



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

R0,30

WINDHOEK — 3 July 1992

No. 430

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 78

1992

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. 14 of 1992: Carriage By Air Amendment Act, 1992.

EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Carriage by Air Act, 1946, in order to adjust its provisions in view of the independence of Namibia; to provide for the manner in which certain sums in francs shall for the purpose of claims against carriers be converted into currency of Namibia; and to provide for matters incidental thereto.

(Signed by the President on 22 June 1992)

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

Amendment of section 1 of Act 17 of 1946, as substituted by section 1 of Act 5 of 1964.

1. Section 1 of the Carriage by Air Act, 1946 (hereinafter referred to as the principal Act) is hereby amended -

(a) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of [Transport] Works, Transport and Communication. "; and

(b) by the deletion of the definition of "Republic".

Amendment of section 3 of Act 17 of 1946, as amended by section 2 of Act 5 of 1964.

2. (1) Section 3 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

"(7) Any sum in francs mentioned in Article twenty-two of the said Schedule shall, for the purposes of any action against a carrier, be converted into currency of [the Republic at the rate of exchange prevailing on the date on which the amount of any

damages to be paid by the carrier is ascertained by the court] Namibia in the manner determined by the Minister and notified by notice in the *Gazette*."

(2) A manner determined before the commencement of this Act under subsection (7) of section 3 of the principal Act shall apply in Namibia as if it were determined by the Minister of Works, Transport and Communication on the date of commencement of this Act and notified in the *Gazette* under the said subsection (7) of section 3, as amended by subsection (1) of this section.

Substitution of section 5 of Act 17 of 1946, as amended by section 3 of Act 5 of 1964.

3. The following section is hereby substituted for section 5 of the principal Act:

"Power to carry out Convention.

5. (1) The President may by proclamation in the *Gazette* make such incidental or supplementary provisions as appear to him or her necessary for carrying out the Convention or any amendment thereof or addition thereto ratified or adhered or acceded to on behalf of Namibia, and for giving due effect thereto or to any of the provisions thereof.

(2) For the purposes of this Act, any amendments or additions so ratified or adhered or acceded to, shall, subject to any provisions so made in terms of subsection (1), be deemed to be incorporated in the Schedule to this Act."

Amendment of section 7 of Act 17 of 1946, as amended by section 5 of Act 5 of 1964.

4. Section 7 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

"Rules of court may be made in the manner provided in section [forty-three] 39 of the [Supreme Court Act, 1959 (Act No. 59 of 1959)] High Court Act, 1990 (Act 16 of 1990), as to -"

Substitution of certain expression in Act 17 of 1946.

5. The principal Act is hereby amended by the substitution for the expression "the Republic", wherever it occurs, of the word "Namibia".

Short title.

6. This Act shall be called the Carriage by Air Amendment Act, 1992.