



GOVERNMENT GAZETTE

OF THE REPUBLIC OF NAMIBIA

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Government Notice

OFFICE OF THE PRIME MINISTER

No.296

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. 31 of 2000: Council of Traditional Leaders Amendment Act, 2000.

Act No. 31, 2000

**COUNCIL OF TRADITIONAL LEADERS
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 Council of Traditional Leaders Act, 1997, so as to amend the definition of Traditional Authority; to insert a definition of traditional community; to amend references to the Traditional Authorities Act; to amend the provisions relating to the members of the Council; to insert provisions relating to committees of the Council; to further provide for the powers of the President relating to a matter submitted to the Council; and to provide for matters incidental thereto.

(Signed by the President on 21 December 2000)

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

Amendment of section 1 of Act No. 13 of 1997

1. Section 1 of the Council of Traditional Leaders Act, 1997 (hereinafter referred to as the “principal Act”), is amended -

- (a) by the insertion of the following definition before the definition of “Council”:

“‘committee’ means a committee established in terms of section 12(1);”;

- (b) by the substitution for the definition of “Traditional Authority” of the following definition:

“‘Traditional Authority’ means a traditional authority as defined in section 1 of the Traditional Authorities Act, 2000;”;

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(c) by the addition of the following definition:

“‘traditional community’ means a traditional community as defined in section 1 of the Traditional Authorities Act, 2000;”.

Amendment of section 3 of Act No. 13 of 1997

2. Section 3 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) Every Traditional Authority may, with due regard to the provisions of section 4, designate two representatives for appointment as members of the Council, who shall include -

- (a) the chief or head of that traditional community as defined in section 1 of the Traditional Authorities Act, 2000; and
- (b) one other person, being either [the] a senior traditional councillor or a traditional councillor or any other member of that traditional community.”.

Substitution of section 12 of Act No. 13 of 1997

3. The following section is substituted for section 12 of the principal Act:

“Committees of Council

12. (1) The Council may from time to time establish from amongst its members any committee to advise it on any matter in relation to its functions as it may deem necessary.

(2) The Council shall designate the chairperson of a committee.

(3) In the event of the chairperson of a committee being absent from, or unable to perform the functions of the chairperson at, a meeting, the members of the committee present at that meeting shall elect one of their number to act as chairperson at that meeting and such acting chairperson shall, while so acting, have all the powers and perform all the duties and functions of the chairperson of a committee.

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(4) The chairperson or any other person who acts as chairperson shall determine the procedure of the meeting over which he or she presides, and cause minutes to be kept of the proceedings.

(5) The majority of the members of a committee shall constitute a quorum for a meeting of that committee.

(6) The decision of the majority of the members of a committee present at a meeting thereof shall constitute a decision of that committee, and, in the event of an equality of votes relating to any matter, the member presiding at the meeting shall have a casting vote in addition to his or her deliberative vote.

(7) A committee may request the attendance of any person to act as adviser at any meeting thereof, and that person while so attending may participate in the deliberations, but shall not be entitled to vote.

(8) The validity of any act or proceedings of a committee shall not be affected by any vacancy amongst its members or by any defect in the appointment of a member thereof.

(9) The meetings of a committee shall be held at the times and places determined by the chairperson thereof”.

Amendment of section 14 of Act No. 13 of 1997

4. Section 14 of the principal Act is amended by the addition of the following subsection, the existing section becoming subsection (I):

“(2) The President may in respect of any report which has been submitted to him or her in terms of subsection (1) give the Council such instructions regarding further steps to be taken relating to any matter in respect thereof as he or she may deem expedient.”.

Short title

5. This Act shall be called the Council of Traditional Leaders Amendment Act, 2000.