

REPUBLIC OF NAMIBIA

NATIONAL ASSEMBLY

**REGIONAL COUNCILS
AMENDMENT BILL**

(As read a First Time)

(Introduced by the Minister of Urban and Rural Development)

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.

BILL

To **amend the Regional Councils Act, 1992, so as to provide for certain definition; to provide for eligibility of member of regional council to National Council; to subject the appointment of a person as chief regional officer to the approval of the Minister; to increase certain penalties; and to provide for incidental matters.**

BE IT ENACTED as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

Amendment of section 1 of Act No. 22 of 1992 as amended by section 1 of Act No. 30 of 2000, section 1 of Act No. 12 of 2002 and section 1 of Act 16 of 2010

1. Section 1 of the Regional Councils Act, 1992, (*in this Act referred to as the "principal Act"*), is amended by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister **[of Local Government and Housing]** responsible for regional government affairs;"

Amendment of section 18 of Act No. 22 of 1992, as amended by section 3 of Act No. 16 of 2010

2. Section 18 of the principal Act is amended by the addition after subsection (3) of the following subsection:

"(4) A member of a regional council who is elected as member of the management committee of the regional council under this section is not eligible for election as member of the National Council under section 26."

Amendment of section 23 of Act No. 22 of 1992, as amended by section 9 of Act No. 30 of 2000 and by section 2 of Act No. 12 of 2002

3. Section 23 of the principal Act is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

- "(a) appoint, **[after consultation]** with the prior written approval of the Minister, a person as the chief regional officer of the regional council -
- (i) who shall be the chief executive officer of the regional council; and

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- (ii) who shall, subject to the control and directions of the regional council, be responsible for carrying out the decisions of the regional council and for the administration of the affairs of the regional council;”.

Amendment of section 44 of Act No. 22 of 1992

4. Section 44 of the principal Act is amended by the substitution for the closing sentence after paragraph (b) of the following closing sentence:

“shall be guilty of an offence and liable on conviction to a fine not exceeding [R2 000] N\$5 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Amendment of section 44A of Act No. 22 of 1992, as amended by section 8 of Act 30 of 2000

5. Section 44A of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) A regulation made under subsection (1) may in respect of any contravention thereof or a failure to comply therewith, prescribe a penalty of a fine not exceeding [N\$2 000] N\$5 000 or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.”.

Short title and commencement

6. This Act is called the Regional Councils Amendment Act, 2016.
