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PROKLAMASIES

van die Staatspresident van die Republiek van Suid-Afrika

No. R. 42, 1976

OOS-CAPRIVI.—VERKLARING TOT SELFREG- RENDE GEBIED EN SAMESTELLING VAN WET- GEWENDE RAAD

Nademaal dit dienstig geag word dat die gebied waar-
voor die Wetgewende Raad van Oos-Caprivi by Prokla-
masie R. 6 van 1972 ingestel is, onder die naam Caprivi
'n selfregerende gebied in die gebied Suidwes-Afrika
moet wees ooreenkomstig die bepalings van die Wet op
die Ontwikkeling van Selfbestuur vir Naturellevolke in
Suidwes-Afrika, 1968 (Wet 54 van 1968);

En nademaal genoemde Wetgewende Raad van Oos-
Caprivi behoorlik geraadpleeg is deur die Minister van
Bantoe-administrasie en -ontwikkeling soos bepaal by
artikel 17A van genoemde Wet;

En nademaal dit dienstig geag word dat Proklamasies
R. 6 van 1972 en R. 35 van 1972 in sekere opsigte
gewysig word en dat voorsiening gemaak word vir bykom-
stige aangeleenthede;

En nademaal genoemde Wetgewende Raad van Oos-
Caprivi insgelyks geraadpleeg is deur die Minister van
Bantoe-administrasie en -ontwikkeling soos bepaal by
artikels 4 en 6 van genoemde Wet;

En nademaal dit dienstig geag word om Lozi as 'n
amptelike taal van die selfregerende gebied Caprivi vir
sekere doeleindes te erken;

So is dit dat ek kragtens die bevoegdheid my verleen
by artikels 4, 6, 10I en 17A van genoemde Wet op die
Ontwikkeling van Selfbestuur vir Naturellevolke in
Suidwes-Afrika, 1968, hierby soos volg verklaar:

DEEL I

WOORDOMSKRYWING

1. In hierdie Proklamasie, tensy uit die samehang
anders blyk, het 'n uitdrukking waaraan 'n betekenis in
die Wet op die Ontwikkeling van Selfbestuur vir Natu-
rellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968)
(hieronder die Wet genoem), geheg is, daardie betekenis
en beteken—

“aangewese lid” ’n lid van die Wetgewende Raad
aangewys ingevolge artikel 3 (1) (b);

45737—A

PROCLAMATIONS

by the State President of the Republic of South Africa

No. R. 42, 1976

EASTERN CAPRIVI.—DECLARATION AS SELF- GOVERNING AREA AND CONSTITUTION OF LEGISLATIVE COUNCIL

Whereas it is deemed expedient that the area for which
the Eastern Caprivi Legislative Council has been esta-
blished under Proclamation R. 6 of 1972 shall under the
name of Caprivi be a self-governing area within the
Territory of South-West Africa in accordance with the
provisions of the Development of Self-government for
Native Nations in South-West Africa Act, 1968 (Act 54
of 1968);

And whereas the said Eastern Caprivi Legislative
Council has been duly consulted by the Minister of Bantu
Administration and Development as provided in section
17A of the said Act;

And whereas it is deemed expedient to amend Procla-
mations R. 6 of 1972 and R. 35 of 1972 in certain respect
and to provide for matters incidental thereto;

And whereas the said Eastern Caprivi Legislative
Council has likewise been consulted by the Minister of
Bantu Administration and Development as provided in
section 4 and 6 of the said Act;

And whereas it is deemed expedient to recognise Lozi
as an official language of the self-governing area of
Caprivi for certain purposes;

Now, therefore, under and by virtue of the powers
vested in me by sections 4, 6, 10I and 17A of the said
Development of Self-government for Native Nations in
South-West Africa Act, 1968, I hereby declare as follows:

PART I

DEFINITIONS

1. In this Proclamation, unless the context otherwise
indicates, any expression to which a meaning has been
assigned in the Development of Self-government for
Native Nations in South-West Africa Act, 1968 (Act 54
of 1968) (hereinafter referred to as the Act), shall bear
that meaning and—

“Cabinet” means the Cabinet contemplated in section
17D of the Act and constituted in terms of this Proclama-
tion;

5022—1

"Kabinet" die Kabinet bedoel in artikel 17D van die Wet en saamgestel ingevolge hierdie Proklamasie;

"kaptein" 'n persoon erken of aangestel ingevolge artikel 1 (a) van die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie 15 van 1928) (Suidwes-Afrika), gelees met artikel 2 van die Proklamasie op die Administrasie van die Oostelike Caprivi Zipfel, 1939 (Proklamasie 147 van 1939) (Unie van Suid-Afrika);

"Kommissaris-generaal" die Kommissaris-generaal vir die Naturellevolk in Caprivi;

"Wetgewende Raad" die Wetgewende Raad van Caprivi bedoel in artikel 3.

DEEL II

CAPRIVI

Caprivi word 'n selfregerende gebied

2. Die gebied omskryf in artikel 2 (1) (e) van die Wet is met ingang van 1 April 1976 (hieronder genoem die vasgestelde datum) onder die naam Caprivi 'n selfregerende gebied binne die gebied Suidwes-Afrika in ooreenstemming met die bepalings van die Wet.

DEEL III

DIE WETGEWENDE RAAD

Samestelling van Wetgewende Raad

3. (1) Die Wetgewende Raad staan bekend as die Wetgewende Raad van Caprivi en bestaan uit 32 lede, naamlik:

- (a) (i) Die kaptein van die Mafwe-stam; en
- (ii) die kaptein van die Basubia-stam; en
- (b) (i) nege lede deur die Mafwe-stamowerheid uit eie geledere aangewys; en
- (ii) nege lede deur die Basubia-stamowerheid uit eie geledere aangewys; en
- (c) twaalf lede verkies op die wyse bepaal in subartikel (2).

(2) Ten opsigte van elke kiesafdeling word ses lede verkies deur lede van die Caprivi-volk wat geregtig is om ten opsigte van elke sodanige kiesafdeling te stem.

(3) Onmiddellik na die aanwysiging van lede van die Wetgewende Raad ingevolge subartikel (1) (b), stel elke stamowerheid die Sekretaris van die Wetgewende Raad skriftelik in kennis van die name van die lede aldus aangewys.

Kiesafdelings

4. Die gebiede van die Stamowerhede erken by Proklamasie R. 261 van 1971 is die kiesafdelings binne die selfregerende gebied Caprivi vir die verkiesing van die lede van die Wetgewende Raad ooreenkomstig artikel 3 (2).

Persone geregtig om te stem.

5. (1) Behoudens die bepalings van subartikels (2) en (3), is elke lid van die Caprivi-volk wat 21 jaar oud of ouer is en wat—

(a) nie onderhewig is nie aan die diskwalifikasies genoem in artikel 6 (1) (c), (d), (e) en (f); en

(b) in besit is van 'n registrasiekaart uitgereik aan hom ingevolge die Oos-Caprivi-volksregistrasiemaat-reël, 1973 (Maatreël 2 van 1973), wat toon dat hy lid van die Caprivi-volk is en geregtig is om te stem;

bevoeg om te stem en het elke sodanige lid by die verkiesing van lede tot die Wetgewende Raad soveel stemme as wat daar lede is wat verkies moet word vir die kiesafdeling ten opsigte waarvan hy geregtig is om te stem, maar mag hy nie meer as een stem ten opsigte van enige een kandidaat uitbring nie.

(2) 'n Lid wat bevoeg is om te stem, is geregtig om slegs in die kiesafdeling wat op sy registrasiekaart aangedui word, te stem.

"chief" means a person recognised or appointed in terms of section 1 (a) of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa), read with section 2 of the Proclamation on the Administration of the Eastern Caprivi Zipfel, 1939 (Proclamation 147 of 1939) (Union of South Africa);

"Commissioner-General" means the Commissioner-General for the Native Nation in Caprivi;

"designated member" means a member of the Legislative Council designated in terms of section 3 (1) (b);

"Legislative Council" means the Caprivi Legislative Council contemplated in section 3.

PART II

CAPRIVI

Caprivi to be a self-governing area

2. The area defined in section 2 (1) (e) of the Act shall under the name Caprivi be a self-governing area within the Territory of South-West Africa in accordance with the provisions of the Act with effect from 1 April 1976 (hereinafter referred to as the fixed date).

PART III

THE LEGISLATIVE COUNCIL

Constitution of Legislative Council

3. (1) The Legislative Council shall be known as the Caprivi Legislative Council and shall consist of 32 members, namely:

- (a) (i) The chief of the Mafwe Tribe; and
- (ii) the chief of the Basubia Tribe; and
- (b) (i) nine members designated by the Mafwe Tribal Authority from among its members; and
- (ii) nine members designated by the Basubia Tribal Authority from among its members; and
- (c) twelve members elected in accordance with subsection (2).

(2) Six members shall be elected in respect of each electoral division by the members of the Caprivi Nation entitled to vote in respect of each such electoral division.

(3) Immediately after the designation of members of the Legislative Council in terms of subsection (1) (b), each tribal authority shall notify the Secretary of the Legislative Council in writing of the names of the members so designated.

Electoral divisions

4. The areas of the Tribal Authorities recognised by Proclamation R261 of 1971, shall be electoral divisions within the self-governing area of Caprivi for the election of members to the Legislative Council in terms of section 3 (2).

Persons entitled to vote

5. (1) Subject to the provisions of subsections (2) and (3) every member of the Caprivi Nation of the age of 21 years or over who—

(a) is not subject to the disqualifications mentioned in section 6 (1) (c), (d), (e) and (f); and

(b) is in possession of a registration card issued to him in terms of the Eastern Caprivi Nation Registration Enactment, 1973 (Enactment 2 of 1973), indicating that he is a member of the Caprivi Nation and is entitled to vote;

shall be qualified to vote, and every such member shall at any election of members to the Legislative Council have as many votes as there are members to be elected for the electoral division in respect of which he is entitled to vote but shall not record more than one vote in respect of any one candidate.

(2) A member who is qualified to vote shall be entitled to vote only in the electoral division mentioned on his registration card.

(3) Die wyse waarop stemme by 'n verkiesing uitgebring en getel word en die omstandighede waaronder 'n kandidaat vir verkiesing behoorlik verkose geag word en die prosedure (wat loting kan insluit) wat gevolg moet word waar twee of meer kandidate vir dieselfde setel ewe veel stemme verkry het, moet in ooreenstemming wees met die toepaslike wette betreffende die stemreg en verkiesings in Caprivi.

Diskwalifikasie van lede

6. (1) Geen persoon is bevoeg om lid van die Wetgewende Raad te wees of te bly nie indien hy—

(a) onder die ouderdom van 26 jaar is: Met dien verstande dat die bepalings van hierdie paragraaf nie van toepassing is met betrekking tot 'n lid van die Wetgewende Raad wat 'n kaptein of 'n lid van 'n stamowerheid is nie; of

(b) nie lid van die Caprivi-volk is nie; of

(c) in Caprivi of elders in die Republiek van Suid-Afrika of in die gebied Suidwes-Afrika skuldig bevind is—

(i) aan hoogverraad; of

(ii) aan moord; of

(iii) kragtens die bepalings van die Wet op Terrorisme, 1967 (Wet 83 van 1967); of

(iv) aan enige ander misdryf en daarvoor gevonnisd is tot gevangenisstraf vir 'n tydperk van minstens 12 maande sonder die keuse van 'n boete, of beveel is om aangehou te word kragtens 'n wetsbepaling betreffende rehabilitasiesentrums, en genoemde tydperk nie verstryk het nie of sodanige bevel nie opgehou het om van krag te wees nie; of

(d) skuldig bevind is aan enige korrumperte of onwettige bedrywigheid ingevolge die wette betreffende stemreg en verkiesings in Caprivi en onbevoeg verklaar is om te stem by enige verkiesing gedurende enige tydperk, en bedoelde tydperk nie verstryk het nie; of

(e) onderworpe is aan 'n hofbevel waarby hy krankinnig of geestelik gekrenk of gebrekkig verklaar is of wettiglik kragtens die Wet op Geestesgebreken, 1916 (Wet 38 van 1916), as geestelik gekrenk of gebrekkig aangehou word; of

(f) 'n gelyste kommunist is kragtens die bepalings van die Wet op die Onderdrukking van Kommunisme, 1950 (Wet 44 van 1950).

(2) Vir die toepassing 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 'n tydperk van gevangenisstraf die hele termyn van 'n vonnis tot gevangenisstraf, al is die vonnis in die geheel of gedeeltelik opgeskort of kwygeskeld.

Termyn van Wetgewende Raad

7. (1) Die termyn van elke Wetgewende Raad is vyf jaar vanaf die datum van die eerste sittingsdag van die eerste sessie van die Wetgewende Raad gehou na sy samestelling kragtens hierdie Proklamasie, welke sessie binne drie maande na sodanige samestelling 'n aanvang moet neem: Met dien verstande dat die Staatspresident op versoek van die Kabinet of die Wetgewende Raad by proklamasie in die *Staatskoerant* die Wetgewende Raad voor die verstryking van genoemde tydperk van vyf jaar kan ontbind.

(2) Die aanwysing en verkiesing van lede van die Wetgewende Raad vind plaas op sodanige datum of datums of oor sodanige tydperk as wat deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal word.

(3) The method of recording and counting of votes at any election and the circumstances under which any candidate for election shall be deemed to have been duly elected and the procedure (which may include the drawing of lots) to be adopted where two or more candidates for the same seat have obtained the same number of votes shall be in accordance with the relevant laws governing the franchise and elections in Caprivi.

Disqualifications of members

6. (1) No person shall be qualified to be or remain a member of the Legislative Council, if he—

(a) is under the age of 26 years: Provided that the provisions of this paragraph shall not apply to a member of the Legislative Council who is a chief or a member of a Tribal Authority;

(b) is not a member of the Caprivi Nation; or

(c) has been convicted in Caprivi or elsewhere in the Republic of South Africa or in the Territory of South-West Africa—

(i) of treason; or

(ii) of murder; or

(iii) in terms of the provisions of the Terrorism Act, 1967 (Act 83 of 1967); or

(iv) of any other offence and sentenced therefore to a term of imprisonment of not less than 12 months without the option of a fine, or ordered to be detained under any law relating to rehabilitation centres, and the said term has not expired or such order has not finally ceased to be operative; or

(d) has been convicted of any corrupt or illegal practice under the laws governing the franchise and elections in Caprivi and has been declared incapable of voting at any election during any period, and the said period has not expired; or

(e) is subject to an order of court declaring him to be of unsound mind or mentally disordered or defective or is lawfully detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916); or

(f) 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.

Life of Legislative Council

7. (1) Every Legislative Council shall continue for five years from the date of the first sitting day of the first session of the Legislative Council held after its constitution in terms of this Proclamation, which session shall commence within three months of such constitution: Provided that the State President may, at the request of the Cabinet or the Legislative Council, by proclamation in the *Gazette*, dissolve the Legislative Council before the expiry of the said period of five years.

(2) The designation and election of members of the Legislative Council shall take place upon such date or dates or over such period as may be fixed by the State President by proclamation in the *Gazette*.

(3) Ondanks die bepalings van hierdie Proklamasie—

(a) bly elke persoon wat onmiddellik voor die datum van afkondiging van hierdie Proklamasie 'n lid of ampsdraer is van die Wetgewende Raad soos by Proklamasie R. 6 van 1972 saamgestel, nog 'n lid of ampsdraer daarvan; en

(b) bly die Wetgewende Raad aldus saamgestel bevoeg om sy werksaamhede te verrig;

tot en met die dag onmiddellik voor die datum waarop die eerste verkiesing van lede tot die Wetgewende Raad ingevolge hierdie Proklamasie 'n aanvang neem.

Ontruiming van setels deur lede van die Wetgewende Raad

8. Die setel van 'n lid van die Wetgewende Raad word ontruim—

(a) by die afsterwe van sodanige lid;

(b) by ontvangs deur die Sekretaris van die Wetgewende Raad van 'n kennisgewing van bedanking onder die handtekening van sodanige lid;

(c) indien sodanige lid (indien hy nie 'n kaptein is nie) versuim om die sittings van die Wetgewende Raad gedurende 'n hele gewone sessie by te woon sonder die spesiale toestemming daarvan, tensy sodanige lid binne sewe dae na die aanvang van die daaropvolgende sessie vertoë tot die Voorsitter van die Wetgewende Raad gerig het waarin die redes vir sodanige afwesigheid so volledig as moontlik uiteengesit word vir oorweging deur die Wetgewende Raad of sodanige komitee daarvan as wat hy vir dié doel aanstel en sodanige afwesigheid deur die Wetgewende Raad verskoon is: Met dien verstande dat in afwagting van sodanige verskoning, sodanige lid geag word nie 'n lid te gewees het nie gedurende die tydperk vanaf die sluitingsdatum van die sessie wat nie deur hom bygevoeg is nie tot die datum van sodanige verskoning;

(d) indien sodanige lid, wat 'n kaptein gemeld in artikel 3 (1) is, ophou om 'n kaptein te wees;

(e) indien sodanige lid onderhewig raak aan enige van die diskwalifikasies in artikel 6 (1) genoem; of

(f) indien sodanige lid kragtens artikel 3 (1) (b) uit die geledere van 'n stamowerheid aangewys is en hy ophou om lid van die stamowerheid te wees.

Aanvulling van vakatures

9. (1) Indien die setel van 'n aangewese lid van die Wetgewende Raad ingevolge artikel 8 (a), (b) of (e) vakant raak, moet die vakature binne ses maande nadat dit ontstaan het, aangevul word op die wyse bepaal in artikel 3 (1) (b), tensy die termyn van die Wetgewende Raad verstryk voordat sodanige vakature aangevul kan word.

(2) Indien die setel van 'n verkose lid van die Wetgewende Raad ingevolge artikel 8 (a), (b) of (e) vakant raak, moet die vakature binne ses maande nadat dit ontstaan het, aangevul word op die wyse bepaal in artikel 3 (2), tensy die termyn van die Wetgewende Raad verstryk voordat sodanige vakature aangevul kan word.

(3) Indien die setel van 'n aangewese of 'n verkose lid ingevolge artikel 8 (c) vakant raak, moet die vakature binne ses maande na die aanvang van die volgende sessie van die Wetgewende Raad aangevul word op die wyse bepaal in artikel 3 (1) (b) of 3 (2), na gelang van die geval, tensy die termyn van die Wetgewende Raad voor sodanige volgende sessie verstryk.

(4) Indien die setel van 'n lid wat 'n kaptein is, ingevolge die bepalings van artikel 8 (d) vakant raak, word die vakature aangevul deur die persoon wat hom as kaptein van sy stam opvolg.

(3) Notwithstanding the provisions of this Proclamation—

(a) every person who immediately before the date of publication of this Proclamation is a member or office-bearer of the Legislative Council as constituted by Proclamation R. 6 of 1972 shall remain a member or office-bearer thereof; and

(b) the Legislative Council so constituted shall continue to be empowered to perform its duties;

up to and including the day immediately preceding the date on which the first election of members to the Legislative Council in terms of this Proclamation commences.

