



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Education Act 16 of 2001
section 81(5)

Regulations on the Registration of Native Schools

Government Notice 57 of 1964

(OG 2546)

came into force on 15 December 1963

The Regulations relating to the Registration of Native Schools were originally made in terms of section 117 of the Education Ordinance 27 of 1962, which was repealed by section 83 of the Education Act 16 of 2001.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

ARRANGEMENT OF REGULATIONS

[The individual regulations have no headings]

ANNEXURE A

DEPARTMENT OF EDUCATION

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ANNEXURE C

DEPARTMENT OF EDUCATION

Definitions

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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 -

“owner” means any person or corporate body establishing, carrying on or maintaining any native school registered in terms of these regulations;

“Native school” means any school, class or institution for the education of Native children or persons or for the instruction and training of Native persons who wish to become teachers or to improve their qualifications as teachers, but shall exclude a state Native school.

Introduction

2. (1) For the purpose of registration native schools shall be classified as follows -

- (a) Community schools - Schools established, maintained or controlled by a regional, local or domestic council, board or other native body.
- (b) Hospital schools - Schools established, maintained or controlled by a hospital or convalescent institution for the purpose of providing primary education to Native children of school-going age who have been admitted to such hospital or convalescent institution and are undergoing medical treatment for at least three months in isolation.
- (c) Mine and factory schools - Schools established, maintained or controlled by the owner of a mine or factory for the education of the children of *bona fide* Native employees of the mine or factory: Provided that the Department may, subject to the provisions of paragraph (b) of regulation *three*, on application by an owner of a school, approve that children of other Native persons may attend such school.
- (d) Farm schools - Schools established and maintained by the owner or occupier of a farm and controlled by the owner, occupier or a manager for the education of the children of *bona fide* Native employees living on the farm: Provided that the Department may, subject to the provisions of paragraph (b) of regulation *three* on application by an owner of a school approve that children of other Native persons may attend such school.
- (e) Private schools - Schools established, maintained or controlled by any person without any aid from the State.
- (f) Mission schools - Schools established, controlled and maintained by a mission body or church and recognised as a state-aided mission school.
- (g) Scheduled schools - Schools which for any reason cannot be classified under the types of schools mentioned in paragraphs (a), (b), (c), (d), (e) and (f) and which are established maintained or controlled by any person.

(2) If the classification qualifications as set out in subregulation (1) in respect of a registered school should for any reason change so that such school qualifies for another classification than that in which it is classified on registration, the Administrator may amend the classification of such school.

(3) Native schools mentioned in subregulation (1) of this regulation shall, on registration, be classified by the Department in one of the following classes -

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- (a) Lower primary schools - Schools covering the syllabuses for only substandards A and B and standards I and II.
 - (b) Higher primary schools - Schools covering the syllabuses for only standards III to VI.
 - (c) Combined higher and lower primary schools - Schools which can cover the syllabuses up to and including standard VI.
 - (d) Secondary schools - Schools with classes above standard VI.
 - (e) Practising schools - Schools attached to training schools, which can cover the Department's syllabuses up to and including standard VI and which provide practice facilities to teacher students.
 - (f) Teacher training schools - Schools with classes above the standard VI level where students are trained as teachers and where they can qualify for giving instruction in Native schools.
 - (g) Trade schools - Schools providing for the training of artisans.
 - (h) Technical schools - Secondary schools providing for one or more technical courses including commercial courses.
- (4) The Director may, on application by the owner, change the status of a registered school.

Requirements for registration

3. The registration of a Native school shall not be considered -
- (a) unless the Administrator is satisfied that there is a real need for the establishment of a school in the area concerned;
 - (b) unless the presence of Natives in the area in which such school is situated and in the area from which pupils will be drawn, is not contrary to other regulations and provisions;
 - (c) if it is situated on a farm of the owner thereof who is a white unless farming is the main activity on that farm.

Exemption from registration

4. Any class, school or institution established, continued or maintained by a church or mission Society recognised by the Government for the sole purpose of training persons as ministers or evangelists, or any Sunday school giving religious instruction shall be considered as duly registered for purposes of the ordinance and of these regulations.

Application for registration

5. Every owner of a Native school established before the date of promulgation of these regulations and still in existence on that date, shall, within three months from the said date

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make written application on the prescribed form for registration with the Department of such school: Provided that -

- (a) any Native school which before the promulgation of these regulations receive state aid in the form of a salary or allowance for a teacher shall be deemed to be duly registered for the purposes of the ordinance and of these regulations;
- (b) any Native school which has been registered or is deemed to be registered as provided in paragraph (a) of this regulation and which ceases to receive state aid shall be deemed to be no longer registered under the ordinance and these regulations, and the owner shall either close the school or within one month after receipt of the notice that the payment of state aid is being discontinued, apply for the registration of such Native school; and
- (c) any Native school recognised by the Administrator as a Native community or state-aided school for the purpose of financial aid shall be deemed to be properly registered for the purposes of the ordinance and of these regulations.

