



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Allied Health Professions Act 7 of 2004
section 55(1)(d)(i)

**Registration of Students, Maintaining of Register of Students
and Restoration of Name to Register Regulations**

Government Notice 81 of 2017

(GG 6282)

came into force on date of publication: 5 April 2017

The Government Notice which publishes these regulations notes that they were made on the recommendation of the Allied Health Professions Council of Namibia. It refers to section 55(d)(i) of the Act, but this must be intended to refer to section 55(1)(d)(i) of the Act.

ARRANGEMENT OF REGULATIONS

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Allied Health Professions Act 7 of 2004

Registration of Students, Maintaining of Register of Students and Restoration of Name to Register Regulations

[Note that the words “subregulation” / “sub regulation” / “sub regulations” appear inconsistently as one word or two words. They are reproduced as they appear in the *Government Gazette* in each case.]

Definitions

1. In these regulations, unless the context otherwise indicates a word or expression defined in the Act has that meaning, and -

“applicant” means a person applying for registration as a student in accordance with these regulations;

“application fees” means the application fees determined by the Council and payable by an applicant in respect of an application to the Council for registration as a student, whichever may be applicable;

“certified” means certified as a true copy of the original by a commissioner of oaths appointed under section 5 or designated under section 6, of the Justices of Peace and Commissioners of Oath Act, 1963 (Act No. 16 of 1963);

“educational institution in Namibia” means an institution in Namibia offering or providing education, tuition or training, approved by the Council under section 16 of the Act and which institution may award a qualification prescribed as a qualification required for registration as a professional under section 18(1) of the Act;

“practical experience or exposure” means the observing, witnessing or being present, by a student, of procedures by a professional performed in a hospital, clinic or health facility as defined in the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994); and

[The word “and” at the end of this definition should be at the end of the following definition.]

“student” means a person approved and registered by Council for admission of the required course as registration as a profession under section 18(1) of the Act.

[The full stop at the end of this definition is in error.
It should end with a semicolon and the word “and”.]

“the Act” means the Allied Health Professions Act, 2004 (Act No. 7 of 2004).

Application for registration of a student enrolled at an educational institution in Namibia and submitting of particulars

2. (1) An application for registration as a student, in terms of section 18(1) of the Act, enrolled at an educational institution in Namibia, must be submitted to the registrar, not later than 3 months after enrolment, in the form determined by Council, and must be accompanied by -

- (a) a certified copy of the identity document or passport of the applicant;
- (b) documented proof of the applicant’s enrolment at an educational institution in Namibia and the course of study in respect of which such applicant is so enrolled;
- (c) payment of the application fees determined by Council; and

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(d) any additional particulars and documents that Council may require.

(2) Council may require the applicant to provide proof of proficiency in the English language in a manner determined by the Council.

(3) Council after having considered the application for registration as a student must -

(a) grant the application if Council is satisfied that the applicant -

(i) meets the requirements for the registration as a student;

(ii) has complied with these regulations,

(iii) is proficient in the English language; and,

[The comma at the end of subparagraph (iii) is superfluous.]

(b) refuse the application if the applicant -

(i) does not meet the requirements for registration as a student; or

(ii) has not complied with these regulations.

(4) After considering and deciding on an application in accordance with sub regulation (3) Council must -

(a) if the application for registration as a student is refused, inform the applicant in writing of the decision of Council and the reason of such refusal; or

(b) if the application for registration as a student is granted, issue the applicant a certificate of registration as a student, in the form that the Council determines, and enter the name of the applicant into the register.

(5) The registration of a student is valid for a period of 12 months from the date of the issue of registration certificate under subregulation (4)(b).

Failure to register as a student

3. (1) A person who is enrolled as a student at an educational institution in Namibia and who fails to comply with regulation 3 -

(a) is liable, in addition to the application fees determined by Council, for payment of -

(i) unpaid registration fees;

(ii) fees payable in respect of late registration; and

(iii) registration fees as a student,

[The comma at the end of subparagraph (iii) should be a semicolon.]

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- (b) may not be registered by the Council as an intern or for a profession under section 18(1) of the Act, unless such student has paid to the Council all the unpaid application fees, for registration as a student, including all payments in arrears.

(2) Notwithstanding these regulations, the Council may recover from any student in the professions under section 18(1) of the Act, whether or not that student is registered under these regulations, by means of proceedings in a competent Court the prescribed registration fees, late registration fees and interest payable under these regulations.

Application for registration as a student enrolled at an educational institution outside Namibia

4. (1) An application for registration of a student, in terms of section 18(1) of the Act, no is enrolled at an educational institution outside Namibia must be submitted to the registrar, in the form to be determined and provided by the Council, and must be accompanied by -

[The phrase “no is enrolled” was probably intended to be “who is enrolled”.]

