

Namibia

Social Security Act, 1994

## Social Security Development Fund Regulations, 2010

Government Notice 215 of 2010

Legislation as at 15 November 2017

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# Social Security Development Fund Regulations, 2010

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Republic of Namibia  
**Annotated Statutes**

**Social Security Act, 1994**

## **Social Security Development Fund Regulations, 2010**

**Government Notice 215 of 2010**

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**Commenced on 20 September 2010**

**[This is the version of this document at 15 November 2017.]**

**[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for Namibia.]**

**The Government Notice which publishes these regulations notes that they were made on the recommendation of the Social Security Commission.**

**as amended by**

[Government Notice 302 of 2012 \(GG 5101\)](#) **came into force on date of publication: 20 December 2012**

### **Part 1 – PRELIMINARY**

#### **1. Definitions**

In these regulations any word or expression to which a meaning has been assigned in the Act has the same meaning, and unless the context indicates otherwise-

**“approved”** means approved for funding in terms of the Regulations

**[The definition of “approved” is inserted by [GN 302/2012](#).  
There should be a semi-colon at the end of this definition.]**

**“community”** means a social unit larger than a household whose members reside in a specific locality such as a village or settlement and often have a common cultural and historical heritage and share common values and has social cohesion

**[The definition of “community” is inserted by [GN 302/2012](#).  
There should be a semi-colon at the end of this definition.]**

**“development agency”** includes any institution registered under regulation 13 which offers employment schemes undertaken for the benefit of socio-economically disadvantaged unemployed persons and which falls in any of the following categories-

- (a) non-governmental organizations (NGOs);
- (b) community based organizations (CBOs);
- (c) faith based organizations (FBOs);
- (d) traditional and local authorities;
- (e) institutions representing employees or employers;
- (f) cooperatives and farmers’ unions;
- (g) regional councils and their respective development committees;
- (h) employers;
- (i) training institutions;
- (j) conservancies;
- (k) community forests;
- (l) bodies designated by communities; or
- (m) such other categories as the Commission may from time to time determine for purposes of employment schemes

[The definition of “development agency” is substituted by [GN 302/2012](#).  
There should be a semi-colon at the end of paragraph (m).]

**“employment scheme”** means an employment scheme approved by the President as contemplated in section 37(4)(a) of the Act and which falls in the following categories-

- (a) community infrastructure programs;
- (b) small rural and urban infrastructure programs;
- (c) community development programs;
- (d) community-based social services;
- (e) labour mobility and retraining programs;
- (f) job exposure and employment placement programs;
- (g) technical innovation programs for sustainability; or
- (h) such other programs as the Commission may from time to time determine for purposes of employment schemes.

[The definition of “employment scheme” is substituted by [GN 302/2012](#).  
The full stop at the end of paragraph (h) should be a semicolon.]

**“end-beneficiary”** means a person who receives any benefit, grant, aid or advantage of any kind derived from any training scheme or employment scheme or any bursary, loan or other form of financial aid referred to in section 37(4) of the Act;

**“Fund”** means the Development Fund;

**“higher education”** means all learning programmes leading to qualifications higher than Grade 12 or its equivalent, and includes tertiary education as contemplated in Article 20(4) of the Namibian Constitution;

**“higher education institution”** means any technical or academic institution that provides higher education and which has been accredited by the NQA as contemplated in section 13 of the Namibia Qualifications Authority Act, 1996 (Act [No. 29 of 1996](#));

**“NQA”** means the Namibia Qualifications Authority as defined in section 1 of the Namibia Qualifications Authority Act, 1996;

**“NTA”** means the Namibia Training Authority as defined in section 1 of the Vocational Education and Training Act, 2008 (Act [No. 1 of 2008](#));

**“portfolio Minister”** means the Minister responsible for labour and social welfare;

**“socio-economically disadvantaged person”** means a person contemplated in section 37(4) (a) of the Act;

**“student”** means any Namibian citizen or other person who is the holder of a permanent residence permit in Namibia who is enrolled at or who wishes to enroll at any higher education institution;

**“the Act”** means the Social Security Act, 1994 (Act [No. 34 of 1994](#));

**“training provider”** means a person, institution or organisation who or which-

- (a) provides a course of instruction or training which meets the curriculum standards or occupational standards of the NQA;
- (b) assesses the performance of persons taking part in such course; and
- (c) has been accredited by the NQA as contemplated in section 13 of the NQA Act, 1996; or
- (d) has been accredited by the NTA as contemplated in section 5(3)(b) of the Vocational Education and Training Act, 2008 (Act [No. 1 of 2008](#)).

