



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS SURVIVING IN TERMS OF

**Education Act 16 of 2001**  
section 81(5)

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**Regulations on School Committees for White Schools**

Government Notice 65 of 1964

(OG 2546)

came into force on 15 December 1963

The Regulations relating to School Committees for White Schools were originally made in terms of section 117 of the Education Ordinance 27 of 1962, which was repealed by section 83 of the Education Act 16 of 2001.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 Regulations relating to School Committees for White Schools are deemed to have been made under that Act.

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**ARRANGEMENT OF REGULATIONS**

[Most of the individual regulations have no headings.]

**SCHEDULE A**  
REGULATIONS REPEALED

**SCHEDULE B**  
NOTICE OF MEETING OF PARENTS TO ELECT A SCHOOL COMMITTEE

**SCHEDULE C**  
ELECTION OF SCHOOL COMMITTEE

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**Definitions**

**REGULATIONS**  
**Education Act 16 of 2001****Regulations on School Committees for White Schools**

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

“principal” means the principal teacher of the school concerned;

“returning officer” means the returning officer mentioned in regulation *three*;

“ordinance” means the Education Ordinance, 1962;

“parent” means any person entitled to vote at the election of members of a school committee under subsection (5) of section *ten* of the ordinance;

“presiding officer” means a presiding officer mentioned in regulation *four*;

“school” means a school mentioned in regulation *two*;

“school committee” means a school committee mentioned in regulation *two*;

“voting paper” means a voting paper mentioned in regulation *nine*;

“meeting of parents” means a meeting of parents mentioned in subregulation (1) of regulation *six*;

“election” means an election mentioned in regulation *five*.

**Commencement and application of regulations**

2. These regulations shall come into force on the 15th December, 1963 and shall apply in respect of every school for which a school committee is required to be established under section *ten* of the ordinance and for which such a school committee has been established.

3. For the purpose of establishing a school committee under these regulations, the Director shall nominate an officer of the Department to act as returning officer.

4. (1) For the establishment of a school committee the principal shall act as presiding officer.

(2) If because of circumstances beyond his control the principal is unable to act as presiding officer he shall inform the returning officer or cause such returning officer to be informed of this fact and the returning officer shall then nominate another teacher or person as presiding officer.

5. With due observance of the provisions of subsections (8), (9) and (10) of section *ten* and subsection (2) of section *eleven* of the ordinance the returning officer shall (where necessary in consultation with the presiding officer) fix the day, time and place for the election of a school committee: Provided that if for any reason the election cannot or does not take place on the day so fixed, the presiding officer may in consultation with the returning officer fix another day and, if necessary, another time and place for the holding of such election as contemplated herein.

6. (1) For the purpose of electing such members of a school committee as are required to be elected a meeting of parents shall in the manner hereinafter provided be convened for the day, time and place fixed for the election.

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(2) The returning officer shall furnish the principal with copies, sufficient for distribution to parents, of a notice of a meeting of parents in a form corresponding substantially with that prescribed in Schedule B to these regulations. Where possible such copies of the notice shall be furnished at least four weeks before the day of such meeting.

(3) The returning officer shall also ensure that an adequate supply of nomination forms, as prescribed in Schedule C, is available to the presiding officer at such meeting of parents.

(4) The principal shall transmit copies of the notice referred to in subregulation (2) to every parent so as to reach every such parent before the day fixed for the meeting of parents. Where possible such copies of the notice shall be so transmitted at least two weeks before the day fixed for the meeting of parents.

**7.** (1) On the day, time and place fixed for the meeting of parents the presiding officer shall, in respect of the school committee to be elected -

- (a) draw the attention of the parents to the provisions of subsections (3), (5) and (8) of section *ten* of the ordinance and regulation *seventeen*;
- (b) declare the number of members to be elected to the school committee; and
- (c) call for the submission to him of nomination forms as provided for in subregulation (2)

(2) Every candidate nominated for a school committee shall be proposed by a parent and shall be seconded by two other parents and if such candidate accepts nomination he and his proposer and seconders shall sign a nomination form as prescribed in Schedule C: Provided that the presiding officer may accept the nomination of a candidate whom he has reason to believe -

- (a) is prevented by circumstances from signing such nomination form; and
- (b) is qualified for election as a member and would be willing to serve as a member if elected.

