



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

N\$5.25

WINDHOEK - 1 March 2001

No.2490

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## Government Notices

### MINISTRY OF WORKS, TRANSPORT AND COMMUNICATION

No. 32

2001

#### ROAD TRAFFIC ORDINANCE, 1967: APPOINTMENT OF REGISTERING AUTHORITY FOR THE REGISTERING AUTHORITY AREA OF WINDHOEK

Under section 2(1) of the Road Traffic Ordinance, 1967 (Ordinance No. 30 of 1967), I hereby -

- (a) appoint the Roads Authority, established under the Roads Authority Act, (Act No. 17 of 1999), as the registering authority for the district of Windhoek as described in Annexure L to Government Notice No. 23 of 1994;
- (b) repeal sub-paragraph (ii) of paragraph (a) of the Government Notice No. 15 of 16 February 1998;
- (c) repeal Government Notice No. 170 of 2000;
- (d) determine the commencement date of this Government Notice as 26 February 2001.

**M. AMWEELO**  
**MINISTER OF WORKS, TRANSPORT**  
**AND COMMUNICATION**

Windhoek, 7 February 2001

### MINISTRY OF HOME AFFAIRS

No. 33

2001

#### ALIENS ACT, 1937: CHANGE OF SURNAME

In terms of Section 9 (1) of the Act 1937, (Act of 1937) it is hereby made known that the Minister of Home Affairs has under the said Section authorized each person whose name and residential address appear in column 1 of the schedule hereto to assume the surname mentioned in column 2 of the schedule opposite his or her name in column 1.

SURNAME	FIRST NAME(S)	RESIDENTIAL ADDRESS	SURNAME
Aron	Immanuel	Eheke Village, Uukwambi, <b>OMUSATI REGION</b>	Nangombe
Daniel	Andreas	Ohaukelo Village, <b>OSHANA REGION</b>	Maongo
Hadhela	Simson	ERF 185, Omenye Street, Okuryangava, <b>KATUTURA</b>	Kauhwena
Itomdoka	Salmi	Oshika Village Uukwalluudhi, <b>OMUSATI REGION</b>	Benyamen

Martin	Immanuel	Oshakati East House No. 12	Nampala
Kornelia	Nambele	Water Affairs Block 8, Room No. 1, <b>GROOTFONTEIN</b>	Amadhila
Nahambo	Alwina	Rundu at Tel No. 255869	Nekwaya
Nambase	Nikolaus	NAMDEB, Local Hostel, Block N, Room No. 26, <b>ORANJEMUND</b>	Kamukwanyama
Petrus	Panduleni	Omupindi Village, Eenhana at <b>OHANGWENA REGION</b>	Sheyavali
Palastus	Monika	Soweto, Single Quarters in <b>OSHAKATI</b> , Room 12	Kuutondokwa
Simon	Johannes	Tugela Street, House No. 1164, <b>WANAHEDE</b> , <b>WINDHOEK</b>	Enkali
Silas	Naftali	Welwitchia Lodge, Room 13, <b>ARANDIS</b>	Ipinge
Titus	Joel	Rosh Pinah Mine Hostel Room 101	Amukeshe
Vatilifa	Hellen Nandendatila	Ongwediva College of Education or ERF No. 10/ 17, Ovambo Location, <b>KATUTURA</b>	Amutenya
William	Joel	Block 6, Room No. 64 at Rosh Pinah Hostel	Shitaleni

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## General Notices

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### MUNICIPALITY OF HENTIES BAY

No. 46

2001

#### NOTICE OF VACANCY IN THE COUNCIL MEMBERSHIP

In terms of section 13(2) of the Local Authorities Act, 1992 (Act 23 of 1992) notice is hereby given that Mr L.v.S. Blaauw, with effect from 1 January 2001, resigned, as member of the Council of the Municipality of Henties Bay.

The DTA party is herewith informed to nominate its candidate to fill the vacancy within three months as from the date here-of.

**I.N. IPINGE**  
**TOWN CLERK**

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### MUNICIPALITY OF OTAVI

No. 47

2001

#### NOTICE OF VACANCY IN THE MEMBERSHIP OF THE MUNICIPAL COUNCIL OF OTAVI.

Notice is hereby given in terms of section 13 (2) of the Local Authority Act, Act 23 of 1992, that a vacancy exist in the Municipal Council of Otavi after Councillor Maria Namwandi passed away.

Notice is hereby further given to SWAPO of Namibia to nominate a member for the Municipal Council of Otavi within three (3) months from the date of the publication of this notice.

**J.E. JANTZE**  
**TOWN CLERK**

22 January, 2001

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**MUNICIPALITY OF WALVIS BAY**

No. 48

2001

**NOTICE OF VACANCY**

In terms of section 13(2) of the Local Authorities Act, 1992 (Act No. 23 of 1992), notice is hereby given that Councillor Balbina Daes Pienaar resigned her office as from 1 February 2001, due to her becoming involved in national, regional and international assignments and research projects, leaving her little time for council duties.

Notice is hereby further given to Swapo of Namibia (party whose member of office) to nominate a member for the Municipal Council of Walvis Bay within three (3) months from the date of publication of this notice in the Government Gazette.

**A. KATITI**  
**CHIEF EXECUTIVE OFFICER**  
**MUNICIPALITY OF WALVIS BAY**

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**WALVIS BAY MUNICIPALITY**

No. 49

2001

**PERMANENT CLOSING OF PORTION OF ERF 1729 WALVIS BAY;  
ATLANTIC STREET, AS STREET**

Notice is hereby given in terms of Section 50 (3) (a) (ii) of the Local Authorities Act of 1992 (Act 23 of 1992) that the Municipality of Walvis Bay proposes to close permanently the undermentioned street portion as indicated on Plan 7/2/3/1/1 which lies for inspection during office hours at the office of the Town Planning Section, Room 103, Civic Centre, Nangolo Mbumba Drive, Walvis Bay.

**PERMANENT CLOSING OF PORTION OF ERF 1729 WALVIS BAY,  
ATLANTIC STREET, AS STREET**

Objections to the proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, Windhoek, and the Chief Executive Officer, Private Bag 5017, Walvis Bay, within 14 days after the appearance of this notice in accordance with Section 50 (1) (C) of the above Act.

**A. KATITI**  
**CHIEF EXECUTIVE OFFICER**  
**WALVIS BAY MUNICIPALITY**

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**WALVIS BAY MUNICIPALITY**

No. 50

2001

**PERMANENT CLOSING OF PORTION OF REMAINDER OF ERF 191  
KUISEBMOND; 2ND AVENUE, KUISEBMOND, AS STREET**

Notice is hereby given in terms of Section 50 (3) (a) (ii) of the Local Authorities Act of 1992 (Act 23 of 1992) that the Municipality of Walvis Bay proposes to close permanently the undermentioned street portion as indicated on Plan WBM/TP/AA1. The purpose of

the street closure is to implement development proposals contained in the Structure Plan to improve pedestrian and vehicular movement in the Kuisebmond Business Area. The Plan lies open for inspection during office hours at the office of the Town Planning Section, Room 103, Civic Centre, Nangolo Mbumba Drive, Walvis Bay.

**PERMANENT CLOSING OF PORTION OF REMAINDER OF ERF 191  
KUISEBMOND; 2ND AVENUE, KUISEBMOND, AS STREET**

Objections to the proposed closing are to be served on the Secretary: Townships Board, Private Bag 13289, Windhoek, and the Chief Executive Officer, Private Bag 5017, Walvis Bay, within 14 days after the appearance of this notice in accordance with Section 50(1)(C) of the above Act.

**A. KATITI  
CHIEF EXECUTIVE OFFICER  
WALVIS BAY MUNICIPALITY**

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No. 51

2001

**PERMANENT CLOSURE OF A PORTION OF OTJIWARONGO TOWNLANDS  
SOUTH NO. 308 (PUBLIC OPEN SPACE), OTJIWARONGO**

Notice is hereby given in terms of article 50(1) of the Local Authorities Act of 1992 (Act 23 of 1992), that the Municipality of Otjiwarongo proposes to close permanently the undermentioned public open space as indicated on a plan which lies for inspection during office hours at the office of the Chief Executive Officer, Municipal Offices, Otjiwarongo.

**PORTION OF OTJIWARONGO TOWNLANDS SOUTH NO 308 (PUBLIC OPEN  
SPACE) OTJIWARONGO**

Objections to the permanent closing are to be served on the Chief Executive Officer, Municipal Offices, Otjiwarongo, and/or Stubenrauch Planning Consultants cc, P.O. Box 11869, Windhoek, within 14 days after the appearance of this notice in accordance with Article 50(1)(a) of the above Act.

