

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG

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Goewermentskennisgewing

Government Notice

Die volgende Goewermentskennisgewing word vir algemene inligting gepubliseer.

The following Government Notice is published for general information.

N. J. DAVIN
Sekretaris van die Nasionale Vergadering van Suidwes-Afrika

N. J. DAVIN
Secretary of the National Assembly of South West Africa

Windhoek

Windhoek

No. AG. 90

15 Julie 1980

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15 July 1980

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig in gevolg artikel 19 van daardie Proklamasie:-

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979) is hereby published in terms of section 19 of that Proclamation:-

No. 14 van 1980 Wet op Bevoegdheids van die S.W.A. Water- en Elektrisiteitskorporasie, 1980

No. 14 of 1980 Powers of the S.W.A. Water and Electricity Corporation Act, 1980

POWERS OF THE S.W.A. WATER AND ELECTRICITY CORPORATION ACT, 1980 Act No. 14, 1980

*(Afrikaans text signed by the Administrator-General on
2 July 1980)*

ACT

To provide for approval by the Administrator-General of the tariffs levied and the conditions imposed by the S.W.A. Water and Electricity Corporation (Pty) Ltd in respect of electricity supplied by the said Corporation; for the expropriation of immovable property or the interests in immovable property by the said Corporation for certain purposes; and for matters connected therewith.

BE IT ENACTED by the National Assembly of South West Africa, as follows:-

1. In this Act, unless the context indicates otherwise, "the Corporation" means the S.W.A. Water and Electricity Corporation (Pty) Ltd.

Definition.

2. (1) Notwithstanding anything to the contrary contained in any law but subject to the provisions of section 5(3) of the "Electric Power Proclamation, 1922" (Proclamation 4 of 1922), all tariffs levied and conditions imposed by the Corporation in respect of electricity supplied by it, shall be subject to the prior approval of the Administrator-General.

Approval of tariffs levied and conditions imposed by the Corporation in respect of supply of electricity.

(2) The provisions of subsections (1) and (2) of section 5 of the said "Electric Power Proclamation, 1922", shall not apply in respect of the Corporation.

3. (1) Notwithstanding anything to the contrary contained in any law, the Corporation may, subject to the obligation to pay compensation, with the approval of the Administrator-General and on the conditions as he may determine, in order to exercise its powers in relation to the supply of electricity, expropriate any immovable property or any real right in, over or in respect of immovable property, or take the right to use any immovable property temporarily.

Expropriation of immovable property or interests in immovable property by the Corporation.

(2) The Administrator-General shall not grant such approval unless he is satisfied —

(a) that the Corporation is unable to acquire such property or right on reasonable terms by agreement with the owner; and

POWERS OF THE S.W.A. WATER AND ELECTRICITY CORPORATION ACT, 1980 Act No. 14, 1980

(b) that such property or right is reasonably required by the Corporation in order to exercise the said powers.

(3) Upon the approval referred to in subsection (1) being granted, the provisions of sections 5 to 18 of the Expropriation Ordinance, 1978 (Ordinance 13 of 1978), shall *mutatis mutandis* apply in connection with the acquisition of such property or right, and in such application any reference in those sections —

(a) to the Executive Committee constituted in terms of section 4 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), and to the Administration of the Territory of South West Africa shall be construed as a reference to the Corporation;

(b) to section 2 of the said Ordinance and to the said Ordinance shall be construed as a reference to this section.

(4) Any person who has suffered damage as a result of the exercise of the powers referred to in subsection (1), shall be entitled to such compensation as the Corporation and any such person may have agreed upon or, if no agreement has been entered into, to the compensation determined by arbitration in terms of the Arbitration Act, 1965 (Act 42 of 1965).

4. This Act shall be called the Powers of the S.W.A. Water and Electricity Corporation Act, 1980. Short title.