

# CENSUS AND STATISTICS

---

## Statistics Act 9 of 2011

**Summary:** This Act ([GG 4777](#)) establishes the Namibia Statistics Agency and provides for the development of the National Statistics System. The Namibia Statistics Agency is charged with organising a population and housing census every ten years, amongst its many other duties. The Act also establishes the National Spatial Data Infrastructure and the Committee for Spatial Data. It was brought into force on 16 April 2012 by GN 103/2012 ([GG 4929](#)).

**Repeals:** The Act repeals the *Statistics Act 66 of 1976* ([RSA GG 5123](#)), which repealed the *Statistics Act 73 of 1957* ([SA GG 5901](#)).

The 1957 Act was not initially made applicable to SWA, but was applied to SWA (including the Eastern Caprivi Zipfel and the Rehoboth Gebiet) by the *Statistics Amendment Act 41 of 1968* ([RSA GG 2052](#)), which also inserted a provision that repealed the SWA Statistics Proclamation 51 of 1920 ([OG 41](#)) and the SWA Rehoboth Gebiet (Extension of Laws) Proclamation 12 of 1930 ([OG 365](#)). The *Statistics Amendment Act 41 of 1968* ([RSA GG 2052](#)) also amended the definition of “Republic” to include “the territory of South-West Africa”

The *Statistics Act 73 of 1957* ([SA GG 5901](#)) repealed the *Statistics Act 38 of 1914* ([SA GG 532](#)), which was applied to SWA by the Statistics Proclamation 51 of 1920 ([OG 41](#)).

The SWA Statistics Proclamation 51 of 1920 ([OG 41](#)) repealed “any existing law repugnant to or inconsistent with” the *Statistics Act 38 of 1914*.

**Savings:** Section 60(3) of the current Act contains a broad savings provision:

Unless otherwise provided in this Act, anything done under a law repealed by section 59 and which could have been done under a corresponding provision of this Act is deemed to have been done under that corresponding provision.

The *Statistics Act 66 of 1976* ([RSA GG 5123](#)) contains a broad savings provision in section 22(2) that applies to things done under the *Statistics Act 73 of 1957*:

Anything done under any provision of a law repealed by subsection (1) and which could be done under any provision of this Act, shall be deemed to have been done under the last-mentioned provision.

The *Statistics Act 73 of 1957* ([SA GG 5901](#)) provided as follows in section 16(2):

Any regulation, notice, appointment, arrangement or direction made, promulgated, entered into or given and any other action taken under any provision of a law repealed by sub-section (1), shall be deemed to have been made, promulgated, entered into, given or taken under the corresponding provision of this Act.

Section 16A of the *Statistics Act 73 of 1957*, inserted by the *Statistics Amendment Act 41 of 1968* ([RSA GG 2052](#)), contained an additional provision on savings that applied only in respect of SWA – and which specifically *excluded* regulations:

(1) The provisions of this Act, and any amendment thereof, whether made before or after the commencement of this section, apply in the territory including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the territory known as the “Rehoboth Gebiet” and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of the territory.

(2) Proclamations No. 51 of 1920 and No. 12 of 1930 of the Administrator of the territory are hereby repealed.

(3) Anything done, *except a regulation made*, under a provision of a law applied in the territory or any portion thereof by the proclamation referred to in subsection (2), shall be deemed to have been done in respect of the territory or the portion thereof concerned under the corresponding provision of this Act. [emphasis added]

The Statistics Proclamation 51 of 1920 ([OG 41](#)), which applied the *Statistics Act 38 of 1914* to SWA, stated in section 1(2):

All existing regulations made by the Governor-General of the Union of South Africa in pursuance of the powers conferred by section ten of the aforesaid Statistics Act 1914 together with all such additional or amending regulations as may be framed from time to time thereunder shall apply mutatis mutandis to the Protectorate.

However, any regulations surviving pursuant to this savings clause – including those made under the Statistics Proclamation 51 of 1920 ([OG 41](#)) or under the *Statistics Act 38 of 1914* as applied to SWA by the Statistics Proclamation 51 of 1920 - would have fallen away due to section 16A(3) of the *Statistics Act 73 of 1957*, which is quoted above.

