



# GOVERNMENT GAZETTE

OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK — 31 August 1992

No. 470

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 116

1992

### PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

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

No. 23 of 1992: Local Authorities Act, 1992.

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## **ACT**

**To provide for the determination, for purposes of local government, of local authority councils; the establishment of such local authority councils; and to define the powers, duties and functions of local authority councils; and to provide for incidental matters.**

*(Signed by the President on 28 August 1992)*

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

### INTRODUCTORY PROVISIONS

Definitions.

1. In this Act, unless the context indicates otherwise -

“approved township” means an approved township as defined in section 1 of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963);

“buildings” include -

(a) any structure, whether of a permanent or temporary nature, constructed or used for the housing or accommodation of human beings or animals, birds or bees, or for the storage, manufacture or sale of any goods or for the destruction or treatment of refuse of any kind;

(b) a wall of at least 1,2 metres in height, swimming bath, reservoir, tower, bridge, chimney, mast, summerhouse or hothouse or any structure appurtenant thereto;

(c) any boundary fence or wall;

“charitable institution” means a charitable institution as defined in section 1, and registered under section 37, of the Sales Tax Act, 1992 (Act 5 of 1992);

“chief executive officer” means a town clerk or a village secretary;

“combined private sewer” means a conduit constructed for purposes of conveying to a public sewer, cesspit or other receptacle the sewage from two or more private sewers, and includes anything connected therewith;

“deputy mayor” means a deputy mayor of a municipality or town elected in terms of section 11;

“financial year” means the financial year referred to in section 82;

“immovable property” means any land or any building on such land;



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“improvements”, in relation to immovable property, shall, for purposes of Parts XIV and XV, not include any machinery or equipment, whether or not permanently fixed or attached to such immovable property, excluding any storage tanks of any nature whatsoever;

“local authority council” means any municipal council, town council or village council;

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

“magistrate” includes any additional magistrate or assistant magistrate;

“main valuation roll” means the main valuation roll referred to in section 72;

“management committee” means the management committee of a local authority council established by section 21;

“mayor” means the mayor of a municipality or town elected in terms of section 11;

“Minister” means the Minister of Local Government and Housing;

“municipal council” means a municipal council referred to in paragraph (a) of section 6(1);

“municipality” means a municipality declared as such under section 3 or deemed to be so declared;

“owner” in relation to immovable property, means the person in whose name such land is registered, or -

(a) if such person -

(i) is deceased, means the executor in the estate of such person;

(ii) is a person whose estate has been sequestrated, means the trustee in the insolvent estate of such person;

(iii) is under any legal disability, means the legal representative of such person;

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(iv) is a person who is absent from Namibia or whose whereabouts are unknown, includes the authorized representative of such person in Namibia;

(v) is a company which has been wound up, means the liquidator of such person;

(b) if such immovable property -

(i) has been leased under a lease, whether registered or not, for a period of 50 years or longer, means its lessee;

(ii) is occupied by virtue of a servitude or under any other real right in such immovable property, means its occupier;

(iii) has been attached in terms of an order of a court, includes the sheriff, deputy-sheriff or messenger of the court by whom such immovable property has been so attached;

(iv) vests in the Government of Namibia, a regional council or a local authority council -

(aa) which has been leased under a lease which contains an option in favour of a lessee to purchase immovable property so leased, means the lessee who has exercised such option;

(bb) which has been purchased by any person, but which has not yet been registered in his or her name, means such person;

“prescribed” means prescribed by regulation made under section 94;

“private sewer” means a conduit for purposes of conveying to a combined private sewer, public sewer, cesspit or other receptacle the sewage from one immovable property and includes anything connected therewith;

“provisional valuation roll” means the provisional valuation roll prepared in terms of section 67(1);

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“public nuisances” includes any action which is likely to injure the safety, health, peace or convenience of residents in a local authority area, including excessive noise caused by any means whatsoever, the firing of grass, the burning of rubbish and the carrying on of any activity which causes a stench or which is otherwise objectionable;

“public place” means any square, garden, park, recreation ground, show ground, rest camp or other open or enclosed space intended for the use, enjoyment or benefit of residents in a local authority area;

“public sewer” means a conduit acquired or constructed by a local authority council for purposes of conveying sewage discharged or intended to be discharged from private sewers and combined private sewers and of sewage effluent, and includes any pipe, manhole, chamber, ventilation shaft, ejector, sluice or anything connected therewith;

