



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$11.20

WINDHOEK - 21 February 2014

No. 5412

CONTENTS

Page

GOVERNMENT NOTICE

No. 15 Amendment of Regulations made under the Communal Land Reform Act, 2012

Government Notice

MINISTRY OF LANDS AND RESETTLEMENT

No. 15

2014

AMENDMENT OF REGULATIONS MADE UNDER THE COMMUNAL LAND REFORM ACT, 2002

In terms of section 45 of the Communal Land Reform Act, 2002 (Act No. 5 of 2002), I have made the regulations set out in the Schedule.

A. G. !NARUSEB
MINISTER OF LANDS AND RESETTLEMENT

Windhoek, 30 January 2014

SCHEDULE

Definitions

1. In these regulations, “the Regulations” means the regulations published under Government Notice No. 37 of 1 March 2003 as amended by Government Notice No. 120 of 16 June 2003.

Amendment of the regulation 2 of the Regulations

2. Regulation 2 of the Regulations is amended by the substitution for the words “Form 1” in subregulation (1) and (2) of the words “Form A”.

Amendment of the regulation 5 of the Regulations

3. Regulation 5 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) A certificate of registration of a customary land right referred to in section 25(1)(b) of the Act must be issued to the holder of the right in the form determined by the Minister.”.

Amendment of the regulation 7 of the Regulations

4. Regulation 7 of the Regulations is amended by the substitution for the words “Form 3” in subregulation (1) and (2) of the words “Form A”.

Amendment of the regulation 8 of the Regulations

5. Regulation 8 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) A certificate of registration of an existing customary land right referred to in section 28 of the Act must be issued to the holder of the right in the form determined by the Minister.”.

Amendment of the regulation 11 of the Regulations

6. Regulation 11 of the Regulations is amended by the substitution for the words “Form 5” in subregulation (1) and (2) of the words “Form B”.

Amendment of the regulation 12 of the Regulations

7. Regulation 12 of the Regulations is amended by the substitution for the words “Form 6” in subregulation (1) and (2) of the words “Form B”.

Amendment of the regulation 16 of the Regulations

8. Regulation 16 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) A -

- (a) certificate of leasehold for any purpose other than agricultural purposes outside a designated area must be in the form determined by the Minister; and
- (b) certificate of leasehold for a purpose other than agricultural purposes outside a designated area must be in the form determined by the Minister,

and the original certificate must be issued to the holder at the time of the registration of the right of leasehold.”.

Amendment of the regulation 17 of the Regulations

9. Regulation 17 of the Regulations is amended by -

- (a) the substitution for the words “Form 8” in subregulation (1) of the words “Form B”; and

- (b) the substitution for subregulation (6) of the following subregulation:

“(6) If an application referred to in subregulation (1) has been granted, the secretary of the board must issue to the applicant a certificate of leasehold in the form determined by the Minister and enter into the register referred to in regulation 16(1) the particulars referred to in regulation 16(1).”.

Amendment of the regulation 19 of the Regulations

10. Regulation 19 of the Regulations is amended by the substitution for subregulation 6 of the following subregulation:

“If -

- (a) a right of leasehold, except a right of leasehold for agricultural purposes outside the designated area, has been granted to an applicant, that applicant must in respect of that right enter into a deed of leasehold with the board in the form determined by the Minister; or
- (b) a right of leasehold for agricultural purposes outside a designated area has been granted to an applicant, that applicant must in respect of that right enter into a deed of leasehold with the Minister in the form determined by the Minister.”.

Amendment of the regulation 20 of the Regulations

11. Regulation 20 of the Regulations is amended by -

- (a) the substitution for subregulation (1) of the following subregulation:

“(1) A notice referred to in section 37(3) of the Act must be given in the form determined by the Minister.”; and

- (b) the substitution for subregulation (2) of the following subregulation:

“(2) A summons referred to in section 37(4) of the Act must be issued in the form determined by the Minister.”.

Amendment of the regulation 23 of the Regulations

12. Regulation 23 of the Regulations is amended by the substitution for paragraph (a) of the following paragraph:

- “(a) must be given in the form determined by the Minister; and;”.

