

MEDIA AND COMMUNICATION

This section combines the laws previously indexed under BROADCASTING, CENSORSHIP, FILMS, POSTS AND TELECOMMUNICATIONS and PRESS AND PRINTING, to reflect the increasing integration of these modes of communication and their legal regulation.

Newspaper and Imprint Registration Act 63 of 1971, as amended in South Africa to March 1978  

Summary: This Act ([RSA GG 3159](#)) provides for the registration of newspapers and printer's imprints and requires that the printer of all printed matter be identified. It was brought into force in South Africa and South West Africa on 1 April 1972 by RSA Proc. R.80/1972 ([RSA GG 3441](#)), pursuant to section 14 of the Act.

Repeals: The Act repeals the *Newspaper and Imprint Act 14 of 1934*.

Applicability to SWA: Section 1 defines "Republic" to include "the territory of South West Africa". Section 14(1) states that "this Act and any amendment thereof shall also apply in the territory of South West Africa, including the Eastern Caprivi Zipfel".

Transfer of administration to SWA: The administration of this Act was transferred to SWA by the Executive Powers (Interior) Transfer Proclamation (AG 17/1978), dated **30 March 1978**. The only amendment to the Act in South Africa after the date of transfer and prior to Namibian independence – the *Registration of Newspapers Amendment Act 98 of 1982* ([RSA GG 8280](#)) – was not made expressly applicable to SWA. (There were no South African amendments to the Act prior to the date of transfer.)

Section 3(2)(c) of the transfer proclamation excluded section 8 of the Act from the operation of section 3(1)(c) of the General Proclamation, which concerns the interpretation of the term "Republic". Section 8 requires that the editor of a newspaper published in the Republic must reside in the Republic; "Republic" in this section retained the meaning it was given in the definition section of the Act (South Africa and SWA).

Savings: Section 15(2) contains a broad savings clause:

Anything done under a provision of the said Act [the repealed *Newspaper and Imprint Act 14 of 1934*] and which could be done under any provision of this Act, shall be deemed to have been done under the last-mentioned provision.

Regulations: Regulations are authorised by section 13 of the Act.

Pre-independence regulations relating to prescribed fees and prescribed forms made under this Act prior to the date of transfer are contained in RSA GN R.506/1972 ([RSA GG 3441](#)), as amended by RSA GN R.359/1978 ([RSA GG 5895](#)), dated 3 March 1978.²⁵³

No regulations made in terms of the repealed *Newspaper and Imprint Act 14 of 1934* appear to remain in force.²⁵⁴

No post-independence regulations have been promulgated.

²⁵³ In South Africa, RSA GN R.2422/1979 ([RSA GG 6716](#)) substitutes Annexure A, but this amendment was made after the relevant date of transfer and was not made explicitly applicable to SWA.

²⁵⁴ *Juta's Index to the South African Government and Provincial Gazettes* (formerly "The Windex"), 1920-1989 at 464.

Publications Act 42 of 1974, as amended in South Africa prior to Namibian independence



Summary: This Act ([RSA GG 4426](#)) establishes a Directorate of Publications and provides for the control of certain publications, objects, films and public entertainments. It was brought into force in South Africa and South West Africa as follows pursuant to section 46 of the Act:

- sections 1- 14, 16-24, 26-27, 29-32 and 34-53 were brought into force on 1 April 1975 by RSA Proc. R.74/1975 ([RSA GG 4617](#));
- sections 15 and 33 were brought into force on 1 September 1975 by RSA Proc. R.187/1975 ([RSA GG 4815](#));
- sections 25 and 28 were brought into force on 1 October 1975 by RSA Proc. 229/1975 ([RSA GG 4855](#)).

Repeals: The Act repeals the *Publications and Entertainments Act 26 of 1963*, as amended.

Applicability to SWA: Section 46 states “This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.” Section 47 defines “Republic” to include “the territory of South West Africa”.

Transfer of administration to SWA: The Act was under the authority of “the Minister to whom the administration of this Act is from time to time assigned” rather than under any particular government department (section 47). Section 3(2) of the Executive Powers (Interior) Transfer Proclamation (AG 17/1978) specifically exempted the Act from the operation of section 3(1) of the General Proclamation, meaning that the administration of the Act was not transferred to SWA by that transfer proclamation.

Certain powers under the Act were transferred to the Administrator-General by the Publications Proclamation (AG 43/1978) ([OG 3776](#)). However, this Proclamation did not seem to function as a transfer proclamation. Under section 2 of AG 43/1978, the Administrator-General was given the power to amend, set aside or substitute any decision made by any committee referred to in the principal Act, by the Publications Appeal Board, or by the Directorate of Publications. However, these bodies were still in a position to make decisions which were applicable to South West Africa if the Administrator-General did not intervene.

Amendments: The following pre-independence South African amendments were applicable to SWA –

- *Publications Amendment Act 79 of 1977* ([RSA GG 5594](#))
- *Publications Amendment Act 109 of 1978* ([RSA GG 6101](#))
- *Publications Amendment Act 44 of 1979* ([RSA GG 6433](#))
- *Divorce Act 70 of 1979* ([RSA GG 6506](#))
- *Registration of Newspapers Amendment Act 98 of 1982*, section 3(b) ([RSA GG 8280](#)), brought into force in part on 1 May 1983 by RSA Proc. 64/1983 ([RSA GG 8688](#))
- *Publications Amendment Act 60 of 1986* ([RSA GG 10306](#)).

The First Law Amendment (Abolition of Discriminatory or Restrictive Laws for the Purposes of Free and Fair Election) Proclamation (AG 14/1989) ([OG 5726](#)) amends the definition of “undesirable” in section 48 of the Act.

The Customs and Excise Act 20 of 1998 ([GG 1900](#)), brought into force on 1 August 1998 (GN 186/1998, [GG 1918](#)), repeals section 49.

The Repeal of Obsolete Laws Act 12 of 2022 ([GG 7991](#)), which was brought into force on 15 February 2023 by GN 21/2023 ([GG 8031](#)), repeals sections 50 and 51 (both of which amend the Indecent or Obscene Photographic Matter Act 37 of 1967 that is repealed by Act 12 of 2022).

Regulations: Regulations are authorised by section 44 of the Act.

Pre-independence regulations are contained in RSA GN R.2665/1986 ([RSA GG 10557](#)).²⁵⁵

No post-independence regulations have been promulgated.

Application of law: The Publications Proclamation (AG 43/1978) ([OG 3776](#)) supplements the Act, without actually amending it, to give the Administrator-General the power to overrule the Publications Appeal Board or any of the other committees or persons referred to in the Act.

Commentary: Law Reform and Development Commission, *Report on Publications*, LRDC 16, 2010.

Namibian Broadcasting Act 9 of 1991

Summary: This Act ([GG 223](#)) provides for the establishment of a broadcasting corporation for Namibia and sets forth its objectives, powers, duties and functions.

Repeals: The Act repeals the *Broadcasting Act 73 of 1976*, which was made explicitly applicable to SWA and which in turn repealed the *Broadcasting Act 22 of 1936*, which was also applicable to SWA.

Note that the SWA Radio Ordinance 7 of 1957 ([OG 2072](#)) supplemented the *Broadcasting Act 22 of 1936* in SWA²⁵⁶); the Radio Ordinance 7 of 1957 was repealed by the *Radio Act 3 of 1952* – which was made applicable to SWA by the Radio Amendment Act 93 of 1969 – and which was repealed in Namibia by the Communications Act 8 of 2009. (See the separate entry for the Communications Act 8 of 2009 below.)

Amendments: Sections 1 and 6 are amended by section 1 of the General Law Amendment Act 18 of 2000 ([GG 2422](#)), which was brought into force on 2 February 2001 by GN 25/2001 ([GG 2483](#)).

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 sections 6, 8 and 13. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

The Schedule to the Act is amended by the Communications Act 8 of 2009 ([GG 4378](#)), brought into force in relevant part on 18 May 2011 by GN 64/2011 ([GG 4714](#)).

Savings: Section 34(2)(c)(ii) of the current Act contains a specific savings clause for regulations made under the repealed *Broadcasting Act 73 of 1976*:

On the date of commencement of this Act -

[...]

- (c) anything done in respect of the South West African Broadcasting Corporation under any provision repealed by subsection (1) which may be done in respect of the Corporation under a corresponding provision of this Act, shall be deemed to have been done under such corresponding provision as if -
 - (i) in the case of any member appointed under the said Broadcasting Act, 1976, the Minister has appointed such member in terms of section 6 of this Act; and

²⁵⁵ These regulations repeal the regulations contained in RSA GN R.536 of 18 March 1975, as amended by Government Notices R.819 of 25 April 1975, R.1751 of 24 September 1976, R.2014 of 30 September 1977, R.835 of 21 April 1978, R.1974 of 29 September 1978, R.670 of 30 March 1979, R.1917 of 31 August 1979, R.668 of 28 March 1980, R.2326 of 14 November 1980, R.1890 of 4 September 1981, R.2329 of 30 October 1981, R.1235 of 25 June 1982, R.1236 of 25 June 1982, R.277 of 15 February 1985, R.1204 of 30 May 1985 and R.1090 of 6 June 1986.

²⁵⁶ Section 2 of the Radio Ordinance stated: “Radio activities within the Territory shall, subject to the provisions of the Broadcasting Act, 1936 (Act 22 of 1936) as amended by the Broadcasting Amendment Act, 1949, (Act 14 of 1949), and of this Ordinance, be under the control of the Director who shall exercise his powers and perform his functions under this Ordinance under the control and direction of the Administrator.”

- (ii) in the case of any regulation made under the said Broadcasting Act, 1976, the Minister has made such regulation in terms of section 27 of this Act.

Section 32(2)(a) of the *Broadcasting Act 73 of 1976* contained a savings clause that specifically mentioned regulations issued under the repealed *Broadcasting Act 22 of 1936*:

Any regulation, licence, appointment, designation, determination or other thing which was made, issued or done under a law repealed by subsection (1) and which could be made, issued or done under any provision of this Act, shall be deemed to have been made, issued or done under the last-mentioned provision.

Regulations: For the purpose of considering what regulations may survive under the current Act, the relevant transfer proclamation is the Executive Powers (National Education) Transfer Proclamation, AG 1 of 1978. However, the *Broadcasting Act 73 of 1976* was explicitly excluded from transfer by section 3(2)(3) of that transfer proclamation. The administration of the *Broadcasting Act 73 of 1976* in South Africa was given to the “Minister of Foreign Affairs and Information” by the *Broadcasting Amendment Act 61 of 1982*. It is not clear if this change would have made the Executive Powers (Information) Transfer Proclamation, AG 7 of 1978, dated **10 February 1978**, applicable to the amended *Broadcasting Act 73 of 1976*.