Vacating of seats by members of the Legislative Council

8. The seat of a member of the Legislative Council shall become vacant—

(a) upon the death of such member;

(b) upon receipt by the Secretary of the Legislative Council of a notice of resignation under the hand of such member;

(c) should such member (if he is not a chief) fail for a whole ordinary session to attend any sittings of the Legislative Council without its special leave unless such member has submitted representations to the Chairman of the Legislative Council within seven days of the commencement of the next session setting out as fully as may be possible the reasons for such absence for consideration by the Legislative Council or such committee thereof as it may appoint for the purpose and such absence has been condoned by the Legislative Council: Provided that pending such condonation such member shall be deemed not to have been a member during the period from the closing day of the session not attend by him to the date of such condonation;

(d) in the event of a member who is a chief referred to in section 3 (1) ceasing to be a chief;

(e) in the event of a member becoming subject to any of the disqualifications mentioned in section 6 (1); or

(f) in the event of such member having been designated from among the members of a tribal authority under section 3 (1) (b), ceasing to be a member of such tribal authority.

Filling of vacancies

9. (1) Should the seat of a designated member of the Legislative Council become vacant in terms of section 8 (a), (b) or (e), the vacancy shall, unless the term of the Legislative Council expires before it can be filled, be filled, within six months of its occurring, in the manner provided for in section 3 (1) (b)

(2) Should the seat of a member of the Legislative Council who is an elected member, become vacant in terms of section 8 (a), (b) or (e), the vacancy shall, unless the term of the Legislative Council expires before such vacancy can be filled, be filled, within six months of its occurring, in the manner provided for in section 3 (2).

(3) Should the seat of a designated or an elected member become vacant in terms of section 8 (c), the vacancy shall be filled in the manner contemplated in section 3 (1) (b) or 3 (2), as the case may be, within six months of the commencement of the next session of the Legislative Council unless the term of the Legislative Council expires before such next session.

(4) Should the seat of a member who is a chief become vacant in terms of section 8 (d), the vacancy shall be filled by the person who succeeds him as chief of his tribe.

Setel van Regering en sessies van Wetgewende Raad

10. (1) Ngweze is die setel van die Regering van Caprivi.
 (2) Elke sessie van die Wetgewende Raad moet gehou word waar die setel van die Regering van Caprivi geleë is.

(3) Daar moet minstens een maal in elke jaar 'n sessie van die Wetgewende Raad plaasvind, wat 'n aanvang moet neem op 'n datum waartoe die Kabinet besluit, sodat daar nie tussen die laaste sittingsdag van die Wetgewende Raad in een sessie en sy eerste sittingsdag in die volgende sessie 'n tydperk van meer as 15 maande verloop nie: Met dien verstande dat die datum van die eerste sessie na die uitvaardiging van hierdie Proklamasie deur die Staatspresident bepaal word.

(4) 'n Buitengewone sessie van die Wetgewende Raad kan te eniger tyd deur die Kabinet byeengeroep word, en gedurende sodanige buitengewone sessie mag slegs dié sake wat die Hoofminister voorlê of goedkeur, behandel word.

(5) Die Sekretaris van die Wetgewende Raad moet skriftelik minstens 30 dae voor 'n gewone sessie en minstens sewe dae voor 'n buitengewone sessie van die Wetgewende Raad die lede en die Kommissaris-generaal in kennis stel van die datum en tyd bepaal vir en die sake wat behandel moet word gedurende sodanige sessie.

DEEL IV

PROSEDURE IN WETGEWENDE RAAD

Procedure

11. (1) Alle kwessies wat in die Wetgewende Raad 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 Wetgewende Raad maak 'n kworum uit.

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

(4) Behoudens die bepalinge van sy Reglement van Orde, is die verrigtinge van die Wetgewende Raad oop vir die publiek.

(5) Die Voorsitter of die Ondervoorsitter in artikel 22 genoem, sit voor op alle sittings van die Wetgewende Raad of, as sowel die Voorsitter as die Ondervoorsitter weens afwesigheid of om 'n ander rede nie op 'n sitting kan voorsit nie, moet die aanwesige lede onder die voorsitterskap van die Sekretaris van die Wetgewende Raad een van die lede benoem om op sodanige sitting voor te sit: Met dien verstande dat die Sekretaris van die Wetgewende Raad gedurende die eerste sessie van die Wetgewende Raad voorsit totdat 'n Voorsitter verkies is.

Eed wat lede van die Wetgewende Raad moet aflê

12. Elke lid van die Wetgewende Raad moet, voordat hy sy plek inneem, voor die Kommissaris-generaal of 'n persoon deur die Minister van Bantoe-administrasie en -ontwikkeling aangewys, of in die geval van 'n lid wat 'n toevallige vakture aanvul, voor die Voorsitter of in sy afwesigheid die Ondervoorsitter van die Wetgewende Raad, 'n eed of 'n plegtige verklaring in die volgende vorm aflê en onderteken:

Ek, A.B., sweer dat ek die Grondwet van Caprivi en alle ander wette van toepassing in Caprivi sal respekteer en handhaaf en ek beloof plegtig om my pligte as lid van die Wetgewende Raad van Caprivi na my beste vermoë te vervul.

So help my God.

Seat of Government and sessions of Legislative Council

10. (1) Ngweze shall be the seat of the Government of Caprivi.

(2) Every session of the Legislative Council shall be held at the seat of the Government of Caprivi.

(3) There shall be a session of the Legislative Council at least once in every year, which shall commence on a date to be decided upon by the Cabinet so that a period exceeding 15 months shall not intervene between the last sitting day of the Legislative Council in one session and its first sitting day in the next session: Provided that the date of the first session after the promulgation of this Proclamation shall be fixed by the State President.

(4) A special session of the Legislative Council may at any time be called by the Cabinet and at such special session only such business as the Chief Minister may lay before it or approve shall be transacted.

(5) The Secretary of the Legislative Council shall, in writing, not less than 30 days prior to an ordinary session and not less than seven days prior to a special session of the Legislative Council inform the members and the Commissioner-General of the date and time fixed for, and the business to be transacted at, such session.

PART IV

PROCEDURE IN LEGISLATIVE COUNCIL

Procedure

11. (1) All questions arising in the Legislative Council 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 Legislative Council shall form a quorum.

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

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

(5) The Chairman or the Deputy Chairman referred to in section 22 shall preside at all sittings of the Legislative Council or if both the Chairman and the Deputy Chairman are unable through absence or other cause to preside at a sitting, the members present shall, with the Secretary of the Legislative Council as presiding officer, nominate one of the members to preside at such sitting: Provided that the Secretary of the Legislative Council shall preside at the first session of the Legislative Council until a Chairman is elected.

Oath to be taken by members of the Legislative Council

12. Every member of the Legislative Council shall before taking his seat make and subscribe before the Commissioner-General or a person designated by the Minister of Bantu Administration and Development, or, in the case of a member elected to fill a casual vacancy, before the Chairman or, in his absence, the Deputy Chairman of the Legislative Council, an oath or a solemn affirmation in the following form:

I, A.B., do swear to respect and uphold the constitution of Caprivi and all other laws applicable in Caprivi and solemnly promise to perform my duties as a member of the Caprivi Legislative Council to the best of my ability.

So help me God.

DEEL V

DIE KABINET

Die Kabinet

13. Die Kabinet bestaan uit—

(a) 'n Hoofminister wat 'n kaptein is: Met dien verstande dat die kaptien van die Mafwe-stam die Hoofminister is vir die eerste termyn van die Wetgewende Raad na sy samestelling ingevolge hierdie Proklamasie, en daarna die kaptein van die Basubia- en Mafwe-stam, om die beurt, vir elke daaropvolgende termyn van die Wetgewende Raad; en

(b) vyf ander Ministers—

(i) een Minister 'n kaptein is; en

(ii) vier Ministers deur die Hoofminister aangestel word uit lede van die Wetgewende Raad na 'n algemene verkiesing, binne 'n tydperk van sewe dae na die datum van die eerste sittingsdag van die eerste sessie van die Wetgewende Raad gehou na sodanige algemene verkiesing: Met dien verstande dat twee Ministers lede van die Mafwe-stam en die ander twee lede van die Basubia-stam moet wees: Met dien verstande voorts dat die aanstelling van die persone wat lede is van die stam van die kaptein in subparagraaf (1) bedoel slegs na raadpleging deur die Hoofminister van daardie kaptein geskied.

Ampstermyn van die Hoofminister en Ministers...

14. Die Hoofraadslid en die Raadslede van die Uitvoerende Raad wat ingevolge Proklamasie R. 6 van 1972 saamgestel is, word vanaf die vasgestelde datum onderskeidelik geag Hoofminister en Ministers te wees, en beklee hulle ampte as sodanig totdat hulle ooreenkomstig die bepalings van hierdie Proklamasie opgevolg of vervang word gedurende die eerste sessie van die Wetgewende Raad gehou na die eerste algemene verkiesing van lede.

Eed wat lede van die Kabinet moet aflê

15. Elke Minister, met inbegrip van die Hoofminister, moet, voordat hy sy amp aanvaar, voor die Voorsitter of in sy afwesigheid die Ondervoorsitter van die Wetgewende Raad '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 Kabinet van Caprivi op eervolle en waardige wyse sal beklee; dat ek die Grondwet van Caprivi en alle ander wette wat in Caprivi van toepassing is, sal eerbiedig en handhaaf; dat ek 'n opregte en getroue Minister sal wees; dat ek geen sake wat voor die Kabinet dien en wat aan my vir geheimhouding toevertrou word, regstreeks of onregstreeks sal openbaar nie; en dat ek my ampspligte met nougesetheid en na my beste vermoë sal nakom; en ek onderneem voor God om hierdie eed te eerbiedig.

So help my God.

Ampstermyn van die Kabinet

16. Behoudens die bepalings van artikel 18 beklee 'n lid van die Kabinet sy amp vir die termyn van die Wetgewende Raad, totdat hy na 'n algemene verkiesing ooreenkomstig die bepalings van hierdie Proklamasie opgevolg of vervang word.

Versoekskrif om ontslag van Minister

17. (1) Die Hoofminister kan, om redes wat hy grondig en oortuigend ag, by 'n versoekskrif oorgedra deur die kantoor van die Kommissaris-generaal aan die Minister van Bantoe-administrasie en -ontwikkeling, die Staatspresident versoek om 'n Minister, wat nie 'n kaptein is nie, te ontslaan en die aanstelling van 'n ander Minister in sy plek ooreenkomstig die bepalings van hierdie Proklamasie te beveel en die Staatspresident kan na goedgekenke aan enige sodanige versoekskrif voldoen.

PART V

THE CABINET

The Cabinet

13. The Cabinet shall consist of—

(a) a Chief Minister who shall be a Chief: Provided that the Chief of the Mafwe Tribe shall be the Chief Minister during the first term of the Legislative Council after its constitution in terms of this Proclamation and thereafter, in respect of every successive term of the Legislative Council, the office of Chief Minister shall be occupied by the Chief of the Basubia Tribe and the Chief of the Mafwe tribe alternately; and

(b) five other Ministers of whom—

(i) one Minister shall be a chief; and

(ii) four Ministers shall be appointed by the Chief Minister from the members of the Legislative Council, after a general election, within a period of seven days after the date of the first sitting day of the first session of the Legislative Council after such general election: Provided that two Ministers shall be members of the Mafwe Tribe and the other two members of the Basubia Tribe: Provided further that the appointment of the persons belonging to the tribe of the chief referred to in subparagraph (i) shall be made only after consultation with the said chief by the Chief Minister.

Period of office of Chief Minister and Ministers

14. The Chief Councillor and the Councillors of the Executive Council constituted in terms of Proclamation R. 6 of 1972 shall, with effect from the fixed date, be deemed to be Chief Minister and Ministers, respectively, and shall hold office as such until they are, in accordance with the provisions of this Proclamation, succeeded or replaced during the first session of the Legislative Council held after the first general election of members.

Oath for members of Cabinet

15. Every Minister, including the Chief Minister, shall before assuming office make and subscribe before the Chairman or, in his absence, the Deputy Chairman of the Legislative Council an oath or a solemn affirmation in the following form:

I, A.B., do hereby swear to hold my office as a Member of the Caprivi Cabinet with honour and dignity; to respect and uphold the constitution of Caprivi and all other laws applicable in Caprivi; to be a true and faithful Minister; not to divulge directly or indirectly any matters brought before the Cabinet 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.

Period of office of the Cabinet

16. Subject to the provisions of section 18, a member of the Cabinet shall hold office for the life of the Legislative Council, until he is succeeded or replaced after a general election, in accordance with the provisions of this Proclamation.

Petition for removal of a Minister

17. (1) The Chief Minister may for reasons which he may deem sound and cogent, by petition submitted through the office of the Commissioner-General to the Minister of Bantu Administration and Development, request the State President to remove a Minister, other than a chief, and to order the appointment of another Minister in his stead in terms of this Proclamation, and the State President may if he deems fit accede to any such petition.

(2) Die beslissing van die Staatspresident oor 'n versoekskrif ingevolge subartikel (1) moet so gou doenlik nadat dit ontvang is, aan die Hoofminister oorgedra word.

(3) Die beslissing van die Staatspresident oor 'n versoekskrif ingevolge subartikel (1) moet binne 'n tydperk van sewe dae na ontvangs daarvan in die Wetgewende Raad ter Tafel gelê word deur die Hoofminister indien die Wetgewende Raad dan in sitting is, of, indien die Wetgewende Raad nie dan in sitting is nie, binne 'n tydperk van sewe dae na die datum van die opening van die volgende sessie van die Wetgewende Raad.

Ontruiming van setels deur die Hoofminister of Ministers

18. (1) Die Hoofminister of 'n Minister moet sy setel as sodanig ontruim—

(a) in die geval van die Hoofminister of 'n Minister wat 'n kaptein is, indien hy ophou om 'n kaptein te wees; en

(b) in die geval van 'n Minister wat nie 'n kaptein is nie—

(i) indien sy setel as lid van die Wetgewende Raad vakant raak of geag word vakant te wees ingevolge die bepalinge van hierdie Proklamasie; of

(ii) indien hy uit sy amp as Minister bedank deur skriftelike kennisgewing aan die Sekretaris van die Wetgewende Raad of op 'n vergadering van die Kabinet; of

(iii) indien hy ontslaan word ingevolge artikel 17.

(2) Indien 'n Minister wat nie 'n kaptein is nie, sy setel op 'n ander wyse as deur bedanking aangekondig op 'n sitting van die Wetgewende Raad ontruim, moet die Sekretaris van die Wetgewende Raad gedurende die eerste daaropvolgende sessie van die Wetgewende Raad die Wetgewende Raad dienoreenkomstig inlig.

Aanvulling van toevallige vakature in die Kabinet

19. (1) 'n Toevallige vakature wat in die amp van die Hoofminister of van 'n Minister wat 'n kaptein is, ontstaan, word aangevul deur die persoon wat die Hoofminister of sodanige Minister as kaptein van sy stam opvolg.

(2) Enige ander toevallige vakature wat in die Kabinet ontstaan, word, behoudens die voorbehoudsbepalinge in artikel 13 (b) (ii), aangevul by wyse van aanstelling deur die Hoofminister van 'n lid van die Wetgewende Raad binne 14 dae na die datum waarop sodanige vakature ontstaan het.

(3) 'n Persoon wat ingevolge subartikel (1) 'n vakature aanvul of 'n lid ingevolge subartikel (2) aangestel, 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.

Werkzaamhede van Hoofminister en ander Ministers

20. (1) Die Hoofminister of, by sy afwesigheid, 'n Minister deur hom vir dié doel benoem, sit op alle Kabinetvergaderings voor.

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

(3) Die Hoofminister moet na goeë dunnke die verantwoordelikheid vir die beheer oor en administrasie van die verskillende departemente aan die onderskeie Ministers opdra en toewys, en hy kan die verskillende aangeleenthede in die Bylae van die Wet vermeld aan die onderskeie departemente toewys, en kan, indien hy dit nodig ag, bedoelde departemente na oorlegpleging met

(2) The decision of the State President on a petition in terms of subsection (1) shall be conveyed to the Chief Minister as soon as possible after its being received.

(3) The decision of the State President on a petition in terms of subsection (1) shall within a period of seven days after its being received be tabled by the Chief Minister in the Legislative Council if the Legislative Council is then in session, or, if the Legislative Council, is not then in session, within a period of seven days of the date of the opening of the next session of the Legislative Council.

Vacating of seats by the Chief Minister or Ministers

18. (1) The Chief Minister or any Minister shall vacate his seat as such—

(a) in the case of the Chief Minister or a Minister who is a chief, if he ceases to be a chief; and

(b) in the case of a Minister who is not a chief—

(i) if his seat as a member of the Legislative Council becomes vacant or is deemed to be vacant in terms of the provisions of this Proclamation; or

(ii) if he resigns his office as Minister by notice, in writing, to the Secretary of the Legislative Council or at a meeting of the Cabinet; or

(iii) if he is removed in terms of section 17.

(2) If a Minister who is not a chief vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Legislative Council, the Secretary of the Legislative Council shall at the first ensuing session of the Legislative Council inform it accordingly.

Filling of casual vacancies in the Cabinet

19. (1) Any casual vacancy occurring in the office of Chief Minister or of a Minister who is a chief shall be filled by the person who succeeds the Chief Minister or such Minister as chief of his tribe.

(2) Any other casual vacancy occurring in the Cabinet shall, subject to the provisions to section 13 (b) (ii), be filled by appointment by the Chief Minister of a member of the Legislative Council within a period of 14 days after the date on which such vacancy occurred.

(3) A person who fills a vacancy in terms of subsection (1) or a member appointed in terms of subsection (2) 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 Chief Minister and other Ministers

20. (1) The Chief Minister or in his absence, a Minister nominated by him for this purpose, shall preside at all Cabinet meetings.

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

(3) The Chief Minister shall in his discretion assign and allocate the responsibility for the control and administration of the different departments to the various Ministers, and he may allocate the different matters mentioned in the Schedule to the Act to the different departments, and may, if he deems it necessary, after consultation with the Government Service Commission

die Regeringsdienskommissie in artikel 10J van die Wet bedoel en die betrokke Ministers reorganiseer met die oog op beter administrasie.

Die voer van verrigtinge van Kabinet

21. (1) Kwessies wat in die Kabinet ontstaan, word deur 'n meerderheid van stemme van die aanwesige Ministers beslis en in die geval van 'n staking van stemme het die Hoofminister 'n beslissende stem.

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

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

(4) Die Kommissaris-generaal, die sekretaris van 'n departement ingestel kragtens artikel 6 van die Wet en enige persoon kan deur die Kabinet toegelaat word om enige vergadering van die Kabinet by te woon om advies te gee oor aangeleenthede wat binne die bestek van die administrasie van Caprivi val.

DEEL VI

VOORSITTER EN ONDERVOORSITTER

Verkiezing van Voorsitter en Ondervoorsitter

22. Onmiddellik nadat al die lede wat op die sitting van die Wetgewende Raad aanwesig is die eed in artikel 12 genoem, afgelê en onderteken het, gaan die Wetgewende Raad oor tot die verkiezing van 'n Voorsitter en 'n Ondervoorsitter uit die geledere van die Wetgewende Raad op die wyse in artikels 23 en 24 bepaal.

Wyse waarop Voorsitter verkies word

23. (1) 'n Lid wat vooraf vasgestel het dat die persoon wat hy as Voorsitter wil voorstel en wat dan teenwoordig is, gewillig is om te dien as hy verkies word, kan sodanige persoon as Voorsitter voorstel en indien sodanige voorstel nie gesekondeer word nie, vervall 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 van die Wetgewende Raad aangekondig word op die sitting waartydens die verkiesing moet plaasvind, en geen debat word by die verkiesing toegelaat nie.

