



# GOVERNMENT GAZETTE

OF THE

# REPUBLIC OF NAMIBIA

N\$2,60

WINDHOEK - 28 February 1994

No, 810

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## Government Notice

### OFFICE OF THE PRIME MINISTER

**No. 30**

1994

### 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.

*LNo. 2 of 1994. Namibian Ports Authority Act, 1994.*

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 Act.N,D. 2@ 1"@                      . 1 NAMINIAN POITTS AUTHORM ACT, 19M.

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1" - . .NAMIBIAN:.PORTS AUTHORITY ACT, 1994.

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BE IT ENACTF-D by the Parliament of the Republic of Namibia, as follows--

INTERPP.ETATION

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1. In th-is Act, unless the context indicates other- wise -

"Authority" means the Narnibian Ports Authority established by section 2;

"Authority's area of jurisdiction". in relation to a port, means an area referred to in section 13,

"board" means the board of directors of the Authority referred to in section 4;

"lighthouse" means any lighthouse of which the management and control has been entrusted to the Authority by or under this Act;

"master", in relation to a ship, means any person, other than a pilot, having charge of thax ship;

"Minister" rmeans the Minister of Works, Transport and Cominication..

as port- means the Walvis Bay port or the Liideritz port as described in Schedule 1 or any other port of which the management and control has been entrusted to the Authority under section 12, and includes the water and land comprising the Authority's area of jurisdiction in respect of such port-,

„Port Captain" means the officer appointed as Port Captain of a port in terms of section 20, or anvene lawfully acting in that capacity-,

"ship" includes a ship vessel, or boat of any kind whatsoever, whether propelled by steam, diesel 01. otherwise or towed.,

-this Act- includes regulations made thereunder.

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P4W 2., IPM NAMIBIAN PORTS AUTORITY ACT, 1994 .@.. -

CHAPTER 1

ESTABLISHMENT OF NAMIRIAN PORTS AUTHORITY

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mik@ian Pom Aut-ty,

2. (1) There is hereby established a body corporate to be known as the Namibian Pens Authority.

(2) The Registrar of Companies shall **enter the** name of the Authority in the registers kept by the Registrar in terms of the Companies Act, 1973 (Act 61 of 1973).

Ot@ects of t)le Authority.

3. (1) It shall, subject to the provisions of this Act, **be** the object and general duty of the Authority -

- (a) to manage and cxerci-%e control over the operation of ports and lighthouses and other navigational aids in inaniibia and its territorial waters;
- (b) to provide facilities and -,ervices normally related to the functioning of a port, and
- (c) to conduct its business in accordance with sound and generally accepted business principles, but subject to subsection (2).

(2) Except where otherwise required in the national interest, the Authority shae conduct its business in such a manner a& **to** ensure **that** the facilities and services **relating** R o a port are operated in order **to obtain maximum usage** ' of **such** facilities **and** services **at c@om@'** will yield a fair and reasonable **profit to tho-Autto-i@y.**



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Board of direezors.

4. (1) The affairs of the Authority shall **be** managed by a board of directors which shall consist of -

- (a) the Permanent Secretary. Works, Transport and Cornmunication,
- (b) the Permanent Secretary. Fishexies and Marine Resources;**
- (c) the Permanent Secretary. Finance; and**
- (d) such other directors, being not less than four and not rmore than six, as the Minister, subject to subjection (2), may appoint, and who shall be persons who, in the opinion of the Minister. have commercial expertise relevant to the functions of the Authority.

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NAMMIAN PORTS AUTHORWY ACT, 1994

(3) When a director referred to in subsection (1) dies or his or her office becomes vacant in terms of that subsection, the Minister shall appoint a person to fill the vacancy until expiration of the period during which such director would, but for the vacation of his or her office, have continued in office.

Alternative directors

6. The Minister may appoint for each director a person as alternate director to act in the place of the director in the event of his or her absence or inability to act as a member of the board, but a person who is not eligible for appointment as a director in terms of section 4(2) shall not be appointed as alternate to a director referred to in section 4(1)(d).

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Remuneration of directors and alternate directors.