Amendment of the regulation 24 of the Regulations

13. Regulation 24 of the Regulations is amended by -

- (a) the substitution for the words “Form 13” and “Form 14” in paragraph (a) and (b) of subregulation (1) and the words “Forms 13” and “Form 14” in subregulation (2) of the words “Form C”;

- (b) the substitution for paragraph (b) of subregulation (4) of the following paragraph:

“(b) must issue, at the time of the transfer, to the transferee a certificate of registration of a customary land right in the form determined by the Minister.”; and

(c) the substitution for paragraph (b) of subregulation (5) of the following paragraph:

“(b) must issue, at the time of the transfer, to the transferee a certificate of leasehold in the form determined by the Minister.”.

Amendment of the regulation 27 of the Regulations

14. Regulation 27 of the Regulations is amended by the substitution for the words “Form 15” in subregulation (1) and (2) of the words “Form D”.

Amendment of the regulation 28 of the Regulations

15. Regulation 28 of the Regulations is amended by the substitution in subregulation (2) for the words “in the form of Form 11 set out in Annexure 1” of the words “in the form determined by the Minister”.

Amendment of the regulation 29 of the Regulations

16. Regulation 29 of the Regulations is amended by the substitution for that regulation of the following regulation:

“**29.** A board referred to in section 30(5) of the Act who wishes to submit a matter to an arbitrator, must submit the matter in the form determined by the Minister and must attach a copy of the application to that form.”.

Amendment of Annexure 1 to the Regulations

17. Annexure 1 to the Regulations is amended by:

(a) the substitution for Form 1 and Form 3 of the following form:

“



FOR OFFICIAL USE
<i>UPI Number:</i>
<i>Legal Entity Number</i>
<i>Boundaries marked on tiles</i>
.....
<i>and/or GPS forms/book</i>
.....
<i>Certificate Number:</i>

FORM A

APPLICATION FORM FOR LAND RIGHTS IN COMMUNAL AREAS REFERRED TO IN SECTIONS 22, 28 AND 44, READ WITH SECTION 45 AND REGULATIONS 2, 7, 24¹, 26 AND 27 OF THE COMMUNAL LAND REFORM ACT, (ACT NO. 5 of 2002).

APPLICATION FOR REGISTRATION OF A CUSTOMARY LAND RIGHT

To:

- The Chief Office Stamp
[For new customary land right (allocated on or after 1 March 2003)]
 Traditional Authority of

OR

- The Chairperson Office Stamp
[For recognition of existing customary land right (allocated on or before 28 February 2003)]
 Communal Land Board
 of

1. Application Type

I/ We hereby apply for a* *Complete sections*

Tick the appropriate section

- New customary land right (allocated on or after 1 March 2003)*
- Recognition of existing customary land right (allocated on or before 28 February 2003)* 1,2,3,4,5,6,7,8

¹ A separate application form must be completed for each land parcel.
 * Delete whichever does not apply

Nature of Applicant

- Individual
- Group / Family
- Married Couple
- Legal entity

2. Applicant Details

Individual or married couple applicants should complete section 2.1. Legal entities or groups² complete section 2.2.

2.1. I/We*

- (a) First Name(s) (self):
- (b) Surname (self):
- (c) Maiden Name:
- (d) Identity Number (or date of birth) (self):
- (e) Sex: Female Male
- (f) Nationality (self):
- (g) Marital Status (self): Never married Divorced Widowed
 Married in community of property
 Married out of community of property

Applying jointly as spouses: Yes No

- (a) First Names (spouse):
- (b) Surname (spouse):
- (c) Maiden Name (spouse):
- (d) Identity Number (or date of birth) (spouse):
- (e) Sex: Female Male
- (f) Nationality (spouse):

Please provide certified copies of identity documents and proof of marriage (if applicable)

2.2 If applying as a legal entity or group/family

- (a) State the name of the entity or group:
- (b) Provide a brief description of the entity or group:
.....
.....

