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PROCLAMATION

PROKLAMASIE

by the

van die

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Approved by the State President on 17 July 1989)

(Deur die Staatspresident goedgekeur op 17 Julie 1989)

No. AG. 25 1989

No. AG. 25 1989

REPEAL OF LAWS WHICH MAY ABRIDGE OR INHIBIT THE OBJECTIVE OF A FREE AND FAIR ELECTION FOR A CONSTITUENT ASSEMBLY, AND AMENDMENT OF CERTAIN LAWS IN SO FAR AS THEY MAY ABRIDGE OR INHIBIT SUCH OBJECTIVE

HERROEPING VAN WETTE WAT DIE OOGMERK VAN 'N VRYE EN REGVERDIGE VERKIESING VIR 'N GRONDWETGEWENDE VERGADERING KAN VERHINDER OF BEPERK, EN WYSIGING VAN SEKERE WETTE VIR SOVER DIT SODANIGE OOGMERK KAN VERHINDER OF BEPERK

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

L. A. PIENAAR
Administrator-General

Windhoek, 18 July 1989

L.A. PIENAAR
Administrateur-generaal

Windhoek, 18 Julie 1989

SCHEDULE

BYLAE

Repeal and amendment of certain laws

1. The laws specified in the Annexure are hereby repealed or amended to the extent indicated in the third column of the Annexure.

Short title and commencement

2. (1) This Proclamation shall be called the Second Law Amendment (Abolition of Discriminatory or Restrictive Laws for purposes of Free and Fair Election) Proclamation, 1989.

(2) The provisions of this Proclamation, in so far as they relate to paragraph (b) of subsection (1) of section 5 of the Income Tax Act, 1981 (Act No. 24 of 1981), shall be deemed to have come into operation on 1 April 1989.

Herroeping en wysiging van sekere wette

1. Die wette vermeld in die Aanhangsel word hierby herroep of gewysig in die mate in die derde kolom van die Aanhangsel uiteengesit.

Kort titel en inwerkingtreeding

2. (1) Hierdie Proklamasie heet die Tweede Regswysigingsproklamasie (Afskaffing van Diskriminerende of Beperkende Wette vir doeleindes van Vrye en Regverdige Verkiesing), 1989.

(2) Die bepalings van hierdie Proklamasie, vir sover dit op paragraaf (b) van subartikel (1) van artikel 5 van die Inkomstebelastingwet, 1981 (Wet No. 24 van 1981), betrekking het, word geag op 1 April 1989 in werking te getree het.

ANNEXURE

LAWS REPEALED OR AMENDED
(Section 1)

Column 1	Column 2	Column 3
No. and year of law	Title of law	Extent to which repealed or amended
Proclamation No. 28 of 1923 by the Administrator	Rehoboth Community Confirmation of Agreement	The repeal of sections 14 and 15
Proclamation No. 9 of 1928 by the Administrator	Rehoboth Gebiet Affairs Proclamation, 1928	The repeal of sections 5, 6, 7, 9 and 10
Act No. 8 of 1953 of the Parliament of the Republic of South Africa	Criminal Law Amendment Act, 1953	The repeal of sections 8 and 9
Act No. 7 of 1958 of the Parliament of the Republic of South Africa	Police Act, 1958	(a) The repeal of section 27C; and (b) the amendment of section 34 by the substitution for subsection (1) of the following subsection:

AANHANGSEL

WETTE HERROEP OF GEWYSIG
(Artikel 1)

Kolom 1	Kolom 2	Kolom 3
No. en jaar van wet	Titel van wet	Mate waarin herroep of gewysig
Proklamasie No. 28 van 1923 van die Administrateur	"Rehoboth Community Confirmation of Agreement"	Die herroeping van artikels 14 en 15
Proklamasie No. 9 van 1928 van die Administrateur	Proklamasie van 1928 met betrekking tot Rehoboth-Gebiet-Aangeleenthede	Die herroeping van artikels 5, 6, 7, 9, en 10
Wet No. 8 van 1953 van die Parlement van die Republiek van Suid-Afrika	Strafregwysigingswet, 1953	Die herroeping van artikels 8 en 9
Wet No. 7 van 1958 van die Parlement van die Republiek van Suid-Afrika	Polisiewet, 1958	(a) Die herroeping van artikel 27C; en (b) die wysiging van artikel 34 deur die vervanging van subartikel (1) deur die volgende subartikel:

"(1)(a) Whenever there are not in any locality sufficient ordinary members of the Force available to perform police duties or any particular police duty therein, or to convey any person in lawful custody from such locality to any other place, the Administrator-General may appoint as temporary members to act as such, so many fit and proper persons as may be necessary for the performance of any such duty as aforesaid.

