

JUDGES

Judges' Remuneration Act 18 of 1990

Summary: This Act ([GG 107](#)) covers remuneration, additional service benefits and motor vehicles for judges.

Repeals: The Act repeals the Judges' Remuneration Act 16 of 1981 ([OG 4567](#)), as amended.

Amendments: Act 24/1994 ([GG 966](#)) amends sections 2 and 3.

Amendments to the Schedules appended to the Act are as follows:

- Proc. 12/1994 ([GG 848](#)) amends the First Schedule to the Act.
- Act 24/1994 ([GG 966](#)) repeals Proc. 12/1994, substitutes the First Schedule, adds a new Second Schedule, and makes the original Second Schedule into the Third Schedule (laws repealed by the principal Act).
- Proc. 2/1999 ([GG 2022](#)) amends the new Second Schedule.
- Proc. 14/2003 ([GG 2974](#)) substitutes the Second Schedule.
- Proc. 11/2007 ([GG 3869](#)) substitutes the Second Schedule.
- Proc. 10/2012 ([GG 4941](#)) substitutes the Second Schedule.
- Proc. 6/2014 ([GG 5451](#)) substitutes the Second Schedule.
- Proc. 5/2015 ([GG 5689](#)) substitutes the Second Schedule.
- Proc. 45/2015 ([GG 5914](#)) substitutes the Second Schedule.
- Proc. 10/2018 ([GG 6584](#)) substitutes the Second Schedule.
- Proc. 20/2023 ([GG 8120](#)) substitutes the Second Schedule.

Regulations: Regulations relating to Conditions of Service of Judges are contained in Proc. 28/2015 ([GG 5834](#)).²¹² Regulations 5(7)(d), 5(8)(d), 10 and 13 are applied with the necessary changes to the Ombudsman with effect from 23 September 2015 by Proc. 45/2019 ([GG 7049](#)).

Judicial Service Commission Act 18 of 1995

Summary: This Act ([GG 1195](#)) governs the operation of the Judicial Service Commission established by Article 85 of the Constitution. It was brought into force on 20 November 1995 by GN 220/1995 ([GG 1197](#)).

Appointments: See Proc. 1/1990 ([GG 1](#)), GN 96/2002 ([GG 2759](#)), Proc. 7/2009 ([GG 4251](#)) and Proc. 15/2021 ([GG 7482](#)).

Regulations: The Judicial Service Commission issued regulations in terms of Article 85(3) of the Constitution in GN 60/2011 ([GG 4674](#)).

Cases: *S v Zemburuka* (2) 2003 NR 200 (HC) (appointments of persons to “judicial offices” in acting capacities).

²¹² This Proclamation repeals the regulations in GN 107/2003 ([GG 2986](#)), as amended by GN 33/2005 ([GG 3410](#)), Proc. 5/2014 ([GG 5451](#)) and Proc. 4/2015 ([GG 5689](#)). Regulations were previously promulgated in GN 76/1990 ([GG 108](#)), as amended by GN 65/1994 ([GG 848](#)) and GN 1/1999 ([GG 2022](#)). GN 107/2003 repealed GN 76/1990 and GN 65/1994, but not GN 1/1999. However, GN 1/1999 would appear to have no relevance on its own despite remaining technically in force.

Commentary: Makanatsa Makonese, “Appointment processes for Judicial Services Commissions (JSCs) and their Role in Promoting Independence of the Judiciary in Southern Africa: A Focus on Law Society/Bar Association Representatives on the JSCs”, research supported by the American Bar Association Justice Defenders Program, 2017, available [here](#).

Judiciary Act 11 of 2015

Summary: This Act ([GG 5902](#)) provides for administrative and financial independence of the Office of the Judiciary. It was brought into force on 1 December 2015 by GN 313/2015 ([GG 5914](#)).

Regulations: Regulations are authorised by section 17 of the Act, but none have yet been promulgated.

Code of Conduct for Judges: Rules and Guidelines for Ethical Judicial Conduct in Namibia, adopted by the Judges of the Supreme and High Courts, can be found [here](#).

Guidelines on timeframes for the delivery of judgments in both the Supreme Court and the High Court can be found [here](#).

APPOINTMENTS OF JUDGES AND ACTING JUDGES

Chief Justice, Judge President, Judge of High Court, Proc. 31/1991

Judges of High Court, Proc. 17/1992

Judge of High Court, Proc. 26/1994

Chief Justice of Supreme Court, Judge of High Court, and Acting Judge of High Court, Proc. 1/1999 ([GG 2022](#))

Note: There are two Proclamations numbered “Proc. 1/1999” in the 1999 government gazettes – one in [GG 2022](#) and one in [GG 2032](#). The one referred to here appears in [GG 2022](#).