**MR. P. HAIPARE  
THE CHIEF EXECUTIVE OFFICER  
Private Bag 2209  
Otjiwarongo**

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No. 52

2001

**VINETA TOWNSHIP: EXTENSION 9: DEPROCLAMATION OF A PORTION  
OF VINETA EXTENSION 9**

Notice is hereby given in terms of Section 24(4) of the Townships and Division of Land Ordinance, 1963 (Ordinance 11 of 1963) that an application has been received from Urban Dynamics Africa (Pty) Ltd, on behalf of the Municipality of Swakopmund for the deproclamation of the portion of Vineta Extension 9 which is depicted on Sheet No. 3 (comprising erven 2896 - 2938, 2991 - 3006, 3147 - 3252, 3255 - 3266, 3354 [p.o.s.] and street) and on Sheet No. 4 (comprising erven 2939 - 2990, 3007 - 3035, 3089 - 3095, 3253 - 3254, 3267 - 3324, 3350 - 3351 [p.o.s] and street) of General Plan G. 69.

Copies of the deproclamation and maps, plans, documents and other relevant matters are lying for inspection during office hours at the offices of Urban Dynamics Africa, Windhoek and also at room 237 at the offices of the Ministry of Regional and Local Government and Housing, Division Regional and Local Authority Planning Coordination, Windhoek.

Any person who wishes to object to the above-mentioned application should lodge his objections in writing to the Secretary, Namibia Planning Advisory Board (NAMPAB), Private Bag 13289, Windhoek on or before 1 May 2001.

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**MINISTRY OF HEALTH AND SOCIAL SERVICES**

No. 53

2001

**APPOINTMENT OF MEMBERS TO THE WAR VETERANS  
SUBVENTION ADMINISTRATION BOARD: WAR VETERANS  
SUBVENTION ACT, 1999**

It is hereby made known for general information that the Minister of Health and Social Services has in terms of section 13(1) of the War Veterans Subvention Act, 1999 (Act No. 16 of 1999) appointed the following persons to serve as members to the War Veterans Subvention Administration Board:

**Mr O.S. Akwenye** (Chairperson)

**Mr A.E. Biwa**

**Mr E.S. Ndjaba**

**Ms I. Koujo**

**Ms T. Shaanika**

**Mr D. Mbandeka**

**Ms E. Shafuda**

**Ms L. Hamunyela**

**Mr H.J. Shituwete**

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**BANK OF NAMIBIA**

No. 54

2001

**STATEMENT OF ASSETS AND LIABILITIES  
AS AT CLOSE OF BUSINESS ON 31 DECEMBER 2000**

<b>LIABILITIES</b>	<b>31-12-2000 N\$</b>	<b>30-11-2000 N\$</b>
Share Capital	40,000,000	40,000,000
General Reserve	93,301,034	93,301,034
Revaluation Reserve	547,789,718	543,208,164
Special Reserve	2,535,000	2,535,000
Building Reserve	100,243,320	100,243,320
Currency in Circulation	660,389,144	645,829,807
Deposits : Government	446,305,635	303,800,136
Bankers - Reserve	100,484,102	94,988,646
Bankers - Current	3,183,518	0
Bankers - Call	41,629,000	184,008,000
Other	54,586,899	59,380,468
Other Liabilities	<u>76,165,890</u>	<u>72,011,862</u>
	<u>2,166,613,260</u>	<u>2,139,306,437</u>
<b>ASSETS</b>		
External:		
Rand Cash	18,483,260	14,010,263
IMF - Special Drawing Rights	178,219	180,257
Investments - Rand Currency	589,427,112	548,668,215

-	Other Currency	1,372,536,068	1,374,365,681
-	Interest Accrued	3,194,286	9,275,441

## Domestic:

Currency Inventory Account	2,555,647	3,081,806
Loans and Advances	49,083,212	49,171,616
Fixed Assets	126,808,225	124,932,894
Bankers Current	0	9,999,500
Other Assets	4,347,231	5,620,763
	<u>2,166,613,260</u>	<u>2,139,306,436</u>

**T K ALWEENDO**  
**GOVERNOR**

**U DAVIDS**  
**CHIEF FINANCIAL OFFICER**

**BANK OF NAMIBIA**

No. 55

2001

**STATEMENT OF ASSETS AND LIABILITIES**  
**AS AT CLOSE OF BUSINESS ON 31 JANUARY 2001**

	31-01-2001 N\$	31-12-2000 N\$
<b>ASSETS</b>		
External:		
Rand Cash	26,566,798	18,483,260
IMF - Special Drawing Rights	41,188	178,219
Investments - Rand Currency	933,300,192	589,427,112
- Other Currency	1,376,632,978	1,372,536,068
- Interest Accrued	12,095,741	3,194,286
Domestic:		
Currency Inventory Account	2,377,343	2,555,647
Loans and Advances	49,086,704	50,653,303
Fixed Assets	127,880,719	126,808,225
Other Assets	4,797,817	4,347,231
	<u>2,532,779,480</u>	<u>2,168,183,351</u>
<b>LIABILITIES</b>		
Share Capital	40,000,000	40,000,000
General Reserve	93,301,034	93,301,034
Revaluation Reserve	576,952,565	547,789,718
Special Reserve	2,535,000	2,535,000
Building Reserve	100,243,320	100,243,320
Currency in Circulation	597,826,769	660,389,144
Deposits : Government	741,284,225	446,305,635
Bankers - Reserve	105,504,074	100,484,102
Bankers - Current	543	3,183,518
Bankers - Call	132,935,000	41,629,000
Other	55,613,735	47,601,450

Other Liabilities

86,583,215  
2,532,779,480

84,721,430  
2,168,183,351

**T K ALWEENDO**  
**GOVERNOR**

**U DAVIDS**  
**CHIEF FINANCIAL OFFICER**

**OSHAKATI TOWN COUNCIL**  
**TARIFF STRUCTURE FOR 2000/2001**

No. 56

2001

The Oshakati Town Council has under section 30 (1) (u) and 73 (1) of the Local Authority Act of 1992 (Act 23 of 1992) determined the tariff structure for 2000/2001 as set out in the schedule, with effect from 1st July 2000.

**SCHEDULE**

<b>A: WATER</b>			
<b>1. BASIC CHARGES</b>			
(a)	Houses		25.00
(b)	Business		100.00
<b>2. UNIT CHARGES</b>			
(a)	Per Cubic Meter		4.62
<b>3. SERVICES FEES</b>			
(a)	Connection Fees	From 20mm - 25mm	80.00
(b)	Connection Fees	From 26mm - 50mm	150.00
(c)	Connection Fees	From 51mm - 110mm	350.00
(d)	Connection Fees	From 111mm - above	650.00
(e)	Deposit - House holds		150.00
(f)	Deposit - Business Small		500.00
(g)	Deposit - Bulk users		3 000.00
(h)	Temporary Connection		2 000.00
<b>4. NEW APPLICATION</b>			
(a)	Category A 15mm - 25mm		Actual Cost plus 15%
(b)	Category A 32mm - 50mm		Actual Cost plus 15%
(c)	Category A 63mm - 110mm		Actual Cost plus 15%
<b>5. CALL OUT FEES</b>			
(a)	(Payable only if fault is on the customer side)		75.00
<b>6. ILLEGAL CONNECTION</b>			
(a)	Bypass, Sabotage or tempering of meter		
(b)	First Offence		N\$500 Plus cost of usage
(c)	Second Offence		Legal Action

**B. SANITATION****7. DOMESTIC AND GARDEN REFUSE****8. BASIC CHARGES**

(a)	Informal Settlements (all users) per bin	10.00 per month
(b)	Garden Refuse	15.00 per month
(c)	Domestic Refuse per bin	20.00 per month



(d)	Business - small per bin	24.00 per month
(e)	Business - Big pin	28.00 per month
(f)	Heavy Material (constructions) Per Load	100.00
(g)	Renting Refuse skip and Removal	260.00
(h)	Refuse Bin: Per Bin	95.00
(i)	Illegal Dumping of Refuse	100.00
(j)	First Offence	50.00
(k)	Second Offence	100.00
(l)	Third Offence	Legal Action

**SEWAGE****9. BASIC CHARGES**

(a)	Residential	29.00
(b)	All other consumer	31.00
(c)	Sewage Per toilet - Private houses	12.00
(d)	Sewage per toilet - Business	15.00
(e)	Sewage per toilet - Hotel	7.00
(f)	Sewage per toilet hospital	9.00
(g)	Sewage per toilet hostel	7.00

**10. SERVICE FEES**

(a)	Cornection Fees	200.00
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**11. REMOVAL OF SEWERAGE  
PER LOAD**

