



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF DEFENCE

No.138 2005

GENERAL REGULATIONS RELATING TO NAMIBIAN DEFENCE FORCE

The Minister of Defence has under section 72 of the Defence Act, 2002 (Act No. 1 of 2002) -

- (a) made the regulations set out in the Schedule;
- (b) repealed the regulations promulgated under Government Notices Nos. R.274 of 26 February 1971 and R.2213 of 10 December 1971, as amended.

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**PART I
PRELIMINARY**

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act bears that meaning, and unless the context indicates otherwise -

“arm of the service” means the Namibian Army, Namibian Air Force or Namibian Navy;

“formation” includes any military command, corps, division, brigade, group, wing, flotilla, naval squadron, or a grouping thereof under one command;

“Public Service Act” means the Public Service Act, 1995 (Act No. 13 of 1995);

“the Act” means the Defence Act, 2002 (Act No. 1 of 2002);

“unit” means any regiment, battalion, military college, school or training institution, station, base, ship, hospital, depot, independent headquarters or similar institution which is established and designated as a unit.

PART II OFFICERS AND OFFICER CADETS

Ranks

2. (1) The ranks set out in the table below may, subject to this regulation, be conferred on the officers of the Defence Force and each such rank is -

- (a) lower than the rank preceding it in the relevant column of the table; and
- (b) equivalent to those ranks in the other columns of the table which corresponds with it in the order of precedence:

Namibian Army	Namibian Air Force	Namibian Navy
General	General	Admiral
Lieutenant General	Lieutenant General	Vice-Admiral
Major General	Major General	Rear-Admiral
Brigadier General	Brigadier General	Commodore
Colonel	Colonel	Captain
Lieutenant Colonel	Lieutenant Colonel	Commander
Major	Major	Lieutenant Commander
Captain	Captain	Lieutenant
Lieutenant	Lieutenant	Sub Lieutenant
Second Lieutenant	Second Lieutenant	Ensign

- (2) (a) The rank of officer cadet may be conferred on a member of the Namibian Army or the Namibian Air Force and the rank of midshipman on a member of the Namibian Navy who is appointed as such in accordance with regulations 4 and 5, but any member who on the date of such appointment holds any other rank, ceases to hold that rank with effect from such date.
- (b) A member who ceases to hold his or her rank in terms of paragraph (a) must be paid as if he or she still holds the said other rank, unless the conditions of pay of an officer cadet are more favourable than those attached to the said rank, in which case he or she must be paid as an officer cadet.
- (3) (a) The rank of officer cadet or midshipman is, for disciplinary purposes, to be regarded as equivalent to the rank of private.
- (b) An officer cadet or midshipman may in the course of his or her training or the execution of his or her duties be placed in a position of authority over any other rank.

- (c) An officer cadet or midshipman who has been so placed in a position of authority is, whilst exercising such authority, deemed, in relation to any other rank over whom he or she exercises such authority, to hold the rank of Warrant Officer Class 1.

(4) Wherever any rank is referred to in these regulations it, unless the context otherwise indicates, includes those ranks which are equivalent thereto in terms of this regulation.

(5) The distinctive buttons and insignia of rank of officers of the Defence Force are as set out in Annexure A to these regulations.

Precedence

3. (1) The order of precedence of officers of the Defence Force is in accordance with the order of their ranks as determined by regulation 2 and the order of precedence of officers of the same rank is in accordance with the order of their seniority as determined by regulation 9, but -

- (a) an officer in command takes precedence over all officers under his or her command;
- (b) a medical or dental officer, irrespective of his or her rank, in the execution of his or her professional duties takes seniority and precedence over any nursing officer;
- (c) under combat conditions, an officer classified in combatant capacity exercises command notwithstanding the presence of an officer who is his or her senior in the same rank but who is not so classified;
- (d) an officer of one arm of the service does not command any part of another arm of the service unless that officer is so in command by virtue of the nature of his or her appointment or has specifically been ordered to be so in command.

(2) A member who is a medical officer, a nursing officer or a member of the Medical Service exercises over a patient, irrespective of his or her rank, such authority as may be necessary for his or her medical treatment or for the discipline of any hospital or other institution established for the care of the sick, injured or wounded.

(3) Any officer in command of a ship or aircraft, irrespective of his or her rank, for the duration of any voyage or flight exercises authority over the crew and all passengers on such ship or aircraft in connection with any matter relating to the successful completion of such voyage or flight.

Conditions for appointment and enrolment of officers and officer cadets

4. (1) A person may, subject to regulations 5 and 7, be appointed as an officer in the Defence Force if such person -

- (a) is a citizen;
- (b) has obtained at least the Grade 12 or equivalent certificate;
- (c) meets the required standard of medical fitness for the service or duties for which he or she is about to be enrolled;

- (d) is not less than 18 years of age;
- (e) has the other attributes and qualifications which in the opinion of the Chief of the Defence Force are required for his or her training for, and the execution of, the duties attached to the type of post to which he or she is to be appointed;
- (f) should he or she be required to do so, has successfully completed a preparatory course which the Chief of the Defence Force may prescribe for other ranks of the Defence Force;
- (g) complies, where applicable, with the other requirements prescribed in regulation 5(4) in respect of any professional post;
- (h) who is to be appointed as a nursing officer in the Medical Service, has obtained at least the Grade 12 or equivalent certificate and is registered with the Nursing Council of Namibia as a trained nurse, but any person who is to be appointed as a Sister Tutor or Senior Sister Tutor must, in addition to the said requirements, have obtained a diploma in nursing education;
- (i) has, except in any case where the Chief of the Defence Force has dispensed with the requirement, been recommended by a selection board appointed by or on the authority of the Chief of the Defence Force,

but, in exceptional circumstances, any person who does not comply with the requirements of paragraphs (b), (f) and (i), may be appointed as an officer in the Defence Force.