² A group refers to two or more individuals applying jointly

Legal Entity: please attach relevant documents (e.g. registration certificate). Group/family: please provide all members' details on a separate attachment (e.g. name, ID)

3. Residential and Postal address

- (a) Residential Address:
- (b) Postal Address:
- (c) Cell Phone Number:
- (d) Other Contact Details:
- (e) Email Address:

4. Description of Land Right and Land Parcel

- (a) Date of allocation:
- (b) Traditional Authority:
- (c) Traditional Administrative Area / District:
- (d) Village:
- (e) Constituency:
- (f) Current land use: Residential Crop Farming Both Other:
- (g) Land use applied for: Residential Crop Farming Both Other:
- (h) Is the respective Land Parcel located in a:
- Conservancy³? Yes No *If Yes provide name:*
- Community Forest⁴? Yes No *If Yes provide name:*

If Yes, please complete the section below

5. Additional holders of Land Rights on parcel

To the best of your knowledge, does any other person hold any land right in respect of the portion of land?

- Yes No

³ Conservancy, in terms of section 24A of the Nature Conservation ordinance, 1975.

⁴ Community Forest, in terms of section 15 of the Forest Act, 2001

If Yes, please complete the section below

Details of additional Right Holder⁵

- (a) First Name:
- (b) Surname:
- (c) Identity Number:
- (d) Cell Phone Number:
- (e) Email Address:
- (f) Residential Address:
- (g) Postal Address:

Details of Land Rights held by additional Right Holder

- (h) What type(s) of Land Rights are held?
 Customary Lease Other
- (i) Has the holder agreed to relinquish his or her right in respect of the portion of land?
 Yes No

If Yes, please attach any relevant documentation

- (j) Is any compensation payable in this regard? Yes No
- (k) Have suitable arrangements been made for the resettlement of the holder on alternative land?
 Yes No Not Applicable

If Yes, please attach any relevant documentation

6. Fences⁶

- (a) Are there any existing fences? Yes No
- (b) Does the applicant want to retain the whole or any part of the existing fence?
 Yes No
- (c) Does the applicant want to erect a new fence(s)? Yes No

If yes to any of the above, please fill out Form D (not required for fences around homesteads, cattle pens, water troughs or crop fields).

⁵ If more than one additional right holder, please attach a list of additional holders

⁶ According to Regulations made in Terms of the Communal land Reform Act, 2002, Section 26 and 27 (3)

7. Additional Land Rights held by Applicant

Does the applicant or spouse(s) hold any other portion of land granted under the Acts⁷ (registered) or occupy any communal land under a right referred to in section 28 (1) of the Act (not registered)?

Yes No

If Yes, please complete the section below

Details of Additional land rights and their use

- (a) Who holds the Land Right? Applicant Spouse Other
- (b) (Approximate) size of land:
- (c) Region:
- (d) Traditional Authority allocating the land rights:
- (e) Traditional Administrative Area / District:
- (f) Village:
- (g) Constituency:
- (h) Land Use:
- (i) What type(s) of Land Rights are held?
- Customary Lease Agricultural (commercial) farmland other

Please attach any relevant documents

8. Declaration

The application fee of N\$ has been paid, for which receipt No: dated was issued.

Please attach original receipt or proof of payment

I hereby declare that the information submitted in this form is true and correct.

Signature of Applicant
(Or group representative⁸)

Place

Date

Signature of spouse

Place

Date

⁷ Acts refer to all relevant Statutes including the Agricultural Commercial Land Reform Act

⁸ The group representative must have power of attorney or certified minutes of meeting (including attendance register of group members) concerning agreement to transfer must be attached

9. Application Ratified by the Communal Land Board (for official purpose only)

Name of CLB Chairperson:

Signature:

Date ratified and stamp:

”;

(b) the deletion of Form 2 and Form 4;

(c) the substitution for Form 5, Form 6 and Form 8 of the following form:

“



FOR OFFICIAL USE

UPI Number:

Legal Entity Number

Boundaries marked on tiles

.....

and/or GPS forms/book.....

.....

Certificate Number:

FORM B

APPLICATION FORM FOR LAND RIGHTS IN COMMUNAL AREAS REFERRED TO
IN SECTIONS 30, 31, 35, 44 READ WITH SECTION 45 AND REGULATIONS 11, 12, 17,
24⁹, 26 AND 27 OF THE COMMUNAL LAND REFORM ACT.

