



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$7.60

WINDHOEK - 14 September 2015

No. 5827

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 199

2015

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. 6 of 2015: Namibia University of Science and Technology Act, 2015.

Act No. 7, 2015

**NAMIBIA UNIVERSITY OF SCIENCE
AND TECHNOLOGY ACT, 2015****ACT**

To establish the Namibia University of Science and Technology; to provide for its constitution and objects; to provide for the administration and control of its affairs and the regulation of its activities; and to provide for incidental matters.

(Signed by the President on 25 August 2015)

BE IT ENACTED as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

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Definitions

1. In this Act, unless the context otherwise indicates -

“academic staff” means -

- (a) all those persons employed by the University whose conditions of employment include the obligation to undertake teaching, including assessment, teaching development or research; or
- (b) any incumbent of a post declared by the Council to be an academic post;

“academic year” means the academic year of the University as prescribed by the statutes;

“administrative staff” means the staff appointed to administrative and support positions designated as such by the Council, including professional staff in library and information technology services and technical staff;

“campus” means grounds and buildings held in ownership or possession by the University and where or upon which teaching and related activities are conducted;

“Chancellor” means the Chancellor of the University appointed in terms of section 8;

“Council” means the Council of the University referred to in section 7;

“Deputy Vice-Chancellor” means a Deputy Vice-Chancellor of the University appointed under section 14(1);

“honorary professor” means a person to whom the title professor is granted for significant contributions to the University and the community;

“Minister” means the Minister responsible for higher education;

“Senate” means the Senate of the University referred to in section 15;

“staff” means persons employed at the University;

“statutes” means the statutes of the University framed by the Council under section 35(1)(a);

“Students Representative Council” means the Students’ Representative Council referred to in section 23(1);

“this Act”, includes the statutes and regulations made under section 35;

“University” means the Namibia University of Science and Technology established by section 2; and

“Vice-Chancellor” means the Vice-Chancellor of the University appointed in terms of section 13(3).

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Establishment and seat of University

2. (1) There is established a university to be known as the Namibia University of Science and Technology, and the acronym “NUST” may be used instead of that name.

(2) The seat of the University is at Windhoek.

(3) The University may have one or more campuses, of which the main campus is at the seat of the University at Windhoek.

Seal of University

3. (1) The Council, as soon as practicable after its establishment, must provide and retain in its possession a seal of the University.

(2) The seal of the University is authenticated by the signature of the Chairperson of the Council and by the signature of the Vice-Chancellor.

(3) Judicial notice must be taken of the seal of the University and every document purporting to be an instrument made by the University and to be sealed with the seal of the University, and purporting to be authenticated in accordance with this section, must be received in evidence and is, unless the contrary is shown, deemed to be such instrument without further proof.

Status and proprietary capacity of University

4. (1) The University is a juristic person capable in law of suing and being sued in its own name and has the power, subject to this Act, of purchasing or in any other manner acquiring, holding, altering, developing, improving, maintaining, hiring, letting, selling, exchanging or otherwise alienating any movable or immovable property, of granting to any person a real right in, or servitude on, its property and of investing, lending or borrowing money.

(2) The University may -

(a) with the approval of the Minister, receive money or property by way of donation or bequest or in trust and may control, use or administer it or deal with it in any other manner subject to those conditions, if any, of the donation, bequest or trust which are consistent with the objects of the University;

(b) commercially develop any discovery, invention or intellectual property for the purposes of promoting business and innovation and assisting the University in the execution of its functions.

(3) The University may not accept a donation with a condition that is contrary to the objects of the University or to any provision of this Act.

Objects of University

5. The objects of the University are -

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- (a) to contribute to knowledge creation and advance knowledge through teaching, research and scientific investigation, with an emphasis on applied research;
- (b) to support and contribute to economic and social development through globally relevant, professional, technological and career-focused higher education, and effective community engagement, with an emphasis on industry involvement;
- (c) to drive, promote and facilitate technology development and technology transfer and innovation and diffusion;
- (d) to engage in national and international partnerships and cooperation with other universities, organisations and institutions; and
- (e) to preserve and promote the traditional and constitutional principles of institutional autonomy and academic freedom in the conduct of its internal and external affairs subject to this Act and other laws.