“rateable property” means any immovable property situated within a local authority area, except —

- (a) any land of which the ownership and control vests in the Government of Namibia or a regional council and on which no buildings have been constructed or other improvements have been effected;
- (b) any building, other than a dwelling, of which the ownership vests in the Government of Namibia or a regional council and which is not used or occupied for public purposes, including the land on which any such building is actually constructed and any other land actually occupied for purposes of such building;
- (c) any immovable property used exclusively as -
  - (i) a place of worship;
  - (ii) a school or hostel other than a school or hostel which has been established and is maintained and managed by any person for profit or gain whether directly or indirectly;
  - (iii) a library or museum which has been established and is maintained and managed by the State;

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- (iv) a hospital, an institution as defined in section 1 of the Mental Health Act, 1973 (Act 18 of 1973), an institution for the care of juveniles or similar institution aided by the State or any charitable institution;
- (d) any immovable property of which the ownership vests in a local authority council;
- (e) any immovable property which has been exempted from the payment of rates in terms of section 75 or any other law;

“regional council” means a regional council established by section 2 of the Regional Councils Act, 1992;

“sanitary convenience” means a urinal, water closet or other convenience of such nature;

“sewage works” includes any reservoir, tank, strainer, filter bed, engine, pump, machinery, land, building or such other works (except sewers) as may be necessary to treat and dispose of sewage;

“sewer” means a public sewer, private sewer or combined private sewer;

“stormwater drain” means a conduit acquired or constructed by a local authority council for purposes of conveying stormwater, and includes anything connected therewith;

“street” means any road, thoroughfare, pavement, sidewalk, lane or other right of way set apart for the use and benefit of residents in a local authority area;

“this Act” includes any regulation made under this Act;

“town” means a town declared as such under section 3;

“town clerk” means the town clerk of a municipal council or town council appointed in terms of section 27(1)(a);

“town council” means a town council referred to in paragraph (b) of section 6(1);

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“townlands” means the land within a local authority area situated outside the boundaries of any approved township which has been set aside for the mutual benefit of the residents in its area, and for purposes of pasturage, water supply, aerodromes, explosive magazines, sanitary and refuse deposits or other public purposes or the extension of such township or the establishment of other approved townships;

“valuer” means the person appointed under section 67;

“village” means a village described as such under section 3;

“village council” means a village council referred to in paragraph (c) of section 6(1);

“village secretary” means the village secretary of a village council appointed in terms of section 27(1)(a);

“water-main” includes any conduit, pipeline, valve, valve chamber, meter, meter-house, break-pressure tank, scour chamber, scour pipe, culvert, cut, bridge, tunnel or such other thing as may be necessary in connection with such water-main;

“waterworks” includes any weir, well, borehole, watercourse, dam, pumping station, reservoir, tank, sluice, pipeline, machinery, building, land or such other works as may be necessary to take, impound, discharge, store, treat or filter water or to maintain or carry on any such waterworks.

**PART I  
DETERMINATION AND ESTABLISHMENT OF  
LOCAL AUTHORITY COUNCILS**

Determination of local authority councils.

**2.** For purposes of local government, as contemplated in Chapter 12 of the Namibian Constitution, there shall be local authority councils in respect of -

- (a) municipalities;
- (b) towns;
- (c) villages,

the areas of which are declared as such under section 3 or deemed to have been so declared.

## Act No. 23, 1992

## LOCAL AUTHORITIES ACT, 1992

Declaration of areas of local authorities as municipalities, towns or villages, and existing municipalities.

3. (1) Subject to the provisions of this section, the President may from time to time by proclamation in the *Gazette* establish any area specified in such proclamation as the area of a local authority, and declare such area to be a municipality, town or village under the name specified in such proclamation.