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

(a) die Sekretaris van die Wetgewende Raad 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 van die Wetgewende Raad 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) sodra alle lede wat wil stem dit gedoen het, moet die Sekretaris van die Wetgewende Raad met die hulp van die Assistent-sekretaris en sodanige lede as wat die Wetgewende Raad bepaal, die stembriefies in teenwoordigheid van die Wetgewende Raad ondersoek en die uitslag van die stemming bekend maak.

referred to in section 10J of the Act, and the Ministers concerned, reorganise such departments in the interests of better administration.

Conduct of proceedings of Cabinet

21. (1) Questions arising in the Cabinet shall be determined by a majority of votes of the Ministers present and in the case of an equality of votes the Chief Minister shall have a casting vote.

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

(3) The Cabinet 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 Legislative Council to serve on such committee and such committee shall report on its findings and may submit such recommendations as it may deem necessary to the Cabinet for consideration.

(4) The Commissioner-General, the secretary of a department established in terms of section 6 of the Act, and any person may be permitted by the Cabinet to attend any meeting of the Cabinet to advise on matters falling within the purview of the administration of Caprivi.

PART VI

CHAIRMAN AND DEPUTY CHAIRMAN

Election of Chairman and Deputy Chairman

22. Immediately after all the members present at the sitting of the Legislative Council have taken and subscribed the oath referred to in section 12, the Legislative Council shall proceed to the election of the Chairman and the Deputy Chairman from the members of the Legislative Council in the manner determined by sections 23 and 24.

Manner of election of Chairman

23. (1) A member having first ascertained that the person whom he wishes to propose as Chairman and who is then present, 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 of the Legislative Council 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 of the Legislative Council shall hand each member present a ballot paper with the names of all the candidates thereon and with 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 of the Legislative Council 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 of the Legislative Council shall, in the presence of the Legislative Council, examine the ballot papers with the assistance of the Assistant Secretary and such members as the Legislative Council may decide upon and declare the result of the ballot.

(5) Indien geen kandidaat 'n meerderheid van al die stemme wat aldus uitgebring is, behaal nie, word die kandidaat wat die minste stemme behaal het, uitgeskakel en 'n verdere stemming gehou ten opsigte van die oorblywende kandidate, en hierdie prosedure word herhaal so dikwels as wat nodig is totdat 'n kandidaat 'n meerderheid behaal van al die stemme wat uitgebring is en behoorlik verkose verklaar word.

(6) Wanneer twee of meer kandidate, wat die laagste stemmetal behaal het, ewe veel stemme behaal het, bepaal die Wetgewende Raad by afsonderlike stemming, wat so dikwels nodig herhaal word, watter van daardie kandidate vir die toepassing van subartikel (5) uitgeskakel moet word.

(7) Wanneer—

(a) slegs twee kandidate genomineer is; of

(b) daar na die uitskakeling van een of meer kandidate ooreenkomstig die bepalings van hierdie artikel, slegs twee kandidate oorbly;

en daar 'n staking van stemme tussen daardie twee kandidate is, word 'n verdere stemming ten opsigte van dié twee kandidate onmiddellik gehou, wat so dikwels nodig herhaal word totdat een kandidaat 'n meerderheid van die stemme wat uitgebring is, behaal en behoorlik verkose verklaar word: Met dien verstande dat die Sekretaris van die Wetgewende Raad op 'n mosie deur die Wetgewende Raad aangeneem die oorweging van die aanleentheid tot die volgende sittingsdag moet uitstel.

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

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

Wyse waarop Ondervoorsitter verkies word

24. Onmiddellik nadat die Voorsitter verkies is, gaan die Wetgewende Raad oor tot die verkiesing van 'n Ondervoorsitter en is die bepalings van artikel 23 *mutatis mutandis* van toepassing by die verkiesing van 'n Ondervoorsitter: Met dien verstande dat 'n verwysing in artikel 23 na die Sekretaris van die Wetgewende Raad uitgeleë word as 'n verwysing na die Voorsitter.

Ampstermyn van Voorsitter en Ondervoorsitter

25. Behoudens die bepalings van artikels 7 en 26 (1), beklee die Voorsitter en die Ondervoorsitter hulle amp vir die duur van die termyn van die Wetgewende Raad: Met dien verstande dat indien die amp van Voorsitter of van Ondervoorsitter vakant raak, 'n lid, soos bepaal in hierdie Proklamasie, verkies moet word tot Voorsitter of Ondervoorsitter, na gelang van die geval, wat, tensy sy amp eerder ontruim word, sy amp moet beklee vir die onverstreke gedeelte van die tydperk waartydens sy voorganger in die amp sou aangebly het.

Ontruiming van amp deur Voorsitter of Ondervoorsitter

26. (1) Die Voorsitter of die Ondervoorsitter moet sy amp ontruim—

(a) indien sy setel as lid van die Wetgewende Raad vakant word of geag word ontruim te gewees het ingevolge die bepalings van hierdie Proklamasie;

(b) indien hy uit sy amp as Voorsitter of Ondervoorsitter bedank by skriftelike kennisgewing aan die Sekretaris van die Wetgewende Raad of 'n aankondiging tot dien effekte op 'n sitting van die Wetgewende Raad doen; of

(c) indien hy by besluit van die Wetgewende Raad van sy amp onthef word.

(2) Indien die Voorsitter of die Ondervoorsitter sy setel ontruim anders as deur die aankondiging van sy bedanking op 'n sitting van die Wetgewende Raad, moet

(5) If no candidate obtains a majority of all the votes so cast, the candidate who received the smallest number of votes shall be eliminated and a further ballot taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate obtains a majority of all the votes cast and is declared duly elected.

(6) Whenever two or more candidates being the lowest on the poll have received the same number of votes, the Legislative Council shall by separate vote, to be repeated as often as may be necessary, determine which of those candidates shall for the purposes of subsection (5) be eliminated.

(7) Whenever—

(a) only two candidates have been nominated; or

(b) after the elimination of one or more candidates in accordance with the provisions of this section, only two candidates remain;

and there is an equality of votes between those two candidates, a further vote between those two candidates shall immediately be taken and be repeated as often as may be necessary until one candidate obtains a majority of the votes cast and is declared duly elected: Provided that the Secretary of the Legislative Council shall upon a motion adopted by the Legislative Council postpone the consideration of the matter until the next sitting day.

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

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

Manner of Election of Deputy Chairman

24. Immediately after the Chairman has been elected, the Legislative Council shall proceed to the election of a Deputy Chairman, and the provisions of section 23 shall apply *mutatis mutandis* to the election of a Deputy Chairman: Provided that any reference in section 23 to the Secretary of the Legislative Council shall be construed as being a reference to the Chairman.

Period of office of Chairman and Deputy Chairman

25. Subject to the provisions of sections 7 and 26 (1) the Chairman and the Deputy Chairman shall hold office for the duration of the life of the Legislative Council: Provided that if the office of Chairman or of Deputy Chairman becomes vacant a member shall, as provided in this Proclamation, be elected Chairman or Deputy Chairman, 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.

Vacation of office by Chairman or Deputy Chairman

26. (1) The Chairman or the Deputy Chairman shall vacate his office—

(a) if his seat as a member of the Legislative Council becomes vacant or is deemed to have been vacated in terms of the provisions of this Proclamation;

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

(c) if he is removed from office by resolution of the Legislative Council.

(2) If the Chairman or the Deputy Chairman vacates his seat otherwise than in pursuance of his resignation announced at a sitting of the Legislative Council, the

die Sekretaris van die Wetgewende Raad gedurende die eerste daaropvolgende sessie van die Wetgewende Raad die Wetgewende Raad dienooreenkomstig verwittig.

Aanvulling van toevallige vakatures

27. 'n Toevallige vakature in die amp van Voorsitter of van Ondervoorsitter moet, indien die Wetgewende Raad in sitting is wanneer die vakature ontstaan, aangevul word deur die verkiesing van 'n bekleër vir die betrokke amp op die wyse in hierdie Proklamasie bepaal, en indien die Wetgewende Raad nie dan in sitting is nie, moet sodanige verkiesing op die daaropvolgende sitting plaasvind.

DEEL VII

STATUS VAN KAPTEINS

Kapteins behou persoonlike status

28. 'n Kaptein in Caprivi geniet die persoonlike status wat hy tot nog toe geniet het en het ten opsigte van seremoniële en stamaangeleenthede en by seremoniële geleenthede binne sy gebied voorrang bo die Hoofministers en Ministers, uitgesonderd ten opsigte van aangeleenthede of geleenthede wat in verband staan met die werksaamhede van die Wetgewende Raad.

DEEL VIII

DIVERSE BEPALINGS

Wetgewende Raad moet rekords hou

29. Die Wetgewende Raad 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 Wetgewende Raad;

(b) die stamowerbode binne Caprivi;

(c) die name en ampstermyne van Hoofministers, Ministers, Voorsitters, Ondervoorsitters en lede van die Wetgewende Raad; en

(d) sodanige ander aangeleenthede as wat die Wetgewende Raad bepaal.

Amptelike taal

30. Die Lozi-taal word erken—

(a) as 'n amptelike taal van Caprivi; en

(b) vir gebruik in Caprivi vir die amptelike doeleindes wat by hierdie Proklamasie voorgeskryf word en kan buite genoemde gebied gebruik word vir sodanige doeleindes rakende die sake van dié gebied.

Gebruik van tale

31. (1) Alle Notules en Ordelyste van die Wetgewende Raad moet in Lozi, Afrikaans en Engels gehou word: Met dien verstande dat geregtelike, administratiewe en finansiële dokumente ook, na gelang van omstandighede, aldus gehou word.

(2) Die Wetgewende Raad moet 'n *verbatim* verslag van die verrigtinge van die Wetgewende Raad byhou en sodanige verslag moet in Lozi, Afrikaans en Engels gehou word.

Wysiging van Proklamasies R. 6 van 1972 en R. 35 van 1972

32. (1) Proklamasie R. 6 van 1972 word hierby gewysig deur die skrapping van artikels 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 en 16 daarvan.

(2) Proklamasie R. 35 van 1972 word hierby gewysig deur die skrapping van—

(a) die syfers en woorde "1. INSTELLING VAN DEPARTEMENTE. 2." in die opskrif daarvan;

(b) paragraaf (a) daarvan; en

(c) Bylae A daarvan.

Secretary of the Legislative Council shall at the first ensuing session of the Legislative Council inform it accordingly.

Filling of casual vacancies

27. A casual vacancy in the office of Chairman or of Deputy Chairman shall, if the Legislative Council 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 Legislative Council is then not in session such election shall take place at its next session.

PART VII

STATUS OF CHIEFS

Chiefs to retain personal status

28. A chief in Caprivi shall continue to enjoy the personal status he has hitherto enjoyed and shall with regard to ceremonial and tribal matters and at ceremonial occasions within his area take precedence over the Chief Minister and Ministers, except in respect of matters or occasions connected with the business of the Legislative Council.

PART VIII

MISCELLANEOUS PROVISIONS

Legislative Council to keep records

29. The Legislative Council 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 tribal authorities within Caprivi;

(c) the names and periods of office of Chief Ministers, Ministers, Chairmen, Deputy Chairmen and members of the Legislative Council; and

(d) such other matters as it may determine.

Official Language

30. The Lozi language shall be recognised—

(a) as an official language of Caprivi; and

(b) for use in Caprivi for official purposes prescribed by this Proclamation, and may be used outside the said area for such purposes connected with the affairs of the said area.

Use of languages

31. (1) All Votes and Proceedings of the Legislative Council shall be recorded, and all its order papers kept in Lozi, English and Afrikaans: Provided that judicial, administrative, and financial documents shall also, as circumstances may dictate, be so kept.

(2) The Legislative Council shall maintain a *verbatim* record of the proceedings of the Legislative Council and such record shall be kept in Lozi, English and Afrikaans.

Amendment of Proclamations R. 6 of 1972 and of R. 35 of 1972

32. (1) Proclamation R. 6 of 1972 is hereby amended by the deletion of sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 thereof.

(2) Proclamation R. 35 of 1972 is hereby amended by the deletion of—

(a) the numbers and words "1. ESTABLISHMENT OF DEPARTMENTS 2." in the heading thereof;

(b) paragraph (a) thereof; and

(c) Schedule A thereto.

*Maatreëls van Wetgewende Raad van Oos-Capriwi word
geag Wette van die Wetgewende Raad van Capriwi te wees*

33. Vir doeleindes van hierdie Proklamasie word 'n Maatreël wat deur die Wetgewende Raad van Oos-Capriwi uitgevaardig is, geag 'n Wet te wees wat deur die Wetgewende Raad van Capriwi gemaak is.

Kort titel

34. Hierdie Proklamasie heet die Capriwi-grondwet-proklamasie, 1976.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Negende dag van Maart Eenduisend Negehoenderd Ses-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

No. R. 43, 1976

**HOU VAN VERKIESINGS VAN VERKOSE LEDE
VAN DIE WETGEWENDE RAAD VAN CAPRIWI**

Nademaal die gebied waarvoor die Wetgewende Raad van Oos-Capriwi by Proklamasie R. 6 van 1972 ingestel is, by die Capriwi-grondwetproklamasie, 1976, tot 'n self-regerende gebied onder die naam Capriwi verklaar is;

En nademaal dit nodig is om voorsiening te maak vir die hou van verkiesings van verkose lede van die Wetgewende Raad van Capriwi, soos saamgestel by genoemde Capriwi-grondwetproklamasie, 1976;

En nademaal die Wetgewende Raad van Oos-Capriwi in hierdie verband geraadpleeg is soos bepaal by artikel 4 van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968);

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 4 van genoemde Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968, hierby verklaar dat die bepalings vervat in die Bylae hiervan met betrekking tot die hou van verkiesings van verkose lede van die Wetgewende Raad van Capriwi van toepassing is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Negende dag van Maart Eenduisend Negehoenderd Ses-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

M. C. BOTHA.

BYLAE

DEEL I

WOORDOMSKRYWING

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), en die Capriwi-grondwetproklamasie, 1976, geheg is, daardie betekenis en beteken—

“afdeling” of “kiesafdeling” ’n kiesafdeling in artikel 4 van die Grondwetproklamasie genoem;

“agent” ’n persoon wat kragtens artikel 14 as agent van ’n kandidaat aangestel is;

“Bantoesakekommissaris” ’n Bantoesakekommissaris aangestel kragtens die Bantoe-administrasie Wet, 1927 (Wet 38 van 1927), en ook ’n addisionele Bantoesakekommissaris en ’n assistent-Bantoesakekommissaris;

“behoorlik verkose” of “behoorlik verkies” ook onbestrede verkose of onbestrede verkies;

*Enactments of Eastern Capriwi Legislative Council deemed
to be Acts of Capriwi Legislative Council*

33. For the purpose of this Proclamation any Enactment made by the Eastern Capriwi Legislative Council shall be deemed to be an Act of the Capriwi Legislative Council.

Short title

34. This Proclamation shall be called the Capriwi Constitution Proclamation, 1976.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Ninth day of March, One thousand Nine hundred and Seventy-six.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

No. R. 43, 1976

CONDUCT OF ELECTIONS OF ELECTED MEMBERS OF THE CAPRIWI LEGISLATIVE COUNCIL

Whereas the area for which the Eastern Capriwi Legislative Council was established by Proclamation R. 6 of 1972 has, by the Capriwi Constitution Proclamation, 1976, been declared a self-governing area under the name of Capriwi;

And whereas it is necessary to make provision for the conduct of elections of elected members of the Capriwi Legislative Council, as constituted by the said Capriwi Constitution Proclamation, 1976;

And whereas the Eastern Capriwi Legislative Council has been consulted in this connection as provided for in section 4 of the Development of Self-government for Native Nations in South-West Africa Act, 1968, I hereby declare that the provisions contained in the Schedule hereto shall apply in regard to the conduct of elections of elected members of the Capriwi Legislative Council.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Ninth day of March, One thousand Nine hundred and Seventy-six.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

M. C. BOTHA.

SCHEDULE

PART I

DEFINITIONS

1. In this Proclamation, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Development of Self-government for Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), and the Capriwi Constitution Proclamation, 1976, shall bear that meaning and—

“agent” means a person appointed an agent of a candidate in terms of section 14;

“Bantu Affairs Commissioner” means a Bantu Affairs Commissioner appointed in terms of the Bantu Administration Act, 1927 (Act 38 of 1927) and includes an additional Bantu Affairs Commissioner and an assistant Bantu Affairs Commissioner;

“counting officer” means a person appointed a counting officer in terms of section 5;

“Constitution Proclamation” means the Capriwi Constitution Proclamation, 1976;

“district control officer” means a magistrate, Native Commissioner or Bantu Affairs Commissioner who is a district control officer in terms of section 3;

"distriksbeheerbeampte" 'n landdros, Naturellekommissaris of Bantoesakekommissaris wat kragtens artikel 3 'n distriksbeheerbeampte is;

"getuie" 'n persoon kragtens artikel 5 as 'n getuie aangestel;

"Grondwetproklamasie" die Caprivi-grondwetproklamasie 1976;

"kiesbeampte" die distriksbeheerbeampte wat kragtens artikel 4 'n kiesbeampte is en ook 'n adjunk-kiesbeampte;

"kieser" 'n persoon wat kragtens artikel 5 van die Oos-Caprivi-volksregistrasiemaatreeël, 1973 (Maatreeël 2 van 1973), geregtig is om as 'n lid van die Caprivi-volk geregistreer te word en aan wie 'n registrasiekaart uitgereik is en wat geregtig is om te stem in 'n kiesafdeling in Caprivi by 'n verkiesing van verkose lede van die Wetgewende Raad;

"landdros" 'n landdros aangestel kragtens die Wet op Landdroshowe, 1944 (Wet 32 van 1944), en ook 'n addisionele en 'n assistent-landdros;

"lid" of "lede", tensy anders aangedui, 'n verkose lid of verkose lede van die Wetgewende Raad;

"Minister" die lid van die Kabinet aan wie die beheer oor die Departement van Binnelandse Sake toegewys is en wat in oorleg met die Kabinet optree;

"Naturellekommissaris" 'n Naturellekommissaris aangestel kragtens die Naturelle-administrasie-Proklamasie, 1928 (Proklamasie 15 van 1928) (Suidwes-Afrika), en ook 'n addisionele en 'n assistent-Naturellekommissaris;

"nominasiehof" 'n nominasiehof in artikel 9 genoem;

"registrasiekaart" 'n registrasiekaart uitgereik kragtens die Oos-Caprivi-volksregistrasiemaatreeël, 1973 (Maatreeël 2 van 1973);

"stemdistrik" die regsgebied van 'n landdros, Naturellekommissaris of Bantoesakekommissaris;

"stemopnemer" 'n persoon kragtens artikel 5 as stemopnemer aangestel;

"telbeampte" 'n persoon kragtens artikel 5 as telbeampte aangestel;

"verkiesingsbeampte" 'n beampte kragtens artikel 2 as verkiesingsbeampte aangestel;

"voorgeskryf" by of kragtens hierdie Proklamasie voorgeskryf;

"Wetgewende Raad" die Wetgewende Raad van Caprivi in artikel 3 van die Grondwetproklamasie bedoel.

DEEL II

VOORAFGAANDE BEPALINGS

Verkiesingsbeampte

2. (1) Die Minister stel 'n verkiesingsbeampte vir Caprivi aan wat 'n beampte van die Caprivi-regeringsdiens is of wat 'n beampte is van die Staatsdiens van die Republiek van Suid-Afrika wat ingevolge artikel 6 (4) van die Wet op die Ontwikkeling van Selfbestuur vir Naturellevolke in Suidwes-Afrika, 1968 (Wet 54 van 1968), aangewys is om die Kabinet van Caprivi by te staan.

