



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 995

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 236

1994

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. 35 of 1994: Registration of Deeds in Rehoboth Amendment Act, 1994.

**REGISTRATION OF DEEDS IN REHOBOTH
AMENDMENT ACT, 1994**

EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Registration of Deeds in Rehoboth Act, 1976, so as to redefine "Minister"; to remove the requirement that a certain document issued by the Rehoboth Baster Community be lodged with the Registrar of Deeds as a prerequisite for the registration of transfer of land; to make other provision in relation to the furnishing of proof of the payment of taxes and other moneys; to provide that charges payable under the Act shall be paid into the State Revenue Fund; to validate the transfer of land effected in the deeds registry of Rehoboth without submission of certain prescribed documents; to amend section 78 of the Local Authorities Act, 1992; and to provide for matters connected therewith.

(Signed by the President on 30 November 1994)

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

Amendment of section 1
of Act 93 of 1976.

1. Section 1 of the Registration of Deeds in Rehoboth Act, 1976 (hereinafter referred to as the principal Act), is amended by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of [**Coloured, Rehoboth and Nama relations**] Lands, Resettlement and Rehabilitation;"

Amendment of section 13
of Act 93 of 1976.

2. Section 13 of the principal Act is amended by the deletion of subparagraph (i) of paragraph (b) of subsection 2.

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AMENDMENT ACT, 1994**

Substitution of section 48
of Act 93 of 1976.

3. The following section is substituted for section 48 of the principal Act.

"Proof of
payment of
taxes and
other moneys.

48. The Registrar shall not -

- (a) register the transfer of any land;
- (b) issue any land title; or
- (c) register any document which relates to land,

unless the person who applies therefor submits a document issued by **[the office of the Rehoboth Baster Community]** a person designated by the Permanent Secretary: Regional and Local Government and Housing for that purpose in which it is stated that all taxes and other moneys payable to the **[Rehoboth Baster Community]** State Revenue Fund in respect of the land in question have been paid."

Substitution of section 49
of Act 93 of 1976.

4. The following section is substituted for section 49 of the principal Act:

"Payment of
certain amounts
to registrar for
benefit of State
Revenue Fund.

49. Any amount payable in terms of this Act in respect of the performance of any act shall be paid to the registrar for the benefit of the **[Rehoboth Baster Community]** State Revenue Fund."

Substitution of section 52
of Act 93 of 1976.

5. The following section is substituted for section 52 of the principal Act:

"Limitation
of liability.

52. No act or omission of the registrar or of any officer employed in the registry shall render the registrar or such officer liable for any damage suffered by any person as a result of such act or omission: Provided that if such act or omission is *mala fide* or if the registrar or such officer has not exercised reasonable care or diligence in the carrying out

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of his or her duties in connection with such act or omission, the [**Rehoboth Baster Community**] State shall be liable for such damage: Provided further that the registrar or officer guilty of such act or omission shall be liable to make good any loss or damage resulting therefrom to the [**Rehoboth Baster Community**] State if such act or omission was *mala fide*.”

Validation of certain registrations of land.

6. Any transfer of land effected in the deeds registry referred to in section 2 of the principal Act since the date of Namibia's independence, and before the commencement of this Act, shall not be invalid by reason only that such transfer was effected without the submission of -

- (a) the document referred to in subparagraph (i) of paragraph (b) of subsection (2) of section 13 of that Act, before the deletion of that subparagraph by section 2 of this Act; or
- (b) the document referred to in section 48 of the principal Act, before the substitution of that section by section 3 of this Act.

Amendment of section 78 of Act 24 of 1992.

7. Section 78 of the Local Authorities Act, 1992 is amended by the substitution for the words preceding paragraph (a) of the following expression:

“The registrar of deeds shall not register a transfer of any immovable property within a local authority area unless there is produced to him or her, in the case of a registration of transfer in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), a conveyancer's certificate, or, in the case of a registration of transfer in terms of the Registration of Deeds in Rehoboth Act, 1976 (Act 93 of 1976), the document referred to in section 48 of the last-mentioned Act, certifying -”

Short title.

8. This Act shall be called the Registration of Deeds in Rehoboth Amendment Act, 1994.