Constitution of University

- 6.** The University consists of -
- (a) the Chancellor;
 - (b) the Council;
 - (c) the Vice-Chancellor;
 - (d) such Deputy Vice-Chancellors as may be appointed by the Council in terms of section 14(1);
 - (e) the Senate;
 - (f) the academic and other staff of the University; and
 - (g) the students of the University.

Council of University

7. (1) Subject to this Act, the governance and general control and executive power of the University and of all its affairs and functions, and the administration of its property, are vested in the Council of the University.

- (2) Subject to subsection (3), the Council consists of -
- (a) the Vice-Chancellor;
 - (b) all Deputy Vice-Chancellors;
 - (c) at least six and not more than nine members, selected and appointed by the Minister by virtue of an invitation made in terms of subsection (4), and of whom -

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- (i) three are representatives of the Government of the Republic of Namibia;
 - (ii) one is a person nominated for appointment by the Council of the Association of Local Authorities of Namibia (ALAN);
 - (iii) one is a person nominated by the national organisation recognised as representing the private commercial and industrial sector; and
 - (iv) at least three and not more than six are persons nominated for appointment by each such institution, association or body as the Minister may by notice in the *Gazette* designate for the purposes of this subparagraph and which represent the interests of key industries or sectors in the Namibian economy as recommended by the Council and determined by the Minister from time to time;
- (d) two are staff members, one with a vote, as elected by the employees of the University as provided for in the statutes and who is not a member of the Council by any provision of this section;
- (e) one is a member from the alumni of the University elected by the alumni of the University as provided in the statutes and who is not a member of the Council by any provision of this section; and
- (f) one member of the Senate appointed by the Senate.
- (3) Upon recognition of the Students' Representative Council in accordance with the provisions of section 23(1), the Students' Representative Council must elect one of its members as a member of the Council, and whereupon the Council must consist of the members referred to in subsection (2) and such member.
- (4) Whenever any nomination in terms of subsection (2)(c) becomes necessary, the Minister must, in writing, request the institution, association or body referred to in that paragraph to nominate, within the period specified by the Minister, a person for appointment to the Council.
- (5) If a nomination is not received by the Minister within the period requested, the Minister may appoint such person as the Minister thinks fit, subject to the conditions stated in subsection 2(c), and a person so appointed holds office as if he or she had been nominated as required by subsection (4).
- (6) A member of the academic staff or staff may not be appointed as a member of the Council in terms of subsection (2)(c) or (f).
- (7) Except for a non-Namibian who is a member of the Council by virtue of his or her office -
- (a) a non-Namibian who is not a permanent resident in Namibia may not be appointed or elected as member of the Council if there is a qualifying and capable Namibian; and

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(b) if there is no Namibian who is qualifying and capable of being appointed or elected as member of the Council, a non-Namibian may be appointed or elected with the approval of the Minister.

(8) A selection of membership under subsections 2(c) and (f) must be undertaken in such a manner as to ensure that the functions of the Council are performed in accordance with the highest professional standards and a person to be selected -

- (a) possesses a broad and general understanding of the higher education system and related matters;
- (b) appreciates the role of higher education in the economic and social development of the country;
- (c) is committed to the development of higher education in the country;
- (d) adheres to the highest professional standards of practice in his or her respective field of endeavour;
- (e) possesses expert skills that would complement the development of the university;
- (f) possesses experience and competence in governance and strategic management; and
- (g) reflects, as much as possible, a gender balance.

Chancellor of University

8. (1) The Chancellor who is the titular head of the University and external to the University is elected to the office by the Council in the manner prescribed in the statutes.

(2) The Chancellor has the right to confer or grant degrees, diplomas, certificates and other awards and distinctions of the University and to perform such other functions as prescribed.

(3) The Chancellor holds office for a period of five years and is eligible for re-election at the expiration of his or her term of office.

(4) Upon the death, incapacity or resignation of the Chancellor, the Council must, as soon as possible, elect a new Chancellor to the office.

Chairperson and Vice-Chairperson of Council

9. (1) The Council must elect from among its members referred to in section 7(2)(c), (d) and (f) -

- (a) a Chairperson; and
- (b) a Vice-Chairperson.