(2) Die verkiesingsbeampte is verantwoordelik vir die hou van verkiesings van lede van die Wetgewende Raad

Distriksbeheerbeamptes

3. Iedere landdros, Naturellekommissaris of Bantoesakekommissaris is ampshalwe die distriksbeheerbeampte vir die gebied waarvoor hy regsbevoegdheid uitoefen: Met dien verstande dat waar beide 'n landdros en 'n Naturellekommissaris oor dieselfde gebied regsbevoegdheid uitoefen, die Naturellekommissaris die distriksbeheerbeampte ten opsigte van sodanige gebied is: Met dien verstande voorts dat waar beide 'n landdros en 'n

"division" or "electoral division" means an electoral division in terms of section 4 of the Constitution Proclamation;

"duly elected" includes returned unopposed;

"electoral officer" means an officer appointed an electoral officer in terms of section 2;

"Legislative Council" means the Caprivi Legislative Council referred to in section 3 of the Constitution Proclamation;

"magistrate" means a magistrate appointed in terms of the Magistrates' Courts Act, 1944 (Act 32 of 1944), and includes an additional and an assistant magistrate;

"member" unless otherwise indicated means an elected member of the Legislative Council;

"Minister" means the member of the Cabinet to whom the control of the Department of the Interior has been assigned, acting in consultation with the Cabinet;

"Native Commissioner" means a Native Commissioner appointed in terms of the Native Administration Proclamation, 1928 (Proclamation 15 of 1928) (South-West Africa), and includes an additional and an assistant Native Commissioner;

"nomination court" means a nomination court referred to in section 9;

"polling district" means the area of jurisdiction of a Magistrate, Native Commissioner of Bantu Affairs Commissioner;

"polling officer" means a person appointed a polling officer in terms of section 5;

"prescribed" means prescribed by or under this Proclamation;

"registration card" means a registration card issued in terms of the Eastern Caprivi Nation Registration Enactment, 1973 (Enactment 2 of 1973);

"returning officer" means the district control officer who is a returning officer in terms of section 4 and includes a deputy returning officer;

"voter" means a person who, in terms of section 5 of the Eastern Caprivi Nation Registration Enactment 1973 (Enactment 2 of 1973), is entitled to be registered as a member of the Caprivi Nation and to whom a registration card has been issued and who is entitled to vote in an electoral division in Caprivi at an election of elected members of the Legislative Council

"witness" means a person appointed a witness in terms of section 5.

PART II

PRELIMINARY PROVISIONS

Electoral officer

2. (1) The Minister shall appoint an electoral officer for Caprivi who shall be an officer of the Caprivi Government Service or an officer of the Public Service of the Republic of South Africa who has been designated in terms of section 6 (4) of the Development of Self-government or Native Nations in South-West Africa Act, 1968 (Act 54 of 1968), to assist the Cabinet of Caprivi.

(2) The electoral officer shall be responsible for the conduct of elections of members of the Legislative Council.

District control officer

3. Every magistrate, Native Commissioner or Bantu Affairs Commissioner shall *ex officio* be the district control officer for the area over which he exercises jurisdiction: Provided that where both a magistrate and a Native Commissioner exercise jurisdiction over the same area, the Native Commissioner shall be the district control officer in respect of such area: Provided further that where both a magistrate and a Bantu Affairs Com-

Bantoesakekommissaris oor dieselfde gebied regsbevoegdheid uitoefen, die Bantoesakekommissaris die distriksbeheerbeampte ten opsigte van sodanige gebied is.

Kiesbeampies

4. (1) Die distriksbeheerbeampte is ampshalwe die kiesbeampte vir die gebied waaroor hy regsbevoegdheid uitoefen.

(2) Die kiesbeampte kan soveel adjunk-kiesbeampies as wat hy nodig ag, aanstel om hom gedurende verkiesings behulpsaam te wees.

Stemopnemers en getuies

5. Iedere kiesbeampte stel skriftelik soveel stemopnemers en getuies aan as wat nodig is om die stemming doeltreffend te laat plaasvind by iedere stemburo in die gebied waarvoor hy regsbevoegdheid uitoefen, en stel soveel telbeampies aan as wat nodig is vir die tel van die stemme na die sluiting van die stemming.

Stemburo's

6. (1) Daar moet 'n stemburo wees—

(a) by die setel van elke kiesbeampte in die gebied Suidwes-Afrika; en

(b) op sodanige ander plek of plekke binne sodanige kiesbeampte se regsgebied as wat hy nodig ag.

(2) Wanneer 'n verkiesing moet plaasvind bepaal die Minister, by kennisgewing in die *Amptelike Koerant*, die stembuurstreke in die Republiek waarin stemburo's ingestel moet word en moet daar 'n stemburo wees—

(a) by die setel van die kiesbeampte van elke sodanige stembuurstreek; en

(b) op sodanige ander plek of plekke binne sy regsgebied as wat sodanige kiesbeampte nodig ag.

Lede wat verkies moet word

7. Die getal lede wat in elke kiesafdeling verkies moet word, is soos bepaal by artikel 3 (2) van die Grondwetproklamasie.

Bepaling van nominasie- en stemdatums

8. (1) Wanneer 'n verkiesing moet plaasvind, moet die Minister, behoudens die bepalings van subartikel (2), by kennisgewing in die *Amptelike Koerant*—

(a) 'n dag en plek bepaal waarop 'n nominasiehof in elke kiesafdeling moet sit om nominasies van kandidate vir verkiesing in elke afdeling te ontvang;

(b) indien 'n stemming ingevolge die bepalings van artikel 10 moet plaasvind, die tydperk wanneer stemming moet plaasvind en die ure bepaal wanneer die stemming op elke stemdag moet begin en eindig en kan hy verskillende tydperke en verskillende ure ten opsigte van verskillende stembuurstreke of stemburo's bepaal; en

(c) die getal lede wat in elke kiesafdeling verkies moet word, vermeld.

(2) Die dag kragtens subartikel (1) (a) bepaal, moet—

(a) minstens 21 dae en hoogstens 28 dae wees na die datum van publikasie van die kennisgewing in genoemde subartikel vermeld;

(b) na die datum wees wat bepaal is vir die aanwysing van aangewese lede kragtens artikel 3 (1) (b) van die Grondwetproklamasie; en

(c) minstens 60 dae wees voor die datum bepaal vir die verkiesing kragtens artikel 7 (2) van die Grondwetproklamasie.

(3) Die plek wat vir die hou van 'n nominasiehof bepaal word, moet binne die bepaalde kiesafdeling wees.

Nominasie van kandidate vir verkiesing

9. (1) Op die dag en op die plek kragtens artikel 8 (1) (a) ten opsigte van enige afdeling bepaal, hou die

missioner exercise jurisdiction over the same area the Bantu Affairs Commissioner shall be the district control officer in respect of such area.

Returning officers

4. (1) The district control officer shall *ex officio* be the returning officer for the area over which he exercises jurisdiction.

(2) The returning officer may appoint as many deputy returning officers to assist him during elections as he may deem necessary.

Polling officers and witnesses

5. Every returning officer shall in writing appoint as many polling officers and witnesses as may be necessary for effectually taking poll at every polling station in his area of jurisdiction and he shall appoint as many counting officers as may be necessary for the counting of votes after the close of the poll.

Polling stations

6. (1) There shall be a polling station—

(a) at the seat of every returning officer in the territory of South-West Africa; and

(b) at such other place or places within such returning officer's area of jurisdiction as he may deem necessary.

(2) Whenever an election is to take place the Minister shall, by notice in the *Official Gazette*, determine the polling districts in the Republic in which polling stations shall be established and there shall be a polling station—

(a) at the seat of the returning officer of every such polling district; and

(b) at such other place or places within his area of jurisdiction as such returning officer may deem necessary.

Members to be elected

7. The number of members to be elected in each electoral division shall be as provided by section 3 (2) of the Constitution Proclamation.

Fixing of nomination and polling dates

8. (1) Whenever an election is to take place the Minister shall, subject to the provisions of subsection (2), by notice in the *Official Gazette*—

(a) fix a day on which and a place at which a nomination court shall sit in each electoral division to receive nominations for candidates for election in each division;

(b) if, in accordance with the provisions of section 10, poll is to take place, fix the period during which poll shall take place and the hours at which poll shall commence and close on each polling day and may fix different periods and different hours in respect of different polling districts or polling stations; and

(c) state the number of members to be elected in each electoral division.

(2) The day fixed under subsection (1) (a) shall be—

(a) not less than 21 days and not more than 28 days from the date of publication of the notice referred to in the said subsection;

(b) after the date fixed for the designation of designated members in terms of section 3 (1) (b) of the Constitution Proclamation; and

(c) not less than 60 days before the date fixed for the election in terms of section 7 (2) of the Constitution Proclamation.

(3) The place fixed for holding a nomination court shall be within the particular electoral division.

Nomination of candidates for election

9. (1) On the day and at the place fixed in terms of section 8 (1) (a) in respect of any division the returning

kiesbeampte vir daardie afdeling 'n openbare hofsitting, wat as 'n nominasiehof bekend staan, vir die nominasie van kandidate vir verkiesing in daardie afdeling.

(2) Behoudens die bepalings van subartikel (3), kan enige persoon aan wie 'n registrasiekaart uitgereik is en wat nie kragtens die bepalings van artikel 6 (1) van die Grondwetproklamasie onbevoeg is nie, as kandidaat genomineer word.

(3) Geen persoon word as kandidaat vir verkiesing in 'n kiesafdeling genomineer nie, tensy—

(a) hy voorgestel word deur 'n persoon wat 'n kieser van daardie kiesafdeling is en wat 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel I van Aanhangsel A hiervan;

(b) hy gesekondeer word deur 'n persoon wat 'n kieser van daardie kiesafdeling is en wat 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel II van Aanhangsel A hiervan; en

(c) hy die nominasie aanvaar het en 'n verklaring onder eed of 'n bevestiging afgelê het in die vorm vervat in Deel III van Aanhangsel A hiervan.

(4) 'n Kandidaat kan sy toestemming tot die nominasie te eniger tyd voor die einde van die sitting van die nominasiehof skriftelik terugtrek deur 'n kennisgewing van terugtrekking in te dien by die kiesbeampte, en daarop vervat die nominasie: Met dien verstande dat, na die einde van die sitting van die nominasiehof, die terugtrekking deur 'n kandidaat van sy kandidatuur nie oorweeg word nie, en sodanige kandidaat se naam in die lys van kandidate vir verkiesing gepubliseer word, en indien hy nie die voorgeskrewe getal stemme kry nie, hy sy deposito verbeur of sy sekerheid afgedwing word.

(5) Die nominasiehof sit van 09h00 tot 12h00: Met dien verstande dat as 'n aanwesige persoon om laasgenoemde uur as kandidaat voorgestel is en sy nominasie nie voltooi is nie, die kiesbeampte die sitting moet voortsit vir sodanige tydperk, van hoogstens een uur, as wat nodig is om sodanige kandidaat in staat te stel om behoorlik genomineer te word.

Uitslag aan die einde van 'n sitting van 'n nominasiehof

10. Indien daar aan die einde van die sitting van 'n nominasiehof—

(a) slegs soveel kandidate as wat daar lede vir daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampte onverwyld dat sodanige kandidaat (kandidate) onbestrede verkies is tot lid (lede) van die Wetgewende Raad vir daardie afdeling vanaf die sluiting van die stemtydperk; of

(b) minder kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, verklaar die kiesbeampte onverwyld die aldus genomineerde kandidate behoorlik verkose lede van die Wetgewende Raad vanaf die sluiting van die stemtydperk, en dat daar 'n getal toevallige vakatures gelyk aan die verskil tussen die getal kandidate wat verkose verklaar is en die getal lede wat vir daardie afdeling verkies moet word in daardie afdeling bestaan; of

(c) meer kandidate as die getal lede wat verkies moet word, behoorlik genomineer is, word 'n stemming op die wyse hieronder bepaal gedurende die stemtydperk gehou.

Deposito deur of namens genomineerde persone

11. (1) Indien op die sitting van die nominasiehof 'n groter getal kandidate as die getal lede wat vir daardie afdeling verkies moet word, behoorlik genomineer is, moet die kiesbeampte voor die einde van die sitting van die nominasiehof vereis dat daar deur of ten behoeve

officer for that division shall hold a public court to be known as a nomination court for the nomination of candidates for election in that division.

(2) Subject to the provisions of subsection (3), any person to whom a registration card has been issued and who is not disqualified in terms of section 6 (1) of the Constitution Proclamation may be nominated as a candidate.

(3) No person shall be nominated as a candidate for election in any electoral division unless—

(a) he is proposed by a person who is a voter of that electoral division and who has made a declaration under oath or an affirmation in the form contained in Part I of Annexure A hereto.

(b) he is seconded by a person who is a voter of that electoral division and who has made a declaration under oath or an affirmation in the form contained in Part II of Annexure A hereto; and

(c) he has accepted nomination and has made a declaration under oath or an affirmation in the form contained in Part III of Annexure A hereto.

(4) A candidate may withdraw his consent to nomination in writing at any time before the close of the sitting of the nomination court by lodging with the returning officer a notice of withdrawal and thereupon the nomination shall lapse: Provided that, after the close of the sitting of the nomination court, the withdrawal by a candidate of his candidature shall not be considered, and such candidate's name shall be published in the list of candidates for election, and if he does not obtain the prescribed number of votes his deposit shall be forfeited or his security enforced.

(5) The nomination court shall sit from 09h00 until 12h00: Provided that if at the latter hour any person present has been proposed as a candidate and his nomination has not been completed, the returning officer shall continue the sitting for such period not exceeding one hour as may be necessary to enable such candidate to be duly nominated.

Result at the close of a sitting of a nomination court

10. If at the close of the sitting of the nomination court—

(a) only a number of candidates equal to the number of members to be elected for that division have been duly nominated, the electoral officer shall forthwith declare that such candidate(s) have been returned unopposed as member(s) of the Legislative Council for that division as from the close of the polling period; or

(b) a lesser number of candidates than the number of members to be elected for that division have been duly nominated the returning officer shall forthwith declare the candidates so nominated to be duly elected members of the Legislative Council as from the close of the polling period and that a number of casual vacancies, equal to the difference between the number of candidates declared elected and the number of members to be elected for that division, exist in that division; or

(c) a greater number of candidates than the number of members to be elected have been duly nominated, poll shall take place during the period of polling in the manner hereinafter provided.

Deposit by or on behalf of persons nominated

11. (1) If at the sitting of the nomination court a greater number of candidates than the number of members to be elected for that division have been duly nominated, the returning officer shall before the close of the sitting of the nomination court require that there be deposited

van iedere sodanige genomineerde persoon by hom die bedrag van R75 gestort word of sodanige sekerheid vir daardie bedrag gestel word as wat die kiesbeampte voldoende ag.

(2) Wanneer die kiesbeampte vereis dat sodanige deposito gestort of sodanige sekerheid gestel word deur of ten behoeve van 'n aldus genomineerde persoon en daar nie dadelik aan die vereiste voldoen word nie, word sodanige persoon, ondanks die bepalinge van artikel 10, geag nie behoorlik as kandidaat genomineer te wees nie.

(3) Indien 'n stemming plaasvind en die totale getal stemme wat daarby op enige verslane kandidaat uitgebring is, minder is as 'n kwart van die getal stemme van die suksesvolle kandidaat wat die minste stemme gekry het, word die bedrag of sekerheid wat deur of ten behoeve van die verslane kandidaat gestort of gestel is, verbeur of afgedwing, na gelang van die geval, en in die Inkomstefonds van Caprivi gestort.

(4) Behoudens die uitdruklike bepalinge van hierdie artikel, word die gestorte bedrag aan die deponeerder terugbetaal of, as sekerheid gestel is, word dit gekanselleer.

Aankondiging van name en besonderhede van kandidate in Amptelike Koerant

12. (1) Aan die einde van die sitting van 'n nominasiehof moet die kiesbeampte onverwyld die verkiesingsbeampte in die vorm vervat in Aanhangsel B hiervan in kennis stel van—

(a) enige verklaring wat hy ingevolge artikel 10 (a) of (b) gedoen het; of

(b) die besonderhede van iedere behoorlik genomineerde kandidaat indien 'n stemming ingevolge artikel 10 (c) gehou moet word.

(2) Die verkiesingsbeampte laat die besonderhede van iedere kandidaat ten opsigte van elke kiesafdeling so gou moontlik, maar in elk geval nie later nie as 30 dae voor die aanvang van die stemtydperk, in die *Amptelike Koerant* publiseer.

Openbare kennisgewing deur iedere kiesbeampte

13. Wanneer 'n stemming ooreenkomstig die bepalinge van artikel 10 (c) moet plaasvind, publiseer die kiesbeampte van elke stemdistrik waarin 'n stemburo kragtens artikel 6 ingestel moet word, so spoedig doenlik na nominasiedag, 'n openbare kennisgewing van—

(a) die stemtydperk;

(b) die ure wat vir die begin en die einde van die stemming kragtens artikel 8 (1) (b) vasgestel is;

(c) die volle naam en adres van elke kandidaat wat vir verkiesing in iedere kiesafdeling genomineer is;

(d) die getal lede wat vir iedere kiesafdeling by genoemde verkiesing verkies moet word; en

(e) waar elke stemburo binne sy regsgebied geleë is.

DEEL III

DIVERSE BEPALINGS IN VERBAND MET DIE HOU VAN VERKIESINGS

Kandidate en agente

14. (1) Enige behoorlik genomineerde kandidaat by 'n verkiesing van lede van die Wetgewende Raad kan, indien hy dit verlang, in die vorm vervat in Aanhangsel C hiervan, een of meer agente ten opsigte van enige stemdistrik aanstel om hom behulpsaam te wees, en hy moet die distriksbeheerbeampte skriftelik in kennis stel van die naam (name) en adres(se) van sodanige agente.

(2) Die kandidate en slegs een agent per kandidaat word toegelaat om op enige bepaalde tydperk binne enige stemburo of by enige plek waar stemme getel word, teenwoordig te wees.

with him, by or on behalf of each person so nominated, the sum of R75 or such security for that sum as the returning officer may deem sufficient.

(2) If, when the returning officer requires any such deposit to be made or such security to be given by or on behalf of a person so nominated, the requirements is not forthwith complied with, such person shall, notwithstanding anything in section 10 contained, be deemed not to be duly nominated as a candidate.

(3) If poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than a quarter of the number of votes received by the successful candidate who received the lowest number of votes, the sum deposited or security given by or on behalf of such unsuccessful candidate shall be forfeited or enforced, as the case may be, and shall be paid into the Caprivi Revenue Fund.

(4) Save as in this section expressly provided, the sum deposited shall be returned to the depositor, or if security has been given, it shall be cancelled.

Publication of names and particulars of candidates in Official Gazette

12. (1) At the close of the sitting of a nomination court the returning officer shall forthwith, in the form contained in Annexure B hereto, notify the electoral officer of—

(a) any declaration he may have made in terms of section 10 (a) or (b); or

(b) the particulars of every duly nominated candidate if poll is to take place in terms of section 10 (c).

(2) The electoral officer shall cause the particulars of every candidate in respect of every electoral division to be published in the *Official Gazette* as soon as possible, but in any case not later than 30 days before the commencement of the polling period.