The following regulations regarding television licences were made under the *Broadcasting Act 73 of 1976*:

Pre-independence regulations relating to television licences are contained in RSA GN R.1720/1987 ([RSA GG 10859](#)), as amended by RSA GN R.1566/1988 ([RSA GG 11452](#)).

These regulations repeal the regulations in respect of television licences in RSA GN R.1727/1982 ([RSA GG 8338](#)), as amended by RSA GN R.1203/1984, RSA GN R.1225/1986 and RSA GN R.2039/1986.

However, it should be noted that the regulations in RSA GN R.1727/1982 ([RSA GG 5301](#)) were made explicitly applicable to SWA, while the regulations in RSA GN R.1720/1987 ([RSA GG 10859](#)) make no mention of SWA. It is possible that the 1987 regulations were not applicable to SWA because the Executive Powers (Information) Transfer Proclamation, AG 7 of 1978 had effect after the 1982 amendment of the *Broadcasting Act 73 of 1976*.

Namibia’s post-independence regulations regarding television licences in GN 118/1993 ([GG 726](#)) repealed the regulations in RSA GN R.1763/1976 ([RSA GG 5301](#))²⁵⁷ – which were explicitly applicable to SWA.

This history appears to mean that (1) the 1982 and 1987 regulations were not applicable to SWA because the Executive Powers (Information) Transfer Proclamation, AG 7 of 1978 had effect after the 1982 amendment of the *Broadcasting Act 73 of 1976*; or (2) the post-independence regulations repealed the wrong predecessor in error.

In any case, it seems clear that the 1993 regulations regarding television licences intended to repeal the applicable South African regulations on the same topic. Thus, it appears that there are no surviving pre-independence regulations of relevance to independent Namibia.²⁵⁸

The following regulations were made under the current Act:

Regulations regarding television licences are contained in GN 118/1993 ([GG 726](#)). License

²⁵⁷ These regulations repeal the regulations published in RSA Government Notices R.1574/1970, R.921/1973, R.1475/1974, and R.1789/1975.

²⁵⁸ *Juta’s Index to the South African Government and Provincial Gazettes* (formerly “The Windex”), 1920-1989 at 228 does list any regulations made or surviving under the *Broadcasting Act 73 of 1976* aside from the 1987 regulations on television licences in RSA GN R.1720/1987 as amended.

fees are increased to N\$132 by General Notice 245/1995 ([GG 1128](#)), which does not technically amend the regulations. Regulation 6 and the Annexure on television licence fees are substituted by General Notice 95/1999 ([GG 2113](#)), which also raises the standard television licence fee from N\$132 to N\$180. (General Notice 245/1995 states that it is amending the Annexure, but it appears to substitute the Annexure in its entirety.) The Annexure is again substituted in its entirety by Government Notice 220/2001 ([GG 2637](#)), which is substituted in turn by GN 235/2004 ([GG 3313](#)).

Notices: Pursuant to section 93(1) of the Communications Act 8 of 2009, GN 327/2020 ([GG 7431](#)) sets 31 December 2020 as the date from which Chapter VI of that Act (on promotion of competition) applies to the Namibian Broadcasting Corporation.

Appointments: The initial board was appointed by GN 88/1990 ([GG 120](#)), with the appointments of new board members being announced in GN 93/1995 ([GG 1062](#)) and GN 175/2000 ([GG 2374](#)).

Cases:

Kruger & Others v Namibian Broadcasting Corporation 2006 (1) NR 233 (LC), *Namibian Broadcasting Corporation v Kruger & Others* 2009 (1) NR 196 (SC) (voluntary retrenchment of employees)
Facterown Ltd v Namibia Broadcasting Corporation 2014 (2) NR 447 (SC) (position of Namibian Broadcasting Organisation as parastatal and powers of CEO and board discussed in appeal against grant of absolution from the instance).

New Era Publication Corporation Act 1 of 1992

Summary: This Act ([GG 377](#)) establishes a publication corporation for Namibia and sets forth its powers, duties and functions.

Amendments: Sections 1 and 5 are amended by section 2 of the General Law Amendment Act 18 of 2000 ([GG 2422](#)), which is deemed by GN 25/2001 to have come into force on 29 November 2000 ([GG 2483](#)).

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 sections 5, 6 and 10. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Regulations: The Act makes no provision for regulations.

Appointments: The appointment of a Board of Directors is announced in GN 26/2001 ([GG 2483](#)) and GN 60/2004 ([GG 3181](#)).

Namibia Press Agency Act 3 of 1992

Summary: This Act ([GG 382](#)) establishes a news agency for Namibia (commonly known by its acronym NAMPA) and sets forth its powers, duties and functions.

Amendments: Sections 1 and 6 are amended by section 3 of the General Law Amendment Act 18 of 2000 ([GG 2422](#)), which is deemed to have come into force on 29 November 2000 (GN 25/2001, [GG 2483](#)).

Act 13/2004 ([GG 3283](#)) amends sections 4, 5, 6, 11, and 14.

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 sections 6, 7, 11 and 13. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Regulations: The Act makes no provision for regulations.

Application of law: The application of the Act is affected by 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. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Appointments: The appointment of Boards of Directors is announced in GN 114/1992 ([GG 468](#)), GN 197/1998 ([GG 1927](#)) and GN 27/2001 ([GG 2483](#)).

Posts and Telecommunications Companies Establishment Act 17 of 1992



Summary: This Act ([GG 447](#)) provides for the incorporation of a postal company, a telecommunications company and a holding company, and for the transfer of Namibia's postal and telecommunications enterprises to the postal and telecommunications companies. It also provides for the conditions of service of persons transferred to or employed by the postal or telecommunications companies, and for the control of the Post Office Savings Bank by the postal company.

Section 10 of the Act provided that the Act, with the exception of Chapter I, would come into force on a date to be determined by the Minister in the *Government Gazette*. The entire Act actually came into force at the same time: Chapter I came into force on 31 July 1992, the date of publication of the Act, and the remainder of the Act was brought into force on 31 July 1992 by virtue of GN 88/1992 ([GG 446](#)).

Repeals: The Act repeals the *Post Office Act 44 of 1958*, as amended.

Amendments: The Customs and Excise Act 20 of 1998 ([GG 1900](#)), which was brought into force on 1 August 1998 by GN 186/1998 ([GG 1918](#)), repeals the amendments to the Customs and Excise Act 91 of 1964 set forth in the Schedule to this Act.

Act 20/2000 ([GG 2425](#)) amends section 2 of the Act with respect to the number of company directors, but the amendment actually re-iterates the original Act – and it was in any event never brought into force.

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 2. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

The Schedule to the Act is amended by the Communications Act 8 of 2009 ([GG 4378](#)), brought into force in relevant part on 18 May 2011 (GN 64/2011, [GG 4714](#)).

Act 7/2020 ([GG 7305](#)) provides for the dissolution of the holding company, but has not yet been brought into force.

Regulations: The Act makes no provision for regulations.

Notices: A transfer date in terms of the Act was determined in GN 89/1992 ([GG 446](#)).

See also General Notice 279/2002 ([GG 2823](#)) with respect to the application to Telecom Namibia of amendments to the Value-Added Tax Act 10 of 2000.

Cases: Purpose of Telecom discussed in *Mweb Namibia (Pty) Ltd v Telecom Namibia Ltd & Others* 2011 (2) NR 670 (SC).

Posts and Telecommunications Act 19 of 1992

Summary: This Act ([GG 464](#)) provides for the regulation and control of postal and telecommunications services. It also sets forth the powers, duties and functions of Namibia Post Limited and Telecom Namibia Limited. Section 55 of the current Act provides that it is deemed to have come into force on 1 August 1992, *with the exception of* section 2 (prohibition of conduct of a postal service or a telecommunications service), which was deemed to have come into force on 15 February 1995 (GN 126/2000, [GG 2340](#)).

Repeals: This Act replaces the *Post Office Act 44 of 1958*, which was repealed by the Posts and Telecommunications Establishment Act 17 of 1992. The *Post Office Act 44 of 1958* repealed the *Post Office Administration and Shipping Combinations Discouragement Act 10 of 1911*.

Amendments: Act 20/1995 ([GG 1223](#)) adds section 18A, which enables Namibian Post Ltd. to prescribe and levy service fees.

The Communications Act 8 of 2009 ([GG 4378](#)), brought into force in relevant part on 18 May 2011 by GN 64/2011 ([GG 4714](#)), repeals Chapters II and IV and section 45.

Savings: Section 54 of the Act contains a savings clause for regulations issued under the *Post Office Act 44 of 1958*:

Notwithstanding the repeal of the Post Office Act, 1958 by section 10 of the Posts and Telecommunications Establishment Act, 1992 [Act 17 of 1992] any regulation made or anything done under any provision of the Post Office Act, 1958 or any contract concluded in connection with the postal enterprise or the telecommunications enterprise, as defined in section 1 of the Posts and Telecommunications Establishment Act, 1992 [Act 17 of 1992], shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made by the postal company or the telecommunications company, as the case may be, under the corresponding provision of this Act.

Section 122(2) of the repealed *Post Office Act 44 of 1958* contains a savings clause for regulations issued under the *Post Office Administration and Shipping Combinations Discouragement Act 10 of 1911*:

Any convention or agreement entered into or in force or any regulation, notice, approval, authority, return, certificate or document issued, made, promulgated, given or granted and any other action taken under any provision of a law repealed by subsection (1), shall be deemed to have been entered into, issued, made, promulgated, given, granted or taken under the corresponding provision of this Act.

Regulations: For purposes of assessing what regulations made under the previous Act survive, the administration of the *Post Office Act 44 of 1958* was transferred to SWA by the Executive Powers (Posts and Telecommunications) Transfer Proclamation, AG 12 of 1978 ([OG 3714](#)), which is dated **2 March 1978**.

The following regulations issued under the *Post Office Act 44 of 1958* appear to survive.²⁵⁹

Postal Regulations are contained in SA GN R.550/1960 ([SA GG 6420](#)), as amended by SA GN R.939/1960, SA GN R.1791/1960 ([SA GG 6567](#)), SA GN R.287/1961 ([SA GG 6633](#)), SA GN

²⁵⁹ *Juta's Index to the South African Government and Provincial Gazettes* (formerly "The Windex"), 1920-1989 at 228-229 does list any regulations surviving from the *Post Office Administration and Shipping Combinations Discouragement Act 10 of 1911*.

