EDUCATION

National Education Act 30 of 1980

Summary: The remaining portions of this Act (originally published in OG 4358) relate only to agricultural colleges providing tertiary education. It was brought into force on 1 April 1981 by AG 6/1981 (OG 4430).

Note that the National Education Act was *not* originally applicable to "education which is, under any law, provided by, or subject to the control of, any representative authority" (section 2).

Repeals: The Act repeals the *Black Education Act 47 of 1953,* originally named the "Bantu Education Act", "and all amendments thereof, as administered by the Department under the direction and control of the Administrator-General immediately prior to the commencement of this Act", and the Examination Board of South West Africa Act 6 of 1979.

It should be noted that the Representative Authority of the Hereros enacted the Education Ordinance 3 of 1986 (OG 5269) repealed the *Black Education Act 47 of 1953* insofar as that law and its amendments were "applicable to Hereros".[131]

There may have been other similar repeals by other representative authorities; this issue has not yet been fully researched.

Amendments: The Act is amended by AG 39/1984 (OG 4983), which repeals sections 13-24, deletes section 25(6) and amends other sections by the substitution of expressions. (AG 39/1980 was repealed by the Public Service Act 13 of 1995 (GG 1121)).

The Act is also amended by Act 12/1988 (OG 5579).

The Act is repealed by the Education Act 16 of 2001 (GG 2673), brought into force on 28 October 2002 (GN 186/2002, GG 2841) insofar as it applies to schools and education other than tertiary education. This repeal is amended by the Higher Education Act 26 of 2003 to be effective except in so far as the Act "applies to teachers' education colleges and agricultural colleges providing tertiary education".

The Act is repealed by the Teachers' Education Colleges Act 25 of 2003 (GG 3124, brought into force on 1 April 2005 by GN 18/2005, GG 3386) insofar as it applies to teachers' education colleges.

Thus, it remains in force only insofar as it applies to agricultural colleges providing tertiary education.

Savings: Section 38(2) contains a savings clause which states:

> Anything done under any provision of any law repealed by subsection (1) which is not contrary to or inconsistent with any provision of this Act, shall be deemed to have been done under the corresponding provision of this Act.

Regulations: Regulations were issued under this Act in AG GN 33/1981 (OG 4431). These regulations provided as follows:

> The regulations made under section 28 of the Government Service Act, 1980 (Act 2 of 1980), and published by Government Notice No. AG. 28 of 1981, and the directions given under section 6(1)(a)(i)

[131] The Education Ordinance enacted by the Authority of the Hereros contained the following savings clause in section 81(2): "Any regulation, determination, instruction, notice, direction, command or exemption made, done, promulgated, issued, given or granted and any other act performed in terms of the provisions of any Law repealed by subsection (1) shall, if not inconsistent with the provisions of this Ordinance, be deemed to have been made, done, promulgated, issued, given, granted or performed in terms of the corresponding provisions of this Ordinance."

of the said Government Service Act, 1980, shall, in so far as it relates to matters mentioned in section 34(1)(g) of the National Education Act, 1980 (Act 30 of 1980), apply *mutatis mutandis* in relation to teachers appointed under the said National Education Act, 1980, to posts constituting part of or being additional to the teaching establishments of government schools or to posts constituting part of the teaching establishments of government-aided schools.

The Government Service Act 2 of 1980, later re-named the Public Service Act 2 of 1980 has been replaced by the Public Service Act 13 of 1995. Certain regulations under Act 2 of 1980 survive under Act 13 of 1995 in terms of a savings clause in Act 13 of 1995, but appear to have been superseded by regulations issued under Act 13 of 1995. See the NAMLEX entry for the Public Service Act 13 of 1995 for more information.

