

SOCIAL WELFARE

Friendly Societies Act 25 of 1956, as amended in South Africa prior to Namibian independence



Summary: This Act ([SA GG 5679](#)) regulates friendly societies, which are associations of persons established to provide relief to children, the aged, the sick, widows and so forth. It was brought into force in South Africa and South West Africa on 31 December 1959 by SA Proc. 289/1959 ([SA GG 6335](#)), pursuant to section 52 of the Act. This Act will be repealed by the Financial Institutions and Markets Act 2 of 2021 ([GG 7645](#)), which has not yet been brought into force. Note, however, that Act 2 of 2021 (in item 6 of Schedule 3) provides for the continued application of this Act to a certain extent for a period of three years after the date of repeal, in respect of matters occurring during the period three years before that date:

Despite the repeal of the laws referred to in Schedule 2, for a period of three years after the effective date and in respect of a matter that occurred during the period of three years immediately before the effective date, NAMFISA may exercise any power under such repealed law to investigate and prosecute any breach of that law, as if it were proceeding with a complaint in terms of this Act.

Repeals: The Act repeals so much of the *Friendly Societies Act 5 of 1892* as was not previously repealed.

Applicability to SWA: Section 1 defines “Union” to include “the Territory”, which is defined as “the Territory of South West Africa”. “Court” and “Gazette” are defined accordingly. Section 52 states “This Act shall apply also in the Territory.” Although the wording of section 52 did not make amendments to the Act automatically applicable to South West Africa, they are probably applicable by virtue of the definition of “Union”.

Transfer of administration to SWA: This Act was administered by the Minister of Finance. Acts administered by the Minister of Finance in the Department of Inland Revenue were transferred to South West Africa by the Executive Powers (Inland Revenue) Transfer Proclamation, AG 18 of 1978, but this Act fell under the Department of Finance at the time, as indicated by government notices pertaining to the Registrar and Deputy Registrar of Friendly Societies issued during the 1970s. See, for example, Government Notice 1317/1970 ([RSA GG 2768](#)) and Government Notice 1640/1977 ([RSA GG 5715](#)). There was no transfer proclamation for laws administered by the Minister of Finance in the Department of Finance. Thus, it appears that the administration of the Act was not transferred to SWA.

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

- *Finance Act 81 of 1957* ([SA GG 5907](#))
- *Finance Act 80 of 1959* ([SA GG 6255](#))
- *Inspection of Financial Institutions Act 68 of 1962* ([RSA GG 264](#))
- *Friendly Societies Amendment Act 60 of 1963* ([RSA GG 540](#))
- *Friendly Societies Amendment Act 67 of 1965* ([RSA GG 1128](#))
- *Financial Institutions Amendment Act 65 of 1968* ([RSA GG 2107](#))
- *Financial Institutions Amendment Act 91 of 1972* ([RSA GG 3594](#))
- *Medical Schemes Amendment Act 43 of 1975* ([RSA GG 4721](#))
- *Financial Institutions Amendment Act 101 of 1976* ([RSA GG 5217](#))
- *Financial Institutions Amendment Act 103 of 1979* ([RSA GG 6568](#))
- *Financial Institutions Amendment Act 99 of 1980* ([RSA GG 7151](#))
- *Financial Institutions Amendment Act 86 of 1984* ([RSA GG 9313](#))
- *Financial Institutions Amendment Act 51 of 1988* ([RSA GG 11313](#))
- *Financial Institutions Amendment Act 53 of 1989* ([RSA GG 11892](#))
- *Financial Institutions Second Amendment Act 54 of 1989* ([RSA GG 11893](#)).

The Act was amended in South Africa by the *Friendly Societies Amendment Act 44 of 1988* ([RSA GG 11273](#)), but *Act 44 of 1988* was brought into force only after Namibian independence, on 1 July 1993 by RSA Proc. 54/1993 ([RSA GG 14931](#)). Act 25 of 1956 was also amended in South Africa by the *Legal Succession to the South African Transport Services Act 9 of 1989* ([RSA GG 11743](#)). However, the portions of this Act which amended *Act 25 of 1956* came into force only after Namibian independence, on 1 April 1990, in terms of section 37(2) read with section 3(1) of Act 9 of 1989; the date referred to in section 3(1) was set by *RSA Government Notice 578/1990* ([RSA GG 12364](#)) as being 1 April 1990. These amendments were thus not applicable to South West Africa.