R.682/1961 ([SA GG 6678](#)), RSA GN R.221/1965 ([RSA GG 1039](#)), RSA GN R.233/1966 ([RSA GG 1376](#)), RSA GN R.1978/1966 ([RSA GG 1610](#)), RSA GN R.2135/1967 ([RSA GG 1934](#)), RSA GN R.12/1968 ([RSA GG 1944](#)), RSA GN R.494/1968 ([RSA GG 2027](#)), RSA GN R.1513/1968 ([RSA GG 2154](#)), RSA GN R.1558/1968 ([RSA GG 2157](#)), RSA GN R.1936/1968 ([RSA GG 2198](#)), RSA GN R.2038/1968 ([RSA GG 2210](#)), RSA GN R.2261/1968 ([RSA GG 2234](#)), RSA GN R.172/1969 ([RSA GG 2279](#)), RSA GN R.1042/1970 ([RSA GG 2740](#)), RSA GN R.432/1971 ([RSA GG 3028](#)), RSA GN R.1102/1971 ([RSA GG 3163](#)), RSA GN R.1522/1971 ([RSA GG 3241](#)), RSA GN R.495/1972 ([RSA GG 3434](#)), RSA GN R.1862/1972 ([RSA GG 3682](#)), RSA GN R.2296/1972 ([RSA GG 3735](#)), RSA GN R.663/1973 ([RSA GG 3869](#)), RSA GN R.1441/1973 ([RSA GG 3999](#)), RSA GN R.1512/1973 ([RSA GG 4005](#)), RSA GN R.1752/1973 ([RSA GG 4031](#)), RSA GN R.234/1974 ([RSA GG 4164](#)), RSA GN R.135/1975 ([RSA GG 4569](#)), RSA GN R.402/1975 ([RSA GG 4601](#)), RSA GN R.1178/1975 ([RSA GG 4749](#)), RSA GN R.1596/1975 ([RSA GG 4824](#)), RSA GN R.2384/1975 ([RSA GG 4932](#)), RSA GN R.2/1976 ([RSA GG 4946](#)), RSA GN R.72/1976 ([RSA GG 4959](#)), RSA GN R.217/1976 ([RSA GG 4985](#)), RSA GN R.242/1976 ([RSA GG 4985](#)), RSA GN R.650/1977 ([RSA GG 5516](#)), RSA GN R.2134/1977 ([RSA GG 5779](#)), RSA GN R.2316/1977 ([RSA GG 5800](#)), RSA GN R.2317/1977 ([RSA GG 5800](#)), AG GN 2/1982 ([OG 4587](#)), AG GN 3/1982 ([OG 4587](#)), AG GN 5/1982 ([OG 4590](#)), GN 5534/1988 ([OG 5534](#)).²⁶⁰

In South Africa, these regulations were also amended by RSA GN R.228/1978 ([RSA GG 5879](#)), RSA GN R.1899/1978 ([RSA GG 6163](#)), RSA GN R.2013/1978 ([RSA GG 6654](#)), RSA GN R.1383/1980 ([RSA GG 7112](#)), RSA General Notice 240/1981 ([RSA GG 7524](#)), RSA General Notice 143/1982 ([RSA GG 8053](#)) – but these amendments were made after the date of transfer and were not made explicitly applicable to SWA.

Postal Order Regulations are contained in SA GN R.608/1960 ([SA GG 6429](#)) as amended by SA GN R.1792/1960 ([SA GG 6567](#)), SA GN R.682/1961 ([SA GG 6678](#)); RSA GN R.1709/1966 ([RSA GG 1579](#)), RSA GN R.1661/1968 ([RSA GG 2162](#)), RSA GN R.266/1971 ([RSA GG 3002](#)), RSA GN R.493/1972 ([RSA GG 3434](#)), RSA GN R.1152/1972 ([RSA GG 3599](#)), RSA GN R.2416/1973 ([RSA GG 4112](#)), and RSA GN R.589/1975 ([RSA GG 4638](#)).²⁶¹

In South Africa, these regulations were further amended by RSA GN R.1899/1980 ([RSA GG 7215](#)), RSA GN R.2713/1983 ([RSA GG 9000](#)), RSA GN R.1195/1987 ([RSA GG 10753](#)) and RSA General Notice 170/1989 ([RSA GG 11728](#)) – but these amendments were made after the date of transfer and were not made explicitly applicable to SWA.

Money Order Regulations are contained in SA GN R.609/1960 ([SA GG 6429](#)) as amended by SA GN R.1792/1960 ([SA GG 6567](#)), RSA GN R.980/1965 ([RSA GG 1167](#)), RSA GN R.602/1971 ([RSA GG 3071](#)), RSA GN R.492/1972 ([RSA GG 3434](#)), RSA GN R.2415/1973 ([RSA GG 4112](#)), RSA GN R.590/1975 ([RSA GG 4638](#)), RSA GN R.2123/1976 ([RSA GG 5332](#)) and RSA GN R.519/1979 ([RSA GG 6349](#)) (issued after the date of transfer but made explicitly applicable to SWA).²⁶²

In South Africa, these regulations were further amended by RSA GN R.1194/1987 ([RSA GG 10753](#)) and RSA General Notice 169/1989 ([RSA GG 11728](#)) – but these amendments were made after the date of transfer and were not made explicitly applicable to SWA.

Savings Bank Regulations are contained in RSA GN R.1265/1974 ([RSA GG 4343](#)), as amended by SWA GN AG 74/1983 ([OG 4770](#)).²⁶³

There appears to be some confusion in respect of the Savings Bank Regulations. The most recent **Post Office Savings Bank Regulations** were published after independence in General Notice 113/1996 ([GG 1322](#)), as amended by General Notice 276/1997 ([GG 1684](#)) and General Notice 64/1998 ([GG 1829](#)).

The post-independence regulations in General Notice 113/1996 replace the **Savings Bank**

²⁶⁰ These regulations repeal SA GN 1600/1937 as amended.

²⁶¹ These regulations withdraw the Postal Order Regulations issued in SA GN 1129/1956, as amended.

²⁶² These regulations withdraw the Money Order Regulations issued in SA GN 1128/1956.

²⁶³ These regulations withdraw the Savings Bank Regulations in RSA GN R.1087/1960.

Regulations issued in SWA GN 16/1961 ([OG 2297](#)), as amended.

No repeal has been located for the **Savings Bank Regulations** in RSA GN R.1265/1974 ([RSA GG 4343](#)). Yet it seems clear that the 1974 South African regulations were applicable to SWA since they were amended by a SWA enactment in 1983.

(New Savings Bank Regulations were promulgated in South Africa after the date of transfer in RSA GN R.1687/1982 ([RSA GG 8331](#)), as amended.)

Despite this confusing history, it appears that the post-independence **Post Office Savings Bank Regulations** were intended to replace any surviving pre-independence regulations on this topic. Nevertheless, the 1974 **Savings Bank Regulations** are included in the database since they are still technically in force, so that the degree of overlap can be assessed.

Postal Regulations were published in SWA GN 19/1961 ([OG 2297](#)) and amended by RSA GN R.433/1971 ([RSA GG 3028](#)) - but were withdrawn by RSA GN R.1753/1973 ([RSA GG 4031](#)), *with the exception of* Regulation 34 and Schedule C.²⁶⁴ At the same time, RSA GN R.1752/1973 ([RSA GG 4031](#)) amended the SA Postal Regulations (described above) to make them more clearly applicable to SWA as well as South Africa, by defining “the Republic” in section 1 as “the Republic of South Africa including South West Africa”.

Financial Regulations for the Department of Posts and Telecommunications are contained in RSA GN R.1633/1977 ([RSA GG 5716](#)).

These pre-independence regulations are still being processed for the database.

The following regulations were made under the current Act:

Post Office Savings Bank Regulations were published in General Notice 113/1996 ([GG 1322](#)), as amended by General Notice 276/1997 ([GG 1684](#)) and General Notice 64/1998 ([GG 1829](#)).²⁶⁵

These regulations replace the Savings Bank Regulations issued in SWA GN 16/1961 ([OG 2297](#)), as amended.

However, subsequent to these regulations and prior to the transfer date, Savings Bank Regulations contained in RSA GN R.1265/1974 ([RSA GG 4343](#)) were issued in terms of section 2(4) of the *Post Office Act 44 of 1958*, and amended by SWA GN AG 74 of 1983 ([OG 4770](#)). These 1974 Savings Bank Regulations in RSA GN R.1265/1974 withdraw the Savings Bank Regulations in RSA GN R.1087/1960 but are silent on the SWA regulations in SWA GN 16/1961.

Application of law: The application of this law is affected by the Financial Intelligence Act 13 of 2012 ([GG 5096](#)), which places certain duties on Namibia Post Limited. The Financial Intelligence Act 13 of 2012 ([GG 5096](#)) also gives certain powers to officers of the post office.

Related laws: GN 34/2011 ([GG 4679](#)), issued in terms of section 2(3) of the Banking Institutions Act 2 of 1998, removed the Post Office Savings Bank from the coverage of section 2(2) of the Banking Institutions Act 2 of 1998 with effect from 1 April 2011. Section 2(2) of that Act contained a list of institutions that the Banking Institutions Act 2 of 1998 did *not* apply to; thus, the removal of the Post Office Savings Bank from the coverage of section 2(2) meant that the Banking Institutions Act 2 of 1998 *did* apply to the Post Office Savings Bank.²⁶⁶ The Banking Institutions Act 2 of 1998 has now been replaced by the Banking Institutions Act 13 of 2023, which includes the Post Office Savings Bank in the list of exemptions in section 2(1)(d) of the Act, meaning that the current Banking Institutions Act 13

²⁶⁴ RSA GN R.1753/1973 ([RSA GG 4031](#)) also withdraws the SWA Telegraph Regulations issued in SWA GN 21/1961 and the SWA Telephone Regulations issued in SWA GN 22/1961.

²⁶⁵ These replace the Savings Bank Regulations issued in SWA GN 16/1961, as amended.

²⁶⁶ See *Negonga v Nampost Ltd* 2018 (3) NR 704 (HC), para 16.

of 2023 does *not* apply to the Post Office Savings Bank.

Fees and tariffs: Tariffs set in terms of the Act are set and amended periodically and have not been recorded here. Notices setting fees, rates and charges in respect of Post Office Savings Bank transactions and services have not been recorded here.

