



GOVERNMENT GAZETTE OF THE REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION

No. 257 1996

**REGULATIONS IN RELATION TO ACQUISITION OF
AGRICULTURAL LAND BY FOREIGN NATIONALS: AGRICULTURAL
(COMMERCIAL) LAND REFORM ACT, 1995**

The Minister of Lands, Resettlement and Rehabilitation has under section 77 of the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995) made the regulations set out in the Schedule.

SCHEDULE

An application for the consent of the Minister of Lands, Resettlement and Rehabilitation in terms of section 58 of the Agricultural (Commercial) Land Reform Act, 1995 shall be made in the following form:

REPUBLIC OF NAMIBIA

MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION

**APPLICATION FOR CONSENT TO ACQUIRE AGRICULTURAL LAND
OR TO ENTER INTO AN AGREEMENT FOR OCCUPATION OR
POSSESSION OF AGRICULTURAL LAND BY FOREIGN NATIONAL**

IMPORTANT:

- (a) Read Part VI (Sections 58 to 62) of the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995);
- (b) Parts I, II and IV of the application form must be completed by the foreign national or the duly authorised agent of the foreign national.
- (c) Part III of the application form must be completed by the owner of the land in respect of which the application is made, or by the duly authorised agent of the owner.
- (d) A power of attorney must be submitted by the person who signs as agent.
- (e) If the space provided is insufficient the required information may be submitted in the form of a memorandum.
- (f) Send application to the Permanent Secretary: Lands, Resettlement and Rehabilitation, Private Bag 13343, Windhoek;

I the undersigned (full name)

of (postal address)

acting as principal/in the capacity as duly authorised agent of

do hereby apply for the consent of the Minister of Lands, Resettlement and Rehabilitation in terms of section 58 of the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995) -

- * (a) to acquire agricultural land through the registration of transfer of ownership in the deeds registry in accordance with the proposed written instrument which is attached to this application;

*(b) to enter into an agreement for the occupation or possession of agricultural land in accordance with the proposed written instrument which is attached to this application,

and I declare that the information provided in Parts I, II and IV of this application is true and correct.

Signed at.....on

.....

I the undersigned (*full name*)

of (postal address).....

acting as principal/in the capacity as duly authorised agent of being the registered owner of the land to which this application relates, do hereby declare that the information provided in Part III of this application is true and correct.

Signed at..... on

PART I

PARTICULARS OF FOREIGN NATIONAL

1. Name in full

2. Postal address:

Residential address: in Namibia outside Namibia

.....

- 3. Residence in Namibia from
- 4. Telephone number: - business
 - home
- 5. Facsimile number
- 6. Date of birth
Place of birth
- 7. Married or Single?
- 8. Number of children and ages
- 9. Occupation
- 10. Nationality
- 11. Country of permanent residence
- 12. Particulars of immovable property held by the foreign national and his or her spouse (*state the farm name and no./erf no./extent/ district/town/title deed no. and the date acquired*)
 - (a) in Namibia
.....
.....
.....
.....
 - (b) outside Namibia
.....
.....
.....
.....
- 13. If a company or closed corporation:
 - (a) country where incorporated
 - (b) registration/incorporation number:
 - (c) registered address
 -
- 14. If a company or closed corporation the information required in paragraphs 1-12 above must be furnished in respect of each shareholder or member of the company or closed corporation. (*Use a separate memorandum if necessary*)

PART II

PARTICULARS OF NOMINEE

- 1. Name in full
- 2. Residential address
- 3. Postal address
- 4. Telephone number - business
- home
- 5. Facsimile number
- 6. Nationality
- 7. Country of permanent residence
- 8. Occupation

PART III

PARTICULARS OF FARMING EXPERIENCE OF FOREIGN NATIONAL AND ANY OTHER PERSON WHO WILL MANAGE THE LAND

- 1. Has the foreign national any previous farming experience?.....
- 2. If the answer to 1 is "yes", state -
 - (a) whether as assistant, manager, owner or lessee.....
 - (b) date from whichtill.....
 - (c) district

- (d) farm name and number
- (e) country
- (f) type of farming.....
.....
.....

