wholly from the Revenue Fund.

Implementation of recommendations of the Commission

5. (1) Subject to the provisions of subsection (2) every recommendation made by the Commission in accordance with this Proclamation and relating to a particular person—

(a) may be withdrawn or varied by the Commission or may be rejected or varied by the Executive Council before it has been implemented, at any time within a period of six months of the date upon which it was made by the Commission or within a period of six months of the date upon which it was varied by the Commission: Provided that it shall not be competent for the Commission to withdraw or vary any recommendation which has been varied by the Executive Council;

(b) shall, if the Executive Council has varied it, forthwith be implemented by the Council as so varied;

(c) shall, if the Executive Council has refused to vary or reject it, forthwith be implemented by the Councillor as made or varied by the Commission;

(d) shall, if the said period has expired, and it has not been implemented or withdrawn by the Commission or rejected or varied by the Executive Council, forthwith be implemented by the Councillor as made or varied by the Commission.

(2) Every recommendation of the Commission involving expenditure from the Revenue Fund shall be communicated to the Treasury and not be implemented unless the Treasury has approved such expenditure.

(3) Where a recommendation of the Commission has been rejected or varied by the Executive Council, the Councillor shall act in the matter in connection with which the recommendation was made, in accordance with any

aanbeveling gedoen is, ooreenkomstig enige magtiging deur die Uitvoerende Raad verleen of ooreenkomstig die aanbeveling van die Kommissie, soos aldus gewysig, sonder om 'n verdere aanbeveling van die Kommissie te verkry.

(4) Vir die toepassing van die bepalings van subartikels (1) en (3) betreffende die verwerping of wysiging deur die Uitvoerende Raad van 'n aanbeveling van die Kommissie word 'n weiering deur of 'n versuim van die Kommissie om 'n aanbeveling te doen, geag 'n aanbeveling van die Kommissie te wees.

(5) Geen aansoek om die verwerping of wysiging van 'n aanbeveling word by die Uitvoerende Raad gedoen nie, tensy die Raadslid aan die Kommissie minstens 14 dae kennis gegee het van sy voorneme om aldus aansoek te doen en sodanige kennisgewing moet die gronde uiteensit waarop die Raadslid van voorneme is om die aansoek te baseer.

(6) Vir die toepassing van hierdie Proklamasie of enige ander wet word 'n aanbeveling geag—

(a) gedoen te gewees het op die datum van die skriftelike mededeling waarin sodanige aanbeveling oorgegdra word; en

(b) as dit op 'n bepaalde persoon betrekking het, deur die Raadslid uitgevoer te gewees het op die datum van die skriftelike mededeling aan daardie persoon dat die Raadslid sodanige aanbeveling goedgekeur het.

(7) As die Uitvoerende Raad nie in staat of nie bereid is om 'n aanbeveling van die Kommissie wat ooreenkomstig hierdie Proklamasie gedoen is, aan te neem nie, of dit verwerp of wysig, moet die Kommissie die aangeleentheid, hetsy deur middel van 'n spesiale verslag of in sy jaarverslag, volledig aan die Verteenwoordigende Owerheid rapporteer.

Uitvoering en delegasie van Kommissie se bevoegdhede en pligte

6. (1) As minstens twee lede van die Kommissie, 'n aanbeveling doen of 'n besluit neem word dit as 'n aanbeveling of besluit van die Kommissie beskou.

(2) Die Kommissie kan enige van sy bevoegdhede en pligte deleger aan 'n lid of lede van die Kommissie of 'n amptenaar of 'n toegewese beampte in die kantoor van die Kommissie, met uitsondering van die bevoegdhede aan hom verleen en die pligte aan hom opgedra in artikels 4 (3) (a), (b) en (h), 4 (5) (d), 15 en 17, en kan sodanige delegasie te eniger tyd wysig of intrek.

(3) Die Kommissie kan enige persoon magtig om 'n ondersoek in te stel na enige aangeleentheid waaroor hy kragtens hierdie Proklamasie of enige ander wetsbepaling die bevoegdheid het om 'n aanbeveling te doen of 'n besluit te neem.

Delegasie van bevoegdhede en werk

7. (a) Enige bevoegdheid wat in of kragtens hierdie Proklamasie aan 'n Raadslid verleen is, kan met sy instemming uitgeoefen word deur enige toegewese beampte of permanente amptenaar, met uitsondering van die pligte aan hom opgedra in artikel 5.

(b) Enige bevoegdheid of pligte wat in of kragtens hierdie Proklamasie aan 'n hoof van 'n departement verleen of opgedra is, kan aan 'n ander toegewese beampte of permanente amptenaar gedelegeer word op die voorwaardes wat die hoof van die departement bepaal en kan te eniger tyd deur hom gewysig of ingetrek word.

Kommissie kan departemente inspekteer en het insae in amptelike dokumente

8. Die Kommissie het die bevoegdheid om, vergesel van die Sekretaris van die Kommissie, enige departement te inspekteer en moet insae gegee word in alle amptelike dokumente en van alle inligting voorsien word wat nodig is vir die uitoefening van sy bevoegdhede en die vervulling van sy pligte.

authority granted by the Executive Council or in accordance with the recommendation of the Commission as so varied, without obtaining a further recommendation of the Commission.

(4) For the purpose of the provisions of subsections (1) and (3), relating to the rejection or variation by the Executive Council of a recommendation of the Commission, any refusal or failure by the Commission to make a recommendation shall be deemed to be a recommendation of the Commission.

(5) No application for the rejection or variation of a recommendation shall be made to the Executive Council unless the Councillor has given the Commission at least 14 days notice of its intention so to apply and such notice shall set forth the grounds upon which the Councillor intends basing the application.

(6) For the purposes of this Proclamation or any other law, a recommendation shall be deemed—

(a) to have been made on the date of the written communication conveying such recommendation; and

(b) if it relates to a particular person, to have been implemented by the Councillor on the date of the written communication to such person stating that the Councillor has approved such recommendation.

(7) If the Executive Council is unable or not prepared to accept a recommendation by the Commission in accordance with this Proclamation, or rejects or varies it, the Commission shall report the matter fully to the Representative Authority either by means of a special report or in its annual report.

Implementation and delegation of Commission's powers and duties

6. (1) If at least two members of the Commission make a recommendation or take a decision it shall be regarded as a recommendation or decision of the Commission.

(2) The Commission may delegate any of its powers and duties to a member or members of the Commission or to an official or allocated officer in the office of the Commission, excluding the powers and duties assigned to it in sections 4 (3) (a), (b) and (h), 4 (5) (d), 15 and 17. Such delegation may be varied or revoked by the Commission at any time.