The Short-term Insurance Act 4 of 1998 ([GG 1832](#)), which was brought into force on 1 July 1998 by GN 142/1998 ([GG 1887](#)), repeals section 50 insofar as it relates to short-term insurance.

The Long-term Insurance Act 5 of 1998 ([GG 1834](#)), which was brought into force on 1 July 1998 by GN 144/1998 ([GG 1888](#)), repeals the remainder of section 50.

The Namibia Financial Institutions Supervisory Authority Act 3 of 2001 ([GG 2529](#)), which was brought into force on 14 May 2001 by GN 85/2001 ([GG 2528](#)), amends section 1, substitutes section 4 and repeals section 4A.

Regulations: Regulations are authorised by section 47 of the Act. No post-independence regulations have been promulgated.

Regulations issued prior to independence are contained in RSA GN R.479/1966 ([RSA GG 1409](#), republished in [OG 2710](#)), as amended by RSA GN R.2143/1984 ([RSA GG 9437](#)) and RSA 1921/1989 ([RSA GG 12079](#)).³¹²

Notices: Statistical information which must be provided annually to the Registrar of Friendly Societies by any friendly society established in terms of an agreement published or deemed to have been published under section 48 of the Industrial Conciliation Act 28 of 1956 are contained in RSA GN R.101/1962 ([RSA GG 162](#)) and RSA GN R.484/1966 ([RSA GG 1409](#)). These notices appear to have no current relevance in Namibia.³¹³

Appointments: A Registrar and Deputy Registrar of Friendly Societies are appointed in General Notice 27/1991 ([GG 174](#)).

National Welfare Act 79 of 1965, as amended in South Africa to November 1977

Summary: This Act ([RSA GG 1163](#)) establishes a National Welfare Board of Namibia and provides for the registration and control of certain welfare organisations.

Repeals: The Act repeals the *Welfare Organizations Act 40 of 1947* ([SA GG 3834](#)), as amended.³¹⁴

The *National Welfare Amendment Act 13 of 1971* ([RSA GG 3061](#)), which made the Act applicable to SWA, repealed the Welfare Organisations Ordinance 33 of 1965.

Applicability to SWA: Section 1 defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”. Section 43A, which was inserted by *Act 13 of 1971* and repealed by Act

³¹² These regulations repeal the regulations in RSA GN R.100 of 26 January 1962.

³¹³ The Industrial Conciliation Act 28 of 1956 (renamed the Labour Relations Act in South Africa by the Labour Relations Amendment Act 57 of 1981) was not applicable to South West Africa. The analogous law in South West Africa was the Wage and Industrial Conciliation Ordinance 35 of 1952, which was replaced by the Labour Act 6 of 1992, which was replaced in turn by the Labour Act 11 of 2007.

³¹⁴ The only repeals in Act 40 of 1947 pertain to South African provincial legislation.

9 of 1993, stated: “This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.”

Transfer of administration to SWA: The administration of this Act appears to have been transferred to SWA by the Executive Powers (Social Welfare and Pensions) Transfer Proclamation (AG 11/1977), dated **30 November 1977**. None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA.

In South Africa, the portions of the Act relating to the National Welfare Board and to welfare organisations were repealed by the *National Welfare Act 100 of 1978* ([RSA GG 6094](#)). The portions of the Act relating to social workers were repealed by the *Social and Associated Workers Act 110 of 1978* ([RSA GG 6102](#)). The remainder of the Act was repealed by the *Pension Laws Amendment Act 81 of 1982* ([RSA GG 8239](#)). None of the repealing acts were made expressly applicable to SWA.

Section 3(2) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977, excluded from transfer the provisions of any transferred law “which provide for or relate to the institution, constitution or control of any juristic person or any board or other body of persons that may exercise powers or perform other functions in or in respect of both the territory and the Republic”. This may have at some stage have excluded from transfer the provisions of this Act relating to the National Welfare Board, as well as possibly some commissions and committees established under this Act.

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

- *General Law Amendment Act 102 of 1967* ([RSA GG 1771](#))
- *National Welfare Amendment Act 13 of 1971* ([RSA GG 3061](#))
- *National Welfare Amendment Act 44 of 1976* ([RSA GG 5070](#)).

Act 12/1979 ([OG 4028](#)) amends this Act substantially to provide for a National Welfare Board of South West Africa.