APPLICATION FOR REGISTRATION OF A RIGHT OF LEASEHOLD

To:

- The Chairperson Office Stamp
*[For New Leasehold Land Rights OR Conversion of Permission to Occupy (PTO)
into Leasehold Land Right]*
Communal Land Board
of

OR

- The Minister Office Stamp
(Leasehold for Agricultural purposes outside a designated area)
Private Bag 13343
Windhoek

1. Application Type

I/ We hereby apply for a Tick the appropriate selection below* *Complete sections*

- New Leasehold Land Right 1,2,3,4,6,7,8,9,10
- Conversion of Permission to Occupy (PTO) into right of leasehold 1,2,3,4,5,7,8,9,10
- Leasehold for Agricultural purposes outside a designated area 1,2,3,4,6,7,8,9,10

Nature of Applicant

- Individual
- Group/Family
- Married Couple
- Legal entity

⁹ A separate application form must be completed for each land parcel.
* Delete whichever does not apply

Applicant Details:

Individual or married couple applicants should complete section 2.1. Legal entities or groups¹⁰ complete section 2.2.

2.1. I/We*

- (a) First Name(s) (self):
- (b) Surname (self):
- (c) Maiden Name:
- (d) Identity Number (or date of birth) (self):
- (e) Sex: Female Male
- (f) Nationality (self):
- (g) Marital Status (self): Never married Divorced Widowed
 Married in community of property
 Married out of community of property

Applying jointly as spouses: Yes No

- (a) First Names (spouse):
- (b) Surname (spouse):
- (c) Maiden Name (spouse):
- (d) Identity Number (or date of birth) (spouse):
- (e) Sex: Female Male
- (f) Nationality (spouse):

Please provide certified copies of identity documents and proof of marriage (if applicable)

2.2 If applying as a legal entity or group/family

- (a) State the name of the entity or group:
- (b) Provide a brief description of the entity or group:
.....
.....

*Legal Entity: please attach relevant documents (e.g.registration certificate).
Group/family: please provide all members' details on a separate attachment (e.g. name, ID)*

¹⁰ A group refers to two or more individuals applying jointly.
* Delete whichever does not apply

2. Residential and Postal address

- (a) Residential Address:
- (b) Postal Address:
- (c) Cell Phone Number:
- (d) Other Contact Details:
- (e) Email Address:

3. Description of Land Rights and Land Parcel

- (a) Date of allocation:
- (b) Traditional Authority:
- (c) Traditional Administrative Area / District:
- (d) Village:
- (e) Constituency:
- (f) Current land use: Residential Crop Farming Both Other:
- (g) Land use applied for: Residential Crop Farming Both Other:
- (h) Is the respective Land Parcel located in a:
- Conservancy¹¹? Yes No *If Yes provide name:*
- Community Forest¹²? Yes No *If Yes provide name:*

If Yes, please attach letter of consent from respective conservancy and/or community forest

- (i) Duration of Leasehold¹³:

attach business plan if applicable

4. Conversion of Permission to Occupy (PTO) into right of leasehold

- (a) Has the traditional authority consented to the conversion of the PTO into a right of leasehold?
- Yes No *If Yes please attach documentary evidence*
- (b) Is the rental fee paid up to date?
- Yes No *If Yes please attach documentary evidence*

¹¹ Conservancy, in terms of section 24A of the Nature Conservation ordinance, 1975.

¹² Community Forest, in terms of section 15 of the Forest Act, 2001

¹³ New Regulation that lists business activities for which a business plan is required to be developed and included into the CLRA

5. Applications for New Leasehold Land Right on Communal Land

Has the traditional authority agreed to the grant the right of leasehold?

Yes No

If Yes please attach documentary evidence

6. Fences¹⁴

(a) Are there any existing fences? Yes No

(b) Does the applicant want to retain the whole or any part of the existing fence?
 Yes No

(c) Does the applicant want to erect a new fence(s)? Yes No

If yes to any of the above, please fill out Form D (not required for fences around homesteads, cattle pens, water troughs or crop fields).