(2) A person who complies with at least the requirements of paragraphs (c), (d), (e) and (i), and, where applicable, (g) and (h) of subregulation (1) may be appointed or reappointed in the Defence Force as an officer in temporary capacity for such period as may be determined at the time of his or her appointment, but any such appointment of a person who is not a citizen is subject to section 7(2) of the Act.

(3) An officer who is a citizen and who has served for not less than 12 months in terms of subregulation (2) may be appointed in a permanent capacity as an officer of the Defence Force.

(4) Any other rank or any citizen other than a citizen referred to in subregulation (3) who complies with the applicable requirements of subregulation (1), may be accepted for training for commissioned rank by means of a course at any university, the Military Academy or any other military training institution and may, if he or she -

- (a) has reached the age of 17 years on the date of commencement of the course concerned;
- (b) complies with at least the requirements for university admission,

and be enrolled for that purpose in terms of Part III of these regulations as an other rank in the Defence Force or, where applicable in the case of a serving other rank, be engaged for that purpose and may, if he or she has so been accepted, be appointed in terms of regulation 5 as an officer cadet.

(5) Any other rank or any citizen other than a citizen referred to in subregulation (3) who complies with the applicable requirements of subregulation (1) and whose training will not include obtaining an academic degree, may be enrolled for training for commissioned rank at any military or educational institution if he or she -

- (a) has reached the age of 17 years on the date of commencement of the course concerned; and
- (b) has obtain at least a Grade 12 or equivalent certificate which includes such subjects as the Chief of the Defence Force may from time to time determine.

(6) A person who in terms of subregulation (4) or (5) has been enrolled for training may undergo such training as an officer cadet or in commissioned rank and may, notwithstanding anything to the contrary in this Part, during such training be promoted to a higher substantive rank or granted a higher rank temporarily.

(7) An officer cadet who is undergoing his or her training by means of a course referred to in subregulation (4) that is of a duration of three years or more may, after he or she has successfully completed the second year of the course concerned, be appointed temporarily as a second lieutenant.

Authority for appointment or enrolment as officers and officer cadets and rank on first appointment

5. (1) An officer or officer cadet is appointed or enrolled on the authority of the Chief of the Defence Force who determines whether such appointment of an officer or the enrolment of an officer cadet is to be effected in a permanent or temporary capacity.

(2) An officer cadet must be enrolled as an other rank and holds his or her rank in terms of regulation 2 and any conditions of service of such officer cadet for which no provision is made in this Part, are governed by Part III of these regulations.

(3) On first appointment an officer must be appointed in the rank of second lieutenant.

(4) Any person who complies with regulation 4(1) or (2) and in addition complies with the professional or academic requirements which have been recommended by the Public Service Commission in respect of an appointment in any professional post, may be appointed as a professional officer in such post in a rank determined by having regard to -

- (a) the alternative grading of such post;
- (b) the competency and appropriate experience of the person concerned;
- (c) such other conditions in respect of such post as the Public Service Commission has from time to time recommended and which have been promulgated in the orders of the Defence Force.

(5) Notwithstanding anything to the contrary in these regulations, a qualified pilot or qualified navigator may on the authority of the Chief of the Defence Force and in a rank determined in terms of the existing conditions of service applicable to such member, be appointed as an officer for a period of service not longer than 20 years in the Defence Force, but -

- (a) any previous periods of full-time service rendered by the member concerned as a qualified pilot or qualified navigator in the Defence Force must be included in such period of service of 20 years;
- (b) the appointment may be approved only if the pilot or navigator concerned

completes the period of service in question, which includes the service referred to in paragraph (a), before attaining the age of 45 years, subject thereto that the Minister may, in exceptional circumstances and in the interests of the Defence Force, raise such maximum age.

(6) If an officer referred to in subregulation (5) before the expiry of his or her period of service determined under that subregulation requests, in writing, that the age for retirement prescribed in regulation 14(1) must apply to him or her and that he or she is not retired upon expiry of the period of service so determined, and he or she also declares in writing -

- (a) that he or she is prepared to waive any service gratuity to which he or she may be entitled on the expiry of his or her period of service so determined;
- (b) that he or she will repay any short service gratuity which he or she has already received;
- (c) that he or she will accept any adjustment of his or her rank and salary in accordance with conditions of service which would have applied to him or her if he or she had an ordinary permanent appointment other than an appointment for the determined period of service in the Defence Force,

the provisions of regulation 14(1) may, with the approval of the Chief of the Defence Force and on the conditions determined by the Chief of the Defence Force, be made applicable to him or her, but subject thereto that no break in service occurs.

(7) The rank of an officer appointed in terms of subregulation (1) must be determined with due regard to his or her age, military and professional experience and qualifications.

Appointments in approved posts

6. The Chief of the Defence Force may appoint any officer, serving in terms of this Part, to any post for which such officer is qualified, but such appointment must be done within the framework of the approved structure of the Defence Force.

Probationary service

7. (1) Every first appointment of an officer is on probation for a period of 12 months after expiry of which the appointment may be confirmed or the probationary period extended for a period not exceeding six months, but an officer of the Defence Force who is appointed during a degree course in terms of regulation 4(7), renders probationary service until he or she has successfully completed the course concerned and for 12 months thereafter.

