



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK -17 October 1996

No. 1426

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## Government Notices

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### MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION

No. 271 1996

#### COMMENCEMENT OF AGRICULTURAL (COMMERCIAL) LAND REFORM ACT, 1995

Under section 81(1) and (2) of the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995) I hereby determine that all the provisions of that Act which have not yet been declared to come into operation, shall come into operation on the date of publication of this notice.

PENDUKENI IIVULA-ITHANA  
MINISTER OF LANDS, RESETTLEMENT  
AND REHABILITATION

Windhoek, 4 October 1996

**MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION**

No. 272

1996

**REGULATIONS MADE IN TERMS OF THE AGRICULTURAL  
(COMMERCIAL) LAND REFORM ACT, 1995 (ACT 6 OF 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 below.

**SCHEDULE****Definitions**

1. In these regulations, unless the context otherwise indicates, any word or expression defined in the Act shall have that meaning, and -

"the Act" means the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995).

**Particulars to be furnished in connection with an offer to sell agricultural land to the State**

2. An offer to sell agricultural land to the State, as required by section 17 of the Act, shall contain or be accompanied by a statement containing the following information:

- (a) The name, nationality, postal address, business address and telephone number of the owner of the land;
- (b) a description of the location of the land, with reference to the road along or in the vicinity of which it is situated, the nearest town and the distance from, and direction of situation in relation to such town, and any other information that may assist in locating the land;
- (c) whether the owner is residing on the land and the period for which he or she has been residing thereon, and if the owner is not personally resident on the land, particulars as to the management of the farming or other operations carried on upon the land;
- (d) if a person other than the owner is entitled to the beneficial occupation of the land, the name and address of such person and the nature and particulars of the right under which that person occupies the land; and
- (e) the present land use, with reference to -
  - (i) the nature of the farming or other operations being carried on

upon the land;

(ii) the dimensions of areas comprising -

- (aa) cultivated land;
- (bb) orchards;
- (cc) vineyards;
- (dd) commercial plantations; and
- (ee) grazing-land;

with an indication in each case of the extent of such area which is arid land or under irrigation;

(iii) the number of livestock, large and small, currently kept on the land; and

(iv) the carrying capacity for livestock, and the natural grazing conditions;

(f) particulars of water resources on or available to the land, including dams weirs, boreholes, reservoirs and other fixed works in connection with the development and use of water on the land as well as information concerning -

- (i) the State Water Control Area in which the land is situated;
- (ii) if a permit is held in relation to the use of water, the number and date of issue of such permit and the quantity of water to which the land is entitled per year thereunder;
- (iii) the number of hectares permitted to be irrigated under any irrigation scheme which may be applicable to the land;

(g) a description of all buildings and structures on the land, including the materials of construction and approximate areas thereof and, if known, the year of their erection or construction;

(h) particulars of other developments on the land, including soil conservation and irrigation works, grazing camps, and the nature and distance of boundary and other fencing;

(i) whether any exploration or mining operations are being carried on upon the land and, where applicable, the nature of such operations and, if known, the type of licence under which the operations are carried on and the name and address of the holder of the licence;

- (j) particulars of any interest, lease, right of occupation or any other encumbrance affecting the land, the name and address of every person entitled to the benefit thereunder and, if available, a copy of the deed or other instrument embodying such interest, lease, right or encumbrance;
- (k) the number of employees and their family members residing on the land; and
- (l) any other information which the owner considers necessary or relevant to mention in connection with the offer to sell.

#### **Certificate of waiver**

3. A certificate of waiver referred to in section 16 of the Act shall be in the form set out in Form 1 in the Annexure.

#### **Application for option to purchase a farming unit**

4. An application for an option to purchase a farming unit in terms of section 47(2) of the Act shall be in the form set out in Form 2 in the Annexure.

**ANNEXURE**

Form 1

**CERTIFICATE OF WAIVER**

*(Section 16 of the Agricultural (Commercial) Land Reform Act, 1995 and regulation 3)*

I, .....  
the Minister of Lands, Resettlement and Rehabilitation of the Republic of Namibia,  
do hereby certify that the State waives its preferent right to purchase agricultural  
land conferred by section 17 of the Agricultural (Commercial) Land Reform Act,  
1995 (Act 6 of 1995) in respect of the property described below which has in terms  
of that section been offered for sale to the State by the owner mentioned below.