(a)	1 Load	80.00
(b)	Peri-Urban	80.00 plus km.
(c)	Cost per kilometer	1.80
(d)	Sewer-line Blockage	150.00
(e)	Illegal Connection Connection without permission	550.00

**C. PUBLIC HEALTH****12. BUILDING PLAN COPIES**

(a)	Large	10.00
(b)	Small	6.00

**13. APPROVAL OF BUILDING  
PLANS****13.1 Basic Charge**

(a)	Residential	100.00
(b)	Business	200.00

**13.2 Per square metre**

(a)	Residential	0.75
(b)	Business	2.00

**13.3 Boundary wall per metre**

(a)	Residential	75.00
(b)	Business	2.00

**13.4 Informal settlements****13.4.1 Basic Charge**

(a)	Residential	30.00
(b)	Business	100.00

**13.4.2 Per square metre**

(a)	Residential	0.50
(b)	Business	1.00

<b>13.4.3 Boundary wall per meter</b>		
(a)	Residential	0.50
(b)	Business	1.00
<b>14. ADMINISTRATION COST</b>		
(a)	Sales of Properties - Adverts	395.00
<b>15. FUMIGATION FEE</b>		
(a)	For every 20 cubic Meter Airspace or part thereof	6.00
<b>16. ABATTOIR: INSPECTION FEES</b>		
(a)	Cattle	10.00
(b)	Calves	5.00
(c)	Sheep	4.00
(d)	Goats	4.00
(e)	Pigs	2.00
(f)	Porklings	1.00
<b>D. MISCELLANEOUS</b>		
<b>17. TOWN MAP</b>		
(a)	Large	50.00
(b)	Small	25.00
<b>18. ILLEGAL REFUSE DUMP</b>		50.00
<b>19. GRAVE SPACE</b>		
(a)	Child	20.00
(b)	Adult	30.00
<b>20. FITNESS CERTIFICATE</b>		
(a)	Hawkers	40.00 per annum
(b)	Peddlers	100.00 per annum
(c)	Business	150.00 per annum
(d)	Cuca shop	50.00 per annum
<b>20.1 Business</b>		
(a)	Registration	20.00 per annum
(b)	Inspection	10.00 per annum
<b>20.2 Renting of the Independence Stadium</b>		
(a)	Soccer League	200.00 per day
(b)	Soccer Tournament	200.00 per day
(c)	Charitable gathering	50.00 per day
<b>20.3 Cutting and removing of trees</b>		
(a)	Small trees or bushes	100.00
(b)	Big trees	120.00
(c)	Illegal cuttings of trees	50.00
<b>20.4 Adverts on wall and streets</b>		
(a)	per Square Meter	50.00
(b)	Illegal adverts regardless of size	200.00
<b>20.5 Displaying of items on the streets</b>		
(a)	Cars	50.00 per day
(b)	Trucks and Tractors	100.00 per day

**E. POUND FEES****22. DETENTION FEES**

- (a) In respect of all animals except sheep and goat, per animal per day or part of the day N\$5.00
- (b) per sheep or goat per day or part per day thereof N\$2.00

**23. GRAZING FEES**

- (a) In respect of all animals except sheep and goat, per animal per day or part of the day N\$3.00
- (b) Per sheep or goat per day or part thereof N\$0.75

**24. FEEDING FEES**

- (a) In respect of all animals except sheep and goat, per animal per day or part of the day N\$7.50
- (b) Per sheep or goat per day or part thereof N\$3.00

**25. DRIVING FEES**

- (a) Per animal irrespective of the distance driven N\$1.00
- (b) Fees for branding in terms of regulation N\$1.00

**26. PLANT HIRE**

- |                                |               |              |
|--------------------------------|---------------|--------------|
| (a) Bull doser                 | D6            | 306.00P/H    |
| (b) Road Grader                |               | 250.00P/H    |
| (c) Front end loader           | Cat 950       | 300.00P/H    |
| (d) Sewer Cleaner              | Hydroblast    | 120.00P/Tank |
| (e) Sewer Cleaner              | Septic Tank   | 120.00P/H    |
| (f) Excavator                  | Pocklain      | 240.00P/H    |
| (g) Low bed truck              |               | 140.00P/Trip |
| (h) Tipper Truck               |               | 150.00P/Load |
| (i) Mobile crane               | Heavy gallion | 240.00P/H    |
| (j) Water Tank                 |               | 120.00P/Trip |
| (k) Tractor                    |               | 130.00P/Pcc  |
| (l) Welding Plant              |               | 40.00P/H     |
| (m) Compressor 3 Ton & Smaller |               | 80.00P/H     |
| (n) Roler Gallion              |               | 120.00P/Trip |
| (o) Lawn Mower                 |               | 200.00P/Trip |

**F. HOUSE RENTAL****27. OLD HOUSES**

- (a) Houses Type 1 100.00 per month
- (b) Houses Type 2 - per month

**28. FLATS**

- 100.00 per month

**29. BETTER HOUSING**

- (a) Better houses Type 1 150.00 per month
- (b) Better houses Type 2 200.00 per month
- (c) Better houses Type 3 250.00 per month
- (d) Better houses Type 4 450.00 per month
- (e) Better houses Type 5 550.00 per month
- (f) Informal Settlement per plot 10.00 per month

**30. ASSESSMENT RATES**

- (a) Site 0.06
- (b) Improvements 0.009

**MUNICIPALITY OF WALVIS BAY**

No. 57

2001

**TENDER REGULATIONS**

The Council of the Municipality of Walvis Bay has under section 94(1) of the Local Authorities Act, 1992 (Act No 23 of 1992), made the regulations as set out in the Schedule.

**SCHEDULE****Definitions**

1. In these regulations any word or expression which has a meaning assigned to it, shall have that meaning assigned to it hereunder unless the context otherwise indicates -

“agreement” means an agreement entered into for the supply of goods, services or engineering and construction work to the Council over and in a period specified in that agreement,

“chief executive officer” means the Chief Executive Officer of the Council appointed in terms of section 27(1) of the Local Authorities Act, or his or her nominee,

“closing date and hour” means the closing date and hour specified in the tender notice.

“Council” means the Local Authority Council of Walvis Bay in terms of section 2 of the Local Authorities Act, 1992 (Act No 23 of 1992), its Management Committee and any of its officials, whatever the case may be,

“general manager” means the official appointed by the Council in terms of section 28(2) of the Local Authorities Act to be the head of a specific department,

“previously disadvantaged” means any person or enterprise that were part of the group of people that did not have access to fair business competition due to past policies and practises,

“tenderer” means any natural and/or legal person who submits a competitive bid for the supply of goods, services or engineering and construction works to the Council.

**Contracts with the Council**

2. The Council of the Municipality of Walvis Bay may in the name and on behalf of the Municipality, enter into contracts for any municipal purposes and for any purpose necessary or desirable for or incidental, supplementary or ancillary to any such purpose or contract.

**Invitation and submission of formal tenders**

3.
  - (1) All formal tenders in respect of requirements of the Council for the supply of goods or rendering of services and works shall be called under the name of the relevant general manager.
  - (2) All formal tenders shall be called for by notice published in at least two newspapers circulating in the local authority area of the Council, as well as on the notice boards located at the main entrance to the Civic Centre and the Kuisebmond and Narraville satellite offices.
  - (3) All formal tenders shall be transmitted by the tenderer under sealed cover endorsed on the outside in accordance with the requirements of the tender

notice. The following information shall be displayed by the tenderer on the outside of the sealed envelope:

- Name of Tenderer
- Tender Number
- Tender Name/Description
- Date/Time Tender closes.

- (4) All additional information to be submitted by tenderers as specified in the title of tender, tender deposits and/or supportive documents in relation to tender preferences shall be included in the tender.

#### **Contents of title of tender**

4. A title of tender shall as far as practicable contain at least the following information:

- (a) Instructions for preparing tenders;
- (b) applicable Conditions of Contract, technical and quality characteristics of the goods to be procured or services to be rendered, including where appropriate, technical specifications, plans and drawings;
- (c) currency in which the tender price is to be formulated and expressed (refer regulation 9(1)(a));
- (d) the manner, place and closing date for submission of tenders (refer regulation 5);
- (e) the period during which the tender shall be in effect; and
- (f) tender security to be furnished and conditions for its refund (refer regulation 8(2)).

#### **Closing date, hour and place of tenders**

5. (1) The closing date and hour for the receipt of tenders shall be specified in the title of tender.
- (2) If in the opinion of the general manager of the relevant department -
- (a) goods to be supplied or services to be rendered are readily available in Namibia, the closing date for the submission of tenders shall be fixed at a date not exceeding forty five (45) days, but not less than fourteen (14) days from the date of the last publication in the media of the invitation for tenders;
  - (b) goods to be supplied or services to be rendered are not readily available in Namibia, the closing date for the submission of tenders shall be fixed at a date determined by the relevant general manager, but not less than thirty (30) days from the date of the last publication in the media of the invitation for tenders.
- (3) Tenders shall be placed in the Tender Box in the foyer of the Civic Centre, Nangolo Mbumba Drive, Walvis Bay.

