



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$3.79

WINDHOEK - 15 December 2001

No.2663

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Government Notices

MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION

No. 243

2001

AMENDMENT OF THE REGULATIONS MADE UNDER THE AGRICULTURAL (COMMERCIAL) LAND REFORM ACT, 1995 (ACT NO. 6 OF 1995)

The Minister of Lands, Resettlement and Rehabilitation has under section 77 of the Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995), made the regulations set out in the Schedule.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published under Government Notice No. 272 of 17 October 1996.

2. The Annexure to the Regulations is hereby amended by the substitution for Form 1 of the following Form:

"Form 1

CERTIFICATE OF WAIVER

(Section 16 of the Agricultural (Commercial) Land Reform Act, 1995 and regulation 3)

I,, the Minister of Lands, Resettlement and Rehabilitation of the Republic of Namibia, do hereby certify that the State waives its preferent right to purchase agricultural land, as conferred by section 17 of the Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995), in respect of the property described below which has in terms of that section been offered for sale to the State by the owner mentioned below.

This certificate of waiver does not entitle the owner to sell or otherwise dispose of the mentioned property to a foreign national without the prior written consent of the Minister of Lands, Resettlement and Rehabilitation, as required by section 58(1) of the Agricultural (Commercial) Land Reform Act, 1995, having been obtained by the foreign national who intends to acquire that property.

Description of property:

Certain:

Registration Division:

Deed of Transfer No:

Owner:

Date of Offer:

Signed at:, on 20

.....
Minister of Lands, Resettlement and Rehabilitation".

MINISTRY OF TRADE AND INDUSTRY

No. 244

2001

**NOTICE IN TERMS OF THE COMPANIES ACT, 1973:
AMENDMENT OF GOVERNMENT NOTICE 165 OF 1999**

It is hereby made known for general information that I have under Government Notice 165 of 1999 erroneously made known that **FEDICS FOOD SERVICES (SWA/NAMIBIA) (PTY) LTD., REGISTRATION NUMBER 80/038** is as from 9 August 1999 been deregistered whilst the said company was in actual fact withdrawn from deregistration.

Government Notice 165 of 1999 of the Government Gazette No. 2164 of 1999 is therefore hereby amended by the deletion of the particulars of **FEDICS FOOD SERVICES (SWA/NAMIBIA) (PTY) LTD.**, in that Schedule.

E.T. KAMBOUA
REGISTRAR OF COMPANIES

NOTE: No guarantee is given in respect of the accuracy of the particulars furnished and no responsibility is accepted for errors or omissions or the consequences thereof.

MINISTRY OF FOREIGN AFFAIRS, INFORMATION AND BROADCASTING

No. 245

2001

**AMENDMENT OF CERTIFICATE AND LICENSE FEES:
RADIO ACT, 1952 (ACT NO. 3 OF 1952)**

The Minister of Foreign Affairs, Information and Broadcasting has under section 18 of the Radio Act, 1952 (Act No. 3 of 1952), and with effect from the date of publication of this notice, amended the Radio Regulations promulgated under Government Notice R. 2862 of 28 December 1979, as set out in the Schedule below.

SCHEDULE

1. In these regulations, "the Regulations" means the Radio Regulations, 1979, published under Government Notice R. 2862 of 28 December 1979.
2. Chapter 6 of regulation E1, of the Regulations is hereby amended -
 - (a) in item 7.0 of chapter 6, by the addition after sub-item 5.2 thereof, of the following sub-items:

TYPE OF CERTIFICATE OR LICENCE	FEES PER ANNUM	
	EXISTING AMOUNT NS	NEW AMOUNT NS
7.6 Up link digital per 64 kbit/s		
7.6.1 Private operator	1 200-00	Unchanged
7.6.2 Commercial operator	5 000-00	5 280-00

”;

- (b) in item 10.0 of chapter 6, by the substitution of sub-item 8.2 thereof, for the following sub-item:

“

TYPE OF CERTIFICATE OR LICENCE	FEES PER ANNUM	
	EXISTING AMOUNT N\$	NEW AMOUNT N\$
10.8.2 TV Links within the Broadcast band (470 - 862 MHZ)	2 200-00	6 540-00

”;

- (c) in item 10.0 of chapter 6, by the addition after sub-item 8.2 thereof, of the following sub-items:

“

TYPE OF CERTIFICATE OR LICENCE	FEES PER ANNUM	
	EXISTING AMOUNT N\$	NEW AMOUNT N\$
10.8.3 Second radio broadcasting frequency in same area (Gap filler)	New	6 000-00
10.8.4 Second TV broadcasting frequency in same area (Gap filler)	New	24 000-00

”; and

- (d) In item 10.0 of chapter 6, by the substitution of sub-item 3.7 thereof, for the following sub-item:

“

TYPE OF CERTIFICATE OR LICENCE	FEES PER ANNUM	
	EXISTING AMOUNT N\$	NEW AMOUNT N\$
10.3.7 Service provider for satellite broadcasting.	New	as per licence

”.

