

Namibia

## Assignment of Powers Act, 1990

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Republic of Namibia  
**Annotated Statutes**

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## Assignment of Powers Act, 1990

### Act 4 of 1990

Published in [Government Gazette no. 29](#) on 12 June 1990

**Assented to on 6 June 1990**

**Commenced on 12 June 1990**

*[Up to date as at 17 September 2021]*

ACT

**To empower the President of the Republic of Namibia to establish departments and other administrative divisions and to assign the administration of certain laws to the Prime Minister or any Minister; to provide for the temporary performance of the Prime Minister's or a Minister's functions of office by another Minister; and to provide for matters incidental thereto.**

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

### 1. Definitions

In this Act, unless the context otherwise indicates -

“**any law**” means any law in force in Namibia by virtue of the provisions of Article 140 (1) of the Namibian Constitution;

“**Minister**” means any Minister (excluding any Deputy Minister) appointed under Article 32 (3) (i) (bb) of the Namibian Constitution;

“**Prime Minister**” means the Prime Minister appointed under Article 32(3)(i)(aa) of the said Constitution.

### 2. Establishment of departments and other administrative divisions

Subject to the provisions of the laws on the public service the President may designate the powers, duties and functions which vest, under any law, in the President or a Minister, to different departments or other administrative divisions under the names determined by him, and may assign and entrust the administration of the different departments or the different divisions to the Prime Minister and the several Ministers.

### **3. Assignment of powers, duties or functions by the President**

- (1) The President may assign the administration of any provision in any law which entrusts -
  - (a) to the President any power, duty or function, to the Prime Minister or any Minister; or
  - (b) to a Minister any power, duty or function, to the Prime Minister or any other Minister,either specifically or by way of a general assignment of the administration of any law or of all such laws entrusting powers, duties or functions to the President or to such first-mentioned Minister, as the case may be.
- (2) Any power delegated to the Prime Minister or a Minister by the President under the provisions of the Delegation of Powers Proclamation, 1983 (Proclamation AG. 4 of 1983), before the commencement of this Act, shall be deemed to have been assigned to the Prime Minister or the Minister concerned under the provisions of subsection (1) (a).

### **4. Temporary performance of Prime Minister's or Minister's functions of office by another Minister**

Whenever the Prime Minister or a Minister is for any reason unable to perform any of the functions of his or her office or whenever the Prime Minister or a Minister has vacated his or her office and a successor has not yet been appointed, the President may appoint any other Minister to act in the Prime Minister's or the said Minister's stead or office, either generally or in the performance of any function.

### **5. Short title**

This Act shall be called the Assignment of Powers Act, 1990.