#### **Opening, examination, evaluation, comparison and non-acceptance of tenders**

6. (1) Any member of the Tender Committee or any official duly authorised by the General Manager: Corporate Services shall, as soon as practicable after the closing date and hour, and in accordance with the rules laid down by the Tender Committee, open or cause to have opened, all tenders in public.

- (2) At the request of a tenderer or any other member of the public, the tendered prices of the tenders shall be read out in public.
- (3) Telegraphic tenders, tenders received by fax or through electronic mail, tenders received unsealed and open or without the required endorsement on the cover, as well as tenders received after the time and date specified for such tender and after the tenders have been removed from the tender box, shall not be considered.
- (4) The Council may at any time request any tenderer to clarify, in such a manner as may be determined by the Council, his or her tender in order to assist the Council in the examination, evaluation and comparison of tenders.
- (5) The Council shall not consider a tender unless the tender complies with all the characteristics, terms, conditions and other requirements set out in the title of tender and if the tender does not comply, the non-compliance in the opinion of the Council, consist only of a minor deviation that does not materially alter or depart from such characteristics, terms, conditions or other requirements.
- (6) The Council shall, with due regard to sub-section (5), not accept a tender -
  - (a) if the tenderer who submitted the tender does not qualify as such in terms of the conditions of tender set out in the title of tender;
  - (b) if the tenderer fails to comply with a request contemplated in sub-section (4); or
  - (c) if in the opinion of the Council the tenderer has resorted to practices with a view to influence the Council in the selection of the tenderer, in which case the reasons for rejection of the tender shall be kept on record by the Council, after it has been established without reasonable doubt that such practices did occur. Such cases shall include the solicitation or canvassing of the support of any Councillor or any official in favour of any tender.
- (7) In examining and adjudicating a tender, the Council shall give due regard to sub-section (8) when fair consideration to the capacity, experience, integrity and financial status of the tenderer is given. Where only one has been received, the relevant general manager, in consultation with the Tender Committee, shall establish whether the tenderer comply to the above requirements and whether the acceptance of the sole tender shall be in the interest of the Council.
- (8) In comparing tenders, the Council may give effect to its price preference policy as contained in Appendix 1 to these regulations to redress social, economic and education imbalances in a democratic society and to encourage industrial and economic interests in Namibia, up to a maximum of 5 per cent.
- (9) The Council shall not be bound to assign any reason for the acceptance or rejection of any tender, and its decision shall be final.

#### **Acceptance of tenders and entry into force of agreements**

7. (1) The Council shall in every particular case -
  - (a) not be bound to accept the lowest or any tender, and may accept the whole or part of any tender;

- (b) notify the tenderers concerned in writing of the acceptance or rejection of their tenders as the case may be within a period of fourteen (14) days after the date of the resolution awarding such tender, and the name of the tenderer whose tender has been accepted shall be made known to all the other tenderers;
- (2) Where in terms of a title of tender -
  - (a) a written agreement is required to be concluded after the acceptance of the tender, the Council's delegate and the tenderer shall, within 30 days from the date on which the tenderer was notified in terms of sub-section (1)(b) or within such extended period as the Council may determine, enter into such an agreement;
  - (b) a separate written agreement is not required to be so concluded, the tender document shall form the basis of the formal agreement and shall constitute a contract in itself with the issuing of the letter of acceptance of the tender, which agreement shall come into force on the date on which the tenderer concerned is notified in terms of sub-section (1)(b) of the acceptance of his or her tender.
- (3) If, in the circumstances contemplated in sub-section (2)(a), the tenderer fails to enter into an agreement within the period specified, or within an extended period if it has been extended or fails to furnish the required security for the performance of the agreement, the Council may withdraw its acceptance of the tender in question while the tenderer shall forfeit his/her tender deposit; and
  - (a) accept any other tender from among the tenders submitted to it; or
  - (b) invite tenders afresh.
- (4) Where a tender has been withdrawn by any tenderer after the tender closing date/time, or where a tenderer fails in terms of sub-section (3) above, such restorative measures as may be determined by the Council for that specific case, may apply.
- (5) The decision of the Council on the allocation of a tender shall be final.
- (6) Any tenders that have been rejected in terms of these regulations, shall not be returned to the tenderer.

#### **Exemption from tender procedures, informal tenders/Quotations and guarantees**

- 8. (1) If, in respect of the procurement of goods, services or engineering and construction work, the estimated value thereof does not exceed the amount delegated to the chief executive officer from time to time by the Council in terms of section 31 of the Local Authorities Act, 1992 (Act No 23 of 1992), it is deemed impractical and inappropriate to invite tenders, the relevant general manager of the department concerned shall invite informal tenders or quotations for the rendering, supply and delivery of such goods, services or engineering and construction work on the prescribed requisition form and in terms of the Financial Rules of the Council.
- (2) Guarantees to be submitted for each tender shall be addressed in the general conditions applicable to each contract or tender, as complied by each department, for a specific tender.

**Tender prices and delivery periods**

9. (1) The tender prices shall -
- (a) be expressed in the currency of Namibia unless otherwise specified in a title of tender;
  - (b) be held firm for a period of ninety (90) days from the date of closure of the tender or any other period as specified in the title of tender; and
  - (c) be the total net value of the goods to be furnished, services to be rendered or engineering and construction work.
- (2) The Council may give priority to tenderers who tender firm prices for the duration of an agreement and for delivery within a specified period.
- (3) A tenderer shall not in a tender use a word such as "soonest" or "earliest" or any other word with a similar vague meaning.
- (4) In calculating tender price adjustments, the cost prices which were applicable seven days prior to the closing date and hour of a tender, shall be taken into account.
- (5) The Council may request from a tenderer as proof of a tender price increase or decrease, a supporting certificate or voucher.

**Fees payable**

10. Such fees and/or non-refundable tender deposits as may be determined by the relevant general manager for each tender, shall be payable in respect of specific tender documents.

**Repeal of regulations**

11. The Municipality of Walvis Bay Tender Regulations, promulgated under Notice No 136 on 1 August 1966, is hereby repealed.

**Short title**

12. These regulations shall be called the Municipality of Walvis Bay Tender Regulations.



## APPENDIX 1

PRICE PREFERENCES  
(Regulation 6(8))

The price preferences at the weights set out below, where the weights shall add up to a percentage of five (5) per cent of the total tender price, shall apply in respect of all tenders:

- (a) *Bona fide* tenderers from the previously disadvantaged groups of the Namibian society – 30 points;
- (b) *Bona fide* Namibian tenderer implementing **affirmative action** policies – 30 points;

if in the opinion of the Council, based on information furnished in Appendix 2 by a Namibian tenderer together with a tender, such tenderer is implementing affirmative action policies and programmes to redress the social, economic or educational imbalances in a democratic society.

This price preference shall be based on the merits of each particular case, based on factors such as;

- structured training programmes,
- apprenticeship and other courses of approved standards for labour, technical staff and managerial cadre,
- substantial employment of women and handicapped persons,
- and other programmes or activities benefiting disadvantaged Namibian citizens.

- (c) *Bona fide* Namibian tenderers/companies employing Namibian citizens only – 10 points.
- (d) Goods produced, manufactured or assembled in Namibia – 10 points.
- (e) *Bona fide* Walvis Bay based tenderers/companies employing Namibians only and operating a fully-fledged and properly staffed office, branch or business from Walvis Bay – 10 points.
- (f) *Bona fide* Namibian tenderers/companies if such a company is incorporated in Namibia with all its share capital wholly owned by Namibian citizens – 10 points.

## APPENDIX 2

PARTICULARS OF TENDERER  
(Regulation 3(4))

## 1. Full name and postal and street address of tenderer:

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## 2. Origin/registration/trade license number:

## (a) Namibian company/contractor/supplier/trader:

Registration No and date: \_\_\_\_\_

Trade/Business license No and date: \_\_\_\_\_

Financial interests held by a foreigner/foreign company (if, details) \_\_\_\_\_

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## (b) Foreign company/contractor/supplier/trader:

Country of registration \_\_\_\_\_

Registration No and date \_\_\_\_\_

Financial interests held by a Namibian/Namibian company (if, details) \_\_\_\_\_

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## 3. Capital structure:

Capital owned by	<u>Amount (N\$)</u>	<u>Percentage of total capital</u>
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Namibians/Namibian Co.	_____	_____
------------------------	-------	-------

Foreigners/Foreign Co.	_____	_____
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## 4. Particulars of business:

## (a) Nature of activities:

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## (b) Details of Walvis Bay based operations:

Is it a fully operational local company, a branch of a national/international company, an office only or a depot? (Delete whichever is not applicable).