- (a) a certified copy of the identity document or passport of the applicant;
- (b) documented proof, to the satisfaction of the Council, of the applicant’s enrolment at an educational institution outside Namibia and course of study in respect of which such student is so enrolled; and
- (c) the applicants’ academic record at that educational institution;

[The word “applicants” (plural possessive) should be “applicant’s” (singular possessive).]

- (d) proof of payment of the application fees determined by Council; and
- (e) any additional particulars and documents that Council may require.

(5) The Council may require the applicant to provide proof, of proficiency in the English language in a manner determined by the Council.

[The comma after the word “proof” is superfluous.]

- (6) Council, after having considered the application for registration as a student must –

[There should be a comma after the phrase “after having considered the application for registration as a student” to set the phrase off properly.]

- (a) grant the application if the Council is satisfied that the applicant -
- (i) meets the requirements for the registration of a student;
- (ii) is proficient in the English language; and
- (iii) has complied with these regulations,

[The comma at the end of subparagraph (iii) should be a semicolon.]

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- (b) refuse the application if the applicant -
 - (i) does not meet the requirements for registration as a student; or
 - (ii) has not complied with these regulations.

(7) After considering and deciding on an application in accordance with subregulation (6) Council must -

- (a) if the application for registration as a student is refused, inform the applicant in writing of the decision of Council and the reason of such refusal; or
- (b) if the application for registration as a student is granted, issue the applicant a certificate of registration as a student, in the form that the Council determines, and enter the name of the applicant into the register.

Registration of student enrolled at an educational institution outside Namibia for the purpose of practical experience or exposure in Namibia

5. (1) A student enrolled at an educational institution outside Namibia who wishes to obtain practical experience or exposure in Namibia must apply for registration as a student by submitting to the registrar, in accordance with regulation 5, an application for registration with the Council.

(2) A student referred to in subregulation (1) must have successfully completed at least two years of education, tuition and training relating to a qualification, prescribed as a qualification required for registration for a profession under section 18(1) of the Act.

Failure to comply with regulations

6. For the purpose of section 34(4) of the Act, A person not registered under these regulations who obtains practical experience or exposure in Namibia or who contravenes or fails to comply with these regulations is guilty of an offence and on conviction liable to the payment of a fine not exceeding N\$ 4000 or imprisonment for a period not exceeding 12 months, or to both that fine and imprisonment.

[The word “A” in the phrase “A person” should not be capitalised.]

Register of students

7. A register for students established and kept in accordance with section 24(2) of the Act must be accompanied, in addition to the particulars specified by subsection (3) of that section, by -

- (a) the course of study for which the student is enrolled at the educational institution in or outside Namibia, and proof of the annual enrolment of the student at that educational institution; and
- (b) any change the particulars recorded.

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[Paragraph (b) was probably intended to state “any change in the particulars recorded”.]

Restoration of name to register

8. An application for the restoration of a name of a student to a register under section 26 must, in addition to the documents and particulars specified in subsection (2) of that section, be accompanied by -

- (a) the original registration certificate issued to the applicant or a certified copy thereof; and
- (b) a certified copy of the identity document or passport of the applicant.

Submission of information by educational institution

9. (1) An educational institution in Namibia must upon request from the Council, provide the Council with the names and other particulars of students enrolled at that educational institution for the purpose of obtaining a qualification prescribed for registration for a profession under section 18(1) of the Act, not later than three month after commencement of every academic year.

[The phrase “three month” should be “three months”.]

(2) Upon the request of Council an educational institution in Namibia must in writing provide Council with the names and other particulars of students enrolled at that educational institution for the purpose of obtaining a qualification prescribed for registration for a profession under section 18(1) of the Act, that educational institution must submit, to Council these particulars within the period specified in that notice.

[Subregulation (2) is reproduced precisely as it appears in the *Government Gazette*, but it appears that one or more words may have been omitted. The closing phrase may have been intended to read: “and that educational institution must submit to Council these particulars within the period specified in that notice”.]

(3) If an educational institution fails to comply with a request by the Council under sub regulations (1) and (2), Council, after having heard that educational institution, may withdraw any approval granted to that educational institution under section 17 of the Act.

Language of forms and documents

10. (1) Any form or document required to be submitted to the Council or to the Registrar under these regulations must, subject to sub regulation (2), be in the English language.

(2) A form or document referred to in sub regulation (1) that is not in the English language must be accompanied by a sworn translation thereof into English language, acceptable to the Council.