(2) The term of office of the Chairperson and the Vice-Chairperson of the Council is as prescribed by the statutes.

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(3) Subject to section 11, the powers and duties of the Chairperson and the Vice-Chairperson of the Council are as prescribed by the statutes.

Terms of office and vacation of office by members of Council

- 10.** (1) A member of the Council -
- (a) appointed in terms of section 7(2)(c), (d) and (e) holds office for a period of three years; and
 - (b) elected in terms of section 7(3) holds office for a period of one year.
- (2) A member of the Council referred to in subsection (1) ceases to hold office if -
- (a) he or she resigns in writing to the Council;
 - (b) in the case of a member referred to in section 7(2)(c) or (f), he or she becomes subject to the disqualification referred to in subsection (6) of that section;
 - (c) he or she is removed from office by the Minister under subsection (3) or his or her nomination is withdrawn by the body who nominated such member for appointment;
 - (d) he or she vacates his or her office on any other ground prescribed by the statutes;
 - (e) he or she is absent from three consecutive meetings of the Council, without an apology; or
 - (f) in the case of a member of Council appointed in terms of section 7(2)(c) or (e), he or she is removed from office by the appointing authority upon recommendation of Council.
- (3) The Minister may, on the recommendation of the Council, remove a member from office if the Minister is satisfied, after the member having been heard, that such member -
- (a) is incapacitated by physical or mental illness; or
 - (b) is for whatever other valid reason incapable of efficiently performing his or her functions as member of the Council.
- (4) If the office of a member of the Council becomes vacant before the expiration of the term of such member, the vacancy is filled for the unexpired portion of the term of office of such member as soon as practicable and with due regard to section 7.
- (5) A member of the Council -
- (a) must at all times act as a member and in the best interests of the University;

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- (b) may not act as a representative of any special interest;
- (c) may not be restricted from representing at meetings of the Council the views of those by whom he or she has been nominated or be restricted from his or her freedom of expression.

Meetings of Council

11. (1) The Chairperson of the Council or, in his or her absence, the Vice-Chairperson or, in the absence of both the Chairperson and Vice-Chairperson, such other member as the members present at a meeting may elect, presides at meetings of the Council.

(2) The Council must hold at least one meeting during every quarter of the calendar year.

(3) The first meeting of the Council is held at the time and place determined by the Minister and thereafter meetings of the Council are held at such times and places as the Council may determine, but the Chairperson may at any time, and must, at the written request of at least one-third of the members of the Council, convene a special meeting of the Council.

(4) The procedures at and the quorum for a meeting of the Council are as prescribed by the statutes.

Committees of Council

12. (1) The Council may establish committees of the Council consisting of members of the Council or of such members as well as other persons and designate member of the Council as chairperson and the vice-chairperson of the committee.

(2) The Council -

- (a) may delegate any of its powers to any committee, but it is not divested of the power so delegated, and the Council may without prejudice of a right alter or set aside a decision of such committee at its first ensuing meeting;
- (b) may assign to any committee such functions of the Council as the Council may think appropriate;
- (c) may not delegate the power to make statutes or regulations or appointments under this Act.

(3) The Vice-Chancellor or in his or her absence the Deputy Vice-Chancellor acting during the absence of the Vice-Chancellor, is an *ex officio* member of every committee established under subsection (1).

Vice-Chancellor of University

13. (1) The Vice-Chancellor manages and directs the University in its day-to-day academic, administrative, financial, personnel and other activities and for the purpose has such powers to do other things as prescribed in the statutes of the University or as are necessary or expedient to achieve the objects of the University.

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- (2) In performing his or her functions the Vice-Chancellor -
- (a) is subject to such policies as may be determined by the Council; and
 - (b) is answerable to the Council for the efficient and effective management of the University and for due performance of its functions.
- (3) The Vice-Chancellor is appointed by the Council in the manner prescribed by the statutes on such conditions of employment and privileges determined by the Council.
- (4) The powers and duties of the Vice-Chancellor are as prescribed by the statutes.
- (5) The Vice-Chancellor holds office for a period of five years and is eligible for re-appointment at the expiration of his or her period of office.
- (6) The Vice-Chancellor may from time to time designate any person in the employment of the University to serve, in any place, in any particular case or for such period as he or she may determine, in his or her place as a member of any committee referred to in section 12(1), 19(1) or 20(1) and to perform the functions and exercise the powers connected therewith, but is not to be divested of a power so delegated.