Details of Walvis Bay operations:

Number of local staff employed: \_\_\_\_\_

Number of local management staff: \_\_\_\_\_

Number of local office/sales staff: \_\_\_\_\_

Number of local support staff/labourers: \_\_\_\_\_

Physical address of Walvis Bay based operations:

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(c) Particulars of structured training programmes/apprenticeship courses of approved standards for labour/technical staff and managerial cadre/specialised training for women and handicapped persons/other programmes or activities benefiting disadvantaged Namibian citizens/assistance, sponsorship, bursaries, etc., provided to vocational training centers. Attach documentary evidence in support:

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(d) Particulars of affirmative action programmes/activities undertaken – such as promoting advancement of disadvantaged Namibians, emerging Namibian entrepreneurship, women and handicapped persons, achieving a balanced structure of managerial cadre, etc. Attach documentary evidence in support, including compliance reports issued by the Office of the Employment Equity Commissioner:

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5. Organisational strength:

Category	Total Number	Namibians	Foreigners	Previously disadv *
Directors				
Managers				
Office staff				
Technical Supervisors				
Skilled labour				
Unskilled labour				
Contract labour				

**Total**

\* Include number of women and handicapped persons.

6. Is a subcontractor/subvendor/subsupplier involved in the performance of the agreement? Attach the information in respect of the subcontractor/subvendor/subsupplier.

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**Signature**

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**Date**

**Documents to be attached:**

1. Copy of registration certificate/trade license.
2. Information regarding subcontractor/subvendor/subsupplier.
3. Documentary evidence regarding training programmes, apprenticeship courses, affirmative action programmes or activities, or other programmes or activities benefiting disadvantaged or handicapped Namibian citizens.

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**MUNICIPALITY OF WALVIS BAY**

No. 58

2001

**CEMETERY REGULATIONS**

**PART 1**

**GENERAL**

**DEFINITIONS:**

1. In these regulations, unless inconsistent with the context -
  - (i) "adult" means the corpse of a person who has reached the age of twelve years;
  - (ii) "ashes" means any human remains after cremation in a crematorium;
  - (iii) "authorised person" means the person designated by Council and in charge of a cemetery, a building or niche or other facility for the deposit and preservation of the ashes of cremated corpses;
  - (iv) "berm" means a fortified ledge abutting a grave space on top of which a pedestal for or a memorial, grave, tomb or headstone, monument or cross can be placed;
  - (v) "burial" shall, if not inconsistent with the context, in addition to its normal meaning also means the burial or the depositing or placing of ashes in a grave, a building, niche or other facility provided for that purpose;
  - (vi) "cemetery" means a cemetery established prior to the promulgation of Walvis Bay and Off-shore Islands Acts, 1994 (Act I of 1994) and any cemetery established in terms of section 30(1)(d) of the Local Authorities Act, 1992 (Act No 23 of 1992) and includes a building, a place where a niche or other facility for the deposit and preservation of ashes is provided;
  - (vii) "child" for the purposes of burial, means the corpse of a person who has not yet reached the age of twelve years;
  - (viii) "corpse" means a human dead body including the body of a still-born child or the remains of any such body;
  - (ix) "Council" means the Council of the Municipality of Walvis Bay;

- (x) "cremate" means to reduce any corpse to ashes by burning or the application of heat and "cremation" shall have a corresponding meaning;
- (xi) "grave" means any excavation in a cemetery for the burial of a corpse;
- (xii) "grave space" means any piece of land measured out for the purpose of a single grave;
- (xiii) "grave work" means any gravestone, tombstone, headstone, monument, cross, inscription, railing, enclosure, chain, kerbing or any other work of any kind whatsoever erected, or any part thereof, which is effected on or around a grave space;
- (xiv) "identification marker" means any kind of identification at the top or bottom of a grave space which indicate the number of such grave space;
- (xv) "medical officer of health" means the person from time to time holding office as medical officer of health in the service of the Municipality of Walvis Bay and any person authorised to act in that capacity or on his or her behalf;
- (xvi) "notice of interment" means a notice in substance and as nearly as is material as prescribed in Schedule A;
- (xvii) "owner" in relation to a grave space, means the person who has acquired the exclusive right of burial in such grave space;
- (xviii) "Chief Executive Officer" means the person holding office as Chief Executive Officer with the Council and any other person authorised to act in that capacity.

#### **DISPOSAL OF CORPSES**

- 2. (1) No person shall dispose of a corpse in any manner except in terms of these regulations by the burial thereof or by the process of cremation in a crematorium established for that purpose.
- (2) Subject to the provisions of Part VII no corpse shall be buried without the written permission of the Council in any place other than a cemetery.

#### **PERMISSION FOR BURIAL**

- 3. Permission for the burial of a corpse or ashes shall not be granted unless-
  - (a) in the case of a corpse, a burial order issued by the Registrar of Deaths is submitted to an authorised person along with a notice of interment;
  - (b) in the case of ashes, a cremation certificate is submitted to an authorised person at the same time as the burial order and notice of interment;
  - (c) in all cases where an inquest has been held, a magistrate's written authority should accompany the documents aforesaid;
  - (d) the prescribed fees have been paid; and
  - (e) such burial takes place in accordance with an arrangement with an authorised person at least 24 hours before the intended time of burial. In the event of an alteration of the date and time of intended burial the authorised person shall be given prior notice of not less than 6 hours.

#### **HOURS OF ADMISSION**

- 4. The hours of admission to a cemetery will be from 07:00 until 19:00 and no person may at any time between the hours 19:00 and 07:00 enter a cemetery or linger

there or thereat unless with written consent of an authorised person: Provided that the Council may close the cemetery or part thereof to the public at such times as it deems fit.

#### **ADMISSION OF CHILDREN**

5. No children shall enter the cemetery unless in the care of an adult.

#### **VISITORS TO KEEP TO PATHS**

6. No person shall enter the cemetery or depart therefrom except by the entrance gates, and no person shall leave a road or paths in or at such cemetery except for purposes permitted by these regulations or to visit a grave or a grave space.

#### **ADVERTISING AND SOLICITING**

7. No person may solicit or conduct any business or canvass for orders or exhibit, distribute or leave any tract, business card or advertisement in or at a cemetery and no person may use any road and footpath in or at a cemetery to convey any goods or material not intended for the use in or at the cemetery.

#### **NUISANCES**

8. No person may in or at a cemetery cause any nuisance or conduct himself or herself in any way which, in the opinion of an authorised person, is indecent, unseemly, disorderly or riotous and an authorised person may remove or such person or have such person removed from the cemetery who in his or her opinion causes a nuisance or behaves indecently, or in any unseemly or riotous manner.

#### **DISTURBANCES**

9. Except where it is expressly permitted by these regulations, no person other than an authorised person shall pick a flower or plant or part thereof or remove, destroy or damage any cultivated tree, shrub or plant or disturb or remove the soil around or under it or remove, destroy or disturb or interfere in any way whatsoever with any grave, grave space or grave work or any other erection in a cemetery.

#### **ANIMALS**

10. (1) No person may bring into or allow any bird or animal in or at a cemetery unless permitted by an authorised person who should be satisfied that such bird or an animal is under proper supervision and control of a responsible person;
- (2) Any bird or animal found in or at a cemetery without the necessary permission may be impounded.

#### **FIRE-ARMS**

11. No person may bring into or discharge a fire-arm in or at a cemetery except with the approval of an authorised person: Provided that this prohibition shall not apply in the case of a funeral service at which military or police honours are paid or for official security reasons.

#### **OBSTRUCTION**

12. No person shall obstruct, resist or oppose an authorised person in the course of his or her duties or refuse to comply with any order or request which an authorised person is entitled to make under these regulations.

**RIGHT IN LAND**

13. No person shall acquire any right to or interest in any land or structure in any cemetery other than such rights and interests authorised in terms of these regulations.

**SIGNING OF DOCUMENTS**

14. Any document issued by the Council in terms of these regulations shall be valid if it is signed by the Chief Executive Officer.

