

# SOCIAL WELFARE

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***Friendly Societies Act 25 of 1956***, as amended in South Africa prior to Namibian independence

**Summary:** This Act ([SA GG 5679](#)) regulates friendly societies, which are associations of persons established to provide relief to children, the aged, the sick, widows and so forth.

**Applicability to SWA:** Section 1 defines “Union” to include “the Territory”, which is defined as “the Territory of South West Africa”. “Court” and “Gazette” are defined accordingly. Section 52 states “This Act shall apply also in the Territory.” Although the wording of section 52 did not make amendments to the Act automatically applicable to South West Africa, they are probably applicable by virtue of the definition of “Union”.

**Transfer of administration to SWA:** This Act was administered by the Minister of Finance. Acts administered by the Minister of Finance in the Department of Inland Revenue were transferred to South West Africa by the Executive Powers (Inland Revenue) Transfer Proclamation, AG 18 of 1978, but this Act fell under the Department of Finance at the time, as indicated by government notices pertaining to the Registrar and Deputy Registrar of Friendly Societies issued during the 1970s. See, for example, Government Notice 1317/1970 ([RSA GG 2768](#)) and Government Notice 1640/1977 ([RSA GG 5715](#)). There was no transfer proclamation for laws administered by the Minister of Finance in the Department of Finance.

**Amendments:** The following pre-independence South African amendments were applicable to SWA –

- *Finance Act 81 of 1957* ([SA GG 5907](#))
- *Finance Act 80 of 1959* ([SA GG 6255](#))
- *Inspection of Financial Institutions Act 68 of 1962* ([RSA GG 264](#))
- *Friendly Societies Amendment Act 60 of 1963* ([RSA GG 540](#))
- *Friendly Societies Amendment Act 67 of 1965* ([RSA GG 1128](#))
- *Financial Institutions Amendment Act 65 of 1968* ([RSA GG 2107](#))
- *Financial Institutions Amendment Act 91 of 1972* ([RSA GG 3594](#))
- *Medical Schemes Amendment Act 43 of 1975* ([RSA GG 4721](#))
- *Financial Institutions Amendment Act 101 of 1976* ([RSA GG 5217](#))
- *Financial Institutions Amendment Act 103 of 1979* ([RSA GG 6568](#))
- *Financial Institutions Amendment Act 99 of 1980* ([RSA GG 7151](#))
- *Financial Institutions Amendment Act 86 of 1984* ([RSA GG 9313](#))
- *Financial Institutions Amendment Act 51 of 1988* ([RSA GG 11313](#))
- *Financial Institutions Amendment Act 53 of 1989* ([RSA GG 11892](#))
- *Financial Institutions Second Amendment Act 54 of 1989* ([RSA GG 11893](#)).

The Act was amended in South Africa by the *Friendly Societies Amendment Act 44 of 1988* ([RSA GG 11273](#)), but *Act 44 of 1988* was brought into force only after Namibian independence, on 1 July 1993 by RSA Proc. 54/1993 ([RSA GG 14931](#)). Act 25 of 1956 was also amended in South Africa by the *Legal Succession to the South African Transport Services Act 9 of 1989* ([RSA GG 11743](#)). However, the portions of this Act which amended *Act 25 of 1956* came into force only after Namibian independence, on 1 April 1990, in terms of section 37(2) read with section 3(1) of Act 9 of 1989; the date referred to in section 3(1) was set by *RSA Government Notice 578/1990* ([RSA GG 12364](#)) as being 1 April 1990. These amendments were thus not applicable to South West Africa.

The Short-term Insurance Act 4 of 1998 ([GG 1832](#)) repeals section 50 insofar as it relates to short-term insurance.

The Long-term Insurance Act 5 of 1998 ([GG 1834](#)) repeals the remainder of section 50.

The Namibia Financial Institutions Supervisory Authority Act 3 of 2001 ([GG 2529](#)) amends section 1, substitutes section 4 and repeals section 4A.

**Regulations:** Regulations are authorised by section 47 of the Act. Pre-independence regulations have not been researched. No post-independence regulations have been promulgated.

**Appointments:** A Registrar and Deputy Registrar of Friendly Societies are appointed in General Notice 27/1991 ([GG 174](#)).

### ***National Welfare Act 79 of 1965***, as amended in South Africa to November 1977

**Summary:** This Act ([RSA GG 1163](#)) establishes a National Welfare Board of Namibia and provides for the registration and control of certain welfare organisations.

