



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$0.80

WINDHOEK - 21 June 1997

No. 1584

CONTENTS

	<i>Page</i>
GOVERNMENT NOTICE	
No. 121 Promulgation of Local Authorities Amendment Act, 1997 (Act 3 of 1997), of the Parliament	1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 121 1997

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. 3 of 1997: Local Authorities Amendment Act, 1997.

Act No. 3, 1997 **LOCAL AUTHORITIES AMENDMENT ACT, 1997****EXPLANATORY NOTE**

_____ Words underlined with solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Local Authorities Act, 1992 so as to provide that the second general elections for members of local authority councils shall be conducted according to the party list system instead of the ward system; to defer the first delimitation of local authority areas into wards until after such second general elections; to further regulate the powers and duties of a delimitation commission; to empower the President to refer any matter arising from a report of a delimitation commission in relation to the delimitation of a local authority area into wards back to the commission for reconsideration; to increase the maximum number of members of which municipal councils may consist from 12 to 15; to effect a consequential amendment to the Electoral Act 1992; and to provide for incidental matters.

(Signed by the President on 6 June 1997)

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

Substitution of section 5 of Act 23 of 1992

1. The following section is substituted for section 5 of the Local Authorities Act, 1992:

“Appointment of delimitation commission and delimitation of local authority areas into wards

5. (1) The President shall appoint from time to time by proclamation in the *Gazette*, in accordance with the provisions of subsection (2), a delimitation commission consisting of a judge or retired judge of the Supreme Court or the High Court of Namibia, who shall be the chairperson, and two other persons, to perform the functions prescribed by this section.

Act No. 3, 1997 LOCAL AUTHORITIES AMENDMENT ACT, 1997

- (2) A delimitation commission shall be appointed -
- (a) not later than three years after the second general elections for members of local authority councils after the commencement of this Act, to carry out the first delimitation of local authority areas into wards for the purposes of the third general elections of such councils which are to be held in accordance with the provisions of section 8;
 - (b) whenever a new local authority area is established under section 3 after the third general elections referred to in paragraph (a), to carry out a delimitation of such local authority area into wards for the purposes of the election referred to in section 3(4)(d)(i);
 - (c) whenever it is necessary to do so or the President considers it expedient on account of any change occurring in relation to any local authority area in any of the circumstances contemplated in section 4(1), to revise the existing delimitation of wards in such local authority area; and
 - (d) generally, at intervals of not more than 10 years commencing from the first delimitation contemplated in paragraph (a), to revise the existing delimitation of wards in all local authority areas.
- (3) The number of wards into which a local authority area is divided shall be equal to the number of local authority council members determined in respect of that local authority area under section 6(1).
- (4) The delimitation commission may make such investigations and give to persons such opportunities to be heard as it may deem necessary for the purpose of performing its functions under this section.
- (5) A delimitation commission shall have the powers and jurisdiction of the High Court of Namibia in relation to the summoning of witnesses, the production of documents and the administration of oaths to witnesses, and the punishment of persons who disregard any summons to appear before it.
- (6) Upon the delimitation of a local authority area into wards, a delimitation commission shall cause -
- (a) a map of that local authority area, showing the wards into which it is proposed to be divided, to be made available for inspection by the public during a period of 30 days at a place determined by it; and

Act No. 3, 1997 LOCAL AUTHORITIES AMENDMENT ACT, 1997

- (b) cause a notice to be published in the *Gazette* and at least one newspaper notifying the public of the arrangements made under paragraph (a) for the inspection of the map and inviting interested persons to submit to it any written objections to the proposed delimitation within the period of 30 days.

(7) After consideration of any objections received to the proposed wards, the delimitation commission shall submit to the President a report containing -

- (a) a list giving the wards into which a local authority area has been divided, with the names or numbers given to such wards by the commission and a description of the boundaries of every ward;
- (b) a map or maps showing the wards into which a local authority area has been divided; and
- (c) such further particulars as it considers necessary.

(8) The President may refer any matter arising out of the report back to the delimitation commission for its reconsideration.

(9) The President shall by proclamation in the *Gazette* announce the names or numbers and the boundaries of the wards of a local authority area, as finally determined by the delimitation commission and thereafter the wards so announced shall be the wards of the local authority in question until a subsequent revision."

Substitution of section 6 of Act 23 of 1992

2. (1) The following section is substituted for section 6 of the Local Authorities Act, 1992:

"Governing bodies of local authorities

6. (1) The affairs of -
- (a) a municipality shall be governed by a municipal council consisting of such number of members, but not less than seven and not more than 15, as may be determined and specified by the President in the proclamation establishing the municipality;
- (b) a town shall be governed by a town council consisting of such number of members, but not less than seven and not more than 12, as may be determined and specified by the President in the proclamation establishing the town;

Act No. 3, 1997 LOCAL AUTHORITIES AMENDMENT ACT, 1997

(c) a village shall be governed by a village council, which shall consist -

(i) until such time as the third general elections for members of local authority councils are held in accordance with section 8, of seven members; and

(ii) with effect from the date of such third general elections, of five members,

to be elected at elections in accordance with the provisions of subsection (2).

(2) The members of a local authority council shall -

(a) at the first elections held by virtue of the provisions of Article 137(5) of the Namibian Constitution and at the first ensuing general elections to be held in accordance with the provisions of section 8, or at any election in respect of a new local authority established at any time before the third general elections referred to in paragraph (b), be elected on party lists;

(b) at the third and all subsequent general elections to be held in accordance with the provisions of section 8, or at any election in respect of a new local authority established after such third general elections, be elected in respect of each of the wards into which the local authority area has been divided in terms of section 5.

(3) A municipal council, town council and village council shall under its name be a juristic person.

(4) For the purposes of any election contemplated in paragraph (a) of subsection (2), each party list shall contain as candidates for such election -

(a) in the case of a municipal council or town council consisting of 10 or fewer members or a village council, the names of at least three female persons;

(b) in the case of a municipal council or town council consisting of 11 or more members, the names of at least five female persons.”.

Act No. 3, 1997 LOCAL AUTHORITIES AMENDMENT ACT, 1997**Amendment of section 1 of Act 24 of 1992**

3. The Electoral Act, 1992 (Act 24 of 1992) is amended by the substitution in section 1 for the definition of "party list" of the following definition:

"'party list' -

- (a) in relation to any election of members of the National Assembly, means a list of candidates submitted by a political party under section 59(1);
- (b) in relation to any [**first elections**] election of members of a local authority council [**referred to in section (6)(1)(i) of** required to be held on party lists under the Local Authorities Act 1992, means a list of candidates submitted by a political party under section 68(1)(a);".

Short title

4. This Act shall be called the Local Authorities Amendment Act, 1997.