(2) If at any time during his or her period of probation or any extension thereof it is found that an officer does not satisfy the requirements of the service, his or her appointment must be terminated and his or her commission then lapses, but where such officer has been appointed from the ranks of the Defence Force he or she may be permitted, without break in service, to revert to the rank he or she held immediately before his or her appointment as an officer or to a higher other rank.

Postings, transfers, moves and reclassification

8. (1) An officer may at any time, subject to these regulations and to sections 31 and 32 of the Act, be -

- (a) posted to any post in the Defence Force;
- (b) transferred or reclassified from any post or from one headquarter, arm of the service, formation, unit, personnel mustering or classification in the Defence Force to another post, headquarter, arm of the service, formation, unit, personnel mustering or classification in the Defence Force;
- (c) temporary attached to any formation, unit, depot, training or other establishments of the Defence Force for service or training; or
- (d) moved from any place to any other place,

but such posting, transfer or reclassification, temporary attachment or move may only be done if it is in the interests of the Defence Force.

(2) If an officer other than a professional officer complies with the requirements of regulation 5(4), he or she may, subject to subregulation (3), be reclassified in his or her rank for service in a professional capacity and posted to an appropriate professional post.

(3) No officer may without his or her own consent be reclassified in any case where such reclassification -

- (a) has the effect of altering the age at which the officer concerned has the right or may elect to be retired on pension; or
- (b) bestows professional status upon the officer concerned or deprive him or her of such status.

(4) An officer serving in a professional capacity may not without the written approval of the Chief of the Defence Force -

- (a) be reclassified for service in any other capacity; or
- (b) be posted temporary or permanently to any post other than an appropriate professional post,

but where a lower salary or less favourable salary scale is attached to the classification or post which such officer is about to hold after reclassification or permanent posting, the recommendation of the Public Service Commission for the adjustment of such officer's salary or salary scale must first be obtained unless the officer concerned has agreed, in writing, to accept such lower salary or less favourable scale.

(5) For the purpose of promotion in a professional capacity in terms of regulation 10(6), a professional officer, who has in terms of subregulation (2) been reclassified as such in his or her rank, is deemed to have the same appropriate experience as a professional officer of the same profession who was appointed in the Defence Force without appropriate experience and has as a result of his or her having gained the appropriate professional experience in the Defence Force so progressed that he or she holds the same rank and is entitled to the same salary notch and incremental date as the officer concerned.

(6) If a staff member in the Public Service is transferred to the Defence Force without a break in his or her service and is appointed in any rank as a professional officer, his or her appropriate experience for the purpose of promotion in a professional capacity must, in accordance with the salary scale and incremental date to which he or

she has been adjusted in his or her rank in the Defence Force, also be adjusted in the same manner as that applicable to an officer referred to in subregulation (5).

Seniority of officers

9. (1) Except as otherwise provided in this regulation, the seniority of any officer (including an officer on whom temporary commissioned rank has been conferred in terms of section 21 of the Act) in any substantive or temporary rank, in relation to other officers of the same or equivalent substantive or temporary rank, must be determined by the date of his or her appointment in or promotion to such substantive rank or temporary rank, but any officer holding substantive rank is senior to all officers holding temporary rank of the same or equivalent grade.

(2) If two or more officers, other than officers referred to in subregulations (6) and (7), are appointed in terms of regulation 4, in the same rank on the same date, the order of seniority must be determined by the Chief of the Defence Force, but if the date for the determination of seniority accorded to an officer serving in terms of regulation 4(2), coincides with the date accorded for such purpose to an officer holding a permanent appointment in the same rank, the officer holding the permanent appointment is the senior.

(3) If two or more officers are promoted to the same substantive or temporary rank on the same date, they mutually retain the seniority which they held in any substantive rank immediately prior to such promotion.

(4) The date for the determination of the seniority of any officer who, without a break in service, has been permanently appointed in terms of subregulation (3) of regulation 4 is the date on which he or she, while serving temporarily in terms of subregulation (2) of that regulation, was promoted to or appointed in the rank in which he or she is so appointed permanently.

(5) Any officer transferred or reclassified in the exigencies of the Defence Force, but not at the request of the officer concerned, from any headquarter, arm of the service, formation, unit or personnel mustering, does not as a result thereof forfeit his or her seniority, but if any officer serving in a professional capacity applies for reclassification for service in any capacity other than a professional capacity, the Chief of the Defence Force may, with due regard to such officer's age, military and educational qualifications and experience and as a condition of such transfer or reclassification, require that officer to accept a lower position on the seniority roll.

(6) The seniority of an officer promoted in terms of regulation 10(5) must be determined in his or her rank with effect from the date on which he or she obtained the appropriate qualification referred to in that regulation, but in the case of a medical, dental or nursing officer his or her seniority must be determined with effect from the date of registration as a medical practitioner or dentist with the Medical and Dental Council of Namibia or date of enrolment as a nurse with the Nursing Council of Namibia.

(7) Where the seniority of any group of two or more officers, who have obtained degrees as a result of their training in terms of regulation 4(4), is reckoned from the same date, the seniority of every officer within such group must be determined in accordance with an order of merit compiled for the group concerned according to the achievements which each officer in that group gained in the military and the academic training which preceded the attainment of the degree concerned and such achievements must be adjudged on the principles accepted for the purpose with the approval of the Chief of the Defence Force.

(8) This regulation does not apply to an officer who has obtained any degree referred to in this regulation through private arrangements with any university.