7. A director and an alternate director who is not in the full-time employment of the State shall in respect of his or her services as director be paid, out of the funds of the Authority, such remuneration and such subsistence and travelling allowances as the board may determine.

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Duty of director to disclose interest.

8. (1) If a director or an alternate director or his or her spouse, or any company or partnership of which he or she or his or her spouse is a director or shareholder or partner. Is in any way directly or indirectly interested in a contract entered into or proposed to be entered into by the Authority, or in any other matter which is the subject of consideration by the board and whereby his or her private interest may conflict with his or her duties as a director or alternate director, he or she shall disclose the nature of such interest at a meeting of the board at the first opportunity it is possible for him or her to do so.

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(2) A director or an alternate director who has an interest as contemplated in subsection (1) shall not take part in the consideration of, or vote on, any question relating to a contract, proposed contract or other matter referred to in that subsection.

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Meetings of the board.

9. (1) The first meeting of the board shall be held at such time and place as the Minister may determine and thereafter, subject to Subsection (2), meetings of the board shall be held at such times and places as the board determines.

(2) The chairperson of the board may at any time, and shall at the request in writing of at least three directors, convene a special meeting of the board.

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(3) The chairperson of the board or, in his or her absence, such director as the directors present shall elect, shall preside at a meeting of the board.

(4) Five directors shall form a quorum at a meeting of the board, but of whom at least one shall be a director referred to in section 4(1)(a), (b) or (c).

(5) A decision of a majority of the directors present at a meeting of the board shall be the decision of the board and, in the event of an equality of votes, the director presiding at the meeting shall have a casting vote in addition to his or her, deliberative vote-

(6) A decision of the board shall not be rendered invalid by reason only of a vacancy on the board or of the fact that a person who is not entitled to sit as a director acted as such when the decision was taken, if such decision was taken by the requisite majority of the directors who were present at the time and entitled to vote.

Committee. of the board.

10. (1) The board may from time to time establish any committee to perform, subject to such conditions as the board may stipulate, such functions of the board as the board may assign to it.

(2) The board may appoint as **member** of a committee established under subsection (1) any **person**, **whether he or she** is a director or **not-**

CHAPTER 11

TRANSFER OF PORTS AND ASSETS TO THE AUTHORITY

Transfer of Walvis Bay  
ports and  
lighthouses to the AU-  
thority

11. (1) The **Authority** shall -

(a) with effect from 1 March 1994, or such later date as the Minister may determine by notice in the Government Gazette with the management and control of the Walvis Bay port, as defined in Schedule 1, and all lighthouses, other than the lighthouse situated at Diaz Point, and other navigational aids along the coast of Namibia and in its territorial waters,

- (h) with effect from a date determined by the Minister by notice in the *Gazette* with the consent and approval of the Council of Ministers as defined in Schedule 1, the lighthouse situate at Diaz Point.

(2) On the date with effect from which the Authority, in accordance with subsection (1)(a), becomes charged with the management and control of the Walvis Bay port and the lighthouses referred to in that subsection, or as soon as practicable thereafter.

- (a) the Minister

The Minister shall, after consultation with the Minister of Finance, transfer to the Authority the assets, rights, liabilities or obligations

which have been invested in or binding upon the State in relation to the Walvis Bay port and the lighthouse situate at Pelican Point by way of the reintegration of Walvis Bay into Namibia, whether by virtue of the international laws of state succession, **Minister, by agreement with the Authority, may determine are necessary for the effective management and control of that port and that lighthouse by the Authority, and may so transfer any asset, whether situate within or outside the boundaries of that port as defined in Schedule**

- (h) every other lighthouse situate along the coast of Namibia, except the one referred to in subsection (3), and which immediately before that date was the property of Transnamib Limited referred to in section 2 of the National Transport Corporation Act, 1987 (Act 21 of 1987), shall become the property of the Authority.

(3) On the date determined by the Minister under subsection (1)(b), or as soon as practicable thereafter, the Minister shall by notice in the *Gazette* specify such of the assets owned by, and the rights, liabilities and obligations binding upon, Transnamib Limited with respect to the Luderitz part of the lighthouse situate at Diaz Point, as the Minister, after consultation with Transnamib Limited and the Authority, may determine to be passed to the Authority to enable it to effectively manage and control that port and lighthouse.