7. Additional holders of Land Rights on parcel

To the best of the applicant's knowledge, does any other person hold any land right in respect of the portion of land?

Yes No

If Yes, please complete the section below

Details of additional Right Holder¹⁵

(a) First name(s):

(b) Surname:

(c) Identity Number:

(d) Cell Phone Number:

(e) Email Address:

(f) Postal and Residential address:

Details of Land Rights held by additional Holder

(a) What type(s) of Land Rights are held?

Customary Lease other

(b) Has the holder agreed to relinquish his or her right in respect of the portion of land?

Yes No

If Yes, please attach any documentation

Is any compensation payable in this regard? Yes No

¹⁴ According to Regulations made in Terms of the Communal Land Reform Act, 2002, Sections 26 and 27 (3)

¹⁵ If more than one additional right holder, please attach a list of additional holders

- (c) Have suitable arrangements been made for the resettlement of the holder on alternative land?

Yes No Not Applicable

If Yes, please attach any relevant documents

8. Additional Land Rights held by the Applicant

Does the applicant or spouse(s) hold any other portion of land granted under the Acts¹⁶ (registered) or occupy any communal land under a right referred to in section 28 (1) of the Act (not registered)?

Yes No

If Yes, please complete the section below

Details of Additional land rights and their use

- (a) Who holds the Land Right? Applicant Spouse Other:
- (b) (Approximate) size of land:
- (c) Region:
- (d) Traditional Authority allocating the land rights:
- (e) Traditional Administrative Area / District:
- (f) Village:
- (g) Constituency:
- (h) Land Use:
- (i) What type(s) of Land Rights are held?
- Customary Lease Agricultural (commercial) farmland other

Please attach any relevant documents

9. Declaration

The application fee of N\$ has been paid, for which receipt No. dated was issued.

Please attach original receipt or proof of payment

¹⁶ Acts refer to all relevant Statutes including the Agricultural Commercial Land Reform Act

I hereby declare that the information submitted in this form is true and correct.

_____ Signature of Applicant (Or group representative ¹⁷)	_____ Place	_____ Date
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_____ Signature of Joint Applicant	_____ Place	_____ Date
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10. Application Ratified by the Communal Land Board (for official purpose only)

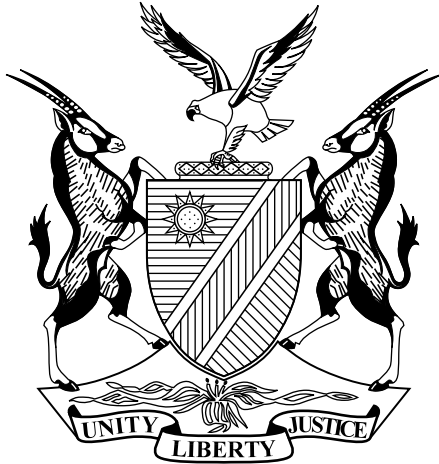
Name of CLB Chairperson: Signature: Date ratified and stamp:
--

”;

- (d) the deletion of Form 7 Part A and Form 7 Part B, Form 9 Part A, Form 9 Part B, Form 10, Form 11 and Form 12;
- (e) the substitution for Form 13 and Form 14 of the following form:

¹⁷ The group representative must have power of attorney or certified minutes of meeting (including attendance register of group members) concerning agreement to transfer must be attached

“



FOR OFFICIAL USE

UPI Number:

Legal Entity Number

Boundaries marked on tiles

.....

and/or GPS forms/book.....

.....

Certificate Number:

FORM C

APPLICATION FORM FOR LAND RIGHTS IN COMMUNAL AREAS REFERRED TO IN SECTION 45, READ WITH SECTION 38 AND REGULATION 24¹⁸

APPLICATION FOR TRANSFER OF LAND RIGHTS IN COMMUNAL AREAS

To:

The Chief (for customary land right) Office Stamp
 Traditional Authority of
 Region

OR

The Chairperson (for right of leasehold) Office Stamp
 Communal Land Board
 of

1. Transfer Type:

I/ We hereby apply for the transfer of* **Tick the appropriate selection below** *Complete sections*

Customary Land Right 1,2,3,4,5,6,7,9,10,11

Leasehold Land Right 1,2,3,4, 5,6,7,8,9,10,11

Nature of Applicant

Individual Group/family Married Couple Legal entity

¹⁸ A separate application form must be completed for each land parcel
 * Delete whichever does not apply

2. Details of Transferor

Individual transferors or married couple transferors complete sections 2.1. Legal entities or groups¹⁹ complete section 2.2.