Cases:

Mweb Namibia (Pty) Ltd v Telecom Namibia Ltd & Others 2011 (2) NR 670 (SC) (constitutionality of section 2(2) upheld)

Municipal Council of Windhoek v Telecom Namibia Ltd 2015 (3) NR 629 (SC) (interpretation of section 24, which is now repealed; constitutionality of section 24 upheld)

Negonga v Nampost Ltd 2018 (3) NR 704 (HC) (relationship between Post Office Savings Bank and its customers).

*Namibia Film Commission Act 6 of 2000

Summary: This Act ([GG 2322](#)) establishes a Namibia Film Commission to encourage film production in Namibia, as well as a Film and Video Development Fund. It also regulates activities relating to film production, and provides for the encouragement and promotion of a film industry in Namibia. The Act will be brought into force on a date set by the minister responsible for information and broadcasting by notice in the *Government Gazette*.

Amendments: Act 11/2001 ([GG 2620](#)) amends sections 1 and 5.

The Abolition of Payment by Cheque Act 16 of 2022 ([GG 7995](#)), which was brought into force on 15 March 2023 by GN 47/2023 ([GG 8050](#)), amends section 15.

Regulations: Regulations are authorised by section 28 of the Act, but none have yet been promulgated.

Appointments: Members of the Namibia Film Commission are appointed in GN 220/2002 ([GG 2879](#)) and GN 69/2003 ([GG 2946](#)).

Communications Act 8 of 2009

Summary: This Act ([GG 4378](#)) provides for the regulation of telecommunications services and networks, broadcasting, postal services and the use and allocation of the radio spectrum. It establishes an independent Communications Regulatory Authority of Namibia (CRAN) and an association to manage the internet domain “.na”. It also provides for the interception of telecommunications.

This Act was brought into force, *with the exception of* Parts 4 and 6 of Chapter V (universal service and interception of telecommunications) and Chapter IX (establishment and incorporation of .na domain name association), on 18 May 2011 by GN 64/2011 ([GG 4714](#)).

Part 4 of Chapter V (universal service) was brought into force on 1 December 2016 by GN 285/2016 ([GG 6188](#)).

Note that GN 285/2016 is correctly numbered in the Contents section of GG 6188, but the actual Government Notice is misnumbered as GN 286/2016.

Part 6 of Chapter 5 (interception of telecommunications) was brought into force with effect from 1 January 2023 by GN 292/2022 ([GG 7917](#)).

Repeals: The Act repeals the *Radio Act 3 of 1952* and the Namibian Communications Commission Act

4 of 1992 ([GG 384](#)).

It also repeals some sections of the Posts and Telecommunications Act 19 of 1992 (Chapter II, Chapter IV and section 45); this Act otherwise remains in force and has a separate entry above.

The *Radio Act 3 of 1952* in turn repealed the *Radio Act 20 of 1926* in South Africa, and the Radio Ordinance 7 of 1957 ([OG 2072](#)) in SWA.

The Radio Ordinance 7 of 1957 did not repeal any primary legislation, but instead supplemented the *Broadcasting Act 22 of 1936* in SWA.²⁶⁷

The Namibian Communications Commission Act 4 of 1992 ([GG 384](#)) does not contain any repeals.

Amendments: Act 6/2020 ([GG 7274](#)) amends sections 1 and 22, substitutes section 23 and amends sections 54, 56 and 75.

Savings: Section 135(1) of this Act states:

Any regulation or notice issued under a law repealed by section 133 that may be made under any provision of this Act, is deemed to have been made under such provision.

Section 54 of the Posts and Telecommunications Act 19 of 1992, which was repealed in part by this Act, states:

Notwithstanding the repeal of the Post Office Act, 1958 by section 10 of the Posts and Telecommunications Establishment Act, 1992 [Act 17 of 1992] any regulation made or anything done under any provision of the Post Office Act, 1958 or any contract concluded in connection with the postal enterprise or the telecommunications enterprise, as defined in section 1 of the Posts and Telecommunications Establishment Act, 1992 [Act 17 of 1992], shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made by the postal company or the telecommunications company, as the case may be, under the corresponding provision of this Act.

This Act repealed the provisions of the Posts and Telecommunications Act 19 of 1992 concerning telecommunications. Thus, section 54 of the Posts and Telecommunications Act 19 of 1992 read together with the savings clause in this Act has the result that regulations on telecommunications that survived under the Posts and Telecommunications Act 19 of 1992 – including those made in terms of the *Post Office Act 44 of 1958*, which was repealed by the Posts and Telecommunications Establishment Act 17 of 1992 – are now considered to have been made under this Act.

The *Radio Act 3 of 1952* does not contain a savings clause in respect of the repealed South African *Radio Act 20 of 1926*, but section 19A – which was inserted by the Radio Amendment Act 93 of 1969 and which made the statute applicable to SWA – contains a savings clause in subsection (3) in respect of the repealed SWA Radio Ordinance 7 of 1957.

Any regulation made or licence or certificate issued or authorization granted or any other thing done under any provision of a law repealed by subsection (1) [(2)] shall be deemed to have been made, issued, granted or done under the corresponding provision of this Act or the Broadcasting Act, 1936 (Act 22 of 1936).²⁶⁸

Regulations: For purposes of assessing what regulations made under the previous Act survive, the administration of the *Post Office Act 44 of 1958* and the *Radio Act 3 of 1952* was transferred to SWA by the Executive Powers (Posts and Telecommunications) Transfer Proclamation, AG 12 of 1978 ([OG](#)

²⁶⁷ Section 2 of the Radio Ordinance stated: “Radio activities within the Territory shall, subject to the provisions of the Broadcasting Act, 1936 (Act 22 of 1936) as amended by the Broadcasting Amendment Act, 1949, (Act 14 of 1949), and of this Ordinance, be under the control of the Director who shall exercise his powers and perform his functions under this Ordinance under the control and direction of the Administrator.”

²⁶⁸ The *Broadcasting Act 22 of 1936*, which applied to SWA, was replaced by the *Broadcasting Act 73 of 1976*, which was made explicitly applicable to SWA and which was in turn repealed by the Namibian Broadcasting Act 9 of 1991 (which remains in force and has a separate entry above).

[3714](#)), which is dated **2 March 1978**. Pre-independence regulations are still being researched.

The following regulations were made in terms of the *Post Office Act 44 of 1958*:²⁶⁹

Telecommunication Regulations are contained in RSA GN R. 1191/1977 ([RSA GG 5631](#)), as corrected by RSA GN R.1618/1977 ([RSA GG 5716](#)) and as amended by RSA GN R.2000/1977 ([RSA GG 5753](#)), RSA GN R.2119/1977 ([RSA GG 5779](#)), RSA GN R.13/1979 ([RSA GG 6264](#)), RSA GN R.2841/1981 ([RSA GG 7974](#)), RSA GN R.2417/1982 ([RSA GG 8442](#)),²⁷⁰ AG GN 9/1989 ([OG 5698](#)) and AG GN 41/1989 ([OG 5751](#)).

In South Africa, these regulations were further amended by RSA GN R.903/1981 ([RSA GG 7558](#)), RSA GN R.365/1982 ([RSA GG 8054](#)), RSA GN R.367/1983 ([RSA GG 8549](#)), RSA GN R.740/1983 ([RSA GG 8652](#)), RSA GN R.2790/1983 ([RSA GG 9008](#)), RSA GN R.740/1984 ([RSA GG 9175](#)), RSA GN R.983/1984 ([RSA GG 9226](#)), RSA GN R.333/1986 ([RSA GG 10107](#)), RSA GN R.506/1986 ([RSA GG 10152](#)), RSA GN R.1410/1986 ([RSA GG 10321](#)), RSA GN R.2263/1986 ([RSA GG 10502](#)), RSA GN R.1193/1987 ([RSA GG 10753](#)), RSA GN R.1760/1987 ([RSA GG 10867](#)), RSA GN R.1762/1987 ([RSA GG 10867](#)), RSA GN R.350/1988 ([RSA GG 11161](#)), RSA GN R.518/1988 ([RSA GG 11197](#)), RSA GN R.1437/1988 ([RSA GG 11428](#)) – but these amendments were made after the date of transfer and were not made explicitly applicable to SWA.

The following regulations were made in terms of the *Radio Act 3 of 1952*:

Radio Regulations are contained in RSA GN R.2862/1979 ([RSA GG 6794](#)) (which post-dates the relevant date of transfer but was made explicitly applicable to SWA), as corrected by RSA GN R.148/1980 ([RSA GG 6823](#)), and as amended prior to independence by RSA GN R.2661/1981 ([RSA GG 7947](#)) (which also post-dates the relevant date of transfer but was made explicitly applicable to SWA), AG GN 51/1982 ([OG 4615](#)), AG GN 153/1982 ([OG 4703](#)) and GN 122/1987 ([OG 5407](#)). They have been amended since independence by GN 71/1990 ([GG 102](#)), GN 76/1992 ([GG 427](#)), General Notice 286/1993 ([GG 760](#)), General Notice 203 of 1994 ([GG 941](#)), GN 250/1997 ([GG 1741](#)), GN 52/1999 ([GG 2075](#)), GN 147/2001 ([GG 2579](#)), GN 245/2001 ([GG 2663](#)), GN 250/2004 ([GG 3326](#)), GN 6/2006 ([GG 3573](#)), GN 213/2007 ([GG 3942](#)) (as amended by General Notice 311/2012 in [GG 5037](#)) and General Notice 395/2011 ([GG 4839](#)). Chapter 5 of the regulations is repealed by General Notice 74/2013 ([GG 5148](#)).²⁷¹

The original regulations post-date the relevant transfer proclamation, the Executive Powers (Posts and Telecommunications) Transfer Proclamation, AG 12 of 1978, dated 2 March 1978. However, RSA GN R.2862/1979 states: “The Regulations are made with the consent of the Administrator General of the Territory of South West Africa and shall also apply in that Territory.”

Note that the regulations regarding the licence exempt spectrum in General Notice 395/2011 ([GG 4839](#)) amend the Radio Regulations contained in RSA GN R.2862/1979, insofar as they are inconsistent with the new regulations.

The regulations regarding administrative and licence fees for service licences in General Notice 311/2012 ([GG 5037](#)) also amend the regulations in GN 213/2007 ([GG 3942](#)) (which amend these regulations) insofar as they are inconsistent with the new regulations.

Regulations made in terms of the repealed SWA Radio Ordinance 7 of 1957 are contained in GN 110/1957.