(2) The President shall not declare any area referred to in subsection (1) to be -

(a) a municipality, unless -

(i) an approved township exists in such area;

(ii) its municipal council will in the opinion of the President be able -

(aa) to exercise and perform the powers, duties and functions conferred and imposed upon a municipal council in terms of the provisions of this Act;

(bb) to pay out of its own funds its debts incurred in the exercise and performance of such powers, duties and functions;

(cc) to comply with all its other liabilities and obligations so incurred;

(b) a town, unless -

(i) an approved township exists in such area or a town exists in such area which in his or her opinion complies with the requirements of an approved township;

(ii) its town council will in the opinion of the President be able -

(aa) to exercise and perform the powers, duties and functions conferred and imposed upon a town council in terms of the provisions of this Act;

(bb) to pay, whether with or without any financial or other assistance by the Government of Namibia or any regional council, out of its funds its debts

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incurred in the exercise and performance of such powers, duties and functions;

- (cc) to comply, whether with or without any such assistance, with all its other liabilities and obligations so incurred;

(c) a village, unless -

(i) it consists of a community which in the opinion of the President is in need of the services which are required to be rendered or may be rendered in terms of the provisions of this Act by a village council;

(ii) its village council will in the opinion of the President be able to exercise and perform, whether with or without any assistance by the Government of Namibia or any regional council or other local authority council, the powers, duties and functions conferred and imposed upon a village council in terms of the provisions of this Act.

(3) (a) If the area of any township or village management area established or purporting to have been established by or under any law on the establishment of townships or village management boards on communal land is, in terms of subsection (1), declared to be, or, in terms of subsection (5), deemed to have been declared to be, a municipality, town or village, the assets used in relation to such township or village management area and all rights, liabilities and obligations connected with such assets shall vest in the municipal council, town council or village council of such municipality, town or village, as the case may be, to such extent and as from such date as may be determined by the Minister.

(b) The registrar of deeds shall, in the case of any asset referred to in paragraph (a) consisting of immovable property which vests by virtue of the provisions of that subsection in a municipal council, town council or village council, upon production to him or her of the deed of any such immovable property, endorse such deed to the effect that the immovable property described

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therein vests in that municipal council, town council or village council and shall make the necessary entries in his or her registers, and thereupon that deed shall serve and avail for all purposes as proof of the title of that municipal council, town council or village council.

- (c) No transfer duty, stamp duty or any other fee or charge shall be payable in respect of any endorsement or entry referred to in paragraph (b).
  - (d) Notwithstanding the declaration of any township or village management area under paragraph (a) to be a municipality, town or village, any provision of any law referred to in that paragraph which relates to any matter which may be determined or prescribed under any provision of this Act shall be deemed to have been so determined or prescribed.
  - (e) Anything done under any law referred to in paragraph (a) by or in relation to a township or village management area so referred to which may be done under any corresponding provision of this Act, shall be deemed to have been done in relation to such municipality, town or village, as the case may be, under such corresponding provision.
- (4) A proclamation referred to in subsection (1) shall -
- (a) in the case of a proclamation declaring an area to be a municipality or town, determine, subject to the provisions of section 6, the number of members out of which the municipal council or town council of such municipality or town shall consist;
  - (b) in the case of a proclamation declaring an area to be a municipality or a town, amend or substitute Schedule 1 or Schedule 2, as the case may be, so as to include such municipality or town and the number of members of the municipal council or town council referred to in paragraph (a);
  - (c) in the case of a proclamation declaring an area to be a village, amend or substitute Schedule 3 so as to include such village;



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- (d) (i) determine a date on which an election of members of the municipal council, town council or village council, as the case may be, shall take place;
- (ii) come into operation on the date on which the election referred to in subparagraph (i) takes place.
- (5) (a) As from the date fixed in terms of subarticle (5) of Article 137 of the Namibian Constitution -
- (i) every municipality which existed immediately before the commencement of this Act and which is specified in column 2 of Part I or II of Schedule 1 shall be deemed to have been declared to be a municipality;
- (ii) every town specified in column 2 of Schedule 2 shall be deemed to have been declared to be a town;
- (iii) every village specified in column 2 of Schedule 3 shall be deemed to have been declared to be a village,

under subsection (1) in respect of the area of which the boundaries have been determined by the first Delimitation Commission, and established in terms of subarticle (4) of the said Article 137 by the President by Proclamation 6 of 1992, and the number of members of the municipal council of such municipality specified in column 3 of Schedule 1, and of the town council of such town specified in column 3 of Schedule 2 shall be deemed to have been determined by the President under section 6.

- (b) As from the date referred to in paragraph (a), the assets, liabilities, rights and obligations which vested in an existing municipality referred to in subparagraph (i) of that paragraph, shall continue to vest in the municipal council of a municipality deemed to have been so declared, and any reference in any law or document, including any deed, to such existing municipality or the council of any such municipality, shall be construed as a reference to the municipal council of such municipality.

