
**Summary:** The remaining portions of this Act (OG 4358) relate only to agricultural colleges providing tertiary education. The Act came into force on 1 April 1981 (AG 6/1981, OG 4430).

**Amendments:** The Act is amended by AG 39/1984 (OG 4983), which repealed sections 13-24, deletes section 25(6) and amended other sections by the substitution of expressions. (AG 39/1980 was repealed by the Public Service Act 13 of 1995 (GG 1121)).

The Act is also amended by Act 12/1988 (OG 5579).

The Act is repealed by the Education Act 16 of 2001 (GG 2673), brought into force on 28 October 2002 (GN 186/2002, GG 2841) in so far as it applies to schools and education other than tertiary education. This repeal is amended by the Higher Education Act 26 of 2003 to be effective except in so far as the Act “applies to teachers’ education colleges and agricultural colleges providing tertiary education”.

The Act is repealed by the Teachers’ Education Colleges Act 25 of 2003 (GG 3124, brought into force on 1 April 2005 by GN 18/2005, GG 3386) insofar as it applies to teachers’ education colleges.

Thus, it remains in force only insofar as it applies to agricultural colleges providing tertiary education.

**Regulations:** Regulations are contained in AG GN 49/1981 (OG 4445), as amended by AG GN 73/1982 (OG 4631), AG GN 74/1982 (OG 4631), GN 162/1986 (OG 5248) and GN 215/1987 (OG 5482) (which was amended by AG 25/1989 (OG 5758)).


**Summary:** This Act (GG 460) establishes the University of Namibia and provides for the administration and control of its affairs. It replaces the Academy Act 9 of 1985, which in turn replaced the Academy for Tertiary Education Act 13 of 1980. This Act came into force on 31 August 1992 (GN 109/1992, GG 462).

**Amendments:** Sections 26-28 are amended by the Polytechnic of Namibia Act 33 of 1994 (GG 991), brought into force on 15 December 1994 by GN 241/1994, GG 1000) and repealed by the Namibia University of Science and Technology Act 7 of 2015 (GG 5827), brought into force on 16 November 2015 by GN 254/2015 (GG 5876).


**Summary:** This Act (GG 933) regulates the training of apprentices and vocational trainees. It establishes a Vocational Training Board and trade advisory committees;
provides for the establishment of vocational standards and training schemes and the designation of trades; provides for the establishment of a National Trade Testing and Certification Centre; provides for the training and certification of apprentices and the registration of vocational training centres; and establishes a Vocational Training Fund. Parts I-VII and IX-XI came into force on 1 September 1996 and Part VIII on 1 January 1997 (GN 233/1996, GG 1399).

This Act is repealed in its entirety by the Vocational Education and Training Act 1 of 2008 (GG 4042), which came into force on 2 June 2008 (GN 126/2008, GG 4053). However, certain portions of this Act remain operational despite the repeal. Section 49(12) of Act 1/2008 provides that sections 17-28 inclusive of this Act remain in force as if it had not been repealed, until a date determined by the Minister by notice in the Government Gazette. Section 49(15) similarly provides that section 32(1)-(2) of this Act remains in force as if this Act had not been repealed, until a date determined by the Minister by notice in the Government Gazette. No such notices had been issued as of 31 December 2013.

Section 49(13) of Act 1 of 2008 provides that the National Trade Testing and Certification Centre established under section 30 of this Act continues to exist and to perform its functions as if this Act had not been repealed, until a date determined by the Minister by notice in the Government Gazette, except that the Board of the Namibia Training Authority established by Act 1 of 2008 must perform the functions of the Vocational Training Board in respect of the National Trade Testing and Certification Centre until that date.

**Amendments:** Act 10/1996 (GG 1357) amends sections 1, 5, 14, 29 and 54.

**Regulations:** Regulations made under any of the laws repealed by the Act remain in force, pursuant to section 53(2) of the Act.

Regulations made in terms of this Act are contained in GN 234/1996 (GG 1399).

**Notices:** Certain vocational standards are approved in terms of section 13(3) in GN 9/1997 (GG 1489) and GN 190/2000 (GG 2387).

Designations of trades are contained in GN 192/2000 (GG 2387). Trades are also designated in terms of section 14(1)(b) in GN 10/1997 (GG 1489), which substitutes paragraph (b) of GN R. 2473 of 21 December 1973.

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**Polytechnic of Namibia Act 33 of 1994.**

**Summary:** This Act (GG 991) establishes a Polytechnic of Namibia and provides for its administration and control. It came into force on 15 December 1994 (GN 241/1994, GG 1000). It was repealed by the Namibia University of Science and Technology Act 7 of 2015.

**Notices:** Certain bodies are designated in terms of section 6 by GN 96/1995 (GG 1090).

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**Namibia Qualifications Authority Act 29 of 1996.**

**Summary:** This Act (GG 1476) establishes a Namibia Qualifications Authority
which deals with matters relating to occupational standards for any occupation, job, post or position in any career structure, as well as appropriate curriculum standards. It came into force on 1 June 1998, and the administration of the Act was assigned to the Ministry of Higher Education, Vocational Training Science and Technology (Proc. 11/1998, GG 1861).