**“training scheme”** means a training scheme approved by the President as contemplated in section 37(4) (a) of the Act; and

**“unemployed”**, in relation to any person, means any person without employment who is available for work and looked or did not look for work.

## 2. Approval of training and employment schemes

- (1) The Commission must cause an application to be submitted through the office of the portfolio Minister, to the office of the President, for the approval of training and employment schemes.
- (2) The Commission must cause a register to be compiled and kept from the list of training and employment schemes approved by the President.
- (3) When a training or employment scheme, ceases to exist, the Commission must inform the portfolio Minister in writing, who in turn must forward such information to the office of the President.

## Part 2 – TRAINING SCHEMES

### 3. Funding of training schemes

- (1) The Commission may provide financial support for the training schemes undertaken by training providers for the benefit of unemployed socio-economically disadvantaged persons.
- (2) The financial support provided by the Commission may be in the form of grants, low interest loans or a combination of these as the Commission may from time to time determine.

[regulation 3 substituted by [GN 302/2012](#)]

#### **4. Application for funding as training provider**

- (1) A training provider who wishes to participate in a training scheme must apply to the Commission for funding as a training provider in the form of Form 1.
- (2) The Commission may-
  - (a) grant or refuse the application for funding referred to in subregulation (1); or
  - (b) refer the application back to the applicant for the applicant to furnish further particulars to the Commission.
- (3) Where the Commission grants the application referred to in subregulation (1), the Commission must enter into a written agreement called a Service Level Agreement with the training provider whose application has been granted.
- (4) The Service Level Agreement must contain particulars relating to the following-
  - (a) the contents of the training scheme concerned;
  - (b) the quality of services to be offered as part of the training scheme;
  - (c) the structure of the training scheme concerned;
  - (d) the monitoring and evaluation mechanisms contained in the training scheme concerned; and
  - (e) where necessary, the remuneration payable for services rendered and the manner in which it will be paid.
- (5) The Commission must keep a register of approved training providers in the form of Form 2 in which the Commission records the name and other relevant particulars of every training provider whose application for funding has been granted.

[regulation 4 substituted by [GN 302/2012](#)]

#### **5. Certificate of registration as an approved training provider**

- (1) The Commission must issue every approved training provider with a certificate of registration as a training provider in the form of Form 3.
- (2) The certificate referred to in subregulation (1) is valid for a period of three years from the date of issue.
- (3) A training provider whose certificate of registration has expired may apply for further funding as a training provider in terms of regulation 4, provided the training provider is still accredited with the NQA or the NTA.
- (4) Where the certificate of registration is lost, destroyed or has become illegible the training provider may apply to the Commission for a duplicate of the certificate.
- (5) Where the application under subregulation (4) is made for reason of illegibility of the certificate of registration, the training provider must surrender the original certificate of registration to the Commission for cancellation.

[regulation 5 substituted by [GN 302/2012](#)]

#### **6. Cancellation of registration as an approved training provider**

- (1) If an approved training provider-
  - (a) has ceased to be accredited with the NQA or the NTA;

- (b) has furnished or has allowed another person to furnish information in respect of an application made under regulation 4 which is false or misleading knowing that it is false or misleading; or
  - (c) is not complying with or is in breach of the Service Level Agreement with the Commission referred to in regulation 4(3), the Commission may, subject to subregulation (2) and by notice in writing, cancel the registration as an approved training provider.
- (2) The Commission may cancel the registration of an approved training provider as a training provider only after the Commission has afforded the training provider concerned an opportunity to be heard by the Commission.
- (3) A training provider whose registration has been cancelled must return the certificate of registration to the Commission within one month after the cancellation of the registration.
- (4) A training provider who, after cancellation of the registration, has not returned the certificate of registration to the Commission as contemplated in subregulation (3) commits an offence and is liable upon conviction-
  - (a) in the case of a training provider who is a natural person, to a fine not exceeding N\$2000.00 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; or
  - (b) in the case of a training provider that is not a natural person, to a fine not exceeding N\$2000.00.

