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Government Notice

MINISTRY OF EDUCATION

No. 208

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The Minister responsible for Science and Technology has under section 35 of the Research, Science and Technology Act, 2004 (Act No. 23 of 2004), made the regulations set out in the Schedule.

A. IYAMBO
MINISTER OF EDUCATION

SCHEDULE

RESEARCH, SCIENCE AND TECHNOLOGY REGULATIONS

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PART I PRELIMINARY AND FUNCTIONS OF COMMISSION

Definitions

1. (1) In these regulations, unless the context otherwise indicates, a word or expression defined in the Act has the same meaning, and –

“based in Namibia” means a research institute or researcher who is physically stationed in Namibia;

“cultural research” means any endeavour, by means of critical investigation, analysis or study of a subject, to discover new, or collate old, facts or hypotheses on a cultural subject and includes any ethnographic or anthropological study, inclusive of basic data collection, studies of, or incorporating, traditional knowledge or classification systems, including but not limited to, studies of medicinal properties of plants, documentary films, archaeology, linguistics and ethno-historical accounts;

“Government institution” means any ministry, department, division, office or agency of State and includes all state-owned enterprises as defined in section 1 of the State-owned Enterprises Governance Act, 2006 (Act No. 2 of 2006);

“incident” means an occurrence, or series of occurrences having the same origin, arising from research which causes or threatens to cause damage, injury or loss to life, property, biodiversity, the environment or any resources, subject to that in the event of a series of occurrences the occurrence is deemed to have occurred on the date of the first of such occurrences;

“innovation” means a new combination, new process, new idea brought to the market or approach which involves scientific, technological, organisational or commercial activities;

“invention” means any new discovery or improvement in respect of any process, apparatus or machine arising from research or from any other source;

“Namibian-based researcher” means a researcher based in Namibia;

“Namibian-based research institute” means a research institute, as contemplated in section 20(1) of the Act, based in Namibia;

“non Namibian-based researcher” means a researcher not based in Namibia;

“non Namibian-based research institute” means a research institute, as contemplated in section 21(1) of the Act, not based in Namibia;

“products of research” means publications, including, but not limited to, reports, studies, articles, theses, manuscripts, sound recordings, film and video, media interviews and computer databases, field notes, illustrations, photographs, sound recordings, collected material artefacts, replicas and samples, including all derivative forms they may take such as translations, and communications through the electronic media, including the internet and world wide web;

“research certificate” means a certificate issued by the Commission in terms of regulation 16 authorising research in Namibia;

“researcher” means a natural person not attached to, or forming part of, a research institute, whether in the public or private sector, practicing research, science, technology, innovation or invention as part of such person’s activities whether such person acts on his or her own or as part of a group;

“research permit” means a permit issued by the Commission in terms of regulation 22 authorising research in Namibia;

“sample” means an object or thing, or group or collection of objects or things, whether living or non-living and irrespective of origin or age, or whether *in situ* in its natural environment or not, that –

- (a) may carry any information including, but not limited to, archaeological, historical, medicinal information; or
- (b) yields or may yield information to research,

and is collected as part of, or for purposes of, research; and

“the Act” means the Research, Science and Technology Act, 2004 (Act No. 23 of 2004).

Services to be provided by Commission

2. (1) Subject to the approval of the Minister the Commission established in terms of section 4 of the Act –

- (a) must, set the criteria to determine whether or not a research institute or researcher is based in Namibia; and
 - (b) may, from time to time, revise and amend that criteria.
- (2) The Commission must give notice of these criteria in accordance with regulation 32.
- (3) The Commission may provide, services against payment as provided for in this regulations where the payment is considered appropriate by the Commission and if negotiated by the Commission, or against non payment, but not limited to –
- (a) services contemplated in section 5(2)(a) and (b) of the Act;
 - (b) the provision of advice and services related, but not limited, to research, science, technology, innovation and invention needs, challenges and opportunities in Namibia and amongst the Namibian people, commissioned research and the compilation of publications, reports, journals or any other type of document;
 - (c) the examination of anything and pronouncing itself and providing comments, opinions, recommendations;
 - (d) providing advertising and information on any person or body in its publication material, on its website or by any other means;
 - (e) the rendering of support relevant to its functions to any person or body whether inside or outside Namibia provided that such support falls outside the Commission’s duties;
 - (f) the undertaking of any studies or research related to the fields of research, science technology, innovation and invention;

- (g) where approved by the Minister, making available research, science, technological, innovation and invention and other expertise and experience in the Commission's possession; and
- (h) such other services as the Commission may identify.

(4) The Commission may obtain an interest or right in a project, enterprise or body corporate relating to research, science, technology, innovation or invention for the benefit of the Commission, subject to that such interest may not create a conflict of interest or impede upon its integrity or impartiality as regards its functions, duties and obligations.

(5) For the purposes of rendering services, the Commission may negotiate and enter into a contract which formalises its relationship to the other party or parties involved in such services or interest.

Charges by Commission

3. (1) The Commission may, in respect of any service rendered by it as contemplated in regulation 2, charge –

- (a) an hourly or daily tariff;
- (b) a percentage fee based on the value of the project to which the service relates or other basis as may be agreed upon;
- (c) a fixed amount; or
- (d) other charges as the Commission, considers necessary or agree upon with the receiver of the relevant services after approval from the Minister in general or for a specific instance,

(2) The Commission may charge such fees as set out in Annexure A for the issuing of a replacement research certificate, research permit or any other document issued by it that is damaged, lost or needs replacement for any other reason.

Requirements relating to national programme

4 (1) The Commission may include in the national programme, provided for in section 18 of the Act –

- (a) the position of innovation and invention in Namibia and section 18(1) of the Act applies with the necessary changes as regards the information to be supplied on innovation and invention;
- (b) an evaluation of the needs of research, science, technology, innovation and invention in Namibia;
- (c) all obligations incurred or commitments made by Namibia in terms of or under national, regional or international instrument, agreement or other arrangement;
- (d) the need for standardisation in research, science, technology, innovation and invention;
- (e) an indication of the monetary needs in Namibia for research, science, technology, innovation and invention and the manner in which this should be included in the

various Ministerial budgets for the national appropriation budget and the prioritisation of such funding needs, including how contributions can be obtained from the private sector;

- (f) proposals on how research, science, technology, innovation and invention can be promoted, expedited and coordinated in Namibia with specific emphasis on private sector participation; or
- (g) any other information determined by the Commission.

Promotion and prioritisation of research, science, technology, innovation and invention

5. (1) The Commission must aim at –

- (a) enhancing interaction, cooperation and collaboration between –
 - (i) Namibian research institutes and researchers; and
 - (ii) Namibian and foreign research institutes and researchers;
- (b) providing opportunities for the exchange of knowledge, technical expertise and experience; and
- (c) enhancing interaction and the exchange of knowledge between the producers and users of research, science, technology, innovation and invention.

(2) The Commission must promote research activities in Namibia so that the results can further Namibia's development and ensure that Namibia and Namibians receive or share in the benefits of such research.

(3) The Commission must encourage and promote the development of research, science, technology, innovation and invention within the Namibian industry and commerce, including the creation of research, science, technology, innovation and invention divisions within industrial and commercial entities.

PART 2 COUNCILS

Establishment of Councils

6. (1) The Commission may, at a meeting of the Commission, establish one or more councils under section 19(1) of the Act.

- (2) The Commission must, when establishing a council determine –
 - (a) the name of the council;
 - (b) the objects and functions of the council;
 - (c) the number of members of the council, at the discretion of the Commission, which may not be less than three and of whom one must be a commissioner;
 - (d) the qualifications and disqualifications for membership to the council;
 - (e) the manner in which members are to be nominated and elected which could include but are not limited to –

- (i) inviting the public to nominate persons with qualifications or expertise relevant to the objectives and functions of the council;
 - (ii) requesting nominations from specific institutions or bodies operating in fields relevant to the objectives and functions of the council; and
 - (iii) selecting persons who are already elected as members or directors of an existing council, board, committee, agency or other body within the field of research, science, technology, innovation and invention;
- (f) the appointment of a chairperson and vice-chairperson;
- (g) the times and places for holding of council meeting
- (h) the manner in which minutes must be taken and kept;
- (i) the quorum for a council;
- (j) the voting proceedings;
- (k) the term of office of appointment and conditions of appointment, if any which may not be shorter than one year and not longer than four years; and
- (l) the manner of resignation, removal and vacation of office of council members and the filling of vacancies in a council.
- (3) The Commission's decision with regards to the matters set out in subregulation (2) can be taken either specifically for a specific council or can be taken generally for more than one or all councils.
- (4) The Commission must oversee and ensure that the council pursues its objects and performs its functions, and the Commission exercises overall control over the performance by the council of its function.
- (5) The Commission may dissolve a council at any time where the council is mismanaged, serves no useful purpose or on any other reasonable grounds.
- (6) A member of a council may receive remuneration and allowances from money in the Fund as the Minister in consultation with the Minister of Finance decide, which decision may be taken –
- (a) in general for all council members;
 - (b) in general for all category of council members; or
 - (c) regarding council members individually.
- (7) Unless persons are appointed or designated to do the work of a council, such work is to be done by the staff of the Commission.