Deputy Vice-Chancellors of University

- 14.** (1) The Council may appoint one or more persons as Deputy Vice-Chancellors of the University.
- (2) The conditions of employment, privileges, period of office, powers and functions of a Deputy Vice-Chancellor are determined by the Council.
- (3) The Vice-Chancellor may from time to time delegate to a Deputy Vice-Chancellor any of his or her powers, but is not divested of a power so delegated.

Senate of University

- 15.** (1) The academic governance and quality assurance, organisation and superintendence of teaching, including assessment and learning, community and engagement and research are vested in the Senate of the University.
- (2) Subject to subsection (3), the Senate consists of -
- (a) the Vice-Chancellor, who is the chairperson of the Senate;
 - (b) all Deputy Vice-Chancellors;
 - (c) two members of the Council, other than a member referred to in section 7(3), appointed by the Council;
 - (d) all academic staff with the rank of full professor in full-time employment, but excluding any associate professor;
 - (e) such deans of faculties or schools and heads of academic departments who are not members of the Senate by virtue of any other provision of this subsection; and

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- (f) such other persons as may be prescribed by the statutes and who are appointed by the Council on the recommendation of the members of the Senate referred to in paragraphs (a) to (e).

(3) Upon recognition of the Students' Representative Council in accordance with section 23(1), the Students' Representative Council must elect one of its members as a member of the Senate, and whereupon the Senate must then consist of the members referred to in subsection (2) and such member.

Functions of Senate

16. The Senate must -

- (a) make recommendations to the Council in connection with matters referred to it by the Council or which the Senate considers necessary in the interest of the University;
- (b) submit to the Council such reports in connection with the functions of the Senate as the Council may require; and
- (c) perform such other functions as may be prescribed by the statutes.

Terms of office and vacation of office by members of Senate

17. (1) A member of the Senate -

- (a) appointed in terms of section 15(2)(c) or (f), hold office for a period of three years;
- (b) elected in terms of section 15(3), holds office for a period of one year, unless he or she resigns in writing to the Senate or vacates his or her office on any other ground prescribed by the statutes.

(2) Whenever the office of a member of the Senate becomes vacant, such vacancy is filled with due regard to section 15(2) and (3).

Meetings of Senate

18. (1) The Deputy Vice-Chancellor responsible for academic affairs is the Vice-chairperson of Senate.

(2) If the position referred to in subsection 1 is vacant, the Senate must elect from among its members a vice-chairperson who holds office for such period as may be prescribed by the statutes.

(3) The chairperson of the Senate or, in his or her absence, the vice-chairperson or, in the absence of both the chairperson and vice-chairperson, such other member as the members present may elect, presides at a meeting of the Senate.

(4) The Senate must hold at least three meetings in each academic year, of which at least one meeting is held in each half of the academic year.

(5) The first meeting of the Senate is held at the time and place determined by the chairperson of the Senate and thereafter meetings of the Senate are held at such times and places as the Senate may determine, but the chairperson -

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- (a) may at any time convene a special meeting of the Senate; and
 - (b) must, at the written request of at least one-third of the members of the Senate, convene a special meeting of the Senate.
- (6) The procedures at and the quorum for a meeting of the Senate are as prescribed by the statutes.

Committees of Senate

19. (1) The Senate may establish committees of the Senate consisting of members of the Senate or of such members as well as other persons, and designate the chairperson and the Vice-chairperson of such committees.

(2) The Senate may -

- (a) delegate any of its powers to any such committee, but is not divested of a power so delegated and a decision of such a committee may, without prejudice of a right, be altered or set aside by the Senate at its first ensuing meeting; or
- (b) assign to any such committee such functions of the Senate as the Senate may think necessary.

(3) The Vice-Chancellor is an *ex officio* member of every committee established under subsection (1).

Joint committees of Council and Senate

20. (1) The Council and the Senate may by mutual agreement establish joint committees of the Council and the Senate consisting of members of the Council and the Senate appointed by the Council and the Senate, respectively, from among their own members.