[regulation 6 substituted by [GN 302/2012](#)]

## 7. Application to participate in training scheme

Any socio-economically disadvantaged Namibian citizen or other person who is the holder of a permanent residence permit in Namibia and who is unemployed, may apply in the form of Form 4 through a registered training provider to the Fund for participation in a training scheme offered by the training provider concerned.

## 8. Grant of application and requirement for own contribution

- (1) The Commission may grant or refuse an application made under regulation 7.
- (2) Where the Commission grants the application, the Commission may require the end-beneficiary of a training scheme to pay in cash to the Fund the percentage of own contribution towards the total cost of training in respect of the training scheme as the Commission may from time to time determine.

[regulation 8 substituted by [GN 302/2012](#)]

## 9. \*\*\*

[regulation 9 deleted by [GN 302/2012](#)]

## 10. Requirement for own contribution by training provider

- (1) The Commission may require a training provider whose application for funding has been granted in terms of regulation 4(2) to provide to the Fund proof of own contribution towards the total cost of training in respect of the training scheme concerned as the Commission may from time to time determine.
- (2) The own contribution referred to in subregulation (1) must be in kind, such as tools, equipment, machinery or land.

[regulation 10 substituted by [GN 302/2012](#)]

## 11. Exemption from providing own contribution

The Commission may exempt, if the Commission is of the opinion that an end-beneficiary referred to in regulation 8 or a training provider referred to in regulation 10 is not able to pay or provide the percentage of own contribution concerned, that end-beneficiary or training provider from paying or providing that own contribution.

## Part 3 – EMPLOYMENT SCHEMES

## 12. Funding of employment schemes

- (1) The Commission may provide financial support for the projects and programs of employment schemes undertaken by development agencies for the benefit of unemployed socio-economically disadvantaged persons.
- (2) The financial support provided by the Commission may be in the form of grants, low interest loans or a combination of these as the Commission may from time to time determine.

[regulation 12 substituted by [GN 302/2012](#)]

## 13. Application for funding as development agency

- (1) Any institution wishing to participate in an employment scheme as a development agency must apply to the Commission for funding to execute projects and programs under employment schemes.
- (2) The Commission may-
  - (a) grant or refuse the application funding referred to in subregulation (1); or
  - (b) refer the application back to the applicant for the applicant to furnish further particulars to the Commission.
- (3) Where the Commission grants the application referred to in subregulation (1), the Commission must enter into a written agreement called a Service Level Agreement with the institution whose application has been granted.
- (4) The Service Level Agreement must contain particulars relating to the following-
  - (a) the number of persons to be assisted, the number of jobs to be created and the content of the projects and programs;
  - (b) the quality of services to be offered as part of the projects and programs;
  - (c) the structure of the projects and programs; and
  - (d) the monitoring and evaluation mechanisms contained in the execution of the projects and programs.
- (5) The Commission must keep a register of approved development agencies in the form of Form 7 in which the Commission records the name and other relevant particulars of every development agency whose application for funding has been granted.

[regulation 13 substituted by [GN 302/2012](#)]

## 14. Certificate of registration as an approved development agency

- (1) The Commission must issue every registered institution with a certificate of registration as an approved development agency in the form of Form 8.
- (2) The certificate referred to in subregulation (1) is valid for a period of three years from the date of issue.

- (3) A development agency whose certificate of registration has expired may apply for further funding as a development agency in terms of regulation 13.
- (4) Where the certificate of registration is lost, destroyed or has become illegible the development agency may apply to the Commission for a duplicate of the certificate.
- (5) Where the application under subregulation (4) is made for reason of illegibility of the certificate of registration, the development agency must surrender the original certificate of registration to the Commission for cancellation.

[regulation 14 substituted by [GN 302/2012](#)]

## 15. Cancellation of registration as an approved development agency

- (1) If an approved development agency-
  - (a) has furnished or has allowed another person to furnish information in respect of an application made under regulation 13(1) which is false or misleading knowing that it is false or misleading; or
  - (b) is not complying with or is in breach of the Service Level Agreement with the Commission referred to in regulation 13(3),the Commission may, subject to subregulation (2) and by notice in writing, cancel the registration as an approved development agency.
- (2) The Commission may cancel the registration of an approved development agency after the Commission has afforded the development agency concerned an opportunity to be heard by the Commission.
- (3) A development agency whose registration has been cancelled must return the certificate of registration to the Commission within one month after the cancellation of the registration.
- (4) A development agency who, after cancellation of the registration, has not returned the certificate of registration to the Commission as contemplated in subregulation (3) commits an offence and is liable upon conviction -
  - (a) in the case of a development agency who is a natural person, to a fine not exceeding N\$2 000.00 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment; or
  - (b) in the case of a development agency that is not a natural person, to a fine not exceeding N\$2 000.00.