Act No. 23, 1992

**LOCAL AUTHORITIES ACT, 1992**Alteration of declaration  
of local authorities.

**4. (1)** Subject to the provisions of this Act, the President may from time to time by proclamation in the *Gazette* by way of the repeal, amendment or substitution of a proclamation issued under section 3 -

- (a) alter a declaration made under subsection (1) of that section;
  - (b) alter the boundaries of any local authority area by excluding any portion from its area or by adding any area thereto;
  - (c) combine the areas of any two or more local authorities so as to form one local authority area;
  - (d) increase or decrease the number of members of a municipal council or town council;
  - (e) include any part of the area of any local authority which is contiguous to the area of any other local authority so as to form part of the area of such last-mentioned local authority;
  - (f) alter the name of such local authority;
  - (g) delete the name of a municipality referred to in Part II of Schedule 1 and include such name in Part I of that Schedule, or delete the name of a municipality referred to in Part I of that Schedule and include such name in Part II of that Schedule.
- (2) A proclamation referred to in subsection (1) -
- (a) shall, if such proclamation affects the constitution of a local authority council, come into operation in relation to the next general election for members of local authority councils held after the date on which the proclamation is published and not earlier;
  - (b) may in addition, if the areas of two or more local authorities are combined under paragraph (c) of subsection (1) or where any part of the area of any local authority has been included in the area of any other local authority under paragraph (e) of that subsection, provide -

**LOCAL AUTHORITIES ACT, 1992**

- (i) that anything done under this Act by or in respect of the local authority council specified in such proclamation, shall, after its area has been combined with the area of any other local authority or any portion of its area has been included in the area of any other local authority, subject to the limitations, qualifications and conditions, if any, as may be so specified, be deemed to have been done by or in respect of such other local authority council;
  - (ii) that the assets, liabilities, rights and obligations of the local authority council in respect of which its area has been combined with the area of any other local authority or which has been included in the area of any other local authority shall, subject to the limitations, qualifications and conditions, if any, as may be so specified, as from a date specified in such proclamation, vest in any other local authority council as may be so specified;
  - (iii) that any person who immediately before the commencement of such proclamation held an appointment as officer or employee of a particular local authority council shall, as from such commencement and subject to such conditions and in accordance with such directives as may be contained in such proclamation, be appointed by any other local authority council specified in such proclamation.
- (3) (a) The registrar of deeds shall, in the case of any asset referred to in subparagraph (ii) of paragraph (b) of subsection (2) consisting of immovable property which vests by virtue of the provisions of that subparagraph in a local authority council, upon production to him or her of the deed of any such immovable property, endorse such deed to the effect that the immovable property described therein vests in that local authority council and shall make the necessary entries in his or her registers, and thereupon that deed shall serve and avail for all purposes as proof of the title of that local authority council.

## LOCAL AUTHORITIES ACT, 1992

- (b) No transfer duty, stamp duty or any other fee or charge shall be payable in respect of any endorsement or entry referred to in paragraph (a).
- (4) If the President intends to alter the area of a local authority under subsection (1), he or she may direct the local authority council in question to cause a survey by a land surveyor of any area determined by the President to be carried out at its own expense, and if that local authority council fails to comply with that direction within a reasonable period the President may cause that survey to be carried out and may recover the costs thereof from the local authority council.
- (5) (a) The President may, at any time after the first elections for members of local authority councils have been held by virtue of the provisions of Article 137(5) of the Namibian Constitution, abolish any village council by proclamation in the *Gazette* if, in the opinion of the President, the requirements contemplated in paragraph (c) of section 3(2) have ceased to exist in respect of the village governed by such village council.
- (b) Notwithstanding the provisions of any other law, a proclamation referred to in paragraph (a) may provide for the declaration of the area of the village council so abolished to be a settlement area as defined in section 1 of the Regional Councils Act, 1992, whereupon the provisions of section 31(2) of that Act shall apply *mutatis mutandis* and to the extent determined in such proclamation, in respect of the settlement area so declared and the regional council of the region within which it is situated, as if such village council were a township or village management board as contemplated in paragraph (a) of the said section 31(2), and as if the reference to the laws contemplated in that paragraph were a reference to this Act.
- (6) A proclamation referred to in subsection (1) or (5) shall amend or substitute Schedules 1, 2 and 3, as the case may be, so as to bring those Schedules in line with the alterations or abolishment effected in terms of those subsections.

Appointment of delimitation commission and division of local authority areas into wards.

