

Namibia

Prevention of Organised Crime Act, 2004

Rules for High Court regulation proceedings contemplated in chapters 5 and 6 of Prevention of Organised Crime Act, 2004 Government Notice 79 of 2009

Legislation as at 5 May 2009

FRBR URI: /akn/na/act/gn/2009/79/eng@2009-05-05

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PDF created on 13 May 2024 at 11:46.

Collection last checked for updates: 8 May 2024.

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Rules for High Court regulation proceedings contemplated in chapters 5 and 6 of Prevention of
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Republic of Namibia
Annotated Statutes

Prevention of Organised Crime Act, 2004

**Rules for High Court regulation proceedings contemplated in
chapters 5 and 6 of Prevention of Organised Crime Act, 2004**

Government Notice 79 of 2009

[Published in Government Gazette 4254 on 5 May 2009](#)

Commenced on 5 May 2009

**[This is the version of this document from 5 May 2009 and
includes any amendments published up to 8 May 2024.]**

1. Definitions

In these rules, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and—

“**Rules of the High Court**” means the Rules of the High Court of Namibia published under Government Notice No. 59 of 10 October 1990;

“**Rules of the Supreme Court**” means the Rules of the Supreme Court of Namibia published under Government Notice No. 56 of 8 October 1990; and

“**the Act**” means the Prevention of Organized Crime Act, 2004 (Act [No. 29 of 2004](#)).

2. Procedure for proceedings contemplated in Chapters 5 and 6 of the Act

Except where the Act provides for the procedure for proceedings contemplated in Chapters 5 and 6 of the Act and unless otherwise stated in these rules or the regulations made under section 100 of the Act—

- (a) the High Court Act, 1990 (Act [No. 16 of 1990](#)) and the Rules of the High Court; and
- (b) the Supreme Court Act, 1990 (Act [No. 15 of 1990](#)) and the Rules of the Supreme Court, apply, with necessary changes, in relation to those proceedings.

3. Service of process and other documents

- (1) In addition to the sheriff referred to in rule 4 of the Rules of the High Court, the police may also effect service of process of court or document when circumstances so require.

- (2) The value of the revenue stamps in respect of any process of court or document relating to any proceedings contemplated in Chapters 5 and 6 of the Act to be served as contemplated in rule 4(3) of the Rules of the High Court is N\$80.
- (3) A reference to the Permanent Secretary for Foreign Affairs in rule 4(5)(c) of the Rules of the High Court relating to the service of process of court or document in a foreign country is construed as a reference to the Permanent Secretary for Justice.

4. Applications

Despite the provisions of the Rules of the High Court relating to the manner and procedure for applications, the public prosecutor contemplated in section 32(1) of the Act, may, before sentencing, make an oral application for the purposes of that section.

5. Condonation

Subject to the Act, the court, on application made and on good cause shown, may condone any non-compliance with these rules.

6. Commissioners of court

A reference to the Republic of South Africa in rule 65(2) of the Rules of the High Court in relation to commissioners of court is construed as a reference to any foreign country.

7. Destruction of documents

The reference to the Archives Act, 1987 (Act [No. 4 of 1987](#)), in rule 64 of the Rules of the High Court is the reference to the Archives Act, 1992 (Act [No. 12 of 1992](#)).