[If farming operations are or were conducted on several farms, furnish the above information in relation to each farm on a separate memorandum]

- 3. If the application is granted, will the foreign national, in the case of a natural person, personally -
 - (a) occupy the land
 - (b) be in charge of the operations proposed to be conducted on the land?
.....

- 4. If any of the answers to 3 is "No", or if the foreign national is a company or closed corporation, state the name, nationality and capacity of the person who -
 - (a) will be the principal occupier of the land
 - (b) will manage the land

- 5. If the land will be managed by a person other than the foreign national, or in the case of a company or closed corporation, state whether such manager has any previous farming experience?.....

- 6. If the answer to 5 is "yes", state -
 - (a) whether as assistant, manager, owner or lessee.....
.....
 - (b) date from which.....till.....
 - (c) district
 - (d) farm name and number
 - (e) country

- (f) type of farming
-
-
-

[If farming operations are or were conducted on several farms, furnish the above information in relation to each farm on a separate memorandum]

- 7. Provide information of any other arrangement if neither of paragraphs 3 or 4 is applicable
-
-
-
- 8. If any other persons (other than employees engaged for farming operations and their families) will reside on the land through the foreign national/principal occupier, state the number of persons and their relationship to the foreign national/principal occupier
-
-
-

PART III

PARTICULARS OF LAND TO WHICH APPLICATION RELATES

(To be completed by the present owner of the land)

- 1. Registered name and number
-
- 2. District and division
- 3. Area in hectares
- 4. Full name and date of birth of registered owner:
.....
-
- 5. Address and telephone number of registered owner:
.....
-
- 6. Number and date of title deed:
.....

7. Location of the Land:

The land is situated.....km.....(direction) of.....
..... (nearest town)

8. Present land use:

(a) Is the land presently being used for agricultural purposes?

Dry land *Under irrigation*

..... ha ha

Lands

..... ha ha

Orchards

..... ha ha

Vineyards

..... ha ha

Grazing

Other agricultural uses (specify).....ha.....

(b) Is the land or any portion thereof being used for game farming?.....

Area in hectares used for game farming.....

(c) If any portion of the land is lying idle and not used for farming or any other purposes, state the area of the portion in hectares and the reason why it is not being used.....
.....
.....

9. If the land or any portion thereof is being used for any non-agricultural purpose, state -

(a) the nature of such other activities
.....
.....
.....

(b) the size of the area used for such activities
.....

10. Particulars of existing improvements:

Main residence (*describe materials, e.g. brick and iron*)

.....
.....
.....

Staff housing (*state number and describe materials*)

.....
.....
.....

Other buildings (*state nature and describe materials*)

.....
.....
.....
.....
.....

Water sources (*dams, weirs, boreholes, etc.*)

.....
.....
.....
.....
.....
.....

Fencing (*i.e ring-fenced, paddocks, state kilometres*)

.....
.....
.....

Other improvements

.....
.....
.....
.....
.....

11. Particulars of existing employees and their families:

(a) number engaged in farming operations

(b) number engaged in other activities (*specify*).....

(c) number of family members of employees residing on the land and not employed

PART IV

PROPOSED USE OF LAND

1. Purposes for which land is proposed to be used:
 - (a) Farming purposes (other than game farming).....ha
 (*specify types of farming*)

 - (b) Game farmingha (*specify purposes for which game
 farming will be conducted*)

 - (c) Other purposesha (*specify*).....

2. Will any person other than the foreign national carry on any operations on the land independently from the business of the foreign national? (*state the full name, address and nationality of the person and the nature of such operations*).....

3. State proposed plans for future development of the land and estimated value of developments

4. State proposed plans for any measures to be provided to prevent or deal with any adverse environmental consequences that may result from the use of the land.....

-
5. Will a mortgage bond be registered over the property simultaneously with the transfer of ownership?.....
- (a) the amount to be secured.....
- (b) the full name and address of the intending mortgagee
.....
.....
.....
6. Number of employees proposed to be engaged -
- (a) for farming operations.....
- (b) for other purposes (specify).....
.....
- Namibian citizens
- Other nationalities
7. Will any of the existing employees or members of their families be required to move from the land by reason of the change of ownership/occupation/possession?.....
- State number
- Give particulars of assistance (if any) that will be given for their removal and resettlement
-
.....
-