Public notice by every returning officer

13. Whenever poll shall take place in accordance with the provisions of section 10 (c) the returning officer of each polling district in which a polling station shall be established in terms of section 6 shall, as soon as practicable after nomination day, give public notice of—

(a) the polling period;

(b) the hours fixed in terms of section 8 (1) (b) for the commencement and close of the poll;

(c) the full name and address of each candidate nominated for election in each electoral division;

(d) the number of members to be elected for each electoral division at the said election; and

(e) the situation of each polling station within his area of jurisdiction.

PART III

MISCELLANEOUS PROVISIONS IN CONNECTION WITH THE CONDUCT OF ELECTIONS

Candidates and agents

14. (1) Any duly nominated candidate at an election of members of the Legislative Council may, if he so desires, in the form contained in Annexure C hereto, appoint one or more agents in respect of any polling district to assist him and shall advise the district control officer in writing of the name(s) and address(es) of such agent or agents.

(2) The candidates and only one agent per candidate shall be allowed at any particular time to be present inside any polling station or any place where votes are counted.

(3) 'n Distriksbeheerbeampte moet iedere agent wat kragtens subartikel (1) aangestel is en van wie se naam en adres hy ingevolge daardie subartikel in kennis gestel is, inlig omtrent die plekke waar en datums waarop stemming gaan plaasvind en die datum waarop en die plek waar die telling van stemme 'n aanvang gaan neem.

(4) 'n Persoon wat kragtens subartikel (1) as agent aangestel is, moet sy aanstellingsbrief toon aan die stemopnemer of die kiesbeampte, na gelang van die geval, indien dit van hom verlang word.

Kennisgewing deur distriksbeheerbeampte aan verkiesingsbeampte aangaande sy behoefte aan stembriewe, stemopnemers en telbeampptes

15. Iedere distriksbeheerbeampte moet op versoek van die verkiesingsbeampte, wanneer 'n verkiesing gehou gaan word, hom van die volgende besonderhede voorsien:

- (a) Die geraamde getal stembriewe wat nodig is;
- (b) die getal adjunk-kiesbeampptes, stemopnemers, getuies en telbeampptes wat nodig is vir die doeltreffende hou van die stemming en die tel van stemme; en
- (c) enige verdere inligting wat hy nodig ag om onder die verkiesingsbeampte se aandag te bring.

Verskaffing van uitrusting

16. (1) Die verkiesingsbeampte verskaf vir alle verkiesings stembusse, stembriewe, instrumente om 'n merk op stembriewe en kiesers se registrasiekaarte aan te bring en ander benodigdhede, en verrig sodanige ander handelings en tref sodanige reëlins ter vergemakliking van die hou van die stemming as wat nodig is vir die doeltreffende hou van die verkiesing.

(2) Die uitgawe deur die verkiesingsbeampte aan alle sodanige handelinge, aangeleenthede en benodigdhede in verband met enige verkiesing aangegaan, word uit die Inkomstefonds van Caprivi bestry.

(3) Die verkiesingsbeampte kan enige distriksbeheerbeampte opdrag gee om namens hom, ten opsigte van sy reggebied, enige van die pligte te vervul wat hierdie artikel die verkiesingsbeampte oplê in verband met die reëlins vir die hou van 'n stemming.

Stemburo waar 'n kieser moet stem

17. Enige kieser kan gedurende die stemtydperk by enige ander stemburo stem, indien hy nie in staat is om by 'n stemburo binne sy kiesafdeling te stem nie.

Prosedure by stemming

18. (1) Die stemopnemer moet daagliks by die sluiting van die stemming en in teenwoordigheid van sodanige kandidate en/of agente as wat teenwoordig is die opening van elke stembus verseël, en moet slegs by die aanvang van die stemming die volgende môre in teenwoordigheid van sodanige kandidate en/of hul agente as wat teenwoordig is, die seël breek: Met dien verstande dat hy, nadat hy elke stembus by die sluiting van die stemming op die finale dag van die stemtydperk verseël het, dit nie weer mag oopmaak nie maar aan die kiesbeampte moet aflewer.

(2) Die stemopnemer is verantwoordelik vir die veilige bewaring van die stembusse en stembriewe gedurende die stemtydperk.

Verklaring van geheimhouding

19. Iedere kiesbeampte, stemopnemer, kandidaat of sy agent, getuie of enige ander persoon of beampte (uitgesonderd 'n polisiebeampte) wat geregtig is om in 'n stemburo of by die tel van stemme teenwoordig te wees, moet voor die aanvang van die stemming, en elke telbeampte moet voor die aanvang van die tel van stemme, in die vorm vervat in Aanhangsel D hiervan, 'n beëdigde

(3) A district control officer shall inform any agent who has been appointed and of whose name and address he has been advised in terms of subsection (1) of the places where and dates on which poll is to take place and the date on which and the place where the counting of votes is to commence.

(4) Any person appointed an agent in terms of subsection (1) shall produce his letter of appointment to the polling officer or the returning officer, as the case may be, if required to do so.

Notice by district control officer to electoral officer of his requirements of ballot papers, polling and counting officers

15. Every district control officer shall, upon request by the electoral officer whenever an election is to be held, furnish the electoral officer with the following particulars:

- (a) The estimated number of ballot papers required;
- (b) the number of deputy returning officers, polling officers, witnesses and counting officers required for effectually taking poll and the counting of votes; and
- (c) any further information which he may deem necessary to bring to the notice of the electoral officer.

Provision of equipment

16. (1) For all elections the electoral officer shall provide ballot boxes, ballot papers, instruments for marking ballot papers and voters' registration cards, and other requirements, and shall do such other acts and make such arrangements to facilitate the taking of poll as may be necessary for effectually conducting the election.

(2) The expenditure incurred by the electoral officer on all such acts, matters and requirements in connection with any election shall be defrayed out of the Caprivi Revenue Fund.

(3) The electoral officer may depute any district control officer to perform on his behalf, in respect of his area of jurisdiction, any of the duties imposed upon the electoral officer by this section in regard to the arrangements for taking poll.

Polling station at which a voter shall vote

17. Any voter may during the polling period vote at any other polling station if he is not in a position to vote at a polling station in his electoral division.

Procedure at ballot

18. (1) The polling officer shall daily at the close of poll, in the presence of such candidates and/or agents as may be present, seal the opening in each ballot box, and shall break the seal only at the commencement of poll on the following morning in the presence of such candidates and/or their agents as may be present: Provided that after he has sealed each ballot box at the close of polling on the final day of the polling period he shall not reopen it but shall deliver it to the returning officer.

(2) The polling officer shall be responsible for the safe-keeping of the ballot boxes and ballot papers during the polling period.

Declaration of secrecy

19. Every returning officer, polling officer, candidate or his agent, witness or any other person or official (except a policeman) entitled to attend at a polling station or at the counting of votes shall, before the opening of the poll, and every counting officer shall, before the commencement of the counting of votes, make in the form contained in Annexure D hereto, a declaration of secrecy

verklaring van geheimhouding aflê voor 'n vrederegter of 'n kommissaris van ede, of, as hy nie 'n kiesbeampte is nie, voor 'n kiesbeampte wat hierby gemagtig word om sodanige eed af te neem.

Bevoegdheid van stemopnemer by 'n stemburo

20. (1) Die stemopnemer moet orde hou by 'n stemburo, moet reël hoeveel kiesers tegelyk binnegelaat word, en alle ander persone, uitgesonderd die keisbeampte, die kandidaat of hulle agente en polisiebeamptes en ander beamptes op diens, buite hou.

(2) Behoudens die uitsonderings wat by subartikel (1) gemaak word, kan die stemopnemer enige persoon (uitgesonderd 'n persoon wat sy stem uitbring) aansê om die stemburo te verlaat en enige persoon wat versuim om dit te doen, wanneer dit van hom vereis word, begaan 'n misdryf en kan op bevel van die stemopnemer sonder lasbrief in hegtenis geneem word en is by skuldbevinding strafbaar met 'n boete van hoogstens R20.

(3) Die bevoegdheid by hierdie artikel verleen, word nie so uitgeoefen dat dit 'n kieser wat andersins geregtig is om te stem, verhinder om sy stem by die stemburo uit te bring nie.

Kieser mag nie meer as een maal stem nie

21. Geen kieser is geregtig om meer as een keer by enige verkiesing te stem of om in meer as een kiesafdeling te stem nie.

Stembriewe

22. Iedere stembrief wat gebruik moet word deur kiesers wat wil stem, moet in die vorm vervat in Aanhangsel E hiervan wees.

Wyse waarop gestem word

23. (1) By 'n verkiesing van lede van die Wetgewende Raad word die stemme by stemburo's per stembrief uitgebring.

(2) Iedere persoon wat nie aan die diskwalifikasies genoem in artikel 6 (1) (c), (d), (e) en (f) van die Grondwetproklamasie onderhewig is nie en wat wil stem, moet, deur die voorlegging van sy registrasiekaart, aan die stemopnemer bewys lewer—

(a) van sy lidmaatskap van die Caprivi-volk;

(b) van sy bereiking van die ouderdom van 21 jaar; en

(c) van die kiesafdeling waarin hy geregtig is om te stem.

(3) Indien die stemopnemer by die voorlegging aan hom deur enige persoon van sy registrasiekaart, oortuig is dat sodanige persoon geregtig is om in 'n bepaalde kiesafdeling te stem en hy vasgestel het dat geen stembrief reeds aan daardie persoon by daardie verkiesing uitgereik is nie, moet hy die geheime amptelike merk wat by daardie verkiesing gebruik word in die toepaslike kolom agterop die kieser se registrasiekaart aanbring, die nommer van sy registrasiekaart op die teenblad van die stembriefboek aanbring en nadat hy die geheime amptelike merk agterop die stembrief aangebring het, die stembrief aan die kieser oorhandig.

(4) Wanneer die persoon wat wil stem 'n stembrief ontvang het, dui hy, sonder versuim, die kandidaat (kandidate) vir wie hy wil stem aan deur in die geheim 'n kruis in die ruimte teenoor die naam (name) van sodanige kandidaat (kandidate) te maak, vou die stembrief dan so dat die geheime amptelike merk sigbaar is en die name van die kandidaat nie sigbaar is nie en, nadat hy die stembrief so opgehou het dat die beampte in die beheer van die stembus die geheime amptelike merk kan herken, plaas hy die stembrief in die stembus wat voor die beampte staan.

(5) Die kieser moet sonder onnodige versuim sy stem uitbring en die stemburo verlaat sodra hy sy stembrief in die stembus geplaas het.

under oath before a justice of the peace or a commissioner of oaths, or if he is not a returning officer, before a returning officer who is hereby authorised to administer such oath.

Powers of the polling officer at a polling station

20. (1) The polling officer shall keep order at a polling station, shall regulate the number of voters to be admitted at a time and shall exclude all other persons except the returning officer, the candidates or their agents, and policemen and other officials on duty.

(2) Save as is excepted in subsection (1), the polling officer may require any person (other than a person recording his vote) to leave the polling station and any person who fails to leave the polling station when so required may be arrested without a warrant on the order of the polling officer and shall be guilty of an offence and liable on conviction to a fine not exceeding R20.

(3) The powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote from having an opportunity of voting at the polling station.

No voter to vote more than once

21. No voter shall be entitled to vote more than once at any election or to vote in more than one electoral division.

Ballot papers

22. Every ballot paper to be used for voters who wish to vote shall be in the form contained in Annexure E hereto.

Manner of voting

23. (1) At any election of members of the Legislative Council, voting at polling stations shall be by ballot.

(2) Every person who is not subject to the disqualifications mentioned in section 6 (1) (c), (d), (e) and (f) of the Constitution Proclamation, and who wishes to vote shall, by producing his registration card, furnish proof to the polling officer—

(a) of his membership of the Caprivi Nation;

(b) of his having attained the age of 21 years; and

(c) of the electoral division in which he is entitled to vote.

(3) If the polling officer, upon production to him by any person of his registration card, is satisfied that such person is entitled to vote in a particular electoral division, and after determining that no ballot paper has already been issued to that person at such election, he shall stamp the secret official mark used at such election in the column provided on the back of the voter's registration card, enter the number of his registration card on the counterfoil of the ballot paper, and after stamping the secret official mark on the back of the ballot paper, hand such ballot paper to the voter.

(4) When a person claiming to vote has received a ballot paper he shall without delay signify the candidate(s) for whom he desires to vote by secretly affixing his cross in the space provided opposite the name(s) of the candidate(s) and then fold the ballot paper so that the secret official mark is visible and the names of the candidates are not visible and, having held up the ballot paper so that the officer in charge of the ballot box can recognise the secret official mark, he shall put the ballot paper into the ballot box placed in front of such officer.

(5) The voter shall vote without undue delay and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) Iedere kieser moet 'n getal stemme uitbring wat nie meer is nie as die getal lede wat by die verkiesing verkies moet word vir die kiesafdeling ten opsigte waarvan hy geregtig is om te stem.

Kiesers wat nie in staat is om op die voorgeskrewe wyse te stem nie

24. (1) Enige kieser wat nie in staat is om sy stem op die voorgeskrewe wyse uit te bring nie, kan die stemopnemer versoek om sy stembrief namens hom in te vul.

(2) Sodanige stemopnemer moet daarop met behoorlike inagneming van die handhawing van geheimhouding en in teenwoordigheid van twee getuies en 'n persoon van die kieser se eie keuse wat hom moet vergesel, aan sodanige kieser die name van die kandidaat vir die bepaalde kiesafdeling voorlees en 'n kruis in die ruimte op die stembrief aanbring teenoor die naam (name) van die kandidaat (kandidate) wat mondeling deur sodanige kieser gekies is en vou daarna die stembrief en plaas dit in die stembus.

(3) By die verrigting van sy werksaamhede ingevolge hierdie artikel moet sodanige stemopnemer enige dokument of ding verontagsaam wat deur die kieser vertoon of getoon word of in die kieser se besit is en wat die naam van enige kandidaat vir wie sodanige kieser moet stem of nie moet stem nie, aandui of suggereer of veronderstel is om dit aan te dui of te suggereer.

Bedorwe stembriewe

25. Indien 'n kieser onopsetlik 'n stembrief bederf, kan hy dit aan die stemopnemer teruggee, en as laasgenoemde daarvan oortuig is dat dit onopsetlik gebeur het, gee hy hom 'n ander stembrief en behou hy die bedorwe stembrief en daarna word die bedorwe stembrief onmiddellik gekanselleer.

DEEL IV

BESKIKKING OR VERKIESINGSTUKKE, TEL VAN STEMME EN BEPALING VAN DIE UITSLAG VAN VERKIESING

Verseëling van stembusse, ens.

26. (1) Iedere stemopnemer maak onmiddellik na die sluiting van die stemming, in teenwoordigheid van sodanige kandidaat of hulle agente (as daar is) as wat aanwesig is, afsonderlike pakkette, verseël met sy eie seël en met die seëls van dié kandidaat of hulle agente (as daar is) wat hulle seëls ook daarop wil afdruk, van—

- (a) elke stembus wat aan hom toevertrou is, onoorgemaak;
- (b) die ongebruikte en bedorwe stembriewe;
- (c) die verklaarings van geheimhouding; en
- (d) die teenblaai van die gebruikte stembriewe;

en lewer die pakkette onverwyld aan die kiesbeamppte af of laat hulle aan hom aflewer.

(2) Die pakkette gaan vergesel van 'n opgawe in die vorm vervat in Aanhangsel F hiervan deur die stemopnemer verstrekk waarin hy die getal stembriewe aan hom toevertrou noem en waarin hy van hulle rekenskap gee onder die hoofde "Stembriewe in die stembus," "Ongebruikte stembriewe" en "Bedorwe stembriewe".

(3) Elkeen van die pakkette in subartikel (1) genoem en die opgawe in subartikel (2) genoem, word voorsien van 'n etiket in die vorm vervat in Aanhangsel H hiervan.

Optrede deur kiesbeamppte by ontvangs van stembriewe

27. Iedere kiesbeamppte moet by ontvangs van kiesers se stembriewe sodanige stembriewe onoorgemaak in veilige bewaring hou totdat die stemme getel word en dan moet daarmee gehandel word soos in artikels 28 tot en met 32 voorgeskryf.

(6) Every voter shall exercise a number of votes not exceeding the number of members to be elected at the election for the electoral division in which he is entitled to vote.

Voters who are unable to vote in the manner prescribed

24. (1) Any voter who is unable to vote in the prescribed manner may request the polling officer to complete his ballot paper on his behalf.

(2) Such polling officer thereupon, with due regard to the maintenance of secrecy and in the presence of two witnesses and a person of the voter's own choice who shall accompany him, read to such voter the names of the candidates for the particular electoral division and affix a cross in the space provided on the ballot paper opposite the name(s) of the candidate or candidates selected by word of mouth by such voter and shall thereafter fold the ballot paper and put it into the ballot box.

(3) In the performance of his functions under this section such polling officer shall disregard any document or thing exhibited or produced by or in the possession of the voter which indicates or suggests or purports to indicate or suggest the name of any candidate for whom such voter is or is not to vote.

Spoiled ballot papers

25. If a voter inadvertently spoils a ballot paper he may return it to the polling officer, who shall if satisfied of the inadvertence, give him another ballot paper and retain the spoiled ballot paper, whereupon the spoiled ballot paper shall be immediately cancelled.

PART IV

DISPOSAL OF ELECTORAL MATTER, COUNTING OF VOTES AND DETERMINATION OF RESULT OF ELECTION

Sealing of ballot boxes, etc.

26. (1) Every polling officer shall, immediately after the close of the poll, in the presence of such candidates or their agents (if any) as may be in attendance, make up into separate packets, sealed with his own seal and with the seals of those candidates or agents (if any) who desire to affix their seals—

- (a) each ballot box entrusted to him, unopened;
- (b) the unused and spoiled ballot papers;
- (c) the declarations of secrecy; and
- (d) the counterfoils of all used ballot papers;

and shall forthwith deliver or cause to be delivered the packets to the returning officer.

(2) The packets shall be accompanied by a return made by the polling officer, in the form contained in Annexure F hereto, showing the number of ballot papers entrusted to him and accounting for them under the heads of "Ballot papers in the ballot box", "Unused ballot papers" and "Spoiled ballot papers".

(3) A label in the form contained in Annexure H hereto shall be affixed to each of the packets mentioned in subsection (1) and to the return mentioned in subsection (2).

Action to be taken by a returning officer upon receipt of ballot papers

27. Every returning officer shall upon receipt of voters' ballot papers retain such ballot papers unopened in safe custody until the counting of votes when they shall be dealt with as prescribed in sections 28 to 32 inclusive.

Verifiëring van stembriefopgawe

28. (1) By ontvangs deur die kiesbeampte van al die pakkette en stembusse van iedere stemopnemer in sy stembusdistrik, en nie eerder nie, ondersoek hy of die seëls in orde is en gee hy sodanige kandidate of hulle agente as wat aanwesig is 'n geleentheid om dieselfde te doen, en daarna maak hy in teenwoordigheid van sodanige kandidate of hulle agente die verseëelde pakkette oop wat die ongebruikte en bedorwe stembriewe bevat asook die pakket wat die opgawe van stembriewe bevat, en maak hy elke stembus oop en verifieër hy die stembriefopgawe wat deur elke stemopnemer ingelewer is, deur dit met die getal stembriewe in elke sodanige bus en die getal ongebruikte en bedorwe stembriewe in sy besit te vergelyk.

