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GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

R1,00

WINDHOEK — 1 March 1993

No. 596

CONTENTS

Page

GOVERNMENT NOTICES

- | | | |
|--------|---|---|
| No. 25 | Proposal that a portion of district road 1901 be deviated: District of Swakopmund | 2 |
| No. 26 | Notice of registration of Co-operative Society | 3 |

GENERAL NOTICES

- | | | |
|--------|---|---|
| No. 17 | Registrar's directive on names of Companies | 3 |
| No. 18 | Windhoek Amendment Scheme No. 18 | 8 |
| No. 19 | Application for broadcasting licence | 8 |
| No. 20 | City of Windhoek: Permanent closing of portion 1 of public open space, erf 1471 Hochland Park | 9 |
| No. 21 | Bank of Namibia: Statement of Assets and Liabilities as at close of business on 31 January 1993 | 9 |

Government Notices

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 25

1993

PROPOSAL THAT A PORTION OF DISTRICT ROAD 1901 BE DEVIATED: DISTRICT OF SWAKOPMUND

In terms of section 20(1) of the Roads Ordinance, 1972 (Ordinance 17 of 1972), it is hereby made known that the Permanent Secretary: Works, Transport and Communication proposes that, in the district of Swakopmund a portion of district road 1901 described in paragraph (a) of the Schedule and shown on sketch-map P1517 by the symbols C-F, be deviated from the route so described and shown, to the route described in paragraph (b) of the Schedule and shown on sketch-map P1517 by the symbols A-B-C.

A copy of this notice and the said sketch-map, being a sketch-map of the area concerned on which the road to which the proposal refers and other proclaimed, minor and private roads in that area are shown, shall for the full period of thirty days mentioned below, lie open to inspection at the offices of the Permanent Secretary: Works, Transport and Communication, Windhoek and the Roads Superintendent, Usakos, during normal office hours.

Every person having any objections to the above-mentioned proposal is hereby commanded to lodge his or her objections in writing, with the grounds upon which it is based clearly and specifically therein stated, with the Chairman of the Roads Boards, Private Bag 12005, Ausspannplatz, 9000, within a period of thirty days from the date of publication of this notice.

SCHEDULE

- (a) From a point (C on sketch-map P1517) on the National West Coast Tourist Recreation Area near the north-western corner of the farm Douglas 79 generally north-north-westwards across the said area to a point (F on sketch-map P1517) at the junction with trunk road 2/2 on the said area.

- (b) From a point (A on sketch-map P1517) at the junction with trunk road 2/2 on the National West Coast Tourist Recreation Area near the north-western corner of the farm Swakopaue Ost 83 generally east-north-eastwards across the said area to a point (B on sketch-map P1517) on the said area near the farm Uitkomst 78; thence generally eastwards across the said area to a point (C on sketch-map P1517) on the said area near the north-western corner of the farm Douglas 79.
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**MINISTRY OF AGRICULTURE,
WATER AND RURAL DEVELOPMENT**

No. 26

1993

NOTICE OF REGISTRATION OF CO-OPERATIVE SOCIETY

It is hereby made known for general information that the Registrar of Co-operative Societies has in terms of Section 13 of the Co-operative Societies Ordinance (Ordinance 15 of 1946) on 15 December 1992 registered a Co-operative Agricultural Society under the following registration number and name:

106 - Hardap Koöperasie Beperk (Co-operative Ltd.), (Address: P.O. Box 425, Mariental).

General Notices

No. 17

1993

REGISTRAR'S DIRECTIVE ON NAMES OF COMPANIES

The practice and procedure in relation to names and companies to be approved and registered by the Registrar of Companies.

**COMPANIES ACT, 1973 (ACT 61 OF 1973)
Sections 42 to 51**

These notes are published for the guidance of the public. They are in no way exhaustive and have no statutory effect. The Registrar of Companies in the exercise of his/her discretion, is not bound to follow them in every detail.