Judges of High Court, Judge President of High Court, Judge of Supreme Court, Proc. 22/2003 ([GG 3034](#))

Acting Judges of Supreme Court and High Court, Proc. 30/2003 ([GG 3092](#))

Acting Judge of High Court, Proc. 3/2004 ([GG 3128](#))

Acting Judges of High Court, Proc. 4/2004 ([GG 3133](#))

Acting Judges of High Court, Proc. 35/2004 ([GG 3207](#))

Acting Judges of High Court, Proc. 36/2004 ([GG 3207](#))

Acting Chief Justice of Supreme Court, Judges of High Court, Proc. 41/2004 ([GG 3259](#))

Acting Judges of High Court, Proc. 49/2004 ([GG 3304](#))

Acting Chief Justice of Supreme Court, Acting Judges of High Court, Proc. 55/2004 ([GG 3319](#))

Chief Justice of Supreme Court, Judge President of High Court, Proc. 56/2004 ([GG 3322](#))

Acting Judges of High Court, Proc. 58/2004 ([GG 3336](#))

Acting Judge of High Court, Proc. 59/2004 ([GG 3336](#))

Acting Judges of High Court, Proc. 2/2005 ([GG 3410](#))

Acting Judges of High Court, Proc. 16/2005 ([GG 3532](#))

Acting Judges of High Court and Judge of Supreme Court, Proc. 20/2005 ([GG 3562](#))

Acting Judges of High Court, Proc. 2/2006 ([GG 3603](#))

Acting Judges of High Court, Proc. 6/2006 ([GG 3632](#))

Acting Judge of High Court, Proc. 7/2006 ([GG 3647](#))

Acting Judge of High Court, Proc. 8/2006 ([GG 3679](#))

Acting Judges of High Court, Proc. 11/2006 ([GG 3715](#))

Judge of High Court, Proc. 14/2006 ([GG 3746](#))

Acting Judges of High Court, Proc. 9/2007 ([GG 3826](#))

Acting Judges of High Court, Proc. 12/2007 ([GG 3877](#))

Acting Judges of Supreme Court and High Court, Proc. 14/2007 ([GG 3912](#))

Acting Judge of High Court, Proc. 15/2007 ([GG 3928](#))

Acting Judge of High Court, Proc. 18/2007 ([GG 3928](#))
Acting Judges of High Court, Proc. 11/2008 ([GG 4005](#))
Acting Judge of High Court, Proc. 20/2008 ([GG 4066](#))
Judge of High Court, Proc. 21/2008 ([GG 4066](#))
Acting Judges of Supreme Court, Proc. 25/2008 ([GG 4085](#))
Acting Judge of High Court, Proc. 30/2008 ([GG 4101](#))
Acting Judges of High Court, Proc. 36/2008 ([GG 4129](#))
Acting Judges of Supreme Court, Proc. 37/2008 ([GG 4153](#))
Acting Judges of Supreme Court and High Court, Proc. 38/2008 ([GG 4156](#))
Acting Judges of Supreme Court and High Court, Proc. 4/2009 ([GG 4225](#))
Acting Judges of High Court, Proc. 8/2009 ([GG 4260](#))
Acting Judges of Supreme Court and High Court, Proc. 16/2009 ([GG 4371](#))
Acting Judges of High Court, Proc. 17/2009 ([GG 4371](#))
Judges of High Court, and Acting Judges of Supreme Court and High Court, Proc. 20/2009 ([GG 4391](#))
Judges and Acting Judges of High Court and Supreme Court, Proc. 7/2010 ([GG 4440](#))
Acting Judge President, Proc. 11/2010 ([GG 4514](#))
Acting Judges of High Court, Proc. 12/2010 ([GG 4514](#))
Acting Judges of High Court, Proc. 15/2010 ([GG 4561](#))
Acting Judges of Supreme Court and High Court, Proc. 2/2011 ([GG 4640](#))
Acting Judges of High Court, Proc. 6/2011 ([GG 4688](#))
Acting Judges of High Court, Proc. 13/2011 ([GG 4787](#))
Ad Hoc Judge of Supreme Court, Acting Judges of High Court, Proc. 15/2011 ([GG 4792](#))
Acting Judge of High Court, Proc. 7/2012 ([GG 4891](#))
Acting Judge of High Court, Proc. 8/2012 ([GG 4915](#))
Judge of High Court, Proc. 9/2012 ([GG 4941](#))
Acting Judge of High Court, Proc. 12/2012 ([GG 4958](#))
Acting Judge of High Court, Proc. 21/2012 ([GG 5015](#))
Acting Judge of High Court, Proc. 27/2012 ([GG 5069](#))
Acting Judge of High Court, Proc. 28/2012 ([GG 5076](#))
Acting Judges of High Court, Ad Hoc Judges of Supreme Court, Proc. 2/2013 ([GG 5519](#))
Acting Judges of High Court, Proc. 6/2013 ([GG 5143](#))
Ad Hoc Judges of Supreme Court, Proc. 15/2013 ([GG 5188](#))
Acting Judges of High Court, Proc. 17/2013 ([GG 5188](#))
Judge of High Court, Proc. 30/2013 ([GG 5284](#))
Ad Hoc Judges of Supreme Court, Proc. 33/2013 ([GG 5328](#))
Acting Judge of High Court, Proc. 2/2014 ([GG 5397](#))
Ad Hoc Judges of Supreme Court, Proc. 3/2014 ([GG 5397](#))
Acting Judge of High Court, Proc. 29/2014 ([GG 5567](#))
Judge of High Court, Proc. 30/2014 ([GG 5567](#)).
Acting Judge of High Court, Proc. 1/2015 ([GG 5660](#))
Judge of Supreme Court and Acting Judges of Supreme Court and High Court, Proc. 10/2015 ([GG 5711](#))
Acting Judge of High Court, Proc. 19/2015 ([GG 5751](#))
Acting Judges of High Court, Proc. 39/2015 ([GG 5892](#))
Ad Hoc Judges of Supreme Court, Proc. 40/2015 ([GG 5892](#))
Acting Judge of High Court, Proc. 42/2015 ([GG 5914](#))
Deputy Judge-President of High Court, Proc. 43/2015 ([GG 5914](#))
Judge of High Court, Proc. 44/2015 ([GG 5914](#))
Judge of High Court, Proc. 46/2015 ([GG 5914](#))
Acting Judge of High Court, Proc. 1/2016 ([GG 5986](#))
Judge of Supreme Court, Proc. 3/2016 ([GG 6024](#))
Acting Judges of High Court, Proc. 6/2016 ([GG 6164](#))
Acting Judges of High Court, Proc. 3/2017 ([GG 6238](#))
Acting Judges of High Court, Proc. 5/2017 ([GG 6285](#))
Acting Judge of High Court, Proc. 12/2017 ([GG 6346](#))
Acting Judges of High Court, Proc. 23/2017 ([GG 6426](#))
Acting Judge of High Court, Proc. 25/2017 ([GG 6482](#))