General Notices

No. 360

2001

COMPILATION OF ONDANGWA TOWN PLANNING SCHEME

Notice is hereby given in terms of Section 17 of the Town Planning Ordinance No. 18 of 1954 as amended, that the Municipality of Ondangwa intends to submit for approval by the Cabinet the Ondangwa Town Planning Scheme.

The Honourable Minister of Regional and Local Government and Housing has already granted approval for the compilation of the Ondangwa Town Planning Scheme, which will be compiled in due course.

F. SHIGWEDHA
TOWN CLERK
ONDANGWA MUNICIPALITY

No. 361

2001

**AMENDMENT OF TOWN PLANNING SCHEME
TSUMEB AMENDMENT SCHEME NO. 4**

Notice is hereby given in terms of Section 17 of the Town Planning Ordinance No. 18 of 1954 as amended, that the Municipality of Tsumeb intends submitting for approval by the Cabinet certain amendments to the Tsumeb Town Planning Scheme.

The amendments will include amendment made to the scheme clause and the rezoning and reservation of land.

Approval has been granted by the Honourable Minister of Regional and Local Government and Housing for the compilation and submission of Amendment Scheme No. 4.

**B.S. MUTUMBA
CHIEF EXECUTIVE OFFICER
MUNICIPALITY TSUMEB**

No. 362

2001

**AMENDMENT OF TOWN PLANNING SCHEME
LÜDERITZ AMENDMENT SCHEME NO. 5**

Notice is hereby given in terms of Section 17 of the Town Planning Ordinance No. 18 of 1954 as amended, that the Municipality of Lüderitz intends submitting for approval by the Cabinet certain amendments to the Lüderitz Town Planning Scheme.

The amendments will include amendment made to the scheme clause and the rezoning and reservation of land.

Approval has been granted by the Honourable Minister of Regional and Local Government and Housing for the compilation and submission of Amendment Scheme No. 5.

**E.N. KANGANDJERA
CHIEF EXECUTIVE OFFICER
MUNICIPALITY LÜDERITZ**

No. 363

2001

**PERMANENT CLOSURE OF A PORTION OF
ERF 814 (PUBLIC OPEN SPACE), LÜDERITZ**

Notice is hereby given in terms of Section 50 of the Local Authorities Act of 1992 (Act No. 23 of 1992), that the Town Council of Lüderitz proposes to close permanently Erf 814 (Public Open Space) as indicated on plan W/01101 which lies for inspection during office hours at the offices of the Chief Executive Officer, Lüderitz.

**PERMANENT CLOSURE OF A PORTION (APPROXIMATELY 560m²) OF
ERF 814 (PUBLIC OPEN SPACE), LÜDERITZ**

Objections to the proposed closing are to be sent to the Chief Executive Officer, Lüderitz Municipal, Lüderitz and/or Stubenrauch Planning Consultants cc, P O Box 11869, Windhoek, within 14 days after the appearance of this notice in accordance with Section 50 of the Local Authorities Act of 1992, (Act No. 23 of 1992).

**Stubenrauch Planning Consultants
P O Box 11869
Windhoek**

**Chief Executive Officer
P O Box 19
Lüderitz**

No. 364

2001

**PERMANENT CLOSING OF THE STREET SOUTH OF ERF 93,
ORWETOVENI, OTJIWARONGO**

Notice is hereby given in terms of Section 50 (3) of the Local Authorities Act of 1992 (Act No. 23 of 1992), that the Town Council of Otjiwarongo proposes to close permanently the undermentioned portion as indicated on plan W/01095-2 which lies for inspection during office hours at the office of the Chief Executive Officer, Otjiwarongo.

**PERMANENT CLOSING OF THE STREET SOUTH OF ERF 93,
ORWETOVENI, OTJIWARONGO**

Objections to the proposed closure are to be served on the Chief Executive Officer, Otjiwarongo Municipality, Otjiwarongo, and/or Stubenrauch Planning Consultants cc, P O Box 11869, Windhoek, within 14 days after the appearance of this notice in accordance with Section 50(3)(a) of the above Local Authorities Act of 1992, (Act No. 23 of 1992).

Stubenrauch Planning Consultants cc
P O Box 11869
Windhoek

The Chief Executive Officer
Private Bag 2209
Otjiwarongo

No. 365

2001

AMENDMENT OF OKAHANDJA TOWN PLANNING SCHEME

Notice is hereby given in terms of Sections 7 and 17 of the Town Planning Ordinance, Ordinance 18 of 1954, as amended, that the Municipality of Okahandja intends to submit for approval to the Minister of Regional and Local Government and Housing certain amendments to the Okahandja Town Planning Scheme.

