



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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[No. 3578.]

KAAPSTAD, 21 JUNIE 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1071.

21st June, 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:

No. 79 of 1972: Namaland Consolidation and Administration Act, 1972.

No. 1071.

21 Junie 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:

No. 79 van 1972: Wet op die Konsolidasie en Administrasie van Namaland, 1972.

Wet No. 79, 1972

WET OP DIE KONSOLIDASIE EN ADMINISTRASIE
VAN NAMALAND, 1972.

WET

Om voorsiening te maak vir die reservering en afsondering onder die naam Namaland van 'n gekonsolideerde gebied in die gebied Suidwes-Afrika vir die uitsluitlike gebruik en okkupasie deur Namas, vir die administrasie van aangeleenthede wat genoemde Namaland raak en vir bykomstige aangeleenthede.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 Junie 1972.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-
omskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „die gebied” die gebied Suidwes-Afrika; (iii)
- (ii) „Minister” die Minister van Kleurlingsake; (i)
- (iii) „Nama” iemand wat 'n lid van die Namavolk van die gebied is of gewoonlik daarvoor deurgaen. (ii)

Reservering en
afsondering van
grond vir gebruik
en okkupasie
deur Namas.

2. (1) Die gebiede in die distrikte Bethanie, Gibeon en Keetmanshoop in die gebied, wat hoofsaaklik deur Namas geokkupeer word en wat in Bylae 1 gemeld word, en enige ander grond in genoemde distrikte wat na die inwerkingtreding van hierdie Wet kragtens subartikel (2) in genoemde Bylae ingesluit word, word hiermee, behoudens die bepalings van hierdie Wet, onder die naam Namaland vir die uitsluitlike gebruik en okkupasie deur Namas voorbehou en afgesonder.

(2) Die Staatspresident kan by proklamasie in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied, Bylae 1 wysig deur enige grond in die distrikte bedoel in subartikel (1) wat deur die Administrateur van die gebied kragtens die Ordonnansie op die Reservering van Staatsgrond vir Inboorlinge, 1967 (Ordonnansie No. 35 van 1967), van die gebied, gereserveer is of word, daarby in te sluit.

Oordrag van
grond aan
Minister in trust
vir Namas.

3. Enige grond binne Namaland geleë, wat—

- (a) by die inwerkingtreding van hierdie Wet op die Suid-Afrikaanse Bantoetrust ingevolge artikel 4 van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), oorgegaan het;
- (b) na sodanige inwerkingtreding deur die Staatspresident kragtens artikel 2 (2) by Bylae 1 ingesluit word,

gaan, ondanks die bepalings van artikels 4 (1) en 5 van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), of enige ander wet, oor op die Minister in trust vir die Namas en vir beskikking deur die Minister ingevolge die bepalings van hierdie Wet, en die Minister laat die titelbewys van bedoelde grond dienooreenkomstig ingevolge die bepalings van artikel 6 endosseer.

NAMALAND CONSOLIDATION AND
ADMINISTRATION ACT, 1972.

Act No. 79, 1972

ACT

To provide for the reservation and setting apart under the name of Namaland of a consolidated area in the territory of South-West Africa for the sole use and occupation of the Nama, for the administration of matters affecting the said Namaland, and for matters incidental thereto.

*(Afrikaans text signed by the State President.)
(Assented to 12th June, 1972.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates—
 - (i) "Minister" means the Minister of Coloured Affairs; (ii)
 - (ii) "Nama" means any person who in fact is or is generally accepted as a member of the Nama nation of the territory; (iii)
 - (iii) "the territory" means the territory of South-West Africa. (i)

Definitions.

2. (1) The areas in the districts of Bethanie, Gibeon and Keetmanshoop in the territory which are occupied mainly by the Nama and which are mentioned in Schedule 1, and any other land in the said districts which may after the commencement of this Act be included in the said Schedule under subsection (2), are, subject to the provisions of this Act, under the name of Namaland hereby reserved and set apart for the sole use and occupation of the Nama.

Reservation and setting apart of land for use and occupation of the Nama.

(2) The State President may by proclamation in the *Gazette* and in the *Official Gazette* of the territory, amend Schedule 1 by including therein any land in the districts referred to in subsection (1) which has been or is reserved by the Administrator of the territory under the Reservation of State Land for Natives Ordinance, 1967 (Ordinance No. 35 of 1967), of the territory.