**Amendments:** The State-owned Enterprises Governance Act 2 of 2006 (GG 3698), which was brought into operation on 1 November 2006 by Proc. 13/2006 (GG 3733), amends section 5, 6, 10 and 11.

The Vocational Education and Training Act 1 of 2008 (GG 4042), which was brought into operation on 2 June 2008 (GN 126/2008, GG 4053), amends sections 5 and 15.

**Regulations:** Regulations for the accreditation of persons, institutions or organisations are contained in GN 124/2006 (GG 3684).

Regulations setting up the National Qualifications Framework for Namibia are contained in GN 125/2006 (GG 3685). Qualifications and unit standards pursuant to this framework are registered from time to time but have not been recorded here.

Regulations relating to the evaluation of qualifications are contained in GN 182/2007 (GG 3914).

**Notices:** National Professional Standards for teachers are approved pursuant to section 3(c) in General Notice 356/2006 (GG 3739).

**Namibian College of Open Learning Act 1 of 1997.**

**Summary:** This Act (GG 1570) establishes the Namibian College of Open Learning (NAMCOL) which aims to broaden access to education by providing alternatives to school-based education. It came into operation on 25 September 1997 (Proc. 15/1997, GG 1682).

**Amendments:** The State-owned Enterprises Governance Act 2 of 2006, which was brought into operation on 1 November 2006 by Proc. 13/2006 (GG 3733), amends section 7, 8, 14 and 20.

**Notices:** The administration of the Act is assigned to the Minister of Basic Education and Culture by Proc. 15/1997 (GG 1682).

**Namibia Students Financial Assistance Fund Act 26 of 2000.**

**Summary:** This Act (GG 2457) establishes a fund to facilitate study and research by students at approved institutions of higher education. It came into force on 15 May 2002 (GN 72/2002, GG 2738).

**Amendments:** Act 7/2014 (GG 5588) amends section 1, 3, 6, 7, 9, 12, 13 and 15, substitutes section 2, 10, 17 and 20, inserts sections 1A, 18A, 18B, 18C and 18D and deletes certain words throughout. It will come into force on a date set by the Minister
in the *Gazette*.

**Regulations:** Regulations are contained in GN 246/2001 (*GG* 2664).


**Summary:** This Act (*GG* 2673) covers schools and hostels in Namibia, as well as the Teaching Service. It establishes a National Advisory Council on Education, a National Examination Assessment and Certification Board, Regional Education Forums, School Boards, an Education Development Fund and a Teaching Service Committee. It repeals the following laws:

- Education Ordinance 27 of 1962
- *Black Special Education Act* 24 of 1964
- *Coloured Persons in South West Africa Education Act* 63 of 1972
- *Basters of Rehoboth Education Act* 85 of 1972
- *Namas in South West Africa Education Act* 86 of 1972
- Education Ordinance 21 of 1975
- Mentally Retarded Coloured, Baster and Nama Children's Training Proclamation, AG 76 of 1978
- National Education Act 30 of 1980 (in so far as it applies to schools and education other than tertiary education).

The Act came into force on 28 October 2002 (GN 186/2002, *GG* 2841). However, in terms of section 84(2) of the Act, sections 77(1)(g), (h) and (i) (certain offences) came into operation 12 months after this date.


**Regulations:** Regulations are contained in GN 187/2002 (*GG* 2841), as amended by GN 15/2004 (*GG* 3144).

**Notices:** Categories of State-Aided Private Schools in respect of section 49 of the Act are set out in GN 188/2002 (*GG* 2841).

General Rules of Conduct for Learners at State Schools are contained in GN 189/2002 (*GG* 2841).

Minimum requirements and standards pertaining to the Namibia Senior Secondary Certificate are contained in GN 228/2009 (*GG* 4383).

**Cases:** *U v Minister of Education, Sports and Culture & Another* 2006 (1) NR 168 (HC) (award of damages in respect of corporal punishment in violation of section 56(1) of Act; statute is not explicitly mentioned in case); *Elio & Another v Permanent Secretary of Education & Another* 2008 (2) NR 532 (LC) (sections 16-17; employment of principal); *Dixon v Government of the Republic of Namibia (Ministry of Education) & Another* 2011(1) NR 111 (HC) (section 79).

### Teachers’ Education Colleges Act 25 of 2003.

**Summary:** This Act (*GG* 3124) provides for the establishment of teachers’ education colleges for the education and training of students and serving teachers, in order to
enable them to obtain the necessary qualifications or to better such qualifications. It repeals the National Education Act 30 of 1980 in so far as it applies to teachers’ education colleges. The Act came into force on 1 April 2005 (GN 18/2005, GG 3386).

