



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Proclamation

by the

**PRESIDENT OF THE REPUBLIC OF NAMIBIA**

No. 44

2025

### REGULATIONS RELATING TO LEAVE BENEFITS FOR DESIGNATED PUBLIC OFFICE-BEARERS: PUBLIC OFFICE-BEARERS (REMUNERATION AND BENEFITS) COMMISSION ACT, 2005

Under the powers vested in me by section 11 of the Public Office-Bearers (Remuneration and Benefits) Commission Act, 2005 (Act No. 3 of 2005), after consultation with the Minister responsible for finance and the Public Office-Bearers (Remuneration and Benefits) Commission, I have made the regulations set out in the Schedule.

Given under my Hand and the Seal of the Republic of Namibia, at Windhoek on this 13th day of November, Two Thousand and Twenty-Five.

**NETUMBO NANDI-NDAITWAH**

**President**

**BY ORDER OF THE PRESIDENT**

## SCHEDULE

### ARRANGEMENT OF REGULATIONS

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#### Definitions

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

“annual vacation leave cycle” means a period of 12 consecutive months commencing from the first day of assumption of duty or commencing from the end of the preceding leave cycle;

“day of rest” means a Saturday, Sunday or public holiday referred to in or declared under the Public Holidays Act, 1990 (Act No. 26 of 1990);

“designated public office bearer” means a public office-bearer specified in the Annexure;

“dental practitioner” means an individual who is registered as a dental practitioner in terms of the Medical and Dental Professions Act, 2004 (Act No. 10 of 2004);

“financial year” means the period commencing on 1 April of each year and ending on 31 March of the following year;

“leave” means a period of approved absence from office;

“medical practitioner” means a person who is registered as a medical practitioner in terms of the Medical and Dental Professions Act, 2004 (Act No. 10 of 2004);

“termination of service” means the discontinuance of service of a designated public office-bearer for any reason, including but not limited to resignation, discharge, retirement or death; and

“the Act” means the Public Office-Bearers (Remuneration and Benefits) Commission Act, 2005 (Act No. 3 of 2005).

#### Application of regulations

- 2.** These regulations apply to a designated public office-bearer.

**Application and approval of leave of absence**

3. (1) A designated public office-bearer must apply for leave of absence in writing in the form determined by the Prime Minister.

(2) Applications for leave must be approved by the President in respect of the –

- (a) Prime Minister;
- (b) Special Advisors to the President;
- (c) Speaker of the National Assembly;
- (d) Chairperson of the National Council;
- (e) Deputy-Prime Minister and Ministers, on the recommendation of the Prime Minister;
- (f) Deputy Speaker of the National Assembly, on the recommendation of the Speaker of the National Assembly;
- (g) Vice Chairperson of the National Council, on the recommendation of the Chairperson of the National Council; and
- (h) Regional Governors.

(3) The minister responsible for urban and rural development must approve leave in respect of members of Regional Councils.

(4) Ministers must approve leave of in respect of respective Deputy-Ministers and Special Advisors of respective Ministers.

(5) The Prime Minister must approve applications of leave in respect of the –

- (a) Chairperson of the Public Service Commission;
- (b) Attorney General;
- (c) Auditor General;
- (d) Director General of the National Planning Commission; and
- (e) Director General of the Central Intelligence Service.

(6) The Chairperson of the Public Service Commission must approve applications of leave in respect of members of the Public Service Commission.

(7) When a designated public office bearer is granted leave of absence without pay for 16 days or more in any month –

- (a) the month in which such granting occurs is not regarded for the accrual of vacation leave; and
- (b) the provision in respect of sick leave with full pay and sick leave with half pay in terms of regulation 8 must be reduced by one thirty-sixth in respect of each month

in which such granting occurs, which reduction must be made from the provision of the cycle in which the granting occurs, or, if the available sick leave for the relative cycle has already been used, from the provision of the next succeeding cycle.

### **Records of leave**

**4.** (1) The functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3 must –

- (a) cause to be kept records of all leave granted to the relevant designated public office-bearer in terms of these regulations;
- (b) maintain a leave register for each designated public office bearer in which all leave of absence must be recorded; and
- (c) cause to be filed all applications for leave of absence for audit and other purposes in the office where the leave register referred to in paragraph (b) is kept.

### **Classification of leave of absence**

**5.** (1) All absences of leave are classified under one of the following:

- (a) paid annual vacation leave;
- (b) unpaid annual vacation leave;
- (c) fully paid sick leave;
- (d) sick leave with half pay;
- (e) unpaid sick leave;
- (f) paid special sick leave;
- (g) special sick leave with half pay;
- (h) unpaid special sick leave;
- (i) paid special leave;
- (j) paid study leave;
- (k) paid compassionate leave; and
- (l) unpaid maternity leave.