The amendments will include the changing of the Okahandja Town Planning Scheme boundaries and the rezoning of land. A resolution map indicating the new scheme boundaries can be inspected at the offices of the Municipality of Okahandja during office hours. The Minister of Regional and Local Government and Housing has given permission to the Municipality of Okahandja to prepare the Okahandja Town Planning Amendment Scheme No. 2 on 24 September 2001.

MR. D. DIENER
ACTING TOWN CLERK
MUNICIPALITY OF OKAHANDJA

VILLAGE COUNCIL BERSEBA

No. 366

2001

SEWERAGE AND REFUSE REMOVAL TARIFFS AND CHARGES

The Berseba Village Council has under Section 30(1)(U) of the Local Authorities Act, 1992 (Act No. 23 of 1992) determined the sewerage and refuse removal tariffs and charges by Village Council of Berseba as set out in the following schedule.

SCHEDULE

- A. Sewerage Basic charges (waterborne sewerage)
- | | |
|--|----------|
| (a) Residential per month | N\$12-00 |
| (b) Business, schools, churches, clinic etc. | N\$25-00 |
- B. Sewerage discharge per month
- | | |
|----------------------------|----------|
| (a) Residential per toilet | N\$12-00 |
| (b) Business per toilet | N\$25-00 |

- | | | |
|-----|---|--------------------------------|
| C. | New Sewerage Connections | |
| (a) | Residential | N\$150-00 |
| (b) | Business | actual cost plus 15% surcharge |
| D. | Sewerage sumps | |
| | Removal per 1500 litre or part thereof | N\$30-00 |
| E. | Nightsoil Removal | |
| | Removal per bucket per month | N\$10-00 |
| F. | Refuse Removal | |
| | Removal per standard receptacle per month | N\$10-00 |

BY ORDER OF THE BERSEBA VILLAGE COUNCIL

**W. ISAACKS
CHAIRPERSON OF VILLAGE COUNCIL**

MUNICIPALITY OF WINDHOEK

No. 367

2001

AMENDMENT OF THE WATER SUPPLY REGULATIONS

The Council of the Municipality of Windhoek has under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), amended the Regulations as promulgated by General Notice 367 of 12 December 1996 as set out in the Schedule.

SCHEDULE

- 1 Regulation 1 is hereby amended by substituting the definition of:
 - 1(1) "consumer" with the following:

"consumer" means the person to whom water is supplied by the Council under a contract of supply in terms of regulation 4 or a special agreement referred to in regulation 68 and shall also include a person using water supplied by the Council without having entered into such contract;"; and
 - 1(2) "Council" with the following:

"Council" means the municipal Council of Windhoek;"; and
 - 1(3) "local authority area" with the following:

"local authority area", means the area comprising the municipality to which these regulations are applicable by virtue of the provisions of section 94(2)(b);
- 2 Regulation 4 is hereby amended by substituting
 - 2(1) paragraph (a) of subregulation (4) with the following:

"(a) sign the application for the supply of water; and"; and
 - 2(2) subregulation (5) with the following:

"(5) If the requirements of subregulation (4) have been complied with the signed application form and the supply of water in respect of such application shall together constitute the contract for supply of water between the consumer and the Council."

3 Insert the following regulation 14A:

“Payment for water by lessee of the Council

14A. A lessee of any immovable property may only be exempted from payment for water supplied to such property if the Council takes a decision to that effect in respect of each such consumer.”

BY ORDER OF THE COUNCIL

J.N. AUALA

ACTING CHAIRPERSON OF THE COUNCIL

Windhoek, 3 December 2001

MUNICIPALITY OF WINDHOEK

No. 368

2001

AMENDMENT OF THE ELECTRICITY SUPPLY REGULATIONS

The Council of the Municipality of Windhoek has under section 94(1) of the Local Authorities Act, 1992 (Act No. 23 of 1992), amended the Regulations as promulgated by General Notice No. 19 of 15 January 1999 as set out in the Schedule.

SCHEDULE

1 Regulation 1 is hereby amended by substituting the definition of “consumer” with the following:

‘consumer’ means the person to whom electricity is supplied by the Council under a contract of supply in terms of regulation 4 or a special agreement referred to in regulation 65 and shall also include a person using electricity supplied by the Council without having entered into such contract;”

2 Regulation 4 is hereby amended by substituting

2(1) paragraph (a) of subregulation (3) with the following:

“(a) sign the application for the supply of electricity; and”, and

2(2) subregulation (5) with the following:

“(5) If the requirements of subregulation (3) have been complied with the signed application form and the supply of electricity in respect of such form shall constitute the contract for supply of electricity between the consumer and the Council.”

3 Insert the following regulation 14A:

“Payment for electricity by lessee of the Council

14A. A lessee of any immovable property may only be exempted from payment for electricity supplied to such property if the Council takes a decision to that effect in respect of each such Consumer.”

