

Namibia

Veterans Act, 2008

## Regulations relating to Registration and Benefits of Veterans and Dependants of Veterans, 2008

Government Notice 168 of 2008

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# Regulations relating to Registration and Benefits of Veterans and Dependants of Veterans, 2008

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Republic of Namibia  
**Annotated Statutes**

**Veterans Act, 2008**

## **Regulations relating to Registration and Benefits of Veterans and Dependants of Veterans, 2008**

**Government Notice 168 of 2008**

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**as amended by**

**Government Notice 134 of 2010 (GG 4514) came into force on date of publication: 1 July 2010**

### **Part 1 – PRELIMINARY**

#### **1. Definitions**

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

“**register**” means the register referred to in regulation 29; and

“**the Act**” means the Veterans Act, 2008 (Act [No. 2 of 2008](#)).

### **Part 2 – REGISTRATION OF VETERANS AND DEPENDANTS**

#### **2. Application for registration**

- (1) An application, contemplated in section 28 of the Act, for registration as a veteran or a dependant must be made on Form VA 1 set out in Appendix A.
- (2) All applicants for registration must complete Part 1 of Form VA 1, and-
  - (a) persons basing registration on membership of the liberation forces must complete Part 2;

- (b) persons basing registration on participation in political, diplomatic or underground activities must complete Part 3;
- (c) persons basing registration on criminal conviction must complete Part 4; and
- (d) persons registering as dependants of living or deceased veterans must complete Part 5, of that form.

### **3. Consideration of application**

For the purposes of considering an application in terms of section 28(2) of the Act, the Board may-

- (a) refer the application to a committee established by it in terms of section 21 of the Act; or
- (b) request for more information from the applicant or any other relevant source to enable the Board to make a decision.

### **4. Notification of decision on application for registration**

The notification, referred to in section 28(4) of the Act, of a decision made under section 28(2) of the Act, must-

- (a) be on Form VA 2 set out in Appendix A;
- (b) be delivered to the applicant within 60 days of receipt of the application by the Board; and
- (c) inform the applicant of his or her right to appeal within the period specified in section 40(1) of the Act.

### **5. Entry into register**

The Board must enter the name of every person whose application for registration as a veteran or a dependant is approved by it into the relevant part of the register.

### **6. Registration card**

The Board must issue, to every person registered as a veteran or dependant, a registration identity card which must-

- (a) be on Form VA 3 set out in Appendix A; and
- (b) bear the veteran's or dependant's photograph and signature or right hand thumb print or, where not possible, any finger print.

## **Part 3 – PROVISION OF ASSISTANCE**

### **7. Qualification for assistance**

The amount prescribed for the purposes of section 29(2) of the Act is N\$36 000.00 per annum.

### **8. Amount of financial assistance**

For the purposes of section 32(1) of the Act-

- (a) the amount of assistance payable to a veteran is a monthly sum of N\$2 000.00;
- (b) where there is no other dependant, the amount of assistance payable to a dependant of a veteran who is a surviving spouse is an amount which is equal to the amount stated in paragraph (a);

- (c) if the deceased veteran is survived by a spouse and dependants, the surviving spouse is entitled to receive an amount which is equal to 55 per cent of the amount stated in paragraph (a), and the dependants are entitled to receive an amount which is equal to 45 per cent of the of the amount stated in paragraph (a), to be equally divided among the dependants; and
- (d) if the deceased veteran is survived by a dependant or dependants, other than a spouse, the dependant or dependants are entitled to receive an amount which is equal to the amount stated in paragraph (a), to be equally divided among the dependants, where applicable.

## 9. Social welfare assistance

A veteran receiving assistance from the Fund may also apply to the Board and be granted social welfare assistance from the Fund in any of the following forms:

- (a) free medical care or provision of prosthetic and mobility aids for the disabled and free medical treatment at Government health facilities;
- (b) funeral grants, amounts to be determined by the Board from time to time;
- (c) education grants to facilitate access to institutions of higher learning, vocational training, literacy training in State institutions as determined by the Board from time to time; or
- (d) transportation, subsidized fares on public air, sea and land transport as determined by the Board from time to time; and
- (e) subsidized water and electricity supplies as determined by the Board in consultation with the relevant local authority providing the service.

