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VAN DIE REPUBLIEK VAN SUID-AFRIKA
REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE

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PROKLAMASIE

*van die Staatspresident van die Republiek van
Suid-Afrika*

No. 160, 1975

**PROKLAMASIE OM VOORSIENING TE MAAK
VIR DIE INSTELLING VAN 'N NAMARAAD,
STAMRADE EN DORPSBESTURE VIR NAMA-
LAND**

Nademaal dit wenslik is om voorsiening te maak vir die instelling van 'n Namaraad, stamrade en dorpsbesture vir Namaland;

En nademaal dit wenslik is om die bevoegdheide, werksaamhede en pligte van elk te omskryf;

So is dit dat ek kragtens die bevoegdheid my verleen by artikel 22 (v) gelees met artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), hierby soos volg verklaar:

1. Woordomskrywing

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

(i) “bepaalde datum” die datum van inwerkingtreding van hierdie Proklamasie;

(ii) “dorpsbestuur” ’n dorpsbestuur ingestel ingevolge die bepalings van artikel 2 (1) (c) van hierdie Proklamasie;

(iii) “kaptein of hoofman” iemand wie se aanstelling as kaptein of hoofman of waarnemende kaptein of waarnemende hoofman bekragtig is, of wat as kaptein of hoofman of waarnemende kaptein of waarnemende hoofman uit hoofde van die bepalings van artikel 1 (a) van Proklamasie 15 van 1928 (Suidwes-Afrika) aangestel is;

(iv) “Minister” die Minister van Kleurling-, Rehoboth- en Namabetrekkinge of die amptenaar of amptenare aan wie hy-sy magte deleger;

(v) “Nama” iemand wat ’n lid van die Namavolk van die gebied Suidwes-Afrika is of gewoonlik daarvoor deurgaen en enige ander persoon wat gewoonlik in Namaland woon en wat deur ’n stamraad as Nama aanvaar word;

(vi) “Namakommissaris” ’n persoon wat deur die Minister as sodanig aangestel is;

PROCLAMATION

*by the State President of the Republic of
South Africa*

No. 160, 1975

PROCLAMATION TO PROVIDE FOR THE ESTABLISHMENT OF A NAMA COUNCIL, TRIBAL AUTHORITIES AND VILLAGE MANAGEMENT BOARDS IN NAMALAND

Whereas it is desirable to make provision for the establishment of a Nama Council, tribal authorities and village management boards for Namaland;

And whereas it is desirable to define the powers, functions and duties of each;

Now, therefore, under and by virtue of the powers vested in me by section 22 (v) read with section 38 of the South-West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby declare as follows:

1. Definitions

In this Proclamation, unless the context otherwise indicates—

(i) “councillor” means any person who is a councillor in terms of sections 3 (1) (b), (c) and (d) or 16 (1) of the Nama Council or a tribal authority;

(ii) “Government” means the Government of the Republic of South Africa.

(iii) “chief or headman” means a chief or headman or acting chief or acting headman whose appointment as such has been confirmed, or a chief or headman or acting chief or acting headman appointed in terms of the provisions of section 1 (a) of Proclamation 15 of 1928 (South-West Africa);

(iv) “Minister” means the Minister of Coloured, Rehoboth and Nama Relations or the official or officials to whom the Minister delegates his powers;

(v) “Nama” means any person who in fact is or is generally accepted as a member of the Nama nation of the Territory of South-West Africa and any other person who is ordinarily resident in Namaland and who is accepted by the tribal authority as a Nama;

(vi) “Nama Commissioner” means any person appointed as such by the Minister;

(vii) "Namaland" die gebied omskryf in Bylae 1 van die Wet op die Konsolidasie en Administrasie van Namaland, 1972 (Wet 79 van 1972), soos van tyd tot tyd gewysig ingevolge die bepalings van artikel 2 (2) van daardie Wet;

(viii) "Namaraad" 'n raad as sodanig ingestel ingevolge die bepalings van artikel 2 (1) (a) van hierdie Proklamasie;

(ix) "raadslid" iemand wat ingevolge artikels 3 (1) (b), (c) en (d) of 16 (1) 'n raadslid is van die Namaraad, of 'n stamraad;

(x) "Regering" die Regering van die Republiek van Suid-Afrika;

(xi) "stamraad" 'n stamraad ingestel ingevolge die bepalings van artikel 2 (1) (b) van hierdie Proklamasie.

INSTELLINGS

2. Instelling van Namaraad, stamrade en dorpsbesture

(1) Die Minister kan—

(a) 'n Namaraad vir Namaland instel;

(b) met behoorlike inagneming van Namareg en -gebruike stamrade instel vir sodanige gebiede in Namaland as wat hy goed ag;

(c) dorpsbesture in Namaland instel, elke dorpsbestuur vir een of meer dorpe;

(d) behoudens die bepalings van artikel 33, die bestaande stelsel van kapteins of hoofmanne en hul aanstelling goedkeur of aanpas en die bestaande stelsel ten opsigte van hul opvolging en hulle bevoegdhede en pligte goedkeur, bekragtig, aanpas of bepaal.

(2) Enige persoon wat op die bepaalde datum die amp van kaptein of hoofman beklee, word geag daardie amp te beklee asof die bepalings van artikel 2 (1) (d) toegepas is.

(3) Die instelling van 'n Namaraad, stamraad en dorpsbestuur en die gebied of gebiede en dorp of dorpe in Namaland ten opsigte waarvan sodanige raad of bestuur ingestel is, en enige verandering van sodanige gebied of gebiede en dorp of dorpe in Namaland, word by kennisgewing deur die Minister in die *Staatskoerant* bekendgemaak en 'n eksemplaar van die *Staatskoerant* wat daardie kennisgewing bevat, is by blote voorlegging in alle regsdinge *prima facie*-bewys, in die geval van die instelling van 'n raad of bestuur, dat die raad of bestuur in die kennisgewing vermeld wettiglik ingestel is vir die gebied of gebiede of dorp of dorpe aldus vermeld ooreenkomstig die bepalings van hierdie Proklamasie of, in die geval van 'n verandering van gebied of gebiede of dorp of dorpe, dat die verandering aldus vermeld wettiglik aangebring is ooreenkomstig bedoelde bepalings.

NAMARAAD

3. Samestelling van die Namaraad

(1) Die Namaraad ingestel ingevolge die bepalings van artikel 2 (1) (a) bestaan uit die volgende persone:

(a) Die Voorsitter van die Namaraad;

(b) al die kapteins of hoofmanne van stamrade in Namaland, *ex officio*;

(c) raadslede aangestel deur die stamrade uit hulle eie geleedere: Met dien verstande dat elke stamraad slegs een raadslid kan aanstel; en

(d) 'n maksimum van ses raadslede aangestel deur die Minister, na oorlegpleging met die persone vermeld in paragrawe (a), (b) en (c) van hierdie subartikel, op grond van hulle kennis of ondervinding van onderwys, landbou, volkswelsyn, die handel en die sakewêreld, of om Namas buite Namaland te verteenwoordig.

(vii) "Nama Council" means a council established as such in terms of the provisions of section 2 (1) (a) of this Proclamation;

(viii) "Namaland" means the area as defined in Schedule 1 to the Namaland Consolidation and Administration Act, 1972 (Act 79 of 1972), as amended from time to time in terms of the provisions of section 2 (2) of that Act;

(ix) "prescribed date" means the date of commencement of this Proclamation;

(x) "tribal authority" means a tribal authority established in terms of the provisions of section 2 (1) (b) of this Proclamation;

(xi) "village management board" means a village management board established in terms of the provisions of section 2 (1) (c) of this Proclamation.

ESTABLISHMENTS

2. Establishment of a Nama Council, tribal authorities and village management boards

(1) The Minister may—

(a) establish a Nama Council for Namaland;

(b) establish tribal authorities for such areas in Namaland as he may deem fit, with due observance of Nama law and customs;

(c) establish village management boards in Namaland, each village management board for one or more villages;

(d) subject to the provisions of section 33, approve or adapt the existing system of chiefs or headmen and their appointment, and approve, confirm, adapt or determine the existing system in respect of their succession and their powers and duties.

(2) Any person who held office as a chief or headman on the prescribed date shall be deemed to hold such office as if the provisions of section 2 (1) (d) had been applied.

(3) The establishment of a Nama Council, tribal authority and village management board and the area or areas and village or villages in Namaland in respect of which such council, authority or board has been established, and any alteration of such area or areas and village or villages in Namaland shall be notified by the Minister in the *Government Gazette* and a copy of the *Government Gazette* containing such notice shall on its mere production in any legal proceedings be *prima facie* proof, in the case of the establishment of a council, authority or board, that the council, authority or board mentioned in the notice has been lawfully established for the area or areas or village or villages thus mentioned in accordance with the provisions of this Proclamation or, in the case of an alteration of an area or areas or village or villages, that the alteration so mentioned has been lawfully effected in accordance with the said provisions.

NAMA COUNCIL

3. Constitution of the Nama Council

(1) The Nama Council established in terms of the provisions of section 2 (1) (a) shall consist of the following persons:

(a) The Chairman of the Nama Council;

(b) all chiefs or headmen of tribal authorities in Namaland, *ex officio*;

(c) councillors appointed by tribal authorities from their own ranks: Provided that each tribal authority may appoint only one councillor; and

(d) a maximum of six councillors appointed by the Minister after consultation with the persons referred to in paragraphs (a), (b) and (c) of this subsection, on the grounds of their knowledge or experience of education, agriculture, social welfare, trade and business, or to represent Namas outside Namaland.

(2) 'n Raadslid aangestel—

(a) kragtens subartikel (1) (c) beklee sy amp solank dit die stamraad behaag;

(b) kragtens subartikel (1) (d) beklee sy amp drie jaar lank.

(3) Die Minister stel die Voorsitter aan, wat nie een van die persone in subartikel (1) (b), (c) en (d) genoem hoef te wees nie. Hy beklee sy amp solank dit die Minister behaag.

4. Setel van die Namaraad

Die setel van die Namaraad is die plek wat deur die Voorsitter met die goedkeuring van die Minister bepaal word.

5. Pligte van die Namaraad

(1) Behoudens die bepalings van hierdie Proklamasie moet die Namaraad—

(a) oor die algemeen toesig hou oor en behulpsaam wees met die administrasie van Namaland en die sake van stamrade en dorpsbesture;

(b) die vooruitgang en die algemene belange van die inwoners van die gebied bevorder;

(c) voorsiening maak vir die bestryding van vee-siektes deur die bou, instandhouding en bediening van dipbakke en die tref van sodanige ander maatreëls as wat hy nodig ag of wat by een of ander wetsbepaling vereis word;

(d) veekwotas in oorleg met stamrade vasstel;

(e) die Regering van advies bedien met betrekking tot—

(i) die voordelige indiensneming van werksoekers;

(ii) die stigting van nywerhede en die ontwikkeling en ontginning van die natuurlike hulpbronne van Namaland;

(iii) die verbetering van boerdery-, landbou- en weidingsmetodes oor die algemeen;

(iv) die beskerming van die algemene gesondheid van die inwoners en die verskaffing van geskikte geriewe vir die behandeling van siekes en die huisvesting van bejaardes en ongeskiktes;

(v) grondbewaring en die ontwikkeling en verbetering van watervoorrade;

(vi) vis- en wildbeskerming;

(vii) die stigting van markte en skutte;

(viii) die goedkeuring van en beheer oor die uitreiking van handels- en besigheidslisensies nadat aansoek daarom gedoen is;

(ix) die administrasie van welsynsdienste met inbegrip van kinderswelsyn, en die administrasie van maatskaplike welsynskemas vir bejaardes, verswaktes en blindes, asook ongeskiktheidspensioene en maatskaplike noodhulp;

(x) onderwys oor die algemeen en die daarstelling, instandhouding, bestuur en beheer van opvoedkundige inrigtings;

(xi) die aanlê en instandhouding van openbare paaie en brûe;

(xii) die administrasie, vestiging en gebruik van die grond in die gebied;

(f) die bevoegdhede uitoefen en die werksaamhede en pligte verrig wat by enige wetsbepaling aan hom opgelê word; en

(g) oor die algemeen die bevoegdhede en gesag uitoefen en die werksaamhede verrig wat na die Minister se oordeel binne die bestek van die Namaraad val en wat hy aan die Namaraad mag toewys.

(2) Die Namaraad kan, onderworpe aan die Minister se goedkeuring, grond of 'n belang in grond verkry en besit na gelang hy dit vir die verrigting van sy werksaamhede en pligte nodig ag.

(2) A councillor appointed—

(a) in terms of subsection (1) (c) shall hold office at the tribal authority's pleasure;

(b) in terms of subsection (1) (d) shall hold office for a period of three years.

(3) The Minister shall appoint the Chairman, who need not be one of the persons referred to in subsection (1) (b), (c) and (d). He shall hold office at the Minister's pleasure.

4. *Seat of the Nama Council*

The seat of the Nama Council shall be the place determined by the Chairman with the approval of the Minister.

5. *Duties of the Nama Council*

(1) Subject to the provisions of this Proclamation, the Nama Council shall—

(a) generally supervise and assist with the administration of Namaland and the affairs of tribal authorities and village management boards;

(b) promote the advancement and the general interests of the inhabitants of the area;

(c) provide for the combating of stock diseases by the construction, maintenance and operation of dipping tanks and by taking such other measures as it may consider necessary or which may be required by any legal provision;

(d) determine stock quotas in consultation with tribal authorities;

(e) advise the Government with regard to—

(i) the gainful employment of work-seekers;

(ii) the establishment of industries and the development and exploitation of the natural resources of Namaland;

(iii) the improvement of farming, agricultural and pastoral methods in general;

(iv) safeguarding the general health of the inhabitants and the provision of suitable facilities for the treatment of the sick and the accommodation of the aged and of disabled persons;

(v) soil conservation and the development and improvement of water supplies;

(vi) fish and game preservation;

(vii) the establishment of markets and pounds;

(viii) the approval and control of the granting of trading and business licences after application has been made therefor;

(ix) the administration of welfare services, including child welfare, and the administration of social benefit schemes for the aged, infirm and blind, as well as disability pensions and social relief;

(x) education in general and the establishment, maintenance, management and control of educational institutions;

(xi) the construction and maintenance of public roads and bridges;

(xii) the administration, settlement and use of the land in the area;

(f) exercise the powers and perform the functions and duties imposed upon it by any legal provision; and

(g) generally exercise such powers and authority and perform such functions as may, in the opinion of the Minister, fall within the scope of the Nama Council and which he may assign to the Nama Council.

(2) The Nama Council may, subject to the approval of the Minister, acquire and possess land or an interest in land as and when it deems it necessary for the performance of its functions and duties.

(3) Die Namaraad kan met die goedkeuring van die Minister geboue huur, verkry, oprig, verhuur of van die hand sit.

