

# EDUCATION

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## National Education Act 30 of 1980

**Summary:** The remaining portions of this Act ([OG 4358](#)) relate only to agricultural colleges providing tertiary education. It repeals the *Black Education Act 47 of 1953* “and all amendments thereof, as administered by the Department under the direction and control of the Administrator-General immediately prior to the commencement of this Act”, and the Examination Board of South West Africa Act 6 of 1979. The Act was brought into force on 1 April 1981 by AG 6/1981 ([OG 4430](#)).

**Amendments:** The Act is amended by AG 39/1984 ([OG 4983](#)), which repeals sections 13-24, deletes section 25(6) and amends 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 (AG 39/1980 was repealed by the Public Service Act 13 of 1995 ([GG 1121](#))).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The Act is repealed by the Education Act 16 of 2001 ([GG 2673](#)), brought into force on 28 October 2002 (GN 186/2002, [GG 2841](#)) in so far as it applies to schools and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The Act is repealed by the Teachers’ Education Colleges Act 25 of 2003 ([GG 3124](#)), brought into force on 1 April 2005 by GN 18/2005, [GG 3386](#)) insofar as it applies to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 authorised by section 34 of the Act. Section 38(2) contains a savings clause which states:

Anything done under any provision of any law repealed by subsection (1) which is not contrary to or inconsistent with any provision of this Act, shall be deemed to have been done under the corresponding provision of this Act.

Regulations issued under this Act prior to independence, and regulations made under the repealed laws which may have survived pursuant to the savings clause, have not yet been researched. No regulations have been issued in terms of this Act since independence.

## University of Namibia Act 18 of 1992

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

**Amendments:** Sections 26-28 are amended by the Polytechnic of Namibia Act 33 of 1994 (contained in ([GG 991](#)) and 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](#)).

**Regulations:** There is no savings clause in respect of any regulations which may have been made under the chain of repealed laws. Section 25 of the Act gives the Council power to make “statutes and regulations”, but none have been gazetted.

**\*\*\*National Vocational Training Act 18 of 1994, repealed but with some provisions remaining operable**  

**Summary:** This Act ([GG 933](#)) regulated the training of apprentices and vocational trainees; established a Vocational Training Board and trade advisory committees; provided for the establishment of vocational standards and training schemes and the designation of trades; provided for the establishment of a National Trade Testing and Certification Centre; provided for the training and certification of apprentices and the registration of vocational training centres; and established a Vocational Training Fund. Parts I-VII and IX-XI were brought into force on 1 September 1996 and Part VIII on 1 January 1997 by GN 233/1996 ([GG 1399](#)). The Act repeals the Apprenticeship Ordinance 12 of 1938 ([OG 748](#)) and its amendments, and RSA Proclamation R.69/1975 ([RSA GG 4614](#)) relating to the establishment of the Labour Promotion Fund, as amended by the SWA Labour Promotion Fund Amendment Act 10 of 1981 ([OG 4502](#)).

This Act is **repealed in its entirety** by the Vocational Education and Training Act 1 of 2008 ([GG 4042](#)), which was brought into force on 2 June 2008 by 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:** Post-independence regulations made in terms of section 52 of this Act are contained in GN 234/1996 ([GG 1399](#)). Section 52 of the Act is no longer in force. However, regulations under this Act survive in terms of the Vocational Education and Training Act 1 of 2008. See the entry for that Act below.

Regulations made under any of the laws repealed by the Act remained in force, pursuant to section 53(2) of the Act, which is no longer in force but originally read as follows:

“Any rule, regulation, notice or certificate made, published, served or issued or any other steps taken or any other thing done in terms of a provision of a law repealed by subsection (1) shall, in so far as it is not inconsistent with any provision, of this Act, be deemed to have been made, published, served, issued or done in terms of the corresponding or allied provision of this Act.”