²⁶⁹ **Telegraph Regulations** were published in SWA GN 21/1961, but were withdrawn by RSA GN R.1753/1973 ([RSA GG 4031](#)) in their entirety. **Telephone Regulations** were published in SWA GN 23/1961, but were withdrawn by RSA GN R.1753/1973 ([RSA GG 4031](#)) in their entirety.

²⁷⁰ The list of previous amendments in RSA GN R.2417/1982 ([RSA GG 8442](#)) erroneously lists R.362 of 26 February 1982 instead of R.365 of 26 February 1982; this amendment was not applicable to SWA.

²⁷¹ Regulation G18 of these regulations repeals the Radio Regulations in SA GN R.611/1960.

The following regulations were made in terms of the Namibian Communications Commission Act 4 of 1992:

Regulations relating to broadcasting licences are contained in GN 25/1994 ([GG 802](#)), as amended by GN 251/2004 ([GG 3326](#)), GN 6/2006 ([GG 3573](#)) and GN 212/2007 ([GG 3942](#)).

Note that the regulations regarding administrative and licence fees for service licences in General Notice 311/2012 ([GG 5037](#)) amend GN 212/2007 insofar as it is inconsistent with the new regulations.

Regulations pertaining to VSAT (very small aperture terminal) telecommunications licences are contained in GN 108/2007 ([GG 3858](#)).

Note that the regulations regarding administrative and licence fees for service licences in General Notice 311/2012 ([GG 5037](#)) amend the regulations in GN 108/2007 insofar as they are inconsistent with the new regulations.

The following regulations have been made in terms of the current Act:

- **Rule-making procedures** – General Notice 334/2010 ([GG 4630](#)), as amended by General Notice 554/2021 ([GG 7659](#))
- **Broadcasting and telecommunications service licence categories**–General Notice 124/2011 ([GG 4714](#)), as amended by General Notice 74/2013 ([GG 5148](#)) and General Notice 387/2015 ([GG 5805](#)).
- **Transitional procedures for holders of telecommunications and broadcasting service licences and spectrum use licences** – initially contained in General Notice 125/2011 ([GG 4714](#)), effective from the date the Act came into force, then replaced by General Notice 171/2011 ([GG 4737](#)), which applies retrospectively from the date the Act came into force
Notes: Forms relating to the initial regulations were published in General Notice 130/2011 ([GG 4714](#)). They appear to continue to apply in respect of the replacement regulations on the same topic.
- **Submission of interconnection agreements and tariffs** – General Notice 126/2011 ([GG 4714](#))
Notes: (1) Note that the Table of Contents of [GG 6588](#) indicates that these regulations are withdrawn by General Notice 175/2018. This is an error. GN 175/2018 is actually a notice of the submission of some specific tariffs in terms of the regulations.
(2) Guidelines relating to these regulations are contained in General Notice 455/2018 ([GG 6668](#)).
- **Licensing procedures for telecommunications and broadcasting service licences** -
These regulations were initially contained in General Notice 127/2011 ([GG 4714](#)), which is repealed by General Notice 170/2011 ([GG 4737](#)), replaced in turn by General Notice 272/2011 ([GG 4785](#)), as amended by General Notice 330/2013 ([GG 5269](#)), General Notice 182/2016 ([GG 6035](#)) and General Notice 104/2019 ([GG 6888](#)) (which amends the title of the regulations by deleting the words “and Spectrum Use Licences”). All three successive sets of regulations state that they apply retrospectively from the date the Act came into force.
Notes: Forms **CRAN 1-11** which accompany these regulations are contained in the separate Regulations prescribing Forms for Applications, contained in General Notice 328/2013 ([GG 5269](#)), which repeals General Notice 131/2011 ([GG 4714](#)) and which is amended by General Notice 18/2016 ([GG 5947](#)). (Note that General Notice 328/2013 states that General Notice 272/2011 is amended by GN 74/2013 ([GG 5148](#)), but this is incorrect; GN 74/2013 amends the Regulations Setting Out Broadcasting and Telecommunications Service Licence Categories published in General Notice 124/2011.) Form **CRAN 15** is appended to these regulations by General Notice 182/2016 ([GG 6035](#)). (Forms **CRAN 12-14** are appended to the Regulations prescribing the National Numbering Plan for Use in the Provision of Telecommunications Services in the Republic of Namibia, Numbering Licence Fees and Procedures for Number Licences General Notice 97 of 2016 ([GG 5983](#))).
- **Confidential information and confidential communications with CRAN** – General Notice 307/2012 ([GG 5037](#))
- **Licence conditions for telecommunications services licences** – General Notice 308/2012 ([GG 5037](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General

Notice 24/2021 ([GG 7445](#))

- **Licence conditions for broadcasting service licences** – General Notice 309/2012 ([GG 5037](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General Notice 24/2021 ([GG 7445](#))
- **Hearings** – General Notice 310/2012 ([GG 5037](#))
- **Frequency channelling plan for digital terrestrial television** – General Notice 166/2013 ([GG 5201](#))
- **Regulations prescribing forms for applications** – General Notice 328/2013 ([GG 5269](#)), as amended by General Notice 18/2016 ([GG 5947](#))
General Notice 328/2013 ([GG 5269](#)) repeals General Notice 131/2011 ([GG 4714](#)).
- **Licence conditions for class comprehensive multiplex and signal distribution licences** – General Notice 329/2013 ([GG 5269](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#))
- **Minimum technical standards for set-top box decoders** – General Notice 475/2013 ([GG 5357](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#))
- **Quality of service standards applicable to service licensees** – General Notice 152/2015 ([GG 5713](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General Notice 24/2021 ([GG 7445](#))
- **National numbering plan for use in the provision of telecommunications services in the Republic of Namibia, numbering licence fees and procedures for number licences equipment** – General Notice 97/2016 ([GG 5983](#)), as amended by General Notice 500/2018 ([GG 6692](#)) (number portability), General Notice 150/2020 ([GG 7196](#)) (timeframe for implementation of number portability), regulation 11 read with Annexure A of the regulations in General Notice 159/2020 ([GG 7197](#)) and General Notice 445/2021 ([GG 7613](#))

Notes: (1) Reasons for the initial amendment of these regulations are contained in General Notice 63/2019 ([GG 6863](#)).

(2) See decision in respect of application for reconsideration of number portability in General Notice 500/2018, published in General Notice 380/2019 ([GG 7005](#)).

(3) Note that another *Government Gazette* incorrectly numbered as GG 6692 was issued and subsequently withdrawn. Note also that the *Government Gazette* containing General Notice 500/2018 was issued at one stage as GG 6693, but this incorrectly-numbered version was withdrawn.

(4) General Notice 150/2020 ([GG 7196](#)) erroneously refers to a previous amendment of these regulations by “Government Notice No. 500 of 30 August 2018”; the amendment referred to was contained in General Notice 150/2020.

(5) General Notice 445/2021 ([GG 7613](#)) erroneously refers to the publication of the National Numbering Plan in “General Notice 18 of 1 April 2021”; the correct reference is General Notice 97 of 1 April 2016.

(6) Reasons for the amendment of the numbering fees are contained in Annexure E, which is inserted in the regulations by General Notice 445/2021 ([GG 7613](#)).

- **Sharing of infrastructure** – General Notice 400/2016 ([GG 6141](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#))
- **Frequency Channeling Plan for the spectrum bands 694-790 Mhz and 790-862 Mhz** – General Notice 424/2016 ([GG 6160](#))
- **Procedures for the adjudication of disputes** – General Notice 468/2017 ([GG 6466](#)), as amended by General Notice 105/2019 ([GG 6889](#)), by the regulations in General Notice 159/2020 ([GG 7197](#)) and by General Notice 24/2021 ([GG 7445](#)); see also the **Guidelines for mediation proceedings** set out in General Notice 43/2020 ([GG 7108](#))

Notes: (1) The regulations in General Notice 468/2017 ([GG 6466](#)) *repeal* the following regulations:

* Regulations regarding consumer complaints – General Notice 128/2011 ([GG 4714](#))

* Regulations regarding licensee disputes – General Notice 148/2013 ([GG 5194](#)).

(2) Forms were published pursuant to the repealed Regulations regarding Consumer Complaints in General Notice 129/2011 ([GG 4714](#)). The General Notice containing these forms has not been repealed or withdrawn, but they have no current relevance. The replacement regulations contained in General Notice 468/2017 ([GG 6466](#)) contain their own forms.

- **Provision of universal service by telecommunications service licensees** - General Notice 178/2018 ([GG 6589](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)); see also the **Universal Service Obligations Guidelines** - General Notice 103/2019 ([GG 6886](#))
- **Fair competition in the telecommunications sector** - General Notice 179/2018 ([GG 6593](#)) as amended by the regulations in General Notice 159/2020 ([GG 7197](#))
Note: Although the regulations refer to “Form A hereto”, no such form is included in the *Government Gazette*.
- **Spectrum licences** - General Notice 104/2019 ([GG 6888](#)), as amended by General Notice 152/2020 ([GG 7196](#)), and by the regulations in General Notice 159/2020 ([GG 7197](#)), and by General Notice 446/2021 ([GG 7613](#)) and General Notice 161/2023 ([GG 8060](#))
Notes:
 - (1) General Notice 104/2019 ([GG 6888](#)) *repeals* the following regulations:
 - * Regulations regarding Licence Exempt Spectrum Use - General Notice 395/2011 ([GG 4839](#))
 - * Regulations setting out License Conditions for Spectrum Use Licenses -General Notice 469/2013 ([GG 5354](#)).
 - (2) General Notice 152/2020 ([GG 7196](#)) contains a Schedule setting out the reasons for the amendments:
The purpose of the amendment of the Regulations Prescribing Procedures Regarding Application for, and Amendment, Renewal, Transfer and Cancellation of Spectrum Licences is to conform the list of Radio Apparatus Exempt from Spectrum License to the International Telecommunications (ITU) standards.
 - (3) General Notice 446/2021 ([GG 7613](#)) repeals the amendments to these regulations contained in General Notice 152/2020 ([GG 7196](#)) (which affected only Annexure B).
- **License Categories and Licensing Procedures for Postal Service Licensees** – General Notice 506/2019 ([GG 7072](#)), as amended by General Notice 238/2021 ([GG 7559](#))
- **Penalty Regulations** – General Notice 159/2020 ([GG 7197](#))
Note: These regulations made amendments to many other sets of regulations. Throughout the list of amendments, the references to “Government Notice” should be “General Notice”.
- **Fees for spectrum licences, certificates and examinations**-General Notice 417/2020 ([GG 7359](#)) which replaced General Notice 155/2017 ([GG 6322](#)) as of 1 January 2021.
- **Reporting Obligations for Licensees**-General Notice 24/2021 ([GG 7445](#)) which repeals the **Cost accounting procedures and reporting requirements** in General Notice 474/2013 ([GG 5357](#)), as amended by the regulations in General Notice 159/2020 ([GG 7197](#)). (The amendment to these regulations is not repealed but would have no independent effect.)
Note: General Notice 24/2021 also amends several previous sets of regulations and the Broadcasting Code:
 - **Regulations Regarding Licence conditions for telecommunications services licences** – General Notice 308/2012 ([GG 5037](#));
 - **Regulations Regarding Licence conditions for broadcasting service licences** in General Notice 309/2012 ([GG 5037](#));
 - **Regulations Prescribing Quality of Service Standards applicable to Service Licensees** in General Notice 152/2015 ([GG 5713](#));
 - **Regulations Regarding Procedures for the Adjudication of Disputes** in General Notice 468/2017 ([GG 6466](#));
 - **Broadcasting Code for Broadcasting Licensees** in General Notice 602/2018 ([GG 6750](#)).
- **Regulations in terms of Part 6 of Chapter V** were issued in terms of section 77 of the Act in GN 40/2021 ([GG 7481](#)) dated 15 March 2021.
Notes: (1) The Government Notice which publishes these regulations states that they were made after consultation with CRAN, the Director-General of the Namibia Central Intelligence Service and “all providers of telecommunications services who may be affected by the regulations”.
(2) Part 6, Chapter V of the Act had not been brought into force at the time when the regulations were issued.²⁷²