The Act is also substantially amended to make it consistent with an independent Namibia by Act 9/1993 ([GG 692](#)), which was brought into force on 1 July 1994 by GN 117/1994 ([GG 875](#)). This amending act amends sections 1-8, 10, 11, 14, 18, 19, 21, 25 38, 39, 42; repeals sections 33-37, 40 and 43A; and substitutes certain expressions and the long title.

Act 20/1994 ([GG 935](#)) amends section 1 and repeals section 38, which formerly required that only registered welfare workers could be appointed as professional welfare officers in the public service.

Savings: Section 43(2) contains a savings clause for things done under the repealed law:

Any proclamation, regulation, rule, direction, notice, certificate, authority, consent, letter of delegation, evidence of authority, order or appointment issued, made, given, prepared, published or granted and any other action taken under any provision of any law repealed by sub-section (1), shall be deemed to have been issued, made, given, prepared, published, granted or taken under the corresponding provision of this Act.

The *National Welfare Amendment Act 13 of 1971* ([RSA GG 3061](#)), which made an additional repeal, also contains a savings clause in section 6(3):

Any notice, certificate, authority, consent, letter of delegation, evidence of authority, order or appointment issued, prepared, published, granted or made, and any other action taken under a provision of the Ordinance, shall be deemed to have been issued, prepared, published, granted, made or taken under the corresponding provision of the principal Act.

This savings clause does not explicitly mention regulations, but it does broadly refer to “any other action taken” under a provision of the repealed Ordinance.

Regulations: Regulations are authorised by section 42 of the Act. No post-independence regulations have been promulgated.

General regulations are contained in RSA GN R.1413/1971 ([RSA GG 3227](#)).³¹⁵ Regulation 28 states: “These regulations shall also apply in the territory, including the Eastern Caprivi Zipfel.” No amendments to these regulations have been located, and they appear to remain in force in Namibia.³¹⁶

Aged Persons Act 81 of 1967, as amended in South Africa prior to Namibian independence



Summary: This Act ([RSA GG 1771](#)) provides for the protection and welfare of certain aged and debilitated persons. It also governs old age homes.

Repeals: The Act repeals the *Old Age Pensions Act 38 of 1962*, as amended.

Applicability to SWA: Section 16 of the *Pension Laws Amendment Act 79 of 1968* ([RSA GG 2119](#), and also published in [OG 2915](#)), without amending the *Aged Persons Act 81 of 1967*, empowered the State President to make the provisions of the Act “*mutatis mutandis* applicable in the territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said territory, in so far as those provisions relate to Bantu or Bantu persons”, subject to “such conditions, amendments or exceptions as may be specified in the proclamation”. It also empowered the State President to withdraw or amend any such proclamation. Section 16(4) stated:

“With effect from the date on which any Act referred to in subsection (1) becomes applicable in the said territory in terms of a proclamation issued under that subsection, the corresponding Act which under section 45(1) of the Pension Laws Amendment Act, 1965 (Act No. 102 of 1965), was declared to be applicable in the said territory, shall cease to be applicable therein: Provided that anything done in terms of the relevant corresponding Act and which could be done in terms of the relevant Act referred to in subsection (1) which becomes applicable in the territory on the said date, shall be deemed to have been done in terms of the last-mentioned Act.”

(The corresponding Act cited in section 45(1) of the *Pension Laws Amendment Act 102 of 1965* ([RSA GG 1171](#)) was the *Old Age Pensions Act 38 of 1962* ([RSA GG 231](#)).)

Pursuant to this authority, RSA Proc. R.293/1968 ([RSA GG 2182](#)) provided that the provisions of the Act were brought into force on 1 October 1968 “in the Territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of Natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said Territory, in so far as those provisions relate to Bantu”.

The Act was brought into force generally in SWA only when the amendments made by *Act 14 of 1971* were brought into with effect from 1 January 1972 by RSA Proc. 269/1971 ([RSA GG 3327](#)). Section

³¹⁵ These regulations repeal the South African regulations contained in RSA GN R.1055/1966 (RSA GG 1483), and the accompanying forms contained in RSA GN R.397/1967 (RSA GG 1693). They also repeal the SWA regulations, made under the repealed SWA Welfare Organisations Ordinance 33 of 1965, in SWA GN 183/1965 ([OG 2670](#)).

The repealed South African regulations contained in RSA GN R.1055/1966 (RSA GG 1483) repealed the regulations in RSA GN R.759 dated 29th September 1961, with effect from 1 July 1966.

