



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

N\$7.76

WINDHOEK - 28 December 2001

No.2674

CONTENTS

Page

GOVERNMENT NOTICE

No. 255 Promulgation of Namibia Water Corporation Amendment Act, 2001 (Act No. 17 of 2001), of the Parliament

1

Government Notice

OFFICE OF THE PRIME MINISTER

No. 255

2001

**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. 17 of 2001: Namibia Water Corporation Amendment Act, 2001.

Act No. 17, 2001

**NAMIBIA WATER CORPORATION
AMENDMENT ACT, 2001**

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 Namibia Water Corporation Act, 1997, so as to reduce the number of members of the board of directors of the Corporation and to provide for matters incidental thereto.**

(Signed by the President on 11 December 2001)

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

Amendment of section 17 of Act No. 12 of 1997

1. (1) Section 17 of the Namibia Water Corporation Act, 1997 (hereinafter referred to as the principal Act), is amended -

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

"(1) The Board shall consist of five members appointed by the Minister, of whom -

- (a) one shall be a staff member of the Ministry responsible for Water Affairs holding a rank or grade equal to or higher than the rank of deputy director, who shall hold the office of director of the Board at the Minister's pleasure;
- (b) one shall be a representative of the Engineering Council of Namibia, nominated at the request of the Minister by that Council;
- (c) one shall be a representative of the Namibia National Chamber of Commerce and Industries, nominated at the request of the Minister by that Chamber;
- (d) one shall be a representative of either the Institute of Chartered Accountants of Namibia or the Law Society of Namibia, as the Minister (having regard to the provisions of subsection (1) of section 18) may from time to time determine, nominated at the request of the Minister respectively by that Institute or that Society; and
- (e) one shall be a full-time employee of the Corporation, nominated at the request of the Minister by the employees of the Corporation,

and who shall -

- (i) in the application of paragraphs (b), (c) and (d), be selected from amongst persons who possess expertise and proven experience in water and environmental matters or business, financial or legal matters pertaining to the affairs of the Corporation; and

NAMIBIA WATER CORPORATION
AMENDMENT ACT, 2001

- (ii) in the application of paragraph (e), be selected from amongst employees of the Corporation representing organised labour and who possess expertise and proven experience in labour matters.”;
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “Notwithstanding the provisions of subsection (1), a person shall not be eligible for appointment as a director referred to in paragraph [(b), (c) or (d)] (b), (c), (d) or (e) of that subsection if he or she -”; and
- (c) by the substitution for paragraph (d) of subsection (2) of the following paragraph:
- “(d) has a financial or other interest in the business of the Corporation, whether direct or indirect, which is likely to prejudicially affect the performance of his or her duties as director of the Corporation; or”.

(2) Any person who immediately before the commencement of this Act held office as a director of the Board established under section 16(1) of the principal Act by virtue of his or her appointment under section 17(1) of the principal Act before the amendment of the said section 17(1) by this Act, shall at such commencement cease to hold office by virtue of that appointment.

Amendment of section 18 of Act No. 12 of 1997

2. Section 18 of the principal Act is amended -
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) Subject to the provisions of this Act, a director referred to in **[paragraphs (b), (c) and (d)]** paragraph (b), (c), (d) or (e) of subsection (1) of section 17 shall hold office for a period of three years, but shall upon the expiry of his or her term of office be eligible for reappointment.”;
- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “The office of a director referred to in paragraph **[(b), (c) or (d)]** (b), (c), (d) or (e) of subsection (1) of section 17 shall fall vacant where -”; and
- (c) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- “Notwithstanding the provisions of subsection (1) or the provisions of the Companies Act, the Minister may remove a director referred to in paragraph **[(b), (c) or (d)]** (b), (c), (d) or (e) of subsection (1) of section 17 from office before the expiry of his or her term of office where in the Minister's opinion that director is -”; and
- (d) by the substitution for subsection (4) of the following subsection:
- “(4) Where a director referred to in paragraph **[(b), (c) or (d)]** (b), (c), (d) or (e) of subsection (1) of section 17 dies or vacates office under this section, the Minister may, subject to the provisions of section 17, appoint another person to fill the vacancy for the unexpired term of office.”.

**NAMIBIA WATER CORPORATION
AMENDMENT ACT, 2001**

Amendment of section 19 of Act No. 12 of 1997

3. Section 19 of the principal Act is amended -

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

"(1) The Minister may, in respect of the director referred to in paragraph (a) of subsection (1) of section 17, appoint a competent staff member of the Ministry referred to in that paragraph to serve as alternate director on the Board during the period of absence or inability of the director to whom he or she is alternate.";

(b) by the substitution for subsection (2) of the following subsection:

"(2) The Minister may, having regard to the provisions of subsection (1) of section 17, appoint an alternate director to each of the directors referred to in paragraphs (b), (c), (d) and (e) of subsection (1) of section 17, to serve on the Board whenever the director to whom he or she is alternate is temporarily absent or unable to serve on the Board."; and

(c) by the addition of the following subsection:

"(4) The provisions of subsections (2) and (3) of section 17 shall, with the necessary changes, apply in respect of the appointment of an alternate director.".

Substitution of section 21 of Act No. 12 of 1997

4. The following section is substituted for section 21 of the principal Act:

"Chairperson of the Board

21. (1) The Board shall appoint one of the directors, not being a director referred to in paragraph (a) of subsection (1) of section 17, to be the chairperson of the Board.

(2) Where the chairperson is for any reason unable to preside over a meeting of the Board, the members present shall elect one of the directors, not being a director referred to in paragraph (a) of subsection (1) of section 17, to act as chairperson of the Board for that meeting.".

Short title and commencement

5. This Act is called the Namibia Water Corporation Amendment Act, 2001, and comes into operation on a date to be determined by the Minister by notice in the *Gazette*.