

Namibia

Namibia Qualifications Authority Act, 1996

## Regulations relating to Evaluation of Qualifications, 2007

Government Notice 182 of 2007

Legislation as at 15 November 2017

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## Regulations relating to Evaluation of Qualifications, 2007

### Contents

1. Definitions .....	1
2. Application and scope of regulations .....	2
3. Application for evaluation .....	2
4. Assessment of an application .....	3
5. Issue of an evaluation report .....	3
6. Refusal to issue an evaluation report .....	3
7. Status of an evaluation .....	4
8. Appeal .....	4
9. Consideration of an appeal .....	4
Annexures .....	4



Republic of Namibia  
**Annotated Statutes**

**Namibia Qualifications Authority Act, 1996**

**Regulations relating to Evaluation of Qualifications, 2007**  
**Government Notice 182 of 2007**

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**[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 Minister of Education has, under section 14 of the Namibia Qualifications Authority Act, 1996 (Act No. 29 of 1996), read with section 3 of that Act, on the recommendation of the Council of the Namibia Qualifications Authority, made the regulations set out in the Schedule.

**1. Definitions**

In these regulations a word or expression defined in the Act has that meaning and, unless the context otherwise indicates—

“**academic record**” means a listing of all courses or modules studied in a year and the grades or marks attained for each;

“**applicant**” means a person, institution or organisation who wishes to receive a determination of the value of any qualification awarded to themselves or another person;

“**certified copies**” means copies of documents verified by the issuing authority or a commissioner of oaths in Namibia or, if outside of Namibia, an official at a Namibian Diplomatic office—

**[The “-,” at the end of this definition should be a semicolon.]**

“**issuing authority**” means the person, institution or organisation with authority to award or issue a particular qualification;

“**NQF**” means the National Qualifications Framework established by the Regulations, Setting up the National Qualifications Framework, published in Government Notice No. 125 of 28 August 2006;

“**qualification**” means, when submitted for an evaluation, any legally issued qualification held by an individual;

**“recognised quality assurance body”** means any body with functions similar to the NQA and that applies quality criteria similar to those applied by the NQA and which is recognised under law as able to accredit courses or institutions or to give approval to the associated qualifications;

**“the Act”** means the Namibia Qualifications Authority Act, 1996 (Act [No. 29 of 1996](#)).

## 2. Application and scope of regulations

These regulations apply to persons, institutions or organisations seeking a determination of the value of a qualification comparable to the NQF qualification.

## 3. Application for evaluation

- (1) A person, institution or organisation applying for an evaluation of a qualification shall complete an application form similar to Annexure A and shall deliver the completed form, together with the documentation referred to in subregulation (2), to the Director.
- (2) The application referred to in subregulation (1), shall be—
  - (a) completed fully, correctly and legibly in black or blue ink;
  - (b) accompanied by certified copies of the following documents:
    - (i) each degree, diploma or certificate for which the applicant seeks an evaluation;
    - (ii) a complete and official academic record of each qualification issued by the issuing authority;
    - (iii) completion of apprenticeships, if relevant;
    - (iv) translation of all non-English language documents prepared by a sworn translator;
    - (v) proof of change of name, if applicable, and
    - (vi) identity document or passport with photograph.
  - (c) accompanied by certified copies of the following, if available:
    - (i) statements of course hours or credits; and
    - (ii) a syllabus or course prescription for each qualification, trade or technical course studied;
  - (d) accompanied by payment or proof of payment of a non-refundable application fee specified in Annexure B.
- (3) The NQA shall retain, for record purposes, any document submitted to it in terms of subregulation (2).
- (4) The NQA may conduct an evaluation of a qualification in the absence of documentary proof contemplated in subregulation (2), if there is alternative valid evidence that the applicant was awarded a specific qualification.
- (5) The following shall not be accepted as documents for the purposes of an application made under subregulation (1):
  - (a) original documents unless specifically requested by the NQA;
  - (b) Testimonials or attestations of any qualification holding;
  - (c) facsimiles or copies of facsimiles;
  - (d) copies of certified copies; and
  - (e) forged, altered or falsified documents.

- (6) From time to time the NQA may specify country-specific documentation requirements in relation to applications made in terms of these regulations.

