



Republic of Namibia  
Annotated Statutes

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## **Crown Land Disposal Ordinance 57 of 1903 (Transvaal)**

applied to South West Africa, as amended by the Crown Land Disposal Amendment Ordinance 13 of 1906 (Transvaal), as of 5 March 1920 by the Crown Land Disposal Proclamation 13 of 1920

as corrected by

**Correction of Errors Ordinance 4 of 1904 (Transvaal)**  
assented to on 28 January 1904; publication date not indicated

as amended by

**Crown Land Disposal Amendment Ordinance 13 of 1906 (Transvaal)**

came into force on date of publication: 24 August 1906;  
applied to South West Africa together with the primary legislation as of  
5 March 1920 by the Crown Land Disposal Proclamation 13 of 1920;  
section 3 of the amending Ordinance states:

“This Ordinance ... shall be read as one with the Crown Land Disposal Ordinance 1903.”

The Ordinances of the Transvaal issued by the Transvaal Provincial Government have been digitised by the Open Scholarship & Digitisation Programme, University of Pretoria, 2016, and are available [here](#) (1903), [here](#) (1904) and [here](#) (1906).

applied to South West Africa as amended by

**Crown Land Disposal Proclamation 13 of 1920 (OG 29)**

came into force on date of publication: 5 March 1920;

**section 1 states:** “Subject to the amendments set forth in the Schedule hereto the Crown Land Disposal Ordinance 1903 of the Transvaal, as amended by the Crown Land Disposal Amendment Ordinance 1906 of the Transvaal shall have effect in the Protectorate”

as amended by

**SA Proclamation 200 of 1950 (SA GG 4435)**

came into force on date of publication: 4 August 1950

**Crown Land Disposal Amendment Ordinance 7 of 1951 (OG 1601)**

deemed to have come into force on 1 October 1922 (section 2 of Ord. 7/1951)

and as further amended by

**Crown Land Disposal Amendment Proclamation 54 of 1920 (OG 41)**

came into force on 1 November 1920 (section 2 of Proc. 54/1920)

**Crown Land Disposal Amendment Ordinance 36 of 1958 (OG 2153)**

deemed to have come into force on 1 April 1958 (section 2 of Ord. 36/1958)

**Crown Land Disposal Amendment Ordinance 17 of 1965 (OG 2634)**

brought into force on 1 November 1965 by Proc. 69/1965 (OG 2673)

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The Crown Land Disposal Proclamation 13 of 1920, along with Ord. 7 of 1951, was repealed in respect of Walvis Bay by RSA Proclamation 149 of 1982 ([RSA GG 8344](#)). However, see section 2 of the Walvis Bay and Off-Shore Islands Act 1 of 1994:

**Laws to be applied in Walvis Bay**

2. (1) As from the effective date -
- (a) the laws applied in Walvis Bay immediately prior to that date shall cease to be so applied, unless, and to such extent as, the application of any such law is continued by virtue of any provision of this Act;
  - (b) no laws other than -
    - (i) the law of Namibia; and
    - (ii) such of the laws referred to in paragraph (a) of which the application is continued as contemplated in that paragraph,
 shall be applicable in Walvis Bay, but subject to subsection (2).
- (2) Any law which in terms of paragraph (b) of subsection (1) applies in Walvis Bay, shall so apply subject to such amendments, additions, modifications, exceptions or conditions as are provided for in this Act, whether such amendments, additions, modifications, exceptions or conditions are made, effected or imposed to apply -
- (a) specifically in or in relation to Walvis Bay only; or
  - (b) generally in Namibia as a whole.

**ORDINANCE**

[This Ordinance has no long title.]

