



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1.00

WINDHOEK - 19 July 2000

No.2377

CONTENTS

Page

GOVERNMENT NOTICE

No. 181	Promulgation of Town Planning Amendment Act, 2000 (Act 15 of 2000), of the Parliament.....	1
---------	---	---

Government Notice

OFFICE OF THE PRIME MINISTER

No. 181 2000

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. 15 of 2000: Town Planning Amendment Act, 2000.

Act No. 15, 2000

TOWN PLANNING AMENDMENT ACT, 2000

EXPLANATORY NOTE:

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

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

ACT

To amend the Town Planning Ordinance, 1954, so as to define the expressions "Deeds Registry" and "Registrar of Deeds", and to further define the expressions "local authority", "local authority area" and "Minister"; and to provide for matters incidental thereto.

(Signed by the President on 5 July 2000)

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

Amendment of section 2 of Ordinance No. 18 of 1954, as amended by section 2 of Ordinance No. 13 of 1970, section 2 of Ordinance No. 11 of 1973 and section 1 of Act No. 27 of 1993

1. Section 2 of the Town Planning Ordinance, 1954 (hereinafter referred to as the Ordinance) is hereby amended -

(a) by the insertion of the following definition after the definition of "building":

"'Deeds Registry', in relation to land situated in the district of Rehoboth, means the deeds registry established by section 2 of the Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976) and, in relation to any other land, the deeds registry of Windhoek referred to in section 1 of the Deeds Registries Act, 1937 (Act No. 47 of 1937);";

(b) by the substitution for the definition of "local authority" of the following definition:

"'local authority' means a municipal council, town council or village council as defined in section 1 of the Local Authorities Act, 1992 (Act No. 23 of 1992) or a regional council as defined in section 1 of the Regional Councils Act, 1992 (Act No. 22 of 1992);";

(c) by the substitution for the definition of "local authority area" of the following definition:

"'local authority area' means -

(a) in relation to a municipal council, town council or village council the area declared under section 3 of the Local Authorities Act, 1992 (Act No. 23 of 1992) to be a municipality, town or village, as the case may be, or deemed to be so declared;

(b) in relation to a regional council, the area declared under section 31 of the Regional Council Act, 1992 (Act No. 22 of 1992) to be a settlement area and in respect of which the provisions of this Ordinance apply pursuant to section 4(1);";

Act No. 15, 2000

TOWN PLANNING AMENDMENT ACT, 2000

(d) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Regional and Local Government and Housing;"; and

(e) by the insertion of the following definition after the definition of "Minister":

" 'Registrar of Deeds' means the registrar of deeds responsible for the deeds registry referred to in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or the registrar of deeds responsible for the deeds registry referred to in the Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976);".

Amendment of section 4 of Ordinance No. 18 of 1954, as amended by section 2 of Act No. 27 of 1993

2. Section 4 of the Ordinance is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Subject to the provisions of subsections (2), (3) and (4) hereof, the Minister may from time to time, after consultation with the local authority concerned, by notice in the *Gazette*, apply the provisions of this Ordinance to any local authority not mentioned in the Third Schedule: Provided that if such local authority is a regional council such notice shall also specify the settlement area in respect of which this Ordinance shall apply."

Amendment of section 47 of Ordinance No. 18 of 1954, as amended by section 6 of Ordinance No. 13 of 1970, section 5 of Ordinance No. 11 of 1973 and section 10 of Act No. 27 of 1993

3. Section 47 of the Ordinance is hereby amended by the substitution for subsection (5) of the following subsection:

"(5) If the effect of any decision referred to in subsection (4) is that the land in question constitutes a public place the ownership of which vests in the local authority within whose area such public place is situate, or in any other case of the State in trust, the local authority or the Minister shall cause a diagram thereof to be prepared and submitted to the Surveyor-General for approval and upon the approval of that diagram may proceed under **[section 31 of]** the Deeds Registries Act, 1937 (Act No. 47 of 1937) or the Registration of Deeds in Rehoboth Act, 1976 (Act No. 93 of 1976), for the purposes of securing transfer of such public place."

Short title

4. This Act shall be called the Town Planning Amendment Act, 2000.