The repealed SWA regulations contained in GN 183/1965 ([OG 2670](#)) repealed the regulations contained in RSA GN 252 of 15th October 1945.

³¹⁶ Regulations regulating the Registration of Social Workers were made in RSA GN R.1363/1973 (RSA GG 3994). These regulations were made explicitly applicable to SWA and amended prior to the date of transfer by RSA GN R.2138/1974 (RSA GG 4512) and by RSA GN R.105/1976 (RSA GG 4965). Although no repeal of these regulations has been located in respect of Namibia, the underlying provisions of the Act on the registration of social workers (sections 33-37 and the portions of section 42 pertaining to regulations on social workers) were repealed by the National Welfare Amendment Act 9 of 1993 ([GG 692](#)) – meaning that there is no longer any authority for these regulations.

21A (which was added by Act 14 of 1971) states “This Act and any amendment thereof shall, save in so far as it has already been declared to be applicable in the territory in terms of section 16(1) of the Pension Laws Amendment Act, 1968 (Act No. 79 of 1968), also apply in the territory, including the Eastern Caprivi Zipfel.” Section 1 (as inserted by Act 14 of 1971) also defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”.

The original Act also dealt with old age pensions, but this portion of the Act was repealed by section 21 of the *Social Pensions Act 37 of 1973* ([RSA GG 3866](#)), which was applicable to SWA but has since been repealed by the National Pensions Act 10 of 1992.

Transfer of administration to SWA: Section 21 of the Act gives the State President the power to assign the administration of the Act to one or more Ministers and to vary this assignment from time to time.

RSA Proc. R.283/1968 ([RSA GG 2176](#)) assigned the administration of the Act to the Minister of Social Welfare and Pensions, with the following exceptions:

- (a) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu as defined in section 1 of the Aged Persons Act, 1967;
- (b) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons as defined in section 1 of the Aged Persons Act, 1967;
- (c) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians as defined in section 1 of the Aged Persons Act, 1967; and
- (d) to the Minister of the Interior in so far as the said provisions refer to Chinese as defined in section 1 of the Aged Persons Act, 1967.

It was repealed by RSA Proc. R. 270/1971 ([RSA GG 3327](#)).

Subsequent to this repeal, RSA Proc. R.154/1985 ([RSA GG 9917](#)) purported to amend RSA Proc. R.283/1968 to substitute “Minister of Constitutional Development and Planning” for “Minister of Co-operation and Development” in paragraph (a); the reference to RSA Proc. R.283/1968 must be an error, as there is no reference to such a Minister even in the repealed Proclamation. RSA GN 22/1985 (RSA GG 10565) provides new assignments of administration of the Aged Persons Act, 1967 (Act 81 of 1967), which are purportedly to be read together with the (repealed) Proclamation R. 283/1968 as amended. This RSA Proclamation is probably irrelevant to SWA in any event, since it would appear to post-date all relevant transfers.

RSA Proc. R. 270/1971 ([RSA GG 3327](#)) assigned the administration of the Act as follows:

- (a) to the Minister of Social Welfare and Pensions, in so far as the said provisions refer to White persons;
- (b) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu;
- (c) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons and Namas;
- (d) to the Minister of Rehoboth Affairs, in so far as the said provisions refer to Burghers;
- (e) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians; and
- (f) to the Minister of the Interior, in so far as the said provisions refer to Chinese.

This 1971 Proclamation also included definitions of “Bantu”, “Burgher”, “Chinese”, “Coloured person”, “Indian”, “Nama” and “White person”, and repealed RSA Proc. R.283/1968 with effect from 1 January 1972. The 1971 Proclamation was repealed by RSA Proc. 219/1973 ([RSA GG 4030](#)), which assigns the administration of provisions of the *Social Pensions Act 37 of 1973*.

RSA Proc. 320/1972 ([RSA GG 3734](#)) transferred the administration of the Aged Persons Act 81 of 1967 in respect of “Natives resident in the area of jurisdiction of the Eastern Caprivi Legislative Council” from the South African Department of Bantu Administration and Development to the Eastern Caprivi Legislative Council.

RSA Proc. 224/1988 (RSA GG 11643) also assigns the administration of the Act in respect of Black persons resident on certain categories of land to the Minister of Education and Development Aid, but this

Proclamation almost certainly post-dates any transfer proclamations that may have applied and so appears to be irrelevant to SWA.