1. INTRODUCTION

- 1.1 A name which in the opinion of the Registrar is undesirable will not be allowed as the name of a company.
- 1.2 A literal translation of a name of a company into another language of the Republic may be registered if, in the opinion of the Registrar, such name is not undesirable.
- 1.3 A shortened form of a name of a company may be registered if, in the opinion of the Registrar, such shortened form of a name is not undesirable.
- 1.4 A defensive name may be registered, whether such name will be used for a company to be incorporated or not, if, in the opinion of the Registrar, such name is not undesirable.

2. GENERAL PRINCIPLES RELATING TO UNDESIRABLE NAMES

- 2.1 A name which is identical to a name already registered, or so nearly resembling such a name as to be calculated to deceive or mislead the public. Only in the most exceptional circumstances will a non-generic identical name be allowed with different descriptive wording for controlled, subsidiary or associated companies.
- 2.2 A name which is calculated to mislead the public. Names will be considered to be misleading under the following circumstances:
 - 2.2.1 The descriptive elements of the name differ materially from the main business which the company carries on or will carry on, as described or to be described in the memorandum in terms of section 52(1) of the Act.
 - 2.2.2 Words suggesting vast resources or activities in an international field in a company with a small authorised and issued capital. Examples, which must not be considered exhaustive, are: "Corporation", "International", "National", etc.
 - 2.2.3 Geographical names of countries, cities, towns and areas, other than names of provinces, cities, towns and areas in the Republic. An undertaking must be given that the registered address and/or the major business will be carried on in the geographical area.
 - 2.2.4 Surnames, unless the major shareholders and/or the directors bear such surnames. Former names and surnames and nicknames will not be allowed. (See also paragraph 6.2)
 - 2.2.5 Words suggesting governmental patronage or connection at any level of government, such as State, provincial, municipal or of any government department.
 - 2.2.6 Trade mark will only be allowed in the name of a company if the company is the registered proprietor of such trade mark.

- 2.2.7 Words suggesting personal qualifications, except in a company whose memorandum contains the special condition referred to in section 53(b) of the Act.
- 2.2.8 Words suggestive of blasphemy or indecency or which would cause annoyance or offence to any person or class of persons.
- 2.2.9 Words or abbreviations relating to the liability of companies registered in foreign countries.
- 2.2.10 The abbreviation S.A. or any other country, without brackets before the words “(Proprietary) Limited” or “Limited” or “Incorporated”.

2.3 Use of brackets

- 2.3.1 Where in exceptional circumstances a subsequent identical or nearly identical name is allowed, it will have to be distinguished by a geographical name which must appear in brackets immediately before the words “Limited” or “(Proprietary) Limited” or “Incorporated”, as the case may be; provided that at least a controlling/controlled relationship is defined in section 1(1) of the Act will exist between the company to be incorporated and the already registered company.
- 2.3.2 Figures denoting the current calendar year in brackets will be allowed for a new name provided that -
 - (a) an identical name is already registered and the name is changed on or before the registration of a new name; or
 - (b) the existing company is in the course of being wound up, and the liquidator consents to the use of the name.
- 2.3.3 The words “South Africa” or the abbreviation “S.A.” or any other country, in brackets will only be allowed in the name of a company which is at least a controlled company, as defined in section 1(1) of the Act, of a company in a foreign country.

3. TRANSLATION

- 3.1 Foreign words or phrases will not normally be allowed in a name of a company.
- 3.2 Where a Vernacular word is to be used for the name of a company, the meaning of the word in the official language of the Republic, should be endorsed on the form CM 5.
- 3.3 Where application is made to register a literal translation of a name into another language of the Republic, the Registrar shall not be required to verify the grammatical correctness or the correctness of the spelling of the translated words.

4. SHORTENED FORM OF A NAME

- 4.1 A shortened form of a name must contain some or all of the elements of the name which is or will be registered for the company incorporated or to be incorporated.
- 4.2 A shortened form of a name may not contain more than seven letters. No figures will be allowed.

