



# GOVERNMENT GAZETTE

## OF THE

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## Government Notice

### MINISTRY OF JUSTICE

No. 90 2025

#### REGULATIONS IMPOSING CONDITIONS ON MONEY GRANTED AS FINANCIAL ASSISTANCE TO COMMUNITY COURTS: COMMUNITY COURTS ACT, 2003

Under section 32, read with sections 5 and 6(2), of the Community Courts Act, 2003 (Act No. 10 of 2003), I have made regulations set out in the Schedule.

**Y. DAUSAB**  
**MINISTER OF JUSTICE**

Windhoek, 17 March 2025

### SCHEDULE

#### Definitions

1. In these regulations a word or an expression to which a meaning has been assigned in the Act bears that meaning, and unless the context otherwise indicates –

“clerk of community court” means a person appointed as a clerk of a community court in terms of section 9 of the Act;

“Director” means the Director of the Directorate: Community Courts;

“Directorate: Community Courts” means the Directorate: Community Courts under the Ministry;

“Executive Director” means the Executive Director of the Ministry;

“goods” means goods as defined in section 1 of the Public Procurement Act;

“messenger of community court” means a person appointed as a messenger of a community court in terms of section 9 of the Act;

“Ministry” means the Ministry administering matters relating to community courts;

“Public Procurement Act” means the Public Procurement Act, 2015 (Act No. 15 of 2015);

“Public Procurement Regulations” means the Public Procurement Regulations, published under Government Notice No. 47 of 1 March 2017;

“Regulations of Community Courts” means the Regulations of Community Courts, published under Government Notice No. 237 of 17 November 2003;

“request for sealed quotations” means a method of procurement contemplated in section 32 of the Public Procurement Act;

“revenue account” means a revenue account of a community court opened in terms of section 6 of the Act;

“services” means services as defined in section 1 of the Public Procurement Act;

“the Act” means the Community Courts Act, 2003 (Act No. 10 of 2003); and

“works” means work as defined in section 1 of the Public Procurement Act.

### **Application of regulations**

2. These regulations apply to money granted to community courts as financial assistance by the Minister, with the concurrence of the Minister responsible for finance, as contemplated in section 5, read with section 6(2), of the Act.

### **Authorisation to incur expenditure**

3. (1) When utilising any money granted as financial assistance to a community court in accordance with section 5 of the Act, a community court must obtain prior authorisation from the Director before incurring any expenditure, including expenditure for the payment of remuneration or allowance to a person who is entitled to such remuneration or allowance in terms of the Act.

(2) The clerk of community court must for the purposes of subregulation (1) prepare a requisition for any expenditure referred to in that subregulation and forward the requisition for approval to the Ministry and the requisition must be for the attention of the Director.

(3) A requisition must be accompanied by –

(a) the latest bank statement of the revenue account of a community court clearly indicating the available money granted as financial assistance in terms of section 5 of the Act; and

- (b) other supporting documents to account for money expended by the community court, including –
  - (i) a copy of an expenditure cash book;
  - (ii) a copy of a petty cash register reflecting how the preceding petty cash, approved by the Director, has been utilised;
  - (iii) a copy of the court attendance register reflecting the case number, date, names of justices, assessors and any other person who attended the court and number of hours payable to the justices, assessors and such persons;
  - (iv) copies of records of hearing reflecting the court proceeding conducted during such hearing;
  - (v) statistics of cases dealt with during the month or period in question;
  - (vi) any pending requisition;
  - (vii) any other proof of any payment pending from the revenue account; and
  - (viii) any other document that the clerk of court may consider it necessary to accompany the requisition.

#### **Payment and withdrawal of money from revenue accounts**

4. (1) For the purposes of payment and withdrawal of money granted as financial assistance in terms of section 5 of the Act from a revenue account of a community court, the clerk of community court together with two justices as identified and authorised by the community court must –

- (a) give payment or withdrawal instructions to the financial institution where the revenue account of the community court is held; and
  - (b) present the financial institution with the requisition approved by the Director in terms of regulation 3 in respect of the payment or withdrawal instructions.
- (2) Any payment to be made by a community court to any person in terms of these regulations must only be made after the person has presented the community court with –
- (a) a bank confirmation letter, not older than three months, from the banking institution of the person; and
  - (b) a copy of the national identity card of the person, or registration documents in a case of a legal person.
- (3) A community court must, where possible, make use of the bank transfer as a means of payment for proper accounting and record keeping.

(4) Despite section 6(5) of the Act, the clerk of community court must, in respect of money granted as financial assistance to a community court in terms of section 5 of the Act and in accordance with the generally accepted accounting principles, keep such accounting and related records such as invoices, receipts and other records as are necessary to represent the financial affairs of the financial assistance granted to the community court for auditing purposes.

- (5) The clerk of community court must furnish the –
- (a) Director with copies of any payment or withdrawal made from the money granted as financial assistance under section 5 of the Act; and
  - (b) secretary of the traditional authority referred to in section 6(5) of the Act with copies of payment or withdrawal referred to in paragraph (a) for the purposes of that section.