Meetings and procedures of councils

7. (1) Subject to regulation 6, the first meeting of a council is held at a place, date and time determined by the Commission and after that as determined by the chairperson of the council.

- (2) A council must meet –
 - (a) at least once a year;
 - (b) when so determined by the Commission or the chairperson of the council; or
 - (c) when so requested by at least one third of the members of the council.
- (3) Members of a council must be notified in writing at least two days prior to the date of the meeting and the notification must be accompanied by a proposed agenda for the meeting.
- (4) As determined by the Commission under regulation 6(2) –
 - (a) a quorum for a council meeting is half of its members; and
 - (b) a council decision is taken by a resolution of a simple majority of the council members present at a council meeting and in the event of an equality of votes the council's chairperson has a casting vote.
- (5) A council member may not vote or participate in a matter at a council meeting which the member has an interest in.
- (6) The Commission may authorise a council to establish an executive committee and decide on the functions and powers of that committee.
- (7) A decision taken by a council or an act performed under the authority of council may not be invalidated only by reason of –
 - (a) a vacancy in the council; or
 - (b) the fact that a person who is not entitled to sit as a member of a council sat as a member at the time when the decision was taken or the act was authorised,

if the decision was taken or the act was authorised by the requisite majority of the members who were present at the time and entitled to sit as members.

Funding of councils

8. (1) The Commission is responsible for accounting for all money assigned towards the functions of a council from the Fund or from any other source, subject to that the Commission may delegate this responsibility to the chief executive officer of a council.

(2) Every council must not later than 31 January of every year, or such other date as the Commission may determine, provide the Commission with a budget containing its expected expenditures for the ensuing financial year in the format required by the Commission.

PART 3 REGULATION OF RESEARCH AND RELATED ACTIVITIES

General provisions relating to regulation of research

9. (1) The Commission is the coordinating body for all research conducted in Namibia.

(2) A researcher who belongs to a research institute where the research institute applies for and holds a research certificate or research permit can operate under that certificate or permit if authorised to carry out that research by that certificate or permit.

(3) Where the research institute does not receive a research certificate or research permit or the Commission has not authorised the researcher to operate under that certificate or permit the researcher must himself or herself apply for a research certificate or research permit.

Complaints

10. (1) A person may lodge a written complaint with the Commission regarding the conduct of a research institute or researcher, whether or not such research is registered under these regulations, and the Commission must deal with the complaint under the circumstances.

(2) For the purposes of this regulation, the Commission may determine the format and procedure in which such complaint must be submitted to and dealt with by the Commission.

Changes and additions to prescribed forms by Commission

11. Where a form is prescribed by these regulations, the Commission may –

- (a) make changes to the format of the form which may not change the contents of the form to facilitate the completion by prospective researcher or research institute; and
- (b) make provision for any additional information which the Commission may require from applicants.

Research certificates and research permits not transferable

12. A research certificate or research permit issued under these regulations may not be transferable.

Conditions of certain research and research sample taking

13. (1) The following research is to be undertaken in terms of section 21 of the Act:

- (a) research relating to the facilitation or promotion of biological warfare;
- (b) research which involves the dumping or disposal of hazardous waste, including toxic waste which does not comply with the principles of the Basil Convention on the Control of Transboundary Movements of Hazardous Waste adopted in March 1989; and
- (c) research determined by the Commission in consultation with the Minister.

(2) In terms of section 22(3) of the Act authority must be given by the Commission in order to collect or remove the following samples from Namibia –

- (a) samples for the purposes of research stipulated in subregulation (1);
- (b) samples containing any micro-organism which are not specifically authorised to collect or remove such micro-organism;
- (c) such samples as may be determined by the Commission in consultation with the Minister.

Nature of research institutes and researchers

- 14.** (1) Research institutes and researchers are divided into -
- (a) Namibian-based research institutes and Namibian-based researchers; and
 - (b) non Namibian-based research institutes and non Namibian-based researchers.

(2) For purposes of these regulations, the Commission may in accordance with section 18 of the Act develop guidelines regarding –

- (a) the distinction between research institutes and researchers; and
- (b) the criteria for qualification as a research institute or a researcher.

(3) Cooperation, attachment, participation, assistance or other forms of collaboration may exist between research institutes and researchers and amongst themselves referred to as a research partner and in such instance an applicant for a research certificate or research permit must decide whether or not to apply in the applicant's name or under the name of the research partner and must clearly set out in the registration form the relationship between the applicant and the research partner.

(4) In an application relating to subregulation (3), the Commission has the discretion to decide and direct as to the name the applicant can use.

General provisions relating to fees

15. (1) Fees paid under these Regulations are not refundable unless wrongly imposed or paid erroneously.

(2) In terms of section 20(4) of the Act, a research institute in the Namibian public sector is exempted from the payment of application and registration fees.

(3) The Commission may under special circumstances, where there is good reason, waive, or discount, any fee payable under these Regulations.

PART 4**NAMIBIAN-BASED RESEARCH INSTITUTES AND NAMIBIAN-BASED RESEARCHERS****Application for registration of a Namibian-based research institute or a Namibian-based researcher**

16. (1) A Namibian-based research institute or a Namibian-based researcher, desiring to conduct research in Namibia must, prior to commencing such research, apply for registration by duly completing Form RST/1 as set out in Annexure B and must lodge such application with the Commission together with such other documents or records as may be required by or under these Regulations.

(2) An application for registration as a Namibian-based research institute or a Namibian-based researcher must be accompanied by –

- (a) a certified copy of the applicant's identity document if the applicant is a natural person; and
- (b) in the case of a non-Namibian citizen –

- (i) a permanent residence permit;
- (ii) an employment permit;
- (ii) a student permit; or
- (iv) any other relevant authorisation,
authorising such researcher to work or train in Namibia together with proof of residence in Namibia, where it is available at the time that the application is submitted;
- (b) where the applicant is a body corporate, a certified copy of its registration documents;
- (c) where the applicant is an unincorporated body, the name of the project leader or principal and the requirements as set out in subparagraph (a) applies with the necessary changes;
- (d) the appropriate application fee imposed by Annexure A; or
- (e) such other information as the Commission may specify on Form RST/1.
- (3) After receiving an application the Commission may request –
 - (a) further information which the Commission considers relevant from the applicant, any Government institution, an agency, body or person;
 - (b) the applicant to make changes to the submitted research proposal as considered necessary by the Commission; or
 - (c) the applicant to obtain comments from any Government institution or other agency, body or person relevant to the area of research and to provide the Commission with such comments.
- (4) A researcher based in Namibia must obtain any other permission required from any other body in Namibia and comply with any obligations imposed on the research by any other body or law in Namibia.
- (5) After consideration of an application the Commission may where the Commission is satisfied that the research institute or researcher complies with the requirements, the Commission must register the research institute or researcher and issue, upon payment by the Namibian-based research institute or Namibian-based researcher of the relevant registration fee in Annexure A, a research certificate in the form of Form RST/2.
- (6) Where an applicant fails to or cannot provide all required information the Commission may –
 - (a) refuse to grant the certificate and give that applicant 14 days in which to appeal against the decision to the Minister;
 - (b) provisionally grant a temporary research certificate and the research certificate must be issued once all the required information has been submitted.
- (7) A research certificate may, within the discretion of the Commission –

- (a) authorise a specific type of research or more than one type of research; and
 - (b) specify specific research or types of research prohibited to be undertaken.
- (8) Where the application has been refused the applicant has 14 days to appeal to the Minister.

Duration and renewal of research certificates

17. (1) A research certificate is issued for such period as may be determined by the Commission.

(2) A research certificate is valid for the period specified in the certificate but may be renewed by the Commission upon written application submitted, to the Commission at least 60 days prior to its expiration, for such further periods, including an indefinite period, at the discretion of the Commission.