Promotion of officers

10. (1) The Chief of the Defence Force may, subject to this regulation and provided that a suitable vacancy exists, promote any officer on the basis of his or her efficiency, qualifications and seniority.

(2) Subject to subregulation (3), a second lieutenant may after 18 months satisfactory service in that rank be promoted to the rank of lieutenant, but -

- (a) temporary service as a second lieutenant during a course referred to in regulation 4(4), except temporary service as a second lieutenant arising from the remission of any part of the final phase of the course, must count as service for promotion in terms of this subregulation;
- (b) a second lieutenant may, in exceptional circumstances pursuant to experience and qualifications, be promoted to lieutenant in a period less than 18 months.

(3) An officer who has attended a degree course of a duration of three years or more in terms of regulation 4(4), may after he or she has obtained such degree, notwithstanding subregulation (2), be promoted to the rank of lieutenant in any post other than a professional post.

(4) A lieutenant and a captain may, subject to subregulations (5) and (6), not be considered for promotion to the next higher rank until he or she has proved by examination or in any other manner which the Chief of the Defence Force considers sufficient, that he or she has attained the standard of competence which the Chief of the Defence Force has determined for the rank concerned in his or her headquarters, arm of the service, formation, unit, personnel mustering or classification in the Defence Force.

(5) An officer appointed to a professional post on account of his or her attainment of an appropriate qualification in terms of regulation 4(4) may, where the lowest rank determined in terms of subregulation (6) for such post is higher than the rank which he or she holds, be promoted to that lowest rank.

(6) Any person who occupies a professional post referred to in regulation 5(4) may, notwithstanding this regulation and subject to the alternative grading of the post concerned and to any special conditions applicable thereto, be promoted to the next higher alternative rank for which such post is graded, after the expiry of a period of service in that particular professional capacity in his or her rank determined from time to time for that purpose on the recommendation of the Public Service Commission and promulgated in the orders of the Defence Force.

(7) Notwithstanding this regulation, the Chief of the Defence Force may with the approval of the Minister, in exceptional circumstances and provided a suitable vacancy exists, promote any officer to any higher rank.

Temporary grant of higher rank

11. (1) The Chief of the Defence Force may temporarily grant higher rank with or without additional pay to an officer who is appointed to a post to which a higher rank is attached than that held by such officer or who has in terms of regulation 4(7) been appointed as a second lieutenant and has successfully completed the third year of study of a course of more than three years' duration.

(2) The Chief of the Defence Force may, in constraining circumstances where an appointment in any rank is necessary, temporarily grant that rank to any officer holding a lower rank.

Appointments in acting capacities

12. Section 21 of the Public Service Act applies with the necessary changes to the appointment of officers in acting capacities.

Termination of service and dismissal of officers and officer cadets

13. (1) The service of an officer may be terminated by the President or the Chief of the Defence Force acting on behalf of the President if it is found, during the period of probation referred to in regulation 7(1) or (2), that that officer does not satisfy the requirements of the Defence Force or that he or she is not making satisfactory progress in his or her academic studies.

(2) The service of an officer may, notwithstanding subregulation (1) but subject to section 9(2) and (3) of the Act, be terminated by the President or the Chief of the Defence Force acting on behalf of the President and he or she may be dismissed from the Defence Force -

- (a) where the officer concerned having been required in terms of section 81 of the Act to submit to an immunisation or prophylaxis, has refused to do so, and an officer dismissed in terms of this paragraph is deemed to have retired voluntarily before attaining the prescribed pensionable age;
- (b) on account of being unfitted for or incapable of performing efficiently the duties of his or her post where -
 - (i) such officer is an active member of any political organisation or is taking an active part in politics; or
 - (ii) the continued employment of such officer constitutes a security risk; or
- (c) on account of misconduct, but subject to section 94(3) of the Code, where -
 - (i) he or she deserts from the Defence Force;
 - (ii) he or she has, while serving, been convicted by a military court or a civil court of an offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued employment in the Defence Force undesirable;
 - (iii) before or since his or her appointment he or she has been convicted by a civil court or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his or her dismissal on account of misconduct, but considered collectively, render his or her continued employment in the Defence Force undesirable; or
 - (iv) his or her reprehensible conduct has rendered his or her continued employment in the Defence Force undesirable, irrespective of whether

or not such conduct has led to criminal or disciplinary proceedings or to his or her conviction as a result of such proceedings.

- (3) (a) The dismissal of an officer in terms of subregulation (2)(c)(i) may be effected *in absentia* and is effective from the first day of such absence and extends over the continuous period of absence, inclusive of Saturdays, Sundays and public holidays.
- (b) No person dismissed in terms of subregulation (2)(c)(ii) or (iii) is entitled to reinstatement in the Defence Force if any conviction referred to in that subregulation is set aside on appeal or review, unless the Chief of the Defence Force has satisfied himself or herself that, in the light of the facts of the matter, he or she would not have dismissed such person in terms of subregulation (2)(c)(iv) had such conviction in the first instance not taken place.
- (c) A dismissal in terms of subregulation (2)(c)(iv) in the case of an officer who was not convicted by a military court or civil court is effected only after an inquiry was held into that conduct by a board of inquiry in terms of rule 105 of the Code.
- (d) An officer who has been sentenced by a civil court to imprisonment and is serving such sentence is dismissed with effect from the date of that sentence.
- (4) An officer is dismissed from the Defence Force -
- (a) in the case of -
- (i) such a member serving in a permanent capacity, on retirement when he or she attains the pensionable age prescribed by paragraph (a) of regulation 14(1) or when he or she retires as contemplated in paragraph (b) of that regulation;
- (ii) such a member serving in a temporary capacity, when he or she attains the age of 65 years;
- (b) for misconduct on the execution of a sentence of dismissal from the Defence Force imposed on him or her by a competent court; or
- (c) in accordance with section 94 of the Code.
- (5) The service of an officer cadet may be terminated by the President or the Chief of the Defence Force acting on behalf of the President and he or she may be discharged if -
- (a) he or she does not make satisfactory progress in his or her academic studies or other training;
- (b) he or she is guilty of misconduct or it appears that he or she does not possess the attributes of a good officer;
- (c) he or she may for any other reason be discharged as an other rank in terms of regulation 29,