All of the pre-independence regulations made under this Act have been repealed:

- Regulations regarding school committees at government schools were contained in AG GN 73/1982 (OG 4631), as amended by GN 162/1986 (OG 5248), but were repealed by GN 187/2002 (GG 2841)
- Regulations regarding control of school funds at government schools were contained in AG GN 74/1982 (OG 4631), but were repealed by GN 187/2002 (GG 2841)
- Regulations regarding pupils in government schools are contained in GN 215/1987 (OG 5483), but were repealed by GN 187/2002 (GG 2841).

Regulations issued under the laws repealed by this Act which may survive have not yet been researched.

Notices: In GN 153/1986 (OG 5241), as amended by GN 135/1988 (OG 5587), the Cabinet assigns to the Minister of National Education and the Central Personnel Institution the administration of certain provisions of certain laws that entrust certain powers, duties or functions to the Cabinet. The ones relevant to this law are as follows:

1. Sections 5(2)(a); 5(3)(a)(ii) and (iii); 5(3)(b)(i) and (ii); 6(1); 6(3); 6(4); 7(3); 7(4); 7A(2), 7A(3); 7A(4)(a) and (c); 8(1); 8(3); 8(4); 9(3); 9(4); 9(5)(a); 9(5)(b)(i) to (iii); 9(6)(a); 10(1); 10(2); 10(3); 10(4); 11(1); 11(4); 12(1); 25(1); 25(2); 25(5); 26(3); 26(4)(a)(i) and (iv); 26(4)(b); 26(5)(a) and (c); 26(6); 26(9)(a) and (b); 29(1*bis*)(a); 29(2)(b); 29(3); 29(4); 29(5); 29(7); 30 and 35(1) of the National Education Act, 1980 (Act 30 of 1980).
2. Regulations 5(1) and 9(1)(l) of the Regulations made under the National Education Act, 1980, regarding School Committees at Government Schools, and promulgated by Government Notice AG. 73 of 1982 of 15 May 1982.

University of Namibia Act 18 of 1992

Summary: This Act (originally published in GG 460) establishes the University of Namibia and provides for the administration and control of its affairs. It was brought into force on 31 August 1992 by GN 109/1992 (GG 462).

Repeals: This Act repeals the Academy Act 9 of 1985, which in turn replaced the Academy for Tertiary Education Act 13 of 1980.

Amendments: Sections 26-28 are amended by the Polytechnic of Namibia Act 33 of 1994 (contained in (GG 991) and brought into force on 15 December 1994 by GN 241/1994, GG 1000) and repealed by the Namibia University of Science and Technology Act 7 of 2015 (GG 5827), brought into force on 16 November 2015 by GN 254/2015 (GG 5876).

Regulations: There is no savings clause in respect of any regulations which may have been made under the chain of repealed laws**.** Section 25 of the Act gives the Council power to make "statutes and regulations", but none have been gazetted.

***National Vocational Training Act 18 of 1994, repealed but with some provisions remaining operable

Summary: This Act (originally published in GG 933) regulated the training of apprentices and vocational trainees; established a Vocational Training Board and trade advisory committees; provided for the establishment of vocational standards and training schemes and the designation of trades; provided for the establishment of a National Trade Testing and Certification Centre; provided for the training and certification of apprentices and the registration of vocational training centres; and established a Vocational Training Fund. Parts I-VII and IX-XI were brought into force on 1 September 1996 and Part VIII on 1 January 1997 by GN 233/1996 (GG 1399).

This Act is **repealed in its entirety** by the Vocational Education and Training Act 1 of 2008 (GG 4042), which was brought into force on 2 June 2008 by GN 126/2008 (GG 4053). However, **certain portions of this Act remain operational despite the repeal**. Section 49(12) of Act 1/2008 provides that sections 17-28 inclusive of this Act remain in force as if it had not been repealed, until a date determined by the Minister by notice in the *Government Gazette*. Section 49(15) similarly provides that section 32(1)-(2) of this Act remains in force as if this Act had not been repealed, until a date determined by the Minister by notice in the *Government Gazette*. No such notices have yet been issued.