## 10. Application for assistance

- (1) An application, contemplated in section 31 of the Act, for assistance from the Fund must be made on Form VA 4 set out in Appendix A.
- (2) An application for assistance made under subregulation (1), must, where possible be-
  - (a) supported by documentary evidence of-
    - (i) the registration number as a veteran or dependant;
    - (ii) where the applicant claims he or she suffered injury during the liberation struggle, the date and nature and circumstance of the injury; and
    - (iii) the applicant's earnings from employment or self-employment; and
  - (b) accompanied by a medical report on the claim of injury or incapacity or disability on Form VA 5 set out in Appendix A.

## 11. Consideration of application

For the purposes of considering an application in terms of section 31(3) of the Act, the Board may-

- (a) refer the application to a committee established by it in terms of section 21 of the Act; or
- (b) request for more information from the applicant or any other relevant source to enable the Board to make a decision.

## 12. Notification of decision on application for assistance

The notification, referred to in section 31(4) of the Act, of a decision made under section 31(3) of the Act, must-

- (a) be on Form VA 6 set out in Appendix A;

- (b) indicate the nature and amount of assistance granted, including any applicable conditions;
- (c) be delivered to the applicant within 60 days of receipt of the application by the Board; and
- (d) inform the applicant of his or her right to appeal within the period specified in section 40(1) of the Act.

### **13. Suspension of assistance**

Where the Board has suspended payment of assistance in terms of section 33(3) of the Act, the Board must give notice of such suspension to the veteran or dependant on Form VA 7 set out in Appendix A.

### **14. Entry into register**

The Board must enter the name of every veteran or dependant of veteran whose application for assistance is approved by it into the relevant part of the register.

## **Part 4 – FUNDING OF PROJECTS**

### **15. Funding of projects**

The Board may, for the purposes of section 35(3) of the Act, authorise payment from the Fund for-

- (a) the cost of any project approved by the Board up to a maximum of two hundred thousand dollars (N \$200,000.00) per project;
- (b) services, goods or grants to veterans or dependants of veterans to enable them to engage in economic activities such as agricultural, industrial enterprises or commercial undertakings approved for funding by the Board or any project approved by the Board;
- (c) the cost, where necessary, of experts, consultants engaged to advise or assist veterans or dependants of veterans to identify, design or define their projects, such as small scale industries in mining, fishing, agricultural and other undertakings;
- (d) the cost of any skills training for veterans or dependants of veterans in connection with a project funded or to be funded by the Fund; and
- (e) the cost of a veteran or dependant of a veteran undergoing medical examination connected with a project funded by the Fund.

### **16. Use of project funds**

- (1) No funds, in whatever form, granted by the Fund for a project may be disposed of, applied to, spent on, or used for any purpose other than for which they are approved and provided.
- (2) Where any funds are used for any purpose or use other than for which they are approved by the Board, the Board may suspend or terminate the funding and require a total or partial refund from any person, failing which the Board may proceed to recover the funds in the manner provided for in section 34 of the Act.
- (3) The Board may, before an application for funding of a project is approved or during the implementation of a project, require that it be satisfied that the project is viable and it may impose conditions as it may consider appropriate in respect of the use or application of the funds allocated for the project.
- (4) For purposes of this regulation, the Board may-
  - (a) require that a proper feasibility study in respect of the project be carried out; or



- (b) direct that the applicant under-goes appropriate training to equip him or her with skills relevant to the management of the project at the expense of the Fund.

## **17. Form and duration of funding**

- (1) Funding of a project by the Fund may be in the form of-
  - (a) payment of a single lump sum of money;
  - (b) disbursement of periodic payments of sums of money which are, where appropriate, spread over a period of time not exceeding three years; or
  - (c) a combination of a lump sum payment and periodic payments.
- (2) The payments referred to in subregulation (1) may not be made directly to the veteran or dependant, but must be made directly to the providers of goods, services or equipment, as the case may be, except that the Board may authorize payment of not more than 10 per cent of the funding to the veteran or dependant to meet operational activities.

## **18. Agreements relating to funding**

The Board and the beneficiary of a project funding must enter into a written contract in which are contained terms and conditions and obligations of the contracting parties on the offer and acceptance and utilization of the funding from Fund.

## **19. Application for funding of project**

- (1) An application, contemplated in section 36 of the Act, for the funding of a project by the Fund must be made on Form VA 8 set out in Appendix A.
- (2) An application for funding made under subregulation (1), must, where possible be-
  - (a) supported by documentary evidence of-
    - (i) the registration number as a veteran or dependant;
    - (ii) where the applicant claims he or she suffered injury during the liberation struggle, the date and nature and circumstances of the injury;
    - (iii) the applicant's earnings from employment or self-employment; and
    - (iv) any anticipated or pledged financial support from the Government, financial institution or organization or other sources;
  - (b) accompanied by a medical report on the claim of injury or incapacity or disability on Form VA 5 set out in Appendix A.