²⁷² Note that it appears to be competent for the Ministry to publish regulations as preparation for bringing this portion of the law into force, but the regulations published in this way may *not* come into force before the relevant portion of the Act is brought into force. See section 12(3) of the Interpretation of Laws Proclamation 37 of 1920:

(3) See also **Imposition of further conditions on Telecommunications Service Licensees in terms of section 72(4) of the Act relating to matters prescribed by the Minister responsible for communications by virtue of the regulations in terms of Part 6 of Chapter V of the Act**-General Notice 180/2022 ([GG 7797](#)) (covering SIM card registration, security and confidentiality of telecommunications and forms of assistance and compensation).

- **Licence fees and regulatory levies** under section 129 are contained in General Notice 238/2021 ([GG 7559](#)).²⁷³ However, these regulations were struck down in their entirety on constitutional grounds by *Mobile Telecommunications Ltd v Communications Regulatory Authority of Namibia* (HC-MD-CIV-MOT-GEN-2020/00526) [2022] NAHCMD 443 (31 August 2022).
- **Functions of carriers in respect of installation and maintenance of telecommunications facilities**-General Notice 447/2021 ([GG 7614](#))
- **The Frequency Band Plan for Namibia**-General Notice 448/2021 ([GG 7617](#))
Note: Regulations setting out a Frequency Band Plan were initially contained in General Notice 191/2013 ([GG 5214](#)), but these were replaced by a Frequency Band Plan contained in General Notice 424/2016 ([GG 6160](#)) which was not in the form of regulations. This Plan was repealed by General Notice 448/2021.
- **Telecommunications Equipment requiring Type Approval**-General Notice 495/2023 ([GG 8180](#)), which repeals the regulations in General Notice 22/2015 ([GG 5659](#)), as amended by General Notice 361/2019 ([GG 6992](#)). (The repealed regulations were also amended by General Notice 159/2020 ([GG 7197](#)).)
- **Frequency Channelling Plan in respect of Analogue Frequency Modulation Radio Broadcasting** - General Notice 628/2023 ([GG 8231](#)) which repeals General Notice 321/2020 ([GG 7300](#)).

Note: “Regulations relating to the issuing of licences, categories and licencing procedures for broadcasting service licences” were published in General Notice 67/2022 ([GG 7750](#)). However, General Notice 67/2022 was withdrawn by General Notice 88/2022 ([GG 7758](#)) on the basis that it had been published erroneously. A new notice of intention to publish regulations on this topic was published in General Notice 90/2022 ([GG 7762](#)).

Similarly, “Regulations prescribing licence categories and licensing procedures for telecommunications service licences” were published in General Notice 68/2022 ([GG 7750](#)). However, General Notice 68/2022 was also withdrawn by General Notice 88/2022 ([GG 7758](#)) on the basis that it had been published erroneously. A notice of intention to publish regulations on this topic was published in General Notice 91/2022 ([GG 7762](#)).

Notices: Notices of general interest or applicability are as follows:

(3) *Where a law confers a power -*

...

(b) *to make, grant, or issue any... regulations...*

...

that power may, unless the contrary intention appears, be exercised at any time after the passing of the law so far as may be necessary for the purpose of bringing the law into operation at the commencement thereof, subject to this restriction that any ... regulations... made... under the power shall not, unless the contrary intention appears in the law or the contrary is necessary for bringing the law into operation, come into operation until the law comes into operation.

A similar issue is discussed in *Minister of Health and Social Services & Others v Medical Association of Namibia Ltd & Another* 2012 (2) NR 566 (SC) at paras 63-69.

²⁷³ These regulations repeal the regulations on administrative and licence fees for service licences contained in General Notice 311/2012 ([GG 5037](#)), as amended by General Notice 331/2013 ([GG 5269](#)) and General Notice 181/2016 ([GG 6035](#)). (General Notice 238/2021 repeals General Notice 311/2012 and General Notice 331/2013, but does not repeal General Notice 181/2016.)

Note that the repealed regulations amended the regulations in GN 212/2007 ([GG 3942](#)), GN 213/2007 ([GG 3942](#)) and GN 108/2007 ([GG 3858](#)) insofar as they were inconsistent with the regulations in General Notice 311/2012.

The case *Communications Regulatory Authority of Namibia v Telecom Namibia Ltd & Others* 2018 NASC (11 June 2018), struck down item 6 of these repealed regulations with effect from 11 June 2018, and held that this item, during its period of validity, could not be applied retrospectively to anything which occurred before the date on which the regulations came into force (13 September 2012).

- **“Reasons Document”** explaining certain decisions made in respect of the various draft regulations: 1) Regulations Setting out Broadcasting and Telecommunications Service Licence Categories; 2) Regulations Regarding Transitional Procedures for Telecommunications and Broadcasting; Service Licences and Spectrum Use Licences; 3) Regulations Regarding the Submission of Interconnection Agreements and Tariffs; 4) Regulations Regarding Licensing Procedures for Telecommunications and Broadcasting Service Licences and Spectrum Use Licences; and 5) Regulations Regarding Consumer Complaints – General Notice 123/2011 ([GG 4714](#)).
- Discussion document entitled **“Telecommunications Market Study and Dominance”**, published as a prelude to a public hearing on dominance in the telecommunications and broadcasting markets – General Notice 62/2012 ([GG 4905](#)).
- **Clarification on the 2012 High Court judgement, *Mobile Telecommunications Ltd (MTC) v Namibia Communications Commission* [the predecessor to CRAN], *Telecom Namibia Ltd & Powercom (Pty) Ltd t/a Leo* [2012 (2) NR 421 (HC)]** – General Notice 335/2012 ([GG 5044](#)).
- **Universal Access and Service Policy for Information and Communications Technologies** – GN 82/2013 ([GG 5169](#))
- **Determination of dominant position in the telecommunications market in Namibia** (in terms of section 78) – General Notice 167/2013 ([GG 5201](#))
- **Digital Terrestrial Television Policy Guidelines** – GN 316/2013 ([GG 5346](#)).
- **Study to establish the feasibility of the usage of TV white space technologies for telecommunications services on a secondary basis in the 470 MHz to 694 MHz spectrum band allocated to broadcasting services** – a notice of intention to conduct a study of this topic, and the reasons and purpose for the proposed study was published in General Notice 150/2014 ([GG 5480](#)), and the study was published in General Notice 293/2014 ([GG 5535](#))
- **Report on the outcomes of the infrastructure sharing study** – General Notice 192/2014 ([GG 5505](#))
- **Reduction in fixed and mobile termination rates** – a notice of new rates, including the background to the decision to reduce these rates, is contained in General Notice 401/2016 ([GG 6141](#)); see also General Notice 510/2022 ([GG 7909](#)) on a **reduction of fixed and mobile termination rates**
- **Frequency Channeling Plan for the Spectrum Bands 694-790 Mhz** – General Notice 444/2021 ([GG 7613](#)) which repeals 423/2016 ([GG 6160](#))
- **Guidelines on the general interpretation and applicability of enforcement, hearing and penalty provisions in the Act** - General Notice 191/2018 ([GG 6602](#))
- **Guidelines on the on the interpretation and application of section 53 of the Act and the Regulations Regarding the Submission of Interconnection Agreements and Tariffs** - General Notice 455/2018 ([GG 6668](#))
- **Broadcasting Code for Broadcasting Licensees** - General Notice 602/2018 ([GG 6750](#)), as amended by General Notice 134/2019 ([GG 6915](#)) and by General Notice 24/2021 ([GG 7445](#))
- **Spectrum Assignment Strategy** - General Notice 673/2018 ([GG 6776](#))
- **Imposition of a moratorium** on applications for spectrum use licenses in the frequency band 87.5-108 MHz for analogue FM radio broadcasting and broadcasting service licenses for analogue FM radio services - General Notice 5/2018 ([GG 6826](#))
- **Universal Service Obligations Guidelines** - General Notice 103/2019 ([GG 6886](#))
- **Frequency Channelling Plan, Digital Sound Broadcasting** - General Notice 320/2020 ([GG 7300](#))

Note that the title of this Government Notice refers to a “proposed” Frequency Channelling Plan, but the text states that it “prescribes” the Frequency Channelling Plan set out in the Schedule of the Government Notice. This Frequency Channelling Plan is not characterised as “regulations”, but a subsequent Frequency Channelling Plan for Analogue Frequency Modulation Radio Broadcasting in General Notice 628/2023 ([GG 8231](#)) is described as “regulations” (and so is listed in section on “Regulations” above).

- **National Broadband Policy** - GN 189/2020 ([GG 7308](#))
- **Determination of dominant position in the telecommunications sector in Namibia** (in terms of section 78(1)), including a study document on this topic - General Notice 40/2021 ([GG 7447](#))
- **Issue of Public Broadcasting Service License to the Namibian Broadcasting Corporation**

(NBC) (noted here due to public interest in the national broadcaster)-General Notice 361/2021 ([GG 7584](#))

- **Imposition of further conditions on Telecommunications Service Licensees in terms of section 72(4) of the Act relating to matters prescribed by the Minister responsible for communications by virtue of the regulations in terms of Part 6 of Chapter V of the Act-** General Notice 180/2022 ([GG 7797](#)) (covering SIM card registration, security and confidentiality of telecommunications and forms of assistance and compensation).