(3) The Commission may authorise any person to inquire into any matter in regard to which it is competent for the Commission to make a recommendation or give a decision under this Proclamation or any other law.

Delegation of powers and duties

7. (a) Any power granted to a Councillor in or under this Proclamation may, with his consent, be exercised by any allocated officer or permanent official, excluding duties assigned to him in section 5.

(b) Any power granted or duties assigned to a head of department in or under this Proclamation may be delegated to another allocated officer or permanent official on such conditions as the head of the department may determine and may at any time be varied or revoked by him.

The Commission may inspect departments and has access to official documents

8. The Commission accompanied by the Secretary of the Commission shall have the power to inspect any department and shall be given access to all official documents and be furnished with all the information which may be necessary for the exercise of its powers and the carrying out of its duties.

Personeel van die Kommissie, inspeksie van departemente en byeenroeping van die Kommissie

9. (1) Daar word met inagneming van die bepalings van hierdie Proklamasie 'n sekretaris van die Kommissie en dié aantal ander amptenare en toegewese beamptes aangestel wat nodig is om die Kommissie in staat te stel om sy bevoegdhede tuit te oefen en sy pligte te vervul, om die opdragte uit te voer en die pligte te vervul wat die Kommissie aan hulle opdra.

(2) Die Kommissie kan enige persoon magtig om die inspeksie van departemente namens die Kommissie te onderneem en 'n aldus gemagtigde persoon het die bevoegdhede wat in artikel 8 aan die Kommissie verleen is, maar hoef nie vergesel te wees van die Sekretaris van die Kommissie nie.

(3) Die Sekretaris van die Kommissie of die persoon deur hom daartoe gemagtig, moet die Kommissie minstens een keer by maand byeenroep en die Voorsitter van die Kommissie kan te eniger tyd 'n vergadering van die Kommissie belê.

(4) Die Sekretaris van die Kommissie of 'n amptenaar of toegewese beampte wat deur hom daartoe gemagtig is, woon alle vergaderings van die Kommissie by.

Deur wie aanstellings en bevorderings gedoen word

10. Die aanstelling of bevordering van enige persoon word gedoen deur die Raadslid wat, in die geval permanente amptenare, volgens die aanbevelings van die Kommissie handel.

Voorwaardes vir die vulling van poste

11. (1) Aanstellings, oorplasinge en bevorderings in die Regeringsdiens word gedoen op die wyse en onder die voorwaardes wat die Kommissie aanbeveel of waarop hy besluit.

(2) Geen persoon word permanent aangestel of oorgeplaas en aangestel in 'n permanente pos, nie, tensy hy 'n burger is, van goeie karakter is, en vry is van enige liggaamlike of verstandelike gebrek wat waarskynlik die behoorlike uitvoering van sy pligte sal belemmer, of sy aftreding uit die Regeringsdiens voordat hy die pensioenleeftyd bereik, nodig sal maak en die Kommissie aldus verklaar het.

(3) By die vulling van 'n pos in die Regeringsdiens, moet daar behoorlik rekening gehou word met die kwalifikasies, bekwaamheid en geskiktheid van die persone wat vir bevordering, oorplasing of aanstelling in aanmerking kom.

(4) Vir die vulling van 'n permanente pos moet die Kommissie of—

(a) die oorplasing of bevordering van 'n permanente amptenaar aanbeveel; of

(b) as die pos nie bevredigend deur 'n oorplasing of bevordering gevul kan word nie, die aanstelling van 'n persoon wat nie 'n permanente amptenaar is nie, aanbeveel.

Aanstellings, oorplasinge en bevorderings op proef

12. (1) Aanstellings, oorplasinge en bevorderings van permanente amptenare geskied op proef vir 'n tydperk van minstens 12 maande as die Kommissie dit aanbeveel.

(2) As die hoof van 'n kantoor of departement sertifiseer dat die betrokke permanente amptenaar gedurende die proeftyd of verlengde proeftyd ywerig en sy gedrag deurgaans bevredigend was en dat hy in alle opsigte geskik is vir die pos wat hy beklee en die permanente amptenaar aan al die vereiste voorwaardes voldoen het, kan die Raadslid die aanstelling, oorplasing of bevordering bekragtig, maar as die vereiste sertifikaat nie ingedien kan word nie, kan die Raadslid, op aanbeveling van die Kommissie, die proeftyd verleng of optree soos in subartikel (3) bepaal.

Staff of the Commission, inspection of departments and convening of the Commission

9. (1) There shall be appointed, subject to the provisions of this Proclamation, a secretary to the Commission and as many other officials and allocated officers as may be necessary to enable the Commission to exercise its powers and carry out its duties, to carry out the directions given to or the duties imposed upon them by the Commission.

(2) The Commission may authorise any person to carry out the inspection of departments on its behalf and a person so authorised shall have the powers conferred upon the Commission by section 8, but need not be accompanied by the Secretary of the Commission.

(3) The Secretary of the Commission or the person authorised by him to do so shall convene the Commission at least once a month and the Chairman of the Commission may at any time convene a meeting.

(4) The Secretary of the Commission or an official or allocated officer authorised by him shall attend all meetings of the Commission.

By whom appointments and promotions are made

10. The appointment or promotion of any person shall be made by the Councillor who, in the case of permanent officials, acts on the recommendations of the Commission.

Conditions for the filling of posts

11. (1) Appointments, transfers and promotions in the Government Service shall be made in such manner and subject to such conditions as the Commission may recommend or decide upon.

(2) No person shall be appointed permanently, or be transferred and appointed to a permanent post unless he is a citizen, of good character, and free from any mental or physical defect which would be likely to interfere with the proper carrying out of his duties or to render necessary his retirement from the Government Service before reaching the pensionable age and the Commission has so declared.

(3) In the filling of any post in the Government Service, due regard shall be had to the qualifications, efficiency and suitability of the persons who are eligible for promotion, transfer or appointment.

(4) For the filling of a permanent post the Commission shall recommend either—

(a) the transfer or promotion of a permanent official; or

(b) if the post cannot be filled satisfactorily by such transfer or promotion, the appointment of a person who is not a permanent official.

Appointments, transfers and promotions on probation

12. (1) Appointments, transfers and promotions of permanent officials shall be made on probation for a period of at least 12 months if the Commission so recommends.

(2) If the head of an office or department certifies that during the period of probation or extended period of probation the permanent official concerned has been diligent and his conduct uniformly satisfactory and that he is in all respects suitable for the post which he holds, and the permanent official has complied with all the required conditions, the Councillor may confirm the appointment, transfer or promotion; but if the required certificate cannot be submitted, the Councillor may, on the recommendation of the Commission, extend the probationary period or act as is provided in subsection (3).