## **20. Consideration of application**

For the purposes of considering an application in terms of section 36(3) of the Act, the Board may-

- (a) refer the application to a committee established by it in terms of section 21 of the Act; or
- (b) request for more information from the applicant or any other relevant source to enable the Board to make a decision.

## **21. Notification of decision on application for funding**

The notification, referred to in section 36(4) of the Act, of a decision made under section 36(3) of the Act, must-

- (a) be on Form VA 9 set out in Appendix A;

- (b) indicate the nature and amount of funding granted, including the method of funding and any applicable conditions;
- (c) be delivered to the applicant within 60 days of receipt of the application by the Board; and
- (d) inform the applicant of his or her right to appeal within the period specified in section 40(1) of the Act.

## **22. Suspension of funding**

In addition to the reasons mentioned in regulation 16(2), the Board may, for any other valid reason, suspend or terminate the funding of a project, and in that case the Board must give notice of such suspension to the veteran or dependant on Form VA 7 set out in Appendix A and it may proceed to recover any funds already disbursed in accordance with the provisions of section 34 of the Act.

## **23. Entry into register**

The Board must enter the name of every veteran or dependant of veteran whose application for funding of a project is approved by it into the relevant part of the register.

# **Part 5 – VETERANS ASSOCIATIONS**

## **24. Recognition of association**

In order for an association or organisation formed pursuant to section 44(1) of the Act to be recognised under subsection (3) of that section, that association must comply with the requirements set out in regulations 25 and 26.

## **25. Requirements for recognition of association or organisation**

- (1) An association or organisation which requires recognition under regulation 24 must adopt a constitutive document which may be referred to as its constitution and which must contain
  - (a) provisions relating to its objectives; which should be lawful, the acquisition and loss of membership, powers and functions of the governing body of the association or organisation, and the amendment or repeal of the document; and
  - (b) the matters specified in Appendix B.
- (2) An association or organisation which requires recognition by the Minister as an association or organisation representative of veterans or dependants of veterans in terms of section 44(3)(a) of the Act, must have a minimum of not less than 500 registered members of veterans or dependants of veterans.

[regulation 25 substituted by [GN 134/2010](#)]

## **26. Application for recognition of association**

An association or organization which, as contemplated in section 44(2) of the Act, seeks to be recognised by the Minister must make the application for such recognition on Form VA 10 set out in Appendix A.

## **27. Registration with other authorities**

An association or organization formed pursuant to section 44 of the Act may, if it so wishes, register with the appropriate authorities responsible for registration of social welfare or charitable organizations.

## 28. Annual grant payment

The annual grant payable in terms of section 44(4) of the Act may not exceed the sum of N\$1 000 000 000 for each year and is subject to annual audit by the Auditor-General.

## Part 6 – GENERAL

## 29. Register of veterans, dependants and beneficiaries

- (1) The Board must open and maintain a register consisting of parts for registration of veterans and dependants of veterans, beneficiaries of assistance and beneficiaries of funding for projects.
- (2) The part of the register containing-
  - (a) veterans and dependants of living or deceased veterans must indicate-
    - (i) the name, addresses and identification particulars of the applicant;
    - (ii) the date of receipt of the application;
    - (iii) the date of approval of the application and the registration number allocated to the applicant;
    - (iv) the category in which the applicant qualifies as veteran;
    - (v) whether the applicant is a dependant of a living or deceased veteran, and the particulars of the veteran in respect of whom the dependant is registered; and
    - (vi) any other matter which the Board considers necessary to be indicated;
  - (b) beneficiaries of assistance must indicate-
    - (i) the name of the applicant and the registration number allocated to the veteran or dependant under paragraph (a)(iii);
    - (ii) the residential and postal addresses of the applicant;
    - (iii) the amount of assistance applied for and granted;
    - (iv) the form of social assistance applied for and granted;
    - (v) the date when the application was lodged;
    - (vi) when the application is considered, the date on which the application was deferred, approved or rejected; and
    - (vii) any other matter which the Board considers necessary to be indicated;
  - (c) beneficiaries of funding for projects must indicate-
    - (i) name of the applicant and the registration number allocated to the veteran or dependant under paragraph (a)(iii);
    - (ii) the residential and postal addresses of the applicant;
    - (iii) the date when the application was lodged;
    - (iv) the nature and amount of funding applied for and granted;
    - (v) location of the project;
    - (vi) when the application is considered, the date on which the application was deferred, approved or rejected; and

- (vii) any other matter which the Board considers necessary to be indicated.