(Assented to 27 July 1903)

**ARRANGEMENT OF SECTIONS**

1. [deleted]
  2. [deleted]
  3. [deleted]
  4. Consultation by Administrator.
  5. Crown Lands may be disposed of according to provisions of this Ordinance.
  6. Land may be exchanged.
  7. Reservations.
  8. Signature and date of grants and leases.
  9. Registrar of Deeds to keep special registers.
  10. On improper description of boundaries or diagram of land granted or leased Administrator may recall grant or lease and issue amended grant or lease in lieu thereof.
  11. Administrator may insert special clauses and grant limited right to timber.
  12. Administrator may make reserves.
  13. Reserves to be notified in the *Gazette*.
  14. Governor-General may change purpose of any reserve.
  15. Reserves may be placed under Board of Management. Board may make bye-laws.
  16. Reserves to be marked on the maps of this Colony.
  17. Delegation of powers.
  18. Regulations.
  19. Title.
- Schedule [deleted]

2. Penalty for trespassing on and refusing to depart from Crown land  
[Additional provision contained in section 2 of the Crown Land Disposal Amendment Ordinance 13 of 1906 (Transvaal), which is to be “read as one with the Crown Land Disposal Ordinance 1903.”]

**Crown Land Disposal Ordinance 57 of 1903 (Transvaal)**

[There are many places in the text where commas appear to have been omitted from lists. The commas may be missing from the original text or they may have disappeared during the digitalisation process. It may also be that commas were not habitually used to separate lists in legislation during the time period when the laws were enacted.]

**BE IT ENACTED** by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows;

[The Crown Land Disposal Proclamation 13 of 1920, as amended SA Proc. 200 of 1950, provides the following global substitutions and definitions for purposes of the application of the Ordinance to South West Africa.]

“Crown Lands” means all unalienated land within the Protectorate of South-West Africa however acquired, which was lately the property of the German Government all unalienated Crown Land within the port and settlement of Walvis Bay and such further land as may be acquired by the Government of the Union of South Africa within the said Protectorate or which has been or may be acquired by the Administration within the Territory.

[The definition of “Crown Lands” is amended by SA Proc. 200 of 1950 and amended retroactively by Ord. 7 of 1951.]

“Gazette” means the Official Gazette of the said Protectorate.

“Governor-General” is substituted for “Lieutenant-Governor” wherever the latter term occurs in the Ordinance abovementioned or any amendment thereof and means the officer for the time being administering the Government of the Union of South Africa acting by and with the advice of the Executive Council thereof.

“Land Board” or “Board” means the Land Board appointed by the Governor-General in respect of the Protectorate.

“Minister” is substituted for “Commissioner” wherever the latter term occurs in the Ordinance abovementioned, or any amendment thereto, and means the Minister of Lands of the Union of South Africa or any person lawfully acting in that capacity.

[Proc. 54 of 1920 directs that the word “Administrator” be substituted throughout for the words “Governor-General” and “Minister”.]

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1.

[Section 1 is deleted by the Crown Land Disposal Proclamation 13 of 1920.]

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2.

[Section 2 is deleted by the Crown Land Disposal Proclamation 13 of 1920.]

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3.

[Section 3 is deleted by the Crown Land Disposal Proclamation 13 of 1920.]

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**Consultation by Administrator.**

4. The Administrator may, for the purposes of the administration of this Ordinance, consult the board as defined in section *two* of the Land Settlement Consolidation and Amendment Proclamation 1927 (Union Proclamation 310 of 1927).

[Section 4 is substituted by Ord. 17 of 1965.]

**Crown Lands may be disposed of according to provisions of this Ordinance.**

5. It shall be lawful for the Administrator to dispose of Crown Lands within the Protectorate by grant sale lease or otherwise in such manner and on such conditions as he may deem advisable not repugnant to the provisions of this Ordinance; provided that particulars of every such grant sale or lease shall immediately after it is effected be published in the Gazette; Provided further that fifty per cent of all monies received from the sale of Crown lands in a township for which no Village Management Board has been constituted, shall be held in trust by the Administration for a Village Management Board which may be established.

[Section 5 is amended by the Crown Land Disposal Proclamation 13 of 1920 and by Ord. 36 of 1958, which adds the further proviso.]