6. Uitvoerende Komitee

(1) Die Namaraad stel vier van sy raadslede aan om saam met die Voorsitter 'n uitvoerende komitee te vorm.

(2) Die Uitvoerende Komitee is gedurende die tye tussen gewone vergaderings van die Namaraad verantwoordelik vir die uitoefening van die bevoegdhede en gesag en verrigting van die werksaamhede van die Namaraad uitgesonderd die bevoegdhede, gesag en werksaamhede wat die Namaraad van tyd tot tyd mag uitsonder.

(3) Die Voorsitter van die Namaraad moet op vergaderings van die Uitvoerende Komitee voorsit: Met dien verstande dat as die Voorsitter van enige vergadering afwesig is, die aanwesige raadslede een uit hulle geledere kan aanstel om op daardie vergadering voor te sit.

(4) Die Uitvoerende Komitee hou so dikwels as wat dit nodig mag wees 'n vergadering op die dag en uur wat die Voorsitter van tyd tot tyd bepaal: Met dien verstande dat die Voorsitter te eniger tyd 'n spesiale vergadering van die Uitvoerende Komitee met minstens twee dae kennisgewing kan belê.

(5) Drie lede van die Uitvoerende Komitee vorm 'n kworum.

(6) Die Uitvoerende Komitee doen verslag aan die Namaraad op elke daaropvolgende gewone vergadering van die Namaraad.

(7) Die bepalinge van artikels 9, 10 en 12 is *mutatis mutandis* van toepassing op die Uitvoerende Komitee.

7. Vergaderings van die Namaraad

(1) Die Namaraad hou minstens een keer elke drie maande 'n gewone vergadering op die dag en uur wat die Voorsitter bepaal.

(2) Die Voorsitter kan te eniger tyd, en moet wanneer hy daarom versoek word deur die Minister of deur minstens een derde van die totale aantal raadslede, 'n spesiale vergadering van die Namaraad belê: Met dien verstande dat die Minister self 'n spesiale vergadering kan belê.

(3) Geen ander sake as dié wat in die kennisgewing daarvan vermeld word, word op 'n spesiale vergadering behandel nie behalwe met instemming van die raadslede wat op daardie vergadering aanwesig is.

(4) Die naaste heelgetal wat een derde van die totale getal raadslede oorskry, is 'n kworum en geen verrigtinge vind plaas of besluit word geneem nie tensy daar 'n kworum aanwesig is.

8. Kennisgewing van vergadering van die Namaraad

Die Voorsitter van die Namaraad laat aan elke raads-lid van die Namaraad kennis gee van—

(a) die dag en uur vasgestel vir die hou van gewone vergaderings, en alle raadslede moet sodanige gewone vergaderings sonder nadere kennisgewing bywoon;

(b) die dag en uur van 'n spesiale vergadering, met vermelding van die doel daarvan: Met dien verstande dat die Minister self kennis kan gee van 'n spesiale vergadering wat hy ingevolge artikel 7 (2) belê.

9. Prosedure op vergaderings van die Namaraad

(1) Die Voorsitter, op 'n vergadering van die Namaraad—

(a) moet die orde oor die algemeen handhaaf;
(b) beslis oor alle punte van orde waaroor daar geskil bestaan;

(c) reël volgens goeddunke die volgorde van werksaamhede na die bekragtiging van die notule van die vorige vergadering;

(3) The Nama Council may, with the approval of the Minister, rent, acquire, construct, lease or dispose of buildings.

6. Executive Committee

(1) The Nama Council shall appoint four of its councillors to be, together with the Chairman, an executive committee.

(2) The Executive Committee shall be responsible, in the intervals between ordinary meetings of the Nama Council, for the exercise of the powers and authority and the performance of the functions of the Nama Council, except the powers, authority and functions which may from time to time be excluded by the Nama Council.

(3) The Chairman of the Nama Council shall preside at meetings of the Executive Committee: Provided that, if the Chairman is absent from any meeting, the councillors present may appoint one of their number to preside at that meeting.

(4) The Executive Committee shall hold meetings as often as may be necessary and on such days and at such hours as the Chairman may from time to time determine: Provided that the Chairman at any time convene a special meeting of the Executive Committee by giving at least two days' notice.

(5) Three members of the Executive Committee shall form a quorum.

(6) The Executive Committee shall report to the Nama Council at each subsequent ordinary meeting of the Nama Council.

(7) The provisions of sections 9, 10 and 12 shall apply *mutatis mutandis* to the Executive Committee.

7. Meetings of the Nama Council

(1) The Nama Council shall hold an ordinary meeting at least once every three months on a date and at an hour fixed by the Chairman.

(2) The Chairman may at any time, and shall if requested thereto by the Minister or by at least one-third of the total number of councillors, convene a special meeting of the Nama Council: Provided that the Minister may himself convene a special meeting.

(3) No matters other than those mentioned in the notice convening the special meeting shall, without the consent of the councillors present at that meeting, be dealt with at such meeting.

(4) The nearest whole number exceeding one-third of the total number of councillors shall form a quorum and no business shall be transacted and no decision shall be taken unless a quorum is present.

8. Notice of meetings of the Nama Council

The Chairman of the Nama Council shall cause notice to be given to every member of the Nama Council of—

(a) the day and hour appointed for the holding of ordinary meetings, and all councillors shall attend such ordinary meetings without further notice;

(b) the day and hour appointed for the holding of a special meeting, specifying the purpose thereof: Provided that the Minister may himself give notice of a special meeting convened by him in terms of section 7 (2).

9. Procedure at meetings of the Nama Council

(1) At a meeting of the Nama Council the Chairman shall—

(a) generally maintain order;

(b) decide on all disputed points of order;

(c) regulate the order of business as he may deem fit from the stage at which the minutes of the previous meeting have been confirmed;

(d) is bevoeg om—

(i) die bespreking oor enige onderwerp te sluit indien sodanige stap na sy mening nodig is in die belang van die werksaamhede van die Namaraad of die orde;

(ii) die vergadering te verdaag of te beëindig;

(iii) 'n raadslid wat aanstootlike of onbetaamlike taal gebruik of hom andersins sleg gedra van verdere bywoning van die vergadering te skors en sy verwydering te gelas.

(2) Elke persoon wat die Voorsitter aanspreek, moet staan.

(3) 'n Mosie of amendement—

(a) verval tensy behoorlik gesecondeer nadat dit voorgestel is;

(b) mag nie teruggetrek word nie behalwe met verloop van die Namaraad;

(c) moet hardop uitgelees word voordat dit tot stemming gebring word.

10. Hoe beslissings bereik word

Alle sake word by meerderheid van stemme beslis, en, in die geval van 'n staking van stemme, het die Voorsitter 'n beslissende stem.

11. Bywoning deur ander persone as raadslede

Die Namaraad kan by spesiale besluit toelaat dat alle of net sekere persone wat nie lede van die Namaraad is nie sy vergaderings bywoon, met dien verstande dat sodanige persone nie aan die verrigtinge mag deelneem nie, en dat die Namaraad sy besluit te eniger tyd kan herroep. Amptenare belas met die administrasie van Namaland is geregtig om die verrigtinge by te woon.

12. Notule van vergaderings van die Namaraad

(1) Die Voorsitter van die Namaraad laat notule hou van alle verrigtinge van die Namaraad, waarin aangegeven word—

(a) die datum en plek van die vergadering;

(b) die name van die raadslede teenwoordig en die naam van die persoon wat voorsit;

(c) 'n opsomming van die verrigtinge en besprekings op die vergadering wat elke voorstel of amendement, en die besluit daarop geneem, volledig bevat, met inbegrip van die naam van die raadslid wat 'n mosie of amendement voorstel en die raadslid wat die mosie of amendement seondeer;

(d) as 'n raadslid dit versoek, die feit dat hy nie akkoord gaan met 'n besluit wat geneem is nie.

(2) Die notule van 'n vergadering word, na bekragting op die eersvolgende vergadering, deur die Voorsitter van die Namaraad onderteken.

(3) Afskrifte van die notule van elke vergadering moet na afloop van die vergadering aan die Minister gestuur word.

13. Heffing van belasting deur die Namaraad

(1) Die Namaraad is bevoeg om met die goedkeuring van die Minister—

(a) 'n belasting in enige jaar ten opsigte van elke volwasse manlike Nama wat gewoonlik in Namaland woon, te hef;

(b) enige verdere belastinge te hef wat op aanbeveling van die Namaraad deur die Minister goedgekeur word; en

(c) 'n heffing aan stamrade op te lê wat nie tien persent van die totale inkomste van die betrokke stamraad te bowe gaan nie.

(2) Die belastinge genoem in subartikel (1) (a), (b) en (c) word nie van krag voordat dit by kennisgewing in die Staatskoerant bekendgemaak is nie.

(d) have the power to—

(i) close discussion on any subject when he considers such a course necessary in the interests of the Council's business or of order;

(ii) adjourn or terminate the meeting;

(iii) suspend from further attendance at the meeting and order the removal of a councillor who uses offensive or unbecoming language or who otherwise misconducts himself.

(2) Every person who addresses the Chair shall stand.

(3) A motion or amendment—

(a) shall lapse if not duly seconded after having been moved;

(b) may not be withdrawn except by leave of the Nama Council;

(c) shall be read aloud before being put to the vote.

10. How decisions shall be arrived at

All matters shall be determined by a majority vote and, in case of an equality of votes, the Chairman shall have a casting vote.

11. Attendance by persons other than councillors

The Nama Council may by special resolution allow all or only certain persons who are not members of the Nama Council to attend its meetings, provided that persons so attending shall not take part in the proceedings, and the Nama Council may at any time rescind its resolution. Officials in charge of the administration of Namaland shall be entitled to be present at the proceedings.

12. Minutes of meetings of the Nama Council

(1) The Chairman of the Nama Council shall cause minutes to be kept of all proceedings of the Nama Council in which there shall be recorded—

(a) the date and place of the meeting;

(b) the names of the councillors present at the meeting and the name of the person presiding over the meeting;

(c) a summary of the proceedings and the discussions at the meeting, containing in full every motion or amendment and the decision thereon, including the name of the councillor who moved the motion or amendment and the name of the councillor who seconded the motion or amendment;

(d) the fact that a councillor disagrees with a decision taken by the Council, if he so requests.

(2) The minutes of a meeting shall, after confirmation at the next succeeding meeting, be signed by the Chairman of the Nama Council.

(3) After each meeting copies of the minutes of the meeting shall be forwarded to the Minister.

13. Levies by the Nama Council

(1) The Nama Council shall have power, with the approval of the Minister, to—

(a) levy a tax in any year in respect of each adult male Nama who is ordinarily resident in Namaland;

(b) levy any further taxes approved by the Minister on the recommendation of the Nama Council; and

(c) impose a levy on tribal authorities not exceeding ten per cent of the total revenue of the tribal authority concerned.

(2) No tax levied under subsection (1) (a), (b) or (c) shall be of any force or effect unless and until it has been made known by notice in the Government Gazette.

(3) Belastings kragtens subartikel (1) (a) en (b) gehef, is by die kantore van stamrade betaalbaar vir oorbetalings aan die Namaraad. Belastings wat onvereffen bly na die 31ste dag van Maart wat volg op die tydperk waarvoor dit betaalbaar was, word as agterstallig beskou.

(4) Die bedrae wat ingevolge subartikel (1) (c) aan die Namaraad betaal moet word, moet voor of op die 31ste dag van Maart van elke jaar deur stamrade aan die Namaraad oorbetal word.

(5) Die onderskeie stamrade beteken aan elke persoon wat versuim het om die belastings genoem in subartikel (1) (a) en (b) voor of op die datum waarop dit verskuldig geword het te betaal, so gou moontlik na die 31ste dag van Maart van elke jaar, of na 'n datum waarop die belastingpligtige met die betrokke stamraad ooreengekom het om die belasting te betaal, 'n kennisgewing waarby hy aangesê word om die verskuldigde bedrag binne een maand na die datum van daardie kennisgewing te betaal, en enige persoon wat versuim om sy belasting binne daardie tydperk te betaal, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of, by wanbetaling, gevangenisstraf van hoogstens drie maande.

(6) Indien enige belasting ten opsigte waarvan 'n Nama kragtens subartikel (5) skuldig bevind is, vir 'n tydperk van drie maande na die datum van skuldigbevinding onvereffen bly, sonder dat die Nama met die stamraad vir die betaling daarvan gereël het, kan die belasting op bevel van 'n landdroshof deur beslaglegging op en verkoop van die persoon se roerende goed verhaal word.

(7) Die Namaraad kan op aanbeveling van die betrokke stamraad en op die voorwaardes wat hy goedvind, ten opsigte van belasting gehef kragtens subartikel (1) (a) en (b) korting of vrystelling van belasting aan 'n belastingpligtige vir die betrokke jaar toestaan op grond van behoeftegheid veroorsaak deur omstandighede buite sy beheer.

14. Inkomstefonds vir die Namaraad

(1) Die Minister kan in die kantoor van die Namakommissaris 'n rekening ten opsigte van die Namaraad laat open waarop die bedrae hieronder genoem, gestort word en waaruit alle uitgawes in verband met aangeleenthede binne die bevoegdheid van die Namaraad aangegaan, gedek word:

(a) Alle bedrae wat ten opsigte van belastings kragtens artikel 13 (1) (a), (b) en (c) gehef, ingevorder word, of wat aan die Namaraad betaalbaar word ingevolge 'n wetsbepaling waarkragtens 'n belasting of deel van 'n belasting betaalbaar deur Namas in Namaland aan die Namaraad toegewys word;

(b) alle gelde of belastings betaalbaar of boetes ingevorder uit hoofde van 'n regulasie uitgevaardig kragtens artikel 15 (b);

(c) alle bedrae verkry uit eiendom in besit van die Namaraad;

(d) 'n skenking deur enigiemand ten bate van die Namaraad;

(e) alle ander bedrae uit enige bron hoegenaamd ten bate van die Namaraad verkry; en

(f) alle boetes ingevorder ingevolge artikels 13 (5) en (6) en 49 (3) (ii).

(2) Die fonds genoem in subartikel (1) is onder beheer van die Minister wat dit in oorleg met die Namaraad administreer op die voorwaardes wat hy goedvind en behoudens die bepalinge van enige regulasies wat hy uitvaardig.

(3) Die begroting van inkomste en uitgawes van die Namaraad word deur die Namaraad opgestel vir voorlegging aan die Minister voor die einde van Augustus

(3) Taxes levied under subsection (1) (a) and (b) are payable at the offices of tribal authorities for transmission to the Nama Council. Taxes which are not paid by the 31st day of March immediately following the period for which the taxes were payable shall be regarded as arrear taxes.