(3) When applying for the renewal of a research certificate, the applicant must provide reasons for such renewal and submit together with the renewal application, the format of which the Commission may determine, the following documents -

- (a) progress report;
- (b) schedule of work for the period of which the renewal is sought; and
- (c) any other information considered necessary by the Commission.

Changes to research conducted under a research certificate

18. (1) If a Namibian-based research institute or a Namibian-based researcher desires to make changes to a research project after being issued with a research certificate, the proposed changes must be submitted to the Commission together with such information as the Commission may require.

(2) The Commission must review a submission received under subregulation (1) and may, within the discretion of the Commission in terms of section 21 of the Act, approve or refuse such changes and where changes are approved, the relevant research certificate may be amended.

(3) The Namibian-based research institute or Namibian-based researcher may not implement changes until the Commission has approved such changes and, where necessary, amended the research certificate.

Requirements applicable to a Namibian-based research institute and a Namibian-based researcher applying for registration

19. A Namibian-based research institute or Namibian-based researcher applying for a research certificate in order to qualify for registration must comply with the following:

- (a) compliance with regulation 16;
- (b) the purpose, goal or result of the research must be beneficial to Namibia; and
- (c) the applicant's past conduct must not provide reasonable grounds for the Commission to believe that the activities to be conducted, once a research certificate has been issued for research, will not be conducted in accordance with these regulations.

Conditions applicable to Namibian-based research institutes and Namibian-based researcher

20. (1) The following conditions are applicable to Namibian-based research institutes and Namibian-based researchers registered to conduct research in Namibia and they must ensure that :

- (a) public health, biological diversity and the environment are appropriately protected and, unless otherwise determined by the Commission, not negatively impacted upon by the research;
- (b) they comply with the Act, these regulations and all other applicable laws;
- (c) they notify the Commission of any incident occurring at any time during the research and the Commission may, for the purposes of this condition, determine the form and procedures applicable to such notification;
- (d) unauthorised research may not be undertaken;
- (e) at such intervals and in such format as determined by the Commission, report to the Commission on research conducted and on the findings, outcomes and results of such research;
- (f) they have the research certificate available at the research institute's or researcher's place of business at all times, in the event of field research being undertaken or there being no place of business, must have the research certificate or a certified copy in their possession;
- (g) in the event of samples being taken as part of such research, regulations 29 pertaining to sample taking must be complied with; and
- (h) where a Namibian-based researcher is not a Namibian citizen, the Commission may require that a Namibian understudy be involved in the research in the manner determined by the Commission.

(2) The Commission may give special conditions to a research certificate as it considers appropriate.

Cancellation of research certificate of Namibian-based research institute or Namibian-based researcher

21. (1) The research certificate of a Namibian-based research institute or Namibian-based researcher may be cancelled in the event –

- (a) where the institute or researcher submitted false or incorrect information to the Commission knowing such information to be false or incorrect;
- (b) that the institute or researcher fails or failed to comply with the Act, these Regulations or a condition of the research certificate;
- (c) that the institute or researcher has been issued with a research certificate wrongly;
- (d) that the institute or researcher fails to commence with research within a period of 12 months after the issue of the research certificate;

- (e) in the event that the research has commenced the institute or researcher fails, without the permission of the Commission, to conduct research for a consecutive period of twelve months;
 - (e) where the institute or researcher is banned under regulation 31;
 - (f) where there is good reason for the Commission to cancel such research certificate; or
 - (g) that the institute or researcher gives written notice to the Commission of the discontinuance of research activities and wishes to have the research certificate cancelled.
- (2) The Commission may not cancel a research certificate under subregulation (1) unless –
- (a) it has by written notice informed the Namibian-based research institute or Namibian-based researcher of its intention to cancel the research certificate –
 - (i) setting out the reasons for the Commission’s intention to cancel the research certificate; and
 - (ii) calling upon the research institute or researcher to make such representations to the Commission within a period of 14 days or such longer period as the Commission may determine after the date of such notice;
 - (b) it has taken into account –
 - (i) any steps taken by the relevant institute or researcher to remedy the failure or contravention concerned or to prevent such failure or contravention from happening; and
 - (ii) any other matters submitted to the Commission by way of the representations made under paragraph (a) or required by the Commission.
- (3) A research certificate cancelled under this regulation has no effect.
- (4) Where a research certificate ceases to have effect-
- (a) the relevant Namibian-based research institute or Namibian-based researcher must surrender the research certificate to the Commission within a period of 14 days from the date on which the Commission informed it that the research certificate ceased to have effect; and
 - (b) the Commission must indicate on its register that such research certificate has been cancelled and that such institute or researcher has been removed from the register.

PART 5

NON NAMIBIAN-BASED RESEARCH INSTITUTES AND NON NAMIBIAN-BASED RESEARCHERS

Application for registration of a non Namibian-based research institute or a non Namibian-based researcher

22. (1) A non Namibian-based research institute or non Namibian-based researcher, desiring to conduct research in Namibia, must prior to commencing such research apply for a research permit by completing Form RST/3 as set out in Annexure B and must lodge such application with

the Commission together with such other documents or records as may be required under these Regulations.

(2) An application for registration as a non Namibian-based research institute or a non Namibian-based researcher must be accompanied by the following:

- (a) a certified copy of the applicant's identity document where the applicant is a natural person;
- (b) for a non-Namibian citizen –
 - (i) permanent residence permit;
 - (ii) employment permit;
 - (iii) student permit; or
 - (iv) any other relevant authorisation,

authorising such researcher to work or train in Namibia where it is available at the time that the application is submitted;

- (c) a certified copy of its registration documents where the applicant is a body corporate;
- (d) the name of the project leader or principal if the applicant is an unincorporated body, and subparagraph (a) applies with the necessary changes regarding the information to be submitted;
- (e) the appropriate application fee imposed by Annexure A;
- (f) the manner in which such institute or researcher intends to involve a Namibian understudy in the research and any further particulars regarding such understudy; or
- (g) such other information as the Commission may specify on Form RST/3.

(3) The Commission may, when considering an application that has been submitted, request –

- (a) further information which the Commission may consider relevant from the applicant, any Government institution, whether in Namibia or elsewhere, or any other agency, body or person;
- (b) the applicant to make changes to the submitted research proposal if considered necessary by the Commission in terms of section 21 of the Act; or
- (c) the applicant to obtain comments from Government institution, whether in Namibia or elsewhere, or other agency, body or person relevant to the area of research and provide the Commission with such comments.

(4) A non Namibian-based research institute or a non Namibian-based researcher must obtain any other permission required from any other body in Namibia and comply with any obligations imposed on such research by any other body or law in Namibia.

(5) After consideration of an application, where the Commission is satisfied that the non Namibian-based research institute or non Namibian-based researcher complies with the set conditions, the Commission may –

- (a) register and issue to such research institute or researcher, upon payment of a registration fee stated in Annexure A, a research permit in the form of Form RST/4; or
 - (b) refuse the application together with its reasons for such refusal.
- (6) Where an applicant fails to or cannot provide all required information, the Commission may grant a provisional research permit subject to the research permit being issued once all the required information has been submitted.
- (7) A research permit may, within the discretion of the Commission –
- (a) authorise a specific type of research or more than one type of research; and
 - (b) specify specific research or types of research prohibited to be undertaken.
- (9) Where the application has been refused the applicant has fourteen days to appeal to the Minister.

Duration and renewal of research permits

23. (1) A research permit is issued for a period as the Commission may consider necessary and may be issued indefinitely.

(2) A research permit is valid for a specified period but it may be renewed by the Commission upon written application submitted, at least 60 days before its expiration, or any other period as the Commission considers necessary.

(3) When applying for the renewal of a research permit, the applicant must provide reasons for such renewal and submit together with the renewal application, the format of which the Commission may determine the following documents :

- (a) progress report;
- (b) schedule of work for the period of which the renewal is sought;
- (c) any other information the Commission considers necessary.

Changes to research conducted under a research permit

24. (1) Where a non Namibian-based research institute or non Namibian-based researcher desires to make changes to a research project after being issued with a research permit, the proposed changes must be submitted to the Commission together with information as the Commission may require.

(2) The Commission must review a submission received under subregulation (1) and may, within the discretion of the Commission, approve or refuse such changes, subject to where changes are approved, the relevant research permit must be amended.

(3) The non Namibian-based research institute or non Namibian-based researcher may not implement changes until the Commission has approved such changes and where necessary amend the research permit.

