



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 29 December 2003

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### Government Notice

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#### OFFICE OF THE PRIME MINISTER

No. 265

2003

#### 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. 23 of 2003: Magistrates Amendment Act, 2003.

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**EXPLANATORY NOTE:**

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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 Magistrates Act, 2003, so as to provide for the appointment of assistant magistrates for the purposes of postponing criminal cases; and to provide for matters connected therewith.

*(Signed by the President on 21 December 2003)*

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

**Amendment of section 11 of Act No. 3 of 2003**

1. Section 11 of the Magistrates Act, 2003, is amended by the insertion after subsection (7) of the following subsection:

"(7A) (a) Notwithstanding section 13(1) and (2) but subject to paragraphs (b) and (c), the Commission may temporarily appoint the clerk of a magistrate's court to act as assistant magistrate of a district or subdistrict in addition to any magistrate of that district or subdistrict.

(b) Notwithstanding section 16(1)(a) and notwithstanding section 8 of the Magistrates' Courts Act, an assistant magistrate appointed under paragraph (a) may, in the absence of a magistrate, hold a court of a district or subdistrict, but only for the purposes of postponing criminal cases.

(c) Except during the period of postponing criminal cases, a clerk of the court appointed under paragraph (a) to act as assistant magistrate remains subject to -

(i) the laws governing the Public Service; and

(ii) the conditions of service applicable to employees in the Public Service."

**Short title**

2. This Act is called the Magistrates Amendment Act, 2003.