



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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No. 43

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 19

1990

PROMULGATION OF ACT OF THE NATIONAL ASSEMBLY

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

No. 9 of 1990: Magistrates' Courts Amendment Act, 1990.

**MAGISTRATES' COURTS AMENDMENT ACT,
1990**

EXPLANATORY NOTE:

————— Words underlined with solid line indicate insertions proposed.

[] Words in bold type in square brackets indicate omissions proposed.

ACT

To amend the Magistrates' Courts Act, 1944, so as to entrust to the Minister of Justice the administration of the said Act; to extend the qualifications for appointments of judicial officers to persons who have passed examinations in law or who hold diplomas or degrees in law attained outside Namibia and the Republic of South Africa; and to provide for matters incidental thereto.

(Signed by the President on 2 July 1990)

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Amendment of section 1 of Act 32 of 1944, as amended by section 11 of Act 29 of 1985

1. Section 1 of the Magistrates' Courts Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Justice;".

Substitution of section 10 of Act 32 of 1944

2. The following section is hereby substituted for section 10 of the principal Act:

"Qualifications for appointments of judicial officers

10. Subject to the provisions of the law governing the public service and of section eleven, [(a)] a person who has not before the commencement of this Act held a substantive appointment as magistrate shall not hold such an appointment and a person who has not before the commencement of this Act held a substantive appointment as assistant magistrate shall not hold such an appointment, unless in either case -

**MAGISTRATES' COURTS AMENDMENT ACT,
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- (a) such person has passed in Namibia **[the civil service lower law]** any examination [or an examination] in law declared by the Public Service Commission in general or in any particular case to be **[equivalent thereto]** a qualification of a satisfactory standard of professional education for the appointment as a magistrate; or
- (b) **[in recommending any person for appointment as a magistrate or additional magistrate or assistant magistrate the Public Service Commission may give preference to a person who holds a degree in law of a University in South Africa, or passed the Civil Service Higher Law Examination or an examination deemed by the Commission to be equivalent thereto]** such person has in the Republic of South Africa or in any country which is a member of the Commonwealth, passed any examination in law which is of a standard not lower than the minimum qualification required by the Republic of South Africa or that country, as the case may be, for such person to be appointed as a magistrate; or
- (c) such person holds a diploma or degree in law obtained in collaboration or association with the United Nations or any organ or agency thereof, and which is generally directed to the education or training of magistrates; or
- (d) such person has passed any examination in law outside Namibia, the Republic of South Africa or any other country contemplated in paragraph (b), deemed by the Public Service Commission to be a qualification of a satisfactory standard of professional education for an appointment as a magistrate in Namibia."

Short title

3. This Act shall be called the Magistrates' Courts Amendment Act, 1990.