### **30. Noting of appeals to Appeal Board**

- (1) An appeal in terms of section 40 of the Act must be noted by delivery, within the period prescribed in that section, to the Secretary, of a written notice stating-
  - (a) whether the whole or part only of the decision or act is appealed against and, if part only, which part; and
  - (b) the grounds of appeal, specifying the findings of fact or rulings of law appealed against.
- (2) The Board may at its discretion within the 60 days of its decision review its decision where new facts are placed before it, except that such a review may not be done if the decision has been appealed against to the Appeal Board.
- (3) Where an appeal has been noted in terms of subregulation (1), the Appeal Board may, in addition to what it is empowered to do by section 42(1)(b) of the Act, remit the matter to the Board for further consideration subject to such recommendations regarding the appeal as the Appeal Board may consider appropriate.

### **31. Noting of appeals to High Court**

- (1) An appeal in terms of section 43 of the Act must be noted within 30 days of the making of the decision appealed against, and any cross-appeal must be noted within 14 days of receipt of the notice of the appeal.
- (2) An appeal or cross-appeal must be noted by delivery, within the period prescribed in subregulation (1), to the Secretary and to the other party, of a notice stating-
  - (a) whether the whole or part only of the decision is appealed against and, if part only, which part; and
  - (b) the grounds of appeal, specifying the findings of fact or rulings of law appealed against.
- (3) The presiding officer of the Appeal Board must within 14 days of the noting of an appeal transmit to the Secretary a statement in writing setting out-
  - (a) the facts he or she found to be proved;
  - (b) his or her reasons for any finding of fact specified in the notice of appeal; and
  - (c) his or her reasons for any ruling on a question of law or for the admission or rejection of any evidence specified in the notice of appeal.
- (4) The Secretary must, within 14 days of receiving the statement referred to in subregulation (3), transmit the notice of appeal received in terms of subregulation (2) and the statement received in terms of subregulation (3) to the Registrar of the High Court.
- (5) The Secretary must, within seven days of the receipt of a notice that an appeal has been set down for hearing in the High Court, transmit to the Registrar of the High Court-
  - (a) all documents and other relevant information relating to the matter; and
  - (b) if an inquiry was held in terms of section 23 of the Act, the record of the proceedings at that inquiry, certified by the person presiding at the enquiry as a true record of the proceedings.
- (6) After an appeal has been noted in terms of the provisions of this regulation, the appeal must be prosecuted as if it were an appeal against the decision of a magistrates' court in a civil case and, the rules regulating the conduct of the proceedings of the High Court, in so far as they relate to civil appeals from the magistrates' courts do, with the necessary changes, apply to such an appeal.

- (7) The person who has noted an appeal in terms of the Act bears the costs of the appeal but, if the presiding officer of the Appeal Board is satisfied that such person is unable to pay the costs, the costs must be borne by the State.

## Appendix A

### Forms

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

## Appendix B

Matters to be included in the constitutive document of a veterans association for the purposes of recognition of a veterans association (Section 44(3) of the Act and regulation 25).

In order for an association or organisation of veterans to be recognized by the Minister as such, the constitutive document, in addition to any other relevant matters which may be provided therein, must contain provisions as to-

- (a) the name of the association;
- (b) its objectives;
- (c) the nature of its activities;
- (d) requirements or qualifications for membership;
- (e) the enrolment and annual membership fees to be paid by members;
- (f) the circumstances and manner in which membership is suspended or terminated;
- (g) opportunity being given to a member to be heard by an independent body against suspension or termination of benefits of membership or of membership of the association;
- (h) the qualifications of members of the management organ or executive committee of which the chief executive person or president, whatever his or her title is, must be-
  - (i) a veteran who served as a commander during the war liberation struggle of a unit not lower than that of a detachment;
  - (ii) a veteran who after the liberation war, held or holds in the Namibia Defence Forces the rank not below that of a colonel or held or holds a rank not below that of a commissioner in the Namibia Police Force; or
  - (iii) a veteran who during the liberation struggle provided leadership in the political, diplomatic or underground struggle in or outside the country for a period of not less than five years;
- (i) election of members of the executive committee;
- (j) method of election and appointment of officials and employees of the association;
- (k) the regularity and procedure of general meetings and management or executive committee meetings;
- (l) the procedure of suspending or removing office bearers, officials and employees;
- (m) the management of its finances;
- (n) the acquisition and disposal of its property;
- (o) the procedure for amending or repealing of its constitution.