However, the 1996 regulations made under this Act repeal the regulations made under the Apprenticeship Ordinance 12 of 1938 (without citing any specific references) and the other repealed law, RSA Proclamation R.69/1975 ([RSA GG 4614](#)), contains no authorisation for regulations. Thus, no regulations under any of the laws repealed by this Act survive.

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

**Savings:** Any trade designated in terms of the provisions of a law repealed by this Act is deemed to be a trade designated in terms of the provisions of this Act, pursuant to the savings clause in section 53(3) of this Act. *Note that the pre-independence designations and amendments to designations listed here*

*may not be comprehensive.*

Trades are designated in RSA GN R.2473/1973 ([RSA GG 4125](#)) (issued in terms of the Apprenticeship Ordinance 12 of 1938), as amended by GN R.2193/1974 ([RSA GG 4512](#)), GN R.2136/1976 ([RSA GG 5332](#)), GN R.1926/1977 ([RSA GG 5746](#)), GN 19/1986 ([OG 5162](#)), GN 196/1988 ([OG 5644](#)), GN 197/1988 ([OG 5644](#)), GN 35/1989 ([OG 5684](#)) and AG GN 27/1990 ([OG 5917](#)) and as further amended in terms of section 14(1)(b) of this Act by GN 10/1997 ([GG 1489](#)). Additional trades are designated in terms of the Apprenticeship Ordinance 12 of 1938 by GN 20/1986 ([OG 5162](#)), which also sets conditions for apprenticeships in these trades.

An additional trade is designated in GN 192/2000 ([GG 2387](#)), which is issued in terms of section 14(1)(a) of this Act.

## Namibia Qualifications Authority Act 29 of 1996

**Summary:** This Act ([GG 1476](#)) establishes a Namibia Qualifications Authority (NQA) 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 was brought 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, by Proc. 11/1998 ([GG 1861](#)).

**Amendments:** The State-owned Enterprises Governance Act 2 of 2006 ([GG 3698](#)), which was brought into force on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends section 5, 6, 10 and 11.

The Vocational Education and Training Act 1 of 2008 ([GG 4042](#)), which was brought into force on 2 June 2008 by 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](#)).

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](#)).

Specific qualifications and unit standards are registered from time to time pursuant to the National Qualifications Framework but have not been recorded here.

Accreditations of specific courses and accreditations and expansions of scope pertaining to specific institutions are published from time to time but have not been recorded here.

## 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 was brought into force on 25 September 1997 by Proc. 15/1997 ([GG 1682](#)).

**Amendments:** The State-owned Enterprises Governance Act 2 of 2006, which was brought into force

on 1 November 2006 by Proc. 13/2006 ([GG 3733](#)) and later re-named the Public Enterprises Governance Act 2 of 2006, amends section 7, 8, 14 and 20.

**Regulations:** Regulations are authorised by section 24 of the Act, but none have yet been promulgated.

**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 (NASAF) to facilitate study and research by students at approved institutions of higher education. It was brought into force on 15 May 2002 by GN 72/2002 ([GG 2738](#)).

**Amendments:** Act 7/2014 ([GG 5588](#)), which is not yet in force, 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. The amending Act will be brought into force on a date set by the Minister by notice in the *Government Gazette*.

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

**Notices:** Institutions of higher education set out in the Schedule in respect of which students can qualify for financial assistance are listed in GN 278/2019 ([GG 7009](#)).

**Appointments:** Members of the Board of the Namibia Students Financial Assistance Fund are announced in GN 317/2018 ([GG 6784](#)), GN 210/2019 ([GG 6965](#)) and GN 277/2019 ([GG 7009](#)).

## Education Act 16 of 2001

**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 (which repealed the previous Education Proclamation 16 of 1926)
- *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 was brought into force on 28 October 2002 by 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 force 12 months after this date.

This Act is repealed by the Basic Education Act 3 of 2020 ([GG 7257](#)), which has not yet been brought into force.