Acting Judge of High Court, Proc. 16/2019 ([GG 6920](#))
 Extension of Retiring Ages of Judges of Supreme Court, Proc. 17/2019 ([GG 6920](#))
 Acting Judges of High Court, Proc. 26/2019 ([GG 6952](#))
 Acting Judges of High Court, Proc. 27/2019 ([GG 6965](#))
 Judge of High Court, Proc. 30/2019 ([GG 6973](#))
 Acting Judges of High Court, Proc. 63/2019 ([GG 7077](#))
 Acting Judge of Supreme Court, Proc. 64/2019 ([GG 7077](#))
 Acting Judge of High Court, Proc. 12/2020 ([GG 7178](#))
 Acting Judges of High Court, Proc. 35/2020 ([GG 7271](#))
 Extension of Retiring Ages of Judges of High Court, Proc. 41/2020 ([GG 7290](#))
 Judge of High Court, Proc. 28/2021 ([GG 7545](#))
 Acting Judge of High Court, Proc. 29/2021 ([GG 7545](#))
 Acting Judge of High Court, Proc. 44/2021 ([GG 7636](#))
 Judge and Acting Judges of High Court, Proc. 52/2021 ([GG 7716](#))
 Acting Judge of High Court, Proc. 7/2022 ([GG 7805](#))
 Acting Judge of High Court, Proc. 19/2022 ([GG 7853](#))
 Acting Judges of High Court, Proc. 20/2022 ([GG 7853](#))
 Acting Judge of High Court, Proc. 26/2022 ([GG 7904](#))
 Acting Judge of High Court, Proc. 3/2023 ([GG 8014](#))
 Acting Judge of High Court, Proc. 5/2023 ([GG 8042](#)), as amended by Proc. 24/2023 ([GG 8177](#))
 Judges of High Court, Proc. 6/2023 ([GG 8042](#))
 Acting Judges of Supreme Court, Proc. 7/2023 ([GG 8042](#))
 Extension of Retiring Age of Judge of High Court, Proc. 8/2023 ([GG 8042](#))
 Acting Judges of High Court, Proc. 12/2023 ([GG 8085](#))
 Acting Judges of Supreme Court, Proc. 13/2023 ([GG 8085](#)).

COMMENTARY

Peter Von Doepp, “Politics and Judicial Decision Making in Namibia: Separate or Connected Realms?”, Institute for Public Policy Research, 2006, available [here](#) (analysis of 250 cases to test judicial independence)
 Nico Horn & Anton Boesl, *The Independence of the Judiciary in Namibia*, Konrad Adenauer Stiftung, 2008, available [here](#) (reviewed by Yvonne Dauseb in *Namibia Law Journal*, Volume 1, Issue 1, 2009, available [here](#))
 Ndjodi ML Ndeunyema, “Terminological Conundrums: how to refer to Judges of the Supreme Court of Namibia and related abbreviations”, *UNAM Law Review*, Volume 1, Issue 2, 2013, available [here](#).

See also **COURTS**.

See also Medical Scheme for Members of the National Assembly, Judges and other Office Bearers Act 23 of 1990 (**MEDICAL AID**).

See also Judges’ Pensions Act 13 of 2011 (**PENSIONS**).