Requirements applicable to a non Namibian-based research institute and a non Namibian-based researcher applying for registration

25. The following requirements are applicable to a non Namibian-based research institute or a non Namibian-based researcher applying for a research permit in order to qualify for registration:

- (a) compliance with regulation 22;
- (b) the purpose, goal or result of the research must be beneficial to Namibia;
- (c) the applicant's past conduct may not provide reasonable grounds for the Commission to believe that the activities to be conducted, once a research permit has been issued for research, may not be conducted in accordance with these regulations, the Act and all other laws and in a safe and beneficial manner.

Conditions applicable to non Namibian-based research institutes and non Namibian-based researchers

26. (1) The following conditions are applicable to non Namibian-based research institutes and non Namibian-based researchers registered to conduct research in Namibia -

- (a) the non Namibian-based research institute or non Namibian-based researcher must ensure that public health, biological diversity and the environment are protected under such circumstances and unless otherwise determined by the Commission, not negatively impacted upon by its research;
- (b) the non Namibian-based research institute or non Namibian-based researcher must comply with the Act, these regulations and all other applicable laws;
- (c) the non Namibian-based research institute or non Namibian-based researcher must notify the Commission of any incident occurring at any time during the research and the Commission may, for the purposes of this condition, determine the form and procedures applicable to such notification;
- (d) unauthorised research may not be undertaken;
- (e) the non Namibian-based research institute or non Namibian-based researcher must at such intervals and in such format as determined by the Commission report to the Commission on research conducted and on the findings, outcomes and results of its research;
- (f) the non Namibian-based research institute or non Namibian-based researcher must have the research permit available at the research institute's or researcher's official place of business at all times and, in the event of field research being undertaken or there being no place of business, must have the research permit or a certified copy in their possession;
- (g) in the event of samples being taken as part of such research, regulations 29 must be complied with;
- (h) the non Namibian-based research institute or non Namibian-based researcher must report to the Commission in person prior to commencing research and must before finally leaving Namibia, also report to the Commission;

- (i) unless the research permit expired or is cancelled earlier, the non Namibian-based research institute or non Namibian-based researcher must return the research permit for cancellation by the Commission –
 - (i) prior to leaving Namibia at the conclusion of the research; or
 - (ii) upon completion of the research;
 - (j) if so decided by the Commission, the non Namibian-based research institute or non Namibian-based researcher must provide the Commission, at least three months, or such other period as the Commission may determine, prior to leaving Namibia at the conclusion of its research or upon completion, with a presentation in the format determined by the Commission and a discussion of findings, outcomes and results of its research;
 - (k) the non Namibian-based research institute or non Namibian-based researcher must submit three copies of its final report or publication on its research, in English, together with an electronic version in a format as specified by the Commission soon after the research is completed;
 - (l) the non Namibian-based research institute or non Namibian-based researcher must produce the research permit upon request by anyone;
 - (m) if so required by the Commission and where applicable, the environment must be, in as far as possible, returned to the condition which existed before the research activities occurred; and
 - (n) a Namibian understudy must be involved in the research in the manner determined by the Commission.
- (2) The Commission may attach such additional special conditions to a research permit as it considers appropriate under the circumstances.

Cancellation of research permit of non Namibian-based research institute or non Namibian-based researcher

- 27.** (1) The research permit of a non Namibian-based research institute or non Namibian-based researcher may be cancelled in the event where the institute or researcher –
- (a) at any time, submitted false or incorrect information to the Commission knowing such information to be false or incorrect;
 - (b) fails or failed to comply with the Act, these regulations or a condition of the research permit;
 - (c) has been issued with a research permit erroneously;
 - (d) fails to commence with research within a period of six months after the issue of the research permit or, once research has commenced, in the event that the institute or researcher fails to conduct research for a consecutive period of six months without permission from the Commission;
 - (e) is prohibited under regulation 31;
 - (f) is involved in activities not covered by the research permit;

- (g) conduct under the research permit, in the opinion of the Commission, endangers public health, social welfare, property, biodiversity, the environment or any Namibian resources;
 - (h) there is good reason for the Commission to cancel such research permit; or
 - (i) gives written notice to the Commission of the discontinuance of research activities and wishes to have the research permit cancelled.
- (2) The Commission may not cancel a research permit under subregulation (1) unless –
- (a) it has by written notice informed the non Namibian-based research institute or non Namibian-based researcher of its intention to cancel the research permit –
 - (i) setting out the reasons for the Commission's intention to cancel the research permit; and
 - (ii) calling upon the research institute or researcher to make such representations to the Commission as such institute or researcher considers necessary or expedient within a period of 14 days or such longer period as the Commission may determine after the date of such notice;
 - (b) it has taken into account –
 - (i) any steps taken by the relevant institute or researcher to remedy the failure or contravention concerned or to prevent such failure or contravention from happening again; and
 - (ii) any other matters submitted to the Commission by way of the representations made under paragraph (a) or considered necessary by the Commission to take into account.
- (3) In cases of an incident the Commission may cancel the research permit but after complying with subregulation (2)(b) it may reinstate the research permit.
- (4) The effect of a cancellation under this regulation is that the research permit ceases to have effect.
- (5) If a research permit ceases to have effect, the relevant non Namibian-based research institute or non Namibian-based researcher must surrender the research permit to the Commission within a period of five days from the date on which the Commission informed it that its permit so ceased to have effect and the Commission must indicate on its register that such research permit has been cancelled and that such institute or researcher has been deregistered.

Entry into Namibia by non Namibian-based research institutes and non Namibian-based researchers

28. (1) A non Namibian-based research institute or non Namibian-based researcher desiring to conduct research in Namibia must, where applicable, apply for a research permit prior to applying for an employment or a student's permit and, if the research permit is granted, such research permit must be submitted to immigration control together with the application for an employment or a student permit.

(2) A non Namibian-based research institute or non Namibian-based researcher conducting research in Namibia must at all times be in possession of a valid employment permit or student permit.

(3) A person entering Namibia to conduct research in Namibia must as soon as possible upon arrival present himself or herself to the Commission.

(4) The Immigration Control Act, 1993 (Act No. 7 of 1993), must be complied with.

PART 6

SAMPLE TAKING AND SENSITIVE AND CULTURAL RESEARCH

Requirements and conditions applying to the collection of samples

29. (1) The following requirements and conditions apply to all research institutes and researchers as regards the collection, acquisition or analysis of samples for the purposes of research in Namibia :

- (a) the research institute or researcher must have indicated on its application the intention to collect samples and provide the Commission in such application with all the details requested;
- (b) the relevant research certificate or research permit must indicate that it is authorised to collect samples, the type of samples, the size of samples, the area where samples may be collected, the intended use of the samples, and such other relevant information as the Commission may determine;
- (c) as regards the use of the sample collected, the relevant research certificate or research permit must specify whether the researcher or research institute may kill, destroy, catch and release live samples, return rocks, non-biological, samples, salvage or collect only dead samples, trap, mark, inject radioactive tracers in, or merely observe or export samples;
- (d) no sample is to be taken out of Namibia without the specific written approval of the Commission set out in a document separate to the relevant research certificate or research permit and the Commission must consult with relevant Government institutes before giving such approval;
- (e) the Commission may give conditions as regards the handling of samples in Namibia, whether by means of a condition to a research certificate or research permit or by means of a separate written notice at any time to a researcher or research institute;
- (f) the research institute or researcher must notify the Commission of all benefits accruing from the use of the sample to ensure equitable benefit sharing and royalty sharing from any product that is marketed as a result of the use of the sample;
- (g) upon completion of the research, withdrawal of permission to take samples or cancellation of the research certificate or research permit of a research institute or researcher, such researcher or research institute must notify the Commission of all samples in its possession or under its control and the Commission must decide whether it should be retained by the Commission or anyone else or whether it can be retained by the research institute or researcher and give written authorisation for such retention or how it must be destroyed;
- (h) no sample may be released to, or used by, any other research institute, researcher, person or any other entity whether public or private without the permission of the Commission;
- (i) a sample may not leave the possession or control of the research institute or researcher without the permission of the Commission and where the sample is to be disposed of

or destroyed, the Commission must be notified and also of the manner in which it is going to be disposed of or destroyed and the Commission must give its approval;

- (j) where sample collection takes place in ecologically, ethically or socially sensitive areas the Commission may stipulate that it should take place under supervision of a Government institution, agency, body or person indicated by the Commission;
- (k) a research institute or researcher must allow the Commission, or any other person authorised by the Commission, at all reasonable times to monitor and inspect its sample taking activities in the manner determined by the Commission; and
- (l) notwithstanding the permission of the Commission having been given for sample taking, all other Namibian laws, in so far as they are relevant, apply to such sample taking in addition to these regulations.