This notice states that it imposes conditions pursuant to the regulations made in terms of Part 6 of Chapter V of the Act in GN 40/2021 ([GG 7481](#)); however, note that Part 6 of Chapter V of the Act (which contains section 72(4)) – and by extension the regulations in GN 40/2021 (made in terms of section 77 which is also contained in Part 6 of Chapter V of the Act – were not yet in force at the time when the conditions relating to them in General Notice 180/2022 were published. Paragraph 11 of the conditions published in General Notice 180/2022 states that the conditions will “enter into force with effect from the date communicated by the Authority by written notice to all service providers”.

- **Spectrum Assignment Strategy 2022 to 2024-**General Notice 390/2022 ([GG 7876](#))
- **Strategy in Respect of Implementation of IMT-2020 (5G) in the Republic of Namibia-** General Notice 6/2023 ([GG 8000](#)).

Licences issued under the repealed laws had to be reviewed for compliance with this Act, but remained valid until so reviewed.

Notices pertaining to specific licences under the repealed laws and under this Act have not been recorded here.

Notices pertaining to specific licensees, applications, transfers, tariffs, etc have been omitted, as well as all notices dealing with administrative matters such as hearings.

A memorandum of agreement between the Namibian Competition Commission and the Communications Regulatory Authority of Namibia (CRAN), made pursuant to section 67 of the Competition Act 2 of 2003, is published in General Notice 17/2012 ([GG 4868](#)).

GN 257/2019 ([GG 6983](#)) sets 30 August 2019 as the date on which Namibia Post Limited will require a licence authorising the rendering of postal services, under section 95(2) of the Act.

Proposed regulations, plans and policies, some of which contain useful background information, have been published under this Act as follows:

- broadcasting and telecommunications service licence categories-General Notice 14/2011 ([GG 4647](#))
- licensing procedures for broadcasting and telecommunications service licences and spectrum use licences-General Notice 15/2011 ([GG 4647](#)); General Notice 150/2013 ([GG 5194](#))
- submission of interconnection agreements and tariffs-General Notice 16/2011 ([GG 4647](#))
- transitional procedures for telecommunications and broadcasting service licences-General Notice 17/2011 ([GG 4647](#))
- consumer complaints-General Notice 18/2011 ([GG 4647](#))
- frequency band plan-General Notice 322/2011 ([GG 4807](#))
- broadcasting service licence conditions-General Notice 331/2011 ([GG 4814](#))
- application and licence fees for service licences-General Notice 394/2011 ([GG 4839](#))
- licence conditions for telecommunications services licences-General Notice 110/2012 ([GG 4938](#))
- hearings-General Notice 148/2012 ([GG 4962](#))
- confidential information and confidential communications with CRAN-General Notice 149/2012 ([GG 4962](#))
- frequency channelling plan for digital terrestrial television-General Notice 334/2012 ([GG 5044](#)); General Notice 410/2012 ([GG 5078](#))

The text of the second General Notice is the same as the previous one, but the Table of Frequency Allocations in Regulation 3 is different.

- licensee disputes-General Notice 432/2012 ([GG 5092](#))

- amendments to the regulations on broadcasting and telecommunications service licence categories-General Notice 433/2012 ([GG 5092](#))
- amendments to the regulations on administrative and licence fees for service licences-General Notice 110/2013 ([GG 5179](#))
- minimal technical standards for set-top box decoders-General Notice 111/2013 ([GG 5179](#))
- cost accounting procedures-General Notice 116/2013 ([GG 5180](#))
- licence conditions for class comprehensive multiplex and signal distribution service licences, multiplex licences and signal distribution service licences-General Notice 149/2013 ([GG 5194](#))
- forms for applications-General Notice 155/2013 ([GG 5197](#))
- licence conditions for spectrum use licences-General Notice 165/2013 ([GG 5201](#))
- telecommunications equipment requiring type approval-General Notice 192/2013 ([GG 5214](#))
- minimum quality of service standards applicable to service licences-General Notice 406/2013 ([GG 5313](#))
- amendments to the regulations regarding the submission of interconnection agreements and tariffs-General Notice 473/2013 ([GG 5356](#))
- national numbering plan for provision of telecommunications services-General Notice 46/2014 ([GG 5414](#))
- quality of service standards applicable to service licensees-General Notice 83/2014 ([GG 5443](#))
- national numbering plan for use in the provision of telecommunications services, numbering licence fees and procedures for number licences-General Notice 352/2014 ([GG 5571](#))
- amendments to the regulations on type, approval and technical standards for telecommunications equipment-General Notice 122/2015 ([GG 5692](#))
- amendments to the regulations setting out broadcasting and telecommunications service licence categories-General Notice 162/2015 ([GG 5725](#))
- universal service levy on telecommunications service providers-General Notice 235/2015 ([GG 5755](#))
- universal services levy by telecommunications service licensees-General Notice 236/2015 ([GG 5755](#))
- amendments to the regulations on administrative and licence fees for service licences-General Notice 384/2015 ([GG 5805](#))
- regulations regarding sharing of infrastructure-General Notice 446/2015 ([GG 5836](#))
- provision of roaming services for telecommunications service licences-General Notice 453/2015 ([GG 5849](#)), withdrawn by General Notice 466/2017 ([GG 6464](#))
- amendments to the regulations regarding licensing procedures for telecommunications and broadcasting service licences and spectrum use licences-General Notice 19/2016 ([GG 5947](#))
- sharing of infrastructure-General Notice 177/2016 ([GG 6032](#))
- spectrum band plan of Namibia-General Notice 179/2016 ([GG 6033](#))
- frequency channeling plan for the spectrum band 694-790 MHz and 790-862 MHz-General Notice 213/2016 ([GG 6054](#))
- price caps for dominant operators for leased lines and all other pre-arranged connectivity-General Notice 267/2016 ([GG 6074](#))
- code of conduct for broadcasting service licensees-General Notice 343/2016 ([GG 6097](#))
- fees for spectrum licences, certificates and examinations-General Notice 393/2016 ([GG 6141](#))
- price cap regulations-General Notice 156/2017 ([GG 6322](#)), withdrawn by GN 18/2018 ([GG 6514](#))
- procedures for the adjudication of disputes-General Notice 157/2017 ([GG 6322](#))
- amendments to the regulations prescribing the national numbering plan-General Notice 250/2017 ([GG 6350](#))
- code of conduct for broadcasting service licensees-General Notice 251/2017 ([GG 6350](#))
- fair competition in the telecommunications sector-General Notice 467/2017 ([GG 6465](#))
- guidelines on the general interpretation and applicability of enforcement, hearings and penalty provisions-General Notice 471/2017 ([GG 6469](#))
- guidelines on the general interpretation and the applicability of section 53 and the regulations regarding the submission of interconnection agreements and tariffs-General Notice 487/2017 ([GG 6479](#))
- spectrum assignment strategy-General Notice 188/2018 ([GG 6596](#))
- broadcasting code-General Notice 192/2018 ([GG 6603](#))
- license categories and procedures for postal service licensees-General Notice 374/2018 ([GG 6651](#))
- amendments to the regulations on type approval and technical standards for telecommunications equipment-General Notice 603/2018 ([GG 6750](#))
- license categories and licensing procedures for postal service licensees-General Notice 672/2018 ([GG 6773](#))

- moratorium on the issue of spectrum use licenses in the frequency band 87.5-108 MHz, for the provision of analogue FM radio broadcasting; and the issue of broadcasting service licenses for analogue FM radio services which entail the use of radio waves-General Notice 674/2018 ([GG 6777](#))
- amendments to the regulations regarding procedures for the adjudication of disputes-General Notice 688/2018 ([GG 6798](#))
- amendments to the regulations regarding type approval and technical standards for telecommunications equipment-General Notice 689/2018 ([GG 6798](#))
- license categories and licensing procedures for postal service licensees-General Notice 692/2018 ([GG 6798](#))
- guidelines on universal service obligations-General Notice 694/2018 ([GG 6800](#))
- procedures regarding application for and amendment, renewal or transfer of spectrum licences-General Notice 695/2018 ([GG 6802](#))
- procedures regarding application for and amendment, renewal or transfer of spectrum licences-General Notice 3/2019 ([GG 6826](#))
- guidelines for mediation proceedings-General Notice 102/2019 ([GG 6885](#))
- penalties under section 129(2) of the Act-General Notice 379/2019 ([GG 7004](#))
- amendments to the regulations on the national numbering plan for telecommunications services, numbering licence fees and procedures for number licences-General Notice 504/2019 ([GG 7071](#))
- amendments to the regulations on spectrum licences-General Notice 26/2020 ([GG 7098](#))
- Frequency Band Plan, Digital Sound Broadcasting-General Notice 72/2020 ([GG 7123](#))
- Frequency Band Plan, Analogue Frequency Modulation Broadcasting-General Notice 73/2020 ([GG 7123](#))
- Determination of Dominant Position in the Telecommunications Sector-General Notice 105/2020 ([GG 7156](#))
- reporting obligations for licensees-General Notice 106/2020 ([GG 7162](#))
- fees for spectrum licenses, certificates and examinations-General Notice 187/2020 ([GG 7216](#))
- reporting obligations for licensees-General Notice 296/2020 ([GG 7289](#))
- amendments to the regulations on spectrum licences-General Notice 402/2020 ([GG 7344](#))
- Frequency Band Plan of Namibia-General Notice 409/2020 ([GG 7350](#))
- functions of carriers in respect of installation and maintenance of telecommunications facilities-General Notice 410/2020 ([GG 7354](#))
- licence fees and regulatory levies-General Notice 416/2020 ([GG 7356](#))
- determination of dominant position in the telecommunications sector (including a draft market study)-General Notice 441/2020 ([GG 7368](#))
- amendments to the regulations regarding rule-making procedures-General Notice 457/2020 ([GG 7376](#))
- functions of carriers in respect of installation and maintenance of telecommunications facilities- General Notice 104/2021 ([GG 7492](#))
- regulations on the functions of carriers in respect of installation and maintenance of telecommunications facilities-General Notice 135/2021 ([GG 7503](#))
- intention to issue a Public Broadcasting Service License to the Namibian Broadcasting Corporation, with proposed conditions (noted here due to public interest in the national broadcaster)-General Notice 147/2021 ([GG 7510](#))
- amendments to the regulations on the national numbering plan for telecommunications services, numbering licence fees and procedures for number licences-General Notice 154/2021 ([GG 7518](#))
- Frequency Channeling Plan for the Spectrum Bands 694-790 Mhz-General Notice 194/2021 ([GG 7539](#))
- amendments to the regulations on rule-making procedures-General Notice 223/2021 ([GG 7548](#))
- regulations relating to the issuing of licences, categories and licencing procedures for broadcasting service licences-General Notice 90/2022 ([GG 7762](#)); WITHDRAWN by General Notice 570/2022 ([GG 7926](#)), which provides reasons for the withdrawal
- regulations prescribing licence categories and licensing procedures for telecommunications service licences-General Notice 91/2022 ([GG 7762](#)); WITHDRAWN by General Notice 570/2022 ([GG 7926](#)), which provides reasons for the withdrawal
- regulations prescribing the universal service levy-General Notice 343/2022 ([GG 7860](#))
- amendments to the regulations on the national numbering plan for telecommunications services, numbering licence fees and procedures for number licences-General Notice 514.2022 ([GG 7909](#))
- amendments to the regulations prescribing procedures regarding application for, and amendment, renewal, transfer and cancellation of spectrum licences-General Notice 676/2022 ([GG 7962](#))
- regulations in respect of telecommunications equipment requiring type approval- General Notice 7/2023 ([GG 8002](#)).