3. Any land situated within Namaland, which—

- (a) at the commencement of this Act is vested in the South African Bantu Trust in terms of section 4 of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954);
- (b) after such commencement may be included in Schedule 1 by the State President under section 2 (2),

shall, notwithstanding the provisions of sections 4 (1) and 5 of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954), or any other law, vest in the Minister in trust for the Nama and for disposal by the Minister under the provisions of this Act, and the Minister shall cause the title deed of such land to be endorsed accordingly in accordance with the provisions of section 6.

Transfer of land to Minister in trust for the Nama.

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WET OP DIE KONSOLIDASIE EN ADMINISTRASIE
VAN NAMALAND, 1972.Intrekking van
reservering van
sekere grond.

4. Die reservering van die gebiede in Bylae 2 gemeld, word ondanks andersluidende wetsbepalings hierby met ingang van die inwerkingtreding van hierdie Wet ingetrek en dié grond word onvervreemde Staatseiendom.

Oordrag van
fondse.

5. Enige fonds se bates, regte, laste en verpligtings wat ingevolge artikel 4 (3) (a) van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), op die Suid-Afrikaanse Bantoe-trust oorgegaan het, gaan, indien so 'n fonds na die oordeel van die Minister van Bantoe-administrasie en -ontwikkeling ingestel is hoofsaaklik vir die persone vir wie enige gebied bedoel in Bylae 1 of 2 gereserveer of afgesonder is, en na oorlegpleging deur die Minister met die Minister van Bantoe-administrasie en -ontwikkeling oor op die Minister vir beskikking deur die Minister ingevolge die wet ingevolge waarvan sodanige fonds ingestel is.

Endossering van
titelbewyse en
registers.

6. Die Registrateur van Aktes te Windhoek moet by ontvangs van 'n kennisgewing onderteken deur die Minister of sy gemagtigde, sonder die betaling van hereregte of registrasie- of ander gelde, op die gepaste dokumente en in sy registers en (indien aan hom voorgelê) op die titelbewys van in artikel 3 of 4 bedoelde grond, die nodige endossemente en inskrywings aanbring.

Prospektering en
mynbou in
Namaland.

7. (1) By die toepassing van enige wet op prospektering vir en die myn van minerale wat in die gebied van krag is—

- (a) word grond in Namaland geag private grond en die Minister die eienaar van bedoelde grond te wees;
- (b) word enige gelde wat ingevolge so 'n wet aan 'n eienaar van daardie grond betaalbaar is, aan die Minister betaal vir aanwending soos hy dienstig ag ter bevordering van die welsyn van die inwoners van Namaland en die algemene ontwikkeling van Namaland.

(2) Ondanks andersluidende bepalinge van so 'n wet—

- (a) mag iemand wat nie 'n Nama is nie, nie in Namaland vir minerale prospekteer, of 'n kleim afpen of myn met die doel om minerale te win nie;
- (b) mag die eienaar van 'n kleim of myngebied, in Namaland, sy regte daarop nie oordra, verhuur of op 'n ander wyse daarvoor beskik nie,

behalwe met die toestemming van die Minister van Mynwese en onderworpe aan die voorwaardes wat hy bepaal of voorskryf.

(3) Iemand wat hierdie artikel of 'n daarkragtens bepaalde of voorgeskrewe voorwaarde oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens twaalf maande.

Bepalings omtrent
bestaande wette.

8. (1) Vir die doel van die toepassing van 'n wet bedoel in artikel 3 (1) van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954), soos gewysig tot by die inwerkingtreding van hierdie Wet, vir sover dit op Namaland betrekking het, word 'n verwysing in so 'n wet—

- (a) na die Administrateur van die gebied of na die Minister van Bantoe-administrasie en -ontwikkeling as 'n verwysing na die Minister van Kleurlingsake uitgelê;
- (b) na die Sekretaris van Suidwes-Afrika of na die Sekretaris van Bantoe-administrasie en -ontwikkeling as 'n verwysing na die Sekretaris van Kleurlingbetrekkinge en Rehoboth-aangeleenthede uitgelê;

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4. The reservation of the areas mentioned in Schedule 2 is, notwithstanding anything to the contrary contained in any law, hereby rescinded with effect from the commencement of this Act, and such land shall become unalienated State property.

Rescission of
reservation of
certain land.

5. Any fund's assets, rights, liabilities and obligations which have vested in or devolved upon the South African Bantu Trust in terms of section 4 (3) (a) of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954), shall, if such a fund has in the opinion of the Minister of Bantu Administration and Development been established mainly for the persons for whom any area referred to in Schedule 1 or 2 has been reserved or set apart, and after consultation by the Minister with the Minister of Bantu Administration and Development, vest in or devolve upon the Minister for disposal by the Minister in terms of the law in terms of which such fund has been established.

