



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Health Professions Act 16 of 2024
section 95(10)

**Regulations on Conditions subject whereto
Registered Person may Practise his or her Profession**

Government Notice 176 of 2009

(GG 4332)

came into force on date of publication: 4 September 2009

These regulations were made in terms of section 59(1)(h) of the Medical and Dental Act 10 of 2004, which was repealed by the Health Professions Act 16 of 2024. Pursuant to section 95(10) of the Health Professions Act 16 of 2024, they are deemed to have been made under that Act.

The Government Notice which publishes these regulations notes that they were made on the recommendation of the Medical and Dental Council of Namibia.

ARRANGEMENT OF REGULATIONS

1. Definitions
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Definitions

1. In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has that meaning, and -

“practitioner” means a person registered to practise a profession;

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“profession” includes a speciality, but excludes the professions of a dentist, a dentist specialist and an oral hygienist;

“speciality” means a speciality registered under section 31 of the Act, and “specialist” has a corresponding meaning; and

“the Act” means the Medical and Dental Act, 2004 (Act No. 10 of 2004).

**[The Medical and Dental Act 10 of 2004
has been replaced by the Health Professions Act 16 of 2024.]**

Clinical competency examination and skills assessment before practitioner may commence or resume active practice

2. (1) A practitioner -

- (a) who has not commenced active practice in Namibia in the professional category of his or her registration within a period of two years after the date of his or her registration under the Act or a law repealed by section 65 of the Act; or
- (b) who, at any time after his or her registration as a practitioner under the Act or a law repealed by section 65 of the Act, has not been engaged in active clinical practice in the professional category of his or her registration for a period of not less than two years,

may not commence or resume practice in his or her professional category unless the requirements of subregulation (2) have been complied with and he or she has been issued by the Council with a written authority to commence or resume practice.

(2) Before a practitioner referred to in subregulation (1) may commence or resume practice in his or her professional category, whether for his or her own account or otherwise, he or she -

- (a) must give notice to the Council in writing of his or her intention to commence or resume practice not less than 60 days before the date on which he or she intends to so commence or resume practice; and
- (b) must successfully complete and pass, at his or her own expense and as the Council may direct -
 - (i) a clinical competency examination approved by the Council; or
 - (ii) an evaluation as contemplated in section 20(3) of the Act; or
 - (iii) both the examination and the evaluation referred to in subparagraphs (i) and (ii).

(3) A person who fails to successfully complete an examination or an evaluation referred to in subparagraphs (i) and (ii) of paragraph (b) of subregulation (2) respectively, or both such examination and such evaluation, as the case may be, may from time to time, at intervals not shorter than six months, repeat such examination or such evaluation or both, as the Council on such occasion may direct.

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Offence and penalty

3. A person who contravenes regulation 2(1) commits an offence and on conviction liable to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months, or to both such fine and such imprisonment.