



Republic of Namibia
Annotated Statutes

Special Advisers and Regional Governors Appointment Act 6 of 1990

(GG 31)

came into force on date of publication: 13 June 1990

as amended by

Regional Councils Act 22 of 1992 (GG 469)

brought into force on 31 August 1992 by GN 117/1992 (GG 472),
with the amendment to this Act effective as of 30 November 1992

Special Advisers and Regional Governors Appointment

Amendment Act 15 of 2010 (GG 4617)

came into force on date of publication: 24 November 2010

ACT

To provide for the appointment of persons as Special Advisers to the Cabinet or Ministers; and of regional representatives; the powers, duties and functions of such persons; and matters connected therewith.

(Signed by the President on 6 June 1990)

ARRANGEMENT OF SECTIONS

1. Appointment of Special Advisers
2. Regional governors
3. Short title

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

Appointment of Special Advisers

1. (1) The President may from time to time by proclamation in the *Gazette* appoint any person whom he deems fit, to hold office during the President's pleasure, as Special Adviser to the President, the Cabinet or any Minister designated by the President.

Special Advisors and Regional Governors Appointment Act 6 of 1990

[Namibian laws generally use the gender-neutral formulation “he or she”.
The reference to “he” only in subsection (1) is unusual.]

- (2) A Special Adviser appointed under subsection (1) shall -
- (a) advise the President, the Cabinet or the Minister concerned, as the case may be, in relation to any matter which the President, the Cabinet or such Minister refers to him or her for investigation and advice or which such Special Adviser deems necessary;
 - (b) subject to the directions of the President, the Cabinet or the Minister concerned, as the case may be, perform such functions and duties as the President, the Cabinet or such Minister may entrust or assign to such Special Adviser.
- (3) A Special Adviser may be invited to attend meetings of the Cabinet, but may not vote at such meetings.
- (4) The conditions of service of a Special Adviser, including conditions as to remuneration and allowances, shall be determined by the President.

Regional governors

2. (1) The President must in respect of every region appoint a governor who shall hold office at the pleasure of the President.
- (2) The President shall by proclamation give notice in the *Gazette* of the appointment of every regional governor
- (3) The terms and conditions of employment of regional governors shall be as determined by the President.
- (4) The functions of a regional governor shall be -
- (a) to act as the representative of the central Government in the region concerned;
 - (b) to investigate and report on any matter relating to the region concerned if he or she has been requested to investigate that matter by the President or the Minister responsible for regional or local government;
 - (c) to keep himself or herself informed of all matters relating to the region concerned and to bring any matter to the attention of the President or the relevant Minister if he or she thinks that it is advisable;
 - (d) to settle or mediate any dispute or other matter that might arise in the region concerned, and
 - (e) generally, to act as a link between the central Government and the regional council, or any local or traditional authority in the region concerned.
- (5) The President may in terms of section 1 appoint special advisers to assist the regional governor.
- (6) The regional governor shall be assisted by such staff members in the Public Service in the Ministry responsible for the Regional Government as may be appointed for that purpose.

Special Advisors and Regional Governors Appointment Act 6 of 1990

[Section 2 is deleted by Act 22 of 1992 and inserted by Act 15 of 2010.]

The deletion of section 2 by section 45(1) of Act 22 of 1992 was effective as of 30 November 1992.

GN 117/1992, which brought Act 22 of 1992 into force, states that “the provisions of that Act shall come into operation on 31 August 1992, except the provisions of subsection (1) of section 45 thereof which shall come into operation on the date fixed in terms of Article 137(6) of the Namibian Constitution”.

Section 137(6) of the Namibian Constitution states:

“Elections for Regional Councils shall be held on a date to be fixed by the President by Proclamation, which shall be a date within one (1) month of the date of the elections referred to in Sub-Article (5) hereof, or within one (1) month of the date on which the legislation referred to in Article 106 (3) hereof has been enacted, whichever is the later: provided that the National Assembly may by resolution and for good cause extend the period within which such elections shall be held.”

Proc. 39/1992 (GG 502) fixed “30 November, 1 December, 2 December and 3 December 1992 as the dates for the holding of elections for Regional Councils”.]

Short title

3. This Act shall be called the Special Advisers and Regional Governors Appointment Act, 1990.

[section 3 substituted by Act 15 of 2010]