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(4) Notwithotan~ any provision to the contrary in any other law, the a~, ri~, Uilities and obligations specified in the notice refer=d to in -,ub~on (3), shall, on the date of publication of that notice in the *Gazdtte*, become vested in or be binding upon the Authority.

(5) Notwithstanding any law to the contrary, the Authority shall be exempt from any transfer duty. stamp duty or registration or office fee payable in terrns of any law in relation to the acquisition of any land in terms of subsection (2) or (4).

(6) The Registrar of Deeds shall make the entries or notes he or she decins necessary to give effect to the provisions of subsection.% (2) and (4), in or on any r-elevant register, title deed or other document in his ox- her office, or any title deed or other document submitted to him or her.

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,\uthority,

12. (1) The Minister may bv notice in the *Gazette* declare a defined area as an area in which a port, lighthouse or any other navigational aid may he constructed or erected and managed and C-OntroUed by the Authority-

(2) Where, in terms of subsection (1), the Minister decjares a defined area as an area in which a port, light- house or any other navigational aid may be constructed or erected and managed and controlled by the Authority, the MinistL-r may, after consultation with the Minister of Finance, transfer to the Authority such port . y State land as may be Sece@ssar@v for the Authority to construct or erect and effectively manage and control a port. lighthouse or any other navigational aid.

(3) Notwithstanding the **provisions** of section 5 of the Crown Lands Disposal Proclamation, 1920 (Procla- mation 13 of 1920) and section 18 of **the Deeds Registries Act, 1937 (Act 47 x>f 1937) the Registrar of Deeds, upon** submission to **him** or her **of a certificate by the Minister that State land defined in the coxiificate has been trans-ferred to the Authority in terms of subsection (2), shall make such entries or endorsements as he or she may deem necessary in or on any relevant register, title deed or other document in his or her office, or any tide deed or other document submitted to him or her, in order to re&tcr the transfer of such land in the name of the Authority.**

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(4) Notw!Unta~, any law to the contrary, the Authority shall he exempt, from any transfer duty, stamp duty or registrafoia or office fee payable in terms of any law in relation to the acquisition of any land in tenns of subwetion (2).

CHAPTER 111

FUNM& ONS, POWERS AND DUTIES  
OF THE AUTHORITY

Authority's ama afug-is-  
dimion in rasp= of polls.

13. (1) For the purposes of this Act the Authority's area of jurisdiction in respect of -

- (a) the Walvis B@ay port and the L@ideritz port, shall be the relevant areas cornpming the land and waters as defined in respect of each of those ports in Schedule 1; and
- (b) a port contemplated in section 12, shall be such area of land and waters as shall be defined by the Minister by notice in the *Ga--ezte*.

(2) The Minister may by notice in the *Gazette* alter any area defined in Schedule 1 or in a notice referred to in paragraph (b) of su~tion (1)-

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Aulho- day.

14. Without prejudice to the generality of the pro- visions of section 3. the Authority shall have the capacity -

- (a) to undertake **the** berthing and drv-docking of ships;
- (b) to undertake the storing, warehousing, sorting, weighing, loading, off-loadinp,, lighterag.- and handling of goods and the embarking or d-15-embarking of passengers on or from ships within the Authority's area of jurisdiction;
- (c) to oerate, or construct and operate. lighthouses, and to **provide** and maintain other aids to na- vigation, whether within a port or within the territorial waters of Namibia or along the coast of Namibia;

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 Act No. 2. 1"4 . @L-NAMMIAN POR-75-,AUTHORITY ACT, 19% -

- (d) to prx)vide and.waintain survcillan= aids and other equipm~ to monitor the movement of ships;
- (c) to provide and maintain uf~ats and other &c-saying equipment;
- (f) to provide and. maintain search and rescue services;
- (g) to **undertake** dredging services in **ports** and channels and approaches thereto.,
- (h) to provide tug and pilotage services,
- (i) to protect **the** environment within its areas of jurisdiction.

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*Howen* of the Authority.