(2) Wanneer die kiesbeampte die verifiëring van die opgawe van stembriewe van elke stemburo in sy kiesafdeling voltooi het, maak hy, afgesien daarvan of sodanige opgawes juis bevind is al dan nie, in teenwoordigheid van sodanige kandidate of hulle agente as wat aanwesig is, die stembriewe uit al die stembusse op so 'n wyse deurmekaar dat dit onmoontlik is om te bepaal uit watter stembus 'n bepaalde stembrief geneem is.

(3) Nadat hy die geheime amptelike merk op die stembriewe nagegaan het, gaan die kiesbeampte oor tot die tel van die stemme en terwyl hy die stemme tel laat hy die stembriewe met hulle voorkant na bo hou.

Wyse waarop stemme getel moet word

29. Vir die doel van die tel van stemme word die stembriewe in pakkette van 50 vasgebind (aan elkeen waarvan 'n onderskeidende nommer toegeken word) en daarna word die getal stemme ten opsigte van elke kandidaat opgeskryf en nagegaan.

Stembriewe wat verwerp moet word

30. (1) Die kiesbeampte verwerp en tel nie 'n stembrief nie—

(a) wat nie die geheime amptelike merk daarop het nie;

(b) waarop stemme op meer kandidate uitgebring is as die getal lede wat by genoemde verkiesing vir daardie afdeling verkies moet word;

(c) wat ongemerk of weens onsekerheid ongeldig is;

(d) wat enige skrif of merk daarop het waardeur 'n kieser op 'n ander wyse as dié in hierdie Proklamasie voorgeskryf, geïdentifiseer kan word.

(2) Die kiesbeampte endosseer die woord "verwerp" op 'n stembrief wat hy as ongeldig verwerp.

Bepaling van uitslag van verkiesing deur kiesbeampte

31. Nadat die tel van stemme voltooi is, stel die kiesbeampte die verkiesingsbeampte onverwyld in die vorm vervat in Aanhangsel G hiervan in 'n verseëelde koevert in kennis van die uitslag van die verkiesing in sy distrik.

Beskikking oor verkiesingstukke deur kiesbeampte na afloop van tel van stemme

32. (1) Na afloop van die tel van die stemme ten aansien van sy distrik maak die kiesbeampte die volgende in afsonderlike pakkette op:

(a) Alle ongebruikte en bedorwe stembriewe wat by elke stemburo gebruik is;

(b) alle getelde stembriewe;

(c) alle verworpe stembriewe; en

(d) alle stembriefopgawes behoorlik geëndosseer met sy bevindings betreffende die verifiëring van sodanige opgawes.

(2) Die kiesbeampte—

(a) voorsien elke pakket genoem in subartikel (1) van 'n etiket in die vorm vervat in Aanhangsel H hiervan;

Verification of ballot paper return

28. (1) The returning officer shall, upon receipt of all the packets and ballot boxes from every polling officer in his polling district, and not before, examine whether the seals are in order and afford such candidates or their agents as may be in attendance an opportunity to do the same and after that, in the presence of such candidates or their agents, open the sealed packets containing the unused and spoiled ballot papers and the packet containing the ballot paper return and shall open each ballot box and verify the ballot paper return given by each polling officer by comparing it with the number of ballot papers in each such ballot box and the number of unused and spoiled ballot papers in his possession.

(2) When the returning officer has completed the verification of the ballot paper return for each polling station in his electoral division, and whether or not such returns are found to be correct, he shall in the presence of such candidates or their agents as may be present mix together the ballot papers contained in all the ballot boxes so that it is impossible to determine from which ballot box any particular ballot paper was taken.

(3) The returning officer shall, after scrutinising the secret official mark on the ballot papers, proceed to count the votes and while counting the votes shall cause the ballot papers to be kept with their faces upwards.

Manner of counting votes

29. The ballot papers shall, for the purposes of counting, be fastened together in packets of 50 (to each of which a distinctive number shall be assigned) and thereafter the number of votes for each candidate shall be recorded and checked.

Ballot papers to be rejected

30. (1) The returning officer shall reject and not count any ballot paper—

(a) which does not bear the secret official mark;

(b) on which votes are cast for more candidates than the number of members to be elected for that division at the said election;

(c) which is unmarked or invalid owing to uncertainty;

(d) which bears any writing or mark by which a voter can be identified otherwise than in this Proclamation prescribed.

(2) The returning officer shall endorse the word "rejected" on a ballot paper which he may reject as invalid.

Determination of result of election by returning officer

31. After completion of the counting of votes the returning officer shall forthwith advise the electoral officer in a sealed envelope of the outcome of the election in his district in the form contained in Annexure G hereto.

Disposal of electoral matter by returning officer after the counting of votes has been completed

32. (1) The returning officer shall after the completion of the counting of votes in respect of his district make up into separate packets the following:

(a) All unused and spoiled ballot papers used at each polling station;

(b) all counted ballot papers;

(c) all rejected ballot papers; and

(d) all ballot paper returns duly endorsed with his findings on the verification of such returns.

(2) The returning officer shall—

(a) affix a label in the form of Annexure H hereto to each of the packets mentioned in subsection (1);

(b) verseël elke sodanige pakket met sy eie seël en met die seëls van sodanige kandidate en agente (as daar is) as wat hulle seëls ook daarop wil afdruk; en

(c) bewaar sodanige pakkette vir 'n tydperk van ses maande en vernietig hulle daarna: Met dien verstande dat enige ongebruikte blanko stembriewe nie vernietig word nie, maar aan die verkiesingsbeampte gestuur word.

Besikking oor seël en merkinstrumente

33. Die seël en instrumente vir die geheime amptelike merk moet aan die verkiesingsbeampte teruggestuur word.

Bepaling van uitslag van verkiesing deur die verkiesingsbeampte

34. (1) By ontvangs van die uitslae vanaf alle kiesbeamptes moet die verkiesingsbeampte, in teenwoordigheid van twee getuies, daartoe oorgaan om die verseëelde koeverte in artikel 31 bedoel, oop te maak en die uitslag van die verkiesing bepaal, en die verkiesingsbeampte en sodanige getuies moet skriftelik sertifiseer dat die uitslag aldus bepaal korrek is.

(2) Die verkiesingsbeampte moet so gou moontlik daarna die getal kandidate, gelykstaande met die getal lede wat ten opsigte van iedere kiesafdeling verkies moet word, wat by die verkiesing die meeste stemme gekry het, behoorlik verkose lede van die Wetgewende Raad verklaar.

(3) As die volle getal kandidate wat aldus verkose verklaar moet word, weens 'n staking van stemme nie bepaal kan word nie, verklaar die verkiesingsbeampte die getal kandidate wat wel bepaal kan word onverwylt behoorlik verkose en gaan hy in teenwoordigheid van getuies genoem in subartikel (1) daartoe oor om deur loting, op die wyse deur hom bepaal, uit die geleedere van die kandidate wat ewe veel stemme gekry het, die kandidaat of kandidate aan te wys wat behoorlik verkose verklaar moet word.

Bekendmaking van name van verkose lede

35. (1) Sodra die name en adresse van die persone by 'n algemene verkiesing behoorlik verkies vir die onderskeie afdelings van Caprivi bekend is, moet die verkiesingsbeampte by kennisgewing in die Amptelike Koerant die volle naam en adres van iedere sodanige verkose lid tesame met die datum waarop hy behoorlik verkies is, die naam van die afdeling wat sodanige lid verteenwoordig en die totale getal stemme wat ten gunste van sodanige lid uitgebring is, laat publiseer.

(2) 'n Kennisgewing ingevolge subartikel (1) gepubliseer, dui ook die name van die onsuksesvolle kandidate ten opsigte van elke kiesafdeling en die totale getal stemme aan wat ten opsigte van elke sodanige kandidaat uitgebring is, asook die getal bedorwe stembriewe ten opsigte van elke kiesafdeling.

(3) Die verkiesingsbeampte moet die inligting in subartikel (1) gemeld aan die Sekretaris van die Wetgewende Raad oordra.

DEEL V

ALGEMEEN EN AANVULLEND

Onbelangrike foute raak nie geldigheid van verkiesing nie

36. Geen verkiesing is weens 'n fout of nie-nakoming van die bepalings van hierdie Proklamasie ongeldig nie, indien die verkiesing gehou is ooreenkomstig die beginsels hierin voorgeskryf en sodanige fout of nie-nakoming nie die uitslag geraak het nie.

Bewys dat verkiesing gehou is

37. By 'n aanklag van 'n korrupte of onwettige bedrywigheid of van 'n ander misdryf ingevolge hierdie Proklamasie, wat volgens bewering by of in verband met 'n verkiesing begaan is, is die sertifikaat van die kiesbeampte

(b) seal each such packet with his own seal and with the seals of such candidates and agents (if any) as may desire to affix their seals; and

(c) retain such packets for a period of six months and thereafter destroy them: Provided that any unused blank ballot papers shall not be destroyed but shall be forwarded to the electoral officer.

Disposal of seal and marking instruments

33. The seal and instruments for the secret official mark shall be returned to the electoral officer.

Determination of result of election by electoral officer

34. (1) Upon receipt of the results from all returning officers the electoral officer shall, in the presence of two witnesses, proceed to open the sealed envelopes referred to in section 31 and determine the result of the election, and the electoral officer and such witnesses shall, in writing, certify that the result so determined is correct.

(2) The electoral officer shall as soon as possible thereafter declare the number of candidates, equal to the number of members to be elected in respect of each electoral division, who have received the greater number of votes at the election duly elected members of the Legislative Council.

(3) If the full number of candidates so to be declared elected cannot be determined by reason of an equality of votes the electoral officer shall forthwith declare such number of candidates as can be determined duly elected and the electoral officer shall in the presence of the witnesses referred to in subsection (1) proceed to designate by lot in the manner determined by him the candidate(s), from among those candidates who obtained an equality of votes, who shall be declared duly elected.

Publication of names of elected members

35. (1) As soon as the names and addresses of the persons duly elected for the several divisions of Caprivi at a general election are known the electoral officer shall cause to be published by notice in the *Official Gazette* the full name and address of every member so returned together with the date on which he was duly elected, the name of the division which such member represents and the total number of votes cast in favour of such member.

(2) A notice published in terms of subsection (1) shall also reflect the names of the unsuccessful candidates in respect of each electoral division and the total number of votes cast in favour of each such candidate, as well as the number of rejected ballot papers in respect of each electoral division.

(3) The electoral officer shall convey the particulars mentioned in subsection (1) to the Secretary of the Legislative Council.

PART V

GENERAL AND SUPPLEMENTARY

Immaterial mistakes not to affect validity of election

36. No election shall be invalid by reason of any mistake or non-compliance with the provisions of this Proclamation if the election was conducted in accordance with the principles laid down herein and such mistake or non-compliance did not affect the result.

Evidence of election being held

37. Upon any charge of a corrupt or illegal practice or any other offence under this Proclamation alleged to have been committed at or in connection with an election, the certificate of the returning officer that the

dat die verkiesing daarin gemeld aan die gang was of gehou is, voldoende bewys van die feit dat sodanige verkiesing aan die gang was of gehou is.

Ontruiming van setels

38. Indien die setel van 'n verkose lid van die Wetgewende Raad ingevolge die bepalings van artikel 8 van die Grondwetproklamasie vakant raak, moet die vakature ingevolge die bepalings van artikel 9 van genoemde Proklamasie aangevul word.

Kennisgewing van vakature aan die Wetgewende Raad

39. Wanneer die Voorsitter van die Wetgewende Raad hom van die ontstaan van 'n vakature vergewis het, maak hy dit aan die Wetgewende Raad bekend as dit dan in sitting is en, as die Wetgewende Raad nie in sitting is nie, by die aanvang van die eersvolgende sessie en indien sodanige vakature intussen aangevul is, stel hy die Wetgewende Raad dienoreenkomstig in kennis.

Publikasie en betekening van kennisgewings

40. Behalwe waar publikasie in die Amptelike Koerant of op 'n ander bepaalde wyse uitdruklik voorgeskryf is is dit voldoende as 'n openbare kennisgewing wat ooreenkomstig hierdie Proklamasie gepubliseer moet word gepubliseer word in 'n nuusblad wat in die afdeling waarop dit die voorneme is dat die kennisgewing betrekking moet hê, sirkuleer of as dit aangeplak word langs die hoofbuitendeur van die kantoor van iedere distriks-beheerbeampte of op enige ander plek wat die verkiesingsbeampte voorskryf.

Sondae en openbare feesdae

41. Wanneer enigiets op 'n bepaalde datum ingevolge hierdie Proklamasie begin, voltooi of gedoen moet word, en daardie datum op 'n Sondag val of op 'n dag wat by of kragtens 'n wet tot 'n openbare feesdag verklaar is, moet dit begin, voltooi of gedoen word op die eersvolgende datum na sodanige Sondag of openbare feesdag, of as laasgenoemde datum ook op 'n Sondag of openbare feesdag val, dan op die eersvolgende datum na sodanige Sondag of openbare feesdag.

Vrystelling van seëlreg

42. Ondanks andersluidende bepalings in enige wet betreffende seëlregte, is daar op 'n verklaring wat afgeleë word of 'n magtiging wat uitgereik word in verband met verkiesings in Caprivi geen seëlreg verskuldig nie.

Gebruik van rubberstempels

43. 'n Rubberstempel of ander afdruk mag nie gebruik word by die ondertekening van 'n sertifikaat wanneer sodanige sertifikaat ooreenkomstig hierdie Proklamasie deur enige beampte uitgereik moet word nie.

Voorgeskrewe vorms

44. Die vorms vir gebruik in verband met die hou van verkiesings moet wees soos by hierdie Proklamasie voorgeskryf.

DEEL VI

OORTREDING EN BOETES

Onderbreking of steuring van verrigtings by verkiesings

45. 'n Persoon wat opsetlik verrigtings in verband met die hou van verkiesings ooreenkomstig die bepalings van hierdie Proklamasie onderbreek, belemmer of versteur, of op stemdag enige vorm van luidspreek gebruik of enige optog van, of betoging deur, persone vorm of reël, uitgesonderd vir amptelike doeleindes, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

election mentioned therein was being or had been held shall be sufficient evidence of the fact that such election was being or had been held.

Vacation of seats

38. If the seat of an elected member of the Legislative Council becomes vacant in terms of the provisions of section 8 of the Constitution Proclamation the vacancy shall be filled in terms of the provisions of section 9 of the said Proclamation.

Notification of vacancy to Legislative Council

39. The Chairman of the Legislative Council shall whenever he is satisfied that a vacancy has occurred announce the fact to the Legislative Council if it is then in session and if the Legislative Council is not in session, at the commencement of the next ensuing session, and should such vacancy have in the interim been filled advise the Legislative Council accordingly.

Publication and service of notices

40. A public notice required to be given in terms of this Proclamation shall, except where it is expressly directed to be published in the *Official Gazette* or in any other particular manner, be sufficiently given if it is published in a newspaper circulating in the division intended to be affected by the notice or if it is posted next to the main outer door of the office of every district control officer or at any other place which the electoral officer may prescribe.

Sundays and public holidays

41. Whenever under this Proclamation anything is required to be commenced, concluded or done on a particular date, and that date happens to fall upon a Sunday or a day declared by or under any law to be a public holiday, such thing shall be commenced, concluded or done on the date next succeeding such Sunday or public holiday or if the last-mentioned date is also a Sunday or public holiday, then on the date next succeeding such Sunday or public holiday.

Exemption from stamp duty

42. Notwithstanding anything to the contrary in any law relating to stamp duty, no stamp duty shall be charged on any declaration made or any authorisation issued in connection with elections in Caprivi.

Use of rubber stamps

43. Whenever in terms of this Proclamation, a certificate is required to be given by any officer, a rubber stamp or other impression shall not be used in signing such certificate.

Forms prescribed

44. The forms to be used in connection with the conduct of elections shall be those prescribed by this Proclamation.

PART VI

OFFENCES AND PENALTIES

Interrupting or disturbing proceedings at elections

45. Any person who wilfully interrupts, obstructs or disturbs any proceedings in connection with the conduct of elections in terms of the provisions of this Proclamation or who on polling day uses any form of loudspeaker or forms or organises any procession of or demonstration by persons other than for official purposes, shall be guilty of an offence and liable upon conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding 3 months.

Bedrog met stembriewe, ens.

46. (1) 'n Persoon wat—

(a) 'n stembrief of die geheime amptelike merk op 'n stembrief vervals, namaak of met opset om te bedrieg vernietig;

(b) sonder behoorlike magtiging 'n ander persoon van 'n stembrief voorsien;

(c) met opset om te bedrieg, enige ander stuk papier in 'n stembus plaas as die stembrief wat hy regtens daarin mag plaas;

(d) met opset om te bedrieg, 'n stembrief uit die stemburo wegneem; of

(e) sonder behoorlike magtiging 'n stembus of pakket stembriewe wat dan vir die doel van die verkiesing in gebruik is, vernietig, neem, oopmaak of hom op 'n ander wyse daarmee bemoei;

begaan 'n misdryf en is by skuldigbevinding strafbaar, as hy 'n kiesbeampde of 'n beampde aanwesig in 'n stemburo is, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar, en as hy 'n ander persoon is, met gevangenisstraf vir 'n tydperk van hoogstens nege maande.

(2) In 'n akte van beskuldiging, dagvaarding of aanklag weens 'n misdryf met betrekking tot stembusse, stembriewe en geheime amptelike merkinstrumente by 'n verkiesing kan verklaar word dat die eiendomsreg op die busse, stembriewe en instrumente, asook op die teenblaai, by die kiesbeampde by die verkiesing berus.

(3) Word die kiesbeampde aldus beskuldig of aangekla, kan verklaar word dat die eiendomsreg by die Minister berus.

(4) Bewys dat 'n groter getal stembriewe in 'n stembus gevind is, of volgens opgawe by 'n stemburo ontvang is, as die getal kiesers wat by daardie stemburo gestem het, is *prima facie* bewys dat die stemopnemer van sodanige stemburo skuldig is aan die pleeg, of die verlening van hulp en bystand by die pleeg van 'n misdryf ingevolge hierdie artikel.

Skending van geheimhouding

47. (1) Iedere beampde, kandidaat of sy agent wat by 'n stemburo of by die tel van stemme aanwesig is, moet die geheimhouding van die stemming in daardie buro handhaaf en help om dit te handhaaf, en mag aan geen persoon, uitgesonderd vir die een of ander regtens geoorloofde doel, enige inligting meedeel wat waarskynlik die geheimhouding van die stemming sal veredel nie.

(2) Behoudens die bepalings van hierdie Proklamasie, mag geen persoon hom met 'n kieser bemoei, of probeer om hom met 'n kieser te bemoei wanneer sodanige kieser sy stembrief merk nie, of andersins by 'n stemming kragtens hierdie Proklamasie probeer om te wete te kom vir watter kandidaat 'n kieser op die punt staan om te stem of gestem het nie of te eniger tyd aan enige persoon meedeel vir watter kandidaat, volgens inligting wat verkry is, 'n kieser op die punt staan om te stem of gestem het nie.

(3) Geen persoon mag direk of indirek enige kieser beweeg om sy stembrief, nadat hy dit gemerk het, op so 'n wyse te vertoon dat enige persoon die naam van die kandidaat vir wie hy sy stembrief aldus gemerk het, te wete kom nie.

(4) Geen persoon mag op 'n stembrief enige merk of skrif aanbring waardeur 'n persoon wat met daardie stembrief stem, geïdentifiseer kan word nie.