BY ORDER OF THE COUNCIL OF

J.N. AUALA

**ACTING CHAIRPERSON
OF THE COUNCIL**

Windhoek, 3 December 2001

MUNICIPALITY OF WINDHOEK

No. 369

2001

AMENDMENT OF THE HEALTH REGULATIONS

The Municipal Council of the Municipality of Windhoek, under Section 30(1)(u) of the Local Authorities Act, 1992 (Act No. 23 of 1992) further amends the fees, charges and other monies payable in respect of the disposal of refuse in the Health Regulations, promulgated under Government Notice No. 285 of 1952, as set out in the Schedule.

SCHEDULE

1 Schedule C to the Health Regulations is hereby amended by the substitution of paragraphs (a), (j) and (k) thereof with the following:

“(a) Removal and destruction of refuse, manure and carcasses:

(i) removals once per week:

N\$51,86 per refuse container provided per month or part of a month.

(ii) removals two times per week:

N\$86,23 per refuse container provided per month or part of a month.

(iii) removals three times per week:

N\$120.69 per refuse container provided per month or part of a month.

(iv) Daily removals:

N\$312.08 per month or part of a month for the first two refuse containers provided and in addition thereto a further N\$133.75 per month or part of a month for each additional refuse container provided.

(v) the minimum charge referred to in regulation 7(a)(ii) of Chapter 6 shall be N\$51,86 per month or part of a month.

(vi) ad hoc household refusal removals:

(a) 1 X 240 litre container N\$23.00 per removal;

(b) 2 X 240 litre containers N\$31.00 per removal;

(c) 3 X 240 litre containers N\$39,00 per removal; and

(d) for each additional 240 litre container an additional N\$8,00 per container per removal.

(j) Disposal of general refuse at the Kupferberg Dumping Site:

(i) by means of sedan motor vehicles (including a sedan motor vehicle with a trailer: N\$ 0,00

(ii) by means of light delivery vehicles with a payload mass of 1500 kg and less on Saturdays and Sundays: N\$ 0,00

(iii) by means of vehicles in (ii) on weekdays and all other trucks and commercial vehicles every day of the week per ton or part thereof; N\$50,00

Provided that should the Kupferberg weighbridge be inoperative vehicles in (iii) will be charged per cubic metre or part thereof of refuse disposed: N\$ 9,00

(iv) per tyre of tyres up to 40 cm rim size N\$ 5,00

- | | | |
|--------|--|----------------|
| (v) | per tyre of tyres larger than 40 cm rim size | N\$12.00 |
| (vi) | on site of clean and recyclable paper, cardboard, plastic, glass, metal or cans at the recycling yard | N\$0.00 |
| (vii) | after hours of any refuse or waste under any paragraph of this Schedule, an additional amount per load disposed of | N\$500,00 |
| (k) | Disposal of hazardous waste at the Kupferberg Dumping Site per cubic metre or ton or part thereof: | |
| (i) | any material excluding pre-treatment: | N\$86,00 |
| (ii) | any material requiring pre-treatment by ash blending (fly-ash): | N\$180.00 |
| (iii) | any material requiring pre-treatment with lime: | N\$233.00 |
| (iv) | medical waste per kg | N\$0.20 |
| (v) | asbestos contaminated material per cubic metre | N\$20.00 |
| (vi) | Any material for co-disposal | N\$120.00 |
| (vii) | Animal carcasses > 50 kg to be trenched | N\$50.00/unit |
| (viii) | Animal carcasses < 50 kg to be trenched | N\$25.00/unit" |

- 2 Schedule C to the Health Regulations is hereby amended by the deletion of paragraphs (e) and (h).

BY ORDER OF COUNCIL

**M.K. SHIKONGO
MAYOR AND CHAIRPERSON
OF THE COUNCIL**

Windhoek, 20 November 2001

LÜDERITZ TOWN COUNCIL

No. 370

2001

STREET AND PUBLIC ORDER REGULATIONS

The Town Council of Lüderitz has under Section 94(1) of the Local Authorities Act, 1992, (Act No. 23 of 1992), made the Street and Public Order Regulations as set out in the Schedule.

BY ORDER OF THE COUNCIL

**E. AMUPEWA
CHAIRPERSON OF COUNCIL**

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Obstruction of street and public places
3. Tampering or interfering with, or damaging of, property or works

4. Trees and other plants in street and public places
5. Dangerous fences
6. Excavations in and removal of matter from Council land, streets or public places
7. Dangers created on private property
8. Animals
9. Littering
10. Games
11. Loitering
12. Performance and gathering on streets and in public places
13. Nuisance
14. Children
15. Soliciting
16. Indecent behaviour
17. Street collections
18. Display of articles and goods for sale
19. Miscellaneous
20. Auction or sale
21. Water from building
22. Wash in public
23. Limitation of activities
24. Closing of street
25. Processions
26. Offences and Penalties
27. Officers empowered to enforce regulations
28. Short title and commencement