5. DEFENSIVE NAMES

- 5.1 The general principles relating to undesirable names, as detailed in paragraph 2 will *mutatis mutandis* apply to defensive names.
- 5.2 In the case of names in a Vernacular or foreign language a literal translation thereof into the official language of the Republic shall be endorsed on form CM 5.
- 5.3.1 The applicant for a defensive name must satisfy the Registrar as to his title to the name which he desires to register defensively.
- 5.3.2 A surname will be registered as a defensive name only in exceptional circumstances.
- 5.3.3 The registration of a defensive name will lapse unless a new application for the registration thereof is made on or before the date of expiration of the last registration.
- 5.3.4 The registration of a defensive name will be refused if there is reason to believe that the registration would lead to trafficking in names.

6. OTHER OBJECTIONS TO THE REGISTRATION OF NAMES

- 6.1 Letter and numerals.
 - 6.1.1 A name must consist of at least three letters of the alphabet.
 - 6.1.2 A name consisting of a combination of letters, identical to an existing registered combination of letters, irrespective of the descriptive wording following such letters will not be allowed.
 - 6.1.3 Numerals will not be allowed, except under the circumstances stated in paragraph 2.3.2.
 - 6.1.4 If letters of the alphabet are used, and the resultant combination is not a pronounceable word, the combination must be followed by a word or words describing the main business of the company.
- 6.2 Surnames
 - 6.2.1 A surname containing forenames and/or initials identical to or nearly identical to those of a surname already on the register, will irrespective of the descriptive wording following such surnames not be allowed.

- 6.2.2 Where a surname already appears on the register as a company name or as part of a company name, such surname will not be allowed in further names unless it is suitably qualified with initial(s) or forename(s).

6.3 Prohibited words

- 6.3.1 "Administrators of Estates", "Executors" or "Liquidators", "Board of Executors" or any word or words suggesting that the company undertakes the work normally performed by an attorney, notary or conveyancer.
- 6.3.2 "Accountant", "Accountancy", "Auditor" or "Auditing" or any word or words or letters tending to indicate an association with the accounting profession.
- 6.3.3 "Reference Bureau".
- 6.3.4 Words proclaimed under section 15 of the Merchandise Marks Act, 1941 (Act 17 of 1941).
- 6.3.5 The word "co-operative" or any similar word in conjunction with the "agricultural" or "farmers" or "trading".
- 6.3.6 The words "Red Cross" or "Rooikruis".
- 6.3.7 The words "Iskor" or "Yskor".
- 6.3.8 Any other word or words or combination of letters prohibited by a statute or statutory regulation.

6.4 Words subject to approval under various Acts.

- 6.4.1 "Standard" must be approved by the Minister of Trade and Industry.
- 6.4.2 "Bank" must be approved by the Registrar of Financial Institutions.
- 6.4.3 "Friendly Society", "Mutual Aid", "Insurance", "Pension", "Building Society", "Units", "Unit Portfolio", "Unit Certificates", "Unit Securities", "Unit Trusts", "Mutual Funds" or any derivative thereof, as well as "Unit Trust" scheme with the word "invest" is subject to the approval of the Registrar of Financial Institutions.
- 6.4.4 The names referred to in section 14 of the Merchandise Marks Act, 1941 (Act 17 of 1941).
- 6.4.5 "Hotel", "Otel", "Botel", "Boatel", "Motel Inn", "In" and "Herberg" must be approved by the Hotel Board.

7. THE REGISTRAR'S DISCRETION

When the Registrar considers a name he takes into consideration all the legal principles and precedents laid down in case law. A name which to all intents and purposes complies fully with the notes in this guide may still be refused for other reasons. The assurance can be given, however, that every decision given by the Registrar relating to a name is given only after the most careful consideration.