Given the complex chain of administration, it is not clear which transfer proclamation, if any, was applicable. However, the date of transfer is not relevant to the content of the statute, as there were no amendments to the law in South Africa after 1976 (the date of the earliest transfer proclamation) and before Namibian independence.

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

- *Pension Laws Amendment Act 98 of 1969* ([RSA GG 2463](#))
- *Second Pension Laws Amendment Act 86 of 1970* ([RSA GG 2896](#))
- *Aged Persons Amendment Act 14 of 1971* ([RSA GG 3062](#))
- *Pension Laws Amendment Act 97 of 1972* ([RSA GG 3605](#))
- *Social Pensions Act 37 of 1973* ([RSA GG 3866](#)), which was made expressly applicable to SWA and which repealed the Act “in so far as it relates to pension matters;
- *Aged Persons Amendment Act 46 of 1976* ([RSA GG 5072](#)).

Some terminology was also amended by the Native Laws Amendment Proclamation, AG 3 of 1979 ([OG 3898](#)), deemed to have come into force in relevant part on 1 August 1978 (section 5 of AG 3 of 1979).

There have been no amendments to the Act in Namibia since independence.

The original Act covered pensions for aged persons, but this portion of the Act was repealed by section 21 of the *Social Pensions Act 37 of 1973*, which was applicable to SWA.

Regulations: Regulations are authorised by section 20 of the Act. No post-independence regulations have been promulgated, but some race-based pre-Independence regulations relating to homes for the aged appear to remain in force:

- RSA GN R.1813/1968 ([RSA GG 2182](#); re-published in [OG 2944](#)) was withdrawn by RSA GN R.1034/1974 ([RSA GG 4308](#)) *in so far as it relates to pension matters*, but some of the regulations pertain to homes for aged persons classified as “**Native**” as defined in section 25 of the Native Administration Proclamation 15 of 1928 and so technically remain in force.
RSA GN R.1813/1968 was amended numerous other times in South Africa, both before and after the probable date of transfer, but all of the other amendments located concern only the provisions of the regulations relating to pensions.
- RSA GN R.3759/1969 ([RSA GG 2564](#)), as corrected by RSA GN R.1235/1970 ([RSA GG 2762](#)) and as amended by RSA GNs R.1625/1976 ([RSA GG 5276](#)) contains regulations for the registration of homes for the aged for “**White persons**”.
- RSA GN R.1699/1971 ([RSA GG 3270](#)) contains regulations governing the registration and management of homes for the aged for “**Coloured persons**” that apply to “every person classified as a member of the Cape Coloured, Malay, Griqua or the Other Coloured Group in terms of the Population Registration Act, 1950 (Act 30 of 1950)”.

Race-based regulations on old age pensions for persons resident in SWA were issued under the Act, but these were all replaced by new race-based regulations issued under the *Social Pensions Act 37 of 1963* – which are discussed in the entry for the National Pensions Act 10 of 1992, which repealed the *Social Pensions Act 37 of 1963*.

Regulations relating to old age pensions in respect of “Burghers” resident in SWA are contained in RSA GN R.82/1972 (RSA GG 3367), as corrected by RSA GN R.1318/1972 (RSA GG 3622) and amended by RSA GN R.1455/1972 (RSA GG 3633). According to RSA Proc. R. 270/1971 ([RSA GG 3327](#)), “Burgher” is defined as any member of the Rehoboth Community referred to in SWA Proc. 28/1923. We have not been able to locate a repeal of these regulations, but they would have no relevance even if they remain technically in force since the underlying provisions of the Act on old age pensions have been repealed.

As noted above, it is not clear what transfer proclamation (if any) applied – but all of the regulations with relevance to SWA that have been located are dated before 1976 (the date of the earliest transfer proclamation).

Blind Persons Act 26 of 1968, as amended in South Africa prior to Namibian independence



Summary: This Act ([RSA GG 2032](#)) concerns the promotion of the welfare of blind persons.

Repeals: The Act repeals the *Blind Persons Act 39 of 1962*, as amended.