but an officer cadet may be remustered as an other rank in any headquarter, arm of the service, formation, unit or personnel mustering of the Defence Force.

Retirement of officers

14. (1) Subject to regulation 15 and to section 24 of the Public Service Act, an officer -

- (a) must retire at attaining the age of 60 years;
- (b) may retire at attaining the age of 55 years.

(2) If an officer who intends to retire under subregulation (1)(b) on pension upon attaining the age of 55 years, in writing, notifies his or her officer commanding of his or her intention to so retire -

- (a) at least three months before the earliest date on which he or she has the right to so retire, he or she must, subject to section 24(3) of the Public Service Act, be retired on pension on such earliest date;
- (b) on any later date of his or her intention to so retire, he or she must, subject to section 24(3) of the Public Service Act, be retired on pension on the first day of the fourth month following the month in which his or her notification of intention reached his or her officer commanding.

(3) The Head of Defence Force Personnel may, in exceptional circumstances, approve that a lesser period of notification than the period prescribed in subregulation (2) be accepted, and if he or she thus approves he or she must determine the date on which the officer concerned is to be retired, which date may not precede the earliest date referred to in that subregulation.

(4) The Minister may, after consultation with the Public Service Commission, authorise an early retirement of an officer -

- (a) on account of medical unfitness occasioned without his or her own default;
- (b) owing to the abolition of his or her office or post or to any reduction in or reorganisation or readjustment of the Defence Force or of any headquarter, arm of the service, formation, unit or personnel mustering thereof;
- (c) on grounds or reasons other than his or her own unfitness or incapacity, in the promotion of economy or efficiency in the Defence Force, or any headquarter, arm of the service, formation, unit or personnel mustering thereof.

Maximum age limit for temporary service

15. No officer may be retained in service in the Defence Force in a temporary capacity after he or she has attained the age of 65 years.

Place of retirement

16. The place of retirement of an officer is the last permanent station of the officer concerned.

**PART III
OTHER RANKS**

Ranks and precedence

17. (1) The ranks set out in the table below may, subject to this regulation, be conferred on other ranks of the Defence Force, but -

- (a) all those ranks take precedence after commissioned ranks;
- (b) each such rank takes precedence after the rank which precedes it in the relevant column of the table;
- (c) each such rank in each column is equivalent to the rank in every other column of the table which corresponds with it in order of precedence:

Namibian Army	Namibian Air Force	Namibian Navy
Warrant Officer Class 1	Warrant Officer Class 1	Warrant Officer Class 1
Warrant Officer Class 2	Warrant Officer Class 2	Warrant Officer Class 2
Staff Sergeant	Flight Sergeant	Chief Petty Officer
Sergeant	Sergeant	Petty Officer
Corporal	Corporal	Leading Seaman/Swan
Lance Corporal	Lance Corporal	Able Seaman/Swan
Private	Private	Seaman/Swan

(2) Each rank referred to in subregulation (1) includes every other alternative nomenclature of such rank which may, with regard to military tradition, be used in respect of a particular headquarter, arm of the service, formation, unit or personnel mustering of the Defence Force, but the rank of nursing assistant may be conferred on a member of the Medical Service who is not a nursing officer.

(3) Wherever any rank is referred to in these regulations such reference, unless the context otherwise indicates, also includes such ranks as are equivalent thereto in terms of this regulation.

(4) An additional other rank's rank of officer cadet may be conferred on a member of the Namibian Army or Namibian Air Force and that of midshipman on a member of the Namibian Navy who has been designated for training as an officer.

(5) The rank officer cadet or midshipman is, for disciplinary purposes, deemed as equivalent to the rank of private, but an officer cadet or midshipman may in the course of his or her training or the execution of his or her duties be placed in a position of authority over any other rank, and an officer cadet or midshipman who has been so placed in authority is, whilst he or she exercises such authority, deemed in relation to any other rank over whom he or she exercises such authority, to hold the rank of Warrant Officer Class 1.

(6) A member who is a member of the Medical Service exercises over a patient, irrespective of his or her rank, such authority as may be necessary for his or her medical treatment or for the discipline of any hospital or other institution established for the care of the sick, injured or wounded.

(7) The distinctive buttons and insignia of rank of other ranks of the Defence Force are as set out in Annexure B to these regulations.

Mustering in the Defence Force

18. (1) Every mustering in the Defence Force must be classified either as a technical mustering or a non-technical mustering.

(2) The Chief of the Defence Force may, subject to the recommendation of the Public Service Commission, where necessary determine the classification of each such technical mustering as an artificer, artisan or operative mustering and -

- (a) the standard of technical education;
- (b) the standard of theoretical knowledge and skill; and
- (c) in the case of an apprentice or learner operative trained in the Defence Force, the period of apprenticeship or learnership,

which are required for the classification or reclassification of an other rank as an artificer, artisan or an operative in each such technical mustering.