#### **4. Assessment of an application**

- (1) On receipt of a complete application made under regulation 3, the Director shall refer the application to the relevant staff of the NQA for evaluation.
- (2) An evaluation referred to in subregulation (1) involves the following:
  - (a) a check of the authenticity and legitimacy of submitted documents;
  - (b) verification that the qualification has been approved by a recognised quality assurance body in the country of origin;
  - (c) verification that the issuing authority has a credible and verifiable status conferred by a recognised quality assurance body in the country of origin;
  - (d) an appraisal of all submitted documentation, other available and relevant documentation or information sources and decisions by other recognised qualification evaluation bodies; and
  - (e) consultation with relevant professional associations, regulatory bodies or employer bodies, if qualifications are specifically defined for career entry, registration or licensing purposes.
- (3) In processing any application for an evaluation, the NQA may request additional information from the applicant, particularly if a qualification being evaluated specifies prerequisite qualifications or other requirements.
- (4) If the requirements of subregulations (2) and (3) are complied with, an evaluation decision shall be made stating—
  - (a) that the qualification submitted is comparable to a type of NQF qualification at a specified NQF level in a specified subject area;
  - (b) that the qualification submitted is comparable to a specified volume of NQF credits at a specified NQF level in a specified subject area; or
  - (c) the relevant information found in the course of the evaluation process.
- (5) The decision made in terms of subregulation (4)(a) and (b) shall be recorded on a publicly accessible register maintained by the NQA and that is aligned alongside the register of qualifications making up the NQF for Namibia.

#### **5. Issue of an evaluation report**

- (1) The evaluator contemplated in regulation 4(1) shall if he has completed the evaluation submit a recommendation to the Director who shall, if satisfied that the requirements of regulation 4 have been complied with, issue an evaluation report to the applicant in the form similar to Annexure C.
- (2) An evaluation report shall only be issued to the applicant and in the manner notified by the applicant in the application for evaluation.
- (3) A certified copy of an evaluation report shall only be issued to a third party when nominated by the applicant and for which a payment has been made as specified in Annexure B.
- (4) A duplicate evaluation report may be issued by the NQA on receipt from the applicant of a sworn affidavit attesting to the loss or damage of an original version of the report and the payment of a fee specified in Annexure B.

#### **6. Refusal to issue an evaluation report**

- (1) The Director shall not issue an evaluation report if regulation 4(2)(a), (b) or (c) is not complied with.

- (2) If for any reason an application is refused under subregulation (1), the applicant shall be provided with reasons for the refusal.

## 7. Status of an evaluation

The recommendations made on evaluation reports are advisory in nature and is not binding on other institutions such as employers, professional councils, educational or training institutions or other similar institutions.

## 8. Appeal

- (1) An applicant aggrieved by the decision of the NQA made in terms of these regulations may appeal against that decision on any of the following grounds:
  - (a) the applicant has been denied the right to be informed of the evaluation processes and requirements;
  - (b) the evaluation outcome appears to be inconsistent with evaluation reports provided for the same qualification;
  - (c) evaluation procedures appear to have not been applied or have been applied inconsistently.
- (2) A appeal contemplated in subregulation (1) shall be lodged with the Director in the form similar to Annexure D within—

**[The phrase “A appeal” should be “An appeal” to be grammatically correct.]**

  - (a) two weeks of receipt of the evaluation report if uplifted from the offices of the NQA; or
  - (b) six weeks of issue of the evaluation report if mailed or couriered.
- (3) The application for appeal contemplated in subregulation (1) shall be accompanied by a fee specified in Annexure B.

## 9. Consideration of an appeal

- (1) On receipt of an application in terms of regulation 8 the Director shall refer it to the Council, who may authorise the Director or a staff of the NQA to determine if the application complies with the grounds for an appeal specified in that regulation.
- (2) If the grounds for an appeal are complied with a re-evaluation shall be undertaken by an evaluator who did not undertake the first evaluation who shall recommend to the Council that the evaluation report be sustained or re-issued in a revised form.
- (3) If a revised evaluation report is issued, the fee paid on the lodging of the application for appeal shall be refunded to the applicant.

## Annexures

### Forms

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