5. (1) The President shall from time to time appoint by proclamation in the *Gazette* a delimitation commission consisting of a judge or former judge of the Supreme Court or the High Court of Namibia and two other persons -

- (a) to divide, not later than five years after the date on which the first elections for members of local authority councils have taken place, and thereafter at intervals of not less than five years and not more than 10 years, or, in the case of an area established on or after the date on which the second elections for such members have taken place as the area of a local authority, at the time of such establishment, the area of every local authority into wards, and to determine the boundaries of each one of such wards;
- (b) to re-divide, when the boundaries of the area of any local authority are altered in terms of section 4, such area into wards, and to re-determine the boundaries of such wards.

(2) For purposes of the division or re-division of the area of a local authority into wards in terms of subsection (1), the delimitation commission shall divide or re-divide the area of a local authority into the same number of wards as the number of members of which the local authority council in question consists.

(3) The delimitation commission may in the exercise of its powers and the performance of its duties and functions under this section make such investigations and give a hearing to such persons as it may deem necessary in relation to any matter connected with such powers, duties and functions.

(4) After the delimitation commission has, under this section, divided or re-divided the area of a local authority into wards and determined or re-determined their boundaries, it shall cause -

- (a) a map of the area of the local authority in question on which the wards in question are shown to be laid for inspection for a period of 30 days at a place determined by it;

(b) a notice to be published in the *Gazette* and at least one newspaper in which all interested parties are called upon to submit to it any objections in writing against the proposed division or re-division within the said period of 30 days.

(5) The delimitation commission may in its discretion consider any objections received against the proposed wards, and shall thereafter finally divide or re-divide the local authority area into wards and determine or re-determine their boundaries.

(6) The President shall make known by proclamation in the *Gazette* the names or numbers and the boundaries of the wards, as finally divided or re-divided into and determined or re-determined by the delimitation commission, and thereafter the wards, as specified or numbered and defined, shall be the wards of the local authority in question until a re-division or further re-division has taken place.

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 12 members, as may be determined by the President and specified in the proclamation referred to in section 3;

(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 members, as may be determined by the President and specified in the proclamation referred to in section 3;

(c) a village, shall be governed by a village council, consisting of seven members,

who shall -

(i) in the case of the first elections for members of local authority councils held by virtue of the provisions of Article 137(5) of the Namibian Constitution, or of an area established as the area of a local authority before the date of any general

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election referred to in paragraph (ii), be elected on party lists;

- (ii) in the case of any general elections for such members held after such first elections, or of an area established as the area of a local authority after the date on which any such general elections have taken place, be elected in respect of each ward into which a local authority area has been divided or re-divided in terms of section 5.

(2) A municipal council, town council and village council referred to in subsection (1), shall, under its name, be a juristic person.

(3) For the purposes of any election contemplated in paragraph (i) of subsection (1), each party list shall contain —

- (a) in the case of a municipal council or town council consisting of 10 or fewer members or a village council, at least two; or
- (b) in the case of a municipal council or town council consisting of 11 or more members, at least three,

names of female persons as candidates in respect of such election.

**PART II**  
**QUALIFICATIONS OF, AND DATES FOR ELECTIONS FOR,**  
**MEMBERS OF LOCAL AUTHORITY COUNCILS, AND**  
**MEETINGS OF LOCAL AUTHORITY COUNCILS**

Qualifications of members of local authority councils.

7. (1) Subject to the provisions of Article 17(2) of the Namibian Constitution, no person shall be qualified to be a member of a local authority council -

- (a) unless he or she is qualified to vote, and is registered, in terms of the laws governing elections for members of local authority councils, as a voter, at an election for members of such a local authority council;
- (b) if he or she is a person contemplated in paragraphs (a) to (d) of Article 47(1) of the Namibian Constitution.

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(2) Notwithstanding anything to the contrary contained in any law, but subject to the provisions of subsection (3), any officer or employee of a local authority council may accept nomination as candidate for election as a member of such local authority council, but shall, if he or she is elected as such a member, be deemed to have resigned from the service of such local authority council with effect from the date on which he or she is so elected.

(3) A remunerated member of the public service, contemplated in paragraph (e) of Article 47(1) of the Namibian Constitution, who has been nominated as candidate for election as a member of a local authority council shall be deemed to be on leave until the date on which such election takes place as if such leave were granted to him or her in terms of the laws governing the conditions of employment of members of such public service or any agreement governing the conditions of employment of such member, as the case may be.

