



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$1.15

WINDHOEK - 6 July 2001

No.2570

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 138 2001

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 8 of 2001: Defence Amendment Act, 2001.

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Defence Act, 1957, so as to make provision for certain requirements for persons who wish to be appointed to the Defence Force.

(Signed by the President on 18 June 2001)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Substitution of section 10 of Act 44 of 1957, as amended by section 7 of Act 85 of 1967, and section 13 of Act 20 of 1990.

1. The following section is substituted for section 10 of the Defence Act, 1957 (Act No. 44 of 1957):

“Qualifications of members of the Defence Force”

10. (1) Notwithstanding anything to the contrary in any law, no person shall be appointed in the Defence Force unless -

- (a) he or she is a citizen;
- (b) except where the Minister or any person acting under his or her authority otherwise directs, has passed any examination which he or she may in terms of the conditions prescribed under section 9(2) be required to pass as a condition for an appointment in terms of that section;
- (c) he or she meets the requirements as prescribed by the Public Service Commission in consultation with the Minister; and
- (d) he or she has undergone the prescribed medical examination and it has been established that he or she does not have any physical or mental defect or does not suffer from any disease or ailment which -
 - (i) will impair his or her ability to undergo any form of training required to be undertaken or to perform his or her duties as a member of the Defence Force;
 - (ii) is likely to deteriorate to the extent that it will impair his or her ability to undergo any form of training required to be undertaken or to perform his or her duties as a member of the Defence Force;
 - (iii) is likely to be aggravated by his or her undergoing any form of training required to be undertaken or by the performance of his or her duties as a member of the Defence Force.

(2) Notwithstanding the provision of paragraph (a) of subsection (1), the Minister may authorise the appointment of any person who is not a citizen in the Defence Force in a temporary capacity, provided that the period of any such appointment shall not exceed five years.”.

Short title

2. This Act shall be called the Defence Amendment Act, 2001.
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