Applicability to SWA: Section 16 of the Pension Laws Amendment Act 79 of 1968 ([RSA GG 2119](#), also published in [OG 2915](#)) – which came into force on 1 October 1968 (section 17(1) of Act 79 of 1968) – without amending the *Blind Persons Act 26 of 1968*, empowered the State President to make the provisions of the Act “*mutatis mutandis* applicable in the territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said territory, in so far as those provisions relate to Bantu or Bantu persons”, subject to “such conditions, amendments or exceptions as may be specified in the proclamation”. It also empowered the State President to withdraw or amend any such proclamation. Section 16(4) stated:

With effect from the date on which any Act referred to in subsection (1) becomes applicable in the said territory in terms of a proclamation issued under that subsection, the corresponding Act which under section 45(1) of the Pension Laws Amendment Act, 1965 (Act No. 102 of 1965), was declared to be applicable in the said territory, shall cease to be applicable therein: Provided that anything done in terms of the relevant corresponding Act and which could be done in terms of the relevant Act referred to in subsection (1) which becomes applicable in the territory on the said date, shall be deemed to have been done in terms of the last-mentioned Act.

(The corresponding Act cited in section 45(1) of the Pension Laws Amendment Act 102 of 1965 ([RSA GG 1171](#)) was the *Blind Persons Act 39 of 1962*.)

Pursuant to this authority, RSA Proc. R.293/1968 ([RSA GG 2182](#)) provided that the provisions of the Act were brought into force on 1 October 1968 “in the Territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of Natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said Territory, in so far as those provisions relate to Bantu”.

The Act was brought into force generally in SWA only when the amendments made by *Act 16 of 1971* came into force on 1 January 1972. Section 18A (inserted by *Act 16 of 1971*) states “This Act and any amendment thereof shall, save in so far as it has already been declared to be applicable in the territory in terms of section 16(1) of the Pension Laws Amendment Act, 1968 (Act No. 79 of 1968), also apply in the territory, including the Eastern Caprivi Zipfel.” Section 1 (as inserted by *Act 16 of 1971*) also defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”.

The original Act covered pensions for blind persons, but this portion of the Act was repealed by section 21 of the *Social Pensions Act 37 of 1973*, which was applicable to SWA.

Transfer of administration to SWA: Section 18 of the Act gives the State President the power to assign the administration of the Act to one or more Ministers and to vary this assignment from time to time.

RSA Proc. R.285/1968 ([RSA GG 2176](#)) assigned the administration of the Act as follows:

- (a) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu as defined in section 1 of the *Blind Persons Act*, 1968;
- (b) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons as defined in section 1 of the *Blind Persons Act*, 1968;

- (c) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians as defined in section 1 of the Blind Persons Act, 1968;
- (d) to the Minister of the Interior, in so far as the said provisions refer to Chinese as defined in section 1 of the Blind Persons Act, 1968.

RSA Proc. R. 273/1971 ([RSA GG 3327](#)) assigned the administration of the Act as follows:

- (a) to the Minister of Social Welfare and Pensions, in so far as the said provisions refer to White persons;
- (b) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu;
- (c) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons and Namas;
- (d) to the Minister of Rehoboth Affairs, in so far as the said provisions refer to Burghers;
- (e) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians;
- (f) to the Minister of the Interior, in so far as the said provisions refer to Chinese; and
- (g) to the Minister of Labour, in so far as the said provisions refer to-
 - (i) the making of contributions to a welfare organisation registered under the National Welfare Act, 1965 (Act 79 of 1965), towards the provision or maintenance by such organisation of workshops for the training or employment of members of the population groups, excluding Bantu and Natives, referred to in this Proclamation, and the remuneration of persons employed by such organisation for the purpose of conducting any such workshop; and
 - (ii) the making of contributions towards the augmentation of the earnings of members of the population excluding Bantu and Natives, referred to in this 'on, who are employed in the aforementioned workshop.

This 1971 Proclamation was repealed by RSA Proc. 219/1973 ([RSA GG 4030](#)).

The Department of "Bantu Administration and Development" must have become the "Department of Co-operation and Development" at some stage – as RSA Proc. No. R.285/1968 was amended by RSA Proc. R.153/1985 ([RSA GG 9917](#)) to substitute "Minister of Constitutional Development and Planning" for "Minister of Co-operation and Development" in paragraph (a).

Thus, it is not clear from the face of the Act which transfer proclamation, if any, was applicable. However, the date of transfer is not relevant to the content of the statute, as there were no amendments to the law in South Africa after 1976 (the date of the earliest transfer proclamation) and before Namibian independence.