(4) The amounts payable to the Nama Council in terms of subsection (1) (c) shall be paid by the tribal authorities on or before the 31st day of March of each year to the Nama Council.

(5) The respective tribal authorities shall serve a notice on any person who failed to pay the taxes referred to in subsection (1) (a) and (b) on or before the date on which the taxes were due as soon as possible after the 31st day of March of each year, or after a date agreed upon by the taxpayer and the tribal authority concerned for the payment of the tax, calling upon him to pay the amount due within one month of the date of such notice and any person who fails to pay the tax within that period shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.

(6) If any tax in respect of which a Nama has been convicted under subsection (5) remains unpaid for a period of three months from the date of conviction and the Nama fails to make arrangements with the tribal authority for the payment thereof, the tax may by order of a Magistrate's court be recovered by attachment and sale of such person's movable property.

(7) The Nama Council may on the recommendation of the tribal authority concerned and on such conditions as it may deem fit grant a reduction in or an exemption from taxes levied under subsection (1) (a) and (b) to a taxpayer for the year in question on the grounds of indigence caused by circumstances beyond his control.

14. Revenue fund for the Nama Council

(1) The Minister may cause an account to be opened for the Nama Council in the office of the Nama Commissioner into which the amounts referred to below shall be paid and from which all expenditure incurred in connection with matters within the powers of the Nama Council shall be met:

(a) All amounts collected in respect of taxes which are levied in terms of section 13 (1) (a), (b) and (c), or which may become payable to the Nama Council under any legal provision in terms of which a tax or portion of a tax payable by Namas in Namaland is allocated to the Nama Council;

(b) all moneys or taxes payable or fines collected under a regulation promulgated in terms of section 15 (b);

(c) all amounts derived from property in the possession of the Nama Council;

(d) any donation made by any person for the benefit of the Nama Council;

(e) all other amounts acquired from any source whatsoever for the benefit of the Nama Council;

(f) all fines collected in terms of sections 13 (5) and (6) and 49 (3) (ii).

(2) The fund referred to in subsection (1) shall be under the control of the Minister who shall administer it in consultation with the Nama Council on such conditions as he may deem fit and subject to the provisions of any regulations promulgated by him.

(3) The estimates of revenue and expenditure of the Nama Council shall be prepared by the Nama Council for submission to the Minister before the end of August

elke jaar en die Minister stel in oorleg met die Minister van Finansies waar nodig, bedrae vas ter bestryding van daardie uitgawes.

15. *Namaraad regulasies*

Die Namaraad kan met die toestemming van die Minister regulasies wat nie met die bepalings van hierdie Proklamasie onbestaanbaar is nie, uitvaardig—

(a) om sy verrigtinge te reël en om orde te handhaaf op vergaderings van die Namaraad of 'n komitee daarvan;

(b) om gelde vir dienste deur hom gelewer of bedrae betaalbaar deur Namas ten opsigte van dienste deur hom beskikbaar gestel en strawwe vir die wanbetaling daarvan, voor te skryf; en

(c) oor die algemeen, om die doelstellings genoem in artikel 5, te bereik.

STAMRADE

16. *Samestelling van stamrade*

(1) (a) 'n Stamraad ingestel ingevolge die bepalings van artikel 2 (1) (b) bestaan uit die kaptein of hoofman wat as hoof van die stamraad optree, drie raadslede wat deur die betrokke stamgroep gekies word en een raadslid wat deur die hoof van die stamraad aangestel word.

(b) 'n Kaptein of hoofman binne die gebied van 'n stamraad wat nie die hoof van daardie stamraad is nie, is *ipso facto* ook 'n raadslid van die stamraad.

(2) Die hoof van 'n stamraad is—

(a) in 'n gebied met slegs een kaptein of hoofman, daardie kaptein of hoofman, of as daar geen kaptein is nie, maar slegs een hoofman, sodanige hoofman, of as daar geen hoofman is nie maar slegs een kaptein, daardie kaptein;

(b) in enige ander geval, die kaptein of hoofman wat deur die Minister aangewys word.

(3) Die Minister kan te eniger tyd enige aanstelling ingevolge subartikel (2) (b) intrek indien daar na sy oordeel goeie redes vir sodanige optrede bestaan, en 'n ander persoon as die hoof van die stamraad aanwys.

(4) Die Minister kan op versoek van of na oorlegpleging met die stamraad die aantal raadslede en die wyse waarop persone raadslede word, wysig.

17. *Pligte van stamrade*

'n Stamraad moet, behoudens die bepalings van hierdie proklamasie en enige ander wetsbepaling—

(a) oor die algemeen die sake van die stam en die gemeenskap binne sy gebied bestuur;

(b) aan sy hoof hulp, bystand en leiding verleen by die uitoefening van die bevoegdhede en gesag aan hom verleen en die verrigting van die werksaamhede aan hom toegewys by hierdie Proklamasie;

(c) die belange, vooruitgang en welsyn van die inwoners en die ontwikkeling en verbetering van die grond in sy gebied bevorder;

(d) aansoeke om die volgende oorweeg en aanbevelings daaromtrent aan die Namaraad doen:

(i) Die stigting van, en die verskaffing van geboue of toebehore vir Regeringskole;

(ii) ouderdomspensioene, pensioene vir blindes en ongeskiktheidspensioene;

(iii) stamkantore, klinieke en ander geboue;

(iv) beboubare en ander persele;

(v) lisensies;

each year and the Minister shall, in consultation with the Minister of Finance where necessary, determine the amounts for defraying expenditure.

15. *Regulations by the Nama Council*

The Nama Council may with the consent of the Minister make regulations not inconsistent with the provisions of this Proclamation—

(a) for regulating the proceedings and for maintaining order at meetings of the Nama Council or any committee thereof;

(b) prescribing fees for services rendered by it or prescribing amounts payable by Namas in respect of services made available by it and prescribing penalties for failure to pay such fees and amounts; and

(c) in general for the achievement of the objects referred to in section 5.

TRIBAL AUTHORITIES

16. *Constitution of tribal authorities*

(1) (a) A tribal authority established in terms of the provisions of section 2 (1) (b) shall consist of the chief or headman who shall act as head of the tribal authority, three councillors elected by the tribal group concerned and one councillor appointed by the head of the tribal authority.

(b) A chief or headman in the area of a tribal authority who is not the head of that tribal authority shall *ipso facto* also be a councillor of such tribal authority.

(2) The head of a tribal authority shall—

(a) in an area in which there is only one chief or headman be that chief or that headman, or if there is no chief and only one headman be that headman, or if there is no headman and only one chief, be that chief;

(b) in any other case be the chief or headman appointed by the Minister.

(3) The Minister may at any time withdraw any appointment made in terms of subsection (2) (b) if he is of opinion that there are good reasons for doing so and he may in such event appoint some other person to be head of the tribal authority.

(4) The Minister may at the request of, or after consultation with, the tribal authority increase or reduce the number of councillors and change the way in which persons become councillors.

17. *Duties of tribal authorities*

A tribal authority shall, subject to the provisions of this Proclamation and any other legal provision—

(a) generally administer the affairs of the tribe and the community within its area;

(b) render assistance, help and guidance to its head in the exercise of the powers and authority conferred upon him and the performance of the functions assigned to him by this Proclamation;

(c) promote the interests, advancement and well-being of the inhabitants of its area and the development and improvement of the land in its area;

(d) consider and make recommendations to the Nama Council with regard to applications for—

(i) the establishment of and the provision of buildings or appurtenances for Government schools;

(ii) old age and blind persons' pensions and disability pensions;

(iii) tribal offices, clinics and other buildings;

(iv) usable and other premises;

(v) licences;

(e) die bevoegdheid en gesag uitoefen en die werksaamhede verrig wat die Minister van tyd tot tyd aan stamrade toewys in sake wat na sy mening binne die bestek van stambestuur val, met inbegrip van enige van die volgende sake;

- (i) Grondadministrasie;
- (ii) higiëne, sanitasie en gesondheidsdienste oor die algemeen, insluitende die stigting, bestuur en onderhoud van klinieke of ander soortgelyke instellings en van begraafplase;
- (iii) grondbewaring, insluitende die ontwikkeling, verbetering en onderhoud van watervoorrade, die beheer oor weiding, die beheer oor veekwotas, die beheer oor veldbrande, die uitroeiing van onkruid, die beskerming van bome en die koördinering van grondbewaringsmaatreëls;
- (iv) die bewaring van fauna en flora;
- (v) die verbetering van vee en veeteelt oor die algemeen en die stigting van kooperatiewe suiwel- en ander skemas;
- (vi) die organisasie van boereverenigings en landbou-tentoonstellings, -demonstrasies en -wedstryde;
- (vii) ander ontwikkelings in belang van die gemeenskap;
- (viii) die voorkoming van dieremishandeling;
- (ix) die vernietiging van ongedierte;

Met dien verstande dat by versuim van die stamraad om 'n handling te verrig wat in belang van die stamgroep is, die Minister dit op koste van daardie stamraad kan doen of laat doen na oorlegpleging met die stamraad.

18. Vergaderings

(1) 'n Stamraad hou minstens een keer elke drie maande op die dag en uur wat die hoof van die stamraad bepaal 'n gewone vergadering wat deur amptenare van die Regering bygewoon kan word.

(2) Die hoof van 'n stamraad kan te eniger tyd, en moet wanneer hy daarom versoek word deur die Minister of deur minstens een derde van die totale getal raadslede, 'n spesiale vergadering van die stamraad belê. Met dien verstande dat die Minister self 'n spesiale vergadering van die stamraad kan belê.

(3) Geen ander sake as die wat in die kennisgewing daarvan vermeld word, word op 'n spesiale vergadering behandel nie behalwe met die instemming van die raadslede wat op daardie vergadering aanwesig is.

(4) Die naaste heelgetal wat een derde van die totale getal raadslede oorskry, is 'n kworum en geen verrigtinge vind plaas of besluit word geneem nie tensy daar 'n kworum aanwesig is.

(5) 'n Stamraad hou minstens een keer per jaar 'n openbare stamvergadering waarop verslag gedoen word oor alle aangeleenthede wat die stam raak.

(6) Behoudens die bepalings van hierdie Proklamasie en van enige regulasie is die prosedure wat gevolg word op enige vergadering of ander verrigtinge van 'n stamraad, met inbegrip van enige geleentheids- of vaste komitee aangestel uit raadslede deur die stamraad, in ooreenstemming met die gebruike van die betrokke stam.

19. Kennisgewing van vergaderings

Die hoof van 'n stamraad laat aan elke raadslid kennis gee van—

(a) die dag en uur vasgestel vir die hou van gewone vergaderings, en elke raadslid moet die gewone vergaderings sonder nadere kennisgewing bywoon;

(b) die dag en uur van 'n spesiale vergadering, met vermelding van die doel daarvan: Met dien verstande dat waar die Minister ingevolge artikel 18 (2) self 'n spesiale vergadering belê, hy self die kennisgewing kragtens hierdie paragraaf kan uitreik.

(e) exercise the powers and authority and perform the functions assigned to the tribal authority from time to time by the Minister in matters which in his opinion fall within the scope of tribal administration, including any of the following matters:

- (i) Land administration;
- (ii) hygiene, sanitation and health services generally, including the establishment, management and maintenance of clinics or other similar institutions and of cemeteries;
- (iii) soil conservation, including the development, improvement and maintenance of water supplies, the control of grazing, the control of stock quotas, the control of veld fires, the eradication of weeds, the protection of trees and the co-ordination of soil conservation measures;
- (iv) the conservation of fauna and flora;
- (v) the improvement of livestock and animal husbandry generally and the establishment of co-operative, dairy and other schemes;
- (vi) the organisation of farmers' associations and agricultural shows, demonstrations and competitions;
- (vii) other developments in the interests of the community;
- (viii) the prevention of cruelty to animals;
- (ix) the destruction of vermin;

Provided that, if the tribal authority fails to perform an act which is in the interests of the tribal group, the Minister may after consultation with the tribal authority perform such act or cause it to be performed, at the expense of that tribal authority.

18. Meetings

(1) A tribal authority shall hold an ordinary meeting, which may be attended by officials of the Government, at least once every three months on the date and at the hour fixed by the head of the tribal authority.

(2) The head of a tribal authority may at any time, and shall at the request of the Minister or of at least one-third of the total number of councillors, convene a special meeting of the tribal authority: Provided that the Minister may himself convene a special meeting of the tribal authority.

(3) No matters other than those mentioned in the notice convening the special meeting shall, without the consent of the councillors present at that meeting, be dealt with at such meeting.

(4) The nearest whole number exceeding one-third of the total number of councillors shall form a quorum and no business shall be transacted and no decision shall be taken unless a quorum is present.

(5) A tribal authority shall hold a public tribal meeting at least once a year for the purpose of reporting on all matters which affect the tribe.

(6) Subject to the provisions of this Proclamation and of any regulations, the procedure to be followed at any meeting or any other proceedings of a tribal authority, including any occasional or standing committee appointed from among the councillors by the tribal authority, shall be in accordance with the customs of the tribe concerned.

19. Notice of meetings

The head of a tribal authority shall cause notice to be given to every councillor of—

(a) the day and hour appointed for the holding of ordinary meetings, and all councillors shall attend such ordinary meetings without further notice;

(b) the day and hour appointed for the holding of a special meeting, specifying the purpose thereof: Provided that where the Minister himself convenes a special meeting in terms of section 18 (2) he may himself issue to notice under this paragraph.

20. Heffings

(1) 'n Stamraad is bevoeg om met die goedkeuring van die Minister—

(a) 'n heffing van hoogstens R2 in enige jaar aan elke inwoner van sy gebied wat 'n belastingbetaler is, op te lê;

(b) 'n belasting op die aanhou van honde te hef; en

(c) weidings en dipgelde vas te stel.

(2) Sodanige heffing, belasting, weidings- of dipgeld word nie van krag voordat dit deur die stamraad by regulasie in die *Staatskoerant* bekendgemaak is nie. Sodanige regulasie en die regulasie in artikel 32 (1) genoem kan voorsiening maak vir strawwe vir wanbetaling van die heffing, belasting en gelde.

21. Inkomstefonds vir stamraad

(1) Die Minister kan in die kantoor van die Nama-kommissaris ten opsigte van elke stamraad 'n rekening laat open waarop die bedrae hieronder genoem, gestort word en waaruit alle uitgawes in verband met aangeleenthede binne die bevoegdheid van die betrokke stamraad aangegaan gedek word:

(a) Alle gelde en bedrae wat volgens die gebruike van die stam aan die stamraad betaalbaar is;

(b) alle bedrae verkry uit enige eiendom wat die stamraad besit;

(c) 'n skenking deur enigiemand ten bate van die stamraad;

(d) alle gelde verkry uit die heffing, belasting, en gelde in artikels 20 (1), 22 (b) en 32 (1) genoem en alle boetes in artikels 20 (2) en 22 (b) genoem;

(e) alle ander gelde uit watter bron ook al wat ten bate van die stamraad verkry word;

(f) alle boetes en gelde ingevorder kragtens artikel 35.