**PART II****INTERMENT AND GRAVE SPACES****GRAVE SPACES**

15. (1) The Council may, at its discretion, subdivide any land in a cemetery into grave spaces with or without a berm and may sell to any person the exclusive right of burial in one or more such grave spaces subject to the payment of the fees prescribed.
- (2) Any person who wishes to purchase the exclusive right of burial in such a grave space shall apply in writing to the Chief Executive Officer indicating whether such reservation shall be in a section with a berm, where such a berm is available, or without a berm and the Chief Executive Officer shall allocate a grave space or spaces and issue the necessary certificate of purchase of exclusive right in a grave space as prescribed in Schedule B.
- (3) If after the expiration of 10 years from the date of issue of a certificate of purchase of an exclusive right, such a grave space or spaces have not been used for a burial and the Chief Executive Officer has reason to believe that such reservation will not be used the Chief Executive Officer shall require by written notice from the person who obtained such exclusive right to renew such reservation upon payment of the prescribed fees. If a person fails to comply with the notice or the notice is unclaimed such reservation shall lapse after notice was given as follows:-
- (a) a notice in the official language once a month for two consecutive months in a newspaper which normally circulate in the area last known to be the address of the person who so reserved a grave space calling upon the holder of the right to renew such reservation upon payment of the prescribed fees;
- (b) a notice in the Government Gazette calling upon the person holding the exclusive right to renew that right within a period of 60 days from the date of the publication of such a notice in the Government Gazette, failing which the reservation shall lapse without any claim for damages.
- (4) Grave spaces shall be allotted and sold in numerical order unless for sound reasons the authorised person shall resolve otherwise.

**GRAVE SPACES WITH A BERM**

16. A grave space with a berm shall be subject to the following conditions:-
- (a) pedestals for memorial, grave, tomb or headstones, monuments or crosses shall be placed on top of the berm;
- (b) the maximum length of a pedestal for a single grave shall be 1 m;

- (c) the maximum length of a pedestal for a double grave shall be 2.75 m;
- (d) the maximum height of a pedestal shall be 300 mm above the berm;
- (e) the maximum width of a pedestal shall be 300 mm;
- (f) the maximum height of a memorial, grave, tomb or headstone, monument or cross shall be 1.20 m above the pedestal;
- (g) a memorial, grave, tomb or headstone, monument or cross shall not project beyond the pedestal;
- (h) in the case of a single width berm, the memorial, grave, tomb or headstone, monument or cross shall be placed in such a way that the backs thereof shall be level with the back of the berm;
- (i) in the case of double width berms, the memorial, grave, tomb or headstones, monuments or crosses -
  - (i) shall be placed back to back on the berm;
  - (ii) shall be placed in such a manner that the backs thereof shall be in line with the centre-line of the berm;
- (j) no edging or grave works shall be permitted around and on grave spaces;
- (k) no object, with the exception of a vase for flowers or greenery for which an opening may be provided in the pedestal, shall be left on a grave for longer than two months after a burial;
- (l) planting of grave spaces shall be done exclusively by the Council.

#### **TRANSFER OF RIGHT IN GRAVE SPACE**

- 17. No person may without the prior consent of Council sell or in any other way transfer his or her right of burial in a grave space.
- 18. (1) Where a person with the written consent of the Council sells or transfers in any manner his or her right of burial in a grave space to another person such sale or transfer shall be registered in terms of these regulations with the Council on payment of the fees prescribed;
- (2) Any sale or transfer of grave spaces which does not comply with the provisions of this regulation shall not be valid.

#### **REGISTER OF BURIALS**

- 19. (1) The Council shall maintain a register and lay-out plan of every grave space or niche or other facility for the deposit and preservation of ashes in a cemetery;
- (2) The Council shall maintain a separate register for recording all burials;
- (3) Any register and a lay-out plan shall lie open for inspection at the office of the authorised person during office hours.

#### **DUPLICATION OF DOCUMENTATION**

- 20. Any person requiring a certified copy of a certificate of purchase of an exclusive right or extract from the register of burials, or from the register of grave spaces or niche or other facility or of a registration of transfer of a grave space, niche or



other facility for the deposit and preservation of ashes or who wants to examine a register or lay-out plan shall pay the prescribed fees.

### **DIMENSIONS OF GRAVE SPACES**

21. The maximum dimensions of a kerb or bordering of a grave space shall be as follows:-

(a) Adult grave : 2.20m x 1.10 m

(b) Child grave : 1.50m x 0.75 m

### **DIMENSIONS OF GRAVES**

22. (1) The dimensions of the aperture for any grave or niche shall be as follows:-

(a) Graves:-

(i) For adults -

Length : 2.10 m

Width : 0.90 m

Depth : 1.80 m

(ii) For children -

Length : 1.50 m

Width : 0.60 m

Depth : 1.50 m

(b) Niches:-

Height : 0.50 m

Width : 0.30 m

Depth : 0.50 m

- (2) Any person requiring an aperture of larger dimensions for any burial shall in the notice of interment concerned give the maximum overall dimensions of the coffin including its fittings.
- (3) The minimum depth of a grave shall be 1.35 m: Provided that the grave shall in any case be excavated to the groundwater-table if the groundwater-table is not deeper than the maximum depth of 1.80 m or 1.50 m, as the case may be, under the usual surface of the land above the ground water.
- (4) Where a child's coffin is too large for a grave for a child it shall be buried in a grave for an adult and the fees prescribed for an adult grave shall be payable.

### **BURIAL IN GRAVES**

23. (1) (a) No grave, whether a grave space for which the right of burial has been purchased or not, may contain more than one coffin unless good reason therefor is advanced and the prior approval of the magistrate and the medical officer of health has been obtained.
- (b) Where such approval has been obtained the Chief Executive Officer may permit the burial of a second coffin in a grave already containing one coffin if the first coffin at the time of burial had a covering of ground of at least 1.80 m.

- (c) The top of every coffin shall, in the case of an adult's coffin be at least 1.20 m and in the case of a child's coffin at least 1.10 m below the ordinary surface of the ground.
- (d) Except with the approval of the Chief Executive Officer and subject to the conditions which may be prescribed, no two corpses may be interred at the same time in a grave.

(2) The Chief Executive Officer may, where early and rapid decomposition has commenced, or for any reason, on the recommendation of the medical officer of health, partially inter a corpse before the time set for the burial, provided the person signing the notice of interment is informed of the time of the partial burial. Partial burial shall mean a partial coverage of the coffin for reasons as determined by the medical officer of health.

(3) Where a person has died from a contagious disease such corpse shall be buried in accordance with the requirements, if any, prescribed by the medical officer of health.

### **BURIAL OF ASHES**

24. Subject to the provisions of Part VII of these regulations the Chief Executive Officer may grant approval for the burial of an urn or receptacle or other container containing ashes in an ordinary grave space against payment of the prescribed fees.

### **ALIGNMENTS AND ENCROACHMENTS**

25. (1) Excluding a grave space with a berm, every person in erecting or placing any kerb, railing or any other enclosing work, shall enclose the grave space so as to secure uniformity of alignment and straightness of kerbing and railing as far as possible, and the same principle shall be applied and carried out in erecting vaults, tombstones and headstones or other memorial work.
- (2) Any person who fails to observe any such requirement, order or arrangement, or who, in carrying out such work, encroaches on any road, path or adjoining ground or grave space, shall, if required by the Chief Executive Officer, remove such encroachment, and if he or she fails to do so in the time specified in the notice, the whole of the work may be removed by the Council, and the person responsible shall be liable for all costs thereby incurred.

### **DISTURBING OF HUMAN REMAINS**

26. No person shall disturb any human remains, or any soil adjacent thereto in or at a cemetery, except for a purpose expressly permitted by these regulations.

## **PART III**

### **BURIALS**

#### **NOTICE OF ATTENDANCE OF MOURNERS**

27. If at any interment a large number of mourners are expected to be in attendance the person giving notice of such interment shall notify the authorised person the day before the burial.

#### **RELIGIOUS CEREMONIES**

28. (1) The members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the control and the regulations of the Council.
- (2) No person may conduct any religious ceremony in or at a cemetery or part thereof which has been set aside by the Council for members of a specific denomination.

**EXPOSURE OF CORPSES**

29. No person shall convey any corpse or part thereof in an unseemly manner or expose any corpse or part thereof in any street, cemetery or public place.

**DAYS AND HOURS OF BURIALS**

30. (1) (a) Burials may take place on every day of the week from 08:00 to 18:00: Provided that in cases of extreme urgency the Chief Executive Officer may permit a burial at any time on good reasons shown: Provided further that interments on Saturdays, Sundays or public holidays shall only take place after prior arrangement with the authorised person;
- (b) For burials on Saturdays, Sundays and public holidays the prescribed fees shall be payable.

**DIRECTIONS OF AUTHORISED PERSON**

31. Every person taking part in any funeral, burial, procession or ceremony shall comply with the directions of the authorised person while such person is within or at a cemetery.

**PART IV****EXHUMATION OF CORPSES AND RE-OPENING OF GRAVES****EXHUMATIONS**

32. (1) No coffin and/or corpse shall be exhumed unless authorised by the relevant authority in terms of a law or regulation or instruction issued by a competent person.
- (2) Notice of exhumation shall be delivered to the Chief Executive Officer by the person requesting such exhumation at least two days before the date proposed for the exhumation of a coffin and/or corpse, except that the Chief Executive Officer may allow a shorter period in cases of emergency.

