



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$4.00

WINDHOEK - 13 August 2014

No. 5530

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Government Notice

MINISTRY OF LANDS AND RESETTLEMENT

No. 120

2014

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

Under section 77 of the Agricultural (Commercial) Land Reform Act, 1995 (Act No. 6 of 1995), I have made the regulations as set out in the Schedule.

A.G. !NARUSEB
MINISTER OF LANDS AND RESETTLEMENT

Windhoek, 30 July 2014

Definitions

1. In these regulations “the Regulations” means the regulations in relation to Acquisition of Agricultural Land by foreign nationals, published under Government Notice No. 257 of 19 September 1996 as amended by Government Notice Nos. 272 of 17 October 1996, 243 of 15 December 2001, 259 of 29 December 2001, 128 of 1 June 2004, 181 of 15 December 2005, 120 of 3 July 2007, 143 of 1 August 2007, and 241 of 6 September 2013.

Amendment of Annexure to the Regulations

2. The Annexure to the Regulations is amended by the insertion after Form 3 of the following forms:

FORM 1A

CERTIFICATE OF WAIVER FOR PREVIOUSLY DISADVANTAGED PERSON

AGRICULTURAL (COMMERCIAL) LAND REFORM ACT, 1995 (ACT NO. 6 OF 1995)

(Section 17(2)(b) (Section 77))

I in my capacity as Minister of Lands and Resettlement of the Republic of Namibia, certify that the State waives its preferent right to purchase agricultural land, as conferred by subsection (2) of section 17 of the Agricultural (Commercial) Land Reform Amendment Act, 2014 (Act No. 1 of 2014), in respect of the agricultural land described below, which has in terms of that section been offered for sale to the State by the owner mentioned below, and the State waives its preferent right to acquire the land in favour of the purchaser mentioned below who is a previously disadvantaged person contemplated in Article 23(2) of the Namibian Constitution.

This certificate of waiver does not entitle the owner to sell or otherwise dispose of the agricultural land mentioned below to anyone whosoever, including to a foreign national or nationals except the purchaser or purchasers mentioned below, without first having offered such land to the State as required by section 17(2) of the Agricultural (Commercial) Land Reform Amendment Act, 2014, (Act No. 1 of 2014).

DESCRIPTION OF AGRICULTURAL LAND:

- CERTAIN :
- EXTENT :
- REGISTRATION DIVISION :
- REGION :
- DEED OF TRANSFER NO. :
- PURCHASE PRICE :
- DATE OF OFFER :

DETAILS OF OWNER(S):

- FULL NAMES AND IDENTITY NUMBER(S):
- FULL ADDRESS :
- FULL CONTACT DETAILS :

DETAILS OF PURCHASER(S): *(Previously Disadvantaged Namibian(s))*

- FULL NAMES AND IDENTITY NUMBER(S):
- FULL ADDRESS :
- FULL CONTACT DETAILS :

Signed at Windhoek on

.....
Minister of Lands and Resettlement

FORM 4

OFFER OF SALE OF AGRICULTURAL LAND: AGRICULTURAL (COMMERCIAL) LAND REFORM ACT, 1995 (ACT NO. 6 OF 1995)

(Section 17(2)(a), (Section 77))

I, Mr./Mrs./Ms* the registered owner/ duly authorized agent of the owner* of the property

of property known as and No. in

Registration Division

hereby offer the said property for sale to the Government through the Permanent Secretary, Ministry of Lands and Resettlement: Private Bag 13343 Windhoek.

I further certify that the information given in this form is true and to the best of my knowledge.

I have attached as required:

- i. Copy of Deed of Transfer No.
- ii. Copy of farm plan

..... Date Signature of registered owner/agent**
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..... Date Signature of Spouse
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Address of registered owner

.....

Tel. No.

Fax. No.

* Delete where necessary.

** If the offer is made by an agent a letter of authority from the registered owner should be attached.

Please draw a sketch plan showing the access and location of property. (Indicate clearly the boundaries of the property and access from a well known landmark with approximate distances)

Sketch Plan	
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SECTION 1

A	Name of Agricultural Property	Number of Agricultural Property	Registration Division			
	Area of land HA				
	Date of Purchase and Purchase price					
B	Name of Owner					
	Nationality					
	Postal Address					
	Telephone					
	Fax					
	Period of occupation by the owner whether she or he is residing on the farm; if not state last date of residence					
	Name of occupier if not occupied by the owner. State whether leased or not.					
Terms of occupation or lease	Period of lease	From	To	Rent p.a.	Other details	
 years					
D	Sale Price	Rate per Ha		Price		
E	Servitudes and other rights existing over the property if any.					