(2) The Council or Senate may delegate any of its powers to any such joint committee, but is not divested of a power so delegated and may, without prejudice of a right, alter or set aside a decision of such joint committee at the first ensuing meeting of the Council or the Senate.

(3) The Chairperson of the Council or, in his or her absence, the Vice-Chairperson, and the Vice-Chancellor are *ex officio* members of every joint committee established under subsection (1).

Remuneration of members of Council, Senate and committees

21. The Council may, after consultation with the Minister, determine the allowances payable to members of the Council and the Senate, and any committee of the Council or the Senate and any joint committee of the Council and the Senate, but any such allowance payable to a member who is in the full-time service of the State is subject to the laws governing his or her conditions of employment.

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22. The Council must appoint a person as Registrar of the University who must assist the Vice-Chancellor in the administration of the University and who is the secretary of the Council and the Senate.

Students' Representative Council

23. (1) The Council must recognise such body as the Students' Representative Council of the University -

- (a) if a body is established by the students of the University which the Council considers to be representative of such students; and
- (b) if the constitution of such body is approved by the Council.

(2) An amendment of the constitution of the Students' Representative Council is not of force unless the Council has approved such amendment.

(3) The composition, mode of election, tenure of office, powers, privileges, functions, and duties of the Students' Representative Council is governed by its constitution.

(4) The Council may as prescribed in the statutes, suspend the Students' Representative Council if the Council thinks it fit in the best interest of the University.

(5) The Council may dissolve the Students' Representative Council if the Council thinks it fit in the best interest of the University.

Academic Units

24. (1) The Council may establish such academic units, including faculties, schools and departments or such other units as it determines on the recommendation of the Senate.

(2) There is constituted a board of studies for each school or faculty in the manner prescribed by the statutes and which must perform such functions as may be determined by the Council, on the recommendation of the Senate.

Appointment of staff

25. (1) The Council appoints the Vice-Chancellor, Deputy Vice-Chancellor and Registrar of the University as prescribed in the statutes.

(2) The Vice-Chancellor appoints the staff not listed in subsection (1) as prescribed in the statutes.

(3) The conditions of employment, disciplinary provisions, privileges and functions of the employees, subject to the provisions of the Labour law, including remuneration, and service benefits of the academic staff, administrative staff and staff are determined by the Council.

(4) All persons employed by the University who are not Namibian citizens or permanent residents of Namibia, or domiciled in Namibia, are required to enter into

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a contract of service for a fixed period with the University on such conditions and for such period as may be determined by the Council in each particular case.

(5) The dismissal of any member of the academic staff, administrative staff and staff is, unless such dismissal was effected by the Council, subject to a right of appeal to the Council in the manner prescribed in the statutes.

(6) The Council may appoint qualified persons to the position of Professor Emeritus or Honorary Professor in the manner prescribed by the statutes on the conditions and privileges determined by the Council.

Degrees, diplomas and certificates

26. (1) Subject to subsection (2), the University may confer -

(a) any degree, and

(b) any diploma and certificate, as it may consider expedient to confer.

(2) Subject to section 28, the University may not confer a degree, diploma or certificate upon any person unless such person has -

(a) attended, as a student thereof, the University for such period, and satisfied all the curricular and such other requirements; and

(b) attained the standard of proficiency in assessments,

as determined by the Senate.

(3) The University may by resolution of the Council on recommendation of Senate and without examination confer a degree *honoris causa* upon a person whom the Council on recommendation of Senate considers worthy of such a degree.

(4) The holder of a degree conferred in terms of subsection (3) is not entitled to practice a profession by reason of the conferment of a *honoris causa*.

(5) The Council may on recommendation of the Senate revoke such a degree conferred on a person under subsection (3), if the Council and Senate found the holder to be no longer worthy of such a degree.

Admission to equivalent status at University

27. Subject to the provisions of the statutes, the Senate may -

(a) admit a graduate of any other tertiary institution, whether in Namibia or elsewhere, to such status at the University as the Senate may determine; and

(b) admit as a candidate for any degree, diploma or certificate of the University any person who has obtained credits at any other tertiary institution, whether in Namibia or elsewhere, considered by the Senate to be equivalent to or higher than such credits which is a prerequisite for such degree, diploma or certificate of the University.