(5) Iedere persoon wat by die tel van die stemme aanwesig is, moet die geheimhouding van die stemming handhaaf en help om dit te handhaaf, en mag nie probeer vasstel of aan 'n ander persoon meedeel vir watter kandidaat, volgens inligting wat by sodanige telling verkry is, op 'n bepaalde stembrief 'n stem uitgebring is nie.

Fraud in connection with ballot papers, etc.

46. (1) Any person who—

(a) forges or counterfeits or fraudulently destroys any ballot paper or the secret official mark on any ballot paper;

(b) without due authority supplies a ballot paper to any person;

(c) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;

(d) fraudulently takes out of the polling station any ballot paper; or

(e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election;

shall be guilty of an offence and upon conviction liable, if he is a returning officer or an officer in attendance at a polling station, to imprisonment for a period not exceeding two years, and if he is any other person, to imprisonment for a period not exceeding nine months.

(2) In any indictment, summons or charge for an offence in relation to ballot boxes, ballot papers and secret official marking instruments at an election, the property in such boxes, papers and instruments, as well as the property in the counterfoils, may be stated to be in the returning officer at such election.

(3) If the returning officer is so indicted or charged, such property may be stated to be in the Minister.

(4) Proof that a greater number of ballot papers is found in a ballot box or is returned as having been received at a polling station than the number of voters who voted at that polling station shall be *prima facie* evidence that the polling officer of such polling station was guilty of the commission or aiding and abetting the commission of an offence under this section.

Infringement of secrecy

47. (1) Every officer, candidate or his agent in attendance at a polling station or at the counting of votes, shall maintain, and aid in maintaining, the secrecy of the voting in that station and shall not communicate, except for some purpose authorised by law, to any person any information likely to defeat the secrecy of the voting.

(2) No person, except as in this Proclamation provided, shall interfere with or attempt to interfere with a voter when such voter is marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any voter is about to vote or has voted, or communicate at any time to any person any information obtained as to the candidate for whom any voter is about to vote or has voted at a taking of poll under this Proclamation.

(3) No person shall directly or indirectly induce any voter to display his ballot paper, after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has so marked his ballot paper.

(4) No person shall place upon any ballot paper any mark or writing whereby a person who casts his vote(s) on that ballot paper may be identified.

(5) Every person in attendance at the counting of votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain or communicate any information obtained at such counting as to the candidate for whom any vote is cast in any particular ballot paper.

(6) 'n Persoon wat by die vervulling van sy pligte kragtens hierdie Proklamasie te wete gekom het op watter kandidaat enige ander persoon sy stem uitgebring het, mag sodanige kennis nie bekendmaak nie, uitgesonderd in antwoord op 'n vraag wat wettiglik aan hom gestel is in die loop van verrigtings in 'n bevoegde hof.

(7) 'n Persoon wat enige van die bepalings van hierdie artikel oortree of versuim om daaraan te voldoen, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Pligsversuim deur kiesbeampte of ander beampte

48. 'n Kiesbeampte of 'n ander beampte of persoon wat opsetlik versuim om enige van die pligte te vervul wat kragtens die bepalings van hierdie Proklamasie hom opgelê is, begaan 'n misdryf en is by skuldigbevinding strafbaar, in die geval van 'n kiesbeampte, met 'n boete van hoogstens R400 en, in die geval van enige ander beampte of persoon, met 'n boete van hoogstens R200.

DEEL VII

KORRUPT EN ONWETTIGE BEDRYWIGHED EN ANDER MISDRYWE IN VERBAND MET VERKIESINGS

Omskrywing van korrupte bedrywigheid

49. "Korrupte bedrywigheid" beteken enige van die misdrywe van trakteerdery, onbehoorlike beïnvloeding, omkoperij en uitgee vir 'n ander.

Trakteerdery

50. 'n Persoon wat korruptelik, hetsy voor, gedurende of na 'n verkiesing, self of deur 'n ander persoon direk of indirek aan of vir enige persoon voedsel, drank, vermaak, inwoning of lewensmiddele gee of verskaf of die koste om dit te gee of te verskaf, of 'n deel daarvan, betaal, met die doel om daardie persoon of 'n ander persoon korruptelik te beïnvloed om sy stem by die verkiesing uit te bring al dan nie, of omdat daardie persoon of 'n ander persoon sy stem by die verkiesing uitgebring het of gaan uitbring al dan nie, begaan die misdryf van trakteerdery.

Onbehoorlike beïnvloeding

51. (1) 'n Persoon wat, self of deur 'n ander persoon, direk of indirek teen enige persoon geweld of dwang gebruik of dreig om te gebruik, of aan enige persoon enige wêreldlike of geestelike leed, skade, kwaad of verlies berokken of dreig om dit te berokken of iets ten nadele van enige persoon doen of dreig om dit te doen, ten einde daardie persoon te beweeg of te dwing om sy stem by 'n verkiesing uit te bring al dan nie, of omdat hy sy stem by 'n verkiesing uitgebring het al dan nie, begaan die misdryf van onbehoorlike beïnvloeding.

(2) 'n Persoon wat deur ontvoering, dwang of enige bedrieglike middel die vrye uitoefening van die stemreg deur 'n kieser belemmer of belet of 'n kieser daardeur dwing, beweeg of oorhaal om sy stem by 'n verkiesing uit te bring al dan nie, begaan 'n misdryf van onbehoorlike beïnvloeding.

Omkoperij

52. (1) 'n Persoon begaan die misdryf van omkoperij indien hy, self of deur 'n ander, direk of indirek—

(a) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee, leen of verkry of ooreenkom om dit te gee, te leen of te verkry of dit aanbied, beloof of beloof om dit te verkry of om te probeer om te verkry, ten einde 'n kieser te beweeg om sy stem by 'n verkiesing uit te bring al dan nie, of korruptelik een van voormelde handelinge verrig omdat die kieser sy stem by 'n verkiesing uitgebring het al dan nie; of

(6) A person who has, in carrying out his duties under this Proclamation, obtained knowledge as to the candidate for whom any other person has voted shall not, except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(7) Any person who contravenes or fails to comply with any provision of this section shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding 12 months.

Neglect by returning officer or other officer to perform his duties

48. Any returning officer or any other officer or person who wilfully fails to perform any of the duties which under the provisions of this Proclamation he is required to perform, shall be guilty of an offence and liable on conviction in the case of a returning officer to a fine not exceeding R400 and in the case of any other officer or person to a fine not exceeding R200.

PART VII

CORRUPT AND ILLEGAL PRACTICES AND OTHER OFFENCES RELATING TO ELECTIONS

Definition of corrupt practice

49. "Corrupt practice" means any of the offences of treating, undue influence, bribery and personation.

Treating

50. Any person who corruptly by himself or by any other person either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment, lodging or provisions to or for any person for the purpose of corruptly influencing that person or any other person to cast or refrain from casting his vote at an election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

Undue influence

51. (1) Any person who directly or indirectly by himself or by any other person makes use or threatens to make use of any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of, any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting at any election, shall be guilty of the offence of undue influence.

(2) Any person who, by abduction, duress or fraudulent device or contrivance, impedes or prevents the free exercise of the franchise by any voter, or thereby compels, induces or prevails upon any voter either to cast or to refrain from casting his vote at any election, shall be guilty of the offence of undue influence.

Bribery

52. (1) Any person shall be guilty of the offence of bribery if he, directly or indirectly, by himself or by any other person—

(a) gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election; or

(b) aan of vir 'n kieser, of aan of vir 'n persoon ten behoeve van 'n kieser, of aan of vir enige ander persoon, enige geld of enigiets anders gee of leen, of ooreenkoms om dit te gee of te leen, of dit aanbied, of belof om dit te verkry of om te probeer om dit te verkry, vir optrede in of deelname aan enige optog of betoging voor, gedurende of na 'n verkiesing; of

(c) aan of vir 'n persoon sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms gee, verstrekk, doen of aangaan ten einde sodanige persoon te bewee om die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing te verkry of om te probeer om dit te verkry; of

(d) teen of ten gevolge van sodanige skenking, lening, aanbod, belofte, verkryging of ooreenkoms, die verkiesing van 'n kandidaat by 'n verkiesing of die stem van 'n kieser by 'n verkiesing verkry of onderneem, belof om probeer om dit te verkry; of

(e) aan of vir die gebruik van 'n ander persoon enige geld voorskiet of betaal of laat voorskiet of betaal, met die bedoeling dat daardie geld of enige deel daarvan by 'n verkiesing aan omkoperij bestee moet word, of willens en wetens aan 'n persoon enige geld betaal of laat betaal ter vereffening of terugbetaling van geld wat geheel of ten dele by 'n verkiesing aan omkoperij bestee is; of

(f) voor of gedurende enige verkiesing, vir homself of 'n ander persoon, enige geld of lening ontvang of beding, omdat hy by 'n verkiesing gestem het of ooreengekom het om te stem, of omdat hy hom by 'n verkiesing van stemming onthou het of ooreengekom het om hom van stemming te onthou; of

(g) na 'n verkiesing geld ontvang omdat 'n persoon sy stem uitgebring het al dan nie of 'n ander persoon bewee om sy stem by enige verkiesing uit te bring al dan nie; of

(h) eiendom oordra of transporteer of betrokke is by die oordrag of transport van eiendom, of enige geld betaal, of betrokke is by die betaal van enige geld, aan 'n persoon ten einde hom in staat te stel om te stem en daardeur sy stem by 'n toekomstige verkiesing te beïnvloed, of enige geld betaal of betrokke is by die betaling van enige geld ten behoeve van 'n kieser ten einde hom te bewee om sy stem uit te bring al dan nie.

(2) Geen bepaling van hierdie artikel mag uitgelê word nie as sou dit van toepassing wees op geld wat vir of weens bona fide en wettig aangevane verkiesingskoste betaal is of volgens ooreenkoms betaal moet word.

Uitgee vir 'n ander

53. 'n Persoon wat—

(a) by enige verkiesing in die naam van 'n ander persoon, hetsy lewend of afgestorwe, of van 'n denkbeeldige persoon, om 'n stembrief aansoek doen; of

(b) nadat hy een maal by 'n verkiesing gestem het, weer by 'n stemburo by dieselfde verkiesing om 'n stembrief aansoek doen;

begaan die misdryf van hom vir 'n ander uit te gee.

Strawwe vir korrupte bedrywighede en gevolge van skuldigbevinding

54. (1) 'n Persoon wat die misdryf begaan om hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(2) 'n Persoon wat hom skuldig maak aan 'n ander korrupte bedrywigheid as dié van hom vir 'n ander uit te gee, is by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met 'n boete van hoogstens R1 000 of met beide sodanige gevangenisstraf en sodanige boete.

(b) gives, lends or agrees to give or lend, or offers, or promises to procure or to endeavour to procure any money or any other thing to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, for acting or joining in any procession or demonstration before, during or after any election; or

(c) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or endeavour to procure, the return of any candidate at any election or the vote of any voter at an election; or

(d) upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures, or engages, promises or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election; or

(e) advances or pays, or causes to be advanced or paid, any money, to, or for the use of, any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election; or

(f) before or during any election, receives or contracts for any money or loan, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting, at any election; or

(g) after any election receives any money on account of any person having votes or refrained from voting or having induced any other person to vote or refrain from voting at any election; or

(h) conveys or transfers or is concerned with the conveyance or transfer of any property, or pays or is concerned with the payment of any money, to any person for the purpose of enabling him to vote, thereby to influence his vote at any future election, or pays or is concerned with the payment of any money on behalf of any voter for the purpose of inducing him to vote or refrain from voting.

(2) Nothing in this section contained shall be construed as applying to any money paid or agreed to be paid for or on account of any electoral expenditure bona fide and lawfully incurred.

Personation

53. Any person who—

(a) at any election applies for a ballot paper in the name of some other person, whether living, dead or fictitious; or

(b) having voted once at any election, applies again at any polling station at the same election for a ballot paper;

shall be guilty of the offence of personation.

Penalties for corrupt practices and consequences of conviction

54. (1) Any person guilty of the offence of personation shall be liable on conviction to imprisonment for a period not exceeding two years.

(2) Any person guilty of any corrupt practice (other than personation) shall be liable on conviction to imprisonment for a period not exceeding two years or to a fine not exceeding R1 000 or to both such fine and such imprisonment.

(3) 'n Persoon wat aan 'n korrupte bedrywigheid skuldig bevind word, kan, benewens die straf hierin bepaal, deur die hof verklaar word onbevoeg te wees gedurende 'n tydperk van hoogstens vyf jaar vanaf die datum van skuldigbevinding—

- (a) om by 'n verkiesing 'n stem uit te bring; of
- (b) om 'n openbare of regterlike amp te beklee, en as hy enige sodanige amp beklee, kan die hof verklaar dat hy vanaf bogenoemde datum die amp moet neerlê.

DEEL VIII

ONWETTIGE BEDRYWIGHEDE

Korrupte verkryging van kandidatuur of terugtrekking daarvan

55. Geen persoon mag—

- (a) 'n ander persoon korruptelik beweeg of oorhaal om, as teenprestasie vir 'n betaling of belofte van watter aard ook al, 'n kandidaat by enige verkiesing te word of as sodanig terug te trek nie; of
- (b) as gevolg daarvan dat hy aldus beweeg of oorghaal is, 'n kandidaat by enige verkiesing word of as sodanig terugtrek nie; of
- (c) voor of gedurende 'n verkiesing, met die doel om die verkiesing van 'n ander kandidaat te bevorder of te bewerkstellig, 'n valse verklaring dat 'n kandidaat by 'n verkiesing teruggetrek het, publiseer nie, wetende dat die verklaring vals is.

Biljette, plakkate, ens., moet naam van uitgewer dra

56. (1) Alle biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe of ander drukwerk wat op 'n verkiesing betrekking het, moet die naam en adres van die drukker en uitgewer daarvan duidelik dra.

(2) Geen persoon mag sodanige drukwerk wat nie die naam en adres van die drukker en uitgewer dra nie, druk, uitgee of aanplak of laat druk, uitgee of aanplak nie.

(3) Die eienaar en uitgewer van iedere nuusblad moet die woord "advertensie" as 'n opskrif laat druk by elke artikel of paragraaf in sy nuusblad wat verkiesingstof bevat, vir die opneming waarvan betaal is of gaan word of waarvoor 'n beloning of vergoeding of 'n belofte van beloning of vergoeding gegee is of gaan word.

(4) Die woord "verkiesingstof" in subartikel (3) gebesig, omvat alles wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, asook enige verslag van 'n toespraak van 'n kandidaat, indien vir die opneming van die verslag betaal word of gaan word.

(5) Alle verslae, briewe, artikels, biljette, plakkate, aanplakbiljette, pamflette, omsendbriewe, spotprente of ander drukwerk (hieronder in hierdie subartikel nuusbladartikels genoem) wat, na die skyn geoordeel, bedoel of daarop bereken is om die uitslag van 'n verkiesing te beïnvloed, en in 'n nuusblad opgeneem of op 'n ander wyse geproduseer word en op of na die datum van die begin van die verkiesing van lede van die Wetgewende Raad in Caprivi of die gebied Suidwes-Afrika gepubliseer word, moet onderaan die volle naam en adres dra van die persoon deur wie die nuusbladartikel geskryf of geproduseer is: Met dien verstande dat—

- (a) enige sodanige nuusbladartikel wat soos voormeld in 'n nuusblad opgeneem word en wat wesenlik deur die redakteur van die nuusblad verander is, ook deur sodanige redakteur onderteken kan word;
- (b) in die geval van 'n verslag van 'n openbare vergadering wat deur twee of meer persone gesamentlik geskryf is, dit voldoende vir doeleindes van hierdie subartikel is as die verslag in sy geheel op die voorkant daarvan die volle name en adresse dra van die persone deur wie dit geskryf is; en

(3) Any person convicted of any corrupt practice may, in addition to any punishment herein provided, be declared by the court incapable during a period not exceeding five years from the date of his conviction—

- (a) of voting at any election; or
- (b) of holding any public office or judicial office, and if he holds any such office, the court may declare that the office shall be vacated by him as from the said date.

PART VIII

ILLEGAL PRACTICES

Corrupt procurement of candidature or withdrawal thereof

55. No person shall—

- (a) corruptly induce or procure any other person to become a candidate or to withdraw as a candidate at any election in consideration of any payment or promise of any nature; or
- (b) become a candidate or withdraw as a candidate at any election in pursuance of such inducement or procurement; or
- (c) before or during an election publish a false statement of the withdrawal of a candidate at an election for the purpose of promoting or procuring the election of another candidate, knowing that statement to be false.

Bills, placards, etc. to bear publisher's name

56. (1) Every bill, placard, poster, pamphlet, circular or other printed matter having reference to an election shall clearly bear the name and address of the printer and publisher thereof.

(2) No person shall print, publish or post up or cause to be printed, published or posted up, any such printed matter which fails to bear clearly the name and address of the printer and publisher.

(3) The proprietor and publisher of every newspaper shall cause the word "advertisement" to be printed as a headline to each article or paragraph in his newspaper containing electoral matter, the insertion of which is or is to be paid for or for which any reward or compensation or promise of reward or compensation is or is to be made.

(4) The words "electoral matter" used in subsection (3) include all matters which on the face of it are intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of the report is or is to be paid for.

(5) Every report, letter, article, bill, placard, poster, pamphlet, circular, cartoon or other printed matter (hereinafter in this subsection called a newspaper article) which, on the face of it, is intended or calculated to affect the result of an election, and is inserted in any newspaper or otherwise produced and is published in Caprivi or the Territory of South-West Africa on or after the date of commencement of such election of members to the Legislative Council, shall bear at the foot thereof the full name and address of the person by whom such newspaper article was written or produced: Provided that—

- (a) any newspaper article which is inserted in any newspaper as aforesaid and which has been altered materially by the editor of such newspaper, may also be signed by such editor;
- (b) in the case of a report of a public meeting which is written jointly by two or more persons, it shall be sufficient for the purposes of this subsection if the report as a whole bears upon the face of it the full names and addresses of the persons by whom it was written; and

(c) in die geval van opskrifte by 'n nuusbladartikel wat soos voormeld in enige nuusblad opgeneem is, en van biljette, plakkate of aanplakbiljette wat daarop betrekking het en wat volgens die gewone gebruik van 'n nuusblad uitgegee word, dit voldoende vir doeleindes van hierdie subartikel is as die volle name en adresse van die persone deur wie sodanige opskrifte, biljette, plakkate of aanplakbiljette geskryf is, met 'n verklaring dat sodanige opskrifte, biljette, plakkate of aanplakbiljette deur daardie persone geskryf is, gepubliseer word in die uitgawe van die nuusblad waarin sodanige nuusbladartikel opgeneem word.

(6) Behoudens die bepalinge van voorbehoudsbepaling (c) van subartikel (5), mag geen persoon enige nuusblad of ander drukwerk waarin enige sodanige nuusbladartikel opgeneem of geproduseer is, wat nie op die voorkant daarvan die volle naam en adres dra van die persoon deur wie dit geskryf of geproduseer is nie, druk of publiseer nie.

(7) Vir doeleindes van hierdie artikel word 'n verkiesing geag te begin op die datum van publikasie van die kennisgewing genoem in artikel 8 (1).