(3) 'n Permanente amptenaar wat op proef in diens is, kan op aanbeveling van die Kommissie deur die Raadslid uit die Regeringsdiens ontslaan word tydens of by die verstryking van die proeftyd—

(a) deur een maand kennis te gee; of

(b) deur 24 uur kennis te gee as sy gedrag onbevredigend is.

(4) 'n Permanente amptenaar keer terug na die pos wat hy tevore beklee het of na 'n pos van gelyke gradering en na die salaris wat hy in sy vorige pos sou bereik het, as sy oorplasing of bevordering op proef nie bekragtig word nie.

Oorplasing en sekondering van amptenare

13. (1) Elke amptenaar kan, wanneer die openbare belang dit vereis, oorgeplaas word uit die pos of betrekking wat hy beklee, na enige ander pos of betrekking in die Regeringsdiens: Met dien verstande dat—

(a) by oorplasing 'n amptenaar se salarisskaal nie sonder sy toestemming verlaag mag word nie behalwe in ooreenstemming met artikels 15 en 17;

(b) 'n amptenaar nie net uit hoofde alleen van sodanige oorplasing geregtig is op die salaris of salarisskaal wat op die pos waarheen hy oorgeplaas word van toepassing is nie.

(2) Die oorplasing van 'n amptenaar word gedoen op gesag van die Raadslid en, in die geval van 'n oorplasing tussen departemente, op gesag van die betrokke Raadslede. In die geval van 'n permanente amptenaar kan die Kommissie, indien hy dit nodig ag, 'n oorplasing aanbeveel.

(3) 'n Permanente amptenaar mag slegs oorgeplaas word na 'n pos met dieselfde benaming en gradering, tensy die Kommissie anders aanbeveel.

(4) 'n Amptenaar kan met sy eie toestemming en op aanbeveling van die Kommissie en op die voorwaardes deur die Tesourie bepaal, gesekondeer word na die diens van die Regering van die Republiek van Suid-Afrika, die Administrasie van Suidwes-Afrika of van 'n raad, inrigting of liggaam ingestel by of kragtens enige wetsbepaling wat in die Republiek van Suid-Afrika en/of die gebied Suidwes-Afrika van toepassing is, maar bly steeds onderworpe aan die bepalings van hierdie Proklamasie.

(5) 'n Burger wat in diens van die Regering van die Republiek van Suid-Afrika of die Administrasie van Suidwes-Afrika is, kan oorgeplaas word na die Regeringsdiens op aanbeveling van die Kommissie nadat 'n ooreenkomstige oor sodanige oorplasing bereik is.

Aftreding, afdanking en ontslag van permanente amptenare

14. (1) Behoudens die bepalings van subartikel (2) en enige wetsbepaling betreffende die pensioenregte van permanente amptenare, word 'n permanente amptenaar uit die Regeringsdiens afgedank op die dag wanneer hy die leeftyd van 65 jaar bereik indien daardie dag die eerste dag van 'n maand is of, indien daardie dag 'n latere dag is, op die eerste dag van die maand onmiddellik na die maand waarin hy die leeftyd van 65 jaar bereik het.

(2) Ondanks die bepalings van subartikel (1), kan 'n permanente amptenaar in die Voorgeskrewe Afdeling wat die leeftyd van 60 jaar bereik het, in elke geval behoudens 'n aanbeveling van die Kommissie uit die Regeringsdiens afgedank word.

(3) Elke permanente amptenaar kan uit die Regeringsdiens ontslaan word—

(a) weens voortdurende swak gesondheid;

(b) weens die afskaffing van sy pos of die vermindering of reorganisasie of herreëling van departemente of kantore;

(3) A permanent official who is serving on probation may, on the recommendation of the Commission, be discharged from the Government Service by the Councillor, during or at the expiry of the period of probation—

(a) by the giving of one month's notice; or

(b) by the giving of 24 hours' notice if his conduct is unsatisfactory.

(4) A permanent official shall revert to the post formerly held by him or to a post of equivalent grading and to the salary he would have attained in his former post, if his probationary transfer or promotion be not confirmed.

Transfer and secondment of officials

13. (1) Every official shall, whenever the public interest so requires, be liable to be transferred from the post or appointment held by him to any other post or appointment in the Government Service: Provided that—

(a) upon transfer an official shall not suffer any reduction in his salary scale without his consent except in accordance with sections 15 and 17;

(b) an official shall not by reason only of such transfer be entitled to the salary scale or salary applicable to the post to which he is transferred.

(2) The transfer of an official shall be made on the authority of the Councillor and in the case of a transfer between departments on the authority of the Councillors concerned. In the case of a permanent official the Commission may recommend a transfer if it is considered necessary by the Commission.

(3) A permanent official may be transferred only to a post with the same designation and grading unless the Commission recommends otherwise.

(4) An official may, with his own consent, and on the recommendation of the Commission and upon the conditions determined by the Treasury, be seconded to the service of the Government of the Republic of South Africa, the Administration of South-West Africa or of any board, institution or body established by or under any law applicable to the Republic of South Africa and/or the Territory of South-West Africa, but shall remain subject to the provisions of this Proclamation.

(5) A citizen who is in the employment of the Government of the Republic of South Africa or the Administration of South-West Africa, may be transferred to the Government Service on the recommendation of the Commission, after an agreement regarding such transfer has been reached.

Retirement and discharge of permanent officials

14. (1) Subject to the provisions of subsection (2) and any law governing the pension rights of permanent officials, a permanent official shall be retired from the Government Service on attaining the age of 65 years if the day on which he attains this age is the first day of a month or, if that day is any later day, on the first day of the month immediately following the month in which he attains the age of 65 years.

(2) Notwithstanding the provisions of subsection (1) a permanent official in the Prescribed Division who has reached the age of 60 years may, subject in every case to the recommendation of the Commission, be retired from the Government Service.

(3) Every permanent official shall be liable to be discharged from the Government Service—

(a) on account of continued ill-health;

(b) owing to the abolition of his post or any reduction in or reorganisation or readjustment of departments or offices;

(c) as, om ander redes as sy eie ongeskiktheid of onvermoë, sy ontslag doeltreffendheid of besuiniging in die departement of kantoor waarin hy in diens is, sal bevorder;

(d) weens ongeskiktheid vir sy pligte of onvermoë om hulle op bekwame wyse uit te voer;

(e) weens wangedrag;

(f) as, in die geval van 'n permanente amptenaar wat op proef aangestel is, sy aanstelling nie bekragtig word nie.

