

# EDUCATION

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## **National Education Act 30 of 1980.**

**Summary:** The remaining portions of this Act relate only to tertiary education, with the exception of tertiary education at the Academy for Tertiary Education (which has been replaced by other institutions since independence). The Act was brought into operation on 1 April 1981 by AG 6/1981.

**Amendments:** The Act is amended by AG 39/1984 (which repealed sections 13-24 and amended other sections) and Act 12/1988. The Act is repealed by the Education Act 16 of 2001 in so far as it applies to schools and education other than tertiary education. The Act is repealed by the Teachers' Education Colleges Act 25 of 2003 insofar as it applies to teachers' education colleges.

**Regulations:** Regulations are contained in AG GN 49/1981, AG GN 73/1982, AG GN 74/1982, GN 162/1986 and GN 215/1987 (as amended by AG 25/1989).

## **University of Namibia Act 18 of 1992.**

**Summary:** This Act establishes the University of Namibia and provides for the administration and control of its affairs. It came into force on 31 August 1992 (GN 109/1992, GG 462).

**Amendments:** Sections 26-28 are amended by Act 33/1994.

## **National Vocational Training Act 18 of 1994.**

**Summary:** This Act 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).

This Act is repealed in its entirety by the Vocational Education and Training Act 1 of 2008, which came into force on 2 June 2008 (GN 126/2008, GG 4053).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 Section 49(12) of Act 1/2008 provides that sections 17-28 inclusive of this Act remain in force as if it had not been repealed, until a date determined by the Minister by notice in the *Government Gazette*. Section 49(15) similarly provides that section 32(1)-(2) of this Act remain in force as if this Act had not been repealed, until a date determined by the Minister by notice in the *Government Gazette*.

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Centre established under section 30 of this Act continues to perform its functions as if this Act has not been repealed, until a date determined by the Minister by notice in the *Government Gazette*.

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

**Regulations:** Regulations are contained in GN 234/1996 (GG 1399).

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.

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

**Summary:** This Act 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).

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

## **Namibia College of Open Learning Act 1 of 1997.**

**Summary:** This Act 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 by Proc. 13/2006 (GG 3733), amends section 7, 8, 14 and 20.

**Regulations:** 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 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).

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

## **Education Act 16 of 2001.**

**Summary:** This Act 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) come into operation 12 months after this date.

**Amendments:** The Higher Education Act 26 of 2003 amends column 3 of the Schedule to the Act.

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

## **Teachers' Education Colleges Act 25 of 2003.**

**Summary:** This Act 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 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:** The Vocational Education and Training Act 1 of 2008 amends sections 1 and 7.

**Regulations:** Regulations for the registration of private higher education institutions

are contained in GN 160/2009 (GG 4312).

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

Regulations are contained in GN 234/1996 (GG 1399).

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.

**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*.

### **COMMISSIONS**

Commission on Higher Education, Proc. 1/1991.

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).

Commission on Education, Culture and Training. Proc. 13/1999 (GG 2059).

See also GN 39/1999 (GG 2059).

### **INTERNATIONAL LAW**

***Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO), 1945***

effective date in respect of Namibia: 2 November 1978.

(source: Environmental treaties and Resource Indicators Service, <http://sedac.ciesin.org/entri>.)

***SADC Protocol on Education and Training, 1997***

(entered into force within SADC on 31 July 2000) (source: SADC)

signed: 8 September 1997 (source: SADC)

ratification: 18 August 1998 (source: SADC; Ministry of Foreign Affairs)

See also **ARCHIVES**.

See also Namibia Qualifications Authority Act 29 of 1996 (re: curriculum standards and training programmes for achieving occupational standards) (**LABOUR**).

See also Control of Sites (Churches, Schools and Missions) Proclamation 31 of 1932 (**LAND**).

See also **LIBRARIES**.