(3) When the presiding officer is satisfied that all nominations of candidates for election as members of a school committee have been received and have been duly completed he shall declare at the meeting of parents that the nominations are closed and announce to such meeting the names of such candidates.

**8.** If after the close of nominations -

- (a) the number of candidates is smaller than the number of members to be elected, the presiding officer shall forthwith declare every such candidate to be a duly elected member of the school committee and notify the returning officer of the result of the election so that the Administrator may under paragraph (a) of subsection (6) of section *ten* of the ordinance appoint a sufficient number of qualified members to complete the school committee;
- (b) the number of candidates is equal to the number of members to be elected, the presiding officer shall forthwith declare every such candidate to be a duly elected member of the school committee; and

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- (c) more candidates than the number of members to be elected have been nominated, a poll shall be taken in accordance with the provisions of regulation *nine*.

**9.** (1) A poll shall be taken by means of voting papers issued by the presiding officer to the parents present after the close of nominations and bearing such distinctive marks as he may decide and every parent shall be required to write thereon the names of the candidates for whom he wishes to record his vote: Provided that a parent shall only have as many votes as there are members to be elected and only one vote in respect of any particular candidate.

(2) Any such voting paper which does not comply with the provisions of subregulation (1) shall be rejected by the presiding officer and placed in a separate envelope set aside for the purpose.

(3) Any such voting paper may at the request of the parent concerned be re-issued by the presiding officer when he is satisfied that a voting paper issued by him has inadvertently been spoiled and such spoiled voting paper shall be destroyed in his presence: Provided that the provisions of this subregulation shall not apply in respect of a voting paper which has already been handed to the presiding officer or after the counting of the votes has begun.

(4) Upon ascertaining the result of the poll the presiding officer shall declare to be elected as members of the school committee those candidates who received the highest number of votes in respect of the vacancies to be filled: Provided that if through an equality of votes any poll cannot be determined, the presiding officer shall by lot determine which candidate or candidates are to be declared duly elected.

**10.** (1) As soon as possible after the date on which a school committee has been constituted by election or election and appointment as provided in the foregoing regulations, the presiding officer shall submit to the returning officer a report on the meeting of parents of which he was the presiding officer and in the event of an election having taken place submit to the returning officer a sealed packet containing all voting papers, whether accepted or rejected.

(2) The presiding officer shall make a copy of the names and addresses of the members of the school committee elected and if the presiding officer is not the principal, he shall as soon as possible hand such names and addresses over to the principal.

(3) The principal shall -

- (a) if the school committee is constituted under paragraph (a) of regulation *eight*, on receipt of the names of the members appointed by the Administrator take the necessary steps to convene a first meeting of the new school committee;
- (b) if the school committee has been constituted under paragraphs (b) and (c) of regulation *eight*, take the necessary steps to convene a first meeting of the new school committee: Provided that where there is an existing school committee whose period of office has not expired the first meeting of the new school committee shall not be convened for a day before such period has expired.

(4) The returning officer shall -

- (a) ensure that, in respect of each school committee, a register of the names of the members and office bearers mentioned in regulation *twelve* is kept in the Department;

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- (b) keep every packet referred to in subregulation (1) in a safe place and intact until the expiry of a period of three months from the date of the declaration of the poll when such packet and its contents shall be destroyed: Provided that the Director may at any time before such packet and its contents have been destroyed call for its production to him for the purpose of investigating any matter concerning the election to which such packet and its contents relate.

**11.** A quorum of a school committee shall consist of -

- (a) two members if its membership is three;
- (b) three members if its membership is five; and
- (c) four members if its membership is more than five

and no business shall be transacted at any meeting of a school committee unless such quorum is present.