(2) The Commission may, if there are good reasons, by written notice, withdraw any permission given for sample taking and request the research institute or researcher to return all samples specified by the Commission to it or to such other person or body indicated by the Commission subject to regulation 21.

Monitoring and inspections

30. The Commission, or any person authorised by the Commission, may monitor and inspect the activities of any researcher or research institute at reasonable times to ensure that it complies with these regulations.

Prohibition of a research institute or a researcher

31. (1) A research institute which, or a researcher who, fails to comply with these regulations may be prohibited in terms of section 21 (2)(d) of the Act from conducting any further or future research in Namibia subject to that the Commission –

- (a) must investigate such failure and be convinced that a failure to comply or transgression has taken place;
- (b) must notify the research institute or researcher of its intention to prohibit such research institute or researcher;
- (c) must give reasons for its decision to prohibit a research institute or researcher;
- (d) may make the prohibition effective upon the cancellation or termination in any other manner of such research institute's research certificate or such researcher's research permit.

(2) Where the Commission is satisfied that the reason for the prohibition of a research institute or a researcher has ceased to exist, the Commission may lift the prohibition and in writing notify such research institute or researcher of such lifting of the prohibition.

Keeping and notification of information and registers

32. (1) The Commission must keep one or more registers which must contain the following information –

- (a) the name, physical and postal address and contact details of the Commission;
- (b) the names and resumes of all commissioners;

- (c) research funded by the Commission;
- (d) particulars of each research certificate and research permit issued under these regulations which must include at least the name, address, principal activities and type of research, location of research and expected results of research, conducted;
- (e) the current and past national research, science and technology programmes and strategic profile of the Commission;
- (f) the application forms for research certificates and research permits and other related particulars which the Commission considers appropriate;
- (g) the criteria set by the Commission under regulation 2 to determine whether or not a research institute or researcher is based in Namibia; and
- (h) such information regarding research in Namibia and the requirements applying as the Commission considers appropriate.

(2) In order to ensure that information is readily available, the Commission must as soon as possible after the commencement of these regulations, establish a website on the world wide web which must be the official website of the Commission and which website must contain the information listed in subregulation (1).

(3) The Commission must ensure that the registers and website information are regularly updated and contain latest and relevant information.

(4) The Commission may omit confidential information from the registers and website.

(5) The Commission may sell services and publications on its website.

Transitional provisions

33. (1) A Namibian-based research institute or a Namibian-based researcher which or who conducts research in Namibia at the date of commencement of these regulations may continue with such research subject to that such institute or researcher must register with the Commission in terms of Part 5 of these regulations within 6 months after the commencement of these regulations.

(2) A non Namibian-based research institute or researcher conducting research in Namibia at the date of commencement of these regulations may continue with such research subject to that the institute or researcher must register in terms of Part 5 of these regulations within 60 days after the commencement of these regulations.

Offences and penalties

34. A person who contravenes these regulations is guilty of an offence and upon conviction is liable to a fine not exceeding N\$ 2 000 or a period of imprisonment of two years or to both such fine and imprisonment.

**ANNEXURE A
FEES SCHEDULE**

Regulation	Nature of Fee	Fee
3(2)	Replacement fees: Research certificate Research permit Any other document	N\$ 100 N\$ 100 Up to N\$ 50 per page
16(2)(d)	Application fee for Namibian-based research institute to be registered	N\$ 1 000
16(5)	Registration fee for Namibian-based research institute	N\$ 1 500
22(1)	Application fee for non Namibian-based research institute for a research permit	N\$ 2 000
22(5)(a)	Issue fee for research permit	N\$ 5 000

ANNEXURE B**FORMS**

- Form RST/1: Application form for registration of a Namibian-based research institute or a Namibian-based researcher
- Form RST/2: Research certificate
- Form RST/3: Application form for research permit for a non-Namibian-based research institute or non Namibian-based researcher
- Form RST/4: Research Permit

FORM RST/1



NATIONAL COMMISSION ON RESEARCH, SCIENCE AND TECHNOLOGY

RESEARCH, SCIENCE AND TECHNOLOGY REGULATIONS, 2011 RESEARCH, SCIENCE AND TECHNOLOGY ACT, 2004

APPLICATION FOR NAMIBIAN-BASED RESEARCH INSTITUTION/RESEARCHER

(Regulation 16(1))

GENERAL NOTES ON COMPLETION OF FORM

1. Please note that where this form is completed by hand it must be completed in capital letters and legible handwriting – preferably black ink.
2. All documents requested in terms of the Research, Science and Technology Regulations, 2011, and this Form RST/1 must be attached.
3. This form may be completed electronically and in such case the applicant is requested to clearly distinguish the applicant's responses and use legible fonts.
4. Note that i.t.o. regulation 11 of the Research, Science and Technology Regulations, 2011, the Commission may make changes to the format of this Form and may add additional information required from the applicant. Applicants must ensure that they obtain the latest version of this Form from the Commission.
5. In the event where this Form is completed by hand, applicant may attach clearly marked additional pages where there is not sufficient space to complete response on this Form itself.

PART 1 INFORMATION ON APPLICANT

1. Full name of applicant*

(*Note: In the event of application being made by a body corporate or an unincorporated body such as partnership, joint venture, etc, the name and capacity of the person who makes the application on behalf of such body must also be stated. It must further be noted that it is a requirement that this Form must be completed by a legally acknowledged person (either a natural person or a juristic person) and in whose name the Form must be signed. Thus if application is brought by an unincorporated body not recognised as a separate legal entity within the Namibian law, a recognised legal entity must sign the application on behalf of the applicant.)

2. Is applicant a recognised legal entity? YES NO

3. If applicant is not a recognised legal entity, provide name of legal entity who will sign this Form on behalf of the applicant as well as the relationship between such legal entity and the applicant

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4. Postal address

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5. Physical address

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6. Telephone No. (including code)

7. Facsimile No. (including code)

8. E-mail (if any)

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9.(i) In case of a natural person applying, identification (ID) number or passport number;
(ii) in the case of a body corporate or an unincorporated body applying, registration number
of body corporate, or constitutive documents or other proof (to be attached) in the case of
an unincorporated body; and (iii) in the case of a statutory body, full name of constitutive
legislation*

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*(*Delete whichever is not applicable.*

Notes: Certified copy of ID, passport or constitutive document(s) to be attached.

What is required in the event of applicant being a body unincorporated, such a partnership, is for example a partnership agreement, joint venture agreement, bank account in name of unincorporated body, etc.

Statutory bodies must attach copy of the provisions in the relevant legislation whereby they are established.)

9.(iv) In case of a non-Namibian citizen, provide permanent residence permit no/employment permit no/student's permit no or other relevant authorisation*

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*(*Delete whichever is not applicable.*

Notes: Certified copy of permanent residence permit/employment permit/student's permit or other relevant authorisation to be attached.)

10. Nationality

11. Proof of residence in Namibia*

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*(*Note: Applicant must provide the Commission with sufficient evidence/substantiation that it is based in Namibia. For example, applicant can, as proof of residence, attach an original or certified copy of a municipal account addressed to the applicant from the local authority in whose area applicant is situated/residing.)*

12. In the case of a body corporate, an unincorporated body or a statutory body, the following information regarding the person in charge of the body (i.e. manager/managing director/CEO/principal) must be provided:

Full name

Position

Nationality

13. If the project leader/person in charge of the research to which this application relates is not the same person as the person mentioned in item 12 above, the following information regarding the project leader/person in charge of the research must be provided:

Full name

Position

Nationality

Identification (ID) number, passport number and, in the event of a non-Namibian, permanent residence permit no/employment permit no/student's permit no/other authorisation*

(*Delete whichever is not applicable and attach certified copies.)

14. In the case of a body corporate or an unincorporated body: (a) full details of all shareholders, partners, members, trustees, etc as the case may be; and (b) nature of shareholding or interest, must be provided in the form of Form RST/1A and must be attached to this application.

15. In the event of the applicant being a company the full details of all directors must be provided in the form of Form RST/1B.

16. Physical and postal address of all branches, other offices, etc (if any) of applicant

17. In the case of: (a) a body corporate, provide name, registration number and country of registration, of all holding and subsidiary companies as defined in the Namibian Companies Act, 2004 (Act No. 28 of 2004); and (b) a body unincorporated, provide details of associated bodies in Namibia and elsewhere

[illegible]

PART 2 INFORMATION ON RESEARCH

18. In the event of application not being made by a single natural person, indicate the total number of persons in Namibia who will be involved in the project (whether employees or not). Attach to the application an organogram which clearly indicates the position of each person as it relates to the research. Attach certified copies of each such person's ID or passport and, in the case of non-Namibian persons, certified copies of their permanent residence permits, employment permits, students' permits or other authorisation, as the case may be. Also complete Form RST/1C with regard to each person.