1:5. (1) Subject to the provisions of this Act, the Authon't.y shall have all such powers as may be exercised by a company in accordance with section 34 and Schedule 2 of the Companies Act, 1973 (Act 61 of 1973', and shall, in addition to such powers, have [he power -

- (a) to control the movement of goods or passengers within a port,
- (b) to dcny access to a port to any ship which has the .nationality of any state which the Minister has by notice in *the Gazotse* declared to be a state which denies amess to its ports to ships of Naiffibian nationality-\$
- (c) to direct tliat any ship in a port which has been attached by order of court be znoved to a designated place within the port, and, if necessary, to rmove such ship to such place;
- (d) to raise, remove or destroy any sunken, stranded or abandoned ship or wreck within the Autho- rity's area of jurisdiction and to recover, in accordance with subsection (3), the costs incurred in connection therewith;
- (c) to give notice to the owner or other person legally responsible for the upkeep of any ship within the Authority's a" of jurisdiction calling upon suc'h

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owner or person -tg,.mmovc or otherwise depose  
Of Such Ship, Or a4Y ~cic being, or forming part  
Of, the bull, tackle, equipment, or ballast of such  
ship, which is in the opinion of the Authority not in a  
condition of seaworthiness, or is likely to become  
an obstruction, wreck or derelict, and should such  
owner or person fall to comply with such notice  
within the time specified therein, to do whatever  
may be nccc"ary for the removal or dispel @of such  
ship or article, and to recover all costs incurred from  
such owner or penon;

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(f) to direct, by written notice, that anv light which may  
be mistaken for a navigation light be re- moved or  
effectively screened by the owner of the, property  
on which the light is exhibited or the person having,  
charge of such light, and, if such owner or person  
fails to comply with such di- rection- to remove such  
light and recover from ,@uch owner or person the  
expenses of such removal-.

(g) to remove any wreck or other obstruction as may  
endanger any ship entering or leaving a port, and to  
*recover the cost* thereof and incidental thereto Iron  
the owner of such wreck or obstruction, or from any  
person responsible for the presence of such wreck  
or obstruction:

(h) to exercise control over the waters of any port and the  
approaches **thereto.** and **to** control all marine  
**traffic** in any **port,**

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(i) to prescribe tariffs for. and to levy and collect fees  
and charges in respect of, the provision by the  
Authority of port services, including, port dues,  
pilotage fees, towage charges, light dues, berth  
dues, wharfage and any other services rendered-,

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0) to require any person, body, organ"tion or authority  
with whom the Authority has con- tracted in terms  
of section 19, to determine and publish, in such  
manner as the Authority dccms necessary or  
expedient, tariffs for any services to be rendered by  
such person, body, organization or authority in  
pursuance of such c4>niract, and

14 Government Gazette No. 28 of February 1994 NO. 810 Act No. 2, 1994  
NAMISIAN PORTS AUTHORITY ACT, 1994 -

(k) generally, to do all such acts and things as may be necessary to achieve its object.

(2) The Authority shall publish in the Gazette any tariffs prescribed by it under paragraph (i) of subsection (1) -

(3) **Where, in terms of paragraph (d) of subsection (1), the Authority has raised, removed or destroyed any sunken, stranded or abandoned ship or wreck, the Authority shall be entitled -**

(a) to recover from the owner of the ship or wreck, or any other person who had the beneficial use of the ship at the time it sank or stranded or was abandoned, all costs incurred in such raising, removal or destruction, and in lighting, buoying, marking or detaining the ship or wreck, and

(b) on non-payment after written demand of such costs or any part thereof, to sell such ship or wreck and out of the proceeds of the sale to defray such unpaid costs, rendering the surplus, if any, to the person entitled thereto and recovering any unpaid balance from such owner or such other person.

Employees of the Authority.

16. The board may appoint such employees as it may consider necessary for carrying out the functions of the Authority. It may determine their duties and salaries, wages, allowances and other remuneration and their condition of service.

Section 17

17. (1) The Authority may form and incorporate one or more limited liability companies under the provisions of the Companies Act 1973 (Act 61 of 1973) with the object of entering into contracts with the Authority in accordance with the provisions of section 19 for rendering any port services.

