



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Health Professions Act 16 of 2024
section 95(10)

**Regulation relating to Continuing Professional Development
Applicable to Registered or Enrolled Persons
and Failure to Comply**

Government Notice 15 of 2011

(GG 4656)

came into force on date of publication: 23 February 2011

These regulations were made in terms of section 59 read with section 34(2) of the Nursing Act 8 of 2004, which was repealed by the Health Professions Act 16 of 2024.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 Nursing 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 -

“the Act” means the Nursing Act, 2004 (Act No. 8 of 2004).

[The Nursing Act 8 of 2004 has been replaced by the Health Professions Act 16 of 2024.]

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Continuing professional development applicable to a registered or enrolled person

2. The continuing professional development determined by the Council from time to time under subsection (1) of section 34 of the Act in respect of a registered or enrolled person or class of registered or enrolled persons is applicable to that registered or enrolled person or class of registered or enrolled persons, and he or she must comply.

Failure to comply with continuing professional development

3. (1) If a registered or enrolled person fails to comply with the continuing professional development determined by the Council under subsection (1) of section 34 of the Act that is applicable to him or her, the Council may -

- (a) refuse to maintain the registration of that registered or enrolled person under section 28 of the Act; or
- (b) grant, on good cause shown, an extension of time for a period of not more than one year, to that registered or enrolled person subject to paragraph (a) of subregulation (2)(a), to comply with the continuing professional development applicable to him or her; or
- (c) require that registered or enrolled person to write an examination determined by the Council, subject to paragraph (b) of subregulation (2), which examination must determine the professional knowledge, skills and competence of that registered or enrolled person relating to the continuing professional development that he or she has failed to comply with.

(2) A registered or enrolled person who has failed to comply with the continuing professional development referred to in subregulation (1), may apply to the Council in writing, in such form as the Council may determine, for -

- (a) the extension of time prescribed by regulation 3 (1)(b); or
- (b) the writing of an examination prescribed by paragraph (c), of subregulation (1).
- (3) An application in accordance with subregulation (2) must -
 - (a) set out in detail the reasons why the registered or enrolled person failed to comply with the continuing professional development referred to in subregulation (1) and the grounds for the application; and
 - (b) be accompanied by -
 - (i) the information and documents determined by the Council; and
 - (ii) payment of the examination fees determined by the Council under section 28(1)(a) of the Act, where applicable.

(4) The Council, after having considered an application made in terms of subregulations (2) and (3), may -

- (a) grant the application for -

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- (i) the extension prescribed by paragraph (b); or
- (ii) the writing of the examination prescribed by paragraph (c),
of subregulation (1), if it is satisfied that the failure by the registered or enrolled person to comply with the continuing professional development referred to in that subregulation, is due to circumstances beyond his or her control; or
- (b) refuse the application for -
 - (i) the extension prescribed by paragraph (b), or
 - (ii) the writing of the examination prescribed by paragraph (c),
of subregulation (1), if it is satisfied that the failure by the registered or enrolled person to comply with the continuing professional development referred to in that subregulation, is not due to circumstances beyond his or her control.
- (5) The Council must -
 - (a) inform the registered or enrolled person in writing of any decision of the Council under subregulation (4);
 - (b) furnish the registered or enrolled person in writing with particulars of the extension granted under subparagraph (i), or the examinations that must be written as determined under subregulation (4)(a), and the period of time within which the examination must be written, where applicable; or
 - (c) inform the registered or enrolled person in writing, as soon as practicable of the grounds for the refusal if the application for extension is refused under paragraph (b) of subregulation (4).
- (6) If a registered or enrolled person fails to -
 - (a) complete the continuing professional development referred to in subregulation (1) within the period of extension granted under subregulation (4)(a)(i); or
 - (b) comply with a decision of the Council under subregulation (4)(a)(ii) that he or she must write an examination as determined by the Council within the period of time so determined, or fails to pass that examination,

he or she must be regarded as having failed to comply with the continuing professional development referred to in subregulation (1).

(7) The Council may apply the provisions of subregulation (1) of regulation 3 in respect of a registered or enrolled person referred to in subregulation (6) of this regulation.