Number of persons

19. Title of research (if applicable) and type of research and whether only one type or more than one type of research will be undertaken (if more than one type of research is contemplated this must be clearly indicated here)

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20. Name of research project and executive summary/synopsis/description*

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*(*Notes: If insufficient space in event of hand-completed form, attach additional page(s) setting out details but may not be longer than 3 pages.*

This synopsis/summary/description must contain sufficient information in non-technical language, as far as possible, to allow Commission to make an informed decision.

In the case of a research institute anticipating numerous research projects over a period of time the types of research to be conducted should be anticipated as far as possible.)

21. A detailed research proposal/project description must be attached to the application form containing at least the following information:

- **Research title**
- **Objective of research**
- **Statement of research issue/problem/question**
- **Scope of research**
- **Methodology**
- **Conceptual definitions**
- **Monitoring methods**
- **Geographical location(s) where research will be conducted**
- **Detailed list of all scientific equipment and instruments to be used**
- **Details of all vessels, vehicles, aircraft and the like to be used**
- **Schedule of research**
- **If research will, or may reasonably be expected to, negatively impact on the environment an environmental impact assessment must be submitted including the manner in which such impact will be negated or mitigated**

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(*Note: See also items 23 and 24. If indefinite, indicate as such and motivate.)

32. Describe facilities to be used by applicant (both in Namibia and elsewhere)
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33. Indicate incident and accident reporting procedures of the applicant (if any)
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34. Indicate all areas/locations where research will be conducted in Namibia and the type of research that will be conducted in such areas*
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(*Note: If area is not easily and accurately identified by naming/description, GPS coordinates must be provided.)

35. Indicate if research self-funded or if there is a sponsoring/funding agency and amount of funding in N\$*
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(*Notes: If there is a sponsoring/funding agency an official letter from such sponsoring/funding agency must be attached setting out amount of financial assistance and terms and conditions of funding, proof of funding and such other details as the Commission may require.
If self-funded the amount of financial assistance must be provided and terms and conditions of funding, proof of funding and such other details as the Commission may require.)

36. If there is a sponsoring/funding agency, indicate the name of the sponsoring/funding agency
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42. State number, amount, quantity, etc of samples to be collected (if applicant does not know what samples will be found, or plans to collect undescribed samples, this should be noted as well as rationale/objective for collecting such samples)

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43. Provide methodology for collecting and transporting samples

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44. Indicate where samples will be kept/stored and conditions of keeping/storage

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45. Indicate final destination/fate of samples – including whether sample or parts of sample will be removed from Namibia

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46. Provide reasons for wishing to remove samples from Namibia

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RST/1A

**DETAILS OF SHAREHOLDERS, PARTNERS, MEMBERS, TRUSTEES, ETC, AS THE
CASE MAY BE, OF APPLICANT**

No.	Full Name*	ID & Passport No	Citizenship	Postal & Residential Address	Telephone, Fax & E-mail
1.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax:
					E-mail:
2.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax:
					E-mail:
3.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax:
					E-mail:
4.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax:
					E-mail:
5.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax:
					E-mail:

(*Indicate full names (first/Christian name(s) and surname) in top row and nature of shareholding/ interest in bottom row)

RST/1B**DETAILS OF DIRECTORS**

No.	Full Name*	ID & Passport No	Citizenship	Postal & Residential Address	Telephone, Fax & E-mail
1.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
2.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
3.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
4.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
5.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:

(*Indicate full names (first/Christian name(s) and surname) as well as whether director is executive or non-executive and capacity of director, if any (i.e. managing director, financial director, etc))

RST/1C

DETAILS OF EMPLOYEES/RESEARCHERS

*Attach recent
passport size photo*

First names:
Last (family) name:
Nationality of passport:
Passport number:
Passport date of issue:
Passport date of expiry:
Passport place of issue:
Date of birth:
Place of birth:
If non-Namibian, permanent residence number, employment permit number, student's permit number or other authorisation reference, as the case may be:
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Highest qualification/degree obtained:
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Institution where highest qualification/degree was obtained:
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Position occupied as regards the research:
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Specialised field of research:
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Previous research in Namibia:
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Affiliated institution(s), if any:
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Affiliated institution address:
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Current home postal address:
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Current home physical address:
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Address in Namibia (home physical and postal (if not same as above))
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E-mail:
Telephone*:
Fax:
Employer (if not applicant):

Will employee/researcher be involved in field research or sample taking?

If yes, briefly summarise nature thereof:

*(*Provide number where person at all times can be contacted – if not a cell phone number then work and home telephone numbers.)*

Note: Full and detailed CV of each person to be attached.

LIST OF DOCUMENTS TO BE HANDED IN WITH APPLICATION

- i. Application Form consisting of Forms RST1, RST/1A, RST1/B and RST1/C (RST1/A, B and C only attached if they are applicable).
- ii. Application Fee.
- iii. If the applicant is a natural person, a certified copy of the applicant's identity document or passport and, in the case of a non-Namibian citizen, a certified copy of the applicant's permanent residence permit, employment permit, student's permit or other authorisation and proof of residence in Namibia.
- iv. If the applicant is a body corporate, a certified copy of its registration documents/constitutive documents. In the event of an unincorporated body, proof of existence of such body.
- v. If the applicant is a body corporate or an unincorporated body, a certified copy of manager's/ managing director's/CEO's/principal's, as the case may be, identity document or passport and, in the case of a non-Namibian citizen, a certified copy of such person's permanent residence permit, employment permit or other authorisation and proof of residence in Namibia.
- vi. If the applicant is an unincorporated body, a certified copy of the identity document or passport of the person contemplated in item 3 of Form RST/1 who will sign the application on behalf of the applicant and, in the case of such person being a non-Namibian citizen, a certified copy of the person's permanent residence permit, employment permit, student's permit or other authorisation and proof of residence in Namibia.
- vii. Proof of residence in Namibia.
- viii. If a different person from the person contemplated in item 12 of Form RST/1, a certified copy of project leader's/person in charge of the research, as contemplated in item 13 of Form RST/1, identity document or passport and, in the case of a non-Namibian citizen, a certified copy of such person's permanent residence permit, employment permit, student's permit or other authorisation and proof of residence in Namibia.
- ix. The organogram contemplated in item 18 clearly indicating the position of each person involved in the research as it relates to the research.
- x. Certified copies of the identification document and passport and, in the event of non-Namibians, permanent residence certificate, employment permit, student's permit or other authorisation (as the case may be) of each person listed in the organogram.
- xi. Full and detailed CV of each person contemplated in item 18.
- xii. Detailed research proposal/project description as contemplated in item 21.
- xiii. If there is a sponsoring/funding agency, an official letter from such sponsoring/funding agency must be attached setting out amount of financial assistance and terms and conditions of funding, proof of funding and such other details as the Commission may require. If self-funded, the amount of financial assistance must be provided and terms and conditions of funding, proof of funding and such other details as the Commission may require – see item 35.
- xiv. Wherever locations are indicated the latter must be indicated on a map to be attached not smaller than 1:250 000 together with GPS coordinates (unless location can be easily identified by means of description/physical address).
- xv. Any additional information required by the Commission as contemplated in Part 4 of Form RST/1.

FORM RST/2

NATIONAL COMMISSION ON RESEARCH, SCIENCE AND TECHNOLOGY

RESEARCH, SCIENCE AND TECHNOLOGY ACT, 2004

**REGISTRATION CERTIFICATE
FOR
NAMIBIAN-BASED RESEARCH INSTITUTE/RESEARCHER**

(Section 20 and Regulation 16(5))

Certificate Number

Name of Namibian-based Research Institute/ Researcher:		Physical Address:	
Issue Date:		Commencement Date:	
Termination Date:		Sample Taking Authorised:	YES NO
Type of Research Authorised			
Type and Size of Sample Taking Authorised			
Locations Authorised for Research and/or Sample Taking			
Intended use of samples			
Responsible Person:		Contact No:	

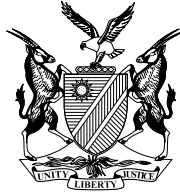
*Official Stamp of National Commission on
Science, Research & Technology*

Signed on behalf of National Commission
on Science, Research & Technology

CONDITIONS OF CERTIFICATE**A: CONDITIONS UNDER SCIENCE, RESEARCH AND TECHNOLOGY REGULATIONS****B: SPECIAL CONDITIONS IMPOSED BY COMMISSION**

- B1. In the event of body unincorporated, the person responsible for the research activities conducted under the certificate is the person indicated on certificate.
- B2. Information of any new persons becoming involved in the research under the certificate not notified to the Commission in the application form must be provided to the Commission prior to such persons becoming so involved.
- B3. New research not provided to the Commission on the application to the Commission must be provided to the Commission before such research is undertaken.
- B4. If the certificate authorises sample taking, the separate permission of the Commission must be obtained prior to the removal of such samples from Namibia.

