



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Education Act 16 of 2001

section 81(5)

General Regulations

Government Notice 140 of 1964

(OG 2582)

came into force on date of publication: 30 September 1964

The General Regulations were originally made in terms of section 15 of the Education Ordinance 27 of 1962, which was repealed by section 83 of the Education Act 16 of 2001. Pursuant to section 81(5) of the Education Act 16 of 2001, the General Regulations are deemed to have been made under that Act.

ARRANGEMENT OF REGULATIONS

[Most of the individual regulations have no headings.]

Definitions

1. Any expression to which a meaning has been assigned in the ordinance has that meaning wherever it occurs in these regulations and, unless the context indicates otherwise -

“advisory board” means a board referred to in section *fifteen* of the Education Ordinance;

“institution for special education” means a special school with or without a hostel attached to it for deviate children, but does not include an opportunity class attached to an ordinary school.

2. (1) An advisory board shall consist of seven members appointed by the Administrator on the Director’s recommendation.

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(2) When constituting an advisory board the Administrator may take into account the nominations by societies and bodies interested in special education.

(3) The Administrator may determine that any two or more institutions for special education within any magisterial district shall have separate advisory boards, or he may determine that a joint advisory board shall be appointed.

3. (1) An advisory board member shall hold office for a term of not more than three years: Provided that if any society or body referred to in sub-regulation (2) of regulation *two* nominates a representative for a term of less than three years, the representative's term of office shall not exceed the shorter term.

(2) Any person whose term of office as advisory board member has expired, may be re-appointed as a member.

4. (1) The members of an advisory board shall at its first meeting, and thereafter when it becomes necessary, elect a chairman and a vice-chairman from their midst to serve for a period of office of one year, if the term does not expire at a later date than the term for which they have been appointed as members of the advisory board.

(2) If a chairman or vice-chairman vacates his office another chairman or vice-chairman, as the case may be, shall be elected subject to the provisions of sub-regulation (1).

5. (1) The members of an advisory board shall, at its first meeting and thereafter when it becomes necessary, elect a secretary for such term of office as they may determine subject to the provisions of sub-regulation (2) of regulation *two*.

(2) The secretary shall do the advisory board's secretarial and administrative work and keep minutes of the proceedings at meetings and shall, at the Department's request, provide it with a copy of the minutes of any meeting.

6. (1) An advisory board shall hold its meetings on the dates and at the times and places determined by it from time to time: Provided that an ordinary meeting shall be held at least once in every school quarter.

(2) The chairman, or, if he is not available, the vice-chairman, may of his own accord or at the request of the Department convene an extraordinary meeting at any time.

(3) The chairman or, if he is not available, the vice-chairman, shall convene an extraordinary meeting if so requested by at least three members of the advisory board.

7. Not less than four members of an advisory board shall form a quorum.

8. (1) The chairman of an advisory board shall preside at any meeting; if he is absent, the vice-chairman shall preside, and if neither the chairman nor the vice-chairman is present, the members present, if they form a quorum, shall elect any person from their midst to preside, and the member so elected shall at that meeting have all the powers and privileges of a chairman.

(2) At any meeting the advisory board shall deal with matters of which previous notice has been given and matters raised by any member with the meeting's approval.

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(3) Any decision of the advisory board shall be taken by means of a resolution by a majority of the members present and voting thereon.

(4) Every member present shall have one vote and in the event of an equality of votes the chairman shall have a decisive vote as well as his deliberative vote.

(5) The chairman shall, subject to the provisions of these regulations, decide on any point of order or procedure: Provided that if any member objects to any such decision such point shall be brought to the vote without any discussion and the decision of the meeting shall be final.

(6) The principal or, subject to the provisions of subregulation (3) of regulation *two*, the principals of institutions for special education shall attend every meeting of the relative advisory board but shall not have the right to vote thereat and any such principal or principals shall leave any such meeting if the advisory board so decides.

(7) An advisory board may require the attendance of any staff member of the relative institution or institutions in connection with any matter falling within the duties prescribed for an advisory board and any such staff member shall attend any such meeting when requested to do so.

9. An advisory board may grant leave to any member to be absent from meetings during such period as may be determined by the advisory board.

10. A member of an advisory board vacates his office if -

- (a) he resigns in writing;
- (b) he is absent from three consecutive meetings without leave granted under regulation *nine*;
- (c) his appointment is withdrawn by the Administrator; or
- (d) he accepts a post at the institution or institutions served by such advisory board.

11. If the seat of any member of an advisory board becomes vacant before the expiry of the period for which he was appointed, the Administrator may appoint any person to fill the vacancy for the unexpired portion of the period for which that member was appointed.

12. (1) An advisory board shall advise the Director on educational and other matters in general, particularly in connection with the welfare of pupils and staff of the institution for which it was appointed.

(2) An advisory board may advise the Director on and make recommendations to him in regard to -

- (a) policy and planning in respect of special education provided at the institution or institutions;
- (b) the planning, erection and use of buildings; and
- (c) any matter referred to the advisory board by the Director.

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(3) An advisory board shall consider the reports of the principal or principals and departmental inspection reports submitted to it and shall supervise the income and expenditure from funds controlled by the institution or institutions themselves and shall make recommendations to the Department on matters arising therefrom.

(4) An advisory board may from time to time appoint one or more of its members to visit the institution or institutions in order to report personally on the interests of such institution or institutions, the pupils or the staff: Provided that such reports shall be included in the minutes of the next ensuing meeting of the advisory board.

13. No member of any advisory board shall receive any compensation either direct or indirect, monetary or otherwise, for or in connection with his services as such a member, except in so far as he is compensated for expenses incurred necessarily and with the approval of the Department.

Interpretation of Regulations

14. If there should be any doubt as to the interpretation of the provisions of these regulations, the Director shall decide thereon and such decision shall be final.

Deviation in Time of War or National Emergency

15. If a state of war or national emergency arises the Administrator may approve a deviation from the provisions of these regulations.

16. These regulations shall come into force on the 30th day of September, 1964.