(2) Die fonds genoem in subartikel (1) is onder beheer van die Minister wat dit in oorleg met die stamraad administreer op die voorwaardes wat hy goedvind en behoudens die bepalings van enige regulasies wat hy uitvaardig.

(3) Waar daar een fonds is vir een of meer stamgroepe, kan die Minister in oorleg met die betrokke stamraad 'n verdeling van die fonds tussen die verskillende stamgroepe maak.

(4) Die begroting van inkomste en uitgawes van 'n stamraad word deur die stamraad opgestel vir voorlegging aan die Minister voor die einde van Augustus van elke jaar en die Minister stel, in oorleg met die Minister van Finansies waar nodig, bedrae vas ter bestryding van daardie uitgawes.

2. Regulasies

Benewens die regulasies genoem in artikels 18 (6) en 20 (2) kan 'n stamraad met die toestemming van die Minister regulasies, wat nie met die bepalings van hierdie proklamasie onbestaanbaar is nie, uitvaardig—

(a) om die verrigtinge te reël en om orde te handhaaf op vergaderings van die stamraad of 'n komitee daarvan;

(b) wat gelde voorskryf vir dienste gelewer deur die stamraad, of wat bedrae betaalbaar deur 'n sekere klas persone ten opsigte van dienste beskikbaar gestel deur die stamraad voorskryf en wat strawwe vir wanbetaling daarvan voorskryf;

(c) om beslag te gee aan die gebruike en gewoontes van die betrokke stamgroep; en

(d) oor die algemeen in verband met enige aangeleenthede binne sy bevoegdheid kragtens artikel 17, en aanverwante aangeleenthede.

20. Levies

(1) A tribal authority shall have power, with the approval of the Minister, to—

(a) impose a levy not exceeding R2 in any one year upon each inhabitant in his area who is a taxpayer;

(b) levy a tax on the keeping of dogs; and

(c) fix grazing and dipping fees.

(2) No such levy, tax, grazing or dipping fee shall be of any force or effect unless and until it has been made known by the tribal authority by regulation in the *Government Gazette*. Such regulation and the regulation referred to in section 32 (1) may provide for penalties for failure to pay such levy, tax, grazing or dipping fee.

21. Revenue fund for tribal authority

(1) The Minister may cause an account to be opened for each tribal authority in the office of the Nama Commissioner into which the amounts referred to below shall be paid and from which all expenditure incurred in connection with matters within the powers of the tribal authority concerned shall be met:

(a) All fees and amounts which are payable to the tribal authority in accordance with the customs of the tribe;

(b) all amounts derived from any property owned by the tribal authority;

(c) any donation made by any person for the benefit of the tribal authority;

(d) all amounts received in respect of the levies, taxes, fees and moneys referred to in sections 20 (1), 22 (b) and 32 (1) and all fines referred to in section 20 (2) and 22 (b);

(e) all other moneys acquired from any source whatsoever for the benefit of the tribal authority;

(f) all fines and moneys collected in terms of section 35.

(2) The fund referred to in subsection (1) shall be under the control of the Minister who shall administer it in consultation with the tribal authority on such conditions as he may deem fit and subject to the provisions of any regulations promulgated by him.

(3) Where there is one fund for more tribal groups the Minister may after consultation with the tribal authority concerned divide the money in the fund between the different tribal groups.

(4) The estimates of revenue and expenditure of a tribal authority shall be prepared by that tribal authority for submission to the Minister before the end of August each year and the Minister shall, in consultation with the Minister of Finance, where necessary, determine the amounts for defraying expenditure.

22. Regulations

In addition to the regulations referred to in sections 18 (6) and 20 (2), a tribal authority may with the consent of the Minister make regulations not inconsistent with the provisions of this Proclamation—

(a) for regulating the proceedings and for maintaining order at meetings of the tribal authority or any committee thereof;

(b) prescribing fees for services rendered by it or prescribing amounts payable by a certain class of persons in respect of services made available by the tribal authority and prescribing penalties for failure to pay such fees and amounts;

(c) to give effect to the habits and customs of the tribal group concerned; and

(d) generally with regard to any matter within its powers under section 17 and related matters.

DORPSBESTURE

23. Samestelling van dorpsbesture

(1) 'n Dorpsbestuur ingestel ingevolge die bepalings van artikel 2 (1) (c) bestaan uit soveel verkose Namas as wat die Minister by kennisgewing in die *Staatskoerant* mag bepaal, maar nie minder as drie nie: Met dien verstande dat elke stamraad binne die gebied van die dorpsbestuur, benewens die getal deur die Minister bepaal, nog twee Namas as lede van die dorpsbestuur kan aanwys.

(2) Behoudens die bepalings van subartikel (1), kan die Minister na oorlegpleging met 'n dorpsbestuur die getal dorpsbestuurslede te eniger tyd vermeerder of verminder.

(3) Slegs Namas wat in die dorp of dorpe bepaal ingevolge artikel 2 (1) (c) woonagtig is, is bevoeg om as lede van die dorpsbestuur vir dié dorp of dorpe verkies of aangewys te word en as lede daarvan aan te bly.

(4) Na samestelling van 'n eerste of nuwe dorpsbestuur kies die dorpsbestuur een van sy lede om as voorsitter op te tree.

24. Bevoegdhede, werksaamhede en pligte van dorpsbesture

'n Dorpsbestuur oefen die bevoegdhede uit en verrig die werksaamhede en pligte wat betref die dorp of dorpe waarvoor dit ingestel is, ten opsigte van een of meer van die volgende aangeleenthede na oorlegpleging met, met die instemming van, en onderworpe aan die voorwaardes bepaal deur die Minister na oorlegpleging met die betrokke stamraad in wie se gebied die dorp of dorpe geleë is, en die dorpsbestuur kan regulasies daaromtrent en omtrent aanverwante aangeleenthede uitvaardig benewens die regulasies genoem in artikel 26 (3):

- (a) Dorpsbeplanning;
- (b) die huisvesting van Namas in die betrokke gebied, wat nie 'n familielewe lei nie;
- (c) die verwydering van persone wat nie wettig in die betrokke gebied woonagtig is nie en die reëling van tydelike verblyf;
- (d) die onwettige okkupasie van grond en geboue;
- (e) die bestuur van en beheer oor die betrokke dorp of dorpe en die handhawing van die goeie orde daarin;
- (f) die oprigting van geboue wat eie is aan die Nama-gebruik, die gebruik van wonings, geboue en ander bouwerke, en die verwydering of sloping van ongemaagtigde of verlate geboue of bouwerke;
- (g) die verkoop en toekenning van persele vir woon-, besigheid-, kerk-, skool- of ander doeleindes en die uitreiking van eiendomsbewyse daarvoor;
- (h) die verbod op of die reëling of beperking van die aanhou van diere in die dorp of dorpe en die laat wei in 'n gemeenskaplike weiveld, van vee wat aan Namas behoort wat in die dorp of dorpe woon;
- (i) die verskaffing van sanitêre-, gesondheids- en mediese dienste;
- (j) die verpligting van eienaars om hul huise en woon-erwe skoon en vry te hou van enige oorlas wat aanstootlik of ongesond is en wat die openbare gesondheid in gevaar kan stel;
- (k) die omskrywing en voorkoming van oorbewoning, gesamentlike okkupasie en ongesonde gebruik van wonings en geboue;
- (l) die vereiste dat wonings, kafees, winkels, slaghuise, losieshuise, hotelle en ander openbare geboue van sanitêre geriewe voorsien word;
- (m) die verbod op die was van klere of ander artikels deur lede van die publiek in enige rivier, watersloot of ander ongemaagtigde plek;

VILLAGE MANAGEMENT BOARDS

23. Constitution of village management boards

(1) A village management board established in terms of the provisions of section 2 (1) (c) shall consist of so many elected Namas as may be determined by the Minister by notice in the *Government Gazette*, but not less than three: Provided that each tribal authority within the area of the village management board may appoint two Namas as members of the village management board in addition to the number determined by the Minister.

(2) The Minister may at any time, subject to the provisions of subsection (1) and after consultation with a village management board, increase or reduce the number of members of the village management board.

(3) Only Namas who are resident in the village or villages determined under section 2 (1) (c) shall be eligible for election or appointment as members of the village management board for such village or villages and to remain members thereof.

(4) After the constitution of a first or new village management board it shall elect one of its members to be chairman.

24. Powers, functions and duties of village management boards

A village management board shall exercise the powers and perform the function and duties with regard to the village or villages for which it has been established, in respect of one or more of the following matters, after consultation with, with the consent of and subject to the conditions determined by the Minister after consultation with the tribal authority concerned in whose area the village or villages are situated, and the village management board may, in addition to the regulations referred to in section 26 (3), make regulations in connection therewith and in connection with related matters:

- (a) Town planning;
- (b) accommodation for Namas in the area concerned who do not lead a family life;
- (c) the removal of persons who are not lawfully resident in the area concerned and temporary sojourn of persons;
- (d) the unlawful occupation of land and buildings;
- (e) the management and control of the village or villages concerned and the maintenance of good order therein;
- (f) the construction of buildings which are characteristic of Nama custom, the use of dwellings, buildings and other structures and the removal or demolition of unauthorised or abandoned buildings or structures;
- (g) the sale and allocation of premises for housing, business, church, school or other purposes and the issue of certificates of ownership in respect thereof;
- (h) the prohibition, regulation or restriction of the keeping of animals in the village or villages and the grazing on communal grazing land of livestock belonging to Namas who are resident in the village or villages;
- (i) the provision of sanitary, health and medical services;
- (j) compelling owners to keep their houses and erven clean and free from any nuisance that may be offensive or injurious to health and which may endanger public health;
- (k) defining and avoiding overcrowding, joint occupation and unhealthy use of dwellings and buildings;
- (l) requiring that houses, cafés, shops, butcheries, boarding-houses, hotels and other public buildings be provided with sanitary facilities;
- (m) prohibiting the washing of clothes and other articles by members of the public in any river, water furrow or other unauthorised place;

(n) die verbod op die slag van diere op woonerwe en privaatspersele en die vereiste dat van openbare slagpale gebruik gemaak word;

(o) die reëling van die verkoop, bereiding, vervaardiging, bewaring, opberging, hou, vervoer, hantering en uitstalling vir verkoop van voedsel;

(p) die verbod op die versperring van enige pad, straat of ander openbare plek en enige ongerief aan die publiek as gevolg van rondloperdiere in die dorpsbestuur se gebied;

(q) die reëling of beperking van of die verbod op die aanhou van honde en van kwaai of gevaarlike diere;

(r) die verbod op die maak van onnodige geraas in strate en openbare plekke en die maak van voorsiening vir die voorkoming en blus van brande;

(s) die omsien na die sedelike en maatskaplike welsyn van mense in die dorp of dorpe;

(t) die uitreiking en hernuwing van handels- en besigheidslisensies nadat aansoeke daarom deur die Minister goedgekeur is; en

(u) die uitoefening van enige ander bevoegdhede en die verrigting van enige ander werksaamhede en pligte wat die Minister, na oorlegpleging met die Namaraad en die betrokke stamraad, aan hom mag opdra.

25. Vergaderings van dorpsbestuur

(1) 'n Dorpsbestuur hou 'n gewone vergadering minstens een keer per maand op die dag en uur wat die Voorsitter mag bepaal.

(2) Die Voorsitter kan te eniger tyd, en moet wanneer hy deur die Minister of deur minstens een derde van die totale getal dorpsbestuurslede daarom versoek word, 'n spesiale vergadering van die dorpsbestuur belê.

(3) Geen ander sake as die wat in die kennisgewing daarvan vermeld word, word op 'n spesiale vergadering behandel nie behalwe met die instemming van die dorpsbestuurslede wat op daardie vergadering aanwesig is.

(4) Die naaste heelgetal wat een derde van die totale getal dorpsbestuurslede oorskry, is 'n kworum en geen verrigtinge vind plaas of besluit word geneem nie tensy 'n kworum aanwesig is.

26. Heffing van belasting en gelde deur die dorpsbestuur

(1) Die dorpsbestuur is bevoeg om met die goedkeuring van die Minister belasting of gelde ten opsigte van die volgende te hef:

(a) Eiendomme in die dorp of dorpe;

(b) watervoorsiening en sanitasie;

(c) elektrisiteitsvoorsiening;

(d) hondebelaasting;

(e) weidingsgelde ten opsigte van vee wat op die dorpsmeent wei;

(f) handelslisensies;

(g) enige verdere belastings wat van tyd tot tyd op aanbeveling van die dorpsbestuur deur die Minister goedgekeur word.

(2) Die belastings en gelde in subartikel (1) genoem word nie van krag voordat dit deur die dorpsbestuur by regulasie in die *Staatskoerant* bekendgemaak is nie. Sodanige regulasies kan voorsiening maak vir strawwe vir die wanbetaling van voornoemde belastings en gelde.

27. Inkomstefonds vir dorpsbestuur

(1) Die Minister kan in die kantoor van die Nama-kommissaris, ten opsigte van elke dorpsbestuur, 'n rekening laat open waarop die bedrae hieronder genoem,

(n) prohibiting the slaughtering of animals on erven and private premises and requiring the use of public abattoirs;

(o) regulating the sale, preparation, manufacture, keeping, storage, retention, transport and handling of food and the display of food for sale;

(p) prohibiting the obstruction of any road, street or other public place and preventing any inconvenience to the public as a result of stray animals in the area of the village management board;

(q) regulating, restricting or prohibiting the keeping of dogs and vicious or dangerous animals;

(r) prohibiting unnecessary noise in streets and public places and making provision for the prevention and extinguishing of fires;

(s) caring for the moral and social welfare of people in the village or villages;

(t) the issuing and renewal of trading and business licences where applications therefor have been approved by the Minister; and

(u) exercising any other powers and performing any other functions and duties entrusted to it by the Minister after consultation with the Nama Council and the tribal authority concerned.

25. Meetings of village management board

(1) A village management board shall hold an ordinary meeting at least once a month on the date and at the hour fixed by the Chairman.

(2) The chairman may at any time, and shall at the request of the Minister or of at least one-third of the total number of members of the village management board, convene a special meeting of the village management board.

(3) No matters other than those mentioned in the notice convening the special meeting shall, without the consent of the members of the village management board present at that meeting, be dealt with at such meeting.

(4) The nearest whole number exceeding one-third of the total number of members of the village management board shall form a quorum and no business shall be transacted and no decision shall be taken unless a quorum is present.