No. 18

1993

WINDHOEK AMENDMENT SCHEME NO. 18

Notice is hereby given in terms of Section 23 of the Town Planning Ordinance 1954, (Ordinance 18 of 1954) that the Windhoek Amendment Scheme No. 18 has been submitted to the Cabinet for approval.

Copies of the Amendment Scheme No. 18 and of the maps, plans, documents and other relevant matters are lying for inspection during office hours at the Windhoek Municipality and also at the National Planning Commission, Metropolitan Life Building, 2nd Floor, Room 214, Windhoek.

Any person who wishes to object to the approval of the Amendment Scheme should lodge objections in writing to the Secretary, National Planning Advisory Board (NAMPAB), Private Bag 13356, Windhoek on or before 15 April 1993.

No. 19

1993

APPLICATION FOR BROADCASTING LICENCE

In accordance with Article 4(a) of the Namibian Communications Commission Act, Act No. 4 of 1992, the following instance has applied for a broadcasting licence:

Otjihase Mine (rebroadcast M-Net's signal)

Article 4(b) of the said Act provides that "any person may within fourteen days of publication of a notice in terms of paragraph (a) lodge with the Commission written representations opposing the issue of a broadcasting licence, and such representations shall be taken into account when the Commission considers the application".

Contact Magdalena Marenga, Acting Secretary of the Namibian Communications Commission, tel. 291-2191.

CITY OF WINDHOEK

No. 20

1993

PERMANENT CLOSING OF PORTION 1
OF PUBLIC OPEN SPACE, ERF 1471 HOCHLAND PARK

Notice is hereby given in terms of article 50(3)(a) of the Local Authorities Act of 1992 (Act 23 of 1992) that the Municipality of Windhoek proposes to close permanently the undermentioned portions as indicated on plan W/92057-1 which lies for inspection during office hours at the office of the Town Planner, Room 702, Municipal Offices, Independence Avenue.

Portion 1 of Public Open Space, Erf 1471 Hochland Park.

Objections to the proposed closing are to be served on the Director, Local Authorities and Development Planning, Private Bag 13289, and the Town Clerk, P.O. Box 59, Windhoek, within 30 days after the appearance of this notice in accordance with article 50(3)(a) of the above Act.

J.G.B. BLIGNAUT
TOWN CLERK

BANK OF NAMIBIA

No. 21

1993

STATEMENT OF ASSETS AND LIABILITIES
AS AT CLOSE OF BUSINESS ON 31 JANUARY 1993

<u>LIABILITIES</u>	<u>31-01-1993</u> R	<u>31-12-1992</u> R
Share Capital	30,000,000	30,000,000
General Reserve	458,495	458,495
Revaluation Reserve	201,796	39,223
Special Reserve	7,167,646	1,375,484
<u>Deposits:</u>		
Government	222,335,378	104,503,851
Bankers - Current	1,366,368	661,739
- Reserve	15,510,000	15,767,000
Other	1,673,549	1,644,777
Allocation of Special		
Drawing Rights	-	-
Long Term Loan Facility	502,048,204	502,048,204
Other Liabilities	53,745,768	47,957,532
	<u>834,507,204</u>	<u>704,456,305</u>

A S S E T SExternal:

Rand Coin	71,655	72,863
Balances with other banks	799	892
I M F - Reserve tranche	-	-
- Special drawing rights	44,757	44,307
- Rand Subscription	1,066 292	1,066,292
Investments - Rand Currency	233,221,917	121,434,240
- Other Currency	30,575,900	19,940,175

Domestic:

Loans and advances		
- Government	555,030,820	549,281,274
- Other	1,307,781	1,193,129
Fixed assets	9,971 405	9,979,270
Other assets	3,215,878	1,443,863
	<u>834,507,204</u>	<u>704,456,305</u>


ERIK KARLSSON
GOVERNOR


EMMANUEL LULE
GENERAL MANAGER