**Higher Education Act 26 of 2003.**

**Summary:** This Act (GG 3125) regulates higher education, provides for the establishment of a National Council for Higher Education, provides for the registration of private higher education institutions, provides for funding of public higher education institutions, and provides for the establishment of a panel of enquiry into the affairs of higher education. It came into force on 1 March 2005 (GN 17/2005, GG 3386).

**Amendments:** Sections 1 and 7 are amended by the Vocational Education and Training Act 1 of 2008 (GG 4042), which was brought into force on 2 June 2008 (GN 126/2008, GG 4053).

**Regulations:** Regulations for the registration of private higher education institutions are contained in GN 160/2009 (GG 4312).

**Notices:** Notices of the registration of individual private higher education institutions have not been recorded here.

**Appointments:** Members of the National Council for Higher Education are announced in GN 5/2006 (GG 3573) and GN 10/2009 (GG 4210).

**Vocational Education and Training Act 1 of 2008.**

**Summary:** This Act (GG 4042) regulates vocational education and training and provides for its funding. It establishes a Namibia Training Authority and a National Training Fund. It also provides for inspectors and quality system auditors. It replaces the National Vocational Training Act 18 of 1994. The Act came into force on 2 June 2008 (GN 126/2008, GG 4053).

Section 49(12) provides that sections 17-28 inclusive of the previous Act remain in force as if that Act had not been repealed, until a date determined by the Minister by notice in the *Government Gazette*. Section 49(15) provides that section 32(1)-(2) of the previous Act remain in force as if that Act had not been repealed, until a date determined by the Minister by notice in the *Government Gazette*.

**Regulations:** Regulations made under the previous law survive in terms of section 49. These include the following:

Regulations made under the current Act are as follows:

Regulations under the National Vocational Training Act, 1994, are contained in GN 234/1996 (GG 1399).

Regulations for Registration of Vocational Education and Training Providers are contained in GN 300/2012 (GG 5099).
Regulations relating to Use of Vocational and Training Levies for Funding Vocational Education and Training Programmes and Projects and for Providing Technical and Financial Assistance are contained in GN 5/2014 (GG 5395).

**Notices:** Notices, registrations and other directives made under the previous law survive in terms of section 49. These include the following:

Certain vocational standards are approved in terms of section 13(3) in GN 9/1997 (GG 1489) and GN 190/2000 (GG 2387).

Designations of trades are contained in GN 192/2000 (GG 2387). Trades are designated in terms of section 14(1)(b) in GN 10/1997 (GG 1489), which substitutes paragraph (b) of GN R. 2473 of 21 December 1973.

In terms of the current law, an intention to impose a vocational education and training levy on employers was announced in GN 84/2013 (GG 5171). This levy was imposed by GN 6/2014 (GG 5395).

Registrations of individual vocational training institutions are announced in General Notice 178/2015 (GG 5738).

**Appointments:** The Vocational Training Board appointed under the previous law continues to exist until the Board of the Namibia Training Authority is appointed under the Act.

The National Trade Testing and Certification Centre established under section 30 of the previous Act continues to perform its functions as if that Act had not been repealed, as well as the functions of the Vocational Training Board under this Act, until a date determined by the Minister by notice in the Government Gazette.

**Namibia Institute of Public Administration and Management Act 10 of 2010.**

**Summary:** This Act (GG 4521) establishes the Namibia Institute of Public Administration and Management (NIPAM) and its Governing Council. It came into force on 1 October 2010 (GN 218/2010, GG 4574).

**Commentary:** Dennis U Zaire, “Accountability (or the absence thereof) in the Namibian public sector: A look at legislation and policies in place”, Namibian Law Journal, Volume 6, Issue 1.

**Namibia University of Science and Technology Act 7 of 2015.**

**Summary:** This Act (GG 5827) transforms the Polytechnic of Namibia into the Namibia University of Science and Technology (NUST). It replaces the Polytechnic of Namibia Act 33 of 1994 (GG 991). It was brought into force on 16 November 2015 by GN 254/2015 (GG 5876).
COMMISSIONS
See also GN 5/1991 (GG 144).
Commission of Inquiry into the Cause of Resistance by Certain Members of the Caprivi Community to the Appointment of Certain Senior Public Servants (Education), Proc. 26/1991 (GG 286).
See also GN 114/1991 (GG 286).
See also GN 39/1999 (GG 2059).

SELECTED COMMENTARY

INTERNATIONAL LAW
Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945
SADC Protocol on Education and Training, 1997

See also ARCHEIVES.
See also Namibia Qualifications Authority Act 29 of 1996 (curriculum standards and training programmes for achieving occupational standards) (EDUCATION).
See also Control of Sites (Churches, Schools and Missions) Proclamation 31 of 1932 (LAND AND HOUSING).
See also LIBRARIES.
See also Research, Science and Technology Act 23 of 2004 (which has a broad definition of research) (SCIENCE AND SCIENTIFIC RESEARCH).