FORM RST/3



NATIONAL COMMISSION ON RESEARCH, SCIENCE AND TECHNOLOGY

**RESEARCH, SCIENCE AND TECHNOLOGY REGULATIONS, 2011
RESEARCH, SCIENCE AND TECHNOLOGY ACT, 2004**

**APPLICATION FORM FOR RESEARCH PERMIT FOR A NON-NAMIBIAN-BASED
RESEARCH INSTITUTE/RESEARCHER**

(Regulation 22(1))

GENERAL NOTES ON COMPLETION OF FORM

6. Please note that where this form is completed by hand it must be completed in capital letters and legible handwriting – preferably black ink.
7. All documents requested in terms of the Research, Science and Technology Regulations, 2011, and this Form RST/3 must be attached.
8. This form may be completed electronically and in such case the applicant is requested to clearly distinguish the applicant's responses and use legible fonts.
9. Note that i.t.o. regulation 11 of the Research, Science and Technology Regulations, 2011, the Commission may make changes to the format of this Form and may add additional information required from the applicant. Applicants must ensure that they obtain the latest version of this Form from the Commission.
10. In the event where this Form is completed by hand, applicant may attach clearly marked additional pages where there is not sufficient space to complete response on this Form itself.

**PART 1
INFORMATION ON APPLICANT**

1. Full name of applicant*

(*Note: In the event of application being made by a body corporate or an unincorporated body such as partnership, joint venture, etc, the name and capacity of the person who makes the application on behalf of such body must be stated. It must further be noted that it is a requirement that this Form must be completed by a legally acknowledged person (either a natural person or a juristic person) and in whose name the Form must be signed. Thus if application is brought by an unincorporated body not recognised as a separate legal entity within the Namibian law, a recognised legal entity must sign the application on behalf of the applicant.)

2. Is applicant a recognised legal entity? YES NO

3. If applicant is not a recognised legal entity, provide name of legal entity who will sign this Form on behalf of the applicant as well as the relationship between such legal entity and the applicant

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4. Postal address

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5. Physical address

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6. Telephone No. (including code)

7. Facsimile No. (including code)

8. E-mail (if any)

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9.(i) In case of a natural person applying, identification (ID) number or passport number;
(ii) in the case of a body corporate or an unincorporated body applying, registration number
of body corporate, or constitutive documents or other proof (to be attached) in the case of
an unincorporated body; and (iii) in the case of a statutory body, full name of constitutive
legislation*

*(*Delete whichever is not applicable.*

Notes: Certified copy of ID, passport or constitutive document(s) to be attached.

What is required in the event of applicant being a body unincorporated, such a partnership, is for example a partnership agreement, joint venture agreement, bank account in name of unincorporated body, etc.

Statutory bodies must attach copy of the provisions in the relevant legislation whereby they are established.)

9.(iv) In case of a non-Namibian citizen, provide permanent residence permit no/employment permit no/student's permit no or other relevant authorisation*

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*(*Delete whichever is not applicable.*

Note: If this information is not available at the time of application, please state so together with explanation as to why it is not available and how and when applicant expects to obtain it.)

10. Nationality

11. If available, anticipated address in Namibia

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12. In the case of a body corporate or an unincorporated body, the following information regarding the person in charge of the body (i.e. manager/managing director/CEO/principal) must be provided:

Full name

Position

Nationality

Identification (ID) number, passport number, citizenship and permanent residence permit number, employment permit number, student's permit number or other authorisation reference)*

(*Delete whichever is not applicable.

Note: If this information is not available at the time of application, please state so together with explanation as to why it is not available and how and when applicant expects to obtain it.)

13. If the project leader/person in charge of the research to which this application relates is not the same person as the person mentioned in item 12 above, the following information regarding the project leader/person in charge of the research must be provided:

Full name

Position

Nationality

Identification (ID) number, passport number, citizenship and permanent residence permit number, employment permit number, student's permit number or other authorisation reference)*

(*Delete whichever is not applicable.

Note: If this information is not available at the time of application, please state so together with explanation as to why it is not available and how and when applicant expects to obtain it.)

14. In the case of a body corporate, an unincorporated body: (a) full details of all shareholders, partners, members, trustees, etc as the case may be; and (b) nature of shareholding or interest, must be provided in the form of Form RST/3A and must be attached to this application.

15. In the event of the applicant being a company the full details of all directors must be provided in the form of Form RST/3B.

16. Physical and postal address of all branches, other offices, etc (if any) of applicant

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17. In the case of: (a) a body corporate, provide name, registration number and country of registration, of all holding and subsidiary companies as defined in the Namibian Companies Act, 2004 (Act No. 28 of 2004); and (b) a body unincorporated, provide details of associated bodies

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PART 2 INFORMATION ON RESEARCH

18. In the event of application not being made by a single natural person, indicate the total number of persons in Namibia who will be involved in the project (whether employees or not). Attach to the application an organogram which clearly indicates the position of each person as it relates to the research. Attach certified copies of each such person's ID and passport and, in the case of non-Namibian persons, certified copies of their permanent residence permits, employment permits, students' permits or authorisation, as the case may be. Also complete Form RST/3C with regard to each person.

Number of persons

19. Title of research (if applicable) and type of research and whether only one type or more than one type of research (if more than one type of research is contemplated this must be clearly indicated here)

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20. Name of research project and executive summary/synopsis/description*

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*(*Notes: If insufficient space in event of hand-completed form, attach additional page(s) setting out details but may not be longer than 3 pages.*

This synopsis/summary/description must contain sufficient information in non-technical language, as far as possible, to allow Commission to make an informed decision.

In the case of a research institute anticipating numerous research projects over a period of time the types of research to be conducted should be anticipated as far as possible.)

21. A detailed research proposal/project description must be attached to the application form containing at least the following information:

- **Research title**
- **Objective of research**
- **Statement of research issue/problem/question**
- **Scope of research**
- **Methodology**
- **Conceptual definitions**
- **Monitoring methods**
- **Geographical location(s) where research will be conducted**
- **Detailed list of all scientific equipment and instruments to be used**
- **Details of all vessels, vehicles, aircraft and the like to be used**
- **Schedule of research**
- **If research will or may reasonably expected to negatively impact on the environment an environmental impact assessment must be submitted including the manner in which such impact will be negated or mitigated**

26. Stipulate for what research data/results/outcomes/etc will be used*

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*(*Note: If insufficient space in event of hand-completed form, attach additional page(s) setting out details.)*

27. Has an environmental impact assessment study been conducted? (Yes or No)

28. If no environmental impact assessment study has been conducted or is going to be conducted, motivate why it is deemed not necessary

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29. Describe all potential legal, financial, social, environmental, physical or psychological risks anticipated in the research and also all steps to be taken to minimise, ameliorate or repair any actual harm caused by the research and how risks are justified by the potential benefits of the research*

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*(*Note: If insufficient space in event of hand-completed form, attach additional page(s) setting out details.)*

30. Describe and motivate all confidentiality issues involved in the research (if any)*

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*(*Note: If necessary, attach separate list.)*

31. Requested time frame of research (and time frame of permit) with motivation for such time frame*

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*(*Note: See also items 23 and 24. If indefinite, indicate as such and motivate.)*

32. Describe facilities to be used by applicant (both in Namibia and elsewhere)

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33. Indicate incident and accident reporting procedures of the applicant (if any)

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34. Indicate all areas/locations where research will be conducted in Namibia and the type of research that will be conducted in such areas*

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*(*Note: If area is not easily and accurately identified by naming/description, GPS coordinates must be provided.)*

35. Indicate if research self-funded or if there is a sponsoring/funding agency and amount of funding in N\$*

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*(*Note: If there is a sponsoring/funding agency an official letter from such sponsoring/funding agency must be attached setting out amount of financial assistance and terms and conditions of funding, proof of funding and such other details as the Commission may require.*

If self-funded the amount of financial assistance must be provided and terms and conditions of funding, proof of funding and such other details as the Commission may require.)