(3) The classification of each technical mustering and the requirements for classification or reclassification of members determined in terms of subregulation (2) must be promulgated in the orders of the Defence Force.

Eligibility for enrolment as other ranks

19. (1) Subject to section 7(2) of the Act, no person is eligible for enrolment as an other rank in the Defence Force in a permanent or temporary capacity unless such person -

- (a) is a citizen;
- (b) is not less than 18 years of age;
- (c) has obtained at least the Grade 10 or equivalent certificate;
- (d) meets the required standard of medical fitness determined by the Chief of the Defence Force for the mustering, service or duties for which he or she is about to be enrolled;
- (e) has the other attributes and qualifications which in the opinion of the Chief of the Defence Force are required for his or her training or necessary for the execution of the duties or service which he or she may be required to perform;
- (f) being a minor, has submitted the written consent of his or her parent or guardian for his or her enrolment in the Defence Force.

(2) The Chief of the Defence Force must assess the eligibility of every applicant for enrolment in the Defence Force and may, in exceptional circumstances, when making such assessment relax the requirements concerning age and medical fitness prescribed in subregulation (1)(b) and (d) and the educational requirements prescribed in subregulation (1)(c) for permanent or temporary enrolment in the Defence Force.

Reclassification and remusterings in the Defence Force

20. (1) The Chief of the Defence Force may, subject to subregulations (2)

and (3), authorise the classification, reclassification or remustering of any other rank of the Defence Force who he or she considers suitable to be so classified, reclassified or remustered.

(2) No person may be classified or reclassified as an artificer or within any technical mustering as an artificer, an artisan or an operative or be remustered from one technical mustering to another, unless he or she complies with the requirements determined for the mustering or remustering concerned in terms of regulation 18 and has successfully completed and obtained an appropriate qualification.

(3) No technical other rank may be reclassified as a non-technical other rank and no apprentice or learner operative may be remustered in any non-technical mustering unless such technical other rank, apprentice or learner operative has, in writing, consented to such reclassification or remustering.

Postings, transfers and moves

21. Any other rank may at any time, subject to regulation 20 and to sections 31 and 32 of the Act, be -

- (a) posted to any post in the Defence Force;
- (b) transferred from any post or from one headquarter, arm of the service, formation, unit or personnel mustering to another post, headquarter, arm of the service, formation, unit or personnel mustering;
- (c) temporarily attached to any formation, unit, depot, training or other establishment of the Defence Force for service or training; or
- (d) be moved from any place to any other place,

but any such posting, transfer, temporarily attachment or move may only be done if it is in the interests of the Defence Force.

Seniority of other ranks

22. (1) Except as otherwise provided in this regulation, the seniority of any other rank in any substantive or temporary rank, in relation to other ranks of the same or equivalent substantive or temporary rank, must be determined by the date of his or her enrolment in or promotion to such substantive or temporary rank, but any other rank holding substantive rank is senior to all other ranks holding temporary rank of the same or equivalent grade.

(2) If two or more other ranks are enrolled in the same rank on the same date the order of their seniority must be determined by the Chief of the Defence Force, but if the date for the determination of seniority accorded to any other rank serving in a temporary capacity coincides with the date accorded for such purpose to an other rank serving in a permanent capacity in the same rank, the other rank serving in a permanent capacity is the senior.

(3) If two or more other ranks are promoted to the same substantive or temporary rank on the same date, they mutually retain the seniority which they held in any substantive rank immediately prior to such promotion, but if two or more other ranks holding any specific rank and whose seniority dates are the same, are reclassified from non-technical to operative, artisan or artificer mustering on the same date their mutual seniority must

be determined in accordance with the order of merit they obtained at the completion of their period of apprenticeship or training course, on a basis indicated by the Chief of the Defence Force, and dates from the date on which their period of apprenticeship or training course terminated.

(4) The seniority of an other rank who, after having served in the Defence Force in a temporary capacity, is without a break in service enrolled in any rank in a permanent capacity, must be determined by the date on which he or she was enrolled in that rank for temporary service or promoted thereto while serving in a temporary capacity.

(5) An other rank who is transferred or remustered in the interests of the Defence Force from any headquarter, arm of the service, formation, unit or personnel mustering does not as a result thereof forfeit his or her seniority, but if any other rank applies to be so transferred or remustered, the Chief of the Defence Force may, with due regard to the age, military and educational qualifications and experience of such other rank and as a condition of such transfer or remustering, require that other rank to accept a lower position on the seniority roll.

Promotion of other ranks

23. (1) The Chief of the Defence Force may, subject to this regulation and provided that a suitable vacancy exists, promote any other rank on the basis of his or her competence, qualifications and seniority.

(2) No other rank may be considered for promotion unless he or she has, by examination or in such other manner as may be determined with the approval of the Chief of the Defence Force, shown that he or she has attained the standard of competence determined from time to time by the Chief of the Defence Force for the rank concerned in his or her headquarter, arm of the service, formation, unit, personnel mustering or classification in the Defence Force.

(3) An apprentice may not be promoted during his or her apprenticeship, but the Chief of the Defence Force may, in exceptional circumstances, depart from this provision.

(4) A learner operative may during his or her learnership be promoted to a rank not higher than that of corporal.

(5) Every other rank promoted substantively to warrant rank must receive a warrant of appointment signed by the Minister.