26. Imposition of taxes, rates and fees by village management boards

(1) A village management board may, with the approval of the Minister, impose taxes, rates or fees in respect of the following:

(a) Properties in the village or villages;

(b) water supply and sanitation;

(c) supply of electricity;

(d) dog tax;

(e) grazing fees in respect of stock grazing on the commonage;

(f) trading licences;

(g) any further taxes approved from time to time by the Minister on the recommendation of the village management board.

(2) The taxes, rates and fees referred to in subsection (1) shall not be of any force or effect unless and until they have been made known by the village management board by regulation in the *Government Gazette*. Such regulations may provide for penalties for failure to pay the said taxes, rates and fees.

27. Revenue fund for village management board

(1) The Minister may cause an account to be opened for each village management board in the office of the Nama Commissioner into which the amounts referred to

gestort word en waaruit alle uitgawes in verband met aangeleenthede binne die bevoegdheid van die betrokke dorpsbestuur aangegaan, gedek word:

(a) Alle bedrae wat kragtens artikel 26 ingevorder word en alle boetes in artikel 26 (2) genoem;

(b) alle lisensiegelde ingevorder kragtens artikel 24 (t);

(c) 'n skenking deur enigiemand ten bate van die dorpsbestuur; en

(d) alle ander bedrae uit enige bron hoegenaamd verkry ten bate van die dorpsbestuur.

(2) Die fonds genoem in subartikel (1) is onder beheer van die Minister wat dit in oorleg met die dorpsbestuur administreer op die voorwaardes wat hy goedvind en behoudens die bepalinge van enige regulasies wat hy uitvaardig.

(3) Die begroting van inkomste en uitgawes van 'n dorpsbestuur word deur die dorpsbestuur opgestel vir voorlegging aan die Minister voor die einde van Augustus elke jaar en die Minister stel in oorleg met die Minister van Finansies waar nodig, bedrae vas ter bestryding van daardie uitgawes.

28. Hulp deur Namakommissaris

Tot tyd en wyl die Minister anders bepaal, oefen 'n dorpsbestuur sy bevoegdhede uit en verrig sy pligte onderworpe aan die Namakommissaris of 'n persoon wat deur hom aangewys word.

29. Aftredings

(1) Lede van 'n dorpsbestuur word verkies en aangewys vir 'n tydperk van drie jaar.

(2) 'n Dorpsbestuurslid wie se setel vakant geword het deur verloop van tyd kan weer verkies of aangewys word.

ALGEMEEN

30. Kwalifikasies van raadslede van die Namaraad en stamrade

Niemand is bevoeg om as raadslid van die Namaraad of 'n stamraad aangestel of verkies te word nie, tensy hy 'n Nama is.

31. Ampstermyn van raadslede van die Namaraad en stamrade

(1) Die raadslede van die Namaraad en stamrade bekleë hulle amp vir 'n tydperk van drie jaar.

(2) 'n Raadslid wie se setel vakant geword het deur verloop van tyd kan weer aangestel of verkies word.

32. Stamheffings

(1) Afgesien van die heffing ingevolge artikel 20 (1) (a) kan 'n stam vrywilliglik aansoek doen om die heffing van 'n spesiale belasting ten bate van die stam, en die Minister kan in so 'n geval, indien—

(a) hy oortuig is dat die meerderheid van die belastingbetalers van sodanige stam so 'n spesiale belasting verlang; en

(b) hy die doeleindes waarvoor die spesiale belasting opgelê gaan word, goedkeur;

by regulasie in die *Staatskoerant* sodanige belasting hef ten opsigte van elke lid van die stam wat 'n belastingbetaler is.

(2) Die Minister kan te eniger tyd op versoek van die meerderheid van die belastingbetalers wat daardeur geraak word, enige belasting wat kragtens subartikel (1) opgelê is by regulasie in die *Staatskoerant* afskaf.

below shall be paid and from which all expenditure incurred in connection with matters within the powers of the village management board concerned shall be met:

(a) All amounts collected under section 26 and all fines referred to in section 26 (2);

(b) all licence fees collected under section 24 (t);

(c) any donation made by any person for the benefit of the village management board; and

(d) all other amounts acquired from any source whatsoever for the benefit of the village management board.

(2) The fund referred to in subsection (1) shall be under the control of the Minister who shall administer it in consultation with the village management board on such conditions as he may deem fit and subject to the provisions of any regulations promulgated by him.

(3) The estimates of revenue and expenditure of a village management board shall be prepared by that village management board for submission to the minister before the end of August each year and the Minister shall, in consultation with the Minister of Finance where necessary, determine the amounts for defraying expenditure.

28. Assistance by Nama Commissioner

Until such time as the Minister determines otherwise a village management board shall exercise its powers and perform its duties subject to the Nama Commissioner or a person designated by him.

29. Retirements

(1) Members of a village management board shall be elected and appointed for three years.

(2) A member of a village management board whose seat becomes vacant by effluxion of time may be re-elected or re-appointed.

GENERAL

30. Qualifications of councillors of the Nama Council and tribal authorities

No person shall be qualified to be appointed or elected as councillor of the Nama Council or a tribal authority unless he is a Nama.

31. Period of office of councillors of the Nama Council and tribal authorities

(1) The councillors of the Nama Council and tribal authorities shall hold office for a period of three years.

(2) A councillor whose seat has become vacant by effluxion of time may be reappointed or re-elected.

32. Tribal levies

(1) Apart from the levy referred to in section 20 (1) (a) a tribe may voluntarily apply for the imposition of a special tax for the benefit of that tribe and the Minister may in such event, of—

(a) he is satisfied that the majority of the taxpayers of that tribe desire such a special tax; and

(b) he approves of the purposes for which such tax is to be imposed;

by regulation in the *Government Gazette* impose such tax in respect of each member of the tribe who is a taxpayer.

(2) The Minister may at any time at the request of the majority of the taxpayers affected by the tax imposed in terms of subsection (1) by regulation in the *Government Gazette* abolish such tax.

33. *Aanstelling van kaptein of hoofman of waarnemende kaptein of waarnemende hoofman*

(1) Ondanks die bepalinge van artikel 2 (1) (d) word 'n kaptein of hoofman of waarnemende kaptein of waarnemende hoofman deur 'n stamgroep aangestel ooreenkomstig die gebruike van daardie stamgroep, onderworpe aan bekragtiging deur die Minister: Met dien verstande dat hy ouer as 21 jaar is en 'n Nama is.

(2) Die aanstelling van 'n kaptein of hoofman of waarnemende kaptein of waarnemende hoofman is onderworpe aan bekragtiging deur die Minister wat, na goeddunke, die aanstelling kan bekragtig of dit na die stamraad vir verdere oorweging kan terugverwys.

(3) Ondanks die bepalinge van subartikel (1)—

(a) kan die Minister, na oorlegpleging met die stamraad of die betrokke kaptein of hoofman, enige Nama as kaptein of hoofman of waarnemende kaptein of waarnemende hoofman aanstel as hy dit in die openbare belang dienstig ag;

(b) moet die Minister, indien 'n amp van kaptein of hoofman langer as drie maande vakant bly 'n waarnemende kaptein of waarnemende hoofman aanstel.

34. *Pligte, bevoegdhe, gesag en werksaamhede van kapteins of hoofmanne*

(1) 'n Kaptein of hoofman—

(a) geniet die status, regte en voorregte wat sy amp hom verleen en is onderworpe aan die verpligtings en pligte wat aan sy amp opgelê is ooreenkomstig die erkende gebruike van sy stam;

(b) kan enige misdryf wat 'n misdryf is volgens stamwette, stamgebruike of stambesluite verhoor: Met dien verstande dat indien so 'n misdryf gepleeg is deur twee of meer persone, van wie een 'n Blanke is, of ten opsigte van eiendom wat aan 'n Blanke behoort, die misdryf nie deur die kaptein of hoofman verhoor mag word nie;

(c) is, in die behoorlike uitvoering van sy pligte, geregtig op die trou, eerbied, ondersteuning en gehoorsaamheid van alle inwoners van die stamgebied waarvoor hy aangestel is;

(d) sit die administrasie van sy gebied voort in samewerking met die Namaraad en die betrokke stamraad, en onderworpe aan die wettige bevels of opdragte wat van tyd tot tyd aan hom deur die Minister gegee word;

(e) handhaaf wet en orde en stel die Namaraad en die Minister onmiddellik in kennis van enige belangrike of sorgwekkende aangeleentheid, insluitende enige toestand van onrus of ontevredenheid;

(f) oefen, binne sy gebied, ten opsigte van enige inwoner van sy gebied—

(i) die bevoegdheid uit om persone in hegtenis te neem in sy hoedanigheid van vredesbeampte ingevolge Hoofstuk IV van die Straffproseduurewet, 1955 (Wet 56 van 1955); en

(ii) behoudens die bepalinge van artikel 46 (3) en (4) van daardie Wet, die bevoegdhe uit tot visitering en beslaglegging in verband met gesteelde vee, bedwelmende drank, gewoontevormende verdowingsmiddels, vuurwapens, ammunisie en ontplofbare stowwe, in artikel 46 (1) van daardie Wet genoem;

(g) verseker die beskerming van lewe, persone en eiendom en die veiligheid van bona fide-reisigers in sy gebied en stel die bevoegde gesag sonder versuim in kennis van—

(i) die dood van enigiemand as gevolg van geweld of enige ander onnatuurlike oorsaak;

(ii) die uitbreek van enige besmetlike of aansteeklike siekte;

(iii) enige beweerde toordery of divinasie;

33. *Appointment of chief or headman or acting chief or acting headman*

(1) Notwithstanding the provisions of section 2 (1) (d) a tribal group shall appoint a chief or headman or acting chief or acting headman in accordance with the customs of that tribal group, subject to confirmation by the Minister: Provided that he shall be over the age of 21 years and be a Nama.

(2) The appointment of a chief or headman or acting chief or acting headman shall be subject to confirmation by the Minister who may in his discretion confirm the appointment or refer it back to the tribal authority for further consideration.

(3) Notwithstanding the provisions of subsection (1)—

(a) the Minister may, after consultation with the tribal authority or the chief or headman concerned, appoint any Nama as chief or headman or acting chief or acting headman if he deems it to be in the public interest;

(b) the Minister shall, if an office of chief or headman remains vacant for a period of more than three months, appoint an acting chief or acting headman.

34. *Duties, powers, authority and functions of chiefs or headmen*

(1) A chief or headman—

(a) shall enjoy the status, rights and privileges conferred by his office and shall be subject to the obligations and duties imposed upon his office according to the recognised customs of his tribe;

(b) may try any case where the offence is an offence according to tribal laws, tribal customs or tribal resolutions: Provided that if such offence was committed by two or more persons one of whom is a White person, or in respect of the property of a White person the case shall not be tried by the chief or headman;

(c) shall be entitled in the proper performance of his duties to the loyalty, respect, support and obedience of all the inhabitants of the tribal area for which he was appointed;

(d) shall carry on the administration of his area in collaboration with the Nama Council and the tribal authority concerned and subject to such lawful orders or instructions as may be given to him from time to time by the Minister;

(e) shall maintain law and order and immediately inform the Nama Council and the Minister of any important or alarming matter, including any state of unrest or dissatisfaction;

(f) shall exercise in his area, in respect of any inhabitant within his area—

(i) the power of arrest in his capacity as peace officer, in terms of Chapter IV of the Criminal Procedure Act, 1955 (Act 56 of 1955); and

(ii) subject to the provisions of section 46 (3) and (4) of that Act the powers of search and seizure in regard to stolen stock, intoxicating liquor, habitforming drugs, arms, ammunition and explosives referred to in section 46 (1) of that Act;

(g) shall see to the protection of life, persons and property and the safety of bona fide travellers within his area and shall inform the competent authority without delay of—

(i) the death of any person as a result of violence or any other unnatural cause;

(ii) the outbreak of any contagious or infectious disease;

(iii) any alleged witchcraft or divination;

(iv) enige misbruik van Regeringseiendom;
 (v) enige onreëlmatige ontvangs of gebruik van openbare gelde;

(vi) die hou van enige ongemagtigde vergadering, byeenkoms of samekoms of die verspreiding van ongewenste literatuur binne of ongemagtigde binnekoms van enige persoon in sy gebied;

(vii) die pleeg van enige misdaad, wat nie met sy eie regsrag afgehandel kan word nie;

(h) moet enige ongemagtigde samekoms van gewapendes of enige oproerige of onwettige vergadering of byeenkoms uitmekaar stuur of die ontbinding daarvan gelas;

(i) moet, as daar 'n toestand van wetteloosheid in sy gebied heers en hy van oordeel is dat dit nie anders beëindig kan word nie, gelas dat, al of enigeen van die volgende vir 'n tydperk van hoogstens 14 dae op 'n keer, op soveel kere as wat hy goed ag, verbode is:

(i) Die byeenkoms van mans in groepe;

(ii) die brou van bier of die hou van 'n fees binne die gebied wat hy bepaal;

(iii) die dra van 'n skild of meer as een gewone stok deur enigeemand;

(iv) die skreeu van strydkrete of die blaas van beuels of fluitjies;

(j) moet die vereistes van enige nuwe wet aan die inwoners van sy gebied bekendmaak;

(k) verseker dat die bepalings van alle wette en die bevele en opdragte van enige bevoegde gesag nagekom word;

(l) moet die mishandeling van diere voorkom;

(m) moet vee wat sy gebied onwettig bewei of wegloopvee wat daarin gevind word of vee wat wederregtelik of onder agterdogwekkende omstandighede daarin ingebring word, aanhou en skut indien die wet dit vereis, en die feite aan die bevoegde gesag rapporteer;

(n) moet in die algemeen trag om die belange van sy stam en gebied te bevorder en maatreëls wat die vooruitgang van sy mense ten doel het, tref en self aktief ondersteun.

(2) 'n Kaptein of hoofman kan met die goedkeuring van die Namaraad en die Minister 'n gevolgmagtigde aanstel om hom by te staan in die uitoefening of verrigting van sy pligte, bevoegdhede, gesag en werksaamhede ingevolge die bepalings van hierdie Proklamasie of ingevolge enige ander wetsbepaling of mag. Met dien verstande dat geen kaptein of hoofman deur die aanstelling van 'n gevolgmagtigde van die verantwoordelikheid vir die behoorlike uitoefening of verrigting van enige plig, bevoegdheid, gesag of werksaamheid onthef word nie. Met dien verstande voorts dat so 'n aanstelling te eniger tyd beëindig kan word.