(2) The share capital, shareholding, powers, constitution of the board of directors and memorandum and articles of association of any company incorporated under the provisions of subsection (1) shall be determined with the prior approval of the Minister -

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. @ . . Is. (1) If tu ~Ster considers it nece~ or expedient in the national intcmt or for the ~h~ of an international obligation of tlit'State, the Minister may, by notice in writing to the Authority, direct the Authority to -

(a) exercise any POver or perform any function conferred Or imposed on the Authodt@ by this Act, and spedfied in the notice, or exercise or perform such power or function in accordance with limitations so specified; or

(b) discontinue any activity specified in the notice.

(2) Where, under subsection (1), the Minister requires -

(a) any **power or function to be exercised or performed**. or that it **be** exercised or **perform4td** in accordance with specified limitations, the **Mi-** nister may **direct that** such **power** or function be exercised or performed by the Authority itself and not through any person, body, organization or authority conternplate@d in section 19..

(b) any activity to be discontinued, such direct;on shall he binding on any such person, body, organization or authority carrying on such activity.

notwithstanding the provisic3ns of any contract concluded between the Authority and such person, body, organi- zation or authority *in tgtrms* of section 19.

(3) Thr MinistcF Shall consult with the Authority prior to the giving of any direction under subsection (1).

**(4) The Authority shall take aU necessary steps to give effect to any direction of the Minister under subsection (1).**

(5) Where the Minister intends to give a direction under subsection (1) with relation to any function of the Authority referred to in paragraph (c), (d) or (c) ofsection 14, the Minister shall, if so required by the Authority on the grounds of the non-profitability of providing the service in question, and before the commencement of the provision of such services, conclude a contract with the Authority with respect to the payment by the State of -

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- (a) the capital costs in co~on with- the con- struction, acquisition or replacement of any building or apparatus necesry for providing the service;
- (h) the expenses and disbursements the Authority incurs in connection with the mainitenanm and operation of the service, and
- (c) any loss which the Authority may suffer as a result of such construction, acquisition or re- placernent or the provision of such service, but excluding the depreciation of any fixed asset.

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19. (1)

under section 18(2)(a), the Authority may enter into any contract with any persz)n, body, organization or authority to perform a particular act or render a particular service on behalf of or in favour of the Authority, and may let or subcontract any facility or service it is required or entitled to provide or render, but any such contract shall not be inconsistent with the objects of the Authority.

(2) Any contract entered into by the Amthority in terms of subsection (1) may regulate prices to be charged in respect of any facility or service to be provided or rendered in pursuance thereof. **and** may set standards to be corn- plied with in the performance thereof.

(3) **Sub@ject** to subsection (4), **the** Authority may sell. lease **or** transfer to any person, body, organization or authority with whom **a** contract has been concluded in terms of subs-ction (1), 5ucb of its property or assets as may be necessary to enable such person. body, organi- zation or authority to perform the obligations assumed by it in terms of such contract.

k4) iNO ifflrnovabic, prOPerty of the AUthodty shall in terms of subsection (3) be sold or transferred without the approval of the Minister.

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CHAP17ER IV

OPERATION OF PORTS.

Appo~ of ~ Captlia.

26. (1) The beam shall appoint a Fort Captain for each port ma~ed and controlled by the Authority.

(2) The Pari Captain shal4 in respect of the part for which he or slbe is appointed, be the final authority in respect of all ~tters relating to pilotage, marine safety, navigation, dredging and all other matters relating to the movement of ships within the area of the port.

Probibation on ct>ngtruc-  
Lion of pons-

21. (1) Except with the approval of the Nlinister, no person, other than the Authority, rmay construct. deve)op or operate any port.

(2) Any **person who contravenes** the provisions of subsection (1) shall be guilty of an offence and **be** liable on conviction to **a fine** not exceeding N\$100 000 or to imprisonment for **a** period not exceeding five years or to both such **fine** and such imprisonment.