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28. (1) The Council, on the recommendation of the Senate, must determine the requirements, conditions and terms for the registration as students at the University and the renewal and cancellation of such registration.

(2) A person who registers as a student of the University is registered for one year of study or for such shorter period as the Council may in general or in a particular case determine, and after the expiry of such year of study or period, that person must, if he or she wishes to remain a student of the University, renew his or her registration.

(3) Subject to this Act, the Council, after consultation with the Senate, may -

- (a) prescribe minimum requirements of study for the purpose of the renewal of the registration of a person as a student of the University;
- (b) refuse permission to a student who fails to satisfy such minimum requirements of study to renew his or her registration;
- (c) determine the number of students who are permitted to register for a particular course and select, from among the persons who satisfy the minimum requirements of study for such course, those who are permitted to register for such course; or
- (d) refuse permission to a person to register as a student of the University if the Council considers it to be in the interest of the University to do so.

(4) The fees payable by a student are determined by the Council after consultation with the Senate.

(5) A student is subject to the disciplinary provisions prescribed by the statutes.

Residence and place and medium of instructions

29. (1) The Council may determine at which place under the control of the University a student must receive instruction.

(2) The medium of instructions at the University is English.

Reports and financial statements

30. (1) The Council must not later than six months after the end of each academic year furnish to the Minister a report on its activities during the preceding academic year, together with certified copies of its audited financial statements in respect of that academic year.

(2) The Minister must lay the report and audited financial statements furnished to the Minister in terms of subsection (1) on the Table of the National Assembly within seven days after receipt thereof if the National Assembly is then in ordinary session or, if the National Assembly is not then in ordinary session, within seven days after the commencement of its next ordinary session.

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31. The Minister, on such terms and conditions as the Minister with the consent of the Minister responsible for finance may determine and subject to the provisions of the State Finance Act, 1991 (Act No. 31 of 1991), must out of moneys appropriated by Parliament for such purpose -

- (a) grant subsidies to the University in respect of capital and normal recurrent expenditure of the University and in accordance with the Higher Education Act;
- (b) grant loans to the University in respect of -
 - (i) the erection of buildings and the acquisition of equipment of a permanent nature;
 - (ii) the acquisition of immovable property, including rights therein or thereto, and the defrayment of costs connected with the survey and transfer thereof;
 - (iii) the defrayment of the capital outlay on the improvement of immovable property of the University;
 - (iv) the purchase, lease or acquisition otherwise of movable property of a capital nature; and
 - (v) the payment of any other loan raised by the University for any purpose mentioned in subparagraphs (i) to (iv).

Vacancies not to affect powers of University, Council and Senate

32. A vacancy in any office at the University or deficiency in the number of members of the Council or the Senate does not impair or affect the corporate existence of the University or any powers, rights or privileges conferred by this Act upon the University, the Council or the Senate.

Offences

- 33.** A person who, without the authority of the University -
- (a) establishes or conducts an institution, not being an institution established by or under any law, under a name that includes the words "Namibia University of Science and Technology";
 - (b) in any way makes it known or pretends to any other person that he or she can offer any course of study or part thereof which entitles the person who has followed such a course or part thereof to the granting of a degree, diploma or certificate offered by the University;
 - (c) confers a degree, diploma or certificate purporting to be a degree, diploma or certificate granted by the University; or
 - (d) performs any act which purports to have been done by or on behalf of the University,

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commits of an offence and liable to a fine not exceeding N\$20 000 or to imprisonment for a period not exceeding five years, or to both such fine and such imprisonment.

Agreements

34. The Council may enter into agreements with any educational or other institution, industry association or organisation, whether in Namibia or elsewhere, with a view to the better carrying out of its functions.

Statutes and regulations

- 35.** (1) Subject to subsection (2), the Council may frame -
- (a) statutes relating to any matter required or permitted to be prescribed by statute in terms of this Act or any other matter which the Council considers necessary or expedient for the effective carrying out of the objects of the University or the achievement of the purposes of this Act; or
 - (b) regulations for the better carrying out of the statutes.

(2) A statute or regulation proposed to be framed under subsection (1) and which deals with any matter in relation to the activities of the Senate is not valid, unless approved by the Council on the recommendation of the Senate.