(4) Any person who is in terms of the provisions of the Namibian Constitution and this section disqualified to be a member of a local authority council and who, while he or she is so disqualified and knowing or having reasonable grounds for knowing that he or she is so disqualified, sits as a member of such local authority council, shall be liable to a penalty of R500 for each day on which he or she so sits, which may be recovered by such local authority council by action in any competent court for the benefit of the funds of such local authority council.

Dates for elections for members of local authority councils.

**8.** After the election for the first local authority councils held by virtue of the provisions of Article 137(5) of the Namibian Constitution, a general election in terms of the laws governing elections of members of local authority councils, shall be held on a date, not later than five years as from the date on which such election for the first local authority councils has been held, determined by the President by proclamation in the *Gazette*, and thereafter at intervals not exceeding five years on a date so determined.

Periods of office of members of local authority councils.

**9.** A member of a local authority council shall, subject to the provisions of section 13(1), hold office as such a member from the date on which he or she is elected as such a member until the date immediately before the date on which the next election under section 8 is held in respect of that local authority council subsequent to his or her election as a member of the local authority council.



## Act No. 23, 1992

## LOCAL AUTHORITIES ACT, 1992

Oath by, and code of conduct for, members of local authority councils.

**10.** (1) Every member of a local authority council shall, before assuming his or her duties, make and subscribe before the magistrate referred to in section 12 or, if such member assumes his or her duties after a chairperson has been elected, the chairperson of the local authority council, an oath in the following form:

*I, A.B., do hereby swear and solemnly and sincerely promise to be faithful to the Republic of Namibia, to uphold and defend the Namibian Constitution and the laws of the Republic of Namibia and to perform my duties as member of the local authority council of ..... diligently, honestly, fairly and to the best of my ability.*

*So help me God.*

(2) A member of a local authority council may, in lieu of an oath, make and subscribe a solemn affirmation in corresponding form.

(3) The Minister may from time to time by notice in the *Gazette* prescribe a code of conduct for members of local authority councils.

Mayors and deputy mayors of municipalities or towns and chairpersons of local authority councils.

**11.** (1) A local authority council shall elect in the manner provided in section 12 from amongst its members -

(a) in the case of a municipal council or a town council -

(i) one person as mayor and another person as deputy mayor of the municipality or town in question; and

(ii) one person as chairperson and another person as vice-chairperson of the municipal council or town council in question, who may in each case be such mayor or deputy mayor;

(b) in the case of a village council, one person as chairperson and another person as vice-chairperson of such village council.

(2) The election of a mayor, deputy mayor, chairperson and vice-chairperson of a local authority council shall be held -

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- (a) in the case of the first such election after a general election of members of local authority councils or a first election for members of a new local authority council, at the first meeting of such local authority council held after such general elections or such first election before it proceeds to the dispatch of any other business;
- (b) in the case where the office of the mayor or the deputy mayor or the chairperson or vice-chairperson becomes vacant before the expiration of his or her period of office by reason of the death of such mayor or deputy mayor or chairperson or vice-chairperson or the vacation by him or her of his or her office for any other reason, on a date not later than the first meeting of such local authority council after the office so became vacant;
- (c) in the case of the expiration of the period of office of the mayor or deputy mayor or chairperson or vice-chairperson of a local authority council elected in an election held in terms of paragraph (a) or (b), on a date within a period of 30 days before the date on which the period of office of the mayor or deputy mayor or chairperson or vice-chairperson of a local authority council so elected expires.

(3) When the mayor or chairperson of a local authority council is absent or is unable to exercise and perform his or her powers, duties and functions as such mayor or such chairperson, the deputy mayor or vice-chairperson, shall act as mayor or chairperson, as the case may be, during the absence or incapacity of such mayor or chairperson, and if both such mayor or deputy mayor or chairperson shall act as mayor or chairperson, as the case exercise and perform the powers, duties and functions of mayor or chairperson, the local authority council may elect any other member to act as mayor or chairperson, as the case may be, during such absence or incapacity.

- (4) (a) Subject to the provisions of paragraph (b) of this subsection, the mayor and deputy mayor and the chairperson and vice-chairperson of a local authority council shall hold office for a period of one year or, in the case of a mayor or deputy mayor or chairperson or vice-chairperson elected in an election held in terms of paragraph (b) of subsection (2), for the unexpired portion of the