**Land may be exchanged.**

6. The Administrator may grant any Crown Land in exchange for any other land if it shall appear to him advisable to do so in the public interests.

**Reservations.**

7. (1)

[Subsection (1) is amended by Ord. 13 of 1906 (Transvaal) and deleted by the Crown Land Disposal Proclamation 13 of 1920.]

(2)

[Subsection (2) is deleted by the Crown Land Disposal Proclamation 13 of 1920.]

(3) The Administrator shall have the right to resume for public purposes the whole or any portion of any land alienated under this Ordinance.

(4) On the resumption of such land for public purposes under this section such compensation shall be paid by the Government to the grantee or lessee as may be agreed upon or in default of agreement as may be determined by arbitration in accordance with the provisions of the law for the settlement of differences by arbitration which is in force in the Protectorate.

[Subsection (4) is amended by the Crown Land Disposal Proclamation 13 of 1920.]

**Signature and date of grants and leases.**

8. All grants and leases of state lands shall be signed by the Administrator and the date of signature of any such grant or lease shall be deemed to be the date of its issue and every such grant or lease shall be registered in the Deeds Office at Windhoek.

[Section 8 is corrected by the Correction of Errors in Laws Ordinance 4 of 1904 (Transvaal) and substituted by the Crown Land Disposal Proclamation 13 of 1920 and then by Ord. 17 of 1965.]

**Crown Land Disposal Ordinance 57 of 1903 (Transvaal)****Registrar of Deeds to keep special registers.**

9. The Registrar of Deeds shall open and keep special registers wherein all leases and licenses issued under this Ordinance shall be registered and notwithstanding anything contained in any law such leases and licenses need not be drawn before a Notary Public nor shall they be subject to transfer duty or stamp duty except in case of subsequent transfer or cession when such transfer or cession shall be in the ordinary form and subject to the duties prescribed by law. In cases where the Government is not in possession of written title to any land leased the entry in the special register kept in the Deeds Office shall be regarded as effective registration.

On the termination or cancellation of any such lease or license as above referred to the Administrator shall forward to the Registrar of Deeds a notification to that effect duly signed by him and by the lessee or licensee together with the copies of the deeds held by them and the Registrar shall thereupon cancel the registration of such lease or license without payment of any fee for such cancellation; provided that in cases where the consent of the lessee or licensee to cancellation cannot be obtained a certificate to that effect by the Administrator and his consent shall be deemed sufficient authority to the Registrar of Deeds to cancel the registration of such lease or license.

Where one or more lots of land subdivided according to a general plan filed in the Deeds Office is or are leased by the Administrator it shall not be necessary to annex a diagram to such lease.

[Section 9 is amended by the Crown Land Disposal Proclamation 13 of 1920.]

[The original section 9 contained a reference to the "Commissioner of Lands" in the second paragraph. The Crown Land Disposal Proclamation 13 of 1920 directs that "Minister" be substituted for "Commissioner" throughout, with the meaning of "the Minister of Lands of the Union of South Africa or any person lawfully acting in that capacity". Proc. 54 of 1920 then directs that the word "Administrator" be substituted for "Minister" throughout. In section 9, these directives have been applied to first substitute "Minister of Lands" for "Commissioner of Lands", and then to substitute "Administrator" for "Minister of Lands".]

**On improper description of boundaries or diagram of land granted or leased Administrator may recall grant or lease and issue amended grant or lease in lieu thereof.**

10. If it is found that the description of the boundaries or diagram of the land contained in any grant or lease under this Ordinance does not properly describe the land intended by the grantor or lessor to be therein comprised or to which the grantee or lessee is entitled either by reason of an error in the description or survey or from any other cause the Administrator may recall such grant or lease and an amended grant or lease may be issued in lieu thereof; provided that the cancellation of the original grant lease or diagram shall take place in accordance with the existing Laws relative thereto; provided further that if the grantee or lessee fails to forward on demand to the Administrator any grant lease diagram or other document for amendment the Administrator may cause the description and the diagram attached to the grant or lease filed in the Deeds Office at Windhuk to be amended if necessary and shall in such case give notice of the amendment to the grantee or lessee and such amended description and diagram or copy thereof if certified by the Surveyor-General or other officer duly authorised in that behalf as correct shall be accepted in every court of law as *prima facie* evidence of the boundaries of the land included under such grant or lease.

