



# GOVERNMENT GAZETTE

OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK — 28 February 1995

No. 1036

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 46

1995

### PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 4 of 1995: Law Reform and Development Commission Amendment Act, 1995.

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Act No. 4, 1995

**LAW REFORM AND DEVELOPMENT  
COMMISSION AMENDMENT ACT, 1995**

**EXPLANATORY NOTE:**

- \_\_\_\_\_ Words underlined with solid line indicate insertions in existing enactments.
- [            ] Words in bold type in square brackets indicate omissions from existing enactments.

**ACT**

**To amend the Law Reform and Development Commission Act, 1991 so as to amend the constitution of the Law Reform and Development Commission; and to provide for incidental matters.**

*(Signed by the President on 13 February 1995)*

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

Amendment of section 3  
of Act 29 of 1991.

**1.** Section 3 of the Law Reform and Development Commission Act, 1991 (hereinafter referred to as the principal Act) is hereby amended -

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) a chairperson appointed by the President;”;

(b) by the deletion of paragraph (b) of subsection (1);  
and

(c) by the deletion of subsection (3).

Amendment of section 5  
of Act 29 of 1991.

**2.** Section 5 of the principal Act is hereby amended:

(a) by the substitution for subsection (1) of the following subsection:

“(1) The office of a member of the Commission shall become vacant if -

(a) he or she, being a member appointed under paragraph (a), (d), (e) or (g) of section 3(1) -

**LAW REFORM AND DEVELOPMENT  
COMMISSION AMENDMENT ACT, 1995**

- (i) resigns as a member by notice in writing delivered to the secretary of the Commission;
  - (ii) has been absent from four consecutive meetings of the Commission without the consent of the Commission;
  - (iii) is convicted of an offence in respect of which he or she is sentenced to imprisonment without the option of a fine;
  - (iv) is declared or detained as a mentally ill person under any law relating to mental health;
  - (v) is by order of any competent authority disqualified or suspended from practising any profession; or
  - (vi) is removed from office under subsection 2;
- (b) he or she, being a member appointed under paragraph (d) or (e) of section 3(1), ceases to practise as attorney or advocate; or
- (c) being the member appointed under paragraph (f) of section 3(1), his or her appointment is revoked by the President.”; and
- (b) by the substitution for the words preceding paragraph (a) of subsection (2) of the following words:

“A member referred to in paragraph (a), (d), (e) or (g) of section 3(1) may be removed from office by the President - ”.

Act No. 4, 1995

**LAW REFORM AND DEVELOPMENT  
COMMISSION AMENDMENT ACT, 1995**Amendment of section 12  
of Act 29 of 1991.

4. Section 12 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A member of the Commission appointed under paragraph (a), (d), (e) or (g) of section 3(1) who is not employed in the Public Service shall be entitled to such remuneration, allowances (including allowances for reimbursement of travelling and subsistence expenses incurred by him or her in the performance of his or her functions under this Act), benefits or privileges as the Minister, in consultation with the Minister of Finance, may determine.”

Short title.

5. This Act shall be called the Law Reform and Development Commission Amendment Act, 1995.

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