



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS SURVIVING IN TERMS OF

**Namibia Nursing Association Act 28 of 1993**  
section 13(2)

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**Regulations governing the Election of Members of the Board**

General Notice 1 of 1980

[\(OG 4264\)](#)

came into force on date of publication: 16 September 1980

These regulations were originally made in terms of section 12(a) of the Nursing Association of South West Africa Act 14 of 1979, which was repealed by the Namibia Nursing Association Act 28 of 1993. Pursuant to section 13(2) of the Namibia Nursing Association Act 28 of 1993, the regulations are deemed to have been made under that Act.

Note that regulation 15 withdraws the regulations in RSA GN R.1321/1963.

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**ARRANGEMENT OF REGULATIONS**

[The individual regulations do not have headings.]

**ANNEXURES**

Annexure A	[no heading]
Annexure B	Notice of an election of members of the Board
Annexure C	Ballot paper
Annexure D	Identification envelope

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1. (1) The executive director is the returning officer for all elections with the understanding that the executive committee appoints the electoral officer for the first election.

(2) The electoral officer may appoint other officials at his discretion in order to assist him.

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(3) The electoral officer and the other officials appointed by him must render a declaration under oath as set out on Enclosure A.

2. As soon as possible after these rules and regulations come into force and thereafter at least four months before the date of expiry of the period of office of the members of the executive committee, or where a vacancy on the board arises, the electoral officer must as soon as possible notify in writing by way of Enclosure B as soon as possible every person whose name appears on the appropriate register and who is a member of the association at the date of posting such notification. This notification is to be mailed to the postal address appearing in the records of the association.

3. (1) The deposit of twenty Rand (20) will be refunded to the candidate or into his estate whichever the case may be:

- (a) should the candidate be elected
- (b) if the candidate is not elected but receives a number of votes at least equal to one-fifth of the number of votes received by the candidate elected to fill the vacancy on the board for which the candidate has been nominated or if he has been elected with the lowest number of votes where two members from a branch are elected to the board.
- (c) if any contingency referred to in regulation 5 arises.

**[The punctuation of these paragraphs is reproduced as it appears in the *Official Gazette*.  
There are no additional words in paragraph (a).]**

(2) Save as provided in paragraph (1), the deposit shall be forfeited to the Association.

4. (1) A duly nominated candidate may withdraw his consent to nomination by written or telegraphic notice to the returning officer on or before the time and date fixed for the lodging of nominations, and thereupon the nomination shall lapse.

(2) In the case of the death of a duly nominated candidate before the time and date of the closing of nominations will lapse providing the returning officer shall satisfy himself of the death.

(3) If a duly nominated candidate dies after the time and date for lodging of nominations but before the time and date fixed for the lodging of ballot papers, the returning officer upon being satisfied of the fact of death will commence all proceedings anew for an election to be held for the vacancy, or vacancies for which the deceased candidate had been nominated, provided that no other candidates had been nominated for such vacancy or vacancies on the board.

5. If the number of duly nominated candidates for a certain vacancy or vacancies on the board does not exceed the number of members to be elected to fill the vacancy or vacancies within the fixed time and date of closing nominations, then the returning officer will declare such candidates as duly elected members on the board and any vacancies or vacancy which have not been filled will be regarded as incidental.

6. (1) If the number of duly nominated candidates for a certain vacancy or vacancies on the board exceeds the number of members to be elected to fill the vacancy or vacancies within the fixed time and date of submitting of nominations, then the returning officer must mail at least forty five (45) days before the fixed date for the delivery of such ballots, as per enclosure C

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together with an identity envelope as per enclosure D to every person whose name appears on the appropriate register and who was a member of the association at the date of submitting nominations. These documents are to be mailed to the addresses which were on the association's records at the date and time fixed for submitting nominations.

(2) If the ballot paper or identification envelope is inadvertently lost, spoiled or destroyed, the returning officer shall upon written application on oath by the voter concerned, and after having satisfied himself that the loss, damage or destruction occurred inadvertently, issue another ballot paper or identification envelope provided that such application shall be lodged with the returning officer at least ten (10) days before the time and date fixed for the issuing of ballot papers. If the application is rendered on the grounds that the ballot paper or identification envelope was inadvertently spoiled, the spoiled document shall be submitted with the application.

7. The returning officer, on receipt of the ballot notification, will check the declaration on the identification envelope and -

- (a) if he finds the declaration correct, place the envelope into a ballot box. The returning officer will keep all ballot boxes in his custody.
- (b) if he finds that the declaration is not correct, he will set aside the envelope unopened. This envelope will later be added to the spoiled ballot papers.

[The punctuation of these paragraphs is reproduced as it appears in the *Official Gazette*.]

8. (1) At the time and date set down for counting the votes according to regulation 9(2) the returning officer shall -

- (a) open the ballot boxes;
- (b) remove the ballot papers from the envelopes without unfolding them;
- (c) fhuffle the ballot papers thoroughly;

[The word "shuffle" is misspelt in the *Official Gazette*, as reproduced above.]

- (d) unfold and check the ballot papers;
- (e) count the number of votes cast for each candidate;
- (f) declare the candidate, or if applicable the candidates who received the majority duly elected member of members of the board.

(2) (a) The returning officer shall reject and not count the ballot -

- (i) if it does not bear the official mark of the returning officer;
- (ii) if the declaration on the identification envelope does not correspond with the number on the ballot paper such envelope shall not be opened;
- (iii) which has not been inserted In the identification envelope;
- (iv) if it has not been marked or spoiled;

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- (v) if it renders votes for more candidates than for members to be elected;
  - (vi) which bears any writing or mark by which the voter can be identified;
  - (vii) if a voter submits more than one ballot paper. In this instance all ballot papers submitted by such voter shall be rejected.
- (b) The returning officer shall endorse the word “rejected” on each ballot paper which he rejects, and if any candidate or any duly appointed agent for any candidate objects against his decision, he endorses it with the words “rejection objected to”.
- (3) If two or more candidates have received an equal number of votes and if this affects the results of the election, then the returning officer shall determine the result by casting in such manner as he deems fit.
- (4) The returning officer shall notify the board as soon as possible after the elections of the names of the duly elected members of the board.

**9.** (1) A candidate and/or an agent who has been appointed in writing by a candidate may attend the proceedings prescribed in regulations 7, 8(1), and 8(3) in respect of the election of a member or members on the board for the vacancy or vacancies for which such a candidate has been nominated. Such a candidate or his agent shall declare under oath as set out in Annexure A.

(2) The returning officer shall notify every candidate in writing at least fourteen (14) days before the counting of the votes, of venue, date, and time of the counting.

(3) Excepting for the provisions made under (1), nobody but the returning officer and the officials duly appointed by him under regulation 1(2) shall be present when in proceedings prescribed in regulations 7, 8(1), and 8(3) are carried out.

(4) Any person who wilfully interrupts, obstructs or disturbs proceedings prescribed under regulation 8(1), and 8(3) are carried out.

(4) Any person who wilfully interrupts obstructs or disturbs proceedings prescribed under regulation 8(1) or who contravenes any provision of these regulations may be removed, by order of the returning officer from the premises which the proceedings take place. Such person shall be liable to prosecution under the provisions of regulation 14.

[This subregulation is misnumbered as “(4)” instead of “(5)”.]

**10.** (1) The returning officer shall be responsible for the safe custody of all nomination papers, counted and rejected ballot papers, identification envelopes, and all other election documents. The said papers and documents shall be retained for a period of one year from the date of the declaration of the result of an election, and thereafter they shall be destroyed unless a competent court otherwise directs.

(2) Nobody shall be allowed to inspect any of the papers or documents referred to in paragraph (1) nor shall they be made available for inspection to any person unless such inspection has been ordered by a competent court. Any such order may be made by the Court on its being satisfied by evidence on oath, that the inspection or production of such papers and documents is required for the purpose of a petition to court questioning the result of an election, or for the purpose of instituting or maintaining a prosecution for an offence under the Act or any” other

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Law. Any such order may be made subject to such conditions as to persons, time and place and mode of inspection or production as the court may think expedient; provided that, on making and carrying into effect any such order, care shall be taken that the mode in which any particular voter has voted shall not be discovered until he has been proved to have voted and his vote has been declared by a competent court, to be invalid.

[The word “inspection” in the phrase “unless such inspection has been ordered by a competent court” is misspelt in the *Official Gazette*, as reproduced above.]

11. Any petition to a competent court questioning the result of an election shall be made within forty two (42) days of the day on which the result of the election conveniently has been declared by the returning officer.

12. If the returning officer wilfully fails to perform any of the duties which he is required to perform, he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty Rand (50).

13. (1) The returning officer, every officer appointed by him, and every candidate and agent present at the proceedings prescribed under regulation 7, 8(1), 8(3), is bound to secret regarding the voting and he shall not attempt to ascertain, or directly or indirectly aid in ascertaining for which candidate any person has voted.

[The word “secrecy” is misspelt in the *Official Gazette*, as reproduced above.]

(2) Any person who has, in the carrying out of his duties under the Act, or whilst present at the proceedings prescribed under regulation 7, 8(1), or 8(3), obtained knowledge as to the candidate for whom any other person has voted shall not, except in answer to a question lawfully put to him in the course of proceedings in a competent court, disclose such knowledge.

(3) Any person who contravenes any provision of the regulation shall be guilty of an offence and liable on conviction to a fine not exceeding fifty Rand (50).

14. Any person who -

- (a) induces or procures or attempts to induce or procure, any other person to become a candidate or to withdraw as a candidate at any election, in consideration of any payment or consideration of any nature;
- (b) becomes a candidate or withdraws as a candidate at any election in consideration of any payment or consideration of any kind;
- (c) publishes a false statement of the withdrawal of a candidate at an election, knowing such statement to be false;
- (d) makes a false statement in a consent to nomination;
- (e) wilfully interrupts, obstructs or disturbs any proceedings taken in regard to an election;
- (f) falsifies, counterfeits, or destroys a ballot paper, identification envelope, or official mark on a ballot paper at any time;

[The word “counterfeits” is misspelt in the *Official Gazette*, as reproduced above.]

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- (g) makes any alteration on a ballot paper or identification envelope without proper authorisation;
- (h) withholds or attempts to withhold the ballot paper of any voter or prevents or attempts to prevent any voter from obtaining his ballot paper or from submitting his ballot paper;
- (i) places any mark or writing on a ballot paper whereby the person who has cast or casts a vote on that ballot paper may be identified;
- (j) votes more than once at any election;
- (k) makes a false declaration on an identification envelope;
- (l) induces or procures or attempts to induce or procure any person to make a false declaration on an identification envelope;
- (m) witnesses a false declaration on an identification envelope knowing that the declaration is false;
- (n) fraudulently issues a ballot paper or identification envelope under the provisions of regulation 6(2);
- (o) induces or procures, or attempts to induce or procure, any other person to fraudulently obtain this issue of a ballot paper or an identification envelope under the provisions of 6(2);
- (p) interferes with or attempts to interfere with a voter when marking his vote or otherwise attempts to obtain information regarding the candidates for whom a voter has voted or is about to vote;
- (g) directly or indirectly induces or attempts to induce any -person to display his ballot paper after he has marked the same, in such a manner as to make known to any person the name of the candidate for whom the voter has rendered his vote;

**[The paragraph above should be labelled as “(q)” instead of “(g)”.]**

- (r) directly or indirectly, by himself or by any other person makes use of or threatens to make use of any force, violence or restraint or Inflicts or threatens to inflict, any corporal or injury, damage, harm or loss upon or against, or does or threatens to do anything to the disadvantage of any person to induce or compel that person to vote or refrain from voting, or to vote for, or refrain from voting for a particular candidate or candidates, or on account of that person having voted or refrained from voting at an election;
- (s) by abduction, duress or any fraudulent device or contrivance, impedes or prevents the free exercise of his vote by any person, or thereby compels, induces or prevails upon any person either to give or to refrain from giving his vote at an election, or to give or to refrain from giving his vote for a particular candidate or candidates;
- (t) directly or indirectly, by himself or by any other person -

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- (i) gives, lends or procures, or agrees to give, lend or procure, or offers, promises, or promises to procure, or to endeavour to procure, any money or any other consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or to vote for or refrain from voting for a particular candidate or candidates, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting, or on account of such voter having voted for or refrained from voting for a particular candidate or candidates, at any election;
- (ii) gives, lends, or agrees to give or lend, or offers, or promises to procure or to endeavour to procure, any money or any other consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person for acting or joining in any procession or demonstration before, during, or after any election;
- (iii) makes any such gift, loan, offer, promise, procurement or agreement to or for any person in order to induce such person to procure or to endeavour to procure, the return of any candidate at any election or the vote of any voter at any election;
- (iv) upon or in consequence of any such gift, loan, offer, promises, procurement, or agreement, procures, or engages, promises, or endeavours to procure, the return of any candidate at any election or the vote of any voter at any election;
- (v) advances or pays, or causes to be advanced or paid, any money to, or for the use of, any other person with the intent that such money or any part thereof, shall be expended in bribery at any election, or knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (vi) before or during any election, receives, or contracts for any money or loan, or any other consideration, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing or agreeing to refrain from voting, or for voting or agreeing to vote for any particular candidate or candidates, or for refraining or agreeing to refrain from voting, for any particular candidate or candidates, at any election;
- (vii) after any election received any money on account of any person having voted or refrained from voting, or of having voted or refrained from voting for any particular candidate or candidates, or having induced any other person to vote or refrain from voting, or to vote or refrain from voting for any particular candidate or candidates, at any election;
- (u) fraudulently places or tries to place any other paper into the ballot box other than the ballot paper which may by law be placed in it;
- (v) fraudulently takes out or attempts to take out of a ballot box any ballot paper;
- (w) without due authority destroys, takes, opens, removes, or otherwise interferes with any ballot box or its contents, commits an offence and may be liable on conviction to a fine not exceeding fifty Rand (R50).

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[The word "it's" should be "its".]

**15.** The regulations as proclaimed under Government Notice R.1321 of 1963 are hereby withdrawn.



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**ANNEXURE A**

I .....  
solemnly promise and declare that I shall not at this election of a member of the Board do anything which has been forbidden under regulations 14 and 15 which I have read and I fully understand.

1. I certify that before taking the above oath/affidavit, I have put the following questions to the above signatory and that I have written down his/her answers in his/her presence.

(1) Are you familiar with the above declaration and do you understand it?

Answer .....

(2) Have you any objection against the taking of the prescribed oath?

Answer .....

(3) Do you regard the prescribed oath as binding in your conscience?

Answer.....

2. I certify that the signatory declares that he/she is familiar with the contents of the declaration and that he/she understands it. This declaration has been confirmed by oath/affidavit before me and the signatories [signatory's] signature/fingerprints/mark has been put on the document in my presence.

.....  
Justice of Peace/Commissioner of Oath

.....  
Official Position (Designation)  
EX OFFICIO: SOUTH WEST AFRICA

.....  
Date

.....  
Place

.....  
.....  
(Full name, office address, official title and district for which employed, in capitals)

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**ANNEXURE B**

**THE NURSES ASSOCIATION OF SOUTH WEST AFRICA**  
**NOTICE OF AN ELECTION OF MEMBERS OF THE BOARD**

1. Notice is hereby given that an election of members to serve on the Board for the period 1st December 1980 to 30th November 1984.

2. (1) Members to be elected under paragraph (a) of subarticle (2) of article (6) of the Act -  
Nominations are invited for the election of two members of which at least one must be female and who is registered as a nurse and a midwife, and in the case of a male person as a male nurse, in regard to each of the branches into which the association has been subdivided under article 5(b).

*The following persons may be nominated in accordance with the Act:*

All members of the Association who are registered as nurses as well as midwives or in the case of male persons as male nurses, and who are members of the branch, and who are not disqualified under articles 6(4)(a), (c), (d) or (e) of the Act, with the understanding that one member in every district must be registered as a nurse as well as a midwife.

Each registered nurse or midwife or registered student nurse or student midwife who is a member of the Association may propose or second not more than two candidates for election as members of the board in respect of the branch to which that member belongs.

(2) *One member to be elected in terms of paragraph (b) of section (1) of article (6) of the Act.—*  
Nominations are invited for the election of one person who is registered both as a nurse and a midwife.

*The following persons may be nominated in terms of the Act:*

Any member of the Association who is registered both as a nurse and as a midwife and who is not disqualified under article 6(4)(a), (c), (d), or (e).

Every member of the Association who is enrolled as nurse or midwife or assistant nurse and who is practising in the territory may nominate or second not more than one candidate for the election.

*Every candidate shall be nominated in the following form:*

We, the undersigned, hereby nominate (state all Christian names, surname, maiden name (if applicable) of the candidate as they appear in the records of the Association) .....

.....

of (enter full residential address of the candidate) .....

.....

for election by (state "members registered as nurse or midwives or student nurses or student midwives" or "members enrolled as nurses or midwives or assistant nurses" whichever may be applicable)

.....

as a member of the Board of the Nursing Association of South West Africa. Enter the name of the branch In respect of the election by registered members

.....

Proposer (signature) .....

Full Christian names, surname, and maiden name (if applicable) as they appear in the records of the Association, and present residential address

.....

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.....  
seconded by (signature).....  
Full Christian names, surname, and maiden name (if applicable) as they appear in the records  
of the Association, and present residential address.  
.....  
.....  
Date. ....

**[There is no item numbered "3." in the *Official Gazette*.]**

4. Every nomination paper, together with a deposit of twenty Rand (R20) and a consent to nomination in the following form shall be lodged with the returning officer not later than 12h00 hrs, on the 10th day of September 1980 at the address stated below. A candidate may inform the returning officer of his/her consent to nomination by telegram:

I hereby consent to nomination for election as a member of the Board of the Nursing Association of South West Africa and am a member of the branch of the Association, and I am not disqualified in terms of articles 6(4)(a), (c), (d) or (e) of the Act of the Nursing Association for South West Africa, 1979 (Act 14 of 1979)

.....  
(Signature)

5. A nomination which does not comply with the above regulations or which is not lodged with the returning officer by the stated time and date and at the address stated below is invalid.

D. L. Radloff  
Electoral Officer

Address P.O. Box 21792  
Windhoek  
9000  
1 August 1980 Schmerenbeck Haus  
Kaiserstr.  
Windhoek

Date: 1 August 1980

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**ANNEXURE C**

**BALLOT PAPER**

**ELECTION OF MEMBERS OF THE BOARD OF  
THE NURSING ASSOCIATION OF SOUTH WEST AFRICA**

Election of (1) .....  
members of the board by (2) .....  
at branch (3).....

Official mark by Returning officer

Full names of candidate Voter's mark (X) in alphabetical order

- (1) State number of members to be elected
- (2) State members registered as "nurses or midwives or student nurses or student midwives" or "members enrolled as nurses or midwives or assistant nurses", which is applicable.
- (3) State name of branch only in election in terms of paragraph (a) of section (2) of article 6 of the Act.

The voter is entitled to vote for no more than ..... candidate (candidates),  
and votes by making a cross (X) opposite the name(s) of the candidate(s) for whom he/she votes.

A Ballot is to be rejected if

- (a) it does not bear the official mark of the returning officer;
- (b) it is lodged otherwise than in the identification envelope;
- (c) the declaration on the identification envelope is not in order;
- (d) it is not marked or invalid because of uncertainty
- (e) it gives votes for more candidates than there are members to be elected
- (f) it bears any writing or mark by which a voter can be identified;
- (g) a voter lodges more than one voting paper.

This ballot must be folded face inwards, placed in the accompanying envelope which must be securely closed, and then placed in a covering envelope which shall be closed, stamped and addressed to the returning officer at .....  
to reach hom [him] not later than .....  
.....  
on the ..... day of ..... 19.....

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**ANNEXURE D**

**IDENTIFICATION ENVELOPE**

I hereby declare that I am the person to whom the enclosed ballot was addressed

.....  
Signature

Full christian names, surname, and maiden name (if applicable) as they appear in the records of the Association

.....  
.....

Signed in the presence of the following persons who shall all be present at the same time:

(a) First witness:

Signature .....

Full name .....

Residential address .....

(b) Second witness:

Signature .....

Full name .....

Residential address .....