**Applicability to SWA:** Section 1 defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”. Section 43A, which was inserted by *Act 13 of 1971* and repealed by Act 9 of 1993, stated: “This Act and any amendment thereof shall apply also in the territory, including the Eastern Caprivi Zipfel.”

**Transfer of administration to SWA:** The administration of this Act was transferred to SWA by the Executive Powers (Social Welfare and Pensions) Transfer Proclamation (AG 11/1977), dated 30 November 1977. None of the amendments to the Act in South Africa after the date of transfer were made expressly applicable to SWA.

In South Africa, the portions of the Act relating to the National Welfare Board and to welfare organisations were repealed by the *National Welfare Act 100 of 1978* ([RSA GG 6094](#)). The portions of the Act relating to social workers were repealed by the *Social and Associated Workers Act 110 of 1978* ([RSA GG 6102](#)). The remainder of the Act was repealed by the *Pension Laws Amendment Act 81 of 1982* ([RSA GG 8239](#)). None of the repealing acts were made expressly applicable to SWA.

Section 3(2) of the Executive Powers Transfer (General Provisions) Proclamation, AG 7 of 1977, excluded from transfer the provisions of any transferred law “which provide for or relate to the institution, constitution or control of any juristic person or any board or other body of persons that may exercise powers or perform other functions in or in respect of both the territory and the Republic”. This may have at some stage have excluded from transfer the provisions of this Act relating to the National Welfare Board, as well as possibly some commissions and committees established under this Act.

**Amendments:** The following pre-independence South African amendments were applicable to SWA –

- *General Law Amendment Act 102 of 1967* ([RSA GG 1771](#))
- *National Welfare Amendment Act 13 of 1971* ([RSA GG 3061](#))
- *National Welfare Amendment Act 44 of 1976* ([RSA GG 5070](#)).

Act 12/1979 ([OG 4028](#)) amends this Act substantially to provide for a National Welfare Board of South West Africa.

The Act is also substantially amended to make it consistent with an independent Namibia by Act 9/1993 ([GG 692](#)), which was brought into force on 1 July 1994 by GN 117/1994 ([GG 875](#)). This amending act amends sections 1-8, 10, 11, 14, 18, 19, 21, 25, 38, 39, 42; repeals sections 33-37, 40 and 43A; and substitutes certain expressions and the long title.

Act 20/1994 ([GG 935](#)) amends section 1 and repeals section 38, which formerly required that only registered welfare workers could be appointed as professional welfare officers in the public service.

**Regulations:** Regulations are authorised by section 42 of the Act. Pre-independence regulations have not been researched. No post-independence regulations have been promulgated.

### ***Aged Persons Act 81 of 1967***, as amended in South Africa prior to Namibian independence

**Summary:** This Act ([RSA GG 1771](#)) provides for the protection and welfare of certain aged and debilitated persons. It also governs old age homes.

**Applicability to SWA:** Section 16 of the *Pension Laws Amendment Act 79 of 1968* ([RSA GG 2119](#), and also published in [OG 2915](#)), without amending the *Aged Persons Act 81 of 1967*, empowered the State President to make the provisions of the Act “*mutatis mutandis* applicable in the territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said territory, in so far as those provisions relate to Bantu or Bantu persons”, subject to “such conditions, amendments or exceptions as may be specified in the proclamation”. It also empowered the State President to withdraw or amend any such proclamation. Section 16(4) stated:

“With effect from the date on which any Act referred to in subsection (1) becomes applicable in the said territory in terms of a proclamation issued under that subsection, the corresponding Act which under section 45(1) of the Pension Laws Amendment Act, 1965 (Act No. 102 of 1965), was declared to be applicable in the said territory, shall cease to be applicable therein: Provided that anything done in terms of the relevant corresponding Act and which could be done in terms of the relevant Act referred to in subsection (1) which becomes applicable in the territory on the said date, shall be deemed to have been done in terms of the last-mentioned Act.”

(The corresponding Act cited in section 45(1) of the *Pension Laws Amendment Act 102 of 1965* ([RSA GG 1171](#)) was the *Old Age Pensions Act 38 of 1962* ([RSA GG 231](#)).)

Pursuant to this authority, RSA Proc. R.293/1968 ([RSA GG 2182](#)) provided that the provisions of the Act were brought into force on 1 October 1968 “in the Territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of Natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said Territory, in so far as those provisions relate to Bantu”.

The Act was brought into force generally in SWA only when the amendments made by *Act 14 of 1971* came into force on 1 January 1972. Section 21A (which was added by Act 14 of 1971) states “This Act and any amendment thereof shall, save in so far as it has already been declared to be applicable in the territory in terms of section 16(1) of the Pension Laws Amendment Act, 1968 (Act No. 79 of 1968), also apply in the territory, including the Eastern Caprivi Zipfel.” Section 1 (as inserted by Act 14 of 1971) also defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”.