35. Kapteins- of Hoofmanshof

(1) Die prosedure by 'n verhoor deur 'n kaptein of hoofman of sy gevolgmagtigde van 'n saak waarin die misdryf 'n misdryf is in artikel 34 (1) (b) bedoel die straf en die wyse van tenuitvoerlegging van 'n vonnis opgelê, moet behalwe vir sover deur die Minister by regulasie anders voorgeskryf word, ooreenkomstig Namareg en -gebruike geskied. Met dien verstande dat 'n behoorlike sakeregister gehou word; Met dien verstande voorts dat die kaptein of hoofman of sy gevolgmagtigde by die uitoefening van sy regsrag geen straf mag oplê wat die dood, verminking, ernstige liggaamlike letsel of gevangenisstraf meebring nie of 'n boete oplê wat R20 te bowe gaan nie, of behalwe in die geval van ongetroude mensepersone onder die oënskynlike ouderdom van 25 jaar lyfstraf oplê nie. Met dien verstande voorts dat sodanige lyfstraf nie wreed is nie.

(iv) any misuse of Government property;

(v) any irregular receipt or use of public moneys;

(vi) the holding of any unauthorised meeting, gathering or assembly or the distribution of undesirable literature in, or the unauthorised entry of any person into, his area;

(vii) the commission of any offence which cannot be dealt with under his own jurisdiction;

(h) shall disperse or order the dispersal of any unauthorised assembly of armed persons or of any riotous or unlawful meeting or gathering;

(i) shall if a state of lawlessness exists in his area, and if he is of opinion that it cannot be brought to an end otherwise, order that all or any of the following shall be prohibited for a period not exceeding 14 days at any one time, for so many times as he may deem fit:

(i) The gathering of men in groups;

(ii) the brewing of beer or the holding of a feast within an area determined by him;

(iii) the carrying by any person of a shield or more than one ordinary stick;

(iv) the shouting of battle cries or the blowing of bugles or whistles;

(j) shall make known to the inhabitants of his area the requirements of any new law;

(k) shall ensure that the provisions of all laws and the orders and instructions of any competent authority are complied with;

(l) shall prevent cruelty to animals;

(m) shall detain, and if so required by law, impound, any livestock pastured unlawfully in his area, or found straying therein or introduced illegally or under suspicious circumstances into his area, and he shall report the facts to the competent authority;

(n) shall generally endeavour to promote the interests of his tribe and area and take steps aimed at the advancement of his people and he shall himself actively support any such steps.

(2) A chief or headman may with the approval of the Nama Council and the Minister appoint a deputy to assist him in the exercise or performance of his duties, powers, authority and functions in terms of the provisions of this Proclamation or of any other legal provision or in terms of any authority: Provided that no chief or headman shall by the appointment of a deputy be freed from responsibility for the proper exercise or performance of any duty, power, authority or function: Provided further that such an appointment may at any time be terminated.

35. Chief's or Headman's Court

(1) The procedure at the trial by a chief or headman or his deputy of any case where the offence is an offence referred to in section 34 (1) (b), the penalty and the manner of execution of a sentence imposed shall, except in so far as the Minister may prescribe otherwise by regulation, be in accordance with Nama law and custom: Provided that a proper register of cases shall be kept: Provided further that in the exercise of his jurisdiction the chief or headman or his deputy shall not impose any penalty which may result in death, mutilation or grievous bodily harm or any penalty involving imprisonment or a fine exceeding R20 or, except in the case of unmarried male persons below the apparent age of 25 years, corporal punishment: Provided further that such corporal punishment shall not be inhuman.

(2) (a) Indien 'n kaptein of hoofman of sy gevolmagtigde nie daarin slaag om van 'n persoon 'n boete of 'n gedeelte van die boete wat kragtens subartikel (1) aan hom opgelê is, in te vorder nie, kan hy daardie persoon arresteer of laat arresteer, en moet hy hom binne 48 uur na die arrestasie voor die landdros, in wie se regsgebied die verhoor plaasgevind het, bring of laat bring.

(b) Die landdros voor wie 'n persoon kragtens paragraaf (a) gebring word, kan, indien hy daarvan oortuig is dat die boete behoorlik en wettiglik opgelê is, en nog of in sy geheel, of gedeeltelik onbetaald is, daardie persoon beveel om die boete of die onbetaalde gedeelte daarvan onmiddellik te betaal en indien daardie persoon versuim om daardie bevel onmiddellik na te kom, hom tot gevangenisstraf vonnis vir 'n tydperk van hoogstens drie maande.

(c) Die landdros, aan wie kriminele regspraak ten opsigte van die betrokke gebied verleen is, reik, ten opsigte van enige persoon wat ingevolge paragraaf (b) tot gevangenisstraf gevonnisd is, 'n lasbrief uit vir sy aanhouding in 'n gevangenis.

(3) Iemand wat kragtens hierdie artikel deur 'n kaptein of hoofman of sy gevolmagtigde skuldig bevind is, kan op die wyse deur die Minister voorgeskryf by regulasie kragtens subartikel (7) uitgevaardig, teen sy skuldigbevinding en die vonnis wat hom opgelê is, na die landdros binne wie se regsgebied die betrokke verhoor plaasgevind het, appelleer.

(4) By die verhoor van 'n appèl na hom ingevolge subartikel (3) moet die landdros sodanige beskikbare getuienis aanhoor en notuleer as wat by enige bestrede saak ter sake is en hy moet daarna—

(a) die skuldigbevinding bekragtig; en

(i) die vonnis wat deur die kaptein of hoofman of sy gevolmagtigde opgelê is, bekragtig en beveel dat dit uitgevoer of nagekom moet word;

(ii) die vonnis wat deur die kaptein of hoofman of sy gevolmagtigde opgelê is, ter syde stel en in plaas daarvan sodanige ander vonnis opelê as wat volgens sy oordeel opgelê behoort te gewees het;

(iii) 'n vonnis van gevangenisstraf vir 'n tydperk van hoogstens drie maande opelê by versuim om 'n boete bekragtig ingevolge subparagraaf (i) of opgelê ingevolge subparagraaf (ii) te betaal; of

(b) die appèl handhaaf en die skuldigbevinding en vonnis ter syde stel.

(5) Die bepalinge van subartikel (2) (c) is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat kragtens subartikel (4) (a) (iii) tot gevangenisstraf gevonnisd is.

(6) Alle boetes en gelde deur die betrokke kaptein of hoofman of sy gevolmagtigde ingevorder ingevolge hierdie artikel moet kragtens artikel 21 (1) (f) by die vroegste geleentheid in die rekening van die betrokke stamraad inbetaal word.

(7) Die Minister kan regulasies uitvaardig—

(a) met betrekking tot alle aangeleenthede waarvoor kragtens hierdie artikel by regulasie voorsiening gemaak kan word;

(b) waarby die wyse waarop en die tydperk waarbinne ingevolge subartikel (3) geappelleer kan word, voorgeskryf word;

(c) waarby die prosedure wat gevolg moet word by optrede kragtens hierdie artikel voorgeskryf word.

36. Aftreding van kaptein of hoofman weens hoë ouderdom

Ondanks andersluidende wetsbepalinge, kan die Minister na oorlegpleging met die stamraad 'n kaptein of hoofman op pensioen plaas sodra hy die ouderdom van 65

(2) (a) If a chief or headman or his deputy fails to recover a fine or portion of a fine imposed upon a person in terms of subsection (1) he may arrest such person or cause him to be arrested and he shall thereafter within 48 hours of the arrest, bring him or cause him to be brought before the magistrate in whose area of jurisdiction the trial took place.

(b) The magistrate before whom any person is brought in terms of paragraph (a) may, if he is satisfied that the fine was properly and lawfully imposed and is still unpaid either wholly or in part, order such person to pay the fine or the unpaid portion thereof forthwith and if such person fails to comply forthwith with such order, sentence him to imprisonment for a period not exceeding three months.

(c) The magistrate upon whom criminal jurisdiction has been conferred in respect of the area concerned shall issue a warrant for the detention in a prison of any person sentenced to imprisonment under paragraph (b).

(3) A person convicted under this section by a chief or headman or his deputy may in the manner prescribed by the Minister by regulation made in terms of subsection (7) appeal against the conviction and sentence imposed upon him to the magistrate in whose area of jurisdiction the trial took place.

(4) At the hearing of an appeal to the magistrate in terms of subsection (3) he shall hear and record such available evidence as may be relevant in any opposed matter and he shall thereafter—

(a) confirm the conviction and—

(i) confirm the sentence imposed by the chief or headman or his deputy and order that it be carried into effect;

(ii) set aside the sentence imposed by the chief or headman or his deputy and impose in lieu thereof such other sentence as in his opinion ought to have been imposed;

(iii) impose a sentence of imprisonment for a period not exceeding three months in default of payment of a fine confirmed under subparagraph (i) or imposed under subparagraph (ii); or

(b) allow the appeal and set aside the conviction and sentence.

(5) The provisions of subsection (2) (c) shall be applied *mutatis mutandis* in the case of a person sentenced to imprisonment in terms of subsection (4) (a) (ii).

(6) All fines and moneys collected by a chief or headman or his deputy in terms of this section shall be paid into the account of the tribal authority concerned in terms of section 21 (1) (f) at the earliest opportunity.

(7) The Minister may make regulations—

(a) with regard to all matters which may be provided for by regulation under this section;

(b) prescribing the manner in which and the period within which an appeal may be brought under subsection (3);

(c) prescribing the procedure to be followed for action under this section.

36. Retirement by chief or headman owing to old age

Notwithstanding anything to the contrary in any law contained the Minister may after consultation with the tribal authority retire a chief or headman on pension on

jaar bereik en dan reëlings tref vir 'n waarnemende aanstelling tot tyd en wyl 'n nuwe kaptein of hoofman aangestel word. Die bepalings van artikel 43 (3) en (4) is in so 'n geval *mutatis mutandis* van toepassing.

37. Vakature vir hoof van 'n stamraad of voorsitter van 'n dorpsbestuur

As die hoof van 'n stamraad of die voorsitter van 'n dorpsbestuur sterf, of om 'n ander rede ophou om hoof van die stamraad of voorsitter van die dorpsbestuur te wees en dit nodig is om die vakature te vul, stel die raadslede of die dorpsbestuurslede, na gelang van die geval, op 'n vergadering wat spesiaal vir die doel belê word, en onderworpe aan die Minister se goedkeuring, een uit hul geledere aan om tydelik as hoof van die stamraad of voorsitter van die dorpsbestuur waar te neem en op vergaderings voor te sit totdat die aanstelling of verkiesing van 'n opvolger ooreenkomstig die bepalings van hierdie Proklamasie geskied het: Met dien verstande dat sodanige waarnemende hoof van die stamraad of waarnemende voorsitter van die dorpsbestuur vir die doeleindes van artikel 43 beskou word as die hoof van die stamraad of die voorsitter van die dorpsbestuur, na gelang van die geval.

38. Minister kan 'n persoon aanstel om op te tree as Voorsitter van die Namaraad, hoof van 'n stamraad of voorsitter van 'n dorpsbestuur

(1) As te eniger tyd—

(a) die Voorsitter van die Namaraad, die hoof van 'n stamraad of die voorsitter van 'n dorpsbestuur nie in staat is nie of onwillig is, of nalaat of versuim om enige bevoegdheid, gesag of werksaamheid wat by hierdie Proklamasie of enige ander wet aan hom verleen of opgedra is, uit te oefen of te verrig; en

(b) dit in die belang van goeie bestuur nodig is om die voortsetting van die administrasie van die Namaraad of die betrokke stamraad of dorpsbestuur te verseker;

kan die Minister 'n persoon aanstel om, solank as wat dit die Minister behaag, as Voorsitter van die Namaraad of as hoof van die stamraad of as voorsitter van die dorpsbestuur op te tree, na gelang van die geval.

(2) 'n Persoon aangestel ingevolge subartikel (1) kan enige bevoegdheid, gesag of werksaamheid wat by hierdie Proklamasie of enige ander wetsbepaling aan die Voorsitter van die Namaraad, die hoof van 'n stamraad of die voorsitter van 'n dorpsbestuur verleen of opgedra is, uitoefen of verrig.

(3) Enige bevoegdheid, gesag of werksaamheid wat kragtens subartikel (2) deur die persoon aangestel ingevolge subartikel (1) uitgeoefen of verrig is, word geag behoorlik deur die Voorsitter van die Namaraad, die hoof van 'n stamraad of die voorsitter van 'n dorpsbestuur, na gelang van die geval, uitgeoefen of verrig te gewees het.

39. Ontruiming van setels deur raadslede van die Namaraad en stamrade en deur dorpsbestuurslede

Die setel van 'n raadslid van die Namaraad of 'n stamraad of van 'n dorpsbestuurslid word vakant—

(a) indien hy sterf;

(b) indien hy ophou om 'n Nama te wees;

(c) indien hy sonder spesiale vergunning van die Namaraad of die betrokke stamraad of dorpsbestuur, na gelang van die geval, in gebreke bly om drie agtereenvolgende vergaderings by te woon;

(d) indien hy langer as ses maande sonder spesiale vergunning van die Namaraad of die betrokke stamraad of dorpsbestuur na gelang van die geval, uit Namaland afwesig is;

attaining the age of 65 years and make arrangements for an acting appointment until such time as a new chief or headman has been appointed. The provisions of section 43 (3) and (4) shall apply *mutatis mutandis* in such a case.

37. Vacancy for head of a tribal authority or chairman of a village management board

If the head of a tribal authority or the chairman of a village management board dies, or for some other reason ceases to be head of the tribal authority or chairman of the village management board and it is necessary to fill the vacancy, the councillors or the members of the village management board, as the case may be, shall appoint, at a meeting specially convened for the purpose, and subject to the approval of the Minister, one of their number to act temporarily as head of the tribal authority or chairman of the village management board and to preside at meetings until such time as a successor is appointed or elected in accordance with the provisions of this Proclamation: Provided that such acting head of the tribal authority or acting chairman of the village management board shall, for the purposes of section 43, be regarded as the head of the tribal authority or the chairman of the village management board, as the case may be.

38. Minister may appoint a person to act as Chairman of the Nama Council, head of a tribal authority or chairman of a village management board

(1) If at any time—

(a) the Chairman of the Nama Council, the head of a tribal authority or the chairman of a village management board is unable or unwilling or neglects or fails to exercise or perform any power, authority or function conferred or imposed upon him by this Proclamation or any other law; and

(b) it is necessary, in the interests of good government, to ensure the continuation of the administration of the Nama Council or the tribal authority or village management board concerned;

the Minister may appoint a person to act, at the Minister's pleasure, as Chairman of the Nama Council, head of the tribal authority or chairman of the village management board, as the case may be.

(2) A person appointed under subsection (1) may exercise or perform any power, authority or function conferred or imposed by this Proclamation or any other legal provision upon the Chairman of the Nama Council, the head of a tribal authority or the chairman of a village management board.

(3) Any power, authority or function exercised or performed under subsection (2) by the person appointed in terms of subsection (1) shall be deemed to have been properly exercised or performed by the Chairman of the Nama Council, the head of a tribal authority or the chairman of a village management board, as the case may be.