**TIME OF EXHUMATION**

33. No person shall exhume or cause to be exhumed any coffin and/or corpse at any time during which a procession or any stage of a burial is taking place at a cemetery.

**SCREENING OF EXHUMATION OPERATIONS**

34. The grave from which any coffin and/or corpse is to be removed shall be effectively screened from outside view during the exhumation, and a suitable container shall be kept in readiness to receive the exhumed coffin and/or corpse.

**REMOVAL BY COUNCIL OF CORPSE FROM A GRAVE**

35. (1) If at any time the exhumation and removal of a coffin and/or corpse becomes necessary, or if the coffin and/or corpse has been buried in a grave in contravention of any of these regulations, the Council may, subject to any law applicable, cause such coffin and/or corpse to be removed to another grave: Provided that every near relative of such deceased person resident within the municipal area and whose residential address is known, shall first be informed of such removal.
- (2) If no relative of a deceased person can be located, the Council will be entitled to exhume and remove such coffin and/or corpse after a notice in the Government Gazette and a newspaper circulating in the municipal area as provided for in regulation 36(3) has been placed.

- (3) The notice contemplated in regulation 36(2) shall be placed in the Government Gazette and two newspapers once per month for three consecutive months stating the name, identity number and last address of the deceased and notifying relatives that the coffin and/or corpse will be exhumed and removed to another grave at the time and date specified in that notice, which date will not be later than 30 days after the date of the last notice in the Government Gazette.

## **PART V**

### **TENDING OF GRAVE SPACES**

#### **MAINTENANCE OF GRAVE SPACES**

36. (1) The owner of a grave space shall keep such grave space in a clean and neat condition: Provided that where such owner neglects to maintain such grave space, the Council may do such maintenance and the cost thereof may be recovered from the owner where possible.
- (2) The Council may on application and upon prepayment of the fees as agreed upon undertake the maintenance of a grave space or cause the maintenance of such a grave space to be undertaken by someone else.

#### **PLANTING ON GRAVE SPACES**

37. (1) Any person may with the approval of the Council plant any shrub, plant, tree or flower on a grave space.
- (2) The Council may if it deems it necessary prune, trim, dig up or remove any shrub, plant, tree or flower without paying any compensation to the owner of the grave space.
- (3) The Council reserves the right to make plantings on any grave space in a cemetery.

## **PART VI**

### **ERECTION AND MAINTENANCE OF GRAVE WORK**

#### **VAULTS AND BRICK GRAVES**

38. (1) No vault and no grave shall be constructed of bricks or concrete in any part of a cemetery without the prior consent of the authorised person, and no burial in any vault or brick or concrete grave shall take place except on the condition that immediately after interment the grave shall be closed and sealed to the satisfaction of the medical officer of health or be filled up with earth.
- (2) The provisions of regulation 24 regarding the depths of coffins below the surface of the ground shall in every case apply.

#### **ERECTION OF GRAVE WORK**

39. (1) An adequate drawing and description of every grave of bricks or concrete or any grave work which is intended for erection in a cemetery shall be submitted to the Council for approval.
- (2) No person shall commence such work until the Council has approved in writing the drawing and description and no deviation from the approved drawing and description shall be allowed without the written approval of the Council.

- (3) No person shall erect any grave work except in such a position indicated by the authorised person.
- (4) No person shall bring into a cemetery any material, brick or stone, for the purpose of erecting any grave work on a grave unless -
  - (a) all fees in respect of such grave space are paid in full; and
  - (b) the authorised person has given approval in respect of such erection.
- (5) No person shall leave any material or thing intended to be used for any grave work for longer than seven days in a cemetery without using or erecting it, failing which the Council may remove such material and the costs for such removal shall be covered from such person.
- (6) Where any grave work for whatsoever purpose has been removed by any person the person so removing the grave work shall be responsible for the re-erection of such grave work to the satisfaction of the authorised person.
- (7) Any person engaged upon any work in a cemetery shall effect such work under the supervision of the authorised person.

#### **REJECTION OF GRAVE WORK**

- 40. The Council may reject any proposed grave work or inscription which, in its opinion, is of inferior workmanship or quality or which is likely in any way to disfigure a cemetery or calculated to hurt or offend the feelings of the public.

#### **SITTING ON A GRAVE WORK**

- 41. No person shall sit, stand or climb upon or over any grave work or on any gate, wall, fence or building in a cemetery.

#### **DEFACING AND DAMAGING OF GRAVE WORK**

- 42. (1) No person shall mark, draw, scribble, erect advertisements on, or in any way deface any wall, building, fence, gate, grave work or other erection within a cemetery.
- (2) The Council shall not accept any responsibility for any damage caused to any grave work except where such damage is caused by any willful act or negligence of an employee of Council.

#### **NEGLECTED GRAVE WORK**

- 43. (1) Where any grave work becomes so dilapidated that it is, in the opinion of the Council, dangerous or a disfigurement to the cemetery, the Council shall notify the owner or a near relation or the person it deems to be responsible with the request to repair it to the satisfaction of the Council.
- (2) If such repairs are not effected within the period stated in the notice the Council may effect such repairs and the cost thereof may be recovered from the person responsible for such repairs.

#### **REGULATIONS FOR CONSTRUCTION OF GRAVE WORK**

- 44. No person, in constructing any grave work, shall fail to observe any of the following conditions:-
  - (a) Any person in erecting a gravestone, tombstone, headstone or monument where a berm is not provided, shall whenever required to do so by the

authorised person provide a concrete block extending over the breadth of the grave with each end resting on solid ground to an extent of not less than 300 mm to serve as a solid base for such grave work.

- (b) The underside of any flagstone and the base of any other grave work shall be set at least 50 mm below the natural level of the grave space.
- (c) No border stones or kerbing shall without the consent of the authorised person, be more than 220 mm above the surface of the ground or extend more than 200 mm below the surface of the ground altogether.
- (d) Any gravestone, tombstone, headstone or monument shall be securely attached to the base or berm to the satisfaction of the authorised person.
- (e) No soft stone shall be used for any grave work.
- (f) The base stone of any gravestone, tombstone, headstone or monument shall be in proportion to the size and weight of the structure to be erected thereon.

#### **VEHICLES AND TOOLS**

45. Any person who works in or at a cemetery with the permission of the authorised person shall provide his or her own vehicles and tools: Provided that such vehicles or tools shall be of such a nature that the use thereof shall not constitute any contravention of any of these regulations.

#### **REFUSE AND RUBBLE**

46. No person shall leave any refuse, loose soil, sand, stones or other rubble in a cemetery or disfigure a cemetery or any part thereof.

#### **CESSATION OF WORK**

47. No person shall bring into a cemetery any grave work or material or do any work within or at a cemetery between the hours 12:00 on a Saturday and 07:00 on the following Monday or on any public holiday: Provided that the authorised person may give approval thereto in exceptional cases.

#### **UNSUITABLE WEATHER OR CONDITIONS**

48. No person shall construct or erect any grave work in inclement weather or when the ground is in the opinion of the authorised person not suitable for work to be done.

### **PART VII**

#### **CREMATION**

##### **DEPOSIT OF ASHES**

49. (1) The Council may in a cemetery provide buildings, niches or other facilities for the deposit and preservation of ashes and may further provide memorial tablets of approved material to be fixed on niches or on the face of walls or otherwise: Provided that the owner or person responsible for ashes may with the consent of the Council provide his or her own tablet.
- (2) Any matter placed in or affixed to a memorial tablet and all inscriptions shall be subject to the approval of the Council.
- (3) The Council may provide a garden where ashes may be scattered.
- (4) Niches or facilities for the deposit and preservation of ashes shall be allocated strictly in sequence and no reservations for future use shall be made.

**DISPOSAL OF ASHES**

50. (1) An urn or receptacle for ashes shall be provided by the owner or person responsible for the deposit of ashes, unless ashes are to be scattered.
- (2) Any urn or receptacle to be placed in a niche or facility for the deposit of ashes shall be of material approved by the authorised person.
- (3) No urn or receptacle containing ashes and deposited in a niche or facility for the deposit and preservation of ashes shall be removed without the prior written consent of the Chief Executive Officer.
- (4) Every niche or facility for the deposit and preservation of ashes containing an urn or receptacle shall be sealed by an approved tablet and shall only be opened in the presence of an authorised person for the purpose of withdrawing the urn or receptacle, subject to the consent of the Chief Executive Officer aforesaid, contained therein for disposal elsewhere or for the purpose of depositing an additional urn or receptacle therein.