(2) Unless specifically provided in these regulations, the granting of leave of absence under any one of the categories referred to in subregulation (1) does not affect the granting of leave under any other category.

### **Annual vacation leave**

**6.** (1) A designated public office-bearer is entitled to 25 days of annual vacation leave for each annual vacation leave cycle.

(2) Designated public office-bearers must use the annual vacation leave days referred to in subregulation (1) within a single annual vacation leave cycle.

(3) Annual vacation leave days allocated in one leave cycle which have not been used may not be carried over to the next annual vacation leave cycle.

### **Leave gratuity**

7. (1) On termination of service a designated public office-bearer is entitled to payment of leave gratuity in respect of annual vacation leave to the maximum of 25 days.

(2) On termination of service a designated public office-bearer must be paid the cash value in respect of annual vacation leave days standing to his or her credit.

(3) The cash value referred to in subregulation (2) must be calculated at the rate of remuneration which the designated public office-bearer was receiving at the last day of service, according to the following formula –

$((A+B) \div 260) \times C$ , where –

A is the annual basic salary on the last day of service;

B is the annual equivalent of any remunerative allowance paid to the designated public office-bearer during the preceding month, excluding subsistence and travel allowances;

260 is the number of working days; and

C is the number of days annual vacation leave credit payable to the designated public office-bearer on the last day of service.

### **Sick leave**

8. (1) A sick leave cycle is a period of three years commencing on the date of publication of these regulations and after that on each third anniversary of that date.

(2) A designated public office-bearer is entitled to 120 days sick leave with full remuneration and 120 days sick leave on half day remuneration during the duration of a sick leave cycle.

(3) A designated public office-bearer is entitled to sick leave in respect of absence from duty owing to an illness or injury.

(4) If a designated public office-bearer is absent from duty due to illness or injury for a continuous period of more than three days, the designated public office-bearer must submit to the functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3, a certificate by a medical practitioner or dental practitioner which –

(a) specifies that the designated public office-bearer is not capable of performing official duties; and

(b) indicates the period necessary for recuperation of the designated public office-bearer.

(5) If a designated public office-bearer is absent from duty due to illness or injury for a continuous period of three days or less immediately prior to or after a day of rest and applies for sick

leave for that period, the functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3 may grant sick leave with remuneration only if the designated public office-bearer furnishes a certificate referred to in subregulation (4).

(6) Sick leave not used during a particular sick leave cycle lapses at the end of that cycle and may not be carried over to the next sick leave cycle.

(7) A designated public office-bearer appointed on or after the date of commencement of a sick leave cycle is entitled to the full sick leave provision of that cycle within the completion of 30 consecutive days service.

(8) A designated public office-bearer who has used all sick leave with remuneration provided within a sick leave cycle may be granted sick leave by the functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3 without remuneration not exceeding 260 days in the aggregate in a particular cycle.

### **Special sick leave**

9. (1) A designated public office-bearer is entitled to special sick leave with full remuneration for the period that he or she is incapacitated where the absence from duty of that designated public office-bearer is due to –

- (a) an injury sustained in an accident arising out of or in the course of his or her duties; or
- (b) a disease contracted in the course of his or her duties and as a result of performance of his or her duties.

(2) The functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3 may refuse an application for special sick leave if that functionary is of the opinion that the injury or disease of a designated public office-bearer is due to the serious and wilful misconduct of the public office-bearer.

### **Study leave**

10. (1) A designated public office-bearer is entitled to study leave if in the opinion of the functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3, the services of that designated public office-bearer will not be unacceptably disrupted during the period of absence.

(2) A designated public office-bearer is entitled to 12 days study leave per year with full remuneration in respect of each completed month of service at the rate of one day per month.

(3) The study leave of a designated public office-bearer accrued in an annual vacation leave cycle which has not been utilised must be carried over to the next annual vacation leave cycle.

(4) A designated public office-bearer is entitled to full remuneration during the period of study leave to the extent that a public office-bearer has study leave standing to his or her credit.

(5) Study leave or special study leave is not part of annual vacation leave and may not be paid out to a designated public office-bearer at termination of service.

### **Special study leave**

11. A designated public office-bearer is entitled to special study leave with full

remuneration in the event of the designated public office-bearer needing time to write any examination conducted at an educational institution accredited by the Namibian Qualification Authority, or any other examination which is conducted by a recognised body.