39. Vacation of seats by councillors of the Nama Council and tribal authorities and members of village management boards

The seat of a councillor of the Nama Council or a tribal authority or a member of a village management board shall become vacant—

(a) if he dies;

(b) if he ceases to be a Nama;

(c) if he fails to attend three consecutive meetings of the Nama Council or the tribal authority or the village management board concerned, as the case may be, without special leave;

(d) if he is absent from Namaland for a period in excess of six months without special leave from the Nama Council or the tribal authority or the village management board concerned, as the case may be;

- (e) indien hy sy setel bedank;
- (f) indien hy aan 'n misdryf in artikel 46 genoem, of 'n oortreding van artikel 47 skuldig bevind word;
- (g) in die geval van 'n raadslid *ex officio*, indien hy ophou om 'n kaptein of hoofman te wees;
- (h) indien hy ingevolge die bepalings van artikel 36 op pensioen geplaas word;
- (i) indien, na 'n ondersoek deur die Minister gelas, waarby die raadslid of dorpsbestuurslid, na gelang van die geval, die reg het om gehoor te word, die Minister oortuig is dat die raadslid of dorpsbestuurslid by die uitvoering van sy pligte nalatig was of dat dit om enige ander rede in die algemene belang wenslik is om die raadslid of dorpsbestuurslid van sy amp te onthef.

40. *Versuim deur die Namaraad, 'n stamraad of 'n dorpsbestuur*

Indien die Namaraad, 'n stamraad of 'n dorpsbestuur in gebreke bly om 'n handeling te verrig wat die Minister nodig ag, kan hy na oorlegpleging met die Namaraad of die betrokke stamraad of dorpsbestuur die raad of dorpsbestuur, na gelang van die geval, skriftelik aansê om sodanige handeling te verrig, en as die betrokke raad of dorpsbestuur in gebreke bly om sodanige handeling te verrig binne 'n tydperk van drie maande na die Minister se skrywe kan hy self sodanige handeling op koste van die betrokke raad of dorpsbestuur, na gelang van die geval, laat verrig. Genoemde handeling sluit ook die handelinge in wat in artikel 20 (1) (c) en (2) ten opsigte van die stamraad genoem word. Enige handeling wat kragtens hierdie artikel deur die Minister verrig is, word geag behoorlik deur die Namaraad of die betrokke stamraad of dorpsbestuur verrig te gewees het.

41. *Vulling van vakatures van raadslede van die Namaraad en stamrade en van dorpsbestuurslede*

As die setel van 'n raadslid van die Namaraad of 'n stamraad of van 'n dorpsbestuurslid vakant word voor die verstryking van sy ampstyd, word die setel vir die orige gedeelte van die ampstyd op die toepaslike wyse ooreenkomstig die bepalings van hierdie Proklamasie gevul.

42. *Minister kan raadslede vir die Namaraad en stamrade en dorpsbestuurslede aanstel*

(1) As die getal raadslede van die Namaraad of 'n stamraad of dorpsbestuurslede te eniger tyd weens die getal vakatures onvoldoende is om 'n kworum uit te maak, kan die Minister, indien die vakatures nie dadelik ingevolge artikel 41 gevul word nie, 'n voldoende getal raadslede of dorpsbestuurslede, na gelang van die geval, vir 'n tydperk van hoogstens ses maande aanstel wat, tesame met die raadslede of dorpsbestuurslede wie se setels nie vakant is nie, minstens 'n kworum uitmaak. Met dien verstande dat die Minister nie iemand aanstel wat nie 'n Nama is nie.

(2) 'n Raadslid of dorpsbestuurslid aangestel kragtens subartikel (1) geniet al die regte en voorregte van, verrig dieselfde pligte en is onderworpe aan dieselfde diskwalifikasies as enige van die ander raadslede van die betrokke raad of dorpsbestuurslede, na gelang van die geval, behalwe dat hy sy amp bekleed solank as wat dit die Minister behaag.

43. *Vergoeding, toelaes en pensioen*

(1) Die Minister kan in oorleg met die Minister van Finansies by regulasie vir sommige of almal van die volgende persone sodanige vergoeding en/of reis- en verblyftoelaes voorskryf as wat hy goed ag en kan

- (e) if he resigns his seat;
- (f) if he is convicted of an offence referred to in section 46 or of a contravention of section 47;
- (g) in the case of an *ex officio* councillor, if he has ceased to be a chief or headman;
- (h) if he is retired on pension in terms of the provisions of section 36;
- (i) if, after an enquiry ordered by the Minister at which the councillor or member of the village management board, as the case may be, shall be entitled to be heard, the Minister is satisfied that such councillor or member was negligent in the performance of his duties or that for any other reason it is desirable in the public interest that such councillor or member be removed from office.

40. *Negligence on the part of the Nama Council, a tribal authority or a village management board*

If the Nama Council, a tribal authority or a village management board fails to perform an act which the Minister considers necessary, he may, after consultation with the Nama Council or the tribal authority or the village management board concerned, as the case may be, order it in writing to perform such act and if it fails to perform such act within a period of three months of the date of the Minister's order, the Minister may himself perform such act at the expense of the Nama Council, tribal authority or village management board, as the case may be. Such act shall also include the acts referred to in section 20 (1) (c) and (2) in respect of the tribal authority. Any act performed by the Minister in terms of this section shall be deemed to have been properly performed by the Nama Council or tribal authority or village management board concerned.

41. *Filling of vacancies of councillors of the Nama Council and tribal authorities and members of village management boards*

If the seat of a councillor of the Nama Council or a tribal authority or a member of a village management board becomes vacant before the expiration of his period of office, the vacancy shall be filled in the appropriate manner in accordance with the provisions of this Proclamation for the unexpired period of office.

42. *Minister may appoint councillors for the Nama Council and tribal authorities and members for village management boards*

(1) If at any time there is not a sufficient number of councillors of the Nama Council or a tribal authority or members of a village management board to form a quorum owing to the number of vacancies the Minister may, if the vacancies are not immediately filled in terms of section 41, appoint a sufficient number of councillors or members of the village management board, as the case may be, for a period not exceeding six months, who, together with councillors or members of the village management board whose seats are not vacant, will at least form a quorum: Provided that the Minister shall not appoint a person who is not a Nama.

(2) A councillor or member of a village management board appointed in terms of subsection (1) shall enjoy all the rights and privileges of and perform the same duties and be subject to the same disqualifications as any of the other councillors or members of the village management board, as the case may be, except that he shall hold office at the Minister's pleasure.

43. *Remuneration, allowances and pension*

(1) The Minister may in consultation with the Minister of Finance prescribe by regulation such remuneration and/or travelling and subsistence allowances as he may deem fit in respect of some or all of the following persons

bepaal uit welke fonds of fondse of gelde dit betaalbaar is: Die Voorsitter van die Namaraad, die hoof van 'n stamraad, die voorsitter van 'n dorpsbestuur, die raadslede van genoemde rade en die dorpsbestuurslede.

(2) Die Minister kan verskillende vergoedings en reis- en verblyftoelae vir die persone vermeld in subartikel (1) voorskryf ooreenkomstig hulle status en ander persoonlike omstandighede en volgens die afstande wat deur hulle op diens afgelê word.

(3) Wanneer 'n persoon vermeld in subartikel (1) met goedkeuring van die Minister op grond van hoë ouderdom of swakheid of om enige ander grondige rede uit diens tree, kan die Minister, indien hy dit goed ag, 'n uitdienstredingstoelae of pensioen teen die skaal deur die Minister by regulasie voorgeskryf aan hom laat betaal uit 'n fonds of gelde wat die Minister bepaal.

(4) By die vasstelling van vergoeding, uitdienstredingstoelae of pensioen kragtens hierdie artikel word daar rekening gehou met die tydperk van bevredigende diens, hetsy aaneenlopend of nie, wat deur die betrokke persoon gelewer is.

44. *Regsgedinge deur of teen die Namaraad, stamrade en dorpsbesture*

Enige regsgeding deur of teen die Namaraad, 'n stamraad of 'n dorpsbestuur word deur of teen die Voorsitter van die Namaraad, die hoof van die stamraad of die voorsitter van die dorpsbestuur, na gelang van die geval, in sy amptelike hoedanigheid ingestel: Met dien verstande dat 'n stamraad nie aanspreeklik is vir die persoonlike verpligtings van 'n kaptein of hoofman nie en dat 'n stamraad of die grond wat 'n stam bewoon ook op generlei wyse gebonde is deur 'n ooreenkoms of verpligting aangegaan deur enige kaptein of hoofman nie, tensy dit deur die Minister goedgekeur is nadat dit op 'n vergadering van die betrokke stamraad aangeneem, en op 'n vergadering van die Namaraad bevestig is.

45. *Verwydering van ongewenste persone uit Namaland of na plekke binne Namaland*

(1) Die Namakommissaris kan, na oorlegpleging met 'n stamraad of die Namaraad, en met die goedkeuring van die Minister, in belang van goeie orde en/of die behoorlike bestuur van Namaland, 'n persoon wat nie 'n Nama is nie of nie 'n wettige inwoner van Namaland is nie beveel om Namaland binne 'n tydperk in die bevel vermeld, met sy gesin, as daar is, te verlaat of om hom met sy gesin, as daar is, op 'n spesifieke plek in Namaland, onderworpe aan sodanige voorwaardes as wat in die bevel gestel mag word, te vestig: Met dien verstande dat die persoon eers 'n geleentheid gegee moet word om redes aan te voer waarom so 'n bevel nie aan hom beteken moet word nie.

(2) 'n Persoon wat aldus beveel is om Namaland met sy gesin, as daar is, te verlaat of om hom met sy gesin, as daar is, op 'n spesifieke plek in Namaland te vestig, en enige lid van sy gesin, as daar is, wat versuim om aan die bevel te voldoen binne die tydperk daarin vermeld of enige sodanige persoon en enige lid van sy gesin, as daar is, wat nadat hy Namaland verlaat het Namaland binnekom, begaan 'n misdryf en is by skuldigbevinding strafbaar met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met beide sodanige boete en sodanige gevangenisstraf.

and he may determine the fund or funds or moneys out of which such remuneration and allowances shall be paid: The Chairman of the Nama Council, the head of a tribal authority, the chairman of a village management board, the councillors of the Nama Council and tribal authorities and members of village management boards.

(2) The Minister may prescribe different remuneration and travelling and subsistence allowances in respect of persons referred to in subsection (1), regard being had to their status and other personal circumstances and the distances travelled by them on duty.

(3) If a person referred to in subsection (1) retires from service with the approval of the Minister on account of old age or infirmity or for any other sound reason, the Minister may in his discretion grant a retirement allowance or pension at the rate prescribed by him by regulation and such allowance or pension shall be paid out of a fund or moneys determined by the Minister.

(4) When determining the remuneration, retirement allowance or pension in terms of this section regard shall be had to the period of satisfactory service rendered by the person concerned, whether continuous or not.

44. *Legal proceedings by or against the Nama Council, tribal authorities and village management boards*

Any legal proceedings by or against the Nama Council, a tribal authority or a village management board shall be instituted by or against the Chairman of the Nama Council, the head of the tribal authority or the chairman of the village management board, as the case may be, in his official capacity: Provided that a tribal authority shall not be liable for the personal liabilities of a chief or headman and that a tribal authority or the land occupied by a tribe shall also in no way be bound by or subject to an agreement entered into by any chief or headman or an obligation to which he is subject unless it has been approved by the Minister after it has been accepted at a meeting of the tribal authority concerned and confirmed at a meeting of the Nama Council.

45. *Removal of undesirable persons from Namaland or to places within Namaland*

(1) The Nama Commissioner may, in the interests of good order and/or the proper administration of Namaland, after consultation with a tribal authority or the Nama Council, and with the approval of the Minister, order a person who is not a Nama or a lawful inhabitant of Namaland to leave Namaland with the members of his household, if any, within a period specified in the order or to settle at a specified place in Namaland with the members of his household, if any, subject to such conditions as may be set out in the order: Provided that such person shall first be given an opportunity to show cause why such an order should not be served on him.

(2) A person who has been ordered as aforesaid to leave Namaland with the members of his household, if any, or to settle at a specified place in Namaland with the members of his household, if any, and any member of his household, if any, who fails to comply with the order within the period specified therein, or any such person and any member of his household, if any, who enters Namaland after he has left Namaland shall be guilty of an offence and liable on conviction to a fine not exceeding R200 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

46. Voorkoming van korrupsie

Die Namaraad, 'n stamraad of 'n dorpsbestuur word geag 'n plaaslike bestuur te wees vir die doeleindes van die Wet op die Voorkoming van Korrupsie, 1958 (Wet 6 van 1958).

47. Misdrywe en strawwe

(1) Indien die Voorsitter van die Namaraad, 'n hoof van 'n stamraad, 'n voorsitter van 'n dorpsbestuur of 'n raadslid of 'n dorpsbestuurslid 'n vergadering van die betrokke raad of dorpsbestuur of 'n komitee van die betrokke raad of dorpsbestuur bywoon of aan die verrigtinge daarvan deelneem gedurende die bespreking van of stemming oor 'n saak waarby hyself of sy gade, vennoot of sakevennoot direk of indirek enige geldelike belang het, begaan hy 'n misdryf tensy hy bewys dat hy nie geweet het dat hy sodanige belang gehad het nie.

(2) Enigeen wat die Minister of enige ander Minister, of 'n amptenaar, 'n landdros, die Voorsitter van die Namaraad, 'n hoof van 'n stamraad, 'n voorsitter van 'n uitvoering van sy ampspligte hinder of wat 'n wettige bevel van enigeen van hierdie persone, terwyl hy by die uitvoering van sy ampspligte handel, verontagsaam of enigeen van hierdie persone opsetlik beledig of 'n vergadering wat wettiglik deur enigeen van hierdie persone belê is, opsetlik belemmer, begaan 'n misdryf.

48. Algemene straf

Enigiemand wat skuldig bevind word aan 'n oortreding ingevolge hierdie Proklamasie waarvoor geen bepaalde straf voorgeskryf is nie, is strafbaar met 'n boete van hoogstens R100 of by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande.