Closure of txp~on of  
ports. or punadmmt or  
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22. (1) ',\~oportorportionofanyportshaUbeelosed, nor shall any facility provided at a port bc substantially curtailed or restricted, and no port shall be expanded beyond its limits, unless -

(a) the Authority has. by publication of a notice in the *Gazette*, given notice of such intended closure. curtailment or expansion and invited any objections to such action to be lodged with it in writing within a period of 90 days of the publi- cation of such notice; and

(b) the Minister'.s prior approval fox- such closure, curtailment or expansion has been obtained by the Authority.

(2) The Authority shall, whctn it applies for the Minist&.r's approval in terms of subsection ( 1)(h), aubmikt to the Mini,.kter any written objections to its intended action which may have been lodged with it. together with such comments which it may wish to make in connection therewith.

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~ . ., NA~IAN PORTS AUMORM ACT, 1"4 .. ..

(2) For %he purpose of, sub-On ( 1) PIIOT- ~  
moan any. person duly. -licen@@ @y.: gif Aut-, or any other authority  
approved by the Authority, to act as a pilot  
at a particular port.

CHAPTER V

GENERAL

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Fie~ of Au~-.,iyv. **24. The funds of the Authority shall consist of -**  
(a) revenue and other moneys obtained by it through the  
performance of its function,  
(b) moneys appropriated by Parliament **to finance** an,v  
of its functions; and  
(c) such other moneys as may accrue **to** it from any  
**other source.**

Fl-i:,l year. 25. The financial year of the Authority shall be as  
determined by the board.

ACCOUnting and auditig, 26- (1) The Authority shall kee such account books  
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as are necessary in accordance with internationally  
accepted accounting practice to reflect fairly the state of  
affairs and business of the Authon-ty and to explain the  
transactions and f-Anancial condition of the Authority.

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(2) The Authority shall ensure that financial statements  
are prepared in respect of the Authority and any company  
established by it under section 17 for each financial year of  
the Authority and such company-

(3) The books of account and financial statements of the  
Authority and a company referred to in subsection (2) shall  
be audited annually to tho satisfaction of the Auditor-  
Cieneral by an auditor registered in tenns of the Public  
Accountants' and Aviditors' Act, 1951 (Act 5 1 of 195 I)-

(4) The Authority's annual financiaa statements and the  
report of the Auditor-General shall he tabled in the National  
Assembly by the Minister within fourteen days of receipt  
thereof if the National Assembly is then-i-n-Krr in@ session  
or, if the National Assembly is then not in ordinary ~ion,  
within fourteen days of the commencement of its next  
ensuing ox-diumy session.

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~ (d) the duties and conduct while w- a port of taxi 1  
. dn'vers, ~era and other p~" who am not in  
the employment of the Aut@enity but who ply for  
hire to or from a port,;

(c) the manner of dealing with prop=iy lost or left  
behind within the area of the Authority's  
jurisdiction,

and, in general, any other matter in respect of which the  
Ministcv clcxtrfts it accessory Or expe@dent to make regu-  
lations in order to achieve the objects of this Act



(2) Any rcgujailon made under subsection (1) may  
prescribe penalties for any contravention thereof or failure to  
comply therewithli- but no such penalty shall exceed a fine of  
N520 000 or imprisonment for a period of five years.

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**TrallSitional provisions**  
ins &a-ing.

30. (i) Notwithstanding anything **to** the contrary in this  
**Act** or **the** W@.dvis Bay and Off-short Islands Act, 1994,  
any regulations and any tariff of fees applied -In relation to  
the Waiv-15 Bay **port and which**, in terms of any law  
**applied** in Walvis Bay before 1 March 1994, **were** in force  
immediately before **that date**, shall, in so far as **they relate**  
to any **matter** which, in terms of this **Act**, may be -

(a) deterred or prescribed by **the Authority., or**

(b) regulated by the M-inister by regulation,

continue to be of force until repealed or substituted by  
determinations made by the Authority or regulations made  
by the Minister in terms of this Act.