Section 49(13) of Act 1 of 2008 provides that the National Trade Testing and Certification Centre established under section 30 of this Act continues to exist and to perform its functions as if this Act had not been repealed, until a date determined by the Minister by notice in the *Government Gazette*, except that the Board of the Namibia Training Authority established by Act 1 of 2008 must perform the functions of the Vocational Training Board in respect of the National Trade Testing and Certification Centre until that date.

Repeals: The Act repeals the Apprenticeship Ordinance 12 of 1938 (OG 748) and its amendments, and RSA Proclamation R.69/1975 (RSA GG 4614) relating to the establishment of the Labour Promotion Fund, as amended by the SWA Labour Promotion Fund Amendment Act 10 of 1981 (OG 4502).

Amendments: Act 10/1996 (GG 1357) amends sections 1, 5, 14, 29 and 54.

Savings: Section 53(2) of this Act contains a broad savings clause:

> Any rule, regulation, notice or certificate made, published, served or issued or any other steps taken or any other thing done in terms of a provision of a law repealed by subsection (1) shall, in so far as it is not inconsistent with any provision, of this Act, be deemed to have been made, published, served, issued or done in terms of the corresponding or allied provision of this Act.

Trade designations made under the laws repealed by this Act survive pursuant to section 53(3) of this Act:

> Any trade designated in terms of the provisions of a law repealed by subsection (1), shall be deemed to be a trade designated in terms of the provisions of this Act.

Regulations: Post-independence regulations made in terms of section 52 of this Act are contained in GN 234/1996 (GG 1399). (Section 52 of the Act is no longer in force, but regulations made under this Act survive in terms of the Vocational Education and Training Act 1 of 2008. See the entry for that Act below.)

The 1996 regulations made under this Act repeal the regulations made under the Apprenticeship Ordinance 12 of 1938 (without citing any specific references). The other repealed law, RSA Proclamation R.69/1975 (RSA GG 4614), contains no authorisation for regulations. Thus, no regulations made under this Act or any of the laws repealed by this Act now survive.

Notices: Certain vocational standards are approved in terms of section 13(3) of this Act in GN 9/1997 (GG 1489) and GN 190/2000 (GG 2387).

Trade designations: Trade designations made under the laws repealed by this Act survive pursuant to section 53(3) of this Act (quoted above). Trades are designated in RSA GN R.2473/1973 (RSA GG 4125) (issued in terms of the Apprenticeship Ordinance 12 of 1938), as amended by GN R.2193/1974 (RSA GG 4512), GN R.2136/1976 (RSA GG 5332), GN R.1926/1977 (RSA GG 5746), GN 19/1986 (OG 5162), GN 196/1988 (OG 5644), GN 197/1988 (OG 5644), GN 35/1989 (OG 5684) and AG GN 27/1990 (OG 5917) and as further amended in terms of section 14(1)(b) of this Act by GN 10/1997 (GG 1489). Additional trades are designated in terms of the Apprenticeship Ordinance 12 of 1938 by GN 20/1986 (OG 5162), which also sets conditions for apprenticeships in these trades. *Note that the pre-independence designations and amendments to designations listed here may not be comprehensive.*

An additional trade is designated in GN 192/2000 (GG 2387), which is issued in terms of section 14(1)(a) of this Act.

Namibia Qualifications Authority Act 29 of 1996

Summary: This Act (originally published in GG 1476) establishes a Namibia Qualifications Authority (NQA) which deals with matters relating to occupational standards for any occupation, job, post or position in any career structure, as well as appropriate curriculum standards. It was brought into force on 1 June 1998 by Proc. 11/1998 (GG 1861), and the administration of the Act was assigned to the Ministry of Higher Education, Vocational Training Science and Technology, by Proc. 11/1998 (GG 1861).

Amendments: The State-owned Enterprises Governance Act 2 of 2006 (GG 3698), which was brought into force on 1 November 2006 by Proc. 13/2006 (GG 3733) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 5, 6, 10 and 11. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

The Vocational Education and Training Act 1 of 2008 (GG 4042), which was brought into force on 2 June 2008 by GN 126/2008 (GG 4053), amends sections 5 and 15.