6. (1) Any person or corporate body intending to establish a Native school after the promulgation of these regulations shall apply for the registration of such school substantially in the form of annexure A in the case of farm, mine, factory and hospital schools, and of annexure B in the case of all other schools.

(2) The application form properly completed shall be submitted to the inspector of Native education for the area in which the proposed school will be situated and the inspector concerned shall deal with it as determined by the Department.

Registration

7. (1) When an application for registration of a Native school has been approved by the Administrator, the Director shall cause the following particulars in respect of each such school to be recorded in a register and issue to the applicant a registration certificate substantially in the form of annexure C -

- (a) number of registration certificate issued;
- (b) date of issue;
- (c) name of school;
- (d) address of school;
- (e) magisterial district; and
- (f) name of owner.

(2) In the case of the cancellation of the registration of a school under subsection (3) of section *one hundred and five* of the ordinance or if a school permanently ceases to exist the registration certificate shall within 30 days from the date of cancellation or from the date on which the school permanently ceases to exist be surrendered to the Director.

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(3) An owner to whom a registration certificate has been issued under these regulations, shall not transfer such certificate to any other person or body or change the location of such school without the approval of the Administrator.

8. It shall be the duty of the owner of a Native school to keep or cause to be kept -

(a) a register of the teachers at the school, stating their names, qualifications and previous experience in state Native schools, Native community, schools or state-aided schools, and

[The comma before the word "and" above should be a semicolon, reproduced as it appears in the *Official Gazette*.]

(b) a register of the pupils and report on their daily school attendance.

9. Every owner and every principal of any Native school shall -

(a) allow any inspector, sub-inspector or supervisor of Native schools, or any officer authorised thereto by the Director, to enter such school at any time in order to inspect the registers, the work and progress of the pupils or any aspect of the school work, including hostel institutions if any; and

(b) give to the Director such information as he may require from time to time.

10. Any owner or principal of a Native school who fails to comply with the requirements or who otherwise contravenes any provision of these regulations shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred rand or, in default of payment, to imprisonment for a period not exceeding six months.

Interpretation of the regulations

11. 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.

Deviations in time of war or national emergency

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

Commencement of regulations

13. These regulations shall come into force on the 15th December, 1963.

ANNEXURE A
DEPARTMENT OF EDUCATION

APPLICATION FOR REGISTRATION OF A PROPOSED FARM, MINE, FACTORY OR HOSPITAL SCHOOL FOR NATIVE PUPILS.

(UNDER SECTION 105(1)(a) OF THE EDUCATION ORDINANCE, 1962 (27 OF 1962)).

N.B. - Attention is drawn to the fact that the Education Ordinance, 1962 (27 of 1962) defines "Native school" as any school, class, college or institution for the education of Native children or persons or for the instruction and training of Native persons who wish to become teachers or to improve their qualifications as teachers.

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1. Name and address of proposed farm, mine, factory, hospital school:
2. Magisterial district in which school is situated:
3. Name of owner of school:
4. Address of owner of school:
5. Name of nearest Native school and distance from such school (attach sketch as required in par. 12):
6. Name and address of manager of the school:
7. (a) Who owns the land on which the school is to be built?
- (b) In the case of a farm school, state name and extent of farm:
- (c) In the case of a mine or factory school it must be stated whether the plans of the proposed school building have been approved by the Department of Education:
8. State whether school will be situated in a municipal area, Native reserve or on private land:
9. (a) State for how many pupils provision will be made:
- (b) Give number of pupils, being children of *bona fide* employees of applicant:
- (c) Give number of pupils, being children of *bona fide* employees from neighbouring farms:
- (d) Number of pupils being children of squatters:
- (e) Other pupils (give particulars):
10. (a) Is applicant asking for permission to admit pupils mentioned under -
 9. (c) (Answer yes or no)
 9. (d) (Answer yes or no)
 9. (e) (Answer yes or no)
 (b) If so, has written permission been received from employers of pupils for whom admission is asked under 10(a) above (Answer yes or no).
 If "yes" attach written permission.
 If "no" give reasons why it is not attached
11. (a) Does applicant intend applying for a subsidy?
- (b) How many teachers will be necessary?
- (c) How many class rooms will be provided?
- (d) For which classes will provision be made:
 (Specify standards in which instruction will be given):
- (e) State whether departmental syllabuses will be followed: If not, give subjects:
- (f) What will be the minimum and maximum ages for admission:

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(g) State which Native language will be used as medium of instruction:

- 12. *Plans:* This application must be accompanied by a sketch plan or sketch plans of the proposed school, school grounds and hostels (if any) indicating the dimensions and positions of the rooms, buildings and outbuildings. A description must be added stating the materials to be used for the walls (brick, stone, etc.) and for the roof and the total window area in each room must also be given.

