



## SCHEDULE

*Definitions*

1. In this Proclamation, unless the context indicates otherwise –

- (i) "Kaptein" means the Kaptein elected under section 2(2) of the Rehoboth Act; (ii)
- (ii) "Kaptein's Council" means the Kaptein's Council constituted under section 2 of the Rehoboth Act, and includes the Kaptein or any other member of the Kaptein's Council; (iii)
- (iii) "Legislative Council" means the Legislative Council of Rehoboth referred to in section 3 of the Rehoboth Act; (v)
- (iv) "Rehoboth Act" means the Rehoboth SelfGovernment Act, 1976 (Act No. 56 of 1976); (iv)
- (v) "territory" means the territory of South West Africa. (i)

*Validity of certain laws in relation to Legislative Council and Kaptein's Council*

2. Subject to the provisions of this Proclamation, the laws specified in the Annexure, in so far as they relate to the establishment, constitution and powers of the Legislative Council and Kaptein's Council, shall cease to be of any force and effect in the territory to the extent specified in the third column of the Annexure until the date immediately before the date upon which the territory becomes independent.

*Transfer of certain powers, duties, functions, rights and obligations to Administrator-General*

3. As from the commencement of this Proclamation –

- (a) all the powers, duties and functions which -

- (i) vested in the Kaptein's Council by virtue of the Rehoboth Act;
- (ii) have been conferred upon or assigned to the Kaptein's Council under any other law,  
  
and which vested in the Kaptein's Council immediately before such commencement, shall vest, together with the rights and obligations connected therewith, in the Administrator-General;
- (b) the Kaptein and every member of the Legislative Council and every member of the Kaptein's Council who, immediately before the commencement of this Proclamation served as Kaptein or such a member, shall vacate his office;
- (c) the service of the Kaptein and every member referred to in paragraph (b) shall, for the purposes of the provisions of any law on pensions for members of the Legislative Council and the Kaptein's Council, be deemed to be terminated at such commencement;
- (d) any law of the Legislative Council which was in force in the territory immediately before the commencement of this Proclamation shall, subject to the provisions of section 4, continue in force in so far as it was so in force until repealed or amended 'by a competent authority;
- (e) any law passed by the Legislative Council before the commencement of this Proclamation, but which was not assented to in terms of the provisions of the Rehoboth Act, may be assented to as if the lastmentioned provisions had not in terms of section 2 ceased to be of force and effect;
- (f) anything done by the Kaptein's Council in connection with a power, duty or function referred to in paragraph (a), shall be deemed to have been done by the Administrator-General

*Interpretation of laws*

**4.** (1) For the purposes of the provisions of the Rehoboth Act, as applied in accordance with the provisions of section 3 of this Proclamation -

- (a) a reference to the Speaker of the Legislative Council
  - (i) in section 5(2)(b) and (d), shall be deemed to be deleted;
  - (ii) in section 5(2)(c), shall be construed as a reference to the Administrator-General;
- (b) the Administrator-General shall, except for the purposes of section 32(1) and (3), be deemed to be the Government of Rehoboth;
- (c) the reference to the Legislative Council shall, wherever it occurs, be deemed to be deleted;
- (d) the words "and the relative expenditure shall be submitted to the Kaptein's Council and the Legislative Council for appropriation at the next ensuing several sessions" in section 28(2), shall be deemed to be deleted;
- (e) a reference to a matter in respect of which the Legislative Authority of Rehoboth may make laws in terms of the Rehoboth Act and a reference to a matter in respect of which the administration is transferred to the Kaptein's Council in accordance with the Rehoboth Act, shall, wherever it occurs, be construed as a reference to a matter specified in the Schedule to the Rehoboth Act;
- (f) a reference to a law of Rehoboth in sections 25(2)(a)(i) and 33(1), shall be construed as including a reference to a proclamation by the Administrator-General;
- (g) the Administrator-General shall, subject to the provisions of Proclamation 181 of 1977, be deemed to be the Legislative Authority of Rehoboth.

(2) The Administrator-General shall not make any law in respect of any matter referred to in the Schedule to the Rehoboth Act, except after consultation with the persons who were members of the Legislative Council and the Kaptein's Council on the date immediately before the commencement of this Proclamation and who would have been members of the Legislative Council and the Kaptein's Council at the relevant time had this Proclamation not been published.

*Pending legal proceedings*

5. In any legal proceedings instituted by or against the Kaptein's Council before the commencement of this Proclamation and in which the Kaptein's Council is a party, the Kaptein's Council shall be deemed to have been replaced by the Administrator-General as a party to those proceedings, and the proceedings may, after such notice, if any, as the Court may deem expedient in any particular case, be proceeded with and disposed of by or against the Administrator-General as if the executive authority in relation to Rehoboth had at all relevant times vested in the Administrator-General and the proceedings concerned had been instituted by or against the Administrator-General.

*Application of this Proclamation*

6. (1) This Proclamation shall cease to be of any force and effect on the date on which the territory becomes independent.

(2) Subject to the provisions of this Proclamation, any Paternal Law, as defined in section 42 of the Rehoboth Act, which was in force in Rehoboth immediately before the commencement of this Proclamation, shall continue in force in so far as it was so in force.

*Short title and commencement*

7. This Proclamation shall be called the Government of Rehoboth Powers Transfer Proclamation, 1989, and shall be deemed to have come into operation on 1 July 1989.

## SCHEDULE

## LAWS WHICH CEASE TO BE OF FORCE AND EFFECT IN TERRITORY

*(Section 2)*

Column 1	Column 2	Column 3
No. and year of law	Title of law	Extent to which law ceases to be of force and effect
Proclamation No. 28 of 1923	Rehoboth Community: Confirmation of Agreement	The whole
Proclamation No. 9 of 1928	Rehoboth Gebiet Affairs Proclamation, 1928	Sections 1 and 11 to 15
Ordinance No 20 of 1961	Rehoboth Gebiet Affairs Ordinance, 1961	The whole
Act No. 56 of 1976	Rehoboth Self Government Act, 1976	The whole, except sections 5, 6, 7, 8, 12, 15, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 41, 42, in so far as it related to the definitions of "Parliament", "revenue" and "statutory body", 43 and the Schedule
Proclamation AG. 1 of 1977	Rehoboth First Elections Proclamation, 1977	The whole
Proclamation AG. 20 of 1979	Rehoboth First Election of a Kaptein Proclamation, 1979	The whole
Proclamation AG. 2 of 1980	Rehoboth Self- Government Proclamation, 1980	The whole
Proclamation AG. 12 of 1984	Increase of Members of the Kaptein's Council and Legislative Council of Rehoboth, and Redelimitation of Electoral Divisions in Rehoboth	The whole