



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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No. 2141

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### Government Notice

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#### OFFICE OF THE PRIME MINISTER

No. 118

1999

#### PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 11 of 1999: Electoral Amendment Act, 1999.

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**EXPLANATORY NOTE:**

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing provisions.

[ ] Words in bold type in square brackets indicate omissions from existing provisions.

**ACT**

**To amend the Electoral Amendment Act, 1998, so as to insert transitional provisions relating to the Commission and the Director; and to provide for incidental matters.**

*(Signed by the President on 26 June 1999)*

**BE IT ENACTED** by the Parliament of the Republic of Namibia as follows:-

**Amendment of section 3 of Act No. 30 of 1998**

1. Section 3 of the Electoral Amendment Act, 1998, is amended -
  - (a) by the substitution for subsection (1) of section 5 of the principal Act, which section was substituted by section 3 of the Electoral Amendment Act, 1998, of the following subsection:

"(1) The Commission shall, subject to the further provisions of this section, consist of five members appointed by the President by **[notice]** Proclamation in the *Gazette*."; and

- (b) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) Notwithstanding the substitution of section 5 of the principal Act by subsection (1) of this section -

- (a) the Commission as constituted immediately before the commencement of this Act shall continue to function as such for the purposes of the principal Act; and
- (b) the persons who immediately before the commencement of this Act held office as members of the Commission, shall from the commencement of this Act continue to serve as members of the Commission,

until the succeeding members of the Commission are appointed by the President by Proclamation in the *Gazette* under subsection (1) of section 5 of the principal Act as substituted by this Act."

**Insertion of section 3A in Act No. 30 of 1998**

2. The following section is inserted after section 3 of the Electoral Amendment Act, 1998:

**"Amendment of section 7 of Act No. 24 of 1992**

3A. The following subsection is substituted for subsection (1) of section 7 of the principal Act:

"(1) Subject to the provisions of section 8(2), a member of the Commission shall hold office, with effect from the date of **[the approval referred to in] his or her appointment under section 5**, for a period not exceeding five years, but may be re-appointed in a like manner at the expiration of that period."

**Amendment of section 5 of Act No. 30 of 1998**

3. Section 5 of the Electoral Amendment Act, 1998, is amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) Notwithstanding the substitution of section 11 of the principal Act by subsection (1) of this section, the person who immediately before the commencement of this Act held office as Director of Elections, shall from the commencement of this Act, and for the unexpired period of his or her term of office, or until he or she vacates office, continue to hold that office and be deemed to have been appointed under section 11 of the principal Act as substituted by this Act."

**Amendment of certain expressions in Act No. 30 of 1998**

4. The Electoral Amendment Act, 1998, is amended by the substitution for the expression "the Standing Committee on Privileges of Parliament", wherever it occurs, of the expression "the Committee of Privileges of the National Assembly established by section 7(1)(a) of the Powers, Privileges and Immunities of Parliament Act, 1996 (Act No. 17 of 1996)".

**Substitution of section 16 of Act No. 30 of 1998**

5. The following section is substituted for section 16 of the Electoral Amendment Act, 1998.

"**16. (1)** This Act shall be called the Electoral Amendment Act, 1998, and shall, subject to subsection (2), come into operation on the date of commencement of the Electoral Amendment Act, 1999.

(2) Notwithstanding subsection (1), sections 10 and 11 of this Act shall be deemed to have come into operation on 1 October 1998."

**Short title and commencement**

6. This Act shall be called the Electoral Amendment Act, 1999.