Transfer of funds.

6. The Registrar of Deeds at Windhoek shall upon receipt of a notice signed by the Minister or a person authorized thereto by him, and without payment of transfer duty or registration or other fees, make the necessary endorsements and entries on the appropriate documents and in his registers and, if submitted to him, on the title deed of any land referred to in section 3 or 4.

Endorsement of
title deeds and
registers.

7. (1) For the purposes of any law in force in the territory relating to prospecting for and the mining of minerals—

Prospecting and
mining in
Namaland.

- (a) any land in Namaland shall be deemed to be private land and the Minister to be the owner of such land;
- (b) any moneys payable to an owner of such land in terms of any such law shall be paid to the Minister for appropriation as he may think fit for the promotion of the welfare of the inhabitants of Namaland and the general development of Namaland.

(2) Notwithstanding anything to the contrary contained in any such law—

- (a) any person other than a Nama may not prospect in Namaland for minerals, or peg a claim or mine for the purpose of winning minerals;
- (b) the owner of any claim or mining area in Namaland may not transfer, let or dispose in any other manner of his rights thereto,

except with the consent of the Minister of Mines and subject to such conditions as he may determine or prescribe.

(3) Any person who contravenes this section or any condition determined or prescribed thereunder, shall be guilty of an offence and liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding twelve months.

8. (1) For the purpose of the application of any law referred to in section 3 (1) of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954), as amended up to the commencement of this Act, as far as it relates to Namaland, any reference in any such law—

Provisions
regarding
existing laws.

- (a) to the Administrator of the territory or to the Minister of Bantu Administration and Development, shall be construed as a reference to the Minister of Coloured Affairs;
- (b) to the Secretary for South-West Africa or to the Secretary for Bantu Administration and Development, shall be construed as a reference to the Secretary for Coloured Relations and Rehoboth Affairs;

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VAN NAMALAND, 1972.

- (c) na die Administrasie van die gebied of na die Departement van Bantoe-administrasie en -ontwikkeling as 'n verwysing na die Departement van Kleurling-betrekkinge en Rehoboth-aangeleenthede uitgelê;
 - (d) na 'n Bantoesakekommissaris as 'n verwysing na ook 'n landdros uitgelê;
 - (e) na 'n ander persoon of beampte wat nie hierbo genoem is nie, as 'n verwysing na 'n beampte in die staatsdiens aan wie die werksaamhede van daardie ander persoon of beampte deur die Minister toegewys is, uitgelê;
 - (f) na 'n naturel of na 'n inboorling of na 'n Hottentot as 'n verwysing na 'n Nama uitgelê;
 - (g) na 'n reservaat of 'n reserwe as 'n verwysing na Namaland of 'n gedeelte daarvan wat vir gebruik en okkupasie deur 'n bepaalde groep Namas afgesonder is, uitgelê,
- tensy uit die samehang anders blyk.

(2) Enigiets wat ingevolge 'n in subartikel (1) bedoelde wet voor die inwerkingtreding van hierdie Wet gedoen is, geld asof dit ingevolge so 'n wet soos deur daardie subartikel toegepas, gedoen was.

Delegering van
Minister se
bevoegdhede.

9. Die Minister kan enige bevoegdheid wat uit hoofde van hierdie Wet aan hom verleen word, behalwe 'n bevoegdheid om, kragtens 'n wet vermeld in artikel 8, regulasies uit te vaardig, aan een of meer beamptes in die staatsdiens deleger.

Kort titel.

10. Hierdie Wet heet die Wet op die Konsolidasie en Administrasie van Namaland, 1972.

NAMALAND CONSOLIDATION AND
ADMINISTRATION ACT, 1972.

Act No. 79, 1972

- (c) to the Administration of the territory or to the Department of Bantu Administration and Development, shall be construed as a reference to the Department of Coloured Relations and Rehoboth Affairs;
 - (d) to a Bantu Affairs Commissioner, shall be construed as a reference also to a magistrate;
 - (e) to any other person or officer not hereinbefore mentioned, shall be construed as a reference to any officer in the public service to whom the functions of that other person or officer may be assigned by the Minister;
 - (f) to a native or to a Hottentot, shall be construed as a reference to a Nama;
 - (g) to a reserve, shall be construed as a reference to Namaland or any portion thereof which has been set apart for the use of and occupation of a particular group of the Nama,
- unless the context indicates otherwise.

