



Republic of Namibia
Annotated Statutes

Presidential Remuneration and Other Benefits Act 5 of 2016

(GG 6045)

came into force on date of publication: 21 June 2016

ACT

To provide for the payment of remuneration and other benefits to the President and his or her spouse, and to the Vice-President and his or her spouse; and to provide for incidental matters

(Signed by the President on 2 June 2016)

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

[The statement above normally appears below the ARRANGEMENT OF SECTIONS, but it appears above the ARRANGEMENT OF SECTIONS in the Government Gazette publishing this Act.]

ARRANGEMENT OF SECTIONS

1. Definitions
2. Remuneration payable to the President and Vice-President
3. Allowances payable to Presidential spouses
4. Medical aid
5. Payments out of the State Revenue Fund
6. Exemption from income tax
7. Repeal and savings
8. Short title and commencement

[The heading of this section in the text of the Act is "Short title". The section does not address the commencement of the Act, which came into force automatically on the date of publication.]

Definitions

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

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“dependant child” means an unmarried biological child, legally adopted child or step-child of the President or Vice-President who has not attained the age of 18 years, but if the child has attained the age of 18 years, he or she must still be considered as a dependant if the child is -

[The word “dependent” is normally spelt with an “e” where it is used as an adjective rather than a noun. This applies to the phrase “dependent child”, but not to the phrase “as a dependant”.]

- (a) a full time student at a university, tertiary institution or other institution of higher education; or
- (b) due to some physical or mental disability, unable to adequately provide for his or her own maintenance such that he or she is wholly or substantially dependent on the President or Vice-President for his or her livelihood;

“President” means the person elected in accordance with Article 28 of the Namibian Constitution and sworn in as President of the Republic of Namibia in accordance with Article 30 of that Constitution;

“Presidential spouse” means the person who is the wife or husband of the President or of the Vice-President and includes a wife or husband of a marriage under customary law;

“remuneration” includes but is not limited to a basic salary and allowances paid to the President and Vice-President arising from their holding office as President and Vice-President respectively; and

“Vice-President” means the person appointed and sworn in as Vice-President of the Republic of Namibia in terms of Article 28 of the Namibian Constitution.

Remuneration payable to the President and Vice-President

- 2. There must be paid to the person holding the office of -
 - (a) President, remuneration which is fixed at a rate of 15 percent above the remuneration payable at any given time to the Vice-President; and
 - (b) Vice-President, remuneration which is fixed at a rate of 15 percent above the remuneration payable at any given time to the Prime Minister of the Republic of Namibia as determined in terms of the Public Office-Bearers (Remuneration and Benefits) Commission Act, 2005 (Act No. 3 of 2005).

Allowance payable to Presidential spouses

3. (1) There must be paid to the spouse of the person holding the office of President a monthly allowance which is equal to the monthly remuneration payable to a permanent secretary employed in the public service of Namibia.

(2) There must be paid to the spouse of the person holding the office of Vice-President a monthly allowance which is equal to the monthly remuneration payable to a deputy permanent secretary employed in the public service of Namibia.

(3) The President may, on the recommendation of the Public Office-Bearers (Remuneration and Benefits) Commission established in terms of section 2 of the Public Office-Bearers (Remuneration and Benefits) Commission Act, 2005 (Act No. 3 of 2005), grant further benefits to Presidential spouses.

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Medical aid

4. All medical costs of the -
 - (a) President and Vice-President; and
 - (b) spouses and legally dependant children of the President and Vice-President,

are to be wholly covered by the State.

[The word “dependent” is normally spelt with an “e” where it is used as an adjective rather than a noun. This applies to the phrase “legally dependent child”.]

Payments out of the State Revenue Fund

5. The remuneration, benefits and allowances payable in terms of the provisions of this Act must be paid from the State Revenue Fund out of the moneys appropriated by Parliament for that purpose.

Exemption from income tax

6. The amount of any remuneration, benefits and allowances paid and the value of benefits relating to medical aid received in terms of this Act are exempted from income tax.

Repeal and savings

7. (1) The Presidential Remuneration and Other Benefits Act, 2012 (Act No 15 of 2012) is repealed.

(2) Anything done under a provision of law repealed by subsection (1) and which could have been done under a corresponding provision of this Act is considered to have been done under such corresponding provision.

Short title

8. This Act is called the Presidential Remuneration and Other Benefits Act, 2016.