2.1. I/We*

- (a) First Name(s) (self):
- (b) Surname (self):
- (c) Maiden Name (spouse):
- (d) Identity Number (or date of birth) (self):
- (e) Sex: Female Male
- (f) Nationality (self):.....
- (g) Marital Status (self): Never married Divorced Widowed
 Married in community of property
 Married out of community of property

Applying jointly as spouses: Yes No

- (a) First Names (spouse):
- (b) Surname (spouse):
- (c) Maiden Name (spouse):
- (d) Identity Number (or date of birth) (spouse):
- (e) Sex: Female Male
- (f) Nationality (spouse):

Please provide certified copies of identity documents and proof of marriage (if applicable)

2.2 If applying as a legal entity or group/family

- (a) State the name of the entity or group:
- (b) Provide a brief description of the entity or group:
.....
.....

Legal Entity: please attach relevant documents (e.g. registration certificate). Group/family: please provide all members' details on a separate attachment (e.g. name, ID)

¹⁹ Any established (or registered) group that wishes to collectively hold a customary land right over a particular property e.g. as a clan, family etc. can apply.

3. Address and Contact Details of Transferor:

- (a) Residential Address:
- (b) Postal Address:
- (c) Cell Phone Number:
- (d) Other Contact Details:
- (e) Email Address:

4. Type of transfer

Briefly state the type of transfer: inheritance gift other:

5. Details of Transferee:

Individual transferees or married couple transferors complete sections 5.1. Legal entities or groups²⁰ complete section 5.2.

5.1. I/We*

- (a) First Name(s) (self):
- (b) Surname (self):
- (c) Maiden Name (self):
- (d) Identity Number (or date of birth) (self):
- (e) Sex: Female Male
- (f) Nationality (self):
- (g) Marital Status (self): Never married Divorced Widowed
 Married in community of property
 Married out of community of property

Applying jointly as spouses: Yes No

- (a) First Names (spouse):
- (b) Surname (spouse):
- (c) Maiden Name (spouse):
- (d) Identity Number (or date of birth) (spouse):
- (e) Sex: Female Male
- (f) Nationality (spouse):

²⁰ Any established (or registered) group that wishes to collectively hold a customary land right over a particular property e.g. as a clan, family etc. can apply.

Please provide certified copies of identity documents and proof of marriage (if applicable)

5.2 If applying as a legal entity or group/family

- (a) State the name of the entity or group:
- (b) Provide a brief description of the entity or group:
.....
.....

Legal Entity: please attach relevant documents (e.g. registration certificate). Group/family: please provide all members' details on a separate attachment (e.g. name, ID)

6. Address and Contact Details of Transferee

- (a) Residential Address:
- (b) Postal Address:
- (c) Cell Phone Number:
- (d) Other Contact Details:
- (e) Email Address:

7. Description of Land Parcel (or portion) to be transferred

- (a) Date of original allocation:
- (b) UPI of land parcel:
- (c) Transfer in respect of: the entire land parcel a portion of land parcel
- (d) If transfer is for a portion of the land parcel, describe the location, boundaries and approximate size to be transferred:
- (e) Traditional Authority:
- (f) Traditional Administrative Area / District:
- (g) Village:
- (h) Constituency:
- (i) Current land use on land to be transferred:
 Customary land rights: Residential Crop Farming Both Other
 Leasehold land rights: Residential Agricultural Tourism Other

(j) Future land use applied for:

Customary land rights: Residential Crop Farming Both Other

Leasehold land rights: Residential Agricultural Tourism Other

8. Special requirements for transfers of Leaseholds

(a) Is the respective Land Parcel located in

a Conservancy²¹? Yes No *If Yes provide name:*

a Community Forest²²? Yes No *If Yes provide name:*

If Yes, please attach letter of consent from respective conservancy and / or

(b) Has the Traditional Authority granted approval for the transfer of the right of leasehold?