The *Statistics Act 38 of 1914* ([SA GG 532](#)) contained no repeals.

**Regulations:** Regulations are authorised under section 58 of the current Act, but no regulations have been issued under the Act.

For the purposes of considering what regulations may survive in terms of the savings clauses, the relevant transfer proclamation for the *Statistics Act 66 of 1976* is the Executive Powers (Statistics) Transfer Proclamation, AG 15 of 1977 ([OG 3677](#)), dated **1 December 1977**.

As noted above, pre-independence regulations issued under the *Statistics Act 38 of 1914* ([SA GG 532](#)) that was applied to SWA by the Statistics Proclamation 51 of 1920 ([OG 41](#)) do not appear to survive in terms of the chain of savings clauses.<sup>53</sup>

Pre-independence regulations issued under the *Statistics Act 73 of 1957* ([SA GG 5901](#)) surviving in terms of section 22(2) of the *Statistics Act 66 of 1976* and section 60(3) of the current Act are listed here. (Date-specific regulations with no ongoing effect have been omitted.)

RSA GN R.137/1964 ([RSA GG 712](#)) (regulations governing the collection of statistics on social welfare organizations or institutions)<sup>54</sup>

RSA GN R.138/1964 ([RSA GG 712](#)) (regulations governing the collection of statistics on stocks of wool and mohair)<sup>55</sup>

RSA GN R.139/1964 ([RSA GG 712](#)) (regulations governing the collection of statistics on the fishing industry)<sup>56</sup>

RSA GN R.142/1964 ([RSA GG 712](#)) (regulations governing the collection of statistics relating to cultural institutions)<sup>57</sup>

RSA GN 143/1964 ([RSA GG 712](#)) (regulations governing the collection of statistics relating to the motor trade)<sup>58</sup>

RSA GN 144/1964 ([RSA GG 712](#)) (regulations governing the collection of statistics relating to prices of commodities and services)<sup>59</sup>

---

<sup>53</sup> Pre-independence regulations issued under the *Statistics Act 38 of 1914* in respect of SWA that do NOT appear to survive include the following:

- GN 61/1962 ([OG 2391](#)) (regulations relating to annual statistics on the fishing industry)
- GN 62/1962 ([OG 2391](#)) (regulations relating to annual statistics on the automotive industry), as amended by GN 186/1964 ([OG 2588](#))
- GN 63/1962 ([OG 2391](#)) (regulations relating to annual statistics on factories and productive industries)
- GN 64/1962 ([OG 2391](#)) (regulations relating to annual statistics on agriculture and forestry).

Date-specific regulations made under the Statistics Proclamation 51 of 1920 ([OG 41](#)) or the *Statistics Act 38 of 1914* are not listed here.

<sup>54</sup> These regulations were made in substitution for the regulations published in SA GN 138/1920.

<sup>55</sup> These regulations were made in substitution for the regulations published in SA GN 885/1942.

<sup>56</sup> These regulations were made in substitution for the regulations published in RSA GN 979/1961.

<sup>57</sup> These regulations were made in substitution for the regulations published in SA GN 1787/1917.

<sup>58</sup> These regulations were made in substitution for the regulations published in RSA GN 980/1961.

<sup>59</sup> These regulations were made in substitution for the regulations published in SA GN 799/1958.

RSA GN R.145/1964 ([RSA GG 712](#)) (regulations governing the collection of statistics in respect of the industrial sector)<sup>60</sup>; repealed by RSA GN R.200/1977 ([RSA GG 5402](#)) insofar as they relate to monthly statistics and by RSA GN R.201/1977 ([RSA GG 5402](#)) insofar as they relate to quarterly financial statistics

RSA GN R.146/1964 ([RSA GG 712](#)) (regulations governing the annual collection of statistics relating to factories and productive industries)<sup>61</sup>

RSA GN R.147/1964 ([RSA GG 712](#)) (regulations governing collection of statistics relating to trade unions, employers' organisations, industrial councils, business, occupational, professional and other similar associations)<sup>62</sup>