- Frequency Band Plan in respect of Analogue Frequency Modulation Radio Broadcasting-General Notice 230/2023 ([GG 8094](#))
- amendments to the regulations setting out fees for spectrum licences, certificates and examinations-General Notice 494/2023 ([GG 8180](#))

Application of law: The application of this Act with respect to the Communications Regulatory Authority of Namibia is affected by 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. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Pursuant to section 93(1) of the Act, GN 327/2020 ([GG 7431](#)) sets 31 December 2020 as the date from which Chapter VI of the Act (on promotion of competition) applies to the Namibian Broadcasting Corporation.

Appointments: Members of the Board of the Communications Regulatory Authority of Namibia are announced in GN 131/2010 ([GG 4514](#)) and GN 169/2023 ([GG 8112](#)).

Certain inspectors for the Communication Regulatory Authority of Namibia are appointed as *ex officio* Commissioners of Oaths, with effect from 15 February 2016, in terms of the *Justices of the Peace and Commissioners of Oaths Act 16 of 1963*, by GN 48/2016 ([GG 5971](#)).

Appointments of inspectors pursuant to section 123(1) of the Act were announced in General Notice 444/2015 ([GG 5836](#)), but revocations of these appointments were announced in General Notice 686/2018 ([GG 6798](#)), which also announced the appointment of *ex officio* inspectors in terms of section 123(1).

Appointments of inspectors pursuant to section 123(1) of the Act with effect from 19 November 2020 are announced in General Notice 474/2020 ([GG 7393](#)).

Appointments of an inspector and a special investigator pursuant to sections 123(1) and 124 of the Act are announced in General Notice 218/2021 ([GG 7547](#)). The appointment of the special investigator is extended in General Notice 496/2021 ([GG 7627](#)).

An appointment of an inspector pursuant to section 123(1) of the Act is announced in General Notice 474/2020 ([GG 8172](#)), which also lists persons who are no longer inspectors in terms of the Act due to resignations, promotions, retirements and changes in position.

Cases:

Mobile Telecommunications Ltd v Namibia Communications Commission & Others 2012 (2) NR 421 (HC) (regulatory decision on tariffs which can be charged by mobile telephone operators generally upheld on review; certain portions of decision excised on grounds that they had not served before NCC)

Note: The court judgment refers to “the decision taken by the NCC as published in *Government Gazette* 36 of 2011”. There is no such *Government Gazette*. It appears that the case intended to refer to General Notice 56 of 2011 ([GG 4669](#)), which contains “Amendment of tariffs of mobile operators” (reporting a decision of the NCC taken on 9 February 2011). See discussion of case by CRAN in General Notice 335/2012 ([GG 5044](#)).

Municipal Council of Windhoek v Telecom Namibia Ltd 2015 (3) NR 629 (SC) (in interpreting and upholding constitutionality of section 24 of Posts and Telecommunications Act 19 of 1992, now repealed, Court notes at para 1 that section 60 of this Act is similar)

Communications Regulatory Authority of Namibia v Telecom Namibia Ltd & Others 2018 (3) NR 663 (SC) (striking down section 23(2)(a) of the Act on constitutional grounds, with effect from 11 June 2018, as an uncircumscribed discretionary power; also striking down item 6 in the “Administrative and licence fees for service licences”, General Notice 311/2012 ([GG 5037](#)), which was made in terms of that provision, with effect from 11 June 2018; holding further that

this regulation, during its period of validity, may not be applied retrospectively to anything which occurred before the date on which the regulation came into force (13 September 2012), meaning that it applied only to the period between that date and the date on which it has been declared unconstitutional (13 Sept 2013-11 June 2018).

See also *Communications Regulatory Authority of Namibia v Telecom Namibia Ltd* 2020 (4) NR 1182 (HC) and *Communications Regulatory Authority of Namibia v Mobile Telecommunications Company* 2021 (1) NR 247 (HC), two conflicting High Court judgments on the date of invalidity of the section struck down, which affects the amount of regulatory levies owing: the first case held that the order took effect on the date of the Supreme Court judgment (11 June 2018), while the second case held that it took effect from the date of the initial High Court judgment (29 September 2016) because the Supreme Court order substituted for that order; in *Communications Regulatory Authority of Namibia v Mobile Telecommunications Company of Namibia* 2021 (4) NR 1039 (SC), the Supreme Court held that its order took effect as from the date of the Supreme Court order (11 June 2018)

Section 23 of the Act was subsequently substituted in its entirety by Act 6/2020 ([GG 7274](#)). The affected regulations were subsequently repealed by General Notice 239/2021 ([GG 7559](#)).

However, see the case below.

Mobile Telecommunications Ltd v Communications Regulatory Authority of Namibia (HC-MD-CIV-MOT-GEN-2020/00526) [2022] NAHCMD 443 (31 August 2022) (holding that section 23 as amended still constitutes an impermissible outsourcing of plenary legislative power to CRAN because it lacks sufficiently circumscribed guidelines and limits for the exercise of CRAN's discretion; the amended section 23 is struck down in its entirety as being unconstitutional, along with the regulations promulgated pursuant to it).

CRAN decisions with general applicability:

- “Notice of decision pertaining to the “usage of the word “unlimited” in the advertisements for telecommunications services by all telecommunications service licensees providing services within the borders of Namibia or any part thereof”, General Notice 92/2019 ([GG 6883](#))
- “Notice of the following decision which is applicable to all telecommunications service licensees from date of publication of this notice in the *Gazette*”, General Notice 93/2019 ([GG 6883](#)) (concerning extensions and lapses of customer subscription agreements and packages)
- “Notice of the following decision which is applicable to all telecommunications service licensees from date of publication of this notice in the *Gazette*”, General Notice 152/2019 ([GG 6931](#)) (concerning automatic renewal of contracts).

COMMENTARY

SADC Media Law: A Handbook for Media Practitioners, Volume 1, A comparative overview of the laws and practice in Malawi, Namibia, South Africa and Zimbabwe, Johannesburg: Konrad Adenauer Foundation, 2003, available [here](#)

Daniel Motinga, “Liberalising the Telecommunications Sector in Namibia: Better Regulation is the Key”, Institute for Public Policy Research, 2003, available [here](#)

Frederico Links, “Spying on Speech”, Institute for Public Policy Research, 2019, available [here](#).

INTERNATIONAL LAW

**African Union Convention on Cyber Security and Personal Data Protection, 2014*

Agreement relating to the International Telecommunications Satellite Organisation (INTELSAT), 1971

Amendment of Article XVII(f) of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 1995

Amendments of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 2000

Amendment of Article XII(c)(ii) of the Agreement relating to the International Telecommunications Satellite Organization (INTELSAT), 2007

Constitution and Convention of the African Telecommunications Union, 1999, revised 2014
Constitution and Convention of the International Telecommunication Union (ITU), 1992

*****Instrument amending the Constitution of the International Telecommunication Union (Geneva, 1992), Kyoto 1994***

*****Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), Minneapolis 1998***

*****Instruments amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998) and by the Plenipotentiary Conference (Marrakesh, 2002), Antalya 2006***

*****Instrument amending the Constitution and the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998), by the Plenipotentiary Conference (Marrakesh, 2002) and by the Plenipotentiary Conference (Antalya, 2006), Guadalajara 2010***

International Telecommunication Regulations, 1988

International Telecommunication Regulations, 2012

†Radio Regulations, 1979

Radio Regulations, 1995

*****Regional Agreement GE06, adopted by RRC-06, relating to the planning of the digital terrestrial broadcasting service in Region 1 (parts of Region 1 situated to the west of meridian 170° E and to the north of parallel 40° S, except the territory of Mongolia) and in the Islamic Republic of Iran, in the frequency bands 174-230 MHz and 470-862 MHz, 2006***

Constitution of the Universal Postal Union (UPU), 1964

Convention of the Pan-African Postal Union (PAPU), 1980

SADC Protocol on Transport, Communications and Meteorology, 1996

See also Child Care and Protection Act 3 of 2015 (prohibits any information relating to the proceedings of a children's court which reveals or may reveal the name or identity of a child who is or was a party or a witness in the proceedings, without the permission of the children's commissioner) (**CHILDREN**).

See also General Law Amendment Ordinance 22 of 1958, section 1 (offence to publish details of any person under 18 years old who is a party to civil proceedings) (**COURTS**).

See also *Criminal Procedure Act 51 of 1977*, section 154 (prohibits the publication of any information which may reveal the identity of an accused or a witness in criminal proceedings who is under the age of 18, as well as the publication of information about any criminal proceedings held in closed court) (**CRIMINAL LAW AND PROCEDURE**).

See also Racial Discrimination Prohibition Act 26 of 1991 (prohibits certain advertisements and language) (**CRIMINAL LAW AND PROCEDURE**).

See also *Protection of Information Act 84 of 1982* (prohibits disclosure of security-related information) (**DEFENCE**).

See also Combating of Domestic Violence Act 4 of 2003 (prohibits publication of any information concerning legal proceedings under the Act which reveals or might reveal the identity of an applicant, a complainant or any child or other person involved in such proceedings, without the court's authorisation) (**DOMESTIC VIOLENCE**).