Regulations: Regulations for the accreditation of persons, institutions or organisations are contained in GN 124/2006 (GG 3684).

Regulations setting up the National Qualifications Framework for Namibia are contained in GN 125/2006 (GG 3685).

Regulations relating to the evaluation of qualifications are contained in GN 182/2007 (GG 3914).

Notices: National Professional Standards for teachers are approved pursuant to section 3(c) in General Notice 356/2006 (GG 3739).

Specific qualifications and unit standards are registered from time to time pursuant to the National Qualifications Framework but have not been recorded here.

Accreditations of specific courses, and accreditations and expansions of scope pertaining to specific institutions, are published from time to time but have not been recorded here.

Appointments: The appointment of board members of the Namibia Qualifications Authority is announced in GN 390/2022 (GG 7966).

Namibian College of Open Learning Act 1 of 1997

Summary: This Act (originally published in GG 1570) establishes the Namibian College of Open Learning (NAMCOL) which aims to broaden access to education by providing alternatives to school-based education. It was brought into force on 25 September 1997 by Proc. 15/1997 (GG 1682).

Amendments: The State-owned Enterprises Governance Act 2 of 2006, which was brought into force on 1 November 2006 by Proc. 13/2006 (GG 3733) and later re-named the Public Enterprises Governance Act 2 of 2006, amends sections 7, 8, 14 and 20. (That statute has since been replaced by the Public Enterprises Act 1 of 2019.)

Regulations: Regulations are authorised by section 24 of the Act, but none have yet been promulgated.

Notices: The administration of the Act is assigned to the Minister of Basic Education and Culture by Proc. 15/1997 (GG 1682).

Namibia Students Financial Assistance Fund Act 26 of 2000

Summary: This Act (originally published in GG 2457) establishes a fund (NSFAF) to facilitate study and research by students at approved institutions of higher education. It was brought into force on 15 May 2002 by GN 72/2002 (GG 2738).

Amendments: Act 7/2014 (GG 5588), which is not yet in force, amends sections 1, 3, 6, 7, 9, 12, 13 and 15, substitutes sections 2, 10, 17 and 20, inserts sections 1A, 18A, 18B, 18C and 18D and deletes certain words throughout. The amending Act will be brought into force on a date set by the Minister by notice in the *Government Gazette*.

Act 1/2025 (GG 8635), which is not yet in force, amends the Act substantially.

Regulations: Regulations are contained in GN 246/2001 (GG 2664).

Notices: Institutions of higher education set out in the Schedule in respect of which students can qualify for financial assistance are listed in GN 278/2019 (GG 7009).

Appointments: Members of the Board of the Namibia Students Financial Assistance Fund are announced in GN 317/2018 (GG 6784), GN 210/2019 (GG 6965) and GN 277/2019 (GG 7009).

Cases: *Koopman v Acting Chief Executive Officer: Namibia Students Financial Assistance Fund & Others* 2023 (4) NR 1142 (SC) (sections 6(2)(a) and 9(5)(b)); *Nghiwete v Namibia Students Financial Assistance Fund* 2024 (4) NR 905 (SC) (sections 6(2)(a) and 9(5)(b)).

Teachers' Education Colleges Act 25 of 2003

Summary: This Act (originally published in GG 3124) provides for the establishment of teachers' education colleges for the education and training of students and serving teachers, in order to enable them to obtain the necessary qualifications or to better such qualifications. It was brought into force on 1 April 2005 by GN 18/2005 (GG 3386).

Repeals: The Act repeals the National Education Act 30 of 1980 (OG 4358) *in so far as it applies to teachers' education colleges*.

Amendments: The Abolition of Payment by Cheque Act 16 of 2022 (GG 7995), which was brought into force on 15 March 2023 by GN 47/2023 (GG 8050), amends section 36.