The original Act also dealt with old age pensions, but this portion of the Act was repealed by section 21 of the *Social Pensions Act 37 of 1973* ([RSA GG 3866](#)), which was applicable to SWA.

**Transfer of administration to SWA:** Section 21 of the Act gives the State President the power to assign the administration of the Act to one or more Ministers and to vary this assignment from time to time.

RSA Proc. No. R.283/1968 ([RSA GG 2176](#)) assigned the administration of the Act as follows:

- (a) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu as defined in section 1 of the Aged Persons Act, 1967;
- (b) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons as defined in section 1 of the Aged Persons Act, 1967;
- (c) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians as defined in section 1 of the Aged Persons Act, 1967; and
- (d) to the Minister of the Interior in so far as the said provisions refer to Chinese as defined in section 1 of the Aged Persons Act, 1967.

RSA Proc. R. 270/1971 ([RSA GG 3327](#)) assigned the administration of the Act as follows:

- (a) to the Minister of Social Welfare and Pensions, in so far as the said provisions refer to White persons;
- (b) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu;
- (c) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons and Namas;
- (d) to the Minister of Rehoboth Affairs, in so far as the said provisions refer to Burghers;
- (e) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians; and
- (f) to the Minister of the Interior, in so far as the said provisions refer to Chinese.

This 1971 Proclamation was repealed by RSA Proc. 219/1973 ([RSA GG 4030](#)).

The Department of “Bantu Administration and Development” must have become the “Department of Co-operation and Development” at some stage – as RSA Proc. No. R.283/1968 was amended by RSA Proc. R.154/1985 ([RSA GG 9917](#)) to substitute “Minister of Constitutional Development and Planning” for “Minister of Co-operation and Development” in paragraph (a).

Therefore it is not clear which transfer proclamation, if any, was applicable. However, the date of transfer is not relevant to the content of the statute, as there were no amendments to the law in South Africa after 1976 (the date of the earliest transfer proclamation) and before Namibian independence.

**Amendments:** The following pre-independence South African amendments were applicable to SWA –

- *Pension Laws Amendment Act 98 of 1969* ([RSA GG 2463](#))
- *Second Pension Laws Amendment Act 86 of 1970* ([RSA GG 2896](#))
- *Aged Persons Amendment Act 14 of 1971* ([RSA GG 3062](#))
- *Pension Laws Amendment Act 97 of 1972* ([RSA GG 3605](#))
- *Social Pensions Act 37 of 1973* ([RSA GG 3866](#)), which was made expressly applicable to SWA and which repealed the Act “in so far as it relates to pension matters;
- *Aged Persons Amendment Act 46 of 1976* ([RSA GG 5072](#)).

Some terminology was also amended by the Native Laws Amendment Proclamation, AG 3 of 1979 ([OG 3898](#)), deemed to have come into force in relevant part on 1 August 1978 (section 5 of AG 3 of 1979).

There have been no amendments to the Act in Namibia since independence.

The original Act covered pensions for aged persons, but this portion of the Act was repealed by section 21 of the *Social Pensions Act 37 of 1973*, which was applicable to SWA.

**Regulations:** Regulations are authorised by section 20 of the Act. Pre-independence regulations have not been researched. No post-independence regulations have been promulgated. Since the portions of the Act relating to pensions for aged persons have been repealed, any regulations on this topic would have no current relevance.

### ***Blind Persons Act 26 of 1968***, as amended in South Africa prior to Namibian independence

**Summary:** This Act ([RSA GG 2032](#)) concerns the promotion of the welfare of blind persons.

**Applicability to SWA:** Section 16 of the Pension Laws Amendment Act 79 of 1968 ([RSA GG 2119](#), also published in [OG 2915](#)) – which came into force on 1 October 1968 (section 17(1) of Act 79 of 1968) – without amending the Blind Persons Act 26 of 1968, empowered the State President to make the provisions of the Act “*mutatis mutandis* applicable in the territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said territory, in so far as those provisions relate to Bantu or Bantu persons”, subject to “such conditions, amendments or exceptions as may be specified in the proclamation”. It also empowered the State President to withdraw or amend any such proclamation. Section 16(4) stated:

“With effect from the date on which any Act referred to in subsection (1) becomes applicable in the said territory in terms of a proclamation issued under that subsection, the corresponding Act which under section 45(1) of the Pension Laws Amendment Act, 1965 (Act No. 102 of 1965), was declared to be applicable in the said territory, shall cease to be applicable therein: Provided that anything done in terms of the relevant corresponding Act and which could be done in terms of the relevant Act referred to in subsection (1) which becomes applicable in the territory on the said date, shall be deemed to have been done in terms of the last-mentioned Act.”

