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Government Notice

MINISTRY OF HIGHER EDUCATION, TRAINING AND EMPLOYMENT CREATION

No. 246

2001

NAMIBIA STUDENTS FINANCIAL ASSISTANCE FUND ACT, 2000: REGULATIONS

The Minister of Higher Education, Training and Employment Creation has in terms of section 20 of the Namibia Students Financial Assistance Fund Act, 2000 (Act No. 26 of 2000), made the regulations set out in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

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Definitions

1. In these Regulations a word has the meaning assigned thereto by the Namibia Students Financial Assistance Fund Act, 2000 (Act No. 26 of 2000), and -

“applicant” means a student as defined in section 1 of the Act who applies for financial assistance in terms of section 17 of the Act;

“borrower” means a student to whom a loan has been awarded in terms of the Act, and for the purposes of regulations 8, 9 and 10 includes a grantee referred to in regulation 7(1);

“breach of contract”, in relation to an agreement between a student and the Fund pertaining to financial assistance, means if that student fails to comply, contravenes, or does not perform, or performs late or performs in a manner contrary to that agreed upon, a term of that agreement;

“financial assistance” means financial assistance awarded either as a loan or as a grant;

“grant” means financial assistance awarded to a student which that student is not, subject to these regulations, required to pay back to the Fund;

“grantee” means a student to whom a grant has been awarded in terms of the Act;

“loan” means financial assistance awarded to a student which that student is required to pay back to the Fund subject to the Act and these regulations and such terms and conditions as may have been agreed upon between that student and the Fund in terms of section 18 of the Act;

“the Act” means the Namibia Students Financial Assistance Fund Act, 2000 (Act No. 26 of 2000).

Priority fields of study for financial assistance

2. The following (in alphabetical order) are the fields of study and courses which, for the purposes of financial assistance in terms of the Act, are to be given priority:

- (a) Accounting, financial services, banking;
- (b) Aerodynamics:
 - (i) aircraft engineering;
 - (ii) airline management;
 - (iii) pilot training;
- (c) Agriculture:
 - (i) agronomy;
 - (ii) dairying;
 - (iii) food technology;
 - (iv) meat processing;
 - (v) veterinary sciences;
- (d) Architecture, quantity surveying;
- (e) Engineering:
 - (i) civil engineering;

- (ii) computer science;
- (iii) electrical engineering;
- (iv) electronic engineering;
- (v) mechanical engineering;
- (vi) telecommunications;
- (f) Health:
 - (i) dentistry;
 - (ii) medicine;
 - (iii) pharmacy;
 - (iv) other health related courses;
- (g) Humanities:
 - (i) nursing;
 - (ii) social work;
- (h) Human resources:
 - (i) personnel management;
 - (ii) public administration;
 - (iii) teacher education
 - (aa) information studies;
- (i) Land economy and evaluation;
- (j) Land survey and measurement;
- (k) Law;
- (l) Marine sciences;
- (m) Mining:
 - (i) metallurgical engineering;
 - (ii) materials engineering;
 - (iii) petroleum engineering;
 - (iv) prospecting;
- (n) Tourism:
 - (i) biodiversity;
 - (ii) conservation;
 - (iii) hospitality; and
- (o) Water resources management.

Criteria for qualifying for financial assistance

3. (1) A student may qualify for financial assistance, if that student -
- (a) has obtained admittance to a course or field of study referred to in regulation 2;
 - (b) has obtained the admittance referred to in paragraph (a) at an approved institution of higher education;
 - (c) holds a grade 12 or equivalent or higher qualification; and
 - (d) complies with subsection (2).
- (2) Any application for financial assistance in terms of section 17 of the Act must be accompanied by -
- (a) a photostat or other copy of the applicant's birth certificate, Namibian identity document or proof of Namibian citizenship, certified by a commissioner of oaths as a true copy of the original certificate or document, as the case may be;
 - (b) a photostat or other copy of the certificate indicating that the applicant is the holder of a grade 12 or equivalent or higher qualification, certified by a commissioner of oaths as a true copy of the original certificate;
 - (c) a photostat or other copy of the applicant's grade 12 result, or equivalent or higher qualification verified by a commissioner of oaths as a true copy of the original statement of those results;
 - (d) proof to the satisfaction of the Board that the applicant has obtained admittance to a course or field of study referred to in subregulation (1)(a);
 - (e) proof to the satisfaction of the Board that the application has obtained the admittance referred to in paragraph (d) at an approved institution of higher education;
 - (f) a verified statement of the applicant's parents or, if applicable, guardian's, income;
 - (g) a photostat or other copy of the identity documents or documents of citizenship of the applicant's parents, certified by a commissioner of oaths as a true copy of the original;
 - (h) such other document or information as the Board may require in respect of such application.
- (3) No right to obtain financial assistance from the Fund may be construed from subregulation (1) or (2).
- (4) The Board must by notice in writing inform an applicant whether or not he or she is being offered financial assistance and, if financial assistance is being offered, whether that assistance is in the form of a loan or a grant.
- (5) An applicant who has been offered financial assistance in terms of the Act and who fails to enter into an agreement with the Board within 60 days from the date of the notice referred to in subregulation (4), forfeits the financial assistance in question and the relevant funds may be reallocated in the discretion of the Board: Provided that the Board may on good cause shown enter into agreement with an applicant after that period.