Regulations: Regulations are authorised by section 44 of the Act, but none have yet been promulgated.

Regulations pertaining to teachers' education colleges issued under the National Education Act 30 of 1980, if any, could survive in terms of section 45(3) of this Act:

> Anything done or purporting to have been done under a provision of any law repealed by subsection (1) and which can be done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

Regulations that may survive pursuant to this provision have not yet been researched.

Higher Education Act 26 of 2003

Summary: This Act (originally published in GG 3125) regulates higher education, provides for the establishment of a National Council for Higher Education, provides for the registration of private higher education institutions, provides for funding of public higher education institutions, and provides for the establishment of a panel of enquiry into the affairs of higher education. It was brought into force on 1 March 2005 by GN 17/2005 (GG 3386).

Amendments: Sections 1 and 7 are amended by the Vocational Education and Training Act 1 of 2008 (GG 4042), which was brought into force on 2 June 2008 (GN 126/2008, GG 4053).

Savings This Act does not repeal any laws, but section 47(1) provides that any institution which was established or registered under the National Education Act 30 of 1980 and maintained by virtue of the provisions of section 83 of the Education Act 16 of 2001 [which has been replaced by the Basic Education Act 3 of 2020], and which existed or was registered immediately before the commencement of this Act, is deemed a higher education institution under this Act. Accordingly, regulations pertaining to higher education issued under the National Education Act 30 of 1980 survive in terms of section 47(2) of this Act:

> Anything done or purporting to have been done under a provision of the National Education Act, 1980, before the commencement of this Act and which can be done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

Regulations: Regulations for the registration of private higher education institutions are contained in GN 160/2009 (GG 4312).

Regulations that may survive pursuant to the provision quoted in the section of this entry on savings have not yet been researched.

Notices: Notices of the registration of individual private higher education institutions have not been recorded here.

Appointments: Members of the National Council for Higher Education are announced in GN 5/2006 (GG 3573) and GN 10/2009 (GG 4210).

Vocational Education and Training Act 1 of 2008

Summary: This Act (GG 4042) regulates vocational education and training and provides for its funding. It establishes a Namibia Training Authority and a National Training Fund. It also provides for inspectors and quality system auditors. It was brought into force on 2 June 2008 by GN 126/2008 (GG 4053).

Repeals: This Act repeals the National Vocational Training Act 18 of 1994 (which has its own entry above), which in turn repealed the Apprenticeship Ordinance 12 of 1938 (OG 748) and its amendments, and RSA Proclamation R.69/1975 (RSA GG 4614) relating to the establishment of the Labour Promotion Fund, as amended by the SWA Labour Promotion Fund Amendment Act 10 of 1981 (OG 4502).

However, section 49(12) provides that **sections 17-28 inclusive** of the National Vocational Training Act 18 of 1994 *remain in force as if that Act had not been repealed*, until a date determined by the Minister by notice in the *Government Gazette*. Section 49(15) similarly provides that **section 32(1)-(2)** of the previous Act *remains in force as if that Act had not been repealed*, until a date determined by the Minister by notice in the *Government Gazette*. No such notices have yet been issued.

Note also that the National Trade Testing and Certification Centre established under section 30 of the National Vocational Training Act 18 of 1994 continues to perform its functions as if that Act had not been repealed, as well as the functions of the Vocational Training Board under the current Act, until a date determined by the Minister by notice in the *Government Gazette*. No such notice has yet been issued.

Savings: Regulations made or surviving under the previous National Vocational Training Act 18 of 1994 survive in terms of section 49(6) of this Act:

> Any regulation made, any direction, order or directive issued, any request made or any requirement prescribed and any other thing done or purported to have been done under a provision of a law repealed by section 48 and which could be made, issued, prescribed or done under a corresponding provision of this Act, is deemed to have been made, issued, prescribed or done under that provision.