**12.** (1) A school committee shall at its first meeting to be convened by the principal -

- (a) elect one of its members to be chairman of such committee and another to be vice-chairman thereof;
- (b) appoint some person, other than a teacher or officer of the Department, but not necessarily a member of such committee, as secretary thereof,

and shall inform the board of the names of such chairman, vice-chairman and secretary.

(2) Both the chairman and the vice-chairman shall, subject the provisions of subregulation (6) and (7), remain in office for a period of twelve months from the date of their election and shall thereafter be eligible for re-election.

(3) If the chairman is absent from any meeting of a school committee the vice-chairman shall preside and if both the chairman and the vice-chairman are absent, the members present shall elect one of their number to preside at such meeting as acting chairman.

(4) The powers and duties of the chairman shall in his absence be exercised by the vice-chairman or, if he is also absent, by the acting chairman.

(5) The chairman shall have a deliberative as well as, a casting vote.

(6) The chairman or vice-chairman may, during his term of office, resign as chairman or vice-chairman by giving written notice thereof to the secretary of the school committee concerned.

(7) In the event of a resignation under subregulation (6) or if the office of chairman or vice-chairman becomes vacant in any way, the school committee shall at its first meeting after such vacancy has occurred elect one of its members to fill the vacancy for the unexpired period of his predecessor.

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**13.** (1) Minutes of every meeting of a school committee shall be kept by the secretary thereof who shall on request furnish the Department with a copy of the minutes of any meeting specified by the Department.

(2) The minutes of every meeting shall be submitted to the school committee at its next ensuing meeting for confirmation.

(3) The minutes of the school committee shall be open for inspection by any member of such committee and the principal of the school concerned at all reasonable times.

**14.** (1) The principal shall attend every meeting of the school committee of his school but shall not have the right to vote thereat and such principal shall retire from any such meeting if the school committee so decides.

(2) A school committee may require the attendance of a member of the school staff concerned in connection with any matter which falls within the duties prescribed for school committees and such member shall, when so required, attend such meeting.

**15.** (1) When a member of a school committee -

- (a) ceases to qualify under subsection (3) of section *ten* of the ordinance to remain a member of a school committee; or
- (b) absents himself without leave from three consecutive meetings of any such committee;

he shall cease to be a member of any such committee.

(2) When a vacancy occurs in the membership of a school committee as mentioned in subregulation (1) or if a member dies or resigns the chairman shall at the first meeting of such committee held after the date on which such vacancy has occurred, declare that such vacancy has occurred and state the reason therefor, and at such meeting or any subsequent meeting the remaining members thereof shall, when called upon to do so by the chairman, elect a qualified person to fill such vacancy: Provided that if such vacancy is in respect of a member appointed by the Administrator to represent a minority group, the secretary of the school committee shall request the Department to arrange for the appointment of a person to fill such vacancy.

(3) If the number of such vacancies as are mentioned in subregulation (2) is at any time such that the remaining members do not constitute a quorum as provided for in regulation *eleven* such school committee shall cease to exist and a new school committee shall be constituted as herein provided.

(4) Any member elected or appointed under subregulation (2) shall hold office for the remainder of the period of office of the school committee concerned.

(5) The chairman of a school committee shall, immediately after a vacancy has been filled as provided for in these regulations, inform the Department of the name of the member whose office has become vacant and the name and address of the member who has been elected or appointed to fill such vacancy.

**16.** (1) The Administrator may at any time within a period of three months from the date of any election under these regulations set aside such election if he is satisfied that there has been any irregularity in the conduct of such election.

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(2) Where an election has been set aside under subregulation (1) steps shall be taken afresh to fill the resultant vacancy.

(3) Notwithstanding the setting aside of any election under subregulation (1) all acts performed by the school committee concerned before such setting aside shall be deemed to have been validly performed.

**17.** Any person who -

(a) votes for a candidate for membership of a school committee; or

(b) takes part in the nomination of a candidate for membership of a school committee;

knowing that he is not qualified to do so, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty rand or, in default of payment, to imprisonment not exceeding one month.

