

Namibia

Vocational Education and Training Act, 2008

Regulations relating to Use of Vocational and Training Levies for Funding Vocational Education and Training Programmes and Projects and for Providing Technical and Financial Assistance, 2014

Government Notice 5 of 2014

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Regulations relating to Use of Vocational and Training Levies for Funding Vocational Education and Training Programmes and Projects and for Providing Technical and Financial Assistance, 2014
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Republic of Namibia
Annotated Statutes

Vocational Education and Training Act, 2008

**Regulations relating to Use of Vocational and
Training Levies for Funding Vocational Education
and Training Programmes and Projects and for
Providing Technical and Financial Assistance, 2014**
Government Notice 5 of 2014

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1. Definitions

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

“**key priority grant**” means a grant paid by NTA, for the provisions of technical and financial assistance, to employers, vocational education and training providers, employees, learners and other persons or bodies and for funding vocational education and training programmes and projects;

“**the Act**” means the Vocational Education and Training Act, 2008 (Act [No. 1 of 2008](#));

“**training**” means training which is related to vocational training provided by a private vocational training provider accredited by the Namibia Qualifications Authority or a state owned vocational training centre; and

“**training grant**” means a grant paid by NTA to an employer for purposes of training.

2. Use of levies received by NTA

For purposes of sections 31(2) of the Act, the levies received by NTA in a financial year must be allocated as follows:

- (a) to defray administration costs of NTA, an amount not exceeding 15 percent of the levies received for that financial year;

- (b) to pay training grants, an amount not exceeding 50 percent of the levies received for that financial year; and
- (c) to pay key priority grants, an amount not exceeding 35 percent of the levies received for the financial year.

3. Eligibility for payment of training grant

- (1) An employer is eligible for a training grant, if the employer-
 - (a) is up to date with the payment of the levy payable by the employer;
 - (b) does not have any interest referred to in section 38 of the Act or a penalty referred to in section 39 of the Act outstanding in respect of the levy; and
 - (c) submits to the NTA evidence of the implementation of training.
- (2) Distribution of the levy funds must be made, towards actual costs of training implemented by the employer contemplated in subregulation (1), in accordance with the NTA policies and procedures.

4. Application for payment of training grant

- (1) An employer contemplated in regulation 3(1) who complies with the criteria referred in that regulation and who intends to receive a training grant must prepare and submit, within 31 days after the end of the financial year, an application to NTA unless the NTA on good cause extends the period.
- (2) An employer contemplated in subregulation (1) must submit a separate application form in respect of each subsidiary of the employer's business.

[The word “separate” is misspelt in the Government Gazette, as reproduced above.]

- (3) An application contemplated to in subregulation (1) must be accompanied by-
 - (a) evidence of the implementation of the training in the manner required by the NTA; and
 - (b) such other documents, information or evidence, that the training has been implemented, as the NTA may require.
- (4) The NTA must when it has received an application in terms of subregulation (1), consider the application and-
 - (a) approve the application, if the employer complies with the criteria referred to in regulation 3(1); or
 - (b) reject the application, if the employer does not comply with the criteria referred to in regulation 3(1) and must give reasons for rejecting the application.
- (5) If the NTA rejects an application in terms of subregulation (4)(b), the employer concerned may resubmit the application to the NTA if the employer complies with the eligibility criteria referred to in regulation 3(1), and subregulation (3) applies in respect of the application.

5. Application for payment of key priority grants

- (1) An employer, vocational education and training provider, an employee, a learner and other persons or a body intending to apply for a key priority grant, must prepare and submit to the NTA an application in compliance with the procedures, notification criteria and requirements determined by the NTA.
- (2) An application contemplated to in subregulation (1) must be accompanied by such documents and information as the NTA may require.

- (3) The NTA must when it has received an application in terms of subregulation (1), consider the application and-
 - (a) approve the application; or
 - (b) reject the application and must give reasons for rejecting the application.
- (4) If the NTA rejects an application in terms of subregulation (3)(b), the person or body contemplated in subregulation (1) may resubmit the application subject to such conditions as the NTA may require.

6. Sources of funds for payment of key priority grants

The source of funds for payment of key priority grants consist of-

- (a) an amount not exceeding 35 percent of levies collected for a financial year;
- (b) unclaimed training grants;
- (c) funds arising from non-payment of training grants to employers who fail to comply with the eligibility criteria referred to in regulation 3(1) or who fail to submit an application contemplated in regulation 3(1) within the period referred to in regulation 3(1);
- (d) interest contemplated in section 38 of the Act and penalties referred to in section 39 of the Act;
- (e) interest earned on levy funds in the National Training Fund Account; and
- (f) levies allocated for administration costs of NTA, but which are not required for administration costs.