36. If there is a sponsoring/funding agency, indicate the name of the sponsoring/funding agency

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37. Indicate the manner in which a Namibian understudy will be involved in the research and the nature of such understudy

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PART 3 INFORMATION ON SAMPLE COLLECTION

38. Are samples to be collected? (yes/no)

39. If yes, state full details of type of samples to be collected (inclusive of common and scientific names if applicable)

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40. Motivate why it is necessary to collect samples

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41. Indicate where samples will be collected*

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*(*Note: If area/location is not easily and accurately identified by naming/description, GPS coordinates must be provided.)*

42. State and motivate condition in which samples will be collected (i.e. live, dead, complete, incomplete, etc)

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43. State number, amount, quantity, etc of samples to be collected (if applicant does not know what samples will be found, or plans to collect undescribed samples, this should be noted as well as rationale/objective for collecting such samples)

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44. Provide methodology for collecting and transporting samples

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45. Indicate where samples will be kept/stored and conditions of keeping/storage

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46. Indicate final destination/fate of samples – including whether sample or parts of sample will be removed from Namibia

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47. Provide reasons for wishing to remove samples from Namibia

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48. If samples are to be removed from Namibia, provide point of exit and anticipated date of exit/departure

**PART 4
 GENERAL INFORMATION**

The Commission may require information from an applicant not provided for on this Form. In such case the Commission will inform the applicant of such additional information that it may require and the applicant must attach such additional information (clearly marked as “Additional”) to this application.

DECLARATION

I, hereby declare that and that the information submitted by me in this application is true and correct.

In the event of a body corporate or unincorporated, I declare that I completed this form on behalf of (*state name of body corporate/unincorporated*), a body corporated/body unincorporated and declare that I am duly authorised to do so.

I hereby undertake to –

- (d) Ensure compliance with the Science, Research and Technology Act, 2004 (Act No. 23 of 2004), and Science, Research and Technology Regulations, 2011;
- (e) To refrain from publishing any information prejudicial to the integrity and national interest of Namibia;
- (f) Not to surreptitiously remove any sample from Namibia without the prior written approval of the Commission as anticipated in the Science, Research and Technology Act and Regulations.

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Signature

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Place

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Date

RST/3A

**DETAILS OF SHAREHOLDERS, PARTNERS, MEMBERS, TRUSTEES, ETC, AS THE
CASE MAY BE, OF APPLICANT**

No.	Full Name*	ID & Passport No	Citizenship	Postal & Residential Address	Telephone, Fax & E-mail
1.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax: E-mail:
2.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax: E-mail:
3.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax: E-mail:
4.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax: E-mail:
5.		ID no:		Postal:	Telephone:
	Nature of interest	Passport no:		Residential:	Fax: E-mail:

(*Indicate full names (first/Christian name(s) and surname) in top row and nature of shareholding/ interest in bottom row)

RST/3B**DETAILS OF DIRECTORS**

No.	Full Name*	ID & Passport No	Citizenship	Postal & Residential Address	Telephone, Fax & E-mail
1.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
2.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
3.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
4.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:
5.		ID no: Passport no:		Postal: Residential:	Telephone: Fax: E-mail:

(*Indicate full names (first/Christian name(s) and surname) as well as whether director is executive or non-executive and capacity of director, if any (i.e. managing director, financial director, etc))

RST/3C

DETAILS OF EMPLOYEES/RESEARCHERS

*Attach recent
passport size photo*

First names:
Last (family) name:
Nationality of passport:
Passport number:
Passport date of issue:
Passport date of expiry:
Passport place of issue:
Date of birth:
Place of birth:
If non-Namibian, permanent residence number, employment permit number, student's permit number or other authorisation reference, as the case may be:
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Highest qualification/degree obtained:
Institution where highest qualification/degree was obtained:
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Position occupied as regards the research
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Specialised field of research:
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Previous research in Namibia:
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Affiliated institution(s), if any:
Affiliated institution address:
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Current home postal address:
.....
Current home physical address:
.....
Address in Namibia (home physical and postal (if not same as above))
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E-mail:
Telephone*:
Fax:
Employer (if not applicant):
Will employee/researcher be involved in field research or sample taking?
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If yes, briefly summarise nature thereof:

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*(*Provide number where person at all times can be contacted – if not a cell phone number then work and home telephone numbers.)*

Note: Full and detailed CV of each person to be attached

LIST OF DOCUMENTS TO BE HANDED IN WITH APPLICATION

- xvi.** Application Form consisting of Forms RST3, RST/3A, RST3/B and RST3/C (RST3/A, B and C only attached if they are applicable)
- xvii.** Application Fee
- xviii.** If the applicant is a natural person, a certified copy of the applicant's identity document or passport and, in the case of a non-Namibian citizen, a certified copy of the applicant's permanent residence permit, employment permit, student's permit or other authorisation and proof of residence in Namibia
- xix.** If the applicant is a body corporate, a certified copy of its registration documents/constitutive documents. In the event of an unincorporated body, proof of existence of such body
- xx.** If the applicant is a body corporate or an unincorporated body, a certified copy of manager's/ managing director's/CEO's/principal's, as the case may be, identity document or passport and, in the case of a non-Namibian citizen, a certified copy of such person's permanent residence permit, employment permit or other authorisation and proof of residence in Namibia
- xxi.** If the applicant is an unincorporated body, a certified copy of the identity document or passport of the person contemplated in item 3 of Form RST/3 who will sign the application on behalf of the applicant and, in the case of such person being a non-Namibian citizen, a certified copy of the person's permanent residence permit, employment permit, student's permit or other authorisation and proof of residence in Namibia
- xxii.** If a different person from the person contemplated in item 12 of Form RST/3, a certified copy of project leader's/person in charge of the research, as contemplated in item 13 of Form RST/3, identity document or passport and, in the case of a non-Namibian citizen, a certified copy of such person's permanent residence permit, employment permit, student's permit or other authorisation and proof of residence in Namibia
- xxiii.** The organogram contemplated in item 18 clearly indicating the position of each person involved in the research as it relates to the research
- xxiv.** Certified copies of the identification document and passport and, in the event of non-Namibians, permanent residence certificate, employment permit, student's permit or other authorisation (as the case may be) of each person listed in the organogram
- xxv.** Full and detailed CV of each person contemplated in item 18
- xxvi.** Detailed research proposal/project description as contemplated in item 21
- xxvii.** If there is a sponsoring/funding agency, an official letter from such sponsoring/funding agency must be attached setting out amount of financial assistance and terms and conditions of funding, proof of funding and such other details as the Commission may require. If self-funded, the amount of financial assistance must be provided and terms and conditions of funding, proof of funding and such other details as the Commission may require – see item 35
- xxviii.** Wherever locations are indicated the latter must be indicated on a map to be attached not smaller than 1:250 000 together with GPS coordinates (unless location can be easily identified by means of description/physical address)
- xxix.** Any additional information required by the Commission as contemplated in Part 4 of Form RST/3

FORM RST/4

NATIONAL COMMISSION ON RESEARCH, SCIENCE AND TECHNOLOGY

RESEARCH, SCIENCE AND TECHNOLOGY ACT, 2004

**RESEARCH PERMIT
FOR
NON NAMIBIAN-BASED RESEARCH INSTITUTE/RESEARCHER**

(Section 21 and Regulation 22)

Permit Number

Name of Non Namibian-based Research Institute/ Researcher:		Physical Address:	
Issue Date:		Commencement Date:	
Termination Date:		Sample Taking Authorised:	YES NO
Type of Research Authorised			
Type and Size of Sample Taking Authorised			
Locations Authorised for Research and/or Sample Taking			
Intended use of samples			
Responsible Person:		Contact No:	

*Official Stamp of National Commission on
Science, Research & Technology*

Signed on behalf of National Commission
on Science, Research & Technology

CONDITIONS OF CERTIFICATE**A: CONDITIONS UNDER SCIENCE, RESEARCH AND TECHNOLOGY REGULATIONS****B: SPECIAL CONDITIONS IMPOSED BY COMMISSION**

- B1. In the event of a body unincorporated, the person responsible for the research activities conducted under the certificate is the person indicated on certificate.
 - B2. Information of any new persons becoming involved in the research under the certificate not notified to the Commission in the application form must be provided to the Commission prior to such persons becoming so involved.
 - B3. New research not provided to the Commission on the application to the Commission must be provided to the Commission before such research is undertaken.
 - B4. If the certificate authorises sample taking, the separate permission of the Commission must be obtained prior to the removal of such samples from Namibia.
 - B5. Reports to be submitted to Commission upon finalisation of research.
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