RSA GN R.148/1964 ([RSA GG 712](#)) (regulations governing collection of statistics relating to wages and employment)<sup>63</sup>

RSA GN R.149/1964 ([RSA GG 712](#)) (regulations governing collection of statistics relating to health services and funeral furnishing)<sup>64</sup>

RSA GN R.150/1964 ([RSA GG 712](#)) (regulations governing collection of building statistics)<sup>65</sup>

RSA GN R.151/1964 ([RSA GG 712](#)) (regulations governing collection of statistics on the production of prepared meat and meat-products and stocks of foodstuffs, including meat and meat products on hand or in cold storage)<sup>66</sup>

RSA GN R.152/1964 ([RSA GG 712](#)) (regulations governing collection of statistics on accommodation establishments)<sup>67</sup>

RSA GN R.153/1964 ([RSA GG 712](#)) (regulations governing collection of wholesale and retail trade statistics)<sup>68</sup>

RSA GN R.1490/1967 ([RSA GG 1851](#), reprinted in [OG 2826](#)) (regulations governing the collection of building statistics from local authorities)

RSA GN R.1491/1967 ([RSA GG 1851](#), reprinted in [OG 2826](#)) (regulations governing the collection of statistics relating to dwellings and servants)<sup>69</sup>

RSA GN R.2092/1968 ([RSA GG 2214](#)) (regulations in regard to the collection of financial statistics relating to mines and works); repealed by RSA GN R.201/1977 ([RSA GG 5402](#)) insofar as they relate to quarterly financial statistics

RSA GN R.968/1974 ([RSA GG 4301](#)) (regulations in regard to the collection of monthly work performance and quarterly financial statistics, respectively, relating to private transport of passengers and goods by road for reward); repealed by RSA GN R.201/1977 ([RSA GG 5402](#)) insofar as they relate to quarterly financial statistics).

Pre-independence regulations issued under the *Statistics Act 66 of 1976* ([RSA GG 5123](#)) which appear to survive in terms of section 60(3) of the current Act are listed here. (Date-specific regulations with no ongoing effect have been omitted.<sup>70</sup>)

RSA GN R.1138/1976 ([RSA GG 5193](#)) (regulations on monthly collection of information about building society mortgages registered or granted)

<sup>60</sup> These regulations were made in substitution for the regulations published in RSA GN R.1682/1960.

<sup>61</sup> These regulations were made in substitution for the regulations published in SA GN 1811/1957 and SA GN 616/1950.

<sup>62</sup> These regulations were made in substitution for the regulations published in RSA GN 982/1961.

<sup>63</sup> These regulations were made in substitution for the regulations published in SA GN 481/1957.

<sup>64</sup> These regulations were made in substitution for the regulations published in SA GN 1452/1924.

<sup>65</sup> These regulations were made in substitution for the regulations published in SA GN 38/1948.

<sup>66</sup> These regulations were made in substitution for the regulations published in SA GN 1145/1939.

<sup>67</sup> These regulations were made in substitution for the regulations published in SA GN 420/1958.

<sup>68</sup> These regulations were made in substitution for the regulations published in SA GN 1171/1958.

<sup>69</sup> These regulations were made in substitution for the regulations published in RSA GN R.141/1964.

<sup>70</sup> RSA GN R.1436/1976 ([RSA GG 5256](#)) contains regulations governing the quorum for and the procedure at a meeting of the Statistics Advisory Council. However since the current law does not make provision for this body, these regulations could not have been made under a provision of the current law and therefore do not survive pursuant to section 60(3) of the current Act.

RSA GN R.974/1977 ([RSA GG 5575](#)) contains regulations regarding censuses of businesses, professions and trades in the Bantu homelands. However, these regulations could not have been made under a provision of the current law and therefore do not survive pursuant to section 60(3) of the current Act.