1. **DEFINITIONS:**

In these Regulations, unless the context otherwise indicates, any expression defined in the Act shall, when used in these regulations, have the meaning thus assigned, and -

“Act” means, for the purposes of these Regulations, the Local Authorities Act, 1992 (Act No. 23 of 1992);

“animal” means any bovine animal, horse, ass, mule, sheep, goat, pig or ostrich and includes a dog;

“approval” means the written approval of the person or authority concerned, obtained prior to the event concerned or to the commission of the act approved or authorized by such approval;

“authorized officer” means a member of the Namibian Police Force as defined in the Police Act, 1990 (Act No. 19 of 1990), or any officer in the service of the Council authorised in writing by the Council to administer these Regulations;

“building line” means a line parallel to a street or public place which may be determined by the Council and up to which the front of all buildings shall be built and beyond which no structures shall encroach towards the street or public place concerned;

“child” means any person under the age of 16 years;

“town engineer” means the person from time to time holding appointment as such or acting in such capacity in connection with the Council, or his or her authorised deputy or assistant;

“Council” means the Town Council of Lüderitz;

“local authority area” means the area declared under section 3 of the Local Authorities Act, 1992, to be a municipality, town or village, as the case may be, or deemed to be so declared;

“public place” means an area within the jurisdiction of the Council to which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access;

“sidewalk” means that portion of a street intended mainly for use by pedestrians and shall further include the area situated between a street and a building line, provided such area is normally used by the public as a footway;

“waste” means objects or substances discarded, abandoned, rejected or cast aside, and includes refuse.

2. OBSTRUCTION OF STREETS AND PUBLIC PLACES:

2.1 No person shall wilfully or negligently cause any obstruction, interference, nuisance or hindrance to a pedestrian or to traffic on a street or in a public place -

- (a) with a vehicle, animal or other object;
- (b) by trading or hawking, including the selling of newspapers, magazines or by any other means.

2.2 Subject to the provisions of the General Health Regulations promulgated by GN 121/69 as amended, no person shall deposit, store or place any merchandise or other article in a street or public place longer than is reasonably necessary for loading it onto a vehicle for removal, or for its removal to some premises after having been unloaded from a vehicle.

2.3 The Council may at any time remove or cause to be removed any obstruction from a street or a public place and no person shall intentionally offer resistance to or interfere with the removal of the obstruction, and in the event of a vehicle forming such obstruction, the provisions of section 106 of the Road Traffic and Transport Act, 1996, shall apply.

2.4 (a) No person, being the occupier of a shop on the street level, or of any other building abutting on a street or public place, shall permit or allow a sidewalk in front of or adjacent to his or her premises to be or remain in any other than a clean or tidy condition, or to be littered or obstructed in any way whatsoever.

- (b) Where any building referred to in paragraph (a) is let in separate apartments as offices, dwelling rooms or shops or for any other purpose, the lessor concerned shall be deemed to be the occupier.

- 2.5 Notwithstanding anything to the contrary contained in these regulations, a person erecting or repairing a building which abuts on a street may, with the approval of the Council, and subject to such conditions as the Council may impose, which approval may be withdrawn at any time, deposit, place or store building material on a street while the work is in progress.
- 2.6 A person referred to in subregulation (2.5) shall at all times effectively safeguard the public from damage or injury to person or property.
- 2.7 Where building material is deposited, placed or stored in terms of subregulation (2.5) no more than one third of the width of the street be taken up and not more than the extent of the front of the building, and all waste, debris and other material and fencing shall be removed immediately on completion of the work.

3. TAMPERING OR INTERFERING WITH, OR DAMAGING OF, PROPERTY OR WORKS

- 3.1 No person shall without approval tamper or interfere with, or remove, destroy or damage any property of the Council.
- 3.2 No person shall without approval interfere with or obstruct any work undertaken by the Council in the Local Authority area, or signs provided by the Council at the site of such works.
- 3.3 No person shall without approval wilfully destroy, pull down, obliterate, deface or alter the name board of a street, or the number of a house or other building set up by or under authority of the Council.
- 3.4 The Council may recover from any person found guilty of the contravention of subregulations (3.1) and (3.3) the costs reasonably incurred by it to repair the damage done to such name board or number by such person so found guilty, or to replace such nameboard.