Yes No

If Yes, please attach documentary evidence

(c) Are the fees or any other amount payable in respect of the occupation of the land paid up to date?

Yes No

If Yes, please attach documentary evidence

(d) Remaining period of leasehold:

Attach original certificate of registration

9. Additional holders of Land Rights on parcel

To the best of the applicant's knowledge, does any other person hold any land right in respect of the portion of land?

Yes No

If Yes, please complete the section below

Details of additional Right Holder²³

(a) First name(s):

(b) Surname:

(c) Identity Number:

(d) Cell Phone Number:

(e) Email Address:

(f) Postal and Residential address:

²¹ Conservancy, in terms of section 24A of the Nature Conservation ordinance, 1975.

²² Community Forest, in terms of section 15 of the Forest Act, 2001

²³ If more than one additional right holder, please attach a list of additional holders

Details of Land Rights held by additional Holder

(a) What type(s) of Land Rights are held?

 Customary Lease other

b) Has the holder agreed to relinquish his or her right in respect of the portion of land?

 Yes No*If Yes, please attach any documentation*

(c) Is any compensation payable in this regard?

 Yes No

(d) Have suitable arrangements been made for the resettlement of the holder on alternative land?

 Yes No Not Applicable*If Yes, please attach any relevant documents***10. Additional Land Rights held by Transferee**Does the applicant or the spouse(s) /group/ or legal entity hold any other portion of land granted under the Act²⁴ (registered) or occupy any communal land under a right referred to in section 28 (1) of the Act (not registered)? Yes No*If Yes, please complete the section below***Details of Additional land rights and their use**(a) Who holds the Land Right? Applicant Spouse Other

(b) (Approximate) size of land:

(c) Region:

(d) Traditional Authority allocating the land rights:

(e) Traditional Administrative Area / District:

(f) Village:

(g) Constituency:

(h) Land Use:

(i) What type(s) of Land Rights are held?

 Customary Lease Agricultural (commercial) farmland other*Please attach any relevant documentation*²⁴ Communal Land Reform Act, 2002 (Act No. 5 of 2002)

11. Declaration

- (a) I/ we*, the transferor: hereby consent to the transfer of the **customary/right of leasehold***.
- (b) I/ we*, the transferee: hereby consent to the transfer of the **customary/right of leasehold*** to me/us*.
- (c) An amount of N\$ has been paid as compensation for improvements on the land right
- (d) The application fee of N\$ has been paid and the bank deposit slip/statement/receipt No* dated is attached (*delete whichever is inapplicable).

Please attach original receipt or proof of payment

I hereby declare that the information submitted in this form is true and correct.

Signature of Transferor <i>(Or group representative²⁵)</i>	Place	Date
--	-------	------

Signature of Spouse of Transferor	Place	Date
-----------------------------------	-------	------

Signature of Transferee <i>(Or group representative)</i>	Place	Date
---	-------	------

Signature of Spouse of Transferee <i>(Or group representative)</i>	Place	Date
---	-------	------

12. Application Ratified by the Communal Land Board (for official purpose only)

Name of CLB Chairperson:

Signature:

Date ratified and stamp:

- (f) the substitution for Form 15 of the following form:

²⁵ The group representative must have power of attorney or certified minutes of meeting (including attendance register of group members) concerning agreement to transfer must be attached

“



FOR OFFICIAL USE
<i>UPI Number:</i>
<i>Legal Entity Number</i>
<i>Boundaries marked on tiles</i>
.....
<i>and/or GPS forms/book</i>
.....
<i>Certificate Number:</i>

FORM D

APPLICATION FORM FOR FENCING IN COMMUNAL AREAS REFERRED TO IN SECTION 44, READ WITH SECTION 45 AND REGULATION 27²⁶

APPLICATION FOR ERECTION OR RETENTION OF FENCES IN COMMUNAL AREA
(Not required for fences around homesteads, cattle pens, water troughs or crop fields²⁷)