Regulations made under the laws repealed by the National Vocational Training Act 18 of 1994 – the Apprenticeship Ordinance 12 of 1938 (OG 748) and RSA Proclamation R.69/1975 (RSA GG 4614) – remain in force pursuant to section 53(2) of that Act:

> Any rule, regulation, notice or certificate made, published, served or issued or any other steps taken or any other thing done in terms of a provision of a law repealed by subsection (1) shall, in so far as it is not inconsistent with any provision, of this Act, be deemed to have been made, published, served, issued or done in terms of the corresponding or allied provision of this Act.

Trade designations made under the laws repealed by the National Vocational Training Act 18 of 1994 survived pursuant to section 53(3) of that Act:

> Any trade designated in terms of the provisions of a law repealed by subsection (1), shall be deemed to be a trade designated in terms of the provisions of this Act.

Regulations: Regulations made under the current Act are as follows:

> **Regulations for Registration of Vocational Education and Training Providers** are contained in GN 300/2012 (GG 5099).
>
> **Regulations relating to Use of Vocational and Training Levies for Funding Vocational Education and Training Programmes and Projects and for Providing Technical and Financial Assistance** are contained in GN 5/2014 (GG 5395), as amended by GN 66/2021 (GG 7498).
>
> **Regulations relating to assessment and certification of Namibia Qualifications Framework Awards within Vocational Education and Training System of Namibia** are contained in GN 318/2023 (GG 8221).

Surviving regulations made under the National Vocational Training Act 18 of 1994 are as follows:

> **Regulations made under the National Vocational Training Act, 1994** are contained in GN 234/1996 (GG 1399) and remain in force.

There are no surviving regulations made under the laws repealed by the National Vocational Training Act 18 of 1994 – the Apprenticeship Ordinance 12 of 1938 (OG 748) and RSA Proclamation R.69/1975 (RSA GG 4614):

> All regulations made under the Apprenticeship Ordinance 12 of 1938 are repealed (without citing any specific references) by the regulations made under the National Vocational Training Act, 1994 contained in GN 234/1996 (GG 1399).
>
> RSA Proclamation R.69/1975 (RSA GG 4614) contained no authorisation for regulations.

Notices: Registrations of individual vocational training institutions are announced in General Notice 178/2015 (GG 5738).

Notices, registrations and other directives made under the repealed laws survive pursuant to the savings clauses quoted above.

These include the **vocational standards** approved in terms of section 13(3) of the National Vocational Training Act 18 of 1994 in GN 9/1997 (GG 1489) and GN 190/2000 (GG 2387).

Designations of trades: Trades are designated in RSA GN R.2473/1973 (RSA GG 4125) (issued in terms of the Apprenticeship Ordinance 12 of 1938), as amended by GN R.2193/1974 (RSA GG 4512), GN R.2136/1976 (RSA GG 5332), GN R.1926/1977 (RSA GG 5746), GN 19/1986 (OG 5162), GN 196/1988 (OG 5644), GN 197/1988 (OG 5644), GN 35/1989 (OG 5684) and AG GN 27/1990 (OG 5917) and as further amended in terms of section 14(1)(b) of this Act by GN 10/1997 (GG 1489). Additional trades are designated in terms of the Apprenticeship Ordinance 12 of 1938 by GN 20/1986 (OG 5162), which also sets conditions for apprenticeships in these trades. *Note that the pre-independence designations and the amendments to these designations listed here may not be comprehensive.*

An additional trade is designated in GN 192/2000 (GG 2387), which was issued in terms of section 14(1)(a) of the National Vocational Training Act 18 of 1994.

Levy: In terms of the current law, a **vocational education and training levy on employers** is imposed in terms of GN 67/2021 (GG 7498).[132] This levy is included in the database because it is of widespread interest.

Appointments: The Vocational Training Board appointed under the previous law continues to exist until the Board of the Namibia Training Authority is appointed under the Act.

Cases: *Namibia Training Authority v Nangolo-Rukoro & Another* 2016 (4) NR 992 (LC) (section 23(a)).

