

28/10/15
CETRAL
ATTORNEY GENERAL

AMENDMENTS TO THE LOCAL AUTHORITIES AMENDMENT BILL
[BILL NO. 2015] PROPOSED BY THE MINISTER

THAT:

1. **In the Bill**, substitute the following long title for the long title:

“To amend the Local Authorities Act, 1992, so as to substitute and insert certain definitions; to make the period of office of members of local authority councils clear; to provide for additional sanctions in the case of members of local authority councils who contravenes or fails to comply with any provisions of a code of conduct; to extend the circumstances under which a member of a local authority council shall vacate office; to subject payment of remuneration, allowances and other benefits of members of local authority councils to the maximum determined by the Minister; to subject the appointment and discharge of town clerks to the approval of the Minister; to further improve the delegation of powers of local authority councils; to improve on the procedure and conduct of disciplinary inquiry; to provide for requirements for a person to qualify as vulnerable person; to provide exemption of vulnerable persons from payment of certain local authority council charges or reduction of those charges; to provide for restrictive conditions in respect of the sale of immovable properties; to provide for the designation of zones in local authority areas for purposes of reservation for acquiring immovable properties; to empower the Minister to prescribe the maximum size or number of immovable property a person may acquire in certain designated zones and to prescribe certain levies in respect of immovable properties owned by foreign nationals; to add certain functions to local authority councils relating to water works; to increase certain penalties; to improve the provision relating to an interim valuation of rateable properties; to extend the powers of a valuation court with regard to a

valuation roll; to provide for the submission of statements of estimated income and expenditure and supplementary statements for adoption by local authority councils and approval by the Minister; to improve the procedure relating to the convening of public meetings; to provide for steps the Minister may take relating to the failure by a local authority council to exercise or perform its powers, functions and duties; to extend the powers of the Minister to make regulations; to defer the operation of a certain section to a future date; and to provide for incidental matters.”.

2. In the **Bill**, delete clause 2 and re-number the rest of the clauses.

3. In clause 3, substitute the following section for section 9:

“Periods of office of members of local authority councils

9. A member of a local authority council shall, subject to the provisions of section 13(1), hold office as such a member -

- (a) from the date the member took the oath of office and assumed duties;
- (b) until the date preceding the date on which the new member is due to take the oath of office and assume duties.”.

4. In clause 11, substitute the following sections for section 33A and 33B(1) and renumber the rest of the subsections:

“Restriction of acquiring immovable properties within certain reserved areas in local authority areas, and designation of zones in local authority areas for purposes of reservation for acquisition of immovable properties

33A. (1) A local authority, by notice in the *Gazette*, must, within the local authority area, designate certain areas as zones reserved for the purposes of maximizing the acquisition of immovable properties.

(2) For the purposes of subsection (1), the first time buyers in a specific local authority area are given preferent rights, and the Minister, in respect of local authority areas, may prescribe -

- (a) the maximum size or number of immovable property a person may acquire in certain designated zones reserved for the purposes of maximizing the acquisition of immovable properties; or
- (b) the foreign owners levies in respect of immovable property owned by foreign nationals in any local authority area that may differ from one area to the other.

(3) Subject to section 33B(1)(a), a foreign national may not acquire immovable property in a local authority area.

Alienation of immovable property in local authority areas

33B. (1) Subject to subsections (2) and (8) and section 33C -

- (a) a Namibian owner of immovable property situated in a local authority area who intends to alienate the property may only alienate the property to a Namibian citizen; or
- (b) a foreign national who owns immovable property in a local authority area before the commencement of this section and intends to alienate the property may first alienate the property to the local authority, failing which to a Namibian citizen, failing which to the State, or failing which to a foreigner with a waiver from the State.

(2) If a foreigner referred to in paragraph (b) of subsection (1) intends to alienate the immovable property acquired under that paragraph, that paragraph applies to such alienation.”.

5. In the Bill, insert the following clause after clause 32 and renumber the rest of the clauses:

“Substitution of section 96 of Act No. 23 of 1992

33. The principal Act is amended by the substitution for section 96 of the following section:

“Short title and commencement

96. (1) This Act shall be called the Local Authorities Act, 1992, and shall come into operation on a date [**to be fixed**] determined by the Minister by notice in the *Gazette*.

(1A) Despite Government Notice No. 118 of 31 August 1992, section 94(5) is deemed to come into operation on 1 March 2016.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

(3) A reference in this Act to the date of its commencement shall be construed as a reference to the applicable date [**fixed**] determined under subsection [(2)] (1) or prescribed by subsection (1A).”.
