



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Local Authorities Act 23 of 1992
section 95(5)

Native Reserve Regulations: Berseba and Bondels Reserves

Government Notice 239 of 1930

(OG 394)

came into force on 15 December 1930

The Native Reserve Regulations: Berseba and Bondels Reserves were originally made in terms of section 20 of the Native Administration Proclamation 11 of 1922, which was repealed by the Local Authorities Act 23 of 1992. Pursuant to section 95(5) of the Local Authorities Act 23 of 1992, the Native Reserve Regulations: Berseba and Bondels Reserves are deemed to have been made under the Local Authorities Act 23 of 1992. Please note that in terms of these regulations, 1 British Pound (£1) is equivalent to 2 Namibian Dollars (N\$2). Additionally, there are 20 shillings in a pound and there are also 240 pence in a pound of British currency. The abbreviation "s" refers to shillings and the abbreviation "d" refers to pence.

as amended by

Government Notice 130 of 1938 (OG 760)

came into force on date of publication: 1 September 1938

ARRANGEMENT OF REGULATIONS

[The individual regulations have no headings.]

MANAGEMENT

RESIDENCE IN RESERVE

COMMONAGE

GENERAL

REGULATIONS
Local Authorities Act 23 of 1992**Native Reserve Regulations: Berseba and Bondels Reserves**

MANAGEMENT

1. The Native Commissioner for the district shall have general control of the Reserve. He shall have all the powers and may lawfully perform all or any of the duties vested in or imposed upon the Superintendent of the reserve whether or not the Superintendent shall have been appointed for such reserve, and the Superintendent and all other officers appointed in connection with the Reserve shall be under his authority and shall be obliged to carry out his instructions in respect of all matters pertaining to the administration thereof.

2. The Reserve shall where necessary be divided into wards by the Native Commissioner and each ward shall be placed under the control of a headman. Every headman shall be under the control of the Superintendent and shall carry out his orders.

3. The Superintendent shall be charged with the duty of collecting taxes, levies, rates and fees, issuing passes, supervising sanitation, branding native stock and generally controlling the Reserve.

4. The Superintendent shall keep a register of all natives residing in or entering the Reserve and such further registers and records as the Native Commissioner may from time to time direct.

5. Every native shall furnish such particulars regarding the members of his family and the inmates of his home and stock owned by him or in his keeping as may be required of him not later than a date to be notified by the Superintendent and thereafter shall report any change in respect of the particulars so required not later than one month after the occurrence thereof.

6. It shall be lawful for a Medical Officer at the request of the Native Commissioner, when and as often as it is deemed advisable or necessary to inspect any Reserve and examine the residents therein and any resident who refuses to submit himself to such examination shall be guilty of an offence.

7. Any such Medical Officer, Superintendent or Headman shall have access to any hut or dwelling occupied by a native in the Reserve for the purpose of inspection or supervision. Every occupant of a hut or dwelling who refuses to grant admission whenever admission is demanded by such Medical Officer, Superintendent or Headman for the purposes aforesaid shall be guilty of an offence.

8. Any person obstructing, resisting or hindering or in any way interfering with any Medical Officer, Superintendent or Headman in the discharge or execution of his duty or refusing or neglecting to obey any lawful order given by any Medical Officer, Superintendent or Headman under these regulations shall be guilty of an offence.

9. Any person certified by a Medical Officer to be affected with any disease dangerous to public health may be ordered to remove from such Reserve or to reside in such portion of the Reserve as may be set aside for such person or persons, and any person who fails to comply forthwith with such order shall be guilty of an offence.

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10. (1) A Headman shall not dispose of any criminal case. He shall report at once to the Superintendent or at the nearest Police Station every crime or offence that may come to his knowledge and shall render every assistance in bringing the offender or offenders to justice.

(2) He shall not in the execution of his duties ask for, demand or receive any fee, or fine without the authority of the Native Commissioner.

(3) He shall notify the Superintendent of the erection, abandonment or destruction of any hut or dwelling.

(4) He shall not grant permission to any one to reside in the Reserve without the previous consent thereto of the Native Commissioner or Superintendent.

[subregulation (4) amended by GN 760/1938]

(5) He shall at once report to the Superintendent the arrival of any strangers and the number of stock, if any, their possession, and in the case of visitors the period their intended stay and the date of their departure.

(6) He shall render every assistance in the collection of taxes, levies, rates and fees.

(7) He shall at once report to the Superintendent any stray stock found in the Reserve and shall carry out in regard to such stock any instructions which the Superintendent may give him.

(8) He shall at once report to the Superintendent, and if there be no Superintendent, to the Commander of nearest Police post the occurrence in the Reserve of scab, lungsickness, redwater or other contagious or infectious disease.

(9) He shall keep the Reserve clear of all vagrants.

(10) He shall report to the Superintendent every untreated case of venereal disease in the Reserve which comes to his knowledge.

(11) He shall promptly carry out all instructions given to him by the Native Commissioner or Superintendent.

RESIDENCE IN RESERVE

11. (1) No person shall encamp, reside or be within, or enter the Reserve without a written permit so to do, signed by the Superintendent thereof or the Native Commissioner and any person not being the lawful holder of such a permit then in force who shall encamp, reside or be within, or enter the Reserve shall except as hereinafter provided, be guilty of an offence.