49. Tug

(1) Wanneer daar rede bestaan om te glo dat die Voorsitter van die Namaraad, die hoof van 'n stamraad, die voorsitter van 'n dorpsbestuur, 'n raadslid of 'n dorpsbestuurslid skuldig is aan wangedrag deurdat hy—

(a) versuim of weier om te voldoen aan enige bepaling van hierdie Proklamasie of enige ander wetsbepaling waaraan dit sy plig is om te voldoen;

(b) 'n wettige bevel, wat aan hom gegee is deur 'n persoon wat die bevoegdheid het om dit te gee, nie gehoorsaam nie, dit verontagsaam of opsetlik versuim om dit uit te voer, of deur gedrag hom aan insubordinansie skuldig maak;

(c) hom op 'n skandelijke, onbehoorlike of onbetamelike wyse gedra;

(d) buitensporige gebruik maak van sterk drank of bedwelmende verdowingsmiddels;

(e) sy magte misbruik of enige bydrae, geld, beloning of geskenk afpers of deur middel van dwang of arbitrêre middels verkry;

(f) lid word van deelneem aan die bedrywighede van 'n organisasie of vereniging waarvan die oogmerke ondermynend of nadelig is vir die handhawing van wet en orde;

(g) nalatig of traag in die uitvoering van sy pligte is,

kan die Minister hom skors en skriftelik van wangedrag aankla en 'n beampte in diens van die Regering aanstel om die aanklag te ondersoek, en die Minister kan sodanige opdragte gee ten opsigte van die ondersoek waarby die aangeklaagde die reg sal hê om gehoor te word, as wat hy dienstig ag. Met dien verstande dat die verrigtinge nie ongeldig gemaak word deur die versuim van die aangeklaagde om by die ondersoek teenwoordig te wees nie.

46. Prevention of corruption

The Nama Council, a tribal authority or a village management board shall be deemed to be a local authority for the purposes of the Prevention of Corruption Act, 1958 (Act 6 of 1958).

47. Offences and penalties

(1) If the Chairman of the Nama Council, a head of a tribal authority or a chairman of a village management board or a councillor or a member of a village management board who attends a meeting or takes part in the proceedings of the Nama Council or the tribal authority or village management board concerned or a committee thereof, during the discussion of or the voting on any matter in which he has directly or indirectly by himself or through his spouse, partner or business associate any pecuniary interest shall be guilty of an offence unless he proves that he did not know that he had such interest.

(2) Any person who hinders the Minister or any other Minister, or an official, a magistrate, the Chairman of the Nama Council, a head of a tribal authority, a chairman of a village management board, a chief or a headman in the lawful execution of his official duties or who disobeys a lawful order of any such person while such person acts in the execution of his official duties or who wilfully insults any such person or who wilfully causes obstruction at a meeting lawfully convened by any such person shall be guilty of an offence.

48. General penalties

Any person convicted of an offence under this Proclamation for which no penalty is expressly provided shall be liable to a fine not exceeding R100 or, in default of payment to imprisonment for a period not exceeding six months.

49. Discipline

(1) Whenever there is reason to believe that the Chairman of the Nama Council, the head of a tribal authority, the chairman of a village management board, a councillor or a member of a village management board is guilty of misconduct in that he—

(a) fails or refuses to comply with any provision of this Proclamation or of any other legal provisions, if it is his duty to comply therewith;

(b) disobeys, disregards or makes wilful default in carrying out a lawful order given to him by a person having authority to give such order or by conduct displays insubordination;

(c) conducts himself in a disgraceful, improper or unbecoming manner;

(d) uses intoxicants or stupefying drugs excessively;

(e) abuses his powers or extorts or obtains through coercion or arbitrary means any contribution, money, reward or gift;

(f) becomes a member or takes part in the activities of an organisation or association the objects of which are subversive or detrimental to the maintenance of law and order;

(g) is negligent or indolent in the discharge of his duties;

the Minister may suspend him from duty and charge him in writing with misconduct and appoint an officer in the service of the Government to inquire into the charge and the Minister may give such orders with regard to the inquiry, at which the person charged shall have the right to be heard, as he may deem fit: Provided that the failure of the person charged to be present at the inquiry shall not invalidate the proceedings.

(2) Die beampte wat die ondersoek instel, moet—

- (a) notule hou van die verrigtinge;
- (b) na afloop van die ondersoek bevind of die aangeklaagde skuldig of onskuldig is aan wangedrag en hom van sy bevinding verwittig; en
- (c) die notule van die verrigtinge, 'n uiteensetting van sy bevindings, die redes daarvoor en enige opmerkings wat hy wens te maak aan die Minister stuur.

(3) As die beampte wat die ondersoek ingestel het, bevind het dat die aangeklaagde aan wangedrag skuldig is, stuur die Minister 'n afskrif van die dokumente in subartikel (2) (c) genoem aan die Namaraad, waarop die Namaraad binne 'n tydperk deur die Minister vasgestel—

- (i) die aangeklaagde waarsku of berispe;
 - (ii) die aangeklaagde 'n boete van hoogstens R50 ople wat ten bate van die Namaraad op hom verhaal moet word;
 - (iii) hom vir 'n tydperk van hoogstens 12 maande in sy amp skors sonder vergoeding of toelae, indien dit betaalbaar was; of
 - (iv) hom van sy amp onthef.
- (4) Enige straf ingevolge subartikel (3) opgelê, is onderworpe aan bekragtiging deur die Minister.

50. Goedkeuring en afkondiging van regulasies van die Namaraad, stamrade en dorpsbesture

(1) Regulasies uitgevaardig deur die Namaraad, stamrade en dorpsbesture word nie van krag voordat dit deur die Minister goedgekeur en in die *Staatskoerant* afgekondig is nie.

(2) Voordat hy 'n regulasie ingevolge subartikel (1) goedkeur, kan die Minister dit na die Namaraad, stamraad of dorpsbestuur, na gelang van die geval terugverwys vir herooring in die lig van sodanige verdere inligting en advies as wat gegee mag word.

51. Regulasies

(1) Regulasies uitgevaardig deur die Namaraad, (2), 21 (2), 27 (2), 32, 35 (1) en (7), 36 en 43 (3), kan die Minister regulasies uitvaardig—

- (a) wat voorsiening maak vir die bestuur van, die toesig en beheer oor en die ouditering van rekenings en fondse, en die prosedure wat gevolg moet word by die invordering en bewaring van inkomste en die verrekening van gelde van die Namaraad, stamrade en dorpsbesture;
- (b) wat voorsiening maak vir die aanstelling en die bepaling van die voorwaardes van aanstelling en die pligte van werknemers van die Namaraad, stamrade en dorpsbesture;
- (c) wat die tye voorskryf vir die betaling van heffings, belastinge of gelde wat ingevolge hierdie Proklamasie gehef of voorgeskryf word en die omstandighede waaronder of die voorwaardes waarop enigemand van die verpligting om dit te betaal, vrygestel kan word;
- (d) wat die wyse voorskryf waarop die weidingsgelde bedoel in artikel 20 (1) (c) aangeslaan en ingevorder moet word en wat die metode van registrasie van beeste vir die doeleindes van die heffing van sodanige gelde en ander sake met betrekking tot uitgawes aan diendienste voorskryf;
- (e) wat voorsiening maak vir die betaling van vergoeding en toelae aan die Voorsitter van die Namaraad, die hooft van stamrade, die voorsitters van dorpsbesture, hoofmanne, kapteins, raadslede en dorpsbestuurslede; en

(2) The officer holding the inquiry shall—

- (a) keep a record of the proceedings;
 - (b) after the conclusion of the inquiry decide whether the person charged is guilty or not guilty of the misconduct with which he is charged and inform him of his decision; and
 - (c) forward to the Minister the record of the proceedings, a statement of his findings, the reasons therefor and any observations which he may wish to make.
- (3) If the officer who held the inquiry found that the person charged was guilty of the misconduct with which he was charged the Minister shall forward a copy of the documents referred to in subsection 2 (c) to the Nama Council whereupon the Nama Council shall, within a period specified by the Minister—

- (i) caution or reprimand the person charged;
 - (ii) impose upon the person charged a fine not exceeding R50, which amount shall be recovered from him for the benefit of the Nama Council;
 - (iii) suspend him from office without remuneration or allowances, if such remuneration or allowances were payable, for a period not exceeding 12 months; or
 - (iv) remove him from office.
- (4) Any punishment imposed under subsection (3) shall be subject to confirmation by the Minister.

50. Approval and promulgation of regulations of the Nama Council, tribal authorities and village management boards

(1) Regulations made by the Nama Council, tribal authorities and village management boards shall have no force and effect until they have been approved by the Minister and promulgated in the *Government Gazette*.

(2) Before approving a regulation in terms of subsection (1) the Minister may refer it back to the Nama Council, tribal authority or village management board, as the case may be, for reconsideration in the light of such further information and advice as may be given.

51. Regulations

(1) In addition to the regulations referred to in sections 14 (2), 21 (2), 27 (2), 32, 35 (1) and (7), 36 and 43 (3), the Minister may promulgate regulations—

- (a) providing for the administration, supervision, control and auditing of accounts and funds, and the procedure to be followed in the collection and safekeeping of revenue and the adjustment of moneys of the Nama Council, tribal authorities and village management boards;
- (b) providing for the appointment, the determination of the conditions of appointment and the duties of employees of the Nama Council, tribal authorities and village management boards;
- (c) prescribing the times for the payment of levies, taxes, fees or moneys levied or prescribed under this Proclamation and the circumstances in which or the conditions subject to which a person may be exempted from liability for the payment thereof;
- (d) prescribing the manner in which the grazing fees referred to in section 20 (1) (c) shall be assessed and collected, the method of registration of cattle for the purposes of levying such fees and other matters relating to expenditure on dipping services;
- (e) providing for the payment of remuneration and allowances to the Chairman of the Nama Council, heads of tribal authorities, the chairman of village management boards, headmen, chiefs, councillors and members of village management boards; and

oor die algemeen enige regulasies wat hy ingevolge hierdie Proklamasie moet of kan uitvaardig en enige ander regulasies, hetsy dit op 'n aangeleentheid spesiaal in hierdie subartikel vermeld, betrekking het al dan nie wat hy nodig mag ag om die doeltreffende uitvoering en toepassing van hierdie Proklamasie te verseker.

(2) Verskillende regulasies kan ten opsigte van verskillende stamgroepe onder dieselfde stamraad of ten opsigte van aangeleenthede rakende verskillende inwoners onder dieselfde stamraad of die Namaraad uitgevaardig word.

(3) Bogenoemde regulasies en die regulasies uitgevaardig ingevolge subartikel (4) van hierdie artikel en artikels 15, 22 en 31 (1) kan voorsiening maak vir strawwe vir oortreding daarvan of versuim om daaraan te voldoen, maar vir 'n boete van hoogstens R50 of by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens drie maande, behalwe waar daar in hierdie Proklamasie anders bepaal word.

(4) (a) 'n Regulasie uitgevaardig deur die Namaraad, 'n stamraad of 'n dorpsbestuur is nie van krag voordat dit deur die Minister goedgekeur en in die *Staatskoerant* afgekondig is nie, en die Minister kan, voordat hy sodanige regulasie goedkeur, dit na die Namaraad of die betrokke stamraad of dorpsbestuur vir verdere oorweging terugverwys en dit daarna wysig op 'n wyse wat hy goedvind of addisionele regulasies uitvaardig of 'n bestaande regulasie wysig of herroep.

(b) 'n Regulasie wat voor die goedkeuring daarvan ingevolge paragraaf (a) van hierdie subartikel deur die Minister gewysig word, word geag behoorlik in die gewysigde vorm deur die Namaraad of die betrokke stamraad of dorpsbestuur na gelang van die geval, uitgevaardig te gewees het, en 'n addisionele regulasie uitgevaardig, of wysiging of herroeping van 'n bestaande regulasie deur die Minister wanneer hy sy goedkeuring verleen, word geag behoorlik deur die Namaraad of die betrokke stamraad of dorpsbestuur na gelang van die geval, uitgevaardig of aangebring te gewees het.

(c) Indien die Namaraad, 'n stamraad of 'n dorpsbestuur in gebreke bly om regulasies wat die Minister noodsaaklik ag, uit te vaardig, kan die Minister die betrokke raad of dorpsbestuur skriftelik aansê om sodanige regulasies uit te vaardig en bedoelde regulasies vir die Minister se goedkeuring ingevolge paragraaf (a) van hierdie subartikel voor te lê, en as die betrokke raad of dorpsbestuur in gebreke bly om sodanige regulasies uit te vaardig en hulle vir goedkeuring aan die Minister voor te lê binne 'n tydperk van ses maande na die Minister se skrywe, kan die Minister self sodanige regulasies uitvaardig.

(d) Enige regulasies wat kragtens paragraaf (c) van hierdie subartikel deur die Minister uitgevaardig word, word geag behoorlik deur die Namaraad of die betrokke stamraad of dorpsbestuur na gelang van die geval, uitgevaardig te gewees het.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Vyf-entwintigste dag van Junie Eenduisend Negehoenderd Vyf-en-sewentig.

N. DIEDERICH, Staatspresident.

Op las van die Staatspresident-in-rade:

S. J. M. STEYN.

generally any regulations which he is required or empowered to make under this Proclamation and any other regulations, whether or not relating to any matter specifically mentioned in this subsection, which he may consider necessary to ensure the effective implementation and administration of this Proclamation.

(2) Different regulations may be promulgated in respect of different tribal groups under the same tribal authority or in respect of matters affecting different inhabitants under the same tribal authority or the Nama Council.

(3) The above-mentioned regulations and the regulations made under subsection (4) of this section and sections 15, 22 and 31 (1) may provide for penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of R50 or, in default of payment, imprisonment for a period not exceeding three months, except where otherwise provided for in this Proclamation.

(4) (a) A regulation made by the Nama Council, a tribal authority or a village management board shall not have any force or effect unless and until it has been approved by the Minister and promulgated in the *Government Gazette* and the Minister may before approving such regulation refer it back to the Nama Council or tribal authority or village management board concerned for reconsideration and thereafter amend it as he may deem fit or make additional regulations or amend or repeal any existing regulation.

(b) A regulation amended by the Minister in terms of paragraph (a) of this subsection before approval thereof shall be deemed to have been properly made in its amended form by the Nama Council or the tribal authority or village management board concerned, as the case may be, and any additional regulation made or amendment or repeal of an existing regulation by the Minister when granting his approval shall be deemed to have been properly made or effected by the Nama Council or the tribal authority or village management board concerned, as the case may be.

(c) If the Nama Council, a tribal authority or a village management board fails to make regulations which the Minister considers essential, the Minister may order the Nama Council, tribal authority or village management board, as the case may be, in writing to make such regulations and to submit them to him for approval in terms of paragraph (a) of this subsection and, if the Nama Council, tribal authority or village management board, as the case may be, fails to make such regulations and to submit them to the Minister for approval within six months of the Minister's order, the Minister may himself make such regulations.

(d) Any regulations promulgated by the Minister under paragraph (c) of this subsection shall be deemed to have been properly promulgated by the Nama Council or the tribal authority or village management board concerned, as the case may be.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-fifth day of June, One thousand Nine hundred and Seventy-five.

N. DIEDERICH, State President.

By Order of the State President-in-Council:

S. J. M. STEYN.

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INHOUD**PROKLAMASIE**

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