



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Local Authorities Act 23 of 1992
section 95(5)

**Regulations relating to Consultative
Committees for Coloured Townships**

Government Notice 151 of 1966

(OG 2736)

came into force on date of publication: 15 August 1966

The Regulations relating to Consultative Committees for Coloured Townships were originally made in terms of section 4 of the Local Government in Coloured Townships Ordinance 34 of 1965, which was repealed by the Local Authorities Act 23 of 1992.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 Regulations relating to Consultative Committees for Coloured Townships are deemed to have been made under that Act.

ARRANGEMENT OF REGULATIONS

[Regulation 15 has no heading.]

1. Definitions
2. General Purpose of Committee
3. Constitution of Committee
4. Term of Office of Committee
5. Office Bearers of Committee
6. Meetings of Committee
7. Notice of Meetings
8. Agenda and Order of Precedence of Business
9. Voting at Meetings
10. Minutes of Meetings
11. Council to be Informed of Resolutions
12. Powers of Committee
13. Disqualification for Membership
14. Vacancies in Committees

REGULATIONS
Local Government in Coloured Townships Ordinance 34 of 1965
Regulations relating to Consultative Committees for Coloured Townships

15.

Definitions

1. In these regulations, unless the context otherwise indicates -

“committee” means a consultative committee established in terms of the Ordinance.

“council” means, where the area for which a committee has been established is situated in the area of jurisdiction of a municipality or village management board, the municipal council or the board concerned.

“Ordinance” means The Establishment of Local Government in Coloured Townships Ordinance 1965. (Ordinance 34 of 1965).

[The full stop after the phrase “Coloured Townships
Ordinance 1965” should be a comma.]

“qualified person” means a person who is a lawful resident of a Coloured township as defined in section 1 of the Ordinance.

“town clerk” means, where applicable, the town clerk or secretary of the relative municipality or village management board.

General Purpose of Committee

2. The committee shall be responsible for advancing and securing the interests and welfare of the inhabitants of its area and shall bring all matters relating thereto, to the notice of the council.

Constitution of Committee

3. (1) The committee shall consist of five qualified persons appointed by the Administrator, of whom two shall be nominated by the council.

(2) If the council fails or refuses to nominate two persons as members within thirty days after having been requested to do so by or on behalf of the Administrator the Administrator shall on behalf of the council nominate two qualified persons as members.

Term of Office of Committee

4. (1) On the date on which these regulations come into force, a general appointment of members of all committees instituted on that date shall take place and thereafter a general appointment of members of all committees shall take place every two years.

(2) The first members of a committee instituted after these regulations have come into force, shall vacate their office at the first general appointment of members of all committees after two years of such institution.

Office Bearers of Committee

REGULATIONS
Local Government in Coloured Townships Ordinance 34 of 1965
Regulations relating to Consultative Committees for Coloured Townships

5. (1) The Administrator shall from time to time nominate one of the members of the committee to be the chairman thereof for a period not exceeding one year: Provided that a retiring chairman may be re-nominated.

(2) The committee shall from time to time elect from among its members a vice-chairman for a period not exceeding one year.

(3) (a) Whenever the chairman is not available the [illegible] chairman shall temporarily perform the functions me chairman.

(b) Whenever the vice-chairman is likewise not available, the members of the committee shall elect an acting chairman, who shall perform the functions of the chairman until the chairman or vice-chairman becomes available.

(4) The council shall, with the approval of the Administrator, designate an officer to act as secretary for the committee. The council may also from time to time designate an officer to be acting secretary when necessary.

Meetings of Committee

6. (1) The first meeting of the committee shall be held at such place and on such day and at such time as may be determined by or on behalf of the Administrator.

(2) The committee shall hold an ordinary meeting at least once every month at such place and on such day and at such time as the committee may, from time to time determine in consultation with the council.

(3) The chairman may at any time, and shall at the written request of the council or its authorised representative, convene a special meeting of the committee.

