

# PRESIDENT

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## Former Presidents' Pension and Other Benefits Act 18 of 2004

**Summary:** This Act ([GG 3350](#)) provides for the payment of tax-free pensions and other benefits to former Presidents of Namibia and their families.

**Amendments:** The Act is amended by Act 14/2012 ([GG 5105](#)), which amends section 2 to increase the gratuity paid to former Presidents from a single gratuity to a gratuity in respect of each term of office, and substitutes item 3(a) of the Schedule with respect to residential accommodation. With an unusual degree of retrospectivity, the amending Act is deemed to have come into force on 18 December 2004.

**Regulations:** The Act makes no provision for regulations.

## Conferment of Status of Founding Father of the Namibian Nation Act 16 of 2005

**Summary:** This Act ([GG 3567](#)) confers the status of Founding Father of the Namibian Nation on the first President of the Republic of Namibia, His Excellency Dr Sam Nujoma.

**Regulations:** The Act makes no provision for regulations.

## Presidential Remuneration and Other Benefits Act 5 of 2016

**Summary:** This Act ([GG 6045](#)) covers the remuneration payable to the President, the allowance payable to the President's spouse, medical aid benefits for the President and his or her spouse and exemption of these amounts from income tax. The President's remuneration is set at 15% above the remuneration "payable at any given time" to the Vice President, and the Vice-President's remuneration is 15% above the remuneration "payable at any given time" to the Prime Minister under the Public Office-Bearers (Remuneration and Benefits) Act 3 of 2005.

This Act repeals the Presidential Remuneration and Other Benefits Act 15 of 2012 ([GG 5114](#)). The previous Act pre-dated the introduction of the Office of Vice-President by the Namibian Constitution Third Amendment Act 8 of 2014. It set the President's remuneration at 15% above the remuneration "currently payable" to the Prime Minister under the Public Office-Bearers (Remuneration and Benefits) Act 3 of 2005. (See also Proc. 32/2015 ([GG 5838](#)), which set the remuneration of the Vice-President at 10 per cent above the remuneration payable to the Prime Minister.)

The Presidential Remuneration and Other Benefits Act 15 of 2012 in turn replaced the Presidential Emoluments Act 17 of 1990 ([GG 100](#)) – which was originally the "Presidential Emoluments and Pension Act 17 of 1990" until the short title was amended by Act 18 of 2004.

**Regulations:** The Act makes no provision for regulations.

**Notices:** The remuneration of the President and the Vice-President and the pension of the first former President and former President are set out in Proc. 4/2017 ([GG 6259](#)), which makes reference to the authority of this Act.

## **COMMENTARY**

Legal Assistance Centre, “Namibia’s Perplexing Presidential Immunity”, 2018, available [here](#).

See also Assignment of Powers Act 4 of 1990 (**CONSTITUTION**).

See also Namibian Constitution First Amendment Act 34 of 1998 (**CONSTITUTION**) (amending Article 134 of the Namibian Constitution to provide that the first President of Namibia may hold office for three terms).