Obligations of borrower

4. A borrower must for as long as he or she is indebted to the Fund, in addition to any other obligation imposed upon him or her in the agreement entered into between himself or herself and the Fund -

- (a) at such intervals as may be fixed by the Board, furnish the Board with -
 - (i) his or her postal and residential addresses, as well as his or her chosen *domicilium citandi et executandi*;
 - (ii) his or her employment status;
 - (iii) if he or she is employed, the following information regarding that employment;
 - (aa) The name and address of the employer;
 - (bb) his or her occupation;
 - (cc) where applicable, his or her rank;
 - (dd) his or her salary number; and
 - (ee) his or her monthly and gross annual salary;
- (b) within two months from the last day of each academic year for which he or she has been awarded a loan, furnish the Board with a copy of his or her academic results for that year, verified by a commissioner of oaths as a true copy of the original statement of those results; and
- (c) within two months from the date that he or she has received his or her certificate indicating that he or she is the holder of the qualification for which the loan in question was awarded, furnish the Board with a copy of that certificate, verified by a commissioner of oaths as a true copy of that certificate; and
- (d) immediately notify the Board -
 - (i) of any change of his or her address and furnish the new address;
 - (ii) of any change in his or her employment status;
 - (iii) of any change of employer and furnish the name and address of the new employer;
 - (iv) if he or she abandons or cancels his or her studies for which the loan has been awarded; and
 - (v) of any other monetary assistance being awarded to him or her from any other source after the date that the loan was awarded to him or her.

(2) Any failure by a borrower to comply with the obligations set out in subregulation (1), renders the loan received by that borrower immediately, subject to regulation 6(5), repayable to the Fund, including the interest on that amount as agreed upon between the Fund and the borrower.

Obligations of grantee

5. A grantee must in every year that he or she receives a grant, in addition to any other obligation imposed him or her in the agreement entered into between himself or herself and the Fund -

- (a) at such intervals as may be fixed by the Board, furnish the Board with his or her postal and residential addresses, as well as his or her chosen *domicilium citandi et executandi*;
- (b) within two months from the last day of each academic year for which he or she has been awarded a grant, furnish the Board with a copy of his or her academic results for that year, verified by a commissioner of oaths as a true copy of the original statement of those results; and

- (c) within two months from the date that he or she has received his or her certificate indicating that he or she is the holder of the qualification for which the grant was awarded, furnish the Board with a copy of that certificate, verified by a commissioner of oaths as a true copy of that certificate; and
- (d) immediately notify the Board of -
 - (i) of any change of his or her address and furnish a new address;
 - (ii) if he or she abandons or cancels his or her studies for which the grant in question has been awarded; and
 - (iii) of any other monetary assistance being awarded to him or her from any other source after the date that the grant was awarded to him or her.
- (2) Any failure by a grantee to comply with the obligations set out in subregulation (1), renders the grant received by that grantee immediately, subject to regulation 7(5), repayable to the Fund, including the interest on that amount as agreed upon between the Fund and the grantee.

Repayment of loan

6. (1) Repayment of a loan awarded in terms of the Act becomes due to the Fund, subject to subregulation (2), on the date that -

- (a) the borrower successfully completes the course or field of study for which that loan has been awarded;
- (b) the borrower cancels or abandons his or her studies for which that loan has been awarded;
- (c) the borrower fails as contemplated in section 18(4) of the Act to satisfactorily perform in his or her studies for which the loan was awarded;
- (d) the borrower is in breach of contract of his or her agreement with the Fund; or
- (e) regulation 4(2) becomes applicable to the borrower.

(2) A borrower referred to in subregulation (1) who, before any repayment is made to the Fund in respect of the loan in question -

- (a) cannot find employment within six months from the date on which repayment of that loan has become due; or
- (b) wishes to carry on with another course of study,

may apply in writing to the Board for postponement of the obligation to repay the loan.

(3) The Board may in writing grant or, with reasons given, refuse an application made in terms of subregulation (2).

- (4) (a) Money due to the Fund in terms of subregulation (1)(a), (b), or (c) must be repaid to the Fund in instalments of at least 15 percent of the borrower's annual earnings, but the borrower may in his or her discretion repay more than the amount due in respect of any such instalment.
- (b) Notwithstanding paragraph (a), the maximum period for repayment of money referred to in that paragraph may not exceed three times the period for which the borrower in question received the loan pertaining to that amount.
- (c) For the purposes of this subsection "annual earnings" means gross salary (basic salary plus allowances and other financial benefits) minus income tax and pension fund contributions.