(4) Any meeting of the committee may be adjourned to a specified day and time.

(5) Three members of the committee shall form a quorum.

(6) If the committee should fail to hold a meeting during any month, the secretary shall forthwith notify the council thereof.

(7) Subject to the provisions of subregulation (9) all meetings of the committee shall be open to the public and the press.

(8) The Administrator and the council may each authorise as many persons as may be deemed necessary to attend meetings of the committee as representatives of the Administration or the council, as the case may be, and to take part in the proceedings but any such representative shall have no vote.

(9) The committee may, if it considers that any matter may more conveniently and advantageously be dealt with in private, and shall, at the request of a representative referred to in subregulation (8), resolve itself into committee at any meeting, and during the proceedings in committee the public and the press shall be excluded. Any resolutions adopted in committee shall have full force and effect as resolutions of the committee.

Notice of Meetings

REGULATIONS
Local Government in Coloured Townships Ordinance 34 of 1965
Regulations relating to Consultative Committees for Coloured Townships

7. (1) The secretary of the committee shall give written notice of the place and of the fixed day and time for the holding of ordinary meetings to every members of the committee.

(2) The secretary of the committee shall give written notice to every member of the committee of the place, day and time of every special meeting.

(3) Any such notice shall be handed to the member personally not less than 48 hours before any meeting, and shall be accompanied by the agenda of the meeting and, in the case of an ordinary meeting, by the minutes of the previous ordinary meeting as well as the minutes of any special meetings held since the previous ordinary meeting.

(4) Inadvertent failure to furnish any member of the committee with a notice as mentioned in this regulation shall not affect the validity of any meeting.

Agenda and Order of Precedence of Business

8. (1) The secretary of the committee shall be responsible for drawing up the agenda for any meeting of the committee.

(2) The order of precedence of business at every ordinary meeting of the committee shall be as follows -

- (a) Minutes of previous meetings;
- (b) Applications from members for leave of absence;
- (c) Official announcements;
- (d) Unopposed motions of the chairman;
- (e) Questions of which notice has been given;
- (f) Matters standing over from previous meetings;
- (g) New notices of motions;
- (h) Matters referred to it by the council; and
- (i) General.

Voting at Meetings

9. (1) All matters before a meeting of the committee shall be decided by a majority of votes of the members present.

(2) In the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote.

Minutes of Meetings

REGULATIONS
Local Government in Coloured Townships Ordinance 34 of 1965
Regulations relating to Consultative Committees for Coloured Townships

10. (1) The minutes of the proceedings of every meeting of the committee shall regularly be kept up to date and shall contain in proper order particulars of the matters dealt with at the meeting.

(2) The minutes of the proceedings of every meeting shall be confirmed by the signature of the chairman.

(3) The minutes of the proceedings of every meeting of the committee, except meetings in committee, shall be open for inspection by the public.

(4) Certified copies of all minutes of proceedings of the meetings of the committee and other relative documents shall as soon as possible be furnished by the secretary to the council and also to the Administrator if so required by him.

Council to be Informed of Resolutions

11. Any comment or suggestion made by the committee upon or in connection with any matter on which it must, by regulation, be consulted by the council, shall, subject to section 2(3)(b) of the Ordinance, under the hand of the chairman be conveyed to the council in writing by the secretary within seven days after the conclusion of the meeting at which such matter was dealt with by the committee.