Vergaderings op persele waar gewoonlik drank verkoop word

57. (1) Geen persoon mag—

(a) 'n perseel waarop die verkoop van bedwelmende drank, by wyse van groothandel of kleinhandel, deur 'n lisensie gemagtig is (ongegag of dit 'n lisensie is vir verbruik van drank op die perseel of daarbuite); of

(b) 'n perseel waar bedwelmende drank verkoop of verskaf word aan lede van 'n klub, genootskap of vereniging;

of 'n gedeelte van enige sodanige perseel, as 'n komiteekamer of vir 'n vergadering van kiesers ter bevordering of bewerkstelliging van die verkiesing van 'n kandidaat by 'n verkiesing of in verband met reëlings wat deur 'n persoon of party met betrekking tot 'n verkiesing getref is, huur of gebruik nie.

(2) Geen persoon mag sodanige perseel of 'n gedeelte daarvan verhuur of vir gebruik beskikbaar stel nie, wetende dat dit die bedoeling is om dit aldus te gebruik.

(3) Enige ooreenkoms wat strydig met subartikel (1) of (2) gesluit is, is van nul en gener waarde.

Strawwe vir onwettige bedrywighede

58. 'n Persoon wat aan 'n onwettige bedrywigheid skuldig is, is by skuldigbevinding strafbaar—

(a) in die geval van 'n onwettige bedrywigheid ingevolge artikel 56 (3), met 'n boete van hoogstens R100;

(b) in die geval van enige ander onwettige bedrywigheid, met 'n boete van hoogstens R200 en kan, waar geen onbevoegdheid spesiaal vir 'n bepaalde kategorie persone kragtens hierdie Proklamasie voorgeskryf word nie, ook deur die hof verklaar word, gedurende 'n tydperk van hoogstens twee jaar vanaf die datum van die skuldigbevinding, onbevoeg te wees om 'n openbare of regterlike amp te beklee, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê: Met dien verstande dat geen persoon aan 'n onwettige bedrywigheid ingevolge artikel 56 (2) skuldig bevind word nie as hy bewys dat hy onkundig omtrent die wetsvoorskrifte gehandel het.

Gevolge vir kandidaat

59. (1) (a) As daar by 'n verhoor bewys word dat 'n korrupte bedrywigheid of 'n onwettige bedrywigheid in verband met die verkiesing van 'n lid van die Wetgewende Raad deur of met die kennis en instemming of goedkeuring van enige kandidaat by daardie verkiesing begaan is, is die verkiesing van daardie kandidaat nietig en bestaan daar 'n toevallige vakature.

(c) in the case of headlines to any newspaper article which is inserted in any newspaper as aforesaid, and bills, placards or posters having reference thereto, which are issued in the ordinary practice of a newspaper, it shall be sufficient for the purposes of this subsection if the full names and addresses of the persons by whom such headlines, bills, placards or posters were written, and a statement that such headlines, bills, placards or posters were written by such persons, are published in the issue of the newspaper in which such newspaper article is inserted.

(6) Subject to the provisions of proviso (c) to subsection (5) no person shall print or publish any newspaper or other printed matter in which is inserted or produced any such newspaper article, which fails to bear upon the face thereof the full name and address of the person by whom it was written or produced.

(7) For the purposes of this section an election shall be deemed to commence on the date of publishing of the notice referred to in section 8 (1).

Meetings on premises where sale of liquor usually takes place

57. (1) No person shall hire or use—

(a) any premises on which the sale, by wholesale or retail, of any intoxicating liquor is authorised by licence (whether the licence be for consumption of liquor on or off the premises); or

(b) any premises where any intoxicating liquor is sold or is supplied to members of a club, society or association;

or any part of any such premises, as a committee room or for any meeting of voters for the purpose of promoting or procuring the election of a candidate at an election or in connection with arrangements made by any person or party in reference to an election.

(2) No person shall let or make available for use any such premises or part thereof, knowing that it is intended to be so used.

(3) Any agreement entered into in contravention of subsection (1) or (2) shall be null and void.

Penalties for illegal practices

58. Any person guilty of an illegal practice shall be liable on conviction—

(a) in a case of an illegal practice under section 56 (3) to a fine not exceeding R100;

(b) in the case of any other illegal practice to a fine not exceeding R200 and may, where no incapacity is specially provided for any particular class of person under this Proclamation, further to be declared by the court incapable during a period not exceeding two years from the date of the conviction of filling a public or judicial office and if he then holds a public or judicial office, the court may declare that the office shall be vacated by him as from the said date: Provided that no person shall be convicted of an illegal practice under section 56 (2), if he proves that he acted in ignorance of the requirements of the law.

Consequences to the candidates

59. (1) (a) If upon trial it is proved that any corrupt practice or illegal practice has been committed in reference to the election of a member to the Legislative Council by or with the knowledge and consent or approval of any candidate at that election, the election of that candidate shall be void and a casual vacancy shall exist.

(b) 'n Persoon wat skuldig bevind word aan 'n korrupte of onwettige bedrywigheid in verband met 'n verkiesing kan, benewens enige straf wat hom opgelê word, deur die hof verklaar word, gedurende 'n tydperk van hoogstens vyf jaar na die datum van die bevinding, onbevoeg te wees om tot lid van die Wetgewende Raad verkies te word of daarin sitting te neem, of om in 'n openbare of regterlike amp aangestel of daartoe verkies te word, en indien hy dan 'n openbare of regterlike amp beklee, kan die hof verklaar dat hy vanaf genoemde datum die amp moet neerlê.

(2) Behoudens die uitsonderings wat kragtens hierdie Proklamasie toegelaat word, is enige persoon wat enige van die bepalings van artikels 55 tot en met 57 oortree of versuim om daaraan te voldoen, aan 'n onwettige bedrywigheid skuldig.

Strawwe waar uitdruklike voorsiening ontbreek

60. Waar daar nie uitdruklike voorsiening gemaak word vir strawwe weens 'n misdryf ingevolge hierdie Proklamasie of weens 'n oortreding van enige bepaling daarvan of versuim om daaraan te voldoen nie, is die oortreder by skuldigbevinding strafbaar met 'n boete van hoogstens R100.

Gevalle waarvoor nie voorsiening gemaak is nie

61. In iedere geval waarvoor nie in hierdie Proklamasie of die Grondwetproklamasie voorsiening gemaak is nie, moet die bepalings van die toepaslike wette en regulasies en die gebruike met betrekking tot die hou van verkiesings van lede van die Parlement van die Republiek van Suid-Afrika gevolg word vir sover dit toegepas kan word op of aangepas kan word by die hou van verkiesings van lede van die Wetgewende Raad: Met dien verstande dat, ondanks andersluidende bepalings in hierdie Proklamasie of enige ander wet, by die verhoor van 'n verkiesingspetisie waarin die beswaar geopper word dat 'n lid of lede vir enige kiesafdeling in Caprivi onbehoorlik verkies of onbehoorlik verkies verklaar is, op grond van gebrek aan bevoegdheid, onbevoegdheid, korrupte of onwettige bedrywigheid, onreëlmatigheid of op welke ander grond ook, en wat ingevolge Hoofstuk VI van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet 46 van 1946), voorgelê is, die onus by die petisionarisse berus om tot bevrediging van die hof sodanige gebrek aan bevoegdheid, onbevoegdheid, korrupte of onwettige bedrywigheid, onreëlmatigheid of ander grond in sodanige petisie aangevoer, te bewys, en indien aldus bewys, om met 'n oorwig van waarskynlikheid te toon dat sodanige gebrek aan bevoegdheid, onbevoegdheid, korrupte of onwettige bedrywigheid, onreëlmatigheid of ander rede wat in sodanige petisie aangevoer word, die uitslag van die verkiesing in die bepaalde kiesafdeling kon beïnvloed het.

Kort titel

62. Hierdie Proklamasie heet die Caprivi-verkiesingsproklamasie, 1976.

AANHANGSEL A

CAPRIVI

DEEL I

VERKLARING DEUR VOORSTELLER VAN KANDIDAAT

Ek,
(Registrasiokaart No.),
van (adres).....
nomineer hierby.....
(Registrasiokaart No.),
(Beroep.....),
van (adres).....
as kandidaat vir verkiesing in die kiesafdeling.....
en verklaar *plegtig/onder eed dat ek 'n kieser van genoemde kiesafdeling is.

Voorsteller

(b) Any person found guilty of a corrupt or illegal practice in connection with an election may in addition to any penalty imposed, be declared by the court incapable for a period not exceeding five years next after the date of the finding of being elected to or sitting as a member of the Legislative Council or of being appointed or elected to any public or judicial office and if he then holds a public or judicial office the court may declare that the office shall be vacated by him from the said date.

(2) Subject to such exceptions as may be allowed under this Proclamation any person who contravenes or fails to comply with any of the provisions of sections 55 to 57 inclusive shall be guilty of an illegal practice.

Penalties where not expressly provided

60. Where no penalties are expressly provided for an offence against this Proclamation or for the contravention of any provision thereof or failure to comply therewith, the offender shall be liable on conviction to a fine not exceeding R100.

Cases for which no provision is made

61. In every case not provided for in the Proclamation or in the Constitution Proclamation, resort shall be had to the applicable laws, regulations and practices which have reference to the conduct of elections of members to the Parliament of the Republic of South Africa, which shall be followed in so far as they can be applied or adapted to the conduct of elections of members of the Legislative Council: Provided that notwithstanding anything to the contrary in this Proclamation or any other law contained, at the trial of an election petition complaining of an undue return or an undue election of a member or members for any electoral division in Caprivi by reason of want of qualification, disqualification, corrupt or illegal practice, irregularity, or by reason of any other cause whatever, and presented in terms of Chapter VI of the Electoral Consolidation Act, 1946 (Act 46 of 1946), the onus shall be on the petitioners to prove to the satisfaction of the court such want of qualification, disqualification, corrupt or illegal practice, irregularity or other reason advanced in such petition, and if so proven, to show, on a preponderance of probability, that such want of qualification, disqualification, corrupt or illegal practice, irregularity or other reason advanced in such petition, could have affected the result of the election in the particular electoral division.

Short title

62. This Proclamation shall be called the Caprivi Election Proclamation, 1976.

ANNEXURE A

CAPRIVI

PART I

DECLARATION BY PROPOSER OF CANDIDATE

I,
(Registration Card No.),
of (address).....
do hereby nominate.....
(Registration Card No.),
(Occupation.....),
of (address).....
as a candidate for election in the Electoral Division of.....
and I hereby *solemnly declare/declare under oath that I am a voter of the said electoral division.

Proposer

Die verklaarder het erken dat *hy/sy vertrouwd is met die inhoud van hierdie *beëdigde verklaring/verklaring en dit begryp.

Geteken en *beëdig/bevestig voor my te
op hede die dag van 19.....

Kommissaris van Ede

Gebied.....
Hoedanigheid.....

DEEL II

VERKLARING DEUR SEKONDANT

Ek,
(Registrasiekaart No.),
van (adres).....

sekondeer hierby die nominasie in Deel I hiervan en verklaar *plegtig/
onder eed dat ek 'n kieser van genoemde kiesafdeling is.

Sekondant

Die verklaarder het erken dat *hy/sy vertrouwd is met die inhoud van hierdie *beëdigde verklaring/verklaring en dit begryp.

Geteken en *beëdig/bevestig voor my te
op hede die dag van 19.....

Kommissaris van Ede

Gebied.....
Hoedanigheid.....

DEEL III

VERKLARING DEUR KANDIDAAT

Ek,
(Registrasiekaart No.).....
van (adres).....

beroep.....
stem hierby toe en aanvaar die nominasie hierbo en verklaar hierby
*plegtig/onder eed dat ek nie onderworpe is aan enige van die onbe-
voegdghede vermeld in artikel 6 (1) van die Caprivi-grondwetpro-
klamasie, 1976, nie.

Kandidaat

Die verklaarder het erken dat *hy/sy vertrouwd is met die inhoud van hierdie *beëdigde verklaring/verklaring en dit begryp.

Geteken en *beëdig/bevestig voor my te
op hede die dag van 19.....

Kommissaris van Ede

Gebied.....
Hoedanigheid.....

* Skrap wat nie van toepassing is nie.

AANHANGSEL B

CAPRIVI

NOMINASIEHOFOPGAWE

Die Verkiesingsbeampte,

Ek wens te berig dat by die afsluiting van die nominasiehof deur
my gehou te
op hede die dag van 19.....

- (a) die kandidaat (kandidate) hieronder vermeld behoorlik
genomineer is vir verkiesing tot *lid(lede) van die Wetgewende
Raad van Caprivi vir die kiesafdeling.....;
- *(b) ek kragtens die bepalings van artikel 10 (a) van die Caprivi-
verkiezingsproklamasie, 1976, verklaar het dat die kandidaat
(kandidate) hieronder vermeld onbestrede verkies is tot lid
(lede) van die Wetgewende Raad van Caprivi vir genoemde
kiesafdeling vanaf die sluiting van die stemtydperk;

- *(c) ek kragtens die bepalings van artikel 10 (b) van die Caprivi-
verkiezingsproklamasie, 1976, verklaar het—

- (i) dat die kandidaat (kandidate) hieronder vermeld behoorlik
verkies is tot lid (lede) van die Wetgewende Raad van
Caprivi vir genoemde kiesafdeling vanaf die sluiting van
die stemtydperk; en
- (ii) dat toevallige vakature(s) vir genoemde
afdeling bestaan.

Kiesbeampte

The deponent has acknowledged that *he/she knows and under-
stands the contents of this *affidavit/declaration.

Signed and *sworn to/affirmed before me at
this day of 19.....

Commissioner of Oaths

Area.....
Capacity.....

PART II

DECLARATION BY SECONDER

I,
(Registration Card No.),
of (address).....

do hereby second the nomination in Part I hereof and I hereby
*solemnly declare/declare under oath that I am a voter of the said
electoral division.

Secunder

The deponent has acknowledged that *he/she knows and under-
stands the contents of this *affidavit/declaration.

Signed and *sworn to/affirmed before me at
this day of 19.....

Commissioner of Oaths

Area.....
Capacity.....

PART III

DECLARATION BY CANDIDATE

I,
(Registration Card No.),
of (address).....
occupation.....

do hereby consent to and accept the nomination above and I hereby
*solemnly declare/declare under oath that I am not subject to any
of the disqualifications mentioned in section 6 (1) of the Caprivi
Constitution Proclamation, 1976.

Candidate

The deponent has acknowledged that *he/she knows and under-
stands the contents of this *affidavit/declaration.

Signed and *sworn to/affirmed before me at
this day of 19.....

Commissioner of Oaths

Area.....
Capacity.....

* Delete whichever is not applicable.

ANNEXURE B

CAPRIVI

NOMINATION COURT RETURN

The Electoral Officer,

I have to report that at the conclusion of the nomination court
held by me at this day
of 19.....

- (a) the candidate(s) mentioned below *was/were duly nominated
for election as member(s) of the Caprivi Legislative Council for
the Electoral Division of.....;
- *(b) I declared, in terms of section 10 (a) of the Caprivi Election
Proclamation, 1976, that the candidate(s) mentioned below had
been returned unopposed as from the close of the polling period,
as member(s) of the Caprivi Legislative Council for the said
electoral division;
- *(c) I declared, in terms of section 10 (b) of the Caprivi Election
Proclamation, 1976—

- (i) the candidate(s) mentioned below to be duly elected
member(s) of the Caprivi Legislative Council for the said
electoral division as from the close of the polling period;
and
- (ii) that casual vacancy(vacancies) exists in the
said electoral division.

Returning officer

GENOMINEERDE KANDIDATE

Van	Voorname voluit	Registrasie- kaartno.	Adres	Beroep

* Skrap wat nie van toepassing is nie.

AANHANGSEL C

CAPRIVI

AANSTELLING VAN AGENT

Hierby word gesertifiseer dat ek (naam).....
(Registrasiekaart No.),
van (adres).....

aangestel het as agent om namens my teenwoordig te wees by
stemburo..... in die kiesafdeling.

* op/gedurende die tydperk.....

Kandidaat

(Registrasiekaart No.)

Adres van kandidaat.....

Datum.....

* Skrap wat nie van toepassing is nie.

AANHANGSEL D

CAPRIVI

VERKLARING VAN GEHEIMHOUDING

Ek,
beloof hierby plegtig en verklaar dat ek by hierdie verkiesing van 'n
*lid/lede van die Wetgewende Raad van Caprivi vir die kies-
afdeling.....
niks sal doen nie wat verbode is by artikel 47 van die Caprivi-
verkiesingsproklamasie, 1976, wat ek gelees het en volkome begryp.

*Kiesbeampste
*Stemopnemer
*Telbeampste
*Kandidaat
*Agent
*Getuie

Adres.....

Datum.....

Bostaande verklaring is voor my afgeleë en onderteken op hede
die dag van 19.....

*Kiesbeampste
*Vrederegter
*Kommissaris van Ede

Plek.....

Datum.....

* Skrap wat nie van toepassing is nie.

AANHANGSEL E

CAPRIVI

STEMBRIEF

(Vorm van voorkant van stembrief)

Teenblad No.....	Let wel.—Stem vir slegs..... kandidate.	Volle naam, adres en beroep van kandidaat
Verkieëing van lid/lede van die Wetgewende Raad van Caprivi.		
Kiesafdeling.....		
Datum/Tydperk.....		
Registrasiekaartnom- mer van kieser		
Let wel.—Stem vir slegs.....kandidate.		

(Vorm van agterkant van stembrief)

No.....	No..... Verkieëing vanlid/lede van die Wetgewende Raad van Caprivi vir die kiesafde- ling	Geheime amptelike merk
No.....		
No.....		
No.....		

CANDIDATES NOMINATED

Surname	First names in full	Registration Card No.	Address	Occupation

* Delete whichever is not applicable.

ANNEXURE C

CAPRIVI

APPOINTMENT OF AGENT

This is to certify that I have appointed.....
(Registration Card No.),
of (address).....

to be my agent to attend on my behalf at polling station.....

in the Electoral Division of.....

*on/during the period.....

Candidate

(Registration Card No.)

Address of candidate.....

Date.....

* Delete whichever is not applicable.

ANNEXURE D

CAPRIVI

DECLARATION OF SECRECY

I,
do hereby solemnly promise and declare that I will not at this election
of a member(s) of the Caprivi Legislative Council for the Electoral
Division of.....
do anything forbidden by section 47 of the Caprivi Election Pro-
clamation, 1976, which I have read and which I fully understand.

*Returning officer
*Polling officer
*Counting officer
*Candidate
*Agent
*Witness

Address.....

Date.....

The above declaration was made and subscribed before me
this.....day of.....19.....

Place.....

*Returning Officer
*Justice of Peace.
*Commissioner of Oaths.

Date.....

* Delete whichever is not applicable.

ANNEXURE E

CAPRIVI

BALLOT PAPER

(Form of front of ballot paper)

Counterfoil No.....	Note. — Vote for..... candidates only	Full name, address and occupation of candi- date
Election of member(s) of the Caprivi Legis- lative Council.		
Electoral Division of		
Date/Period.....		
Registration Card No. of voter.....		
Note.—Vote for..... candidates only		

(Form of back of ballot paper)

No.....	No..... Election of.....member(s) of the Caprivi Legislative Council for the Electoral Division of.....	Secret official mark
No.....		
No.....		
No.....		

STEMBRIEFOPGAWE

Stemburo..... Stemdistrik.....

* Skrap wat nie van toepassing is nie.

OPGAWE VAN GETAL STEMME UITGEBRING

* Skrap wat nie van toepassing is nie.

ETIKET

* Skrap wat nie van toepassing is nie.

BALLOT PAPER RETURN

Polling district.....

* Delete whichever is not applicable.

RETURN OF NUMBER OF VOTES POLLED

* Delete whichever is not applicable.

LABEL

* Delete whichever is not applicable.

INHOUD

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