



Republic of Namibia  
Annotated Statutes

**REGULATIONS**

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REGULATIONS MADE IN TERMS OF

**Soil Conservation Act 76 of 1969**  
section 20

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**Soil Conservation Regulations**

Government Notice R.494 of 1970

[\(RSA GG 2674\)](#)

came into force on date of publication: 26 March 1970

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PART I

DEFINITIONS

1. In these regulations, unless the context otherwise indicates -

“the Act” means the Soil Conservation Act, 1969 (Act 76 of 1969); and any word or expression to which a meaning has been assigned in the Act shall bear that meaning.

PART II

SOIL CONSERVATION COMMITTEES

*Election of Chairman and Secretary*

2. A soil conservation committee established in terms of section 9 of the Act, shall, during its inaugural meeting and as often thereafter as may be necessary, elect from among its members a chairman and a secretary to serve the committee in that capacity for as long as it pleases the committee.

*Convening of Meetings*

3. (1) The inaugural meeting of a soil conservation committee shall be convened by the Department as soon as possible after the members have been appointed and shall be attended by at least one of the Department’s officers.

(2) Ordinary meetings of a soil conservation committee shall be held as often and at such times and venues as the committee may from time to time decide.

(3) The chairman of a soil conservation committee may in his discretion convene a special meeting of the committee at any time for the transaction of urgent business and he shall also at the request of at least one third of the total number of members convene a special meeting.

(4) The Department may on reasonable notice call upon the chairman of a soil conservation committee to convene a special meeting of the committee for the transaction of special or urgent business.

(5) The chairman of a soil conservation committee shall ensure that every member is notified in time of the venue, date and time of any ordinary or special meeting of the committee.

*Quorum and Procedure at Meetings*

4. (1) The quorum at any meeting of a soil conservation committee shall consist of not less than half the number of members of the committee: Provided that where such committee consists of fewer than four members, two members shall be a quorum.

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(2) If the chairman of a soil conservation committee is absent from a meeting, the members present shall elect from among them a chairman for that meeting or for the period of absence of the chairman.

(3) The decision of the majority of the members of a soil conservation committee who are present at any meeting, shall be deemed to be the decision of that meeting: Provided that where votes are equal the chairman of such meeting shall have a casting vote in addition to his deliberative vote.

(4) Minutes shall be kept of every meeting of a soil conservation committee, read at the next meeting and thereafter filed if declared to be in order by the meeting and confirmed by the signature of the chairman or acting chairman.

*Attendance at Meetings*

5. (1) A soil conservation committee may grant any of its members leave of absence in respect of any of its meetings or for a period not exceeding six months.

(2) When any member of a soil conservation committee is prevented or expects to be prevented from attending a meeting of the committee, he shall as soon as possible notify the chairman of the circumstances that have prevented or are expected to prevent him from attending such meeting.

(3) The chairman shall lay before that or the next meeting the receipt of such notification together with the member's reasons for his absence whereupon the meeting shall decide whether leave of absence be granted and each such decision shall be recorded in the minutes of that meeting.

(4) When any member has, without leave, failed to attend two successive meetings, the committee shall notify the Minister.

*Allowances to Members*

6. The Minister may pay members of soil conservation committees who are not in the full-time employ of the State, allowances at such rates as he may from time to time determine in consultation with the Minister of Finance.

PART III

SUBSIDIES AND GRANTS

*Conditions Governing the Payment of Subsidies*

7. (1) The payment of subsidies to a person in terms of section 6 of the Act shall be subject to the following conditions:

- (a) The person shall apply for the granting thereof on the form that may be obtained from the Department;
- (b) the approved soil conservation works shall have been erected and completed to the satisfaction of the Department;

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- (c) a subsidy shall not exceed the costs (calculated as prescribed in regulation 8) of the soil conservation works concerned; and
- (d) the person shall comply with the directions which have in terms of the Act been declared to be applicable to the land and for the purposes of which such soil conservation works are being erected.