(2) No native resident of the Reserve may leave or having left may re-enter the Reserve without a written permit so to do, signed by the Superintendent thereof. Such permit shall set forth the grounds upon which it is granted, the period, if any, for which it is granted, and the number and description of the stock, if any, to be removed or introduced by the holder thereof.

Any such resident who contravenes any provision of this paragraph, or any condition contained in a permit issued under the provisions of this paragraph, shall be guilty of an offence.

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(3) Anything to the contrary in these regulations notwithstanding, any native may enter the Reserve for the purpose of obtaining from the Superintendent a written permit to encamp, reside or be within, or visit the Reserve, provided that he proceeds to the Superintendent's office to obtain such permit within 48 hours of having entered the Reserve.

[regulation 11 substituted by GN 760/1938]
[The words "Bondelzwarts" and "Bondelswarts" are
both used in the *Official Gazette*, as reproduced above.]

12. No person shall permit any one who is not a lawful resident in the Reserve within the terms of the immediately preceding regulation to stay at his kraal or occupy any hut or building under his control.

13. In any case where a person is charged with an offence against regulation *eleven* or *twelve* the onus of proving that he himself or his tenant or the inhabitant of his hut or building was in lawful occupation shall rest upon the person so charged.

14. No school shall be established or conducted in the Reserve except under the written authority of the Director of Education.

15. No building of any kind whatsoever shall be erected in the Reserve by any person other than a native.

COMMONAGE

16. No person shall cut, break, injure, uproot or destroy any tree or bush or collect wood in the Reserve without a permit so to do signed by the Superintendent, provided that "head loads" or dry wood which can be taken without damage to growing trees may be removed without a permit by natives lawfully residing in the Reserve for their own use, but not for sale.

Any person who shall cut, break, injure, or uproot or destroy any tree or bush or collect wood other than dry wood in the Reserve without a permit so to do or otherwise than in accordance with the conditions of such permit, shall be guilty of an offence.

17. No person shall set fire to the grass in the Reserve save as a protective measure against a fire, and any person who shall within the Reserve wilfully or negligently set fire to grass or trees or scrub shall be guilty of an offence.

18. It shall be lawful for any Superintendent or Headman to order any native male adult resident in the Reserve or in his ward as the case may be to assist in the suppression of grass fires and in the making of fire belts and in the eradication and destruction of noxious weeds. Any such native male adult who shall refuse without good cause to give all reasonable assistance upon receiving such order shall be guilty of an offence.

19. No person other than a native lawfully residing or entitled to reside in the Reserve shall introduce or cause to be introduced into or keep or cause to be kept within the Reserve any livestock of any description without the written permission of the Superintendent or Native Commissioner. Any person who contravenes this regulation shall on conviction be liable, for a first offence, to a fine not exceeding ten pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month, and, for a second or subsequent offence, to a fine not exceeding fifty pounds, or, in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment. The Court which convicts any

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person of contravening this regulation shall summarily inquire in to the value of the grazing destroyed by the stock so introduced or kept in the Reserve and impose upon the person convicted a fine of an amount equivalent thereto.

20. Any such owner of livestock or any person having the care or custody of livestock in the Reserve who shall fail to report forthwith to the Superintendent or a Headman the appearance of any contagious or infectious disease amongst such livestock shall be guilty of an offence.

21. Any person who shall wilfully obstruct in any way the approaches to public watering places in the Reserve or obstruct the use of the water thereat or defile the water therein shall be guilty of an offence.

GENERAL

22. Whenever a birth or death occurs in any hut or dwelling in the Reserve the occupier thereof or in case of his absence or incapacity the eldest adult there resident shall immediately report the same to the Superintendent.

Whenever a birth or death occurs in the Reserve elsewhere than in a hut or dwelling, any person having knowledge thereof shall report the same to the Superintendent. Failure or neglect on the part of the person responsible to make such report shall constitute an offence.

23. In the interests of order and good government the Native Commissioner with the approval of the Administrator may order any resident of the Reserve or person therein who shall in the opinion of the Native Commissioner be an undesirable person to leave the Reserve within a time to be specified in the order; provided that an opportunity shall first have been given to that person to show cause why he should not be so ordered to leave. Any person who having been ordered to leave the Reserve fails to comply with the order within the time specified therein, or who having left in terms of such order re-enters the Reserve without permission so to do, shall be guilty of an offence.

24. Any person who creates a disturbance or commits a nuisance of any nature whatsoever in the Reserve shall be guilty of an offence.

25. No person shall carry on any business at any shop, trading station or other business place of any kind and no person shall carry on the business of a hawker within the Reserve save under a permit granted under the authority of Administrator and subject to such conditions as may be imposed. Any such permit may at any time for good and sufficient reason be modified or cancelled without notice.

26. Every resident in the Reserve shall have the right to appeal to the Native Commissioner against any act, omission or order of the Superintendent or any Headman and after due inquiry the Native Commissioner shall make such order as he may deem fit.

27. Any person who shall contravene any of the foregoing regulations in respect of which no penalty is specially provided shall be liable upon conviction to a penalty not exceeding £2 or in default of payment to imprisonment not exceeding one month, and in the event of a second or subsequent conviction to a fine not exceeding £5, or in default of payment to imprisonment not exceeding two months.