**Amendments:** The Higher Education Act 26 of 2003 ([GG 3125](#)), brought into force on 1 March 2005

by GN 17/2005 ([GG 3386](#)), amends column 3 of the Schedule to the Act. Act 14/2017 ([GG 6501](#)) amends sections 25, 38, 39, 59 and 80 to remove the requirement for compulsory contributions to school development funds and to provide for free pre-primary, primary, secondary and special education tuition and examination, amongst other things.

**Regulations:** Regulations made under the laws repealed by this Act may survive in terms of section 81(5) of this Act, which states:

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

Pre-independence regulations have not yet been researched.

Post-independence regulations are contained in GN 187/2002 ([GG 2841](#)), as amended by GN 15/2004 ([GG 3144](#)) – which contains a Code of Conduct for the Teaching Service. GN 187/2002 repealed the Regulations made under the National Education Act 30 of 1980), published in GN AG 73/1982 ([OG 4631](#)), GN AG 74/1982 ([OG 4631](#)) and GN 215/1987 ([OG 5482](#)).

**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](#)).

Certain institutions are registered as private higher education institutions in GN 116/2016 ([GG 6024](#)), which is amended by GN 176/2018 ([GG 6680](#)).

Rules relating to the minimum requirements and minimum standards for National Examinations for Junior Secondary Certificate (Grade 10) and National Senior Secondary Certificate (Grade 12) are contained in GN 143/2016 ([GG 6053](#)).

#### **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)

*S v Van Zyl & Others* 2016 (4) NR 1000 (HC) (section 56: "...in addition to being applicable to public schools the provisions of s 56(1) are also applicable to private schools"; "The effect of s 56 is that no amount of consent either from the parents or from the learner himself can nullify or invalidate the prohibition contained in s 56(1).").

## **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 was brought into force on 1 April 2005 by GN 18/2005 ([GG 3386](#)).

**Regulations:** Regulations are authorised by section 44 of the Act, but none have yet been promulgated.

Regulations pertaining to teachers' education colleges issued under the National Education Act 30 of 1980, if any, could survive in terms of section 45(3) of this Act:

Anything done or purporting to have been done under a provision of any law repealed by subsection (1) and which can be done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

Regulations that may survive pursuant to this provision have not yet been researched.

## 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 was brought into force on 1 March 2005 by 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 pertaining to higher education issued under the National Education Act 30 of 1980, if any, may survive in terms of section 47(2) of this Act:

Anything done or purporting to have been done under a provision of the National Education Act, 1980, before the commencement of this Act and which can be done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

Regulations that may survive pursuant to this provision have not yet been researched.

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 repeals the National Vocational Training Act 18 of 1994, which in turn repealed the Apprenticeship Ordinance 12 of 1938 ([OG 748](#)) and its amendments, and RSA Proclamation R.69/1975 ([RSA GG 4614](#)) relating to the establishment of the Labour Promotion Fund, as amended by the SWA Labour Promotion Fund Amendment Act 10 of 1981 (OG 4502). This Act was brought into force on 2 June 2008 by GN 126/2008 ([GG 4053](#)).

Section 49(12) provides that sections 17-28 inclusive of the National Vocational Training Act 18 of 1994 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 or surviving under the previous National Vocational Training Act 18 of 1994 survive in terms of section 49(6) of this Act:

Any regulation made, any direction, order or directive issued, any request made or any requirement prescribed and any other thing done or purported to have been done under a provision of a law repealed by section 48 and which could be made, issued, prescribed or done under a corresponding provision of this Act, is deemed to have been made, issued, prescribed or done under that provision.

**Regulations made under the National Vocational Training Act, 1994**, are contained in GN 234/1996 ([GG 1399](#)) and remain in force.

Regulations made under the laws repealed by the National Vocational Training Act 18 of 1994 – the Apprenticeship Ordinance 12 of 1938 ([OG 748](#)) and RSA Proclamation R.69/1975 ([RSA GG 4614](#)) – remained in force in theory, pursuant to section 53(2) of the Act, which is no longer in force but originally read as follows:

Any rule, regulation, notice or certificate made, published, served or issued or any other steps taken or any other thing done in terms of a provision of a law repealed by subsection (1) shall, in so far as it is not inconsistent with any provision, of this Act, be deemed to have been made, published, served, issued or done in terms of the corresponding or allied provision of this Act.