To:

- The Chief Office Stamp
Traditional Authority of
- Region

OR

- The Chairperson Office Stamp
Communal Land Board
of

1. Application Type

What type of Land Right do you want to fence
Tick the appropriate selection below

Complete sections

- Customary Land Right
- Leasehold Land Right

The fence is

- a New fence (erected on or after March 2003)
- an Existing fence (erected before or on 28 February 2003)
- to be Erected

²⁶ A separate application form must be completed for each land parcel
²⁷ According to Regulations made in Terms of the Communal Land Reform Act, 2002, Section 27 (3).

Nature of Applicant

- Individual Group/family Married Couple Legal entity

2. Applicant Details

Individual or married couple applicants should complete section 2.1. Legal entities or groups²⁸ complete section 2.2.

2.1. I/We*

- (a) First Name(s) (self):
- (b) Surname (self):
- (c) Maiden Name (spouse):
- (d) Identity Number (or date of birth) (self):
- (e) Sex: Female Male
- (f) Nationality (self):
- (g) Marital Status (self): Never married Divorced Widowed
 Married in community of property
 Married out of community of property

Applying jointly as spouses: Yes No

- (a) First Names (spouse):
- (b) Surname (spouse):
- (c) Maiden Name (spouse):
- (d) Identity Number (or date of birth) (spouse):
- (e) Sex: Female Male
- (f) Nationality (spouse):

Please provide certified copies of identity documents and proof of marriage (if applicable)

2.2 If applying as a legal entity or group/family

- (a) State the name of the entity or group:
- (b) Provide a brief description of the entity or group:
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-

²⁸ A group refers to two or more individuals applying jointly.

* Delete whichever does not apply

Legal Entity: please attach relevant documents (e.g. registration certificate). Group/family: please provide all members' details on a separate attachment (e.g. name, ID)

3. Residential and Postal address

- (a) Residential Address:
- (b) Postal Address:
- (c) Cell Phone Number:
- (d) Other Contact Details:
- (e) Email Address:

4. Description of Land parcel to be fenced

- (a) The land parcel to be fenced is subject to a **customary land right/leasehold right***
- (b) UPI of land parcel:
- (c) Date of allocation:
- (d) Traditional Authority:
- (e) Traditional Administrative Area / District:
- (f) Village:
- (g) Constituency:
- (h) Current land use on land to be fenced:
- (i) Customary land rights: Residential Crop Farming Both Other
- (j) Leasehold land rights : Residential Agricultural Tourism Other
- (k) Is the respective Land Parcel located in a:
- Conservancy²⁹? Yes No *If Yes provide name:*
- Community Forest³⁰? Yes No *If Yes provide name:*

If Yes, please attach letter of consent from respective conservancy and / or community forest

²⁹ Conservancy, in terms of section 24A of the Nature Conservation ordinance, 1975.

*delete whichever is not applicable

³⁰ Community Forest, in terms of section 15 of the Forest Act, 2001

5. Description of Fences to be retained

(a) Extent of existing fences:

(b) Does the applicant want to retain the whole a part of the existing fences?

(c) Please describe which part of the fences will be retained:

.....
.....

6. Description of new fence to be erected

(a) Specify location of fence on land parcel:

.....
.....

(b) Extent:

Sketch plan

Please provide a sketch plan in support of your application

Please attach documentary evidence

7. Endorsement

The positions of the fence was verified and endorsed by:

local residents village committee Conservancy Community forest

others: (specify)

Place: Date:

8. Declaration

I/we hereby declare that the information submitted in this Form is true and correct.*

The application fee of N\$ has been paid, for which receipt No. dated was issued.

Please attach original receipt or proof of payment

Signature of Applicant Place Date
(Or group representative³¹)

Signature of spouse Place Date

9. Application Ratified by the Communal Land Board (for official purpose only)

Name of CLB Chairperson:

Signature:

Date ratified and stamp:

.; and

(g) the deletion of Form 16.

³¹ The group representative must have power of attorney or certified minutes of meeting (including attendance register of group members) concerning agreement to transfer must be attached