Description of property: .....  
.....  
.....  
.....

Registration Division: .....

Title Deed No.: .....

Owner: .....

Date of Offer: .....

Signed at ....., on ..... 19...

.....  
**MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION**

Form 2

**APPLICATION FOR AN OPTION TO PURCHASE  
A FARMING UNIT**

*(Section 47(1) of Agricultural (Commercial) Land  
Reform Act, 1995 and Regulation 3)*

To: The Minister of Lands, Resettlement and Rehabilitation.

I, .....  
(full names of applicant)

hereby apply to the Minister of Lands, Resettlement and Rehabilitation, in my -

- \*personal capacity
- \*capacity as director of the company.....
- \*capacity as member of the close corporation .....

*(\* delete whichever is not applicable)*

for the grant of an option to purchase the farming unit  
*(description)* .....  
.....  
.....

and give the information in the relevant Part below.

I declare that the information given below and any accompanying statement or document is true to the best of my knowledge and belief.

.....  
*Date* ..... *Signature of applicant*

*[If the space allowed under an item is insufficient, a separate sheet with item numbers and information and duly signed by applicant should be attached]*

**PART A**

**[TO BE COMPLETED IF LESSEE IS A NATURAL PERSON]**

- 1. (a) Full name of lessee .....
- .....
- (b) Address .....
- .....
- (c) Date and place of birth .....
- (d) Nationality .....
- (e) Identity document/passport No. ....
- 2. (a) Full name of spouse .....,
- (b) Date and place of birth .....
- (c) Nationality .....
- (d) Identity document/passport No. ....
- 3. (a) Date of commencement of lease .....
- (b) Date of registration of lease in Deeds Registry .....
- Registration number .....

*[Attach a copy of the Agreement of Lease]*

- 4. (a) Date on which lessee took up effective occupation of farming unit...
- .....
- (b) Particulars of period(s), if any, that lessee was not resident on farming unit and reasons therefor .....
- .....
- .....

5. Full description and estimated values of improvements effected by the lessee on the farming unit since the commencement of the lease: .....

.....

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- 6. (a) Nature of farming operations: .....
- .....
- .....
- .....

(b) Number of livestock (*large and small*): .....

.....

.....

(c) Area of cultivated lands and type of crops: .....

.....

.....

(d) Nature of any other operations: .....

.....

.....

7. Number of persons residing on the farming unit:

(a) Family or other persons (other than employees and their family members) and their relationship to lessee:.....

.....

(b) Employees .....

(c) Family members of employees .....

8. (a) Period which lessee proposes should be allowed for exercise of option .....

(b) Terms and conditions relating to payment of purchase price and time for registration of transfer which lessee proposes to be contained in contract of sale if option is exercised: .....

.....

.....

9. Statement of assets and liabilities of lessee, with an indication of the nature and amount of encumbrances (if any ) attached to any assets: .....

.....

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.....

.....





4. Full description and estimated values of improvements effected by the lessee on the farming unit since the commencement of the lease: .....

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.....

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5. (a) Nature of farming operations .....

.....

.....

.....

(b) Number of livestock (*large and small*) .....

.....

.....

(c) Area of cultivated lands and type of crops .....

.....

.....

.....

(d) Nature and extent of any other operations .....

.....

.....

6. Number of persons residing on the farming unit:

(a) Persons other than employees and their family members .....

.....

(b) Employees .....

(c) Family members of employees .....

7. (a) Period which lessee proposes should be allowed for exercise of option .....

(b) Terms and conditions as to manner of payment of purchase and time for registration of transfer which lessee proposes to be included in contract of sale if option is exercised: .....

.....

- 8. Statement of assets and liabilities of lessee, with an indication of the nature and amount of encumbrances (if any) attached to any assets (*Attach a copy of the audited financial statements of the company/ of the approved financial statements of the close corporation for the last financial year*) .....  
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