(5) Money due to the Fund in terms of subregulation (1)(d) or (e) must be repaid to the Fund in one lump sum, unless the Board, on written application by the borrower, in writing authorises that such money may be paid in accordance with subregulation (4).

(6) The Board must acknowledge in writing to a borrower each instalment of repayment made to the Fund, by giving such borrower a receipt indicating the date and amount received in connection with such repayment.

Repayment of grant in certain circumstances

7. (1) A grant becomes repayable to the Fund on the date that -

- (a) the grantee cancels or abandons his or her studies for which that grant has been awarded;
- (b) the grantee fails as contemplated in section 18(4) of the Act to satisfactorily perform in his or her studies for which that grant has been awarded;
- (c) the grantee is in breach of contract of his or her agreement with the Fund; or
- (d) regulation 5(2) becomes applicable to the grantee.

(2) A grantee referred to in subregulation (1) who, before any repayment is made to the Fund in respect of the amount in question -

- (a) cannot find employment within six months from the date on which repayment of that amount has become due; or
- (b) who wishes to carry on with another course of study,

may apply in writing to the Board for postponement of the obligation to repay the grant in question.

(3) The Board may in writing grant or, with reasons given, refuse an application made in terms of subsection (2).

- (4) (a) Money due to the Fund in terms of subregulation (1)(a) or (b) must be repaid to the Fund in instalments of at least 15 percent of the grantee's annual earnings but the grantee may in his or her discretion repay more than the amount due in respect of any such instalment.
- (b) Regulation 6(4)(b) and (c) applies with the necessary amendments to a repayment referred to in paragraph (a).

(5) Money due to the Fund in terms of subregulation (1)(c) or (d) must be paid back to the Fund in one lump sum, unless the Board, on written application by the grantee, in writing authorises that such money may be repaid in accordance with subregulation (4).

(6) The Board must acknowledge in writing to a grantee each instalment of repayment made to the Fund, by giving such grantee a receipt indicating the date and amount received in connection with such repayment.

Suspension of interest and repayment

8. (1) A borrower who has commenced repayment of the amount due to the Fund in respect of financial assistance awarded to him or her by the Fund, may in writing apply to the Board that such repayment and interest due be suspended, if -

- (a) he or she becomes unemployed, provided that the Board may require the applicant to submit such proof of unemployment as it may determine;

- (b) he or she, due to physical illness, has been declared unfit for work for a period of longer than three months by a medical practitioner;
- (c) she is pregnant and is entering her period of confinement;
- (d) he or she, due to mental illness, has been declared unfit for work for a period of longer than three months by a psychiatrist or registered clinical psychologist;
- (e) his or her salary falls below the minimum taxable amount on which income tax is levied.

(2) The guardian or *curator bonis* of a borrower who is detained under law as a mentally ill person may in writing apply to the Board that repayment and interest due in respect of financial assistance awarded to that mentally ill person be suspended.

(3) The Board may grant the suspension applied for in terms of subregulations (1) and (2) on such conditions as it may determine.

(4) If the Board has suspended the repayment of financial assistance in terms of this regulation, no interest accrues for the period of suspension to the amount due in respect of that financial assistance.

Death of a borrower

9. If a borrower dies -
- (a) while he or she is still a student, his or her obligation to pay back to the Fund any financial assistance awarded to him or her, lapses on his or her death;
 - (b) who is in breach of contract of his or her agreement with the Fund in respect of any financial assistance awarded to him or her, the obligation to repay the amount due to the Fund, including any interest accrued thereon, do not lapse on his or her death;
 - (c) who is not a person referred to in paragraph (b) and who has commenced repayment to the Fund of financial assistance awarded to him or her, any amount still due to the Fund on the date of his or her death, including any interest accrued thereon, lapses on that date.

Failure to repay amounts due

10. (1) If -
- (a) repayment of financial assistance has become due; or
 - (b) a borrower has commenced repayment of the financial assistance awarded to him or her,

and that borrower fails to repay such financial assistance as stipulated in the agreement referred to in section 18(1) of the Act, and the borrower has not been awarded in respect of such repayment extension in terms of regulation 6(2) or 7(2) or suspension in terms of regulation 8, as the case may be, the Board may, after not less than two reminders in writing to the borrower concerned and given not less than 30 days apart, hand the matter over to the Government Attorney or any other attorney for the necessary action to collect the debt for the benefit of the Namibia Students Financial Assistance Fund.

(2) The Board must provide the Government Attorney or other attorney referred to in subregulation (1) with the relevant agreement, information and record of repayment of the borrower concerned, and such other documents or information as the Government Attorney or that attorney may require.

(3) If a matter has been handed over to the Government Attorney or other attorney in terms of subregulation (1), the Board must send a letter to the borrower and the employer of that borrower, if any, at their respective addresses as it appears in the records of the Board held in terms of regulations 4 and 5, as the case may be, informing them that the borrower is in failure of repayment to the Fund, and that the matter has been handed over to the Government Attorney or other attorney, as the case may be, for the necessary action.