### **Compassionate leave**

- 12.** (1) For the purpose of this regulation, “family member” means a –
- (a) child, a child adopted in terms of the Child Care and Protection Act, 2015 (Act No. 3 of 2015) or prior law dealing with adoption of children or a child adopted according to customary law or accepted practice of a traditional community and a stepchild;
  - (b) spouse in a civil or customary marriage;
  - (c) party in a relationship in respect of which the functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3 is satisfied that the parties have cohabited as if married for a significant period of time; and
  - (d) grandchild, parent, stepparent, grandparent, aunt, uncle, niece, nephew, cousin, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother, sister, brother-in-law or sister-in-law.
- (2) Designated public office-bearers are entitled to 10 days of compassionate leave for each leave cycle.
- (3) A designated public office-bearer may use compassionate leave when there is a death or serious illness of that public office-bearer’s family member.
- (4) A designated public office-bearer may use compassionate leave one day at a time, multiple days or all the days as required.
- (5) A designated public office-bearer is entitled to compassionate leave from 1 January of each year and expires on 31 December of each year.
- (6) Compassionate leave days not used by 31 December lapses and do not accumulate.
- (7) When applying for compassionate leave a designated public office-bearer must make or take an affidavit or affirmation –
- (a) stating the reason for compassionate leave; and
  - (b) supported by a certificate from a medical practitioner or dental practitioner in the case of a serious illness of a family member, indicating how the presence of the designated public office bearer is essential.
- (8) Compassionate leave is not part of annual vacation leave and may not be paid out to a designated public office-bearer at termination of service.

### **Maternity leave**

- 13.** (1) Subject to subsection (3) a designated female public office-bearer is, with a view to her confinement, entitled to not less than 14 weeks’ unpaid maternity leave, calculated as follows:

- (a) before her actual date of confinement –
  - (i) she is entitled to commence maternity leave four weeks before her expected date of confinement, as certified by a medical practitioner; and
  - (ii) she is entitled to maternity leave for the entire time from the commencement of her maternity leave as contemplated in paragraph (i), until her actual date of confinement;
- (b) after her date of confinement, she is entitled to –
  - (i) eight weeks maternity leave in every case; and
  - (ii) in the case of a designated public office-bearer whose date of confinement occurred less than four weeks after the commencement of her maternity leave, the amount of additional time required to bring her total maternity leave to 14 weeks.

(2) A designated public office-bearer entitled to maternity leave must provide the functionary required to approve the leave of respective designated public office-bearer in terms of regulation 3 with a certificate signed by a medical practitioner confirming –

- (a) the expected date of confinement before taking maternity leave; and
- (b) the actual date of confinement on her return from leave.

(3) A designated public office-bearer who is a female on maternity leave –

- (a) remains entitled to any benefits to which she is entitled by virtue of her membership of a medical aid scheme if she makes arrangements regarding the payment of her membership fees;
- (b) remains entitled to any benefits to which she is entitled by virtue of her membership of a pension scheme if she makes arrangements regarding the payment of her contribution to the scheme;
- (c) retains her position and remains eligible for promotion and salary increases;
- (d) may not receive any remuneration during her period of maternity leave except for Social Security payments in terms of the Social Security Act, 1994 (Act No. 34 of 1994); and
- (e) may not have her service terminated during any period of her maternity leave or at the expiry of maternity leave solely for being on maternity leave.

(4) A designated public office-bearer who is female entitled to maternity leave may use annual vacation leave standing to her credit to no more than 25 days with a view to her confinement in the place of unpaid maternity leave.

(5) The functionary required to approve the leave of respective designated public office-bearers in terms of regulation 3 may, if all requirements regarding sick leave under regulation 8 are complied with, convert the maternity leave of a designated public office-bearer who is female to sick leave –



- (a) during a period of pregnancy, which includes complications before or after confinement;
- (b) during a period of unpaid maternity leave or annual vacation leave used for maternity purposes;
- (c) in respect of absence from office as a result of a miscarriage or termination of pregnancy on medical advice;
- (d) in respect of a medical emergency during the period of confinement; and
- (e) for a maximum period of six weeks following a caesarean section without complications.

(6) Subregulation (5) does not apply during the period of the actual confinement of a designated public office-bearer where the designated public office-bearer who is female did not experience medically supported complications before, during or following delivery.

(7) The annual vacation leave of a designated public office-bearer who is female who is entitled to maternity leave continues to accrue during the period of maternity leave.

**ANNEXURE**  
**DESIGNATED PUBLIC OFFICE-BEARERS**  
**(REGULATION 2)**

<b>GRADE</b>	<b>DESIGNATION</b>
POB 01	Prime Minister
POB 02	Deputy Prime Minister
POB 02	Speaker: National Assembly
POB 02	Chairperson: National Council
POB 03	Ministers
POB 03	Director - General NCIS
POB 03	Director-General: National Planning Commission
POB 03	Attorney-General
POB 03	Auditor-General
POB 05	Deputy Speaker: National Assembly
POB 05	Vice Chairperson: National Council
POB 05	Deputy Ministers
POB 05	Regional Governors
POB 06	Members of Regional Councils
POB 06	Members of Public Service Commission
POB 05	Chairperson of the Public Service Commission
POB 06	Chairperson of the Regional Council
POB 03	Special Advisors: Presidential
POB 05	Special Advisors: Ministerial
POB 06	Special Advisors: Ministerial