(The corresponding Act cited in section 45(1) of the Pension Laws Amendment Act 102 of 1965 ([RSA GG 1171](#)) was the Blind Persons Act 39 of 1962.)

Pursuant to this authority, RSA Proc. R.293/1968 ([RSA GG 2182](#)) provided that the provisions of the Act were brought into force on 1 October 1968 “in the Territory of South-West Africa, including the Eastern Caprivi Zipfel, in respect of Natives, as defined in section 25 of the Native Administration Proclamation, 1928 (Proclamation No. 15 of 1928), of the said Territory, in so far as those provisions relate to Bantu”.

The Act was brought into force generally in SWA only when the amendments made by *Act 16 of 1971* came into force on 1 January 1972. Section 18A (inserted by *Act 16 of 1971*) states “This Act and any amendment thereof shall, save in so far as it has already been declared to be applicable in the territory in terms of section 16(1) of the Pension Laws Amendment Act, 1968 (Act No. 79 of 1968), also apply in the territory, including the Eastern Caprivi Zipfel.” Section 1 (as inserted by *Act 16 of 1971*) also defines “Republic” to include “the territory”, which is defined as “the territory of South West Africa”.

The original Act covered pensions for blind persons, but this portion of the Act was repealed by section 21 of the *Social Pensions Act 37 of 1973*, which was applicable to SWA.

**Transfer of administration to SWA:** Section 18 of the Act gives the State President the power to assign the administration of the Act to one or more Ministers and to vary this assignment from time to time.

RSA Proc. R.285/1968 ([RSA GG 2176](#)) assigned the administration of the Act as follows:

- (a) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu as defined in section 1 of the Blind Persons Act, 1968;
- (b) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons as defined in section 1 of the Blind Persons Act, 1968;
- (c) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians as defined in section 1 of the Blind Persons Act. 1968;
- (d) to the Minister of the Interior, in so far as the said provisions refer to Chinese as defined in section 1 of the Blind Persons Act. 1968.

RSA Proc. R. 273/1971 ([RSA GG 3327](#)) assigned the administration of the Act as follows:

- (a) to the Minister of Social Welfare and Pensions, in so far as the said provisions refer to White persons;
- (b) to the Minister of Bantu Administration and Development, in so far as the said provisions refer to Bantu;
- (c) to the Minister of Coloured Affairs, in so far as the said provisions refer to Coloured persons and Namas;
- (d) to the Minister of Rehoboth Affairs, in so far as the said provisions refer to Burghers;
- (e) to the Minister of Indian Affairs, in so far as the said provisions refer to Indians;
- (f) to the Minister of the Interior, in so far as the said provisions refer to Chinese; and
- (g) to the Minister of Labour, in so far as the said provisions refer to-
  - (i) the making of contributions to a welfare organisation registered under the National Welfare Act, 1965 (Act 79 of 1965), towards the provision or maintenance by such organisation of workshops for the training or employment of members of the population groups, excluding Bantu and Natives, referred to in this Proclamation, and the remuneration of persons employed by such organisation for the purpose of conducting any such workshop; and
  - (ii) the making of contributions towards the augmentation of the earnings of members of the population excluding Bantu and Natives, referred to in this 'on, who are employed in the aforementioned workshop.

This 1971 Proclamation was repealed by RSA Proc. 219/1973 ([RSA GG 4030](#)).

The Department of “Bantu Administration and Development” must have become the “Department of Co-operation and Development” at some stage – as RSA Proc. No. R.285/1968 was amended by RSA Proc. R.153/1985 ([RSA GG 9917](#)) to substitute “Minister of Constitutional Development and Planning” for “Minister of Co-operation and Development” in paragraph (a).

Therefore it is not clear from the face of the Act which transfer proclamation, if any, was applicable. However, the date of transfer is not relevant to the content of the statute, as there were no amendments to the law in South Africa after 1976 (the date of the earliest transfer proclamation) and before Namibian independence.

**Amendments:** The following pre-independence South African amendments were applicable to SWA –

- *Second Pension Laws Amendment Act 86 of 1970* ([RSA GG 2896](#))
- *Blind Persons Amendment Act 16 of 1971* ([RSA GG 3064](#))
- *Pensions Laws Amendment Act 97 of 1972* ([RSA GG 3605](#))
- *Social Pensions Act 37 of 1973* ([RSA GG 3866](#)), which was made expressly applicable to SWA and which repealed the Act “in so far as it relates to pension matters”.