(4) 'n Permanente amptenaar wat sonder verlof van die hoof van sy departement of die hoof van sy kantoor vir 'n tydperk van meer as een maand van sy ampspligte wegbly, word geag weens wangedrag uit die Regeringsdiens ontslaan te gewees het met ingang van die datum wat onmiddellik volg op die laaste dag waarop hy op sy plek van diens teenwoordig was. As sodanige permanente amptenaar ander werk aanvaar, word hy geag ontslaan te gewees het soos voormeld, nieëntaanstaande dat genoemde tydperk nog nie verstryk het nie. As sodanige permanente amptenaar hom te eniger tyd na die verstryking van bedoelde tydperk vir diens aanmeld, kan die Kommissie, ondanks andersluidende wetsbepalings, aanbeveel dat hy in die Regeringsdiens in sy vorige of enige ander pos of betrekking herstel word op die voorwaardes wat die Kommissie aanbeveel, en in so 'n geval word die tydperk van sy afwesigheid van sy ampspligte, geag afwesigheid met vakansieverlof sonder besoldiging of verlof op die ander voorwaardes wat die Kommissie aanbeveel, te gewees het.

(5) Die dienste van 'n permanente amptenaar in die Nie-voorgeskrewe Afdeling kan, ondanks die afwesigheid van enige rede vir ontslag ingevolge subartikel (3), beëindig word deur skriftelike kennisgewing van minstens een maand. In die geval van 'n permanente amptenaar met 10 jaar of langer ononderbroke diens, moet die Kommissie eers die beëindiging van sy dienste aanbeveel.

(6) Die vevoegdheid om 'n amptenaar te ontslaan, berus by die Raadslid en in die geval van 'n permanente amptenaar moet die Kommissie eers sy ontslag aanbeveel.

Onbekwame amptenare

15. (1) As 'n departementshoof aan die Raadslid verslag doen dat 'n permanente amptenaar in sy departement, na sy mening, ongeskik is vir sy pligte of nie in staat is om hulle op bekwame wyse uit te voer nie, stel die Raadslid 'n permanente amptenaar of 'n toegewese beampte aan om ondersoek na die inhoud van daardie verslag in te stel; en as enige sodanige verslag aan 'n departementshoof gedoen word deur 'n permanente amptenaar of 'n toegewese beampte wat ingevolge artikel 9 (2) gemagtig is om departemente te inspekteer, stuur genoemde departementshoof dit binne een maand vanaf die datum waarop hy dit ontvang het deur na die Raadslid wat 'n permanente amptenaar of toegewese beampte moet aanstel om ondersoek na die inhoud van daardie verslag in te stel.

(2) Die Kommissie skryf die prosedure voor wat gevolg moet word by 'n ondersoek in subartikel (1) gemeld, en na afloop van die ondersoek beveel die Kommissie by die Raadslid aan, indien bevind is dat die permanente amptenaar ongeskik vir sy pligte is of nie in staat is om hulle op bekwame wyse uit te voer nie—

(a) dat geen verdere stappe in die saak gedoen word nie; of

(b) dat die betrokke permanente amptenaar na 'n ander pos oorgeplaas of in diens gehou word bykomend tot die goedgekeurde diensstaat; of

(c) dat sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(c) if, for reasons other than his own unfitness or incapacity, his discharge will promote efficiency or economy in the department or office in which he is employed;

(d) on account of unfitness for his duties, or incapacity to carry them out efficiently;

(e) on account of misconduct;

(f) if, in the case of a permanent official appointed on probation, his appointment is not confirmed.

(4) A permanent official who absents himself from his official duties without the permission of the head of his department or the head of his office for a period exceeding one month, shall be deemed to have been discharged from the Government Service on account of misconduct with effect from the date immediately succeeding his last day of attendance at his place of duty. If such permanent official takes up other employment he shall be deemed to have been discharged as aforesaid notwithstanding that the said period has not expired. If such permanent official reports for duty at any time after the expiry of the said period the Commission may, notwithstanding anything to the contrary contained in any law, recommend that he be re-instated in the Government Service in his former or any other post or appointment, or such conditions as the Commission may recommend, in which even the period of his absence from official duty shall be deemed to have been absence on vacation leave without pay or leave on such other conditions as the Commission may recommend.

(5) The services of a permanent official in the Non-Prescribed Division may, notwithstanding the absence of any cause of discharge under subsection (3), be terminated by the giving of not less than one month's notice in writing. In the case of a permanent official with 10 years' continuous service or longer, the Commission shall first make a recommendation for the termination of his services.

(6) The power of discharge of an official is vested in the Councillor and in the case of a permanent official the Commission shall first make a recommendation for his discharge.

Inefficient officials

15. (1) If a head of department reports to the Councillor that a permanent official in his department is, in his opinion unfit for his duties or incapable of carrying them out efficiently, the Councillor shall appoint a permanent official or an allocated officer to inquire into the subject matter of that report; and if any such report is made to a head of department by a permanent official or an allocated officer, who is authorised to inspect departments in terms of section 9 (2), the said head of department shall, within one month of the date on which he received it, transmit it to the Councillor who shall appoint a permanent official or an allocated officer to inquire into the subject matter of that report.

(2) The Commission shall prescribe the procedure to be followed in regard to an inquiry referred to in subsection (1) and at the conclusion of the enquiry the Commission shall, if it has been found that the permanent official is unfit for his duties or incapable of carrying them out efficiently, recommend to the Councillor—

(a) that no further action be taken in the matter; or

(b) that the permanent official concerned be transferred to another post or be employed additional to the authorised establishment; or

(c) that his salary or grade or both his salary and grade be reduced to an extent recommended; or

(d) dat hy uit die Regeringsdiens ontslaan word met ingang van 'n datum deur die Raadslid bepaal.

As die Kommissie 'n aanbeveling inbevolge paragraaf (b) doen, kan hy ook 'n aanbeveling ingevolge paragraaf (c) doen.

(3) Die Raadslid kan volgens die aanbeveling van die Kommissie handel of, behoudens artikel 5 (1), enige ander gedraglyn volg wat die Kommissie ingevolge subartikel (2) kon aanbeveel het.

(4) In die geval van onbekwame departementshoofde wat permanente amptenare is, word in subartikels (1), (2) en (3) "departementshoof" deur "Raadslid", "permanente amptenaar of toegewese beampte" deur "persoon" en "Raadslid" deur "Uitvoerende Raad" vervang en verder opgetree soos in die gemelde subartikels voorgeskryf.