However, the 1996 regulations made under National Vocational Training Act 18 of 1994 repeal the regulations made under the Apprenticeship Ordinance 12 of 1938 (without citing any specific references) – and RSA Proclamation R.69/1975 ([RSA GG 4614](#)) contains no authorisation for regulations. Thus, no regulations under any of the laws repealed by the National Vocational Training Act 18 of 1994 survive under this Act.

Regulations made under the current Act are as follows:

**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](#)), as amended by GN 66/2021 ([GG 7498](#)).

**Notices:** Notices, registrations and other directives made under the previous law survive in terms of section 49 (quoted above). 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:** Any trade designated in terms of the provisions of a law repealed by this Act is deemed to be a trade designated in terms of the provisions of this Act, pursuant to the savings clause in section 53(3) of this Act. *Note that the pre-independence designations and the amendments to these designations listed here may not be comprehensive.*

Trades are designated in RSA GN R.2473/1973 ([RSA GG 4125](#)) (issued in terms of the Apprenticeship Ordinance 12 of 1938), as amended by GN R.2193/1974 ([RSA GG 4512](#)), GN R.2136/1976 ([RSA GG 5332](#)), GN R.1926/1977 ([RSA GG 5746](#)), GN 19/1986 ([OG 5162](#)), GN 196/1988 ([OG 5644](#)), GN 197/1988 ([OG 5644](#)), GN 35/1989 ([OG 5684](#)) and AG GN 27/1990 ([OG 5917](#)) and as further amended in terms of section 14(1)(b) of this Act by GN 10/1997 ([GG 1489](#)). Additional trades are designated in terms of the Apprenticeship Ordinance 12 of 1938 by GN 20/1986 ([OG 5162](#)), which also sets conditions for apprenticeships in these trades.

An additional trade is designated in GN 192/2000 ([GG 2387](#)), which is issued in terms of section

14(1)(a) of this Act.

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 initially imposed by GN 6/2014 ([GG 5395](#)), which is amended by GN 248/2016 ([GG 6149](#)) (amendments to Paragraph 4) and by GN 290/2018 ([GG 6760](#)) (amendments to Paragraph 4, addition of Annexure C and some global changes of wording). GN 67/2021 ([GG 7498](#)) imposes a new levy and repeals GN 6/2014 and its amendments.

**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*.

**Cases:** *Namibia Training Authority v Nangolo-Rukoro & Another* 2016 (4) NR 992 (LC) (section 23(a)).

## **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 was brought into force on 1 October 2010 by GN 218/2010 ([GG 4574](#)).

**Regulations:** Regulations are authorised by section 42 of the Act, but none have yet been promulgated.

**Commentary:** Dennis U Zaire, “Accountability (or the absence thereof) in the Namibian public sector: A look at legislation and policies in place”, *Namibia Law Journal*, Volume 6, Issue 1, 2014.

## **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 repeals 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](#)).

**Regulations:** There is no savings clause in respect of regulations made under the repealed Act. Section 35 of the Act gives the Council power to make “statutes and regulations”, but none have been gazetted.

**Notices:** In terms of section 7(2)(c)(iv) of the Act, GN 67/2016 ([GG 5990](#)) designates certain institutions, associations and bodies as representing the interests of key industries or sectors in the Namibian economy.

**Commentary:** Law Reform and Development Commission, *Discussion Paper on the Transformation of the Polytechnic of Namibia into the Namibia University of Science and Technology*, LRDC 30, 2014.