(2) The Minister shall from time to time in consultation with the Minister of Finance determine -

- (a) the particular types of soil conservation works for the erection of which subsidies will be granted; and
- (b) the amount that may be granted as subsidy in respect of each type of soil conservation work or a portion thereof.

(3) The Minister may by notice in the *Gazette* or in such other manner as he may deem fit from time to time make known on which types of soil conservation works and to what extent subsidy will be paid.

*Costs of Soil Conservation Works*

**8.** For the purposes of these regulations the costs of soil conservation works shall, unless otherwise determined, be calculated according to a tariff or by another method as may be determined from time to time by the Department in consultation with the Treasury.

*Grants*

**9.** The Minister may, in consultation with the Minister of Finance, and on such conditions as he may determine, make a grant to a person in respect of an act performed by such person in compliance with a direction that has been declared applicable to specific land.

*Remedy against a Person to Whom a Subsidy has been Paid or a Grant has been Made*

**10.** It shall be a further condition of the payment of a subsidy or the making of a grant in terms of section 6 of the Act that if a person to whom such subsidy has been paid or such grant has been made -

- (a) has furnished false information, as a result of which he has received too much subsidy or too big a grant; or
- (b) has infringed or failed to comply with any condition subject to which the payment of subsidy or grant was made;

the Minister may, apart from any action that may be taken in terms of section 4 or 21 of the Act, demand that such person refund the full amount of the subsidy or grant that has been paid to him or such portion thereof as the Minister may determine, together with interest thereon calculated from the date of payment of the subsidy or grant at the rate for Government loans determined in accordance with section 1(1) of the Financial Adjustment Act, 42 of 1917, and in force on the day on which the person is notified of the amount for which he is liable.

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[The Financial Adjustment Act 42 of 1917 does not seem to have been applicable to South West Africa. It was repealed in South Africa by the Finance and Financial Adjustments Acts Consolidation Act 11 of 1977, which was made partially applicable to South West Africa.]

## PART IV

### SERVING OF DIRECTIONS

#### *Manner in which a Direction shall be Served*

**11.** A direction which is. by written notice to an owner or occupier of land, being declared applicable to such land shall be deemed to have been properly served -

- (a) when a registered letter which contains such direction and which is addressed to the last known address of the owner or occupier, has been posted or
- (b) when it has been delivered to the owner or occupier personally; or
- (c) when, in the event of the owner's or occupier's refusing to accept service or evading service it has been published by notice in the *Gazette*: or
- (d) when in the absence of the owner or occupier, it -
  - (i) has been delivered to his duly authorised representative; or
  - (ii) has been delivered at his last known place of residence or place of business or place of employment to some person apparently not younger than 16 years and apparently residing or employed there; or
  - (iii) has been affixed to the outer or main door of his last known place of residence or place of business or to any other prominent part of such place of residence or place of business.

#### *Record to be Kept of the Serving of a Direction*

**12.** (1) In the case of a direction served in terms of regulation 11(a) the certificate of posting of such a registered letter issued by a post office shall be kept with a copy of such direction and the production of such certificate together with a copy of the direction shall be conclusive proof that a registered letter containing the direction has been posted.

(2) In the case of a direction served in terms of regulation 11(b) or (d) the person who served it shall forthwith make a note on the copy of the direction to indicate in which way, at which place and on what date the direction was served and such note shall be conclusive proof that the direction was duly served.

## PART V

### GENERAL

#### *Liabilities Contracted Under the Act*

**13.** When the Minister notifies an owner of land of the costs of a soil conservation work erected by the State, for which the owner is liable in terms of the Act, interest at the rate for

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Government loans determined in accordance with section 1(1) of the Financial Adjustment Act, No. 42 of 1917, and in force on the day on which the person is notified of the amount for which he is liable, shall be calculated from a date 30 days after the date of such notice.

[The Financial Adjustment Act 42 of 1917 does not seem to have been applicable to South West Africa. It was repealed in South Africa by the Finance and Financial Adjustments Acts Consolidation Act 11 