Omskrywing van wangedrag

16. 'n Permanente amptenaar is suldig aan wangedrag en daar kan ooreenkomstig die bepalinge van artikel 17 met hom gehandel word, as hy—

(a) 'n bepaling van hierdie Proklamasie oortree of versuim om te voldoen aan 'n bepaling daarvan waaraan dit sy plig is om te voldoen; of

(b) 'n daad wat nadelig vir die administrasie, dissipline of doeltreffendheid van 'n departement of kantoor van die Damararegering is, doen, laat doen of toelaat of oogluikend toelaat dat dit gedoen word; of

(c) 'n wettige bevel wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur woord of gedrag insubordinasie aan die dag lê; of

(d) nalatig of traag is in die vervulling van sy pligte; of

(e) sonder die toestemming van die Raadslid, verleen op aanbeveling van die Kommissie, enige private agentskap of private werk in enige aangeleentheid in verband met die verrigting van sy amptelike werksaamhede of die uitvoering van sy ampspligte onderneem; of

(f) hom in die openbaar uitlaat oor die administrasie van enige departement; of

(g) van sy posisie in die Regeringsdiens gebruik maak om die belange van 'n politieke party te bevorder of te benadeel; of

(h) probeer om uit politieke of buitebronne ingryping in verband met sy posisie en diensvoorwaardes in die Regeringsdiens te verkry: Met dien verstande dat die bepalinge van hierdie paragraaf nie 'n permanente amptenaar verhinder om herstel van 'n grief deur bemiddeling van die Verteenwoordigende Owerheid te probeer verkry nie; of

(i) hom op 'n skandelijke, onbehoorlike of onbetaamlike wyse gedra, of terwyl hy diens doen, hom aan growwe onbeleefdheid teenoor 'n persoon skuldig maak; of

(j) buitensporig van bedwelmende drank of gewoontevormende middels gebruik maak; of

(k) te eniger tyd gedurende sy amptelike diensure—

(i) onder die invloed van bedwelmende drank is; of

(ii) 'n bloedalkoholinhoud, uitgedruk in gram per honderd milliliter bloed, van minstens 70 milligram (0,07 persent) het; of

(l) insolvent word of 'n akkoord met sy skuldeisers aangaan of as 'n bevel tot siviele gyseling deur 'n geregshof teen hom gegee is, tensy daar bewys word dat sy insolvensie of akkoord of die gee van 'n bevel tot siviele gyseling teen hom deur onvermydelike teenspoed veroorsaak is; of

(m) in geldelike moeilikheid geraak, tensy daar bewys word dat sy geldelike moeilikheid nie die gevolg van onversigtigheid of ander laakbare oorsaak is nie en nie nadelig vir die getroue uitvoering van sy pligte is nie; of

(d) that he be discharged from the Government Service as from a date to be specified by the Councillor. If the Commission makes a recommendation in terms of paragraph (b), it may also make a recommendation in terms of paragraph (c).

(3) The Councillor may adopt the course recommended by the Commission or, subject to the provisions of section 5 (1), any other course which the Commission could have recommended under subsection (2).

(4) In the case of inefficient heads of departments who are permanent officials "Councillor" shall be substituted for "head of department", "person" for "permanent official or allocated officer" and "Executive Council" for "Councillor" in subsections (1), (2) and (3) and action shall be taken as prescribed in the said subsections.

Definition of misconduct

16. A permanent official shall be guilty of misconduct and may be dealt with in accordance with the provisions of section 17 if he—

(a) contravenes any provisions of this Proclamation or fails to comply with any provision thereof with which it is his duty to comply; or

(b) does, or cause or permits to be done or connives at, any act which is prejudicial to the administration, discipline or efficiency of any department or office of the Damara Government; or

(c) disobeys, disregards, or makes wilful default in carrying out a lawful order given to him by a person having authority to give it, or by word or conduct displays insubordination; or

(d) is negligent or indolent in the discharge of his duties; or

(e) undertakes, without the permission of the Councillor, granted on the recommendation of the Commission, any private agency or private work in any matter connected with the performance of his official functions or the carrying out of his official duties; or

(f) publicly comments upon the administration of any department; or

(g) makes use of his position in the Government Service to promote or to prejudice the interests of any political party; or

(h) attempts to secure intervention from political or outside sources in relation to his position and conditions of employment in the Government Service: Provided that nothing in this paragraph contained shall preclude any permanent official from endeavouring to obtain redress of any grievance through the Representative Authority; or

(i) conducts himself in a disgraceful, improper or unbecoming manner, or whilst on duty is grossly discourteous to any person; or

(j) uses intoxicating liquor or habit-forming drugs excessively; or

(k) at any time during his official working hours—

(i) is under the influence of intoxicating liquor; or

(ii) has a blood alcohol content, expressed in grams per 100 millilitres of blood, of not less than 70 milligrams (0,07 per cent), or

(l) becomes insolvent or compromises with his creditors or has a decree of civil imprisonment made against him by any court of law; unless it is shown that his insolvency or compromise or the making of a decree of civil imprisonment against him has been occasioned by unavoidable misfortune; or

(m) becomes financially embarrassed, unless it is shown that his financial embarrassment has not been occasioned by imprudence or other reprehensible cause and is not prejudicial to the faithful performance of his duties; or

(n) sonder dat hy eers die toestemming van sy departementshoof verkry het, inligting wat hy ingewin of waaraan hy gekom het as gevolg van sy werk in die Regeringsdiens, openbaar maak anders as in die vervulling van sy amppligte, of sodanige inligting gebruik vir 'n ander doel as vir die vervulling van sy amppligte, hetsy hy sodanige inligting openbaar maak of nie; of

(o) sonder die toestemming van die Raadslid, verleen op aanbeveling van die Kommissie, enige kommissie, geld of beloning, geldelik of anders (wat nie die emolumente is wat ten opsigte van sy pligte aan hom betaalbaar is nie) aanneem of dit eis ten opsigte van die vervulling van sy pligte of die versuim om sy pligte te vervul, of versuim om aan sy departementshoof of, as hy die departementshoof is, wat 'n permanente amptenaar is, aan die Raadslid, die aanbod van sodanige kommissie, geld of beloning te rapporteer; of

(p) hom eiendom van die Damararegering wederregtelik toeëien of onbehoorlike gebruik daarvan maak onder sodanige omstandighede dat sy daad nie 'n kriminele misdryf uitmaak nie; of

(q) 'n kriminele misdryf begaan; of

(r) sonder verlof of geldige rede van sy kantoor of diens wegbly; of

(s) met die oog op die verkryging van enige voorreg of voordeel met betrekking tot sy amptelike posisie of sy pligte, of met die oog op die veroorsaking van enige nadeel of skade aan die Damararegering of 'n departement of die Regeringsdiens of 'n lid van die Regeringsdiens, 'n valse of onjuiste verklaring doen, wetende dat dit vals of onjuis is.