## \*Basic Education Act 3 of 2020

**Summary:** This Act ([GG 7257](#)) regulates free and compulsory basic education for both public and private schools. It sets guiding principles, norms and standards on basic education while highlighting learners' rights to education. It repeals the Education Act 16 of 2001 ([GG 2673](#)). (It does not repeal the amendments to the Education Act – section 46 of the Higher Education Act 26 of 2003 ([GG 3125](#)) and the Education Amendment Act 14 of 2017 ([GG 6501](#)) – but they would have no independent effect without the underlying Act.) This Act will be brought into force on a date set by the minister responsible for basic education by notice in the *Government Gazette*.

Note that the Education Act 16 of 2001 ([GG 2673](#)), which was brought into force on 28 October 2002 by GN 186/2002 ([GG 2841](#)) and is repealed by this Act, in turn repealed the following laws:

- Education Ordinance 27 of 1962, which repealed the previous Education Proclamation 16 of 1926
- *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 ([OG 3499](#)), brought into force on 1 January 1976 by AG Proc. 1/1976 ([OG 3509](#)) which repealed the Education Ordinance 27 of 1962 “insofar as it related to whites” and which contains a savings clause in section 108(2) for “any regulation, determination, instruction, notice, direction, command or exemption” made under a repealed law that is not inconsistent with the Ordinance
- Mentally Retarded Coloured, Baster and Nama Children’s Training Proclamation, AG 76 of 1978 ([OG 3859](#))
- National Education Act 30 of 1980 ([OG 4358](#)), brought into force on 1 April 1981 by AG Proc. 6/1981 ([OG 4430](#)) insofar as it applies to schools and education other than tertiary education.

**Savings:** Section 127 creates deeming provisions for the creation of institutions such as school boards, school development funds and the National Advisory Council on Education under the previous Act. It also states that unless otherwise provided in this Act, anything done under any law repealed by this Act, and which could have been done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

**Regulations:** Research into pre-independence regulations has not yet been completed. Regulations made under the Education Act 16 of 2001 survive in terms of section 127 of this Act.

A **Code of Conduct for the Teaching Service** is contained in GN 187/2002 ([GG 2841](#)), as amended by GN 15/2004 ([GG 3144](#)).

GN 187/2002 repealed the regulations made under the National Education Act 30 of 1980, published in GN AG 73/1982 ([OG 4631](#)), GN AG 74/1982 ([OG 4631](#)) and GN 215/1987 ([OG 5482](#)).

**Notices:** Notices made under the Education Act 16 of 2001 survive in terms of section 127 of this Act:

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](#)).

Certain institutions are registered as private higher education institutions in GN 116/2016 ([GG 6024](#)), which is amended by GN 176/2018 ([GG 6680](#)).

Rules relating to the minimum requirements and minimum standards for National Examinations for Junior Secondary Certificate (Grade 10) and National Senior Secondary Certificate (Grade 12) are contained in GN 143/2016 ([GG 6053](#)).

**Cases:** Cases decided relevant to the Education Act 16 of 2001 are as follows -

*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)

*S v Van Zyl & Others* 2016 (4) NR 1000 (HC) (section 56: "...in addition to being applicable to public schools the provisions of s 56(1) are also applicable to private schools"; "The effect of s 56 is that no amount of consent either from the parents or from the learner himself can nullify or invalidate the prohibition contained in s 56(1).").

## **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](#)).

## **COMMENTARY**

P Wainaina and L Katjita, "The provision of compulsory free primary education in Namibia (1990-2000): The juggling act" in M Hinz, S Amoo and D Van Wyk (eds), *The Constitution at Work: Ten Years of Namibian Nationhood*, Windhoek: UNAM Publishers, 2000

Sacky Shanghala, "Analysis of legislation, governance and management of education in Namibia", *Namibia Law Journal*, Volume 3, Issue 2, 2011

Linea PK Nuugwedha, "Enforceability of the constitutionally entrenched right to compulsory free primary education", *Namibia Law Journal*, Volume 3, Issue 2, 2011.

## **INTERNATIONAL LAW**

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

*SADC Protocol on Education and Training, 1997*

See also **ARCHIVES**.

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**).