Namibia Institute of Public Administration and Management Act 10 of 2010

Summary: This Act (GG 4521) establishes the Namibia Institute of Public Administration and Management (NIPAM) and its Governing Council. It was brought into force on 1 October 2010 by GN 218/2010 (GG 4574).

Regulations: Regulations are authorised by section 42 of the Act, but none have yet been promulgated.

[132] An intention to impose a levy on employers was announced in GN 84/2013 (GG 5171). This levy was initially imposed by GN 6/2014 (GG 5395), which is amended by GN 248/2016 (GG 6149) and by GN 290/2018 (GG 6760). GN 67/2021 (GG 7498) repeals GN 6/2014 and its amendments.

Commentary: Dennis U Zaire, "Accountability (or the absence thereof) in the Namibian public sector: A look at legislation and policies in place", *Namibia Law Journal*, Volume 6, Issue 1, 2014, available here.

Namibia University of Science and Technology Act 7 of 2015

Summary: This Act (GG 5827) transforms the Polytechnic of Namibia into the Namibia University of Science and Technology (NUST). It was brought into force on 16 November 2015 by GN 254/2015 (GG 5876).

Repeals: The Act repeals the Polytechnic of Namibia Act 33 of 1994 (GG 991).

Regulations: There is no savings clause in respect of regulations made under the repealed Act. Section 35 of the Act gives the Council power to make "statutes and regulations", but none have been gazetted.

Notices: In terms of section 7(2)(c)(iv) of the Act, GN 67/2016 (GG 5990) designates certain institutions, associations and bodies as representing the interests of key industries or sectors in the Namibian economy.

Commentary: Law Reform and Development Commission, *Discussion Paper on the Transformation of the Polytechnic of Namibia into the Namibia University of Science and Technology*, LRDC 30, 2014.

Basic Education Act 3 of 2020

Summary: This Act (GG 7257) regulates free and compulsory basic education for both public and private schools. It sets guiding principles, norms and standards on basic education while highlighting learners' rights to education. This Act was brought into force, *with the exception of section 14,* on 5 October 2023 by GN 329/2023 (GG 8229).

Repeals: The Act repeals the Education Act 16 of 2001 (GG 2673). (It does not repeal the amendments to the Education Act – section 46 of the Higher Education Act 26 of 2003 (GG 3125) and the Education Amendment Act 14 of 2017 (GG 6501) – but they would have no independent effect without the underlying Act.)

The Education Act 16 of 2001 (GG 2673), which was brought into force on 28 October 2002 by GN 186/2002 (GG 2841) and is repealed by this Act, in turn repealed the following laws:

- Education Ordinance 27 of 1962 (OG 2413), which repealed the previous Education Proclamation 16 of 1926 (except for Chapter IX on Pensions)
- *Black Special Education Act 24 of 1964*
- *Coloured Persons in South West Africa Education Act 63 of 1972*
- *Basters of Rehoboth Education Act 85 of 1972*
- *Namas in South West Africa Education Act 86 of 1972*
- Education Ordinance 21 of 1975 (OG 3499), brought into force on 1 January 1976 by AG Proc. 1/1976 (OG 3509) which repealed the Education Ordinance 27 of 1962 "insofar as it related to whites" and which contains a savings clause in section 108(2) for "any regulation, determination, instruction, notice, direction, command or exemption" made under a repealed law that is not inconsistent with the Ordinance
- Mentally Retarded Coloured, Baster and Nama Children's Training Proclamation, AG 76 of 1978 (OG 3859)
- National Education Act 30 of 1980 (OG 4358), brought into force on 1 April 1981 by AG Proc. 6/1981 (OG 4430) insofar as it applies to schools and education other than tertiary education.

Savings: Section 127(6) of the current Act states:

> Unless otherwise provided in this Act, anything done under any law repealed by this Act, and which could have been done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

Section 127 also contains deeming provisions for the creation of various institutions established under the previous Act.