**MEMORIAL WORK**

51. (1) No person shall erect, alter or in any way interfere with any memorial work or make any inscription on a niche, wall or tablet or facility without the written consent of the Council.
- (2) No work in connection with a niche, wall, tablet or facility for the deposit and preservation of ashes shall be undertaken until such permission has been exhibited to the authorised person whereafter the work shall be in continuous construction until final completion.
- (3) No person other than an artisan who is a qualified monumental or stonemason shall erect or construct or attempt to erect or construct any memorial work in or at a place referred to in regulation 50(1).
- (4) The Council may reject any proposed memorial work which, in its opinion, is of inferior workmanship or quality or which is likely in any way to disfigure a place referred to in regulation 50(1).
- (5) Any person engaged in any memorial work shall execute such work under the supervision and to the satisfaction of the authorised person, and such work shall be undertaken during ordinary working hours.

**MATERIAL FOR MEMORIAL WORK**

52. No person shall introduce any material in or at a place referred to in regulation 50(1) for the purpose of constructing or erecting any memorial work therein unless and until:-
- (a) a copy of the approval in terms of regulation 40 for such construction or erection or for a proposed inscription has first been submitted to the authorised person; and
- (b) all fees due in respect of a niche or facility for the deposit and preservation of ashes or memorial tablet have been paid in full.

**PERMANENT WREATHS, ETC.**

53. No permanent wreath, spray, flower or floral tribute may be placed in or at a place referred to in regulation 50(1).

**COUNCIL NOT LIABLE**

54. The Council shall in no instance be liable for any damage to any niche, facility or memorial work from any cause whatsoever.

**PART VIII****GENERAL****BRIBING OF COUNCIL'S EMPLOYEES**

55. No person shall bribe or offer any gratuity to any servant of the Council employed in or about a cemetery and no such servant shall accept any bribe or gratuity.

**FEES**

56. The fees prescribed in Schedule C shall be paid to the Council in respect of the various items therein contained in accordance with these regulations.

**PENALTIES**

57. Any person who contravenes any provisions of these regulations or an order given in terms thereof or fails to comply therewith, shall be guilty of an offence and on conviction liable to a fine not exceeding N\$2000.00 or in default of payment, to imprisonment for a period not exceeding six months.

**REPEAL OF REGULATIONS**

58. The regulations promulgated under Government Notice 223 of 1 November 1973 and Provincial Notices 454 of 23 May 1980 and 604 of 27 November 1992 of the Province of the Cape of Good Hope, are hereby repealed.

**SCHEDULE A****MUNICIPALITY OF WALVIS BAY****NOTICE OF INTERMENT**

Name of deceased (in full) \_\_\_\_\_

Sex \_\_\_\_\_

Last residence \_\_\_\_\_

Cause of death \_\_\_\_\_

Date of death \_\_\_\_\_ Time \_\_\_\_\_

By whom certified \_\_\_\_\_

To be interred on \_\_\_\_\_ Time \_\_\_\_\_

Grave space number \_\_\_\_\_

Block number \_\_\_\_\_



\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT

***NOTE:*** No burial will be effected unless a burial order as prescribed by Act 81 of 1963, as amended from time to time, has been obtained and attached to this notice.

*Payment must be effected at the same time as the handing in of the burial order. No notice shall be issued or accepted without an official receipt.*

**SCHEDULE B**

**MUNICIPALITY OF WALVIS BAY**

**CERTIFICATE OF PURCHASE OF EXCLUSIVE RIGHT OF BURIAL IN A  
GRAVE SPACE**

This is to certify that \_\_\_\_\_  
is the registered purchaser of the exclusive right of burial in grave space no \_\_\_\_\_  
\_\_\_\_\_  
of block no \_\_\_\_\_  
in the \_\_\_\_\_  
cemetery subject to the regulations applicable to the said cemetery.

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

Dated at Walvis Bay on this: Day: \_\_\_\_\_  
Month: \_\_\_\_\_  
Year: \_\_\_\_\_

Amount N\$ \_\_\_\_\_

Receipt \_\_\_\_\_

(This certificate must be produced when a burial has to take place in a registered grave space).

***NOTE:*** No notice that the reservation has lapsed shall be given by the Council to the person concerned and the grave space may at any time after the date of lapsing be re-allocated.

**GENERAL MANAGER: COMMUNITY DEVELOPMENT**

Interment fees to the amount of N\$ \_\_\_\_\_ have been received,  
receipt

no \_\_\_\_\_ dated \_\_\_\_\_

The prescribed burial order has been received and the above-mentioned interment may  
take place in the mentioned grave space.

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

**SCHEDULE C****MUNICIPALITY OF WALVIS BAY****FEES AND CHARGES**

1. Fees payable to the Council for cemetery services in respect of residents, rate-payers and their dependents within any area under the control of the Council:

- (1) Reservation of a grave space:-

All cemeteries in the Walvis Bay municipal area N\$60.00 per year

(In the event of a grave space being reserved during the year, a pro-rata amount will be payable for that year.)

2. **INTERMENT FEES**

(a) **GRADE ONE CEMETERY**

(For the purpose of tariffs the Kuisebmond Cemetery will be deemed as a "grade one cemetery".)

- |       |  |          |
|-------|--|----------|
| (i)   | Adult grave  | N\$65.00 |
| (ii)  | Children   | N\$45.00 |
| (iii) | Still-born child   | N\$45.00 |
| (iv)  | Second interment in an existing grave  | N\$35.00 |
| (v)   | For grave preparations on Saturdays, Sundays and public holidays an additional charge of 50% shall be added to the above fees. |          |

(b) **GRADE TWO CEMETERY**

(For the purpose of tariffs the Narraville Cemetery will be deemed as a "grade two cemetery".)

- |       |  |           |
|-------|--|-----------|
| (i)   | Adult grave  | N\$130.00 |
| (ii)  | Child grave  | N\$ 90.00 |
| (iii) | Still-born child   | N\$ 90.00 |
| (iv)  | Second interment in an existing grave  | N\$ 75.00 |
| (v)   | For grave preparations on Saturdays, Sundays and public holidays an additional charge of 50% shall be added to the above fees. |           |

**(c) GRADE THREE CEMETERY**

(For the purpose of tariffs the Walvis Bay Cemetery will be deemed as a "grade three cemetery".)

**1.1 CONVENTIONAL BURIAL SYSTEM**

- |       |  |           |
|-------|--|-----------|
| (i)   | Adult grave  | N\$470.00 |
| (ii)  | Child grave  | N\$450.00 |
| (iii) | Still-born   | N\$450.00 |
| (iv)  | Second interment in an existing grave                            | N\$230.00 |
| (v)   | For grave preparations on Saturdays, Sundays and public holidays |           |
|       | an additional charge of 50% shall be added to the above fees.    |           |

**1.2 BERM BURIAL SYSTEM**

- |       |  |           |
|-------|--|-----------|
| (i)   | Adult grave  | N\$470.00 |
| (ii)  | Child grave  | N\$450.00 |
| (iii) | Still-born child   | N\$450.00 |
| (iv)  | Second interment in an existing grave                            | N\$230.00 |
| (v)   | For grave preparations on Saturdays, Sundays and public holidays |           |
|       | an additional charge of 50% shall be added to the above fees.    |           |

**3. FEES FOR EXHUMATION**

- |     |   |           |
|-----|---|-----------|
| (a) | If the exhumation is done by the Council and includes re-opening and refilling the grave, transferring and interring remains in a freshly prepared grave and altering registers | N\$500.00 |
| (b) | If exhumation is done by any authorised person performing all services, but the exhumed remains is not again interred in a cemetery under control of the Council.               | N\$ 50.00 |

**4. REGISTER AND OFFICE FEES**

- |     |   |          |
|-----|---|----------|
| (a) | For a certified extract from the register of burials                    | N\$ 3.00 |
| (b) | For a certificate of transfer and registering transfer of a grave space | N\$ 3.00 |

**5. INTERMENT OF ASHES**

- |     |  |           |
|-----|--|-----------|
| (a) | For a niche to contain an urn or receptacle holding ashes.       | N\$500.00 |
| (b) | Interment of cremated ashes in an existing grave in the cemetery | N\$ 50.00 |

**6. FEES APPLICABLE TO NON-RESIDENTS**

Fees payable to the Council for cemetery services in the case of non-residents who do not own fixed property in the municipal area.

- |     |  |
|-----|--|
| (a) | The applicable fees payable in terms of items 1(1), 2(a), 2(b), 2(c), 3(b), 5(a) and 5(b) plus a surcharge of 100% of such fees. |
|-----|--|

**BY ORDER OF COUNCIL**

**THERESIA SAMARIA  
CHAIRPERSON OF COUNCIL**