Saving and transitional provisions

36. (1) Despite section 13 and subject to subsection (2), a person holding office as Rector of the Polytechnic of Namibia at the date of commencement of this Act -

- (a) is deemed to have been appointed under subsection (3) of that section as the first Vice-Chancellor;
- (b) his or her contract of employment as Rector is deemed to be a contract of employment as Vice-Chancellor subject to further conditions of employment and privileges as the Council may determine which are not less favourable than any conditions of employment or privileges which applied to such person at that date; and
- (c) is eligible for reappointment as Vice-Chancellor after the expiry of his or her contract.

(2) The deemed appointment under subsection (1) is for the remainder of the unexpired portion of the deemed contract of employment of the Vice-Chancellor, thus upon the expiry of that contract the position becomes vacant.

(3) The members of the Council of the Polytechnic of Namibia are, at the date of commencement of this Act, deemed to have been appointed and selected as members of the Council of the University in terms of section 7 for a period determined by the Minister, and the Council is deemed to have been so duly constituted from that date.

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(4) Despite the repeal of the Polytechnic of Namibia Act, 1994 (Act No. 33 of 1994) by section 40, any statutes, regulations and rules framed and directives issued under that repealed Act and in force at the date of commencement of this Act, remain, in so far as the provisions thereof are not inconsistent with this Act, in force until such statutes, regulations, rules or directives are repealed or amended by statutes or regulations framed under section 35.

(5) Any person who at the date of commencement of this Act was registered or provisionally registered as a student of the Polytechnic of Namibia is, with effect from that date, so registered or provisionally registered with the University.

(6) For the purposes of section 28(1) any period attended as a student of the Polytechnic of Namibia referred to in subsection (5) is calculated as a period attended as a student of the University.

(7) Any agreement lawfully entered into by or on behalf of the Polytechnic of Namibia is, at the date of commencement of this Act, deemed to have been concluded by the University.

Transfer of staff

37. (1) Subject to subsection (2), all persons who at the date of commencement of this Act are employed by the Polytechnic of Namibia by virtue of the repealed Polytechnic of Namibia Act, 1994, are, with effect from that date, deemed to have been employed by the University.

(2) The rights and entitlement in terms of tenure, remuneration, fees, allowances, expenses and superannuation enjoyed at the date of commencement of this Act by persons referred to in subsection (1) may not, by virtue of the operation of this Act, be any less beneficial than at that date.

(3) The conditions of service, restrictions and obligations to which persons referred to in subsection (1) are subject to at the commencement of this Act continue to apply to such persons until they are varied by agreement and continue to be complied with while such persons are employed by the University.

Transfer of assets, liabilities, rights and obligations

38. (1) As from the date of commencement of this Act -

- (a) all immovable property of which the Polytechnic of Namibia is the owner at the date of commencement of this Act together with all improvements thereon, including all fixtures and fittings;
- (b) all movable property of which the Polytechnic of Namibia is the owner at the date of commencement of this Act;
- (c) all rights, liabilities, and obligations connected with any immovable or movable property contemplated in paragraph (a) or (b),

vest in the University.

(2) Where, at the date of commencement of this Act, proceedings to which the Polytechnic of Namibia is a party were pending in any court or arbitration, the

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University is substituted for the Polytechnic of Namibia as a party to the proceedings and has the same rights and obligations in the proceedings as the Polytechnic of Namibia had.

(3) The Registrar of Deeds, immediately after the commencement of this Act must -

- (a) without payment of transfer duty, stamps duty or any other fee or charge and on production to him or her of the title deed of any immovable property which vests in terms of subsection (1) in the Polytechnic of Namibia, endorse such title deed to the effect that the immovable property described therein is vested in the University; and
- (b) make the necessary entries or endorsements in or on any relevant register or other document in his or her office.

Winding-up and judicial management

39. The University may not be wound up or placed under judicial management except by or under the authority of an Act of Parliament.

Repeal of laws

40. The Polytechnic of Namibia Act, 1994 (Act No. 33 of 1994) is repealed.

Short title and commencement

41. This Act is called the Namibia University of Science and Technology Act, 2015, and commences on a date determined by the Minister by notice in the *Gazette*.