(6) Notwithstanding this regulation, the Chief of the Defence Force may with the approval of the Minister, in exceptional circumstances and provided that a suitable vacancy exists, promote any other rank to any non-commissioned or warrant rank.

Temporary grant of higher rank

24. (1) The Head of Defence Force Personnel may temporarily grant higher rank to an other rank who -

- (a) is posted to any post to which a higher rank is attached than that held by that other rank; and
- (b) is charged with duties of a more important nature than those normally allotted to an other rank of his or her rank.

(2) Temporary rank does not have the advantage of additional pay and is to be relinquished on the date the other rank ceases to fulfil the function for which the rank was granted.

Appointments in acting capacities

25. Section 21 of the Public Service Act applies with the necessary changes to the appointment of other ranks in acting capacities.

Reversion in rank

26. (1) A warrant or non-commissioned officer may, at his or her written request and with the written approval of the Chief of the Defence Force, be permitted to revert to any lower rank, but no such member may be permitted to so revert for the purpose of avoiding any disciplinary action or action under section 41 of the Act.

(2) A non-commissioned officer designated to undergo a course of flying or navigation with a view to his or her selection, or a warrant officer or any other non-commissioned officer who has been selected, for admission to any training institution may at the direction of the Head of Defence Force Personnel be reverted to the rank of private, officer cadet or midshipman for the duration of such course or his or her training at such institution, but -

- (a) for the duration of his or her reversion he or she must be paid as if he or she had not been so reverted;
- (b) subject to paragraph (c), he or she must on the date of the termination of such course or training or on the date of the earlier termination, for any reason, of his or her attendance thereof, whichever may be the earlier date, again resume a rank which is not lower than the non-commissioned rank which he or she held prior to his or her reversion in terms of this regulation;
- (c) if -
 - (i) his or her attendance of such course or training is terminated while he or she is serving a sentence of detention;
 - (ii) after the termination of his or her attendance of such course or training, he or she is due to be tried by a military court for an offence committed during such course or training; or
 - (iii) he or she has been sentenced to detention by the court referred to in subparagraph (ii),

he or she may not resume the non-commissioned rank concerned before the date on which the proceedings referred to in subparagraph (ii) have been completed or he or she has served the sentence referred to in subparagraph (i) or (iii), whichever may be the later date.

Retirement of other ranks

27. (1) Subject to regulation 28 and to section 24 of the Public Service Act, an other rank -

- (a) must retire at attaining the age of 60 years;

(b) may retire at attaining the age of 55 years.

(2) If an other rank who intends to retire under subregulation (1)(b) on pension upon attaining the age of 55 years, in writing, notifies his or her officer commanding of his or her intention to so retire -

(a) at least three months before the earliest date on which he or she has the right to so retire, he or she must, subject to section 24(3) of the Public Service Act, be retired on pension on such earliest date;

(b) on any later date of his or her intention to so retire, he or she must, subject to section 24(3) of the Public Service Act, be retired on pension on the first day of the fourth month following the month in which his or her notification of intention reached his or her officer commanding.

(3) The Head of Defence Force Personnel may, in exceptional circumstances, approve that a lesser period of notification than the period prescribed in subregulation (2) be accepted, and if he or she thus approves he or she must determine the date on which the member concerned is to be retired, which date may not precede the earliest date referred to in that subregulation.

(4) The Minister may, after consultation with the Public Service Commission, authorise an early retirement of an other rank -

(a) on account of medical unfitness occasioned without his or her own default;

(b) owing to the abolition of his or her office or post or to any reduction in or reorganisation or readjustment of the Defence Force or of any headquarter, arm of the service, formation, unit or personnel mustering thereof;

(c) on grounds or reasons other than his or her own unfitness or incapacity, in the promotion of economy or efficiency in the Defence Force, or any headquarter, arm of the service, formation, unit or personnel mustering thereof.

Maximum age limit for temporary service

28. No other rank may be retained in the service in the Defence Force in a temporary capacity after he or she has attained the age of 65 years.

Discharge of other ranks

29. (1) An other rank is discharged from the Defence Force -

(a) in the case of -

(i) such a member serving in a permanent capacity, on retirement when he or she attains the pensionable age prescribed by paragraph (a) of regulation 27(1) or when he or she retires as contemplated in paragraph (b) of that regulation;

(ii) such a member serving in a temporary capacity, when he or she attains the age of 65 years;

(b) for misconduct on the execution of a sentence of discharge from the Defence Force imposed on him or her by a competent court; or

(c) in accordance with section 94 of the Code.

(2) The Chief of the Defence Force may, notwithstanding anything to the contrary in these regulations but subject to section 9(2) and (3) of the Act, discharge an other rank from the Defence Force -

- (a) where the other rank concerned having been required in terms of section 81 of the Act to submit to an immunisation or prophylaxis, has refused to do so, and an other rank discharged in terms of this paragraph is deemed to have retired voluntarily before attaining the prescribed pensionable age;
- (b) as being unfitted for or incapable of performing efficiently the duties of his or her post where -
 - (i) any fact which would have rendered such other rank ineligible or unacceptable for enrolment in the Defence Force comes to the knowledge of the Chief of the Defence Force after his or her enrolment, irrespective of whether or not the enrolling authority was misled by a false statement concerning, or the wilful suppression of, such fact by the other rank concerned;
 - (ii) such other rank, at any time while being trained as an officer cadet, an apprentice or learner operative or while undergoing flying or other specialised training proves to be unsuitable for such further training, and is not due to be remustered for employment in a different capacity;
 - (iii) such other rank at any time during the first year of his or her employment in the Defence Force proves to be unsuitable for military employment;
 - (iv) such other rank has in the course of time continuously displayed a lack of interest in, or lack of application to, his or her duties or has consistently been grossly inefficient;
 - (v) such other rank is an active member of any political organisation or is taking an active part in politics; or
 - (vi) the continued employment of such other rank constitutes a security risk; or
- (c) on account of misconduct, but subject to section 94(4) and (5)(b) of the Code, where -
 - (i) he or she deserts from the Defence Force;
 - (ii) he or she has, while serving, been convicted by a military court or a civil court of an offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued employment in the Defence Force undesirable;
 - (iii) before or since his or her enrolment he or she has been convicted by a civil court or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, render his or her continued employment in the Defence Force undesirable; or