**Interpretation of the regulations**

**18.** If there should be any doubt as to the interpretation of the provisions of these regulations the Director shall decide thereon and his decision shall be final.

**Deviations in time of war or national emergency**

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

**SCHEDULE A  
REGULATIONS REPEALED**

<i>Number and date of Government Notice.</i>	<i>Extent of repeal.</i>
159 of 19th November, 1921	Regulations 1-24 (inclusive)
130 of 20th November, 1923	Regulations 1-2 (inclusive)
43 of 14th March, 1928	The whole.

**SCHEDULE B  
(REGULATION 6)**

**NOTICE OF MEETING OF PARENTS TO ELECT A SCHOOL COMMITTEE**

Notice is hereby given that a meeting of parents \* of children attending the .....  
School will be held at that school on ..... (day) of ..... (month  
and year) at ..... (time) to elect ..... members of the school committee.

Nomination forms for the nomination of candidates qualified in terms of subsection (3) of section *ten* of the Education Ordinance, 1962, to be members of a school committee are obtainable from the principal of the school or from the presiding officer on the day of the meeting.

.....  
Returning Officer.

Place: .....

Date: .....

\*A "parent" shall mean a parent of a child enrolled at a school who is entitled under subsection (5) of

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section *ten* of the Education Ordinance, 1962, to vote at an election of members of a school committee and that subsection provides as follows -

“Every father and mother whose names appear in the admission register of a school and who is or are the parent or parents of one or more children enrolled at such school at the time of the election of members of a school committee for such school shall be entitled to vote at such election, but where any person other than the father or the mother has the guardianship of any such child or children only such person or his spouse or both shall be entitled to vote at such election: Provided that a person shall only have as many votes as there are members to be elected and only one vote in respect of any particular candidate.”

**SCHEDULE C  
(REGULATIONS 6 and 7)  
ELECTION OF SCHOOL COMMITTEE  
NOMINATION FORM**

(A) I (full name) .....  
of (address) .....  
being a parent of a child/children attending the .....  
School hereby nominate (full name) .....  
of (address) .....  
as a candidate for membership of the school committee for the said school.

.....  
Proposer.

Place: .....

Date: .....

(B) We (1) (full name) .....  
of (address) .....  
(2) (full name) .....  
of (address) .....  
being parents of children attending the .....  
School, second the above nomination.

(1) .....

(2) .....

Seconders.

Place: .....

Date: .....

(C) I (full name) .....  
of (address) .....  
hereby declare -

(1) that I accept the above nomination; and

(2) that I am to the best of my knowledge and belief qualified under subsection (3) of section *ten* of the Education Ordinance, 1962, to be elected as a member of the school committee \* for the ..... School.

.....  
Candidate

Place: .....

Date: .....

OR

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- (D) I (full name) .....  
being the presiding officer at the meeting of parents at which the above nomination form was received, hereby declare that I have reason to believe that -
- (a) the candidate nominated is prevented by circumstances from signing such nomination form; and
  - (b) such candidate is qualified for election as a member and will be willing to serve as a member, if elected.

.....  
Presiding Officer.

Place: .....

Date: .....

\* Subsection (3) of section *ten* reads as follows:

- “(3) The following persons shall not be qualified to be elected or appointed as members of any school committee, or, if members of any school committee, of continuing to be members -
- “(a) any person who has at any time been convicted of any offence for which he has been sentenced to imprisonment without the option of a fine unless he has received a grant of free pardon or unless such imprisonment has expired at least five years before the date of his election or appointment;
  - (b) any person who is not a South African citizen, unless he is a parent who is qualified to vote in terms of subsection (5);
  - (c) any person who is of unsound mind and has been so declared by a competent court or judicial officer;
  - (d) any person who is an unrehabilitated insolvent;
  - (e) any person in the service of the Department or any person in the service of or attached to any educational institution under the control of the Department;
  - (f) any person employed at or having any financial interest in a private school or any institution accessory thereto or connected therewith;
  - (g) any person under the age of twenty-one years.”

[The regulations above are reproduced as per *Official gazette* with inconsistent use of punctuation]