(6) The Director must account to the Executive Director on the money granted as financial assistance to a community court under section 5 of the Act and as expended by the community court.

### **Procurement of goods, works and services for community courts**

5. (1) In procuring of goods, works and services for a community court, the request for sealed quotations must be used as a method of procurement if the estimated value of the procurement does not exceed the threshold for request for sealed quotations prescribed in terms of Annexure 2 to the Public Procurement Regulations.

- (2) In accordance with section 32 of the Public Procurement Act, the Director must –
- (a) in writing, request sealed quotations from three bidders, unless the item in question is not available from three suppliers;
  - (b) ensure that the request for sealed quotation contains a clear statement of the requirements of a community court as to the quality, quantity, terms, deadline for the submission of the sealed quotation and time of delivery and other special requirements; and
  - (c) ensure that the sealed quotation submitted by the bidder may not be altered or negotiated.

(3) The Directorate: Community Courts must select the lowest priced quotation obtained from the sealed quotations submitted by the bidders and that comply with the technical and commercial terms in the request for the sealed quotation.

(4) After the selection of the lowest priced quotation in accordance with subregulation (3) by the Directorate: Community Courts, the Director must issue to the successful bidder a notice of selection notifying the bidder that the bidder has been selected as the successful bidder.

(5) The notification of selection referred to in subregulation (4) must be served on the successful bidder by registered mail, e-mail, facsimile or other electronic means as determined by the Director.

(6) If the goods, works or services procured in terms of these regulations require delivery of such goods, works or services, the delivery must be made on such terms and conditions as –

- (a) specified on the request for sealed quotation; or
- (b) agreed upon between the successful bidder and the Director.

(7) After the successful bidder has performed or delivered in accordance with the terms and conditions of the request for sealed quotation, the Director must issue to the successful bidder a letter of satisfaction.

(8) Payment to the successful bidder for the goods, works or services procured is payable from the money granted in terms of section 5 of the Act as financial assistance to the community court concerned, and such payment must be –

- (a) authorised by the Director; and
- (b) paid from the revenue account of the community court where the financial assistance is deposited or transferred pursuant to regulation 4.

(9) The clerk of community court must furnish the Director with a copy of proof of payment made in respect of goods, works or services procured as required in terms of regulation 4.

### **Reports by community courts**

**6.** (1) Before financial assistance is granted to a community court pursuant to section 5 of the Act, the community court must furnish the Director with a report on how the financial assistance was utilised in the preceding year.

- (2) The report referred to in subregulation (1) must be accompanied by –
  - (a) bank statement of the revenue account of the community court; and
  - (b) proof of how the financial assistance was utilised.

(3) Upon receipt of the report furnished in terms of subregulation (1), the Director must forward the report to the Minister and the Executive Director.

### **Application of certain provisions of Public Procurement Act**

**7.** Sections 50, 54, 67 and 71 of the Public Procurement Act apply with the necessary changes to the procurement of goods, works and services in terms of these regulations.

### **Allowances payable to justices, assessors, interpreters and messengers of community courts**

**8.** (1) Subject to section 10(3) of the Act and for the purposes of payment of any allowance to a justice, an assessor, an interpreter or a messenger of community court as set out in the Regulations of Community Courts, a clerk of community court must ensure that prior authorisation is obtained from the Director before any payment of the allowance is made by the community court.

(2) To obtain authorisation in terms of subregulation (1) and determine the allowance payable, the clerk of community court must submit the request for authorisation together with proper record of all sittings as required by section 18(5) of the Act and other records as may be applicable, which records may include –

- (a) a copy of the court attendance register reflecting the –
  - (i) case number;
  - (ii) date of the proceedings;
  - (iii) names of the parties to the proceedings;
  - (iv) name of a justice;
  - (v) name of an assessor;

- (vi) name of an interpreter, if any; and
- (vii) hours payable to a justice, an assessor or an interpreter for each attendance calculated in accordance with regulation 12 of the Regulations of Community Courts;
- (b) copies of records of the hearing reflecting the court proceedings conducted during that period;
- (c) statistics of cases dealt with during the period in question; or
- (d) proof of kilometres travelled by a justice, an assessor, an interpreter or a messenger of community court;
- (e) proof of a community court process served; or
- (f) proof of attending a training workshop by a justice, an assessor or an interpreter.

(3) The clerk of community court must submit a request for authorisation in terms of subregulation (1) on or before the 25 of the month in which the proceedings took place to ensure that payment of the allowance to a justice, an assessor, an interpreter or a messenger of the community court is not delayed.

#### **Offences and penalties**

- 9.** A person who –
- (a) pays or withdraws money from the revenue account in contravention of regulation 4(1);
  - (b) claims for an allowance prescribed in terms of the Act while the person is not entitled to that allowance; or
  - (c) misuses or misappropriates any money granted to community court as financial assistance in terms of section 5 of the Act,

commits an offence and on conviction is liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

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