- (iv) his or her reprehensible conduct has rendered his or her continued employment in the Defence Force undesirable, irrespective of whether or not such conduct has led to criminal or disciplinary proceedings or to his or her conviction as a result of such proceedings.
- (3)
- (a) The discharge of an other rank in terms of subregulation (2)(c)(i) may be effected *in absentia* and is effective from the first day of such absence and extends over the continuous period of absence, inclusive of Saturdays, Sundays and public holidays.
 - (b) No person discharged in terms of subregulation 2(c)(ii) or (iii) is entitled to reinstatement in the Defence Force if any conviction referred to in that subregulation is set aside on appeal or review, unless the Chief of the Defence Force has satisfied himself or herself that, in the light of the facts of the matter, he or she would not have discharged such person in terms of subregulation (2)(c)(iv) had such conviction in the first instance not taken place.
 - (c) A discharge in terms of subregulation (2)(c)(iv) in the case of an other rank who was not convicted by a military court or civil court is effected only after an inquiry was held into that conduct by a board of inquiry in terms of rule 105 of the Code.
 - (d) An other rank who has been sentenced by a civil court to imprisonment and is serving such sentence is discharged with effect from the date of that sentence.
- (4) An other rank is in terms of section 9(1)(a) of the Act discharged from the Defence Force if he or she, in writing, tenders his or her resignation, but -
- (a) no other rank is so discharged before the expiry of a period of notice of resignation of at least one month or such lesser period as may, in exceptional circumstances, be approved by the Head of Defence Force Personnel;
 - (b) such discharge does not take effect -
 - (i) until the expiry of such period of notice of resignation;
 - (ii) while disciplinary action against the other rank concerned is contemplated or in progress or he or she is serving a sentence of detention;
 - (iii) while such other rank who has undergone specialised training is still under obligation in terms of section 9(2) and (3) of the Act.

Certificate of service

30. (1) A certificate of service in a form approved by the Chief of the Defence Force must on discharge be issued to an other rank, and such certificate -

- (a) must make provision for the Force number, identity number, rank on discharge, full names, dates of enrolment and discharge, mustering and special qualifications of the other rank concerned and particulars of the decorations, medals and commendations;
- (b) may be specially endorsed by his or her officer commanding in recognition of outstanding merit in the performance of his or her duties, or exemplary

or good conduct or character in accordance with instructions promulgated from time to time in the orders of the Defence Force.

(2) An official testimonial or a duplicate of a certificate of service may not be issued to any person.

Place of retirement

31. The place of retirement of an other rank is the last permanent station of the other rank concerned.

ANNEXURE A BUTTONS AND INSIGNIA OF RANK OF OFFICERS (Regulation 2(5))

1. Buttons

Dome shaped, embossed with an anchor, wings, two crossed swords and the Coat of Arms of the Republic of Namibia with a laurel wreath.

2. Insignia of rank

Namibian Army and Namibian Air Force:

General	Two crossed swords and two five point stars below the Coat of Arms of the Republic of Namibia
Lieutenant General	Two crossed swords and one five point star below the Coat of Arms of the Republic of Namibia
Major General	Two crossed swords below the Coat of Arms of the Republic of Namibia
Brigadier General	Three five point stars (in triangle) below the Coat of Arms of the Republic of Namibia
Colonel	Two five point stars below the Coat of Arms of the Republic of Namibia
Lieutenant Colonel	One five point star below the Coat of Arms of the Republic of Namibia
Major	Coat of Arms of the Republic of Namibia
Captain	Three five point stars
Lieutenant	Two five point stars
Second Lieutenant	One five point star

Namibian Navy:

Admiral	Two medium and one thick line below knot
Vice-Admiral	Medium and thick stripe below knot
Rear-Admiral	Thick stripe below knot
Commodore	Knot with thick base
Captain	Three medium stripes below knot
Commander	Two medium stripes below knot
Lieutenant Commander	Medium and thin stripe below knot
Lieutenant	Medium stripe below knot
Sub Lieutenant	Thin stripe below knot
Ensign	Knot

ANNEXURE B
BUTTONS AND INSIGNIA OF RANK OF OTHER RANKS
(Regulation 17(7))

1. Buttons

Dome shaped, embossed with an anchor, wings, two crossed swords and the Coat of Arms of the Republic of Namibia with a laurel wreath.

2. Insignia of rank

Warrant Officer Class 1 or equivalent	Coat of Arms of the Republic of Namibia within a laurel wreath
Warrant Officer Class 2 or equivalent	Coat of Arms of the Republic of Namibia
Staff Sergeant or equivalent	Three-bar chevron below the Coat of Arms of the Republic of Namibia
Sergeant or equivalent	Three-bar chevron
Corporal or equivalent	Two-bar chevron
Lance Corporal or equivalent	One-bar chevron