**SECTION 2
DETAILS OF THE LAND AND IMPROVEMENTS**

1 LAND

(a)	Size of grazing land (hectares)							Remarks
(b)	Size of land affected by serious bush encroachment and/or poisonous plants (hectares) if any							
(c)	Size of land comprising of hills (hectares)							
(d)	Size of land with presence of excessive alkaline rocks or rock outcrops making it unsuitable for grazing (hectares) if any							
(e)	Official carrying capacity							
(f)	Actual/physical carrying capacity	This year		Last year		Previous year		
		LSU	SSU	LSU	SSU	LSU	SSU	
(g)	Average rainfall for the last 3 years (mm)	This year		Last year		Previous year		
(h)	Nature of access road from nearest town	Tar (km)		Gravel (km)				
(i)	Distance from property to the nearest	Service Centre (km)		School (km)		Hospital (km)		
(j)	Size (if any) of wildlife/game ranching (ha) Wildlife species (specify and state the numbers)							
	Type	No.	Ages					
	_____	_____	_____					
	_____	_____	_____					
	_____	_____	_____					
	_____	_____	_____					
	_____	_____	_____					
	_____	_____	_____					
	Size of irrigable land, if any							
	Size of land currently under irrigation, if any							
	Size of orchard/wine yards, if any							
	Size of commercial plantations, if any							

2 IMPROVEMENTS

If existing at the time of purchase, an estimate may be made of the respective costs of the items listed below. The items added after purchase of property should be stated at the cost as at date of construction/installation. If space provided is not sufficient, please use part (xiv).

When completing the column “condition”, please use the terms, very good, good, average and poor.

BUILDINGS

	Year of construction	Cost of construction	Materials used				Condition
			Roof	Floor	Walls	Floor area	
- Main house		N\$					
- Subsequent additions, if any		N\$					
- Outbuildings Stores 1 2 3		N\$					
- Garage		N\$					
- Workshops		N\$					
- Workers quarters		N\$					
- Others		N\$					
Total		N\$					

3. AGRICULTURAL IMPROVEMENTS

(1) BOREHOLES

	Yield	Depth (m)	Date of Installation	Total cost of Installation	Condition
Borehole 1					
Borehole 2				N\$	
Borehole 3				N\$	
Borehole 4				N\$	
Borehole 5				N\$	
Others				N\$	
				Total N\$	

(2) PUMPS

	Brand Name	Capacity	Serial no.	Date of Installation	Cost of Installation	Condition
No. 1					N\$	
No. 2					N\$	
No. 3					N\$	
No. 4					N\$	
No. 5					N\$	
Others					N\$	
					Total N\$	

(3) ENGINES

	Brand Name	Capacity	Serial no.	Date of Installation	Cost of Installation	Condition
No. 1					N\$	
No. 2					N\$	
No. 3					N\$	
No. 4					N\$	
No. 5					N\$	
Others					N\$	
					Total N\$	

(4) WINDMILLS

	Brand Name	Capacity	Serial no.	Date of Installation	Cost of Installation	Condition
No. 1					N\$	
No. 2					N\$	
No. 3					N\$	
No. 4					N\$	
No. 5					N\$	
Others					N\$	
					Total N\$	

(5) UNDERGROUND PIPING

Total Length	Material used	Diameter	Date of Installation	Cost of Installation	Condition
				N\$	
				N\$	
				Total N\$	

(6) RESEVOIRS

	Capacity (m)	Serial no.	Date of Installation	Cost of Installation	Condition
No. 1				N\$	
No. 2				N\$	
No. 3				N\$	
No. 4				N\$	
No. 5				N\$	
Others				N\$	
				Total N\$	

(7) DRINKING TROUGHS

	Capacity (m)	Serial no.	Date of Installation	Cost of Installation	Condition
No. 1				N\$	
No. 2				N\$	
No. 3				N\$	
No. 4				N\$	
No. 5				N\$	
Others				N\$	
				Total N\$	

(8) DETAILS OF CAMPS

Please state whether all camps are established as shown in the farm plan submitted.

No.	Size (HA)	No.	Size (HA)	No.	Size (HA)	No.	Size (HA)	Condition

(9) FENCING

	Type of material used and number of strands	Cost of Installation	Condition
(a) Total length of external boundary fence		N\$	
(b) Total length of internal fence		N\$	
		Total N\$	

(10) ANY OTHER IMPROVEMENTS (not included in the above sections)

Nature of improvement	Material used	Date of Installation	Cost	Condition
			N\$	
			N\$	
			Total N\$	

(11) MINING OPERATIONS

<p>State whether any exploration of mining operations are being carried on or upon land. If so, the nature of such operation, name of holder and type of licence must be stated.</p>	
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(11) DETAILS OF FARM WORKERS

Name	Marital Status	Number of children if any and ages

(12) ANY OTHER INFORMATION

This space may be used if space provided in (i) - (xii) is insufficient to submit all relevant information.

Signature of owner/Authorized Agent

Date

Signature of Spouse

Date

**SECTION 3
DECLARATION**

- a) I/We do solemnly declare that I/We offered the farm(s) No. Registration Division No. measuring hectares in Region.
- b) I/We further declare that the property(ies) offered above is/are free from any encumbrances of any nature that might prohibit the full occupation and enjoyment thereof by the purchaser and that the information provided above is true and correct to the best of my/our knowledge.

Signature:

Place:

Date:

Before me:
(Commissioner of Oaths)