(2) Anything done in terms of any law referred to in subsection (1) prior to the commencement of this Act shall have effect as if it has been done under such law as applied by that subsection.

9. The Minister may delegate to one or more officers in the public service any of the powers conferred upon him by virtue of this Act, except any power to make regulations under any law referred to in section 8.

10. This Act shall be called the Namaland Consolidation Short title. and Administration Act, 1972.

Wet No. 79, 1972

WET OP DIE KONSOLIDASIE EN ADMINISTRASIE
VAN NAMALAND, 1972.**Bylae 1.**

NAMALAND.

Gebied.	Beskrywing van Gebied.
1. Berseba Reservaat, distrik Keetmanshoop	Soos omskryf in paragraaf (1) van die Eerste Bylae by Goewermentskennisgewing No. 122 van 1923, en afgesonder by Goewermentskennisgewing No. 237 van 1930, van die gebied.
2. Tses Reservaat, distrik Keetmanshoop	Soos omskryf in paragraaf (2) van die Tweede Bylae by Goewermentskennisgewing No. 122 van 1923, en uitgebrei by Goewermentskennisgewing No. 61 van 1935, van die gebied.
3. Inboorlingreserwe Soromas, distrik Bethanie	Soos omskryf in paragraaf (6) van die Eerste Bylae by Goewermentskennisgewing No. 122 van 1923, en afgesonder by Goewermentskennisgewing No. 237 van 1930, en uitgebrei by Goewermentskennisgewings Nos. 8 van 1928 en 485 van 1951, van die gebied.
4. Gibeon Naturelle Reservaat, distrik Gibeon	Soos omskryf in Goewermentskennisgewing No. 44 van 1924 van die gebied.
5. Staatsgrond in die distrikte Bethanie, Gibeon en Keetmanshoop.	Soos omskryf in Proklamasies Nos. 24 van 1968, 84 van 1969 en 36 van 1970 van die Administrateur van die gebied.

Bylae 2.

INTREKKING VAN RESERVERING.

Gebied.	Beskrywing van Gebied.
1. Bondelsreservaat, distrik Warmbad	Soos omskryf in paragraaf (2) van die Eerste Bylae by Goewermentskennisgewing No. 122 van 1923, en afgesonder by Goewermentskennisgewing No. 237 van 1930, van die gebied.
2. Neuhof Reserwe, distrik Maltahöhe	Soos omskryf in paragraaf (1) van die Tweede Bylae by Goewermentskennisgewing No. 122 van 1923 van die gebied.
3. Naturellerreserwe Warmbad, distrik Warmbad	Soos omskryf in Goewermentskennisgewing No. 122 van 1951 van die gebied.

**NAMALAND CONSOLIDATION AND
ADMINISTRATION ACT, 1972.**

Act No. 79, 1972

Schedule 1.

NAMALAND.

Area.	Description of Area.
1. Berseba Reserve, district of Keetmanshoop	As defined in paragraph (1) of the First Schedule to Government Notice No. 122 of 1923, and reserved by Government Notice No. 237 of 1930, of the territory.
2. Tses Reserve, district of Keetmanshoop	As defined in paragraph (2) of the Second Schedule to Government Notice No. 122 of 1923, and extended by Government Notice No. 61 of 1935, of the territory.
3. Soromas Native Reserve, district of Bethanie	As defined in paragraph (6) of the First Schedule to Government Notice No. 122 of 1923, and reserved by Government Notice No. 237 of 1930, and extended by Government Notices Nos. 8 of 1928 and 485 of 1951, of the territory.
4. Gibeon Native Reserve, district of Gibeon	As defined in Government Notice No. 44 of 1924 of the territory.
5. State land in the districts of Bethanie, Gibeon and Keetmanshoop.	As defined in Proclamations Nos. 24 of 1968, 84 of 1969 and 36 of 1970 of the Administrator of the territory.

Schedule 2.

RECISSION OF RESERVATION.

Area.	Description of Area.
1. Bondels Reserve, district of Warmbad	As defined in paragraph (2) of the First Schedule to Government Notice No. 122 of 1923, and reserved by Government Notice No. 237 of 1930, of the territory.
2. Neuhof Reserve, district of Maltahöhe	As defined in paragraph (1) of the Second Schedule to Government Notice No. 122 of 1923 of the territory.
3. Warmbad Native Reserve, district of Warmbad	As defined in Government Notice No. 122 of 1951 of the territory.

