

DIRECTORATE: *Legislative drafting*

HOW BILLS BECOME LAW IN NAMIBIA



Introduction The making of laws in Namibia is entrusted to Parliament. A Bill that is passed by Parliament, assented to by the President and published in the *Government Gazette* is called an Act of Parliament. The Administrative Directive published under Government Notice No.1 of 5 February 1993 sets out the procedure for Bills to become laws. The procedure is the same for new Bills and Bills amending existing law.

PROCEDURE TO PASS A BILL INTO LAW



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STAGE 1

Policy

Responsible Office,
Ministry or Agency
develops policy
explaining requirement
for new law



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STAGE 2

Attorney General Consultation

Responsible Office,
Ministry or Agency
consults Attorney
General on proposed law



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STAGE 3

Submission to Cabinet Committee on Legislation (CCL)

Responsible Office,
Ministry or Agency
prepares layperson's draft
Bill and Explanatory
Memorandum and
submits to CCL for
deliberation and
certification



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STAGE 4

Submission to Cabinet

Responsible Office,
Ministry or Agency
sends layperson's draft
Bill, CCL Certificate and
Cabinet Memorandum
to Cabinet for approval
of the principle or policy
justification for the Bill



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STAGE 5

Submission to Ministry of Justice, Directorate: Legislative Drafting

- > Responsible Office, Ministry or Agency sends layperson's draft Bill, Cabinet approval, CCL minutes and certificate, & all other relevant documents or information on the Bill to the Ministry of Justice (MOJ) Directorate: Legislative Drafting
- > MOJ Directorate: Legislative Drafting translates the policy, reviews and revises the layperson's Bill into formal draft legislation & sends the finalised draft Bill to the responsible Office, Ministry or Agency for approval



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STAGE 6

Letter of satisfaction by Responsible Office, Ministry or Agency

Responsible Office, Ministry or Agency sends letter of satisfaction with final draft Bill to MOJ Directorate: Legislative Drafting



STAGE 7

Submission of Bill to Attorney General

MOJ Directorate: Legislative Drafting certifies and forwards the final Bill to the Attorney General for certification and introduction to the National Assembly



STAGE 8

National Assembly

The Bill goes through 3 readings in the National Assembly – which may result in amendments to the Bill. Once the Bill is passed in the National Assembly, the Speaker of the National Assembly must refer the Bill to the National Council for review



STAGE 9

National Council

The Bill goes through 3 readings in the National Council – which may result in amendments or additions to the Bill. The National Council submits a report and recommendations on the Bill to the Speaker of the National Assembly



STAGE 10

Presidential Assent

The President of Namibia assents to the Bill by signing the Bill into law



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STAGE 11

Publication in *Gazette*

The National Assembly Table Office forwards the signed law to the *Gazette* Office for publication. Upon publication in the *Gazette*, the Bill becomes an Act of Parliament



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STAGE 12

Commencement

An Act of Parliament commences on the date of publication in the *Gazette* or on a date determined by the responsible Minister by a notice in the *Gazette* or on a date specified in the Law

For further information access the Ministry of Justice website:
www.moj.gov.na