



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

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### OFFICE OF THE PRIME MINISTER

No. 340

2017

#### 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. 14 of 2017: Education Amendment Act, 2017.

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Act No. 14, 2017

EDUCATION AMENDMENT ACT, 2017

**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 Education Act, 2001, so as to remove the requirement for compulsory contributions to school development fund; to provide pre-primary, primary, secondary and special education tuition and examination free of charge; to provide for reasonable and adequate facilities to State schools; and to provide for incidental matters.**

*(Signed by the President on 23 December 2017)*

**BE IT ENACTED** as passed by the Parliament, and assented to by the President, of the Republic of Namibia as follows:

**Amendment of section 25 of Act No. 16 of 2001**

**1.** Section 25 of the Education Act, 2001 (*in this Act referred to as the "principal Act"*) is amended:

- (a) by the substitution for subsection (1), (2) and (3) of the following subsections:

“(1) Subject to section 81(2), a school board may, with the approval of the majority vote of the school parents present and voting at a meeting convened by the school board by at least 30 days’ notice to such parents, establish a school development fund with the aim -

- (a) to provide, develop and improve reasonable and necessary facilities at school; and
- (b) to uplift and improve educational, sport and cultural activities at school[.],

if the facilities or activities cannot be reasonably provided by the State.

- (2) A school development fund consists of -
- (a) money received in respect of any voluntary contributions [referred to in subsection (9)(a)] by any person;
- (b) money received from donations, bequests or any other source through fund-raising campaigns or official school related activities approved by the principal and the school board; and

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- (c) interest earned on investments of money standing to the credit of the fund.
- (3) A school development fund must not be used -
  - (a) for any purpose which does not directly benefit the learners or the school; **[or]**
  - (b) for providing loans or any kind of borrowing by any person[.]; or
  - (c) for channelling State funds from the Ministry or regional council to defray expenditure related to school activities provided by the State.”; and

(b) by the deletion of subsections (8) to (13).

**Substitution of section 38 of Act No. 16 of 2001**

2. The principal Act is amended by the substitution for section 38 of the following section:

**“Tuition and boarding**

**38.** (1) All tuition for pre-primary, primary, secondary and special education in State schools, including -

- (a) all school books;
- (b) all educational materials;
- (c) all related teaching and learning materials; and
- (d) examination fees for full time learners,

are provided free of charge to learners until they complete secondary education.

(2) A learner to whom boarding is provided in a hostel managed, controlled and maintained by the State, or the person responsible for maintenance of the learner, must pay the boarding fees determined by the Minister.

- (3) Different boarding fees may be determined for -
  - (a) different state secondary schools or different grades at secondary school level;
  - (b) different hostels or categories of hostels in which boarding is provided; and
  - (c) different learners or categories of learners to whom boarding referred to in subsection (2) is provided.”.

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**Amendment of section 39 of Act No. 16 of 2001**

3. The principal Act is amended by the substitution for section 39 of the following section:

**“Exemption from payment of boarding fees**

39. The Minister, in the prescribed manner and form and on such conditions as the Minister may determine, may partially or fully exempt any learner or any category of learners from payment of [tuition,] boarding [or any other] fees.”.

**Amendment of section 59 of Act No. 16 of 2001**

4. Section 59 of the principal Act is amended by the deletion of subsection (2).

**Amendment of section 80 of Act No. 16 of 2001**

5. Section 80 of the principal Act is amended by the deletion of paragraph (e) of subsection (1).

**Short title**

6. This Act is called the Education Amendment Act, 2017.

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