Section 81(5) of the repealed Education Act 16 of 2001 also contained a broad savings provision:

> Unless otherwise provided in this Act, anything done under any law repealed by this Act, and which could have been done under a corresponding provision of this Act, is deemed to have been done under that corresponding provision.

Section 118(2) of the repealed Education Ordinance 27 of 1962 contained a savings clause for regulations made under the laws it repeals:

> Any regulation which, on the date of commencement of this Ordinance is in operation in terms of any law which is repealed by this Ordinance shall continue to be in operation in so far as it is not repugnant to or inconsistent with the provisions of this Ordinance and may at .any time be repealed or amended in terms of this Ordinance.

Regulations: The following regulations have been made under the current Act:

> **Basic Education Regulations** are contained in GN 331/2023 (GG 8229), which repeals Parts I to VI of the regulations contained in GN 187/2002 (GG 2841), and repeals GN 15/2004 (GG 3144), which added Part VII to the 2002 regulations. Thus, the cumulative effect of these repeals appears to be the repeal of the previous set of regulations in its entirety.
>
> > **Note:** Part VII of these repealed regulations contained a Code of Conduct for the Teaching Service. Section 111 of the current Act requires the Minister to prescribe a code of conduct for the Teaching Service which determines the professional conduct for teachers and the procedure to be followed in case of misconduct; that Code was issued by notice in March 2025, as indicated below.

Research into pre-independence regulations that may survive pursuant to the chain of savings clauses has not yet been completed.

Notices: General Rules of Conduct for Learners are issued in terms of the current Act in GN 330/2023 (GG 8229), which repeals the General Rules of Conduct for Learners at State Schools contained in GN 189/2002 (GG 2841).

A Code of Conduct for the Teaching Service is issued in terms of the current Act in GN 38/2025 (GG 8594).

The following notices made under the Education Act 16 of 2001 appear to survive in terms of section 127 of the current Act:

> Categories of State-Aided Private Schools in respect of section 49 of the Education Act 16 of 2001 are set out in GN 188/2002 (GG 2841).
>
> Minimum requirements and standards pertaining to the Namibia Senior Secondary Certificate are contained in GN 228/2009 (GG 4383).
>
> Certain institutions are registered as private higher education institutions in GN 116/2016 (GG 6024), which is amended by GN 176/2018 (GG 6680).
>
> Rules relating to the minimum requirements and minimum standards for National Examinations for Junior Secondary Certificate (Grade 10) and National Senior Secondary Certificate (Grade 12) are contained in GN 143/2016 (GG 6053).

Cases: Cases decided with reference to the Education Act 16 of 2001 are as follows -

U v Minister of Education, Sports and Culture & Another 2006 (1) NR 168 (HC) (award of damages in respect of corporal punishment in violation of section 56(1) of Act; statute is not explicitly mentioned in case)

Elio & Another v Permanent Secretary of Education & Another 2008 (2) NR 532 (LC) (sections 16-17; employment of principal)

Dixon v Government of the Republic of Namibia (Ministry of Education) & Another 2011(1) NR 111 (HC) (section 79)

S v Van Zyl & Others 2016 (4) NR 1000 (HC) (section 56: "…in addition to being applicable to public schools the provisions of s 56(1) are also applicable to private schools"; "The effect of s 56 is that no amount of consent either from the parents or from the learner himself can nullify or invalidate the prohibition contained in s 56(1).").

COMMISSIONS

Commission on Higher Education, Proc. 1/1991.
See also GN 5/1991 (GG 144).

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See also **ARCHIVES**.

See also Namibia Qualifications Authority Act 29 of 1996 (curriculum standards and training programmes for achieving occupational standards) (**EDUCATION**).

See also Control of Sites (Churches, Schools and Missions) Proclamation 31 of 1932 (**LAND AND HOUSING**).

See also **LIBRARIES**.

See also Research, Science and Technology Act 23 of 2004 (which has a broad definition of research) (**SCIENCE AND SCIENTIFIC RESEARCH**).