Prosedure in gevalle van wangedrag

17. (1) Wanneer 'n permanente amptenaar van wangedrag beskuldig word, kan sy departementshoof hom skriftelik onder sy handtekening van wangedrag aankla en indien daardie permanente amptenaar nie 'n skriftelike erkenning van die wangedrag indien nie, kan die departementshoof 'n permanente amptenaar of toegewese beampte aanstel om ondersoek na die klag in te stel.

(2) Die Kommissie skryf die voorwaardes en prosedure voor waaraan voldoen en wat gevolg moet word in verband met aanklagte van wangedrag en ondersoeke na 'n klag van wangedrag, en die voorwaardes en prosedure waaraan voldoen en wat gevolg moet word ten opsigte van skorsing van permanente amptenare.

(3) As die permanente amptenaar skuldig bevind is aan wangedrag en optrede ingevolge die prosedure wat die Kommissie voorgeskryf het, afgehandel is, kan die Kommissie by die Raadslid aanbeveel dat—

(a) die bedoelde permanente amptenaar gewaarsku word; of

(b) 'n boete van hoogstens R400 hom opgelê word en dat die boete verhaal kan word deur aftrekking van sy emolumente in die paalemente wat die Raadslid vassstel; of

(c) hy na 'n ander pos oorgeplaas word of bykomend by die goedgekeurde poste in diens gehou word; of

(d) sy salaris of graad of sy salaris sowel as sy graad verlaag word in die mate wat aanbeveel word; of

(e) hy ontslaan word uit die Regeringsdiens met ingang van 'n datum wat deur die Raadslid bepaal word;

Met dien verstande dat—

(i) die Kommissie 'n aanbeveling kragtens meer as een van die voorafgaande paragrawe kan doen, behalwe waar 'n aanbeveling kragtens paragraaf (e) gedoen word; en

(ii) die Kommissie die doen van 'n aanbeveling vir 'n tydperk van hoogstens 12 maande kan uitstel.

(n) without first having obtained the permission of his head of department discloses, otherwise than in the discharge of his official duties, information gained by or conveyed to him through his employment in the Government Service, or uses such information for any purpose other than for the discharge of his official duties, whether or not he discloses such information; or

(o) without the permission of the Councillor, granted on the recommendation of the Commission, accepts or demands in respect of the carrying out of or the failure to carry out his duties, any commission, fee, or reward, pecuniary or otherwise (not being the emoluments payable to him in respect of his duties), or fails to report to his head of department or if he is the head of a department who is a permanent official, to the Councillor, the offer of any such commission, fee or reward; or

(p) misappropriates or improperly uses any property of the Damara Government under such circumstances that his act does not constitute a criminal offence; or

(q) commits a criminal offence; or

(r) absents himself from his office or duty without leave or valid cause; or

(s) with a view to obtaining any privilege or advantage in relation to his official position or his duties, or to causing prejudice or injury to the Damara Government or a department or the Government Service or a member of the Government Service, makes a false or incorrect statement knowing it to be false or incorrect.

Procedure in cases of misconduct

17 (1) When a permanent official is accused of misconduct, his head of department may charge him, in writing under his hand, with that misconduct and if such permanent official does not submit a written acknowledgement of the misconduct, the head of department may appoint a permanent official or an allocated officer to inquire into the charge of misconduct.

(2) The Commission shall prescribe the conditions to be complied with and the procedure to be followed in connection with charges of misconduct and inquiries into a charge of misconduct, and the conditions to be complied with and the procedures to be followed in regard to the suspension of permanent officials.

(3) If the permanent official has been found guilty of misconduct and the procedure prescribed by the Commission has been finalised, the Commission may recommend to the Councillor that—

(a) the said permanent official be cautioned; or

(b) a fine not exceeding R400 be imposed upon him, which fine may be recovered by deduction from his emoluments in such instalments as may be determined by the Councillor; or

(c) he be transferred to some other post or be employed additional to the authorised posts; or

(d) his salary or grade or both his salary and grade be reduced to an extent recommended; or

(e) he be discharged from the Government Service as from a date to be specified by the Councillor:

Provided that—

(i) the Commission may make a recommendation in terms of more than one of the foregoing paragraphs, except when a recommendation is made in terms of paragraph (e); and

(ii) the Commission may postpone the making of a recommendation for a period not exceeding 12 months.

(4) Die Raadslid kan die gedraglyn volg wat die Kommissie aanbeveel of, behoudens die bepalinge van artikel 5 (1), enige ander gedraglyn wat die Kommissie ingevolge subartikel (3) kon aanbeveel het.

(5) In gevalle waar 'n departementshoof, wat 'n permanente amptenaar is, van wangedrag beskuldig word, word in subartikels (1), (2), (3) en (4) "departementshoof" deur "raadslid", "permanente amptenaar of toegewese beampte" deur "persoon" en "raadslid" deur "Uitvoerende Raad" vervang en verder opgetree soos in die gemelde subartikels voorgeskryf.

(6) As die wangedrag neerkom op 'n misdryf waaraan die permanente amptenaar deur 'n gereghof skuldig bevind is, is dit nie nodig om hom ingevolge subartikel (1) aan te kla nie, maar word dit afdoende bewys geag dat hy skuldig is aan wangedrag, tensy die skuldigbevinding deur 'n hoër hof tersyde gestel is of hy ten volle begenadig is.

(7) (a) 'n Departementshoof kan van 'n permanente amptenaar, wat hy op redelike gronde daarvan verdink dat hy skuldig is aan wangedrag soos omskryf in artikel 16 (k) (i) of (ii), vereis om—

(i) in die voorgeskrewe apparaat uit te asem vir die tydperk wat hy gelas; of

(ii) hom aan ondersoek deur 'n distriksgeneesheer of ander geneesheer te onderwerp, met inbegrip van enige bloedtoets wat sodanige distriksgeneesheer of ander geneesheer nodig ag om die alkoholinhoud van die bloed van bedoelde amptenaar te bepaal; of

(iii) in die voorgeskrewe apparaat uit te asem en om hom aan die ondersoek in paragraaf (ii) bedoel, te onderwerp.

(b) Indien—

(i) 'n permanente amptenaar versuim of weier om in die voorgeskrewe apparaat uit te asem of hom aan 'n ondersoek te onderwerp wanneer dit kragtens subartikel (7) (a) van hom vereis word; of

(ii) die alkoholinhoud van die bloed van 'n permanente amptenaar volgens die voorgeskrewe apparaat 'n perk oorskry wat deur die Uitvoerende Raad by besluit ten opsigte van daardie besondere fabrikaat van die voorgeskrewe apparaat gespesifiseer is;

word dit afdoende bewys geag dat sodanige amptenaar skuldig is aan wangedrag soos in artikel 16 (k) (i) omskryf.