[Section 10 is amended by the Crown Land Disposal Proclamation 13 of 1920.]

**Administrator may insert special clauses and grant limited right to timber.**

11. The Administrator is authorised at his discretion to insert in any grant or lease all such conditions as he may deem necessary to secure the beneficial occupation of the land granted or leased and also to insert a clause permitting the lessee to cut such timber on Crown Lands as

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may be required for domestic uses for the construction of buildings fences stock-yards or other improvements on the lands so occupied but not for any other purpose.

## RESERVES

**Administrator may make reserves.**

**12.** The Administrator is hereby authorised subject to such conditions and limitations as he may think fit to except from sale and either to reserve or to dispose of in such other manner as for the public interest may seem best any Crown Lands that may be required for the following objects and purposes;

[The opening phrase is amended by the Crown Land Disposal Proclamation 13 of 1920.]

- (1) for the use or benefit of aboriginal natives coloured persons and Asiatics;

[Subsection (1) is amended by the Crown Land Disposal Proclamation 13 of 1920.]

- (2) For the use or requirements of the Protectorate Administration, or for military or police purposes;

[Subsection (2) is substituted by the Crown Land Disposal Proclamation 13 of 1920.]

- (3) for railways railway stations roads tramways or canals or other internal communications or for drainage or irrigation works or for the approaches or other purposes necessarily appertaining to any such works;
- (4) for landing places on rivers ferries and bridges;
- (5) for sites for churches and chapels;
- (6) for sites for schools and other buildings for the purposes of education and land for the endowment of schools and other educational institutions of a public character;
- (7) for state forests areas for the conservation of timber and indigenous flora and fauna and for reservoirs aqueducts or' water-courses sewers or drains;
- (8) for saltpans;
- (9) for sites for cities towns villages residence and business areas town halls mechanics' and miners' institutes tramways railways and rail way stations telegraph stations telegraph lines post offices abattoirs public baths schools of art libraries museums public gardens experimental farms agricultural colleges agricultural and horticultural societies temperance institutions recreation grounds racecourses hospitals magazines for explosives sanitary depots camping-grounds and institutions for charitable purposes markets court-houses police stations paddocks prisons or other edifices for public use or purposes;
- (10) for cemeteries;
- (11) for places necessary for the embellishment of towns or for health recreation or amusement of the inhabitants;
- (12) for the endowment of municipal corporations within the Protectorate;

[Subsection (12) is amended by the Crown Land Disposal Proclamation 13 of 1920.]

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- (13) for resting places watering places stock routes or outspans for travellers and stock;
- (14) for commonages for use of the inhabitants of any town or settlement;
- (15) for any other purposes of public health safety utility convenience or enjoyment for otherwise facilitating the improvement and settlement of the Protectorate.

[Subsection (15) is amended by the Crown Land Disposal Proclamation 13 of 1920.]

**Reserves to be notified in the *Gazette*.**

13. A full and complete description of every such reserve and for the purposes for which it is made shall as soon as possible be published in the *Gazette*.

**Governor-General may change purpose of any reserve.**

14. The Administrator may cancel amend or change the specified purposes for which any reserve is made and notice of such cancellation amendment or change shall be published in the *Gazette*.