[regulation 15 substituted by [GN 302/2012](#)]

## 16. Application to participate in employment scheme

- (1) Any socio-economically disadvantaged Namibian citizen or other person who is the holder of a permanent residence permit in Namibia and who is unemployed, may apply in the form of Form 9 through a development agency to the Fund for participation in an employment scheme offered by the development scheme.
- (2) The Commission may grant or refuse an application made under subregulation (1).

[regulation 16 substituted by [GN 302/2012](#)]

## 17. \*\*\*

[regulation 17 deleted by [GN 302/2012](#)]

**18. \*\*\***

[regulation 18 deleted by [GN 302/2012](#)]

**19. Requirement for own contribution by development agency**

- (1) The Commission may require a development agency whose application for funding has been granted in terms of regulation 13(2) to provide to the Fund proof of own contribution towards the total project cost in respect of the employment scheme as the Commission may from time to time determine.
- (2) The own contribution referred to in subregulation (1) must be either in cash or in kind, such as tools, equipment, machinery or land, but excludes labour.

[regulation 19 substituted by [GN 302/2012](#)]

**20. Exemption from providing own contribution**

The Commission may exempt, if the Commission is of the opinion that an end-beneficiary referred to in regulation 17 or a development agency referred to in regulation 19 is not able to pay or provide the percentage of own contribution concerned, that end-beneficiary or development agency from paying that own contribution.

**21. Payment of participants in employment scheme**

- (1) A development agency must pay to every participant in an employment scheme for his or her labour or part thereof as way of an incentive, the amounts as agreed between them.
- (2) A development agency may in the determination of the amount of an incentive to be paid to participants as contemplated in subregulation (1), differentiate between participants who are-
  - (a) school leavers;
  - (b) retrenched; and
  - (c) other participants.

## **Part 4 – BURSARIES AND STUDY LOANS**

**22. Application for bursary**

- (1) Subject to subregulation (2), any socio-economically disadvantaged student may apply to the Fund in the form of Form 11 for the granting of a bursary in respect of his or her studies towards a first diploma or degree, as the case may be.
- (2) An applicant referred to in subregulation (1) must together with the application concerned submit proof of acceptance by the higher education institution concerned.
- (3) The Commission may grant as application referred to in subregulation (1) and award the bursary which is in the form of a grant and is non-repayable.

**23. Application for study loans**

- (1) Subject to subregulation (2), any socio-economically disadvantaged student may apply to the Fund in the form of Form 12 for the granting of a study loan in respect of his or her studies towards a first diploma or degree, as the case may be, or in respect of his or her further studies after a first diploma or degree, as the case may be.

- (2) An applicant referred to in subregulation (1) must together with the application concerned submit proof of acceptance by the higher education institution concerned.
- (3) Then Commission may grant a loan application made in terms of subregulation (1) and must determine the conditions for repayment of the loan to the Fund and to that end may enter into a written agreement with the applicant.

## **Annexure**

### **Forms**

[Forms 1-4 are substituted by [GN 302/2012](#).

Form 5 is deleted by [GN 302/2012](#).

Form 6 is substituted (and renumbered as Form 5) by [GN 302/2012](#).

Form 7 is substituted (and renumbered as Form 6) by [GN 302/2012](#).

Form 8 is substituted (and renumbered as Form 7) by [GN 302/2012](#).

Form 9 is substituted (and renumbered as Form 8) by [GN 302/2012](#).

Form 10 is deleted by [GN 302/2012](#).

Form 11 is substituted (and renumbered as Form 9) by [GN 302/2012](#).

Form 12 is substituted (and renumbered as Form 10) by [GN 302/2012](#).

The result of these changes is that the forms in the Annexure now consist of Forms 1-10, all of which are substituted by [GN 302/2012](#).]

[Editorial note: the forms have not been reproduced.]