

Namibia

Executive Powers (Police) Transfer Proclamation, 1980

Proclamation 169 of 1980

Legislation as at 29 August 1980

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Executive Powers (Police) Transfer Proclamation, 1980
Contents

Schedule 1



Republic of Namibia
Annotated Statutes

Executive Powers (Police) Transfer Proclamation, 1980 Proclamation 169 of 1980

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Commenced on 1 September 1980

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PROCLAMATION

by the STATE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

TRANSFER OF THE ADMINISTRATION OF THE SOUTH AFRICAN POLICE TO THE ADMINISTRATOR-GENERAL

Under the powers vested in me by section 38 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby make the laws set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of August, One thousand Nine hundred and Eighty.

M. VILJOEN, State President.

By Order of the State President-in-Council:

L. LE GRANGE.

Schedule

1. Definitions

- (1) In this Proclamation “General Proclamation” means the Executive Powers Transfer (General Provisions) Proclamation, 1977 (Proclamation AG. 7 of 1977).
- (2) The expression “officer” in the General Proclamation means, for the purpose of the application of that Proclamation in relation to this Proclamation, an officer as defined in section 1 of the Police Act, 1958 (Act [7 of 1958](#)).
- (3) For the purpose of the application of the General Proclamation in relation to this Proclamation, this Proclamation shall be deemed to be a transfer proclamation as defined in section 1 of the said General Proclamation.

- (4) 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 the administration of the South African Police

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 Police of the Republic, shall be carried on by the Administrator-General.

3. Application of laws

- (1) The provisions of subsection (i) of section 3 of the General Proclamation shall, without detracting from the provisions of subsection (2) of that section, not apply to -
- (a) any reference to the Minister of Police or the State President or the Government Gazette in the Police Act, 1958 (Act [7 of 1958](#)), except the reference to the said Minister in sections 4 and 32 of that Act in so far as those sections are connected with the functions of the South African Police in the Territory in terms of section 5 of that Act or any other law but excluding such functions as may in relation to paragraph (a) of the said section 5 ordinarily be performed by the branch of the South African Police known as the Security Branch;
 - (b) those provisions of the Arms and Ammunition Act, 1969 (Act [75 of 1969](#)), that relate to the importation into or exportation out of the Republic, as defined in that Act, of arms and ammunition, as so defined.
- (2) The expression "State President", where it occurs for the first time in section 7(1) of the Police Act, 1958, includes, in so far as that section relates to the employment of the South African Police in the Territory, the Administrator-General.

4. Financial arrangements

- (1) In respect of the financial year ending on 31 March 1981 there shall be paid from the State Revenue Fund, in such instalments as may be determined by the Treasury of the Republic, into the Central Revenue Fund of the Territory the amount, as determined by the Commissioner of the South African Police with the concurrence of the said Treasury, which has been provided for in the vote of expenditure of the South African Police from the State Revenue Fund for that financial year with the object of spending it in respect of the administration, in or in respect of the Territory, of the provisions of any law which is carried on by the Administrator-General or takes place under his authority, and has not been or will not be so spent.
- (2) The amount paid into the said Central Revenue Fund in terms of subsection (1), shall be deemed to have been appropriated, in terms of the laws governing the withdrawal of money from that Fund, in respect of the financial year ending 31 March 1981 for the defrayal of such expenditure in connection with the administration in or in respect of the Territory, of the provisions referred to in subsection (1), as may be provided for in an estimate of expenditure submitted by the Commissioner of the South African Police to the Administrator-General and approved by the Administrator-General after consultation with the accounting officer referred to in section 15 of the Exchequer and Audit Act, 1975 (Act [66 of 1975](#)), as applied in the Territory.
- (3) Any expenditure in connection with the administration in or in respect of the Territory, of a provision of any law relating to any matter referred to in section 2 of this Proclamation, which is not administered by the Administrator-General in terms of this Proclamation, shall, subject to appropriation by law of such expenditure, be defrayed from the said Central Revenue Fund as if the relevant administration is carried on by the Administrator-General or takes place under his authority.

5. Short title and commencement

This Proclamation shall be called the Executive Powers (Police) Transfer Proclamation, 1980, and shall come into operation on 1 September 1980.