- RSA GN R.1508/1976 ([RSA GG 5263](#)) (regulations in relation to the collection of wholesale and retail trade statistics);<sup>71</sup> repealed by RSA GN R.201/1977 ([RSA GG 5402](#)) insofar as they relate to quarterly financial statistics
- RSA GN R.200/1977 ([RSA GG 5402](#)) (regulations governing the collection of monthly statistics on manufacturing)<sup>72</sup>
- RSA GN R.201/1977 ([RSA GG 5402](#)) (regulations governing the collection of quarterly financial statistics)<sup>73</sup>
- RSA GN R.758/1977 ([RSA GG 5537](#)) (regulations governing the collection of financial statistics of companies, co-operative societies and public corporations).

The surviving regulations that are not date-specific are still being processed for the database.

Post-independence regulations issued under the *Statistics Act 66 of 1976* which appear to survive in terms of section 60(3) of the current Act are listed here. However all of these regulations relate only to date-specific collections of statistics and so are omitted from the database:

- GN 54/1999 ([GG 2076](#)) (regulations on collection of statistics on child economic activities in respect of the period 1 March 1999 to 30 April 1999)
- GN 177/2004 ([GG 3256](#)) (regulations on collection of statistics on labour force activities in respect of the period 6 August 2004 to 30 September 2004)
- GN 26/2005 ([GG 3393](#)) (regulations on collection of statistics on agricultural activities in respect of the period 15 March 2005 to 30 September 2005)
- GN 235/2008 ([GG 4131](#)) (authorisation and regulations relating to labour force survey from 01 September 2008 to 04 October 2008)
- GN 146/2009 ([GG 4301](#)) (authorisation and regulations relating to statistics on business enterprises and business establishments collected from 01 August 2009 to 31 October 2009)
- GN 162/2009 ([GG 4314](#)) (authorisation and regulations relating to statistics on household income and expenditure collected from 15 August 2009 to 31 October 2010)
- GN 114/2010 ([GG 4495](#)) (authorisation and regulations relating to statistics on dwellings and other building structures collected from 15 May 2010 to 31 July 2011).

Post-independence regulations issued under the *Statistics Act 66 of 1976* in respect of specific censuses are listed here; these census regulations have no ongoing effect and so have been omitted from the database:

- GN 101/1991 ([GG 253](#)) (regulations for 1991 census)
- GN 168/2001 ([GG 2597](#)) (regulations for 2001 census)
- GN 147/2011 ([GG 4776](#)) (regulations for 2011 census).

**Notices:** Pre-independence notices issued under the *Statistics Act 73 of 1957* which appear to survive in terms of section 60(3) of the chain of savings clauses are as follows:

- SA GN 420/1958, republished in RSA 140/1964 ([RSA GG 712](#)) (authorisation to collect statistics on the wholesale, retail and motor trade, and in connection with services, including professional, catering, accommodation, entertainment, amusement, recreation, sporting and cultural institutions).

Pre-independence notices issued under the *Statistics Act 66 of 1976* which appear to survive in terms of section 60(3) of the current Act are as follows:<sup>74</sup>

- RSA GN R.139/1977 (matters on which statistics may be collected)

<sup>71</sup> These regulations repeal the regulations in RSA GN R.1642/1965 ([RSA GG 1265](#)), which were in turn made in substitution for the regulations published in RSA GN R.153/1964.

<sup>72</sup> These regulations repeal the ones in RSA GN R.145/1964 *insofar as they relate to monthly statistics*.

<sup>73</sup> These regulations repeal the following regulations *insofar as they relate to quarterly financial statistics*: RSA GN R.145/1964, RSA GN R.2092/1968, RSA GN R.968/1974 and RSA GN R.1508/1976.

<sup>74</sup> AG GN 188/1980 ([OG 4338](#)) contains an authorisation for the 1981 census but has no ongoing effect.

AG GN 73/1984 ([OG 4904](#)) (authorisation to collect statistics on labour matters)  
GN 38/1986 ([OG 5175](#)) (authorisation to collect statistics on household income and expenditure)  
GN 180/1987 ([OG 5454](#)) (authorisation to collect statistics on labour matters)  
AG GN 10/1989 ([OG 5699](#)) (authorisation to collect statistics on the manufacturing of goods)

Post-independence notices issued under the *Statistics Act 66 of 1976* which appear to survive in terms of section 60(3) of the current Act are as follows:

GN 54/1999 ([GG 2076](#)) (authorisation to collect statistics on child economic activities)  
GN 167/2001 ([GG 2547](#)) (dates for 2001 census)  
GN 176/2004 ([GG 3256](#)) (authorisation to collect statistics on labour force activities)  
GN 25/2005 ([GG 3393](#)) (authorisation to collect statistics on agricultural activities)  
GN 146/2011 ([GG 4776](#)), as extended by GN 177/2011 ([GG 4796](#)) (dates for 2011 census).