**Regulations:** Regulations are authorised by section 17 of the Act. Pre-independence regulations have not been researched. No post-independence regulations have been promulgated. Since the portions of the Act relating to pensions for blind persons have been repealed, any regulations on this topic would have no current relevance.

## **Namibia Red Cross Act 16 of 1991**

**Summary:** This Act ([GG 313](#)) recognises the Namibia Red Cross Society as the only Red Cross society in Namibia, and prohibits the unauthorised use of the name or emblem of the Red Cross or Red Crescent.

**Regulations:** The Act makes no provision for regulations.

## **Veterans Act 2 of 2008**

**Summary:** This Act ([GG 4051](#)) provides for the establishment of a Veterans Fund for the provision of assistance to veterans and their dependants, and projects for the benefit of veterans. It also provides for the integration of the pension benefits of veterans. It establishes a Veterans Board and Veterans Appeal Board. It repeals the War Veterans Subvention Act 16 of 1999 ([GG 2211](#)).

Part IV of the Act was brought into force on 23 June 2008 by GN 156/2008 ([GG 4072](#)). The remainder of the Act, except for section 37, was brought into force on 8 July 2008 by GN 167/2008 ([GG 4080](#)). Section 37, which deals with the pension integration scheme for veterans, will be brought into force on a date set by the Minister.

**Amendments:** Act 3/2013 ([GG 5185](#)) amends sections 1, 6, 15, 22, 30, 35, 36, 44 and 46; substitutes sections 27 and 37 and inserts section 37A. Amongst other things, it replaces the provisions on a pension scheme for veterans with a once-off gratuity and provides for tokens of appreciation in monetary or material form. It also changes the qualifications for registration as a veteran or a dependant of a veteran. The amending Act was originally to come into force on a date set by the Minister in the *Gazette*, but it was amended by the Act 5/2015 ([GG 5774](#)) to provide that it comes into force on its date of publication.

**Regulations:** Pre-independence regulations have not been comprehensively researched. Regulations made under the repealed Act survive under this Act, but no such regulations have been located. The repealed Act replaced the unrepealed portions of the *War Veterans' Pensions Act 25 of 1968*, which applied only to coloured persons resident outside the territory of South West Africa; regulations made under that Act also appear to survive.

Regulations made under this Act on the registration and benefits of veterans and their dependants are contained in GN 168/2008 ([GG 4080](#)). GN 134/2010 ([GG 4514](#)) substitutes regulation 25.

Regulations relating to appeals to the Veterans Appeal Board are contained in GN 45/2011 ([GG 4693](#)). GN 96/2019 ([GG 6904](#)) substitutes Regulation 28.

**Notices:** General Notice 271/2010 ([GG 2574](#)) recognises the National Liberation Veterans Association as the organisation representing veterans with effect from 1 September 2010, in terms of section 44(3) of the Act.

**Appointments:** Members of the Veterans Appeal Board are announced in GN 70/2011 ([GG 4725](#)).

### **COMMENTARY**

*Namibia Social Protection Floor Assessment*, International Labour Office (ILO) & Oxford Policy Management (OPM), 2014

*The Effectiveness of Child Welfare Grants in Namibia: Study Findings and Technical Notes*, Windhoek: Ministry of Gender Equality and Child Welfare, 2010

*Home Truths: Facing the Facts on Children, AIDS, and Poverty*, Joint Learning Initiative on Children and HIV/AIDS, 2009

*Making the Difference: The BIG in Namibia, Basic Income Grant Pilot Project Assessment Report*, Basic Income Grant Coalition, 2009.

Claudia & Dirk Haarmann, Herbert Jauch & Engelhardt Unaeb, *Basic Income Grant, Otjivero, Namibia - 10 years later*, Economic & Social Justice Trust, August 2018, available at [www.bignam.org/Publications/BIG\\_ten\\_years\\_later\\_report\\_2019.pdf](http://www.bignam.org/Publications/BIG_ten_years_later_report_2019.pdf).

See also Child Care and Protection Act 3 of 2015 (child grants) (**CHILDREN**).

See also Social Work and Psychology Act 6 of 2004 (**HEALTH PROFESSIONS**).

See also **PENSIONS**.

See also Social Security Act 34 of 1994 (**SOCIAL SECURITY**).

See also National Youth Service Act 6 of 2005 (**YOUTH**).