I,

(Name in block letters)

the undersigned, being the owner/duly authorised agent of the owner of the above-named Native school, hereby apply to the Director of Education for the registration of this school under Government Notice 57 of 1964 and I declare hereby that the particulars given above are true and correct.

Date:

Place: Signature of applicant.

.....
Capacity in which application is made, i.e. as owner/lessee/manager

13. *Recommendation of circuit inspector:*

I hereby declare that the information given in the form above, is as far as I have been able to ascertain, correct.

*The application for registration is recommended/not recommended on the following grounds:
.....
.....
.....

Date:

Place: Signature of circuit inspector.

.....
Signature of Director.

* Delete whichever is not applicable.

ANNEXURE B
DEPARTMENT OF EDUCATION

Applicable for registration of a proposed school other than a farm, mine, factory or hospital school for Native pupils or persons.

(Under section *one hundred and five* (1)(a) of the Education Ordinance, 1962 (27 of 1962).

N.B. - Attention is drawn to the fact that the Education Ordinance, 1962 (27 of 1962) defines "Native school" as any school, class, college or institution for the education of Native children or persons or for the instruction and training of Native persons who wish to become teachers or to improve their qualifications as teachers.

- 1. Name of proposed school:
- 2. Postal address of school:
- 3. Magisterial district/school board district in which school is situated:
- 4. Name of school's owner/school board:
- 5. Name of nearest Native school and its distance from such school (attach sketch plan as required in par. 10)

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- 6. Will the school be managed on behalf of a religious organisation or any other body? If so, give the name and address of the organisation or body concerned:
- 7. Who owns the land on which the school is to be built?
- 8. (1) Will the school be situated -
 - (a) (i) in a proclaimed Native residential area under the control of an urban local authority?
 - (ii) within an area under the control of an urban local authority (but not in a proclaimed residential area)?
 - (b) (i) in a Native reserve?
 - (ii) on tribal land?
 - (iii) on private Native land or a farm?
- (2) Has permission been obtained to occupy the site for school purposes? If so, give date and reference number:
- (3) Full address of school site:
- 9. (1) What is the expected enrolment?
- (2) Give number of pupils from outside the area concerned:
- Give full particulars of where they come from:
- (3) How many teachers will be necessary?
- (4) How many class rooms will be provided?
- (5) For which classes will provision be made?
- (Specify the standards in which instruction will be given):
- (6) State whether departmental syllabuses will be followed.
If not, state subjects:
- (7) What will be the minimum and the maximum ages for admission?
- (8) State which Native language will be used as a medium of instruction:
- (9) Does the applicant intend applying for a subsidy?
- If not, why not?
- 10. *Plans:* This application must be accompanied by a sketch plan or sketch plans of the school, school grounds and hostels (if any) indicating the dimensions and positions of the rooms, buildings and outbuildings. A description must be added stating the materials to be used for the walls (brick, stone, etc.,) and for the roof and the total window area in each room must also be given.

I,
(name in block letters)

the undersigned, being the owner/duly authorised agent of the owner/school board secretary of the above-named Native school, hereby apply to the Department of Education for the registration of this school under Government Notice 57 of 1964 and I declare hereby that the particulars given above are true and correct.

Date:	Signature of owner or his agent or the school board secretary.
Place:	

11. *Recommendation of circuit inspector:*

I hereby declare that the information given in the form above is, as far as I have been able to

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ascertain correct.

* The application for registration is recommended not recommended on the following grounds:

.....
.....
.....
.....
.....

.....
Signature of circuit inspector.

Date:

Place: Signature of Director.

* Delete whichever is not applicable.

**ANNEXURE C
DEPARTMENT OF EDUCATION
REGISTRATION CERTIFICATE OF A NATIVE SCHOOL**

I certify hereby that the
Native school, situated at
and established, continued or maintained by
.....
resident at
was duly registered today under subsection (1)(a) of section *one hundred and five* of the Education Ordinance, 1962 (27 of 1962) and the regulations made under the ordinance.

Place:

Date: Director of Education.

(Attention is drawn to the provisions of subregulation (3) of regulation 7 of Government Notice 57 of 1964 with regard to the transfer of the certificate.)