Powers of Committee

12. The council shall consult the committee in regard to the following matters in such cases and to such extent as the Administrator may prescribe specifically or generally and communicate to the council in writing -

- (a) Proposals in connection with estimates, including proposals in respect of capital estimates.
- (b) The implementation of the said proposals in respect of the estimates, including those relating to -
 - (i) the levying of rates on property;
 - (ii) the levying of charges for services;
 - (iii) the spending of any funds on permanent improvements and development works;
 - (iv) the raising of loans;
 - (v) the construction, building, alteration, cleaning, repairing, closing and deviation of public streets;
 - (vi) the provision or taking over of cemeteries and the transfer thereof to any body;
 - (vii) the establishment, erection, maintenance and closing of markets and market buildings and the lease of and levying of rentals in respect of portions of such buildings and stalls therein;

REGULATIONS
Local Government in Coloured Townships Ordinance 34 of 1965
Regulations relating to Consultative Committees for Coloured Townships

- (viii) the establishment and maintenance of ambulance services; and
- (ix) the establishment, provision, maintenance, improvement, disestablishment or closing of public libraries and parks, facilities for bathing, entertainment, sport, picnicking and camping, health and recreation resorts, together with huts, pavilions, refreshment rooms and other accommodation and amenities in connection therewith.
- (c) Ways and means to prevent nuisances and contraventions of the regulations of the council.
- (d) The proposed making of any regulations by the council.
- (e) The planning and carrying out of housing schemes.
- (f) The drawing up and preparation of any town planning schemes or any amendments thereto which are considered after the establishment of the committee.
- (g) The provision, extension, curtailment or suspension of any child welfare services and facilities.
- (h) The appointment of any officers and employees who are qualified persons and who will be employed mainly or exclusively within the area of the committee.
- (i) The control over hawking in streets.
- (j) Such other matters as the Administrator may in his discretion or after consultation with the Council from time to time direct.

Disqualification for Membership

- 13.** No person may be appointed as a member of the committee if -
- (a) he is an unrehabilitated insolvent; or
 - (b) he has within the preceding two years assigned his estate; or
 - (c) he is an alien as defined by section 1 of the South African Citizenship Act, 1949 (Act 44 of 1949); or
 - (d) he is subject to an order of court declaring him to be of unsound mind or mentally disordered or defective, or is lawfully detained as mentally disordered or defective under the Mental Disorders Act, 1916; or
 - (e) he has within the preceding three years been convicted and sentenced to imprisonment without the option of a fine, unless he has obtained a free pardon.

Vacancies in Committees

- 14.** (1) A vacancy in the committee shall occur when -
- (a) the term of office of a member expires; or

REGULATIONS
Local Government in Coloured Townships Ordinance 34 of 1965
Regulations relating to Consultative Committees for Coloured Townships

- (b) a member dies; or
- (c) a member tenders his resignation in writing to the Secretary for South West Africa; or
- (d) a final order sequestrating the estate of a member as insolvent is made; or
- (e) a member assigns his estate; or
- (f) a member becomes an alien as defined by section 1 of the South African Citizenship Act, 1949 (Act 44 of 1949); or
- (g) a member is declared by any court to be of unsound mind or mentally disordered or defective, or is lawfully detained as mentally disordered or defective under the Mental Disorders Act, 1916 (Act 38 of 1916) as applied to the Territory by the South West Africa Mental Disorders Act, 1926 (Act 22 of 1926), or
- (h) a member is convicted and sentenced to imprisonment without the option of a fine; or
- (i) a member has been absent without leave of the committee from three consecutive ordinary meetings of the committee; or
- (j) a member ceases to be a lawful inhabitant of the coloured township concerned,

and any such vacancy shall be declared by the Administrator within a reasonable time of his becoming aware thereof by addressing a notice to that effect to the town clerk and forwarding a copy thereof to the secretary of the committee.

(2) (a) When a vacancy occurs in the committee before the expiry of the term of office of the committee, the Administrator shall appoint a qualified person as member for the unexpired period of office of such committee.

(b) Should such vacancy occur within three months of expiry of the term of office of the committee, the Administrator may, in his discretion, decide not to fill such vacancy and should the Administrator so decide the town clerk and the secretary of the committee shall be informed thereof within reasonable time of such decision.

15. These regulations shall be applicable to any Coloured Township in the Territory in respect of which a consultative committee has been established in terms of the Ordinance.

**[The text uses inconsistent capitalisation of subregulations
in the *Official Gazette*, as reproduced above.]**