4. TREES AND OTHER PLANTS IN STREETS AND PUBLIC PLACES

- 4.1 No person shall -
- (a) uproot or plant trees or other plants on a street or in a public place without the approval of the Council, subject to the provisions of any other law relating to the protection of trees and other plants, and subject to such conditions as the Council may impose;
 - (b) without the approval of the Council damage or destroy trees or other plants planted by the Council on a street or in a public place or remove any protection provided for such trees or other plants;
 - (c) cut, remove, damage or destroy trees, wood, turf, soil or grass from or on any Council land, street or public place without the approval of the Council, subject to the provisions of any other law relating to the protection of trees and other plants and subject to such conditions as the Council may impose;
 - (d) allow any part of a tree or other plant growing on land of which he or she is the owner or occupier, to protrude into or hang over a street or in any manner to cause an obstruction to traffic, or to be a source of danger or inconvenience to a person using such street; or
 - (e) allow any part of a tree or other plant to cause damage to or to obstruct access to electrical cables, sewers or other service or installation supplied by the Council.
- 4.2 Subject to the provisions of any other law relating to the protection of trees or other plants, the Council may, by written notice to the owner or occupier of any land referred to in paragraph (d) or (e) of subregulation (4.1), require the removal, within a time to be specified in such notice, of a tree or other plant, or any part

thereof, growing on that land and causing such damage, inconvenience or obstruction, as the case may be, and failing compliance with the notice, may remove such tree or other plant or part thereof and may recover from that owner or occupier the reasonable costs of such removal.

- 4.3 Subject to the provisions of any other law relating to the protection of trees or other plants, the Council may at any time remove from a street or public place any tree or other plant causing an obstruction.

5. **DANGEROUS FENCES**

- 5.1 No owner or occupier of land within the Local Authority area shall erect or cause to be erected a fence composed either wholly or partly of barbed or razor blade wire, or any other potentially dangerous fence, railing, wall or barrier abutting onto a street without the approval of the Council, and subject to such conditions as the Council may impose.

- 5.2 Should any fence referred to in subregulation (5.1), whether erected before or after the coming into force of these regulations, become potentially dangerous as a result of dilapidation or disrepair, the Town Engineer may by notice in writing require the owner of the land on which such a fence has been erected, to within a reasonable period to be specified in that notice, repair such fence to the satisfaction of the Council, or to remove such fence.

- 5.3 If any person, after having received a notice referred to in subregulation (5.2) fails to comply with the requirements of such notice within the period stated therein, the Council may repair or remove such fence, as the case may be, and may recover the reasonable costs of such repair or removal, as the case may be, from such person.

6. **EXCAVATIONS IN AND REMOVAL OF MATTER FROM COUNCIL LAND, STREETS OR PUBLIC PLACES**

- 6.1 No person shall make a hole, pit, trench or other excavation of any kind in a street or public place without the approval of the Council, and the Council may impose such conditions as it may deem fit.

- 6.2 No person shall remove any earth, stone, gravel, shale or building material from any Council land, street or public place without the approval of the Council, and the Council may impose such conditions as it may deem fit.

7. **DANGERS CREATED ON PRIVATE PROPERTY**

- 7.1 No person shall place any object or article on any balcony or in any upper window opening or on any windowsill of any building abutting onto a public place or street without sufficiently safeguarding it against being blown into or falling onto the public place or street.

- 7.2 A gate, trellis or door giving access to a street or public place be hung or placed so as not to open beyond the border of a yard, unless with the approval of the Council, and subject to such conditions as the Council may impose.

8. **ANIMALS**

- 8.1 No person shall in the Local Authority area wilfully frighten or harass any animal.

- 8.2 No person shall carry or convey through a public place or along a street or public place the carcass of an animal or animal offal unless the carcass or offal is properly covered with non-transparent material.

- 8.3 Subject to the conditions imposed by the Council no person shall allow any animal owned by him or her or of which he or she ordinarily is in charge of, to be in the Local Authority area.

- 8.4 Subject to the provisions of any other law relating to the protection of wild animals, no person shall within the Local Authority area keep a dangerous or potentially dangerous wild animal of any kind.
- 8.5 Any wild animal referred to in subregulation (8.4) found in the Local Authority area may, subject to any other law relating to the protection of wild animals, be destroyed or otherwise disposed of by an authorised officer.

9. LITTERING

- 9.1 No person shall willfully throw, spill, drop, deposit or place, or cause or permit to be thrown, spilled, dropped, deposited or placed in or on a street or a public place any waste that may interfere with the cleanliness or tidiness of that street or public place or may cause annoyance or danger to any person, animal or traffic.
- 9.2 No person shall convey any waste of whatever nature unless such waste is covered to such an extent that no environmental pollution, littering or damage to property can take place.
- 9.3 In the event of a person committing an act in contravention of subregulation (9.1) or (9.2), an authorized officer may instruct such person to immediately remove the waste concerned from the street or public place and the costs of such removal reasonably incurred may be recovered by the Council from that person.
- 9.4 No person shall throw or cause to be thrown from, in, on or about any street or public place any fireworks, crackers, or any other matter or thing, or shall use, explode or brandish or cause to be used, exploded or brandished in a street or public place anything whatsoever which may cause annoyance, loss, injury or danger to any person, animal or traffic.