(2) Any reference in any regulations or tariff of fees  
referred to in subsection (1) to any institution or body which.  
in terms of any law referred to in that subsection, was  
immediately before 1 March 1994 charged with the  
management and control of the Walvis Bay port, shall be  
deemed to be a reference to the Authority-

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(3) Nothing in this Act shall be construed as derog-  
gating from the powers, duties and functions conferred or  
imposed by the Sea Fisheries Act, 1992 (Act 29 of 1992) on  
the Minister of Fisheries and Marine Resources or any other  
person with mpect to fishing harbours.

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' she Fisi@ing H~ur Area whom it sha@U he theold ~ wa" ma@k of the Atlantic Ocean, according to Municipal Flrociamation 79 of 1%8-of the Ad~trator of the Province of the Cape of Good Hopc of the Republic of South Afric;ak, --

**inclusive of the islands, jetties, port works and port lands.**

LT ) DERM **PORT**

The area bounded by a line from Angra Point to a point 1 097 metres due north thereof. thence by a line from the said point to the southern share extremity of North-East Point, including the foreshore therein, thejetties, port works and port lands, and including Penguin Island and Seal Island.

SCHEDULE 2

REFP,AL AND AMENDMENT OF LAWS  
(Section 3 1)

Amendmentofsection2ofAct57 of 1951, 30 of1959,,section31ofAct69o 1962.sectionofAcz4Oof1963,sectionof .f Act 13 of 1965,,section 1 ofact 42 of1969. section 1 ofact 24 of 1974,,vection 1 of Act 5 of 1976, section 1 of Act 3 of 1981. section 1 ofact 3 of 1982, section 1 of A et 25 of 1985 and sec.,ion 1 of Act 7,@7f 199 1.

1. Section 2 of the, Merchant Shipping Act, 1951 is hereby amended by the substitution for paragraph (b) of the definition of "port" of the following paragraph:

"(b) a port in Narnibia means the Walvi5 Bay port or the Liideritz port as defined in Schedule 1 to the Namibian Ports Authority Act, 1994, or 1 a fishing harbour contemplated in the Sea Fisheries Act, 1992 (Act 29 of 1992), or any place which has under this Act or any other law been designated as a place from or at which any vessel or a vessel of a particular type may be launched, beached, inocred or berthed; '@.

*Amendment of section 1 of Act 21 of 1987, as amended by section 1 of Proclamation A 6 20 of 1987. and section 116 of Act 6 of 1992.*

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Act'XO. 2, 11994 NAMMIAN -PORTS A~ORffY ACT, IW4.-

- 2. seefion 1 of tho Nailonal Tnmsport COrPORatiOn.~ 1997 is hereby  
amen.ded - ...

.(a) by the substitution for thedefinit!OD of -area of jurisdiction of the-  
'Corporation' of the following dcfiniion-

. area of jurisdiction of the Corporation' means aU ProPeM, including  
stations, sidings, buildings, equipment, inachincry,,roiling stock, road  
transport service vehicles, aircraft, vessels and all other movable or  
immovable property and servitudes used in connection with the  
transport services.,", and

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(b) **by** the deletion of the definition of 'harbour"-

*Amendment of section 5 of Act 21 of 1987.*

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3. Section 5 of the Nut-lonal Transport COrPOTatiOn Act, 1987 is **hereby**  
ainended by the substitution for paragraph **(b)** of subsection (2) **of the** following  
paragraph'

.,(b) at a place (other than a railway junction or an airport) situated  
outside an urban area as defined in section 1 of the Liquor  
ordinance, 1969 (Ordinance 2 of 1969); or".

*Amendment of seezion 29 of ACI 21 of 1987-*

4- Se 1 ,Ction 29 of the.National Transport Corporat On Act. 1987 is hereby amended by the  
substitution fOT subsection (2) of the follow'ng subsect'on-

"(2) For the purposes of subsection (1) Separate accounts shall be  
kept for the railway services, road transport services, sea transport  
services, pipeline services and air transport services.'

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*,Repeal of section 38 of Act 21 oj'1987-*

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5. Section 38 of the National TranSPOrt CDFPORatiOn Act, 1987 is bereb.,v  
repealed.

*Amendment of Section 41 of Act 21 of 1987.*

6. Section 41 of the National Transport Corporation Act, 1987 is hereby  
amended by the substitution for the proviso to that section of the following  
proviso: