



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS MADE IN TERMS OF

**National Housing Enterprise Act 5 of 1993**  
section 23

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**General Regulations**

Government Notice 62 of 2001

(GG 2513)

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**ARRANGEMENT OF REGULATIONS**

**PART I  
PRELIMINARY**

1. Definitions

**PART II  
SUBMISSIONS OR REPORTS TO THE MINISTER**

2. Procedures relating to submissions or reports to the Minister in terms of section 22 of the Act

**PART III  
POWERS AND DUTIES OF THE CHAIRPERSON  
OF THE BOARD OR OF A COMMITTEE**

3. Powers and duties of chairperson of the board
4. Powers and duties of chairperson of a committee

**PART IV  
QUORUM FOR AND PROCEDURES AT, AND  
VENUES FOR, MEETINGS OF COMMITTEE**

5. Quorum

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

6. Venues for, and proper conduct of, meetings
7. Convening of meeting
8. Transaction of business at, and adjournment of, meeting
9. Minutes of meetings and copies of minutes
10. Sessions of meeting
11. Order of business at meeting
12. Procedures at meeting

**PART V**  
**OFFICIAL SEAL**

13. Official seal and use thereof

**PART VI**  
**LIQUID ASSETS TO BE MAINTAINED BY NHE**

14. Kind of liquid assets to be maintained by the NHE
  15. Minimum liquid assets to be maintained by the NHE
- 

**PART I**  
**PRELIMINARY**

**Definitions**

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

“banking institution” means a banking institution as defined in section 1 of the Banking Institutions Act, 1998 (Act No. 2 of 1998);

“building society” means a building society as defined in section 1 of the Building Societies Act, 1986 (Act No. 2 of 1986);

“committee” means a committee of the board established under section 9(1) of the Act;

“meeting” means a meeting of a committee;

“secretary” means the secretary of a committee; and

“the Act” means the National Housing Enterprise Act, 1993 (Act No. 5 of 1993).

**PART II**  
**SUBMISSIONS OR REPORTS TO THE MINISTER**

**Procedures relating to submissions or reports to the Minister in terms of section 22 of the Act**

2. (1) If the Minister has required the board, in accordance with section 22(2) of the Act, to submit to him or her for decision any matter relating to the powers of the NHE

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

specified in the request, chairperson of the board must submit the matter to the Minister within a period of 14 days from the date of receipt of the request.

(2) A submission of any matter by the board to the Minister in accordance with section 22(2) of the Act, whether at the request of the Minister or by own motion of the board, must be in writing and be accompanied by -

- (a) full particulars of the matter so submitted, including all documentation relating or material to the matter, or specified by the Minister in the request;
- (b) a reference to the provision of the Act which authorises the board to take a decision on the matter so submitted; and
- (c) any recommendation the board may wish to make relating to the matter so submitted to the Minister.

(3) If the Minister has required the board, in accordance with section 22(4) of the Act, to submit to him or her any report on any matter specified in the request, the chairperson of the board must submit the required report in writing within a period of 21 days from the date of receipt of the request, and the report must be accompanied by all relevant information and particulars relating or material to the report, including any additional information or documents which the Minister may require and specify in the request.

(4) A request by the Minister under section 22 of the Act must be in writing and be delivered to the chairperson of the board by hand or by period registered post.

**PART III**  
**POWERS AND DUTIES OF THE CHAIRPERSON**  
**OF THE BOARD OR OF A COMMITTEE**

**Powers and duties of chairperson of the board**

3. The chairperson of the board -
- (a) is responsible for the proper conduct of the affairs of the board; and
  - (b) must at the first meeting of the board each year lay or cause to be laid before the board the names and full particulars of the persons to be appointed as members of any committee.

**Powers and duties of chairperson of a committee**

4. The chairperson of a committee -
- (a) may at any time during any meeting of the committee, make a ruling-
    - (i) relating to the interpretation of any of these rules relating to meetings of the committee;
    - (ii) on any point of order; and

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

- (b) in addition to his or her powers and duties under any regulation dealing with meetings, is responsible for the proper conduct of the affairs of the committee concerned, including the proper conduct of the meetings of the committee.

**PART IV**  
**QUORUM FOR AND PROCEDURES AT, AND**  
**VENUES FOR, MEETINGS OF COMMITTEE**

**Quorum**

5. The majority of the members of a committee present at a meeting of the committee constitutes a quorum for a meeting.

**Venues for, and proper conduct of, meetings**

6. The chairperson of a committee -
- (a) must determine the venue, date and time for a meeting of the committee; and
- (b) is responsible for the proper conduct of meetings in accordance with the Act and these regulations, and if during a meeting of the committee concerned a situation relating to procedures arises which is not provided for in the Act or in these regulations, the chairperson must determine the procedures to be followed in the situation.

**Convening of meeting**

7. (1) The secretary must prepare, on the instructions of the chairperson, a notice convening a meeting of the committee.
- (2) The notice prepared in terms of subregulation (1) must -
- (a) be accompanied by an agenda which specified the venue, date and time of the meeting and the business to be transacted at the meeting concerned; and
- (b) be delivered to the members of the committee concerned in such manner and at such period of time prior to the meeting as the committee may determine at its first meeting.

**Transaction of business at, and adjournment of, meeting**

8. (1) Any member of a committee who wishes to bring any matter before a committee must, at least 30 days prior to the date determined for a meeting, in writing forward to the secretary a notice of motion thereof, which motion must be included in the notice convening the meeting as contemplated in regulation 7(1).

(2) A meeting may not consider any business or matter without due notice of such business or matter having been given in accordance with regulation 7(1), unless the committee at the meeting decides that the business or matter is of such an urgent nature that it must be considered and decided on by the meeting.

(3) The secretary must keep an attendance register in which must be entered the names of all members attending a meeting.

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

(4) The chairperson of a committee must take the chair at the time for commencement of the meeting as specified in the notice convening the meeting in terms of regulation 7(1), and if there is after the expiration of a period of 15 minutes no quorum present at the meeting, the chairperson must declare the meeting postponed to a venue, date and time as he or she may determine.

(5) A committee may adjourn a meeting in progress to any venue, date and time, and subregulation (2) applies *mutatis mutandis* to the meeting so adjourned.

#### **Minutes of meetings and copies of minutes**

**9.** (1) The secretary must keep or cause to be kept record of the proceedings at meetings and such record must be in the form of typewritten minutes authenticated, after adoption thereof, at the following meeting of the committee by the signature of the chairperson and of the secretary of a committee.

(2) Save as otherwise provided in these regulations, the minutes of each meeting must contain a resume of-

- (a) the matters dealt with at the meeting; and
- (b) the motions and amendments proposed and adopted or rejected, as the case may be, at the meeting, together with the names of the proposer and seconded, but without any comment or observations made by the members.

(3) The secretary must forward a copy of the minutes of each meeting to all the members of the committee concerned as soon as reasonably practicable after the meeting.

(4) The minutes of a meeting, before adoption thereof in terms of subregulation (1), may be taken as read, but any member may move that a certain part of the minutes should be read with a view to the appropriate correction thereof or addition thereto as may be found necessary by the meeting.

#### **Sessions of meeting**

**10.** The chairperson of a committee must at the commencement of each separate session of a meeting afford an opportunity to the members of the committee to ask questions regarding the work of the committee, which questions must be answered forthwith, if practicable, by the chairperson of the committee, or if not practicable, by the chairperson of the committee at a later session of the meeting or at a subsequent meeting, and no discussion on such answers by the chairperson is permitted.

#### **Order of business at meeting**

**11.** The order of business at every meeting is as follows:

- (a) The adoption of the minutes of the previous meeting;
- (b) notices of motion transferred from previous meetings;
- (c) reports deferred from previous meetings;

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

- (d) new notices of motion; and
- (e) other business,

but a member of a committee may move at a particular meeting that any item appearing on the agenda for that particular meeting be advanced in the agenda or be dealt with later.

**Procedures at meeting**

12. (1) (a) A member of a committee bringing up a report must move “that the report be considered and adopted by the meeting”.
  - (b) The chairperson of a committee, through the secretary, must put the recommendations contained in the report seriatim, if the committee has agreed to consider the report as a whole, unless on good cause shown he or she deems it appropriate to vary the order.
  - (c) Any recommendations or amendment of a report which a committee has adopted forthwith becomes a resolution of that committee
  - (d) The chairperson of a committee, if he or she considers it appropriate, may preface the moving of a motion by a brief explanation of the essential facts leading to the introduction thereof or may instruct some other member of the committee to do so.
- (2) (a) The chairperson of a committee or other member of a committee bringing up a report must be held to have moved each recommendation contained in the report.
  - (b) If all the recommendations in a report or amendments thereto have been agreed to, the person bringing up the report must move that the report, as amended, be adopted by the meeting.
- (3) (a) No member of a committee may address, except with the permission of the chairperson thereof and subject to paragraph (b), the committee more than once on any motion or amendment.
  - (b) The mover of an original motion may reply to any proposed amendment to the motion, but he or she must confine himself or herself strictly to the answering of questions asked by, or comments made by, previous speakers in respect of the motion, and may not introduce, by means of the reply, any new business or matter into the debate.
  - (c) The mover of an amendment to a motion has no right of reply to any comments made in respect of the amendment.
- (4) The chairperson of a committee must call the attention of the committee to continued irrelevance, tedious repetition, unbecoming language or any breach of order on the part of a member thereof, and must direct such member, if speaking, to desist from speaking in the manner to which exception is taken, or, in the event of persistent disregard of the authority of the chair, to absent himself or herself from the meeting for the remainder of the duration of the meeting.
- (5) Any member of a committee, whether he or she has spoken on a matter under discussion or not, may request an explanation on or in respect of any part of a speech or

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

statement, but such explanation must be confined to some material part of the speech or statement which may have been misunderstood, and the member requesting the explanation must be heard forthwith and such explanation must be given forthwith.

- (6) (a) A motion or amendment, unless otherwise permitted by the chairperson of a committee, must be committed to writing and signed by the mover and must be read, from the chair or by the secretary under the authority of the chair, and must be seconded, before the motion or amendment is discussed or commented on by any other member of the committee.
- (b) A formal amendment must be framed so that it may be read as an independent motion.
- (7) An amendment must be -
  - (a) relevant to the motion it is intended to amend and must not alter the original motion in such a way as to make it essentially a new motion; and
  - (b) so framed as to -
    - (i) add or insert certain words;
    - (ii) omit certain words; or
    - (iii) omit certain words and add or insert other words.
- (8) No motion or amendment may be withdrawn after having been read as contemplated in subregulation (6)(a), except by leave of the committee.
- (9) The seconder of a motion or an amendment may reserve his or her speech on such motion or amendment for any stage of the debate.
- (10) An amendment which has been proposed may be followed by other amendments and the last amendment must be considered and discussed first.
- (11) If no proposed amendment to a motion has been carried, the original motion must be put to the vote.
- (12) An amendment which has been carried is regarded as a substantive motion and must in all other respects be treated, relating to any further amendments thereto, as an original motion.
- (13) If a motion is under debate, no further motion except one of the following may be submitted:
  - (a) An amendment to the motion, namely “That the motion be amended as follows: ...”
  - (b) the postponement of the debate on the motion, namely “That the meeting do proceed to the next business on the agenda.”;
  - (c) the closure of the debate on the motion, namely “That the debate on the motion be closed and the proposals in respect thereof now be put to the vote”;

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

- (d) the adjournment of the debate, namely “That the debate on the motion be adjourned.”; or
  - (e) the adjournment of the committee meeting, namely “That the meeting now be adjourned.”.
- (14) If an amendment is under debate no further motion, except one of the following, may be received by the meeting:
- (a) An amendment to the motion, namely “That the motion be amended as follows: ...”
  - (b) the closure of the debate on the motion, namely “That the debate on the motion now be closed and the proposals in respect thereof be put to the vote.”;
  - (c) the adjournment of the debate, namely “That the debate on the motion now be adjourned.”; or
  - (d) the adjournment of the committee meeting, “That the meeting now be adjourned.”.
- (15) (a) A motion for the postponement of the debate on a motion before the meeting (which motion may specify a date for the further consideration of the motion), must be made and seconded without debate and may be moved at any time, even during the debate on an amendment.
- (b) If a motion in terms of paragraph (a) is carried, the debate on the motion before the meeting must be postponed, but if the motion is not carried, the debate must proceed.
- (16) A motion for the closure of a debate must be made and seconded without debate and must be put to the vote forthwith, and if the motion is carried the motion or amendment under debate must at once be voted on by the committee, unless the meeting otherwise directs.
- (17) (a) If a motion for the adjournment of the debate is carried the committee must proceed to the next item on the agenda and the debate must be resumed at the following meeting of the committee.
- (b) The mover of the motion for adjournment of the debate referred to in paragraph (a) is on the resumption of the debate entitled to speak first.
- (18) If a motion for the adjournment of a meeting is proposed and seconded, the chairperson of the committee may obtain, before putting the motion to the vote, the opinion of the committee as to whether the committee must, before adjournment, proceed to the discussion of unopposed business.
- (19) (a) If a motion is to put to the vote, the chairperson of the committee, except as provided in paragraphs (a) and (b), having first ascertained the number of members of the committee present, must ask for a show of hands for or against the motion or amendment, as the case may be, and must then declare that the vote appears to him or her to be in the affirmative or in the negative, as the case may be.
- (b) Any member of the committee may require that the numbers or the names, or both the numbers and the names, of the members voting for or against the motion or amendment be entered into the minutes.

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**

**General Regulations**

---

(c) A member of the committee may ask for a vote by ballot and such request must be granted by the meeting if it is supported by not less than two other members of the committee.

(20) A motion to rescind a resolution passed at a previous meeting may be considered only if notice of such motion has been given in accordance with regulation 8(1), and such motion must be passed if a simple majority of the votes recorded is in favour thereof.

(21) A motion to rescind a resolution passed during any session of a meeting of a committee, if the meeting has not as yet been adjourned, may be considered, notwithstanding subregulation (20), during the same meeting of the committee, provided that written notice is given that the matter be considered on a subsequent day of that meeting, and such motion must be carried only if two-thirds of the votes recorded are in favour thereof.

(22) The secretary must, if so requested by a member of the committee at the time of a ruling made by the chairperson of a committee as to the interpretation of these rules, enter into the minutes full particulars of such ruling.

(23) A notice of motion, signed by not less than three members of the committee concerned, may be submitted to the secretary requesting the chairperson to review any ruling on the interpretation of these regulations made by the chairperson of a committee, or the board to review the ruling by the chairperson.

(24) On receipt of a notice of motion in accordance with subregulation (23), the secretary must -

- (a) submit a copy of the motion to the chairperson as soon as practicable; and
- (b) place the motion on the agenda for discussion and decision during the following meeting of the committee.

(25) If at the meeting of the committee referred to in subregulation 24(b) the motion is carried by a simple majority of the votes recorded at that meeting when the motion was put to the vote, the secretary must submit a copy of the motion, together with a copy of the ruling by the chairperson concerned, to the board for decision, which decision of the board shall be binding on the chairperson of the committee concerned.

(26) A ruling by the chairperson of any committee on a point of order may be reviewed by the board, at the written request of any two members of the committee present at the meeting at which such ruling was given, and the board may, if it deems it appropriate, direct that such ruling be cancelled or amended, and the chairperson of the committee whose ruling was cancelled or amended must act on the decision of the board.

(27) The written request by two members of a committee in terms of subregulation (26) must be addressed and submitted to the secretary of the committee, who must submit a copy of the request to the chairperson of the committee and a copy of the request and of the ruling to be reviewed to the chairperson of the board.

(28) Any member of a committee who is opposed to or who dissents from any decision taken at any meeting of a committee and who wishes to have his or her dissent recorded must state so forthwith, and such dissent must then be entered in the minutes of the meeting.

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

(29) Any rule or order of a committee must be suspended if a motion to that effect is carried by a simple majority of votes of the members present at a meeting.

**PART V**  
**OFFICIAL SEAL**

**Official seal and use thereof**

**13.** (1) The NHE may have an official seal which must be used on correspondence or documentation of the NHE relating to official matters of the NHE.

(2) The official seal referred to in subregulation (1) must only be used by the chief executive officer of the NHE appointed under section 10 of the Act or by such other persons authorised by the board.

(3) The board -

- (a) must determine by resolution the form of the seal; and
- (b) may in writing specify the correspondence or documentation; referred to in subregulation (1).

**PART VI**  
**LIQUID ASSETS TO BE MAINTAINED BY NHE**

**Kind of liquid assets to be maintained by the NHE**

**14.** (1) The NHE must maintain the following kinds of liquid assets:

- (a) Cash which is legal tender in Namibia;
- (b) current accounts with a banking institution in Namibia;
- (c) call accounts with a banking institution in Namibia;
- (d) treasury bills of the Government of Namibia;
- (e) stocks, securities, bills and bonds of the Government of Namibia;
- (f) any other securities, bonds and bills fully guaranteed by the Government of Namibia, which form part of the public issue;
- (g) net amounts of loans and deposits, repayable on demand, with Namibian banking institutions or building societies other than a subsidiary or fellow subsidiary of the banking institution or building society concerned or of a banking institution or building society by which the banking institution or building society concerned is controlled directly or indirectly; and
- (f) such other liquid assets as the Minister, in consultation with the Minister responsible for Finance, may determine and specify in writing.

[The last paragraph in subregulation (1) should be labelled "(h)" instead of "(f)".]

**REGULATIONS**  
**National Housing Enterprise Act 5 of 1993**  
**General Regulations**

---

(2) The Minister, in consultation with the Minister responsible for Finance, may determine from time to time and specify in writing the maximum or minimum amount or value of any of the assets referred to in subregulation (1) to be maintained by the NHE.

**Minimum liquid assets to be maintained by the NHE**

**15.** The NHE must hold, on any given day, liquid assets in Namibia to the value of not less than an amount equal to ten per cent of the average daily amount of its total liabilities to the Government of Namibia during the proceeding month.

[The word “proceeding” in the phrase “proceeding month” should be “preceding”.]