**Reserves may be placed under Board of Management. Board may make bye-laws.**

15. The Administrator by proclamation in the *Gazette* may place any reserve under the control of any municipality urban district board or other person or persons as a board of management for any of the purposes mentioned in section *twelve* and may empower such municipality board or other person to make repeal and alter bye-laws for the control and management of such reserve or prescribing fees for depasturing thereon for directing the manner in which such fees shall be imposed paid collected and disposed of and to impose penalties not exceeding in any case five pounds for any breach thereof and two pounds a day for a continuing breach but not more than twenty pounds in the aggregate.

Such bye-laws if approved by the Administrator shall be published in the *Gazette* and shall be laid before the Parliament of the Union of South Africa within fourteen days of such publication if the Parliament of the Union of South Africa be then sitting; and if the Parliament of the Union of South Africa be not then sitting within fourteen days after its next meeting and all such bye-laws when so published shall have the force of law and shall continue in force unless repealed or altered as aforesaid or disallowed by the Parliament of the Union of South Africa.

[Section 15 is corrected by the Correction of Errors in Laws Ordinance 4 of 1904 (Transvaal) and amended by the Crown Land Disposal Proclamation 13 of 1920.]

**Reserves to be marked on the maps of this Colony.**

16. All reserves made for any purpose under this Ordinance shall be set forth on the authenticated maps in the Office of the Surveyor-General at Windhuk. A duly approved diagram shall be annexed to each such deed of reserve and such deed shall be registered in the office of the Registrar of Deeds.

[Section 16 is amended by the Crown Land Disposal Proclamation 13 of 1920.]

**Delegation of powers.**

17. The Administrator may in writing, from time to time and subject to any conditions which he may, in his discretion, impose and for such period determined by him in each case, delegate any of his powers and duties in terms of this Ordinance (except the power to make

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regulations) to any officer of the Administration or the board referred to in section four and may at any time withdraw such delegation.

[Section 17 is deleted by the Crown Land Disposal Proclamation 13 of 1920, and a new section 17 inserted by Ord. 17 of 1965.]

**Regulations.**

**18.** It shall be lawful for the Administrator from time to time to make regulations for the establishment and proclamation of towns and the proper laying out and survey of erven therein for any object or purpose that may be deemed necessary for the efficient administration of this Ordinance.

All such regulations shall be of force and effect on publication in the *Gazette*.

[Section 18 is amended by the Crown Land Disposal Proclamation 13 of 1920.]

**Title.**

**19.** This Ordinance may be cited as the Crown Land Disposal Ordinance 1903.

[The Schedule is deleted by the Crown Land Disposal Proclamation 13 of 1920.]

[The following additional provision is contained in section 2 of the Crown Land Disposal Amendment Ordinance 13 of 1906 (Transvaal). Section 3 of that amending Ordinance states: "This Ordinance ... shall be read as one with the Crown Land Disposal Ordinance 1903."]

**Penalty for trespassing on and refusing to depart from Crown land.**

**2.** Any person found trespassing upon Crown land may be required by any Resident Magistrate Assistant Resident Magistrate Justice of the Peace or police officer or constable or by some person acting under the authority of the Administrator to forthwith quit such land and take with him all goods and persons brought by him thereon and to state his name and ordinary place of abode and any person who shall upon such requirement aforesaid refuse to depart or delay his departure therefrom with all such goods and persons aforesaid or refuse to state his name and ordinary place of abode shall upon conviction be liable to a fine not exceeding twenty pounds and in default of payment to imprisonment with or without hard labour or a period not exceeding one month or to such imprisonment without the option of a fine and all reasonable force may be used by any such officer aforesaid to effect such immediate departure.

[The original provision above contained a reference to the "Commissioner of Lands". The Crown Land Disposal Proclamation 13 of 1920 directs that "Minister" be substituted for "Commissioner" throughout, with the meaning of "the Minister of Lands of the Union of South Africa or any person lawfully acting in that capacity". Proc. 54 of 1920 then directs that the word "Administrator" be substituted for "Minister" throughout. In this provision, these directives have been applied to first substitute "Minister of Lands" for "Commissioner of Lands", and then to substitute "Administrator" for "Minister of Lands".]