Besoldiging van amptenare

18. (1) Behoudens die bepalinge van artikel 5 (2), word aan permanente amptenare salarisse, lone en toeslaes betaal ooreenkomstig die skale wat by hulle grade pas, soos deur die Kommissie ingevolge artikel 4 (3) (h) aanbeveel.

(2) Op aanbeveling van die Kommissie, maar behoudens die bepalinge van artikel 5 (2)—

(a) kan aan amptenare of aan klasse amptenare by aanstelling, oorplasing of bevordering salarisse of lone teen hoër bedrae as die minimums van die toepaslike skale betaal word; en

(b) kan aan amptenare of klasse amptenare spesiale vordering toegestaan word binne die skale wat op hulle van toepassing is; en

(c) kan aan 'n amptenaar wat buitengewoon bekwaam is of wat spesiale kwalifikasies besit of wat verdienstelike diens gelewer het, en kan aan enige amptenaar, as dit in die regeringsdiens se belang is, spesiale vordering toegestaan word binne die skaal wat op hom van toepassing is, of kan aan hom 'n salaris of loon ooreenkomstig 'n hoër skaal betaal of enige ander geskikte beloning toegeken word.

(3) Behoudens die bepalinge van artikel 5 (2), mag aan geen amptenaar ten opsigte van sy diens as sodanig, enige gelde, van watter aard ook al, betaal word nie, behalwe dié wat deur die Kommissie aanbeveel is.

(4) The Councillor may adopt the course recommended by the Commission or, subject to the provisions of section 5 (1), any other course which the Commission could have recommended in terms of subsection (3).

(5) When a head of department who is a permanent official is accused of misconduct, "Councillor" shall be substituted for "head of department", "person" for "permanent official or allocated officer" and "Executive Council" for "councillor" in subsections (1), (2), (3) and (4) and action shall be taken as prescribed in the said subsections.

(6) If the misconduct amounts to an offence of which the permanent official has been convicted by a court of law, it shall be necessary to charge him under subsection (1) but he shall be deemed conclusively to be guilty of that misconduct unless the conviction has been set aside by a superior court or he has been granted a free pardon.

(7) (a) A head of department may require a permanent official whom he suspects on reasonable grounds of being guilty of misconduct as defined in section 16 (k) (i) or (ii)—

(i) to breathe into the prescribed apparatus for such period as he may direct; or

(ii) to undergo examination by a district surgeon or other medical practitioner, including any blood test which such district surgeon or other medical practitioner may deem necessary in order to determine the alcohol content of the blood of such official; or

(iii) to breathe into the prescribed apparatus and to undergo the examination referred to in paragraph (ii).

(b) If—

(i) a permanent official fails or refuses to breathe into the prescribed apparatus or to undergo any examination when so required under subsection 7 (a); or

(ii) the prescribed apparatus records that the alcohol content of the blood of the said permanent official exceeds a limit specified by the Executive Council by resolution in respect of that particular make of prescribed apparatus; such official shall be deemed conclusively to be guilty of misconduct as defined in section 16 (k) (i).

Remuneration of officials

18. (1) Subject to the provisions of section 5 (2), permanent officials shall be paid salaries, wages and allowances in accordance with the scales appropriate to their grades, as recommended by the Commission in terms of section 4 (3) (h).

(2) On the recommendation of the Commission but subject to the provisions of section 5 (2)—

(a) officials or classes of officials may, on appointment, transfer or promotion be paid salaries or wages at higher rates than the minima of the appropriate scales; and

(b) officials or classes of officials may be specially advanced within the scales applicable to them; and

(c) an official of exceptional ability or possessing special qualifications or who has rendered meritorious service may, and any official may, if it is in the interests of the Government Service, be specially advanced within the scale applicable to him or may be paid a salary or wage in accordance with a higher scale, or may be granted any other fitting reward.

(3) Subject to the provisions of section 5 (2), no official shall in respect of his employment as such be paid any moneys of any kind whatsoever, other than such as have been recommended by the Commission.

Salarisse van permanente amptenare mag nie verlaag word nie behalwe soos spesiaal bepaal

19. 'n Permanente amptenaar se salaris of salarisskaal mag nie sonder sy eie toestemming verlaag word nie, behalwe wanneer hy skuldig is aan wangedrag of ingevolge 'n maatreël van die Verteenwoordigende Owerheid.

Sessie van emolumente verbode

20. Geen amptenaar mag sonder die skriftelik goedkeuring van die Departementshoof die geheel of 'n gedeelte van enige salaris of toelae wat aan hom betaalbaar is, sedeer nie.

Amptenare moet al hulle tyd ter beskikking van die Regeringsdiens stel

21. Tensy anders in sy diensvoorwaardes bepaal word—

(a) moet elke amptenaar al sy tyd ter beskikking van die Regeringsdiens stel;

(b) mag geen amptenaar sonder die toestemming van die Raadslid besoldigde werk buite sy werk in die Regeringsdiens verrig of hom verbind om dit te verrig nie, en dié toestemming word in die geval van 'n permanente amptenaar slegs op aanbeveling van die Kommissie verleen; en

(c) kan geen amptenaar regtens aanspraak maak op addisionele besoldiging ten opsigte van enige amptelike plig of werk wat hy deur 'n bevoegde hoof van kantoor aangesê word om te verrig nie.

Voorskrifte

22. (1) Behoudens die bepalings van artikel 5 van hierdie Proklamasie, kan die Kommissie voorskrifte met betrekking tot enige van die volgende aangeleenthede uitvaardig:

(a) Die bevordering, oorplasing, dissipline, gedrag, bevoegdhede en pligte, diensure en afwesigheidsverlof van amptenare en hulle ander algemene diensvoorwaardes;

(b) die prosedure wat gevolg moet word by ondersoeke na bekwaamheid of wangedrag en die optrede wat moet volg;

(c) die omstandighede waaronder 'n geneeskundige ondersoek vereis word vir doeleindes van enige bepaling van hierdie Proklamasie, en die vorm van geneeskundige verslae en sertifikate van ongesteldheid;

(d) die bepaalde klasse amptenare van wie vereis kan word om sekuriteit te gee, en die bedrag en vorm daarvan;

(e) alle aangeleenthede wat ingevolge hierdie Proklamasie voorgeskryf moet of kan word; en

(f) in die algemeen alle aangeleenthede wat die Kommissie met die goedkeuring van die Uitvoerende Raad nodig of dienstig ag om voor te skryf ten einde die doeleindes van hierdie Proklamasie te bereik.

