



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 27 December 2002

No.2884

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 227 2002

#### 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. 14 of 2002: Agricultural Bank Amendment Act, 2002.

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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 Agricultural Bank Act, 1944 so as to provide for the restructuring of the board; and to provide for incidental matters.**

*(Signed by the President on 23 December 2002)*

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

**Amendment of section 1 of Act No. 13 of 1944, as amended by section 1 of Act No. 42 of 1951, section 1 of Act No. 13 of 1953, section 1 of Act No. 60 of 1957, section 1 of Act No. 47 of 1959, section 5 of Act No. 31 of 1969, section 1 of Act No. 41 of 1972, section 3 of Proclamation No. 147 of 1979 and section 1 of Act No. 27 of 1991**

**1.** Section 1 of the Agricultural Bank Act, 1944 (hereafter referred to as the principal Act) is amended -

- (a) by the insertion after the definition of “chairperson” of the following definition:

“ ‘chief executive officer’ means the chief executive officer of the bank appointed under section 4bis”; and

- (b) by the deletion of the definition of “general manager”.

**Amendment of section 4 of Act No. 13 of 1944, as substituted by section 3(1) of Act No. 27 of 1991**

**2.** Section 4 of the principle Act is amended -

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The business of the bank is controlled by a board consisting of six members, being -

- (a) five persons appointed by the Minister, with the concurrence of the Minister of Agriculture, Water and Rural Development; and

(b) the chief executive officer, who is a member *ex officio*.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) A member of the board referred to in subsection (1)(a) -

- (a) is appointed for a term determined and specified by the Minister in the letter of appointment, not exceeding five years; and

(b) is eligible for reappointment.”; and

- (c) by the addition of the following subsection:

“(5) The members of the board must elect the chairperson of the board from among the members appointed under subsection (1)(a).”

**Substitution of section 4bis of Act No. 13 of 1944, as inserted by section 3 of Act No. 42 of 1951, and as substituted by Proclamation No.147 of 1979 and amended by section 4 of Act No. 27 of 1991**

3. The following section is substituted for section 4bis of the principal Act:

**"General manager of the bank**

**4bis.** (1) The members of the board referred to in section 4(1)(a) must appoint a chief executive officer of the bank.

(2) The chief executive officer is responsible for the management of the affairs of the bank in accordance with the directions of the board.

(3) If the chief executive officer is absent or temporarily incapable of performing the duties of his or her office, or if the office of the chief executive officer is vacant, the members referred to in subsection (1) may designate another officer of the bank to act as chief executive officer during the period of absence or incapacity or until the vacancy is filled.

(4) A person designated to act as chief executive officer under subsection (3) has the powers, duties and functions of the chief executive officer while acting in that capacity.”

**Amendment of section 5 of Act No. 13 of 1944, as amended by section 8 of Act No. 31 of 1969 and section 5 of Act No. 27 of 1991**

4. Section 5 of the principal Act is amended -

- (a) by the substitution for subsection (1) of the following subsection:

“(1) A member of the board referred to in section 4(1)(a) ceases to hold office if -

- (a) he or she becomes subject to a disqualification mentioned in section 4(3);
- (b) his or her estate is sequestrated;
- (c) he or she is convicted of an offence and sentenced to imprisonment without the option of a fine;
- (d) he or she has been absent from four consecutive meetings of the board without its leave; or
- (e) he or she is removed from office under subsection (2).”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The Minister may remove a member of the board appointed under section 4(1)(a) from office if the Minister is satisfied that the member -

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**AGRICULTURAL BANK AMENDMENT ACT, 2002**

- (a) is incapable of performing the duties of a member by reason of physical or mental illness; or
- (b) has neglected the duties of a member or has engaged in misconduct."

**Amendment of section 10 of Act No. 13 of 1944, as amended by section 1 of Act No. 10 of 1952, section 3 of Act No. 47 of 1959, section 3 of Act No. 46 of 1965, section 1 of Act No. 5 of 1968, section 24 of Act No. 70 of 1968, section 9 of Proclamation No.R 147 of 1979, and section 1 of Act No. 28 of 1980**

5. Section 10 of the principal Act is amended -

(a) by the substitution for subsection (1) of the following subsection:

"(1) The members of the board appointed under section 4(1)(a) must be paid for their services as members such remuneration and allowances out of the funds of the bank as the Minister determines."; and

(b) by the deletion of subsection (1)*bis*.

**Insert of section 21A in Act No. 13 of 1944**

6. The following section is inserted in the principal Act after section 21:

**"Power of the bank to conduct business outside Namibia**

21A. The bank may, with the prior written approval of the Minister, enter into contracts for the conduct of any business of the bank mentioned in section 21 outside Namibia in any country which is a State Party to the Southern African Development Community."

**General substitution of expression in Act No. 13 of 1944**

7. The principal Act is amended by the substitution for the expression "general manager", wherever it occurs, of the expression "chief executive officer".

**Short title**

8. This Act is called the Agricultural Bank Amendment Act, 2002.

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