10. GAMES

- 10.1 No person shall roll any object or fly any kite, or throw a stone or use a bow and arrow or catapult, or by any other means discharge a missile upon, over or across a street or public place, or play cards, dice or any other game whatsoever, including games of skill or games of chance, on or in a street or in a public place: Provided that games of skill or games of chance may with the approval of the Council be staged or conducted for the purpose of raising funds.
- 10.2 For the purpose of this regulations, "game of chance" means any game by which a prize in money or in kind is or may be gained, won, drawn or competed for by lot, dice or any other method of chance.
- 10.3 No person shall use a roller-skate, skateboard or similar equipment on a street or in a public place.

11. LOITERING

- 11.1 No person shall willfully -
- (a) sit, lie, stand, or congregate on a street or in a public place or otherwise act in such a manner as to obstruct the free flow of traffic, or jostle or otherwise hinder any other person using the street, or obstruct the free movement of persons in such street or public place;
 - (b) loiter near the entrance to a public place of assembly in such a manner as to obstruct the free movement of persons into or out of a public place of assembly; or
 - (c) loiter within 100 metres from the premises of an institution for the care of aged or handicapped people, a school, hospital, church or other similar institution.

12. PERFORMANCE AND GATHERING ON STREETS AND IN PUBLIC PLACES

- 12.1 No person shall hold, convene or organise any performance or gathering on a street or in a public place without the approval of the Council, and the Council may impose such conditions as it may deem fit.
- 12.2 A written application for such approval shall be submitted to the Chief Executive Officer not later than three working days prior to the proposed performance or gathering.
- 12.3 Every such application shall -
- (a) contain the full name and address of the convener or organiser of the proposed performance or gathering;
 - (b) set out fully the purpose of the proposed performance or gathering; and
 - (c) specify the date, time and place of the proposed performance or gathering and whether it is proposed to make use of any orchestra, musical instrument, loudspeaker or similar device which may create a public nuisance.
- 12.4 On any occasion of public celebration, a public meeting or any other event likely to cause congestion on any street or in a public place, any person in or in the vicinity of such street or public place shall obey the directions of any authorized officer as to the route to be followed by vehicles, animals or pedestrians, or as to any other matter which may be necessary for the avoidance, prevention or removal of an obstruction in such street or public place.

13. NUISANCE

- 13.1 No person shall create a public nuisance on any street, in a public place or residential premises by -
- (a) shouting, quarrelling or fighting;
 - (b) singing or playing any musical instrument, recorded music, a radio, television or similar device, or allowing it to be played or used;
 - (c) using a loudspeaker, amplifier, public address system or similar device; or
 - (d) behaving in a riotous, violent or unseemly manner.

14. CHILDREN

- 14.1 No children shall sell or offer for sale any goods, merchandise, article, service or thing whatsoever, in a public place or on street without the approval of the Council and on such conditions as the Council may impose.
- 14.2 No person shall cause or permit a child under his or her authority or control to sell or offer for sale any goods, merchandise, article, service or thing whatsoever, in a public place or on a street without the approval of the Council and on such conditions as the Council may impose.
- 14.3 No child shall beg in a public place or on a street.
- 14.4 No person shall cause or permit a child under his or her authority or control to beg in a public place or on a street.

15. SOLICITING

- 15.1 No person shall in or in view of any street or any public place solicit a person in any way for the purpose of prostitution.

16. INDECENT BEHAVIOUR

- 16.1 No person shall in or view of any street or any public place commit any indecent act, make any indecent gesture or conduct himself or herself in an indecent, unseemly, riotous or disorderly manner.

17. STREET COLLECTIONS

- 17.1 No person shall in the Local Authority area, without the approval of the Council, collect money for charitable or any other purpose and the Council may impose such conditions as it may deem fit.

18. DISPLAY OF ARTICLES AND GOODS FOR SALE

- 18.1 No person other than a duly licensed pedlar or hawker or some other person lawfully entitled to trade on a street or in a public place shall on any street or in any public place exhibit for sale or otherwise display any article, object, item or thing whatsoever.

19. MISCELLANEOUS

- 19.1 No person shall discharge a fire-arm within the Local Authority area, except in the case of -

- (a) a fire-arm discharged during lawful target shooting or practice;
- (b) a fire-arm lawfully discharged in the defence of a person or of property;
- (c) a fire-arm discharged on land used mainly for farming purposes;
- (d) a fire-arm discharged in the execution of a person's lawful duty; or
- (e) a starters pistol discharged by a starter at any sports meeting.

- 19.2 For the purposes of this regulation, "fire-arm" means an "arm" as defined in the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), and includes a cannon, machine gun and machine rifle.

20. AUCTION OR SALE

- 20.1 No person shall hold an auction or sale in a street or in a public place except with the approval of the Council and the Council may impose such conditions as it may deem fit.

21. WASH IN PUBLIC

- 21.1 No person shall wash himself or herself in or at a water furrow along a street, or in or at a reservoir, fountain, water trough, water pipe or tap on a street or in a public place.

- 21.2 No person shall on a street or in a public place -

- (a) in the Local Authority area repair or wash a vehicle, or any part thereof, except in the case of an accident or in other circumstances where such repairs are necessary before the vehicle can be removed; or

- (b) wash, dry or bleach any article or thing whatsoever.

- 21.3 Any article or thing found being repaired, washed, dried or bleached in contravention of subregulation (21.1) and (21.2), may be seized by any authorized officer and disposed of pursuant to the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

22. LIMITATION OF ACTIVITIES:

- 22.1 The Council may display notices in conspicuous positions alongside of, in or on a street or a public place informing of the prohibition, restriction or regulation, as the case may be, of any activity prohibited, restricted or regulated by these regulations.

23. CLOSING OF STREET:

- 23.1 It shall be lawful for the Council at any time by notice given under the hand of the Chief Executive Officer and published in one or more newspapers circulating in the Local Authority area temporarily to close a street for all traffic or for any specified class of traffic, and also to prescribe by similar notice that the traffic in any street shall be temporarily or permanently restricted to one specified direction only, and any person using a street in contravention of such notice shall be guilty of an offence.
- 23.2 Notwithstanding anything contained in subregulation (23.1) the Chief Executive Officer may, without any resolution of the Council, by notice posted in a conspicuous position in any street close such street or any portion thereof entirely or to any specified class of classes or traffic for such time as may be necessary for the purpose of repairing the same carrying out any work whatsoever performed under the authority or with the approval of the Council or in the event of public festivities or for the purpose of preventing the interference by noise with the proceedings of any Court of Law, and any person using a street in contravention of such notice shall be guilty of an offence.

24. PROCESSIONS:

- 24.1 No procession of any kind other than a funeral procession or a wedding procession or a procession for military or police purposes shall pass along any street without the written permission of the Council, and then only under such conditions as the Council may impose.
- 24.2 Any person taking part in or following any procession for which no previous permission has been obtained from the Council or not conforming to the conditions prescribed by the Council where such permission has been given shall be guilty of an offence.

25. OFFENCES AND PENALTIES:

- 25.1 Any person who contravenes any provision of these regulations shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$2 000.00 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

26. OFFICERS EMPOWERED TO ENFORCE REGULATIONS:

- 26.1 Any Police Officer and any officer of the Council duly authorised thereto shall be empowered to enforce these regulations, and any person who shall disregard or refuse to obey any order or instruction given to him by a Police Officer or officer of the Council under the provisions of these regulations or in pursuance of orders and instructions given by the Council in connection therewith shall be guilty of an offence.

27. SHORT TITLE AND COMMENCEMENT:

- 27.1 These regulations shall be called the Street and General Regulations, and shall come into force on the date of publication.
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NAMIBIAN COMMUNICATIONS COMMISSION

No. 371

2001

FORFEITURE OF COMMUNITY RADIO BROADCASTING LICENCE

In accordance with Section 15 of the Namibian Communications Commission Act, 1992 (Act No. 4 of 1992), the following organisation's community broadcasting licence has been forfeited.

Name of organisation: Katutura Community Radio (KCR)

Coverage area: Windhoek

**V. KANDETU
CHAIRPERSON**

NAMIBIAN COMMUNICATIONS COMMISSION

No. 372

2001

GRANTING OF A COMMERCIAL RADIO BROADCASTING LICENCE

In accordance with Section 12 of the Namibian Communications Commission Act (Act No. 4 of 1992), the following organisation has been granted a commercial radio broadcasting licence for a period of five (5) years.

Name of organisation: Radio Cosmos

Name of station: Radio Cosmos .

Coverage area: Swakopmund, Walvisbay

**V. KANDETU
CHAIRPERSON**

NAMIBIAN COMMUNICATIONS COMMISSION

No. 373

2001

APPLICATION FOR A COMMERCIAL RADIO BROADCASTING LICENSE

In accordance with Section 17(4)(a) of the Namibian Communications Commission Act 1992 (Act No. 4 of 1992), the following broadcaster applied for a commercial radio broadcasting licence;

Name of organisation: Radio 100

Name of station: Radio Energy

Coverage area: Walvis Bay, Swakopmund, Arandis

Section 17(4)(b) of the Act provides that "any person may within fourteen days of publication of a notice in terms of sub-section 17(4)(a), lodge with the Commission written representations opposing the issue of a broadcasting licence, and such representations shall be taken into account when the Commission considers the application".

Contact persons: Mr Jan Kruger: Deputy Director
Mr Barthos Hara-Gaeb: Chief Engineering Technician

Namibian Communications Commission Secretariat
Private Bag 13309
WINDHOEK
Telephone: 061-222666
Facsimile: 061-222790

Z. KANDETU
CHAIRPERSON