(2) Verskillende voorskrifte kan uitgevaardig word ten opsigte van verskillende groepe amptenare.

Beperking van regsdinge

23. (1) Geen regsdinge van watter aard ook al mag teen die Damararegering of 'n liggaam of persoon ten opsigte van verskillende groepe amptenare, gedoen of versuim is, ingestel word nie, tensy die geding ingestel word voor die verstryking van 'n tydperk van 12 maande na die datum waarop die eiser kennis van die beweerde daad of versuim gehad het of na die datum waarop redelikerwys verwag kan word dat die eiser van genoemde daad of versuim bewus sou wees, na gelang van watter datum die eerste is.

(2) Geen sodanige geding mag ingestel word voor die verstryking van minstens een maand nadat 'n skriftelike kennisgewing van die voorneme om sodanige geding in te stel aan die Damararegering of die betrokke liggaam of

Salaries of permanent officials not to be reduced except as specially provided

19. A permanent official's salary or salary scale shall not be reduced without his own consent except when he is guilty of misconduct or in terms of an enactment of the Representative Authority.

Cession of emoluments prohibited

20. No official shall, without the written approval of the head of department, cede the whole or any part of any salary or allowance payable to him.

Whole time of officials to be at the disposal of the Government Service

21. Unless it is otherwise provided in his conditions of employment—

(a) every official shall place the whole of his time at the disposal of the Government Service;

(b) no official shall perform or engage himself to perform remunerative work outside his employment in the Government Service without the permission of the Councillor which, in the case of a permanent official, shall be granted only on the recommendation of the Commission; and

(c) no official may claim as of right additional remuneration in respect of any official duty or work which he is required by a competent head of office to perform.

Directions

22. (1) Subject to the provisions of section 5 of this Proclamation, the Commission may give directions with respect to any of the following matters:

(a) The promotion, transfer, discipline, conduct, powers and duties, hours of attendance and leave of absence of officials and their other general conditions of employment;

(b) the procedure to be followed in connection with inquiries into inefficiency or misconduct and the action to be taken;

(c) the circumstances in which a medical examination shall be required for the purposes of any provision of this Proclamation and the form of medical reports and certificates of indisposition;

(d) the particular classes of officials who may be required to give security, and the amount and form thereof;

(e) all matters which under this Proclamation are required or permitted to be prescribed; and

(f) generally, all matters which the Commission, with the approval of the Executive Council, considers necessary or expedient to prescribe in order that the purposes of this Proclamation may be achieved.

(2) Different directions may be given in respect of different groups of officials.

Limitation of actions

23. (1) No legal proceedings of any nature shall be brought against the Damara Government or any body or person in respect of anything done or omitted under this Proclamation, unless the proceedings are brought before the expiry of a period of 12 months after the date upon which the claimant had knowledge, or after the date upon which the claimant might reasonably have been expected to have knowledge, of the act or omission alleged, whichever is the earlier date.

(2) No such proceedings shall be commenced before the expiry of at least one month after written notice of the intention to bring such proceedings has been served

persoon bestel is nie. In daardie kennisgewing moet besonderhede aangaande die beweerde daad of versuim duidelik en uitdruklik verstrek word.

Voorbehoud

24. Geen bepaling van hierdie Proklamasie word so uitgelê dat dit enige bestaande, aankomende of voorwaardelike reg, aanspreeklikheid of verpligting van enige persoon, wat uit enige ander wetsbepaling voortvloei, ophef of afbreuk daaraan doen nie.

Kort titel

25. Hierdie Proklamasie heet die Damara-Regeringsdiensproklamasie, 1977, en tree in werking onmiddellik nadat die Damara-Verteenwoordigende Owerheid ingestel word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Veertiende dag van Julie Eenduisend Negehoenderd Sewe-en-sewentig.

N. DIEDERICHS, Staatspresident.

Op las van die Staatspresident-in-rade:

B. J. VORSTER.

on the Damara Government or the body or person concerned. In that notice particulars of the alleged act or omission shall be clearly and explicitly given.

Savings

24. No provision of this Proclamation shall be construed as in any way abrogating or derogating from any existing, accruing or contingent right, liability or obligation of any person flowing from any other law.

Short title

25. This Proclamation shall be called the Damara Government Service Proclamation, 1977, and shall come into operation immediately after the Damara Representative Council is established.

Given under my Hand and the Seal of the Republic of South Africa at Durban this Fourteenth day of July, One thousand Nine hundred and Seventy-seven.

N. DIEDERICHS, State President.

By Order of the State President-in-Council:

B. J. VORSTER.

AGROCHEMOPHYSICA

Hierdie publikasie is 'n voortsetting van die Suid-Afrikaanse Tydskrif vir Landbouwetenskap Jaargang 1 tot 11, 1958-1968 en bevat artikels oor Biochemie, Biometrika, Grondkunde, Landbou-ingenieurswese, Landbouweerkunde en Ontledingstegnieke. Vier dele van die tydskrif word per jaar gepubliseer.

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This publication is a continuation of the South African Journal of Agricultural Science Vol. 1 to 11, 1958-1968 and deals with Biochemistry, Biometry, Soil Science, Agricultural Engineering, Agricultural Meteorology and Analysis Techniques. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at 50 cents per copy or R2 per annum, post free (foreign 60 cents per copy or R2,40 per annum).

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DIE BLOMPLANTE VAN AFRIKA

Hierdie publikasie word uitgegee as 'n geïllustreerde reeks, baie na die aard van Curtis se "Botanical Magazine". Die doel van die werk is om die skoonheid en variasie van vorm van die flora van Afrika aan die leser bekend te stel, om belangstelling in die studie en kweek van die inheemse plante op te wek, en om plantkunde in die algemeen te bevorder.

Die meeste van die illustrasies word deur kunstenaars van die Navorsingsinstituut vir Plantkunde gemaak, dog die redakteur verwek geskikte bydraes van 'n wetenskaplike en kunsstandaard afkomstig van verwante inrigtings.

Onder huidige omstandighede word twee dele van die werk gelyktydig gepubliseer, maar met onreëlmatige tussenposes; elke deel bevat tien kleurplate. Intekengeld bedra R1,50 per deel: Vier dele per band. Vanaf band 27 is die prys per band in linne gebind R10; in morocco-leer gebind R14.

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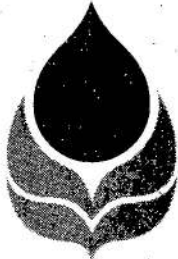
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