

Namibia

Executive Powers (Transport) Transfer Proclamation, 1978

Proclamation AG14 of 1978

Legislation as at 15 March 1978

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PROCLAMATION

of the ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

TRANSFER OF ADMINISTRATION OF DEPARTMENT OF TRANSPORT TO THE ADMINISTRATOR-GENERAL

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

M. T. STEYN

Administrator-General

Windhoek, 13 March 1978

Schedule

1. Definition

- (1) In this Proclamation "General Proclamation" means the Executive Powers Transfer (General Provisions) Proclamation, 1977 (Proclamation AG. 7 of 1977).
- (2) A reference in this Proclamation to any particular law shall be construed as including a reference to a regulation, rule or other enactment made under or relating to that law.

2. Transfer of administration of Department of Transport

Notwithstanding anything to the contrary contained in any other law but subject to the provisions of this Proclamation and the General Proclamation, the administration of the affairs of the territory of South West Africa in relation to any matter which at the commencement of this Proclamation is administered by

the Minister of Transport of the Republic of South Africa in the Department of Transport, shall be carried on by the Administrator-General.

3. Application of laws

- (1) The provisions of subsection (1) of section 3 of the General Proclamation shall, without detracting from the provisions of subsection (2) of that section, not apply to -
 - (a) section 5 of the Carriage by Air Act, 1946 (Act [17 of 1946](#));
 - (b) section 2(2) of the Air Services Act, 1949 (Act [51 of 1949](#));
 - (c) the Merchant Shipping Act, 1951 (Act [57 of 1951](#));
 - (d) section 3(1)(b) and (2), and, in so far as it relates to any accident of South African aircraft occurring outside the territory, section 12 of the Aviation Act, 1962 (Act [74 of 1962](#));
 - (e) the Prevention and Combating of Pollution of the Sea by Oil Act, 1971 (Act [67 of 1971](#));
 - (f) the National Road Safety Act, 1972 (Act [9 of 1972](#));
 - (g) the Compulsory Motor Vehicle Insurance Act, 1972 (Act [56 of 1972](#));
 - (h) section 15 of the Air Services Amendment Act, 1973 (Act [43 of 1973](#));
 - (i) the reference to the Republic in the Road Transportation Act, 1977 (Act [74 of 1977](#)).
- (2) Notwithstanding the provisions of section 3(1)(c) of the General Proclamation, the reference to the Republic in -
 - (a) the Carriage by Air Act, 1946 (Act [17 of 1946](#));
 - (b) the Air Services Act, 1949 (Act [51 of 1949](#));
 - (c) the Aviation Act, 1962 (Act [74 of 1962](#));
 - (d) the Civil Aviation Offences Act, 1972 (Act [10 of 1972](#)),shall be construed as including a reference to the territory.

4. Amendment of section 2 of Act [74 of 1962](#)

Section 2 of the Aviation Act, 1962, is hereby amended -

- (a) by the deletion of the words “and to all South African aircraft and personnel wheresoever they may be” in subsection (2); and

[The subsection referred to should be subsection (1).]

- (b) by the deletion of subsection (2).

5. Amendment of section 5 of Act [74 of 1962](#)

Section 5 of the Aviation Act, 1962, is hereby amended by the deletion of subsection (6).

6. Short title

This Proclamation shall be called the Executive Powers (Transport) Transfer Proclamation, 1978.