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

- *Second Pension Laws Amendment Act 86 of 1970* ([RSA GG 2896](#))
- *Blind Persons Amendment Act 16 of 1971* ([RSA GG 3064](#))
- *Pensions Laws Amendment Act 97 of 1972* ([RSA GG 3605](#))
- *Social Pensions Act 37 of 1973* ([RSA GG 3866](#)), which was made expressly applicable to SWA and which repealed the Act "in so far as it relates to pension matters".

Regulations: Regulations are authorised by section 17 of the Act. There are some pre-independence regulations that appear to remain in force. However, since the portions of the Act relating to pensions for blind persons have been repealed, any regulations on this topic would have no current relevance. Furthermore, the regulations issued under the Act prior to Namibian independence were all race-based and thus would be inappropriate in respect of independent Namibia. Thus, the regulations listed below are not included in the database of annotated laws.

The following regulations were made specifically applicable to SWA (or were amended by notices that specifically mentioned SWA):

"Burghers" of SWA: Regulations in respect of "Burghers" resident in the Territory of South-West Africa are contained in RSA GN R.83/1972 ([RSA GG 3367](#)), as corrected by RSA GN R.1318/1972 ([RSA GG 3622](#)) and as amended by RSA GN R.1456/1972 ([RSA GG 3633](#)).

Burghers are defined as “members of the Rehoboth Community referred to in Proclamation 28 of 1923 of the Administrator of the Territory of South-West Africa”.

Chinese: RSA GN R.388/1972 ([RSA GG 3418](#)), RSA GN R.329/1973 ([RSA GG 3797](#)), RSA GN R.2151/1975 ([RSA GG 4898](#)), which applies specifically to SWA (see regulation 26) and withdraws RSA GN R.388/1972 insofar as it relates to pension matters (see regulation 25).

Namas: Regulations in respect of Namas resident in SWA are contained in RSA GN R.80/1972 ([RSA GG 3367](#)), as corrected by RSA GN R.1318/1972 ([RSA GG 3622](#)) and as amended by RSA GN R.1453/1972 ([RSA GG 3633](#)).

“Natives”: Regulations in respect of “Bantu in the Republic and Natives in Southwest Africa including the Eastern Caprivi Zipfel” are contained in R.1814/1968 ([RSA GG 2182](#); republished in [OG 2944](#)), as amended by RSA GN R.3399/1969 ([RSA GG 2526](#)), RSA GN R. 467/1970 ([RSA GG 2674](#)), RSA GN R.1022/1971 ([RSA GG 3153](#)), RSA GN R.1866/1972 ([RSA GG 3682](#)), RSA GN R.2244/1972 ([RSA GG 3726](#)), RSA GN R.1181/1973 ([RSA GG 3974](#)), RSA GN R.2090/1972 ([RSA GG 3713](#)), RSA GN R.2165/1972 ([RSA GG 3718](#)), RSA GN R.2299/1972 ([RSA GG 3735](#)), RSA GN 2105/1973 ([RSA GG 4073](#)), RSA GN R.2208/1973 (which simply republishes RSA GN 2105/1973 in [RSA GG 4086](#)), RSA GN R.2255/1973 ([RSA GG 4091](#)), RSA GN R.415/1974 ([RSA GG 4227](#)), RSA GN R.2136/1474 ([RSA GG 4512](#)) and RSA GN R. 659/1977 ([RSA GG 5516](#))

“Coloureds in SWA”: Regulations applicable to Coloured persons resident in SWA are contained in RSA GN 77/1972 ([RSA GG 3367](#)), as corrected by RSA GN R.1318/1972 ([RSA GG 3622](#)) and as amended by RSA GN R.1450/1972 ([RSA GG 3633](#)). (There was a separate set of regulations for Coloured persons resident in South Africa.)

Whites: RSA GN R.2226/1972 ([RSA GG 3726](#)), as amended by RSA GN R.140/1974 ([RSA GG 4154](#)), which applies specifically to SWA (see regulation 27) and withdraws RSA GN R.2226/1972 insofar as it relates to pension matters (see regulation 26).

The following regulations were made under the Act prior to Namibian independence, but do not mention SWA specifically:

Indians: Regulations applicable to “Indians” are contained in RSA GN R.2037/1968 ([RSA GG 2210](#)), as amended by RSA GN R.425/1970 ([RSA GG 2671](#)), RSA GN R.473/1970 ([RSA GG 2674](#)), RSA GN R.1268/1971 ([RSA GG 3218](#)) and RSA GN R.2404/1972 ([RSA GG 3750](#)).