Note that many of these have no ongoing effect.

The following codes, policies, standards and other notices were issued under the current Act:

Codes:

A **Code of Practice** regarding professional and ethical standards applicable to statistics producers is published in General Notice 19/2015 ([GG 5655](#)).

Policies and frameworks:

A **Namibia Statistics Policy** is published in General Notice 18/2015 ([GG 5654](#)).

The **Data Collection, Processing and Dissemination Policy and Practice** is published in General Notice 20/2015 ([GG 5656](#)).

A **National Spatial Data Infrastructure (NSDI) Policy** is published in General Notice 103/2015 ([GG 5684](#)).

The **Namibia Quality Assurance Framework for Statistics** is published in General Notice 231/2020 ([GG 7242](#)) and the **Implementation Plan** for the framework is published in General Notice 232/2020 ([GG 7243](#)).

Standards:

A **Data Quality Assessment Framework setting out standards which will be used for the designation of statistics as “official” statistics** is published in General Notice 21/2015 ([GG 5657](#)).

A **Metadata Standard on the Manner for the Capturing and Publishing of Metadata for Spatial Data and Services in Namibia** is published in General Notice 405/2016 ([GG 6144](#)).

A **Data Quality Standard for the Purchase, Capture, Collection, Production and Dissemination of Geospatial Data in Namibia** is published in General Notice 406/2016 ([GG 6145](#)).

A **Namibian Statistical Systems Standard for Measuring ‘Leave No One Behind’** is published in General Notice 233/2020 ([GG 7244](#)).

A **Namibia National Statistics System Standard for Data and Statistics Dissemination** is published in General Notice 481/2022 ([GG 7897](#)).



A **Namibia National Statistics System Standard for Data and Statistical Presentation** is published in General Notice 482/2022 ([GG 7898](#)).

A **Namibia National Statistics System Standard for Statistical Metadata** is published in General Notice 483/2022 ([GG 7899](#)).

A **Namibia National Statistics System Standard for Statistical Quality Indicators** is published in General Notice 484/2022 ([GG 7900](#)).

A **Namibia Land Cover Classification Standard** is published in General Notice 208/2023 ([GG 8087](#)).

Other notices:

A notice on the **manner and specification for the capturing of spatial data**, including any application for exemption from such manner or specification, is contained in General Notice 404/2016 ([GG 6143](#)).

The date for the 2023 population and housing census is set as 24 September 2023 by GN 180/2023 ([GG 8122](#)).

**Appointments:** Appointments to the Board of the Namibia Statistics Agency are announced in GN 174/2011 ([GG 4792](#)), GN 148/2014 ([GG 5559](#)) and GN 158/2021 ([GG 7590](#)).

## **COMMENTARY**

Frederico Links, Ndeshi Fikameni and Michael Hasheela, “Access Denied: Access to Information in Namibia”, Institute for Public Policy Research, 2017, available [here](#)

Karen Mohan, “Sunlight is the Best Disinfectant: Why Namibia Needs Access to Information”, Institute for Public Policy Research, 2012, available [here](#)

Henry Maina, “Disclosure vs Secrecy: What is the right balance?”, Institute for Public Policy Research, 2012, available [here](#)

M Dimba, “Access to Information as a Tool for Socio-economic Justice”, Institute for Public Policy Research, 2012, available [here](#)

Karen Mohan, “Access to Information: The Media and the ICT Sector”, Institute for Public Policy Research, 2012, available [here](#)

Robin Sherbourne, “Access to Information and the Namibian Economy”, Institute for Public Policy Research, 2012, available [here](#).

## **INTERNATIONAL LAW**

*African Charter on Statistics, 2009*