(b) Whenever there are not in any locality sufficient ordinary members of the Force available to perform any particular police duty therein, or to convey any person in lawful custody from such locality to any other place, a commissioned officer, magistrate, additional magistrate or assistant magistrate in that locality may, if authorized thereto by the Administrator-General, either generally or in any particular case, but subject to the provisions of paragraph (c), appoint as temporary members to act as such, so many fit and proper persons as may be necessary for the performance of any such duty as aforesaid.

(c) The power conferred by paragraph (b) shall not be exercised in such a manner that there serve under that paragraph at such locality at any time more than five temporary members."

"(1)(a) Wanneer daar op die een of ander plek nie voldoende gewone lede van die Mag beskikbaar is om polisiewerksaamhede of 'n bepaalde polisiewerksaamheid aldaar te verrig of om enigiemand in wettige aanhouding van daardie plek na 'n ander plek te bring nie, kan die Administrateur-generaal soveel geskikte persone as tydelike lede aanstel om in die hoedanigheid op te tree as wat vir die verrigting van so 'n voormelde werksaamheid nodig mag wees.

(b) Wanneer daar op die een of ander plek nie voldoende gewone lede van die Mag beskikbaar is om 'n bepaalde polisiewerksaamheid aldaar te verrig of om enigiemand in wettige aanhouding van daardie plek na 'n ander plek te bring nie, kan 'n offisier, landdros, addisionele landdros of assistent landdros op daardie plek, indien in die algemeen of in 'n bepaalde geval deur die Administrateur-generaal daartoe gemagtig, maar behoudens die bepaling van paragraaf (c), soveel geskikte persone as tydelike lede aanstel om in die hoedanigheid op te tree as wat vir die verrigting van so 'n voormelde werksaamheid nodig mag wees.

(c) Die bevoegdheid by paragraaf (b) verleen, word nie op so 'n wyse uitgeoefen nie dat daar op die betrokke plek te eniger tyd kragtens daardie paragraaf meer as vyf tydelike lede dien."

Ordinance No. 21 of 1975 of the Legislative Assembly of the Territory of South West Africa	Education Ordinance, 1975	The amendment of section 78 - (a) by the deletion of paragraph (b) of subsection (1); (b) by the deletion in paragraph (d) of subsection (3) of the words "and a copy of the notice referred to in subsection (2)"; and (c) by the deletion of subsections (4), (5) and (6).	Ordonnansie No. 21 van 1975 van die Wetgewende Vergadering van die Gebied Suidwes-Afrika	Onderwysordonnansie, 1975	Die wysiging van artikel 78 - (a) deur paragraaf (b) van subartikel (1) te skrap; (b) deur in paragraaf (d) van subartikel (3) die woorde "en 'n afskrif van die kennisgewing bedoel in subartikel (2)" te skrap; en (c) deur subartikels (4), (5) en (6) te skrap.
Act No. 2 of 1980 of the National Assembly of South West Africa	Government Service Act, 1980	The amendment of section 17 by the deletion of paragraph (g) of subsection (1)	Wet No. 2 van 1980 van die Nasionale Vergadering van Suidwes-Afrika	Regeringsdienswet, 1980	Die wysiging van artikel 17 deur paragraaf (g) van subartikel (1) te skrap
Proclamation AG. 8 of 1980 by the Administrator-General	Representative Authorities Proclamation, 1980	The amendment of the Schedule by the deletion of subitem (1) of item 12	Proklamasie AG. 8 van 1980 van die Administrateur-generaal	Proklamasie op Verteenwoordigende Owerhede, 1980	Die wysiging van die Bylae deur die skraping van subitem (1) van item 12
Act No. 24 of 1981 of the National Assembly of South West Africa	Income Tax Act, 1981	The amendment of section 5 by the deletion of paragraph (b) of subsection (1)	Wet No. 24 van 1981 van die Nasionale Vergadering van Suidwes-Afrika	Inkomstebelastingwet, 1981	Die wysiging van artikel 5 deur die skraping van paragraaf (b) van subartikel (1)
Act No. 19 of 1987 of the National Assembly	National Intelligence Act, 1987	The amendment of section 3 by the deletion of paragraph (e) of subsection (1)	Wet No. 19 van 1987 van die Nasionale Vergadering	Wet op Nasionale Intelligensie, 1987	Die wysiging van artikel 3 deur die skraping van paragraaf (e) van subartikel (1)
Government Notice 215 of 1987	Regulations made under the National Education Act, 1980 (Act No. 30 of 1980)	The amendment of regulation 10 - (a) by the deletion in paragraph (i) of subregulation (1) of the words "or its image is prejudiced"; and (b) by the deletion of paragraphs (j) and (k) of subregulation (1)	Goewernmentskennisgewing 215 van 1987	Regulasies uitgevaardig kragtens die Wet op Nasionale Onderwys, 1980 (Wet No. 30 van 1980)	Die wysiging van regulasie 10 - (a) deur in paragraaf (i) van subregulasie (1) die woorde "of sy beeld skade aangedoen" te skrap; en (b) deur paragrawe (j) en (k) van subregulasie (1) te skrap

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