No post-independence regulations have been promulgated under the Act.

Namibia Red Cross Act 16 of 1991

Summary: This Act ([GG 313](#)) recognises the Namibia Red Cross Society as the only Red Cross society in Namibia, and prohibits the unauthorised use of the name or emblem of the Red Cross or Red Crescent.

Regulations: The Act makes no provision for regulations.

Veterans Act 2 of 2008

Summary: This Act ([GG 4051](#)) provides for the establishment of a Veterans Fund for the provision of assistance to veterans and their dependants, and projects for the benefit of veterans. It also provides for

the integration of the pension benefits of veterans. It establishes a Veterans Board and Veterans Appeal Board.

Repeals: The Act repeals the War Veterans Subvention Act 16 of 1999 ([GG 2211](#)), which in turn repealed the unrepealed portions of the *War Veterans' Pensions Act 25 of 1968*, which applied only to coloured persons resident outside the territory of South West Africa.

Part IV of the Act was brought into force on 23 June 2008 by GN 156/2008 ([GG 4072](#)). The remainder of the Act, except for section 37, was brought into force on 8 July 2008 by GN 167/2008 ([GG 4080](#)). Section 37, which deals with the pension integration scheme for veterans, will be brought into force on a date set by the Minister.

Amendments: Act 3/2013 ([GG 5185](#)) amends sections 1, 6, 15, 22, 30, 35, 36, 44 and 46; substitutes sections 27 and 37 and inserts section 37A. Amongst other things, it replaces the provisions on a pension scheme for veterans with a once-off gratuity and provides for tokens of appreciation in monetary or material form. It also changes the qualifications for registration as a veteran or a dependant of a veteran. The amending Act was originally to come into force on a date set by the Minister in the *Gazette*, but it was amended by the Act 5/2015 ([GG 5774](#)) to provide that it comes into force on its date of publication.

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 8.

Savings: Enactments under the repealed War Veterans Subvention Act 16 of 1999 appear to survive under section 47(2) of this Act:

Anything done under the provisions of any law repealed by subsection (1) and which could have been done under a provision of this Act, is deemed to have been done under the corresponding provisions of this Act.

Enactments under the *War Veterans' Pensions Act 25 of 1968* which was repealed by the War Veterans Subvention Act 16 of 1999 also appear to survive pursuant to section 40(2) of the 1999 Act:

Anything done under a provision of any law repealed by subsection (1), and which could have been done under a provision of this Act, shall be deemed to have been done under the corresponding provision of this Act.

Regulations: Regulations made under this Act on the **registration and benefits of veterans and their dependants** are contained in GN 168/2008 ([GG 4080](#)). GN 134/2010 ([GG 4514](#)) substitutes regulation 25.

Regulations relating to **appeals to the Veterans Appeal Board** are contained in GN 45/2011 ([GG 4693](#)). GN 96/2019 ([GG 6904](#)) substitutes Regulation 28.

No regulations were made under the 1999 Act, but other pre-independence regulations that may survive have not yet been fully researched.

Notices: General Notice 271/2010 ([GG 2574](#)) recognises the National Liberation Veterans Association as the organisation representing veterans with effect from 1 September 2010, in terms of section 44(3) of the Act.

Appointments: Members of the Veterans Appeal Board are announced in GN 70/2011 ([GG 4725](#)).

Cases: *Kashe v Veterans Board & Others* 2020 (4) NR 1165 (HC) (section 27(2)(b) discussed in context of application for condonation; Regulations relating to appeals to the Veterans Appeal Board, regulation 24); *Kamupo v Veteran Appeal Board* 2021 (1) NR 131 (HC) (application of section 1 regarding who qualifies as a veteran).

COMMENTARY

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Making the Difference: The BIG in Namibia, Basic Income Grant Pilot Project Assessment Report, Basic Income Grant Coalition, 2009.

Claudia & Dirk Haarmann, Herbert Jauch & Engelhardt Unaeb, *Basic Income Grant, Otjivero, Namibia - 10 years later*, Economic & Social Justice Trust, August 2018, available [here](#).

See also Child Care and Protection Act 3 of 2015 (child grants) (**CHILDREN**).

See also Social Work and Psychology Act 6 of 2004 (**HEALTH PROFESSIONS**).

See also **PENSIONS**.

See also Social Security Act 34 of 1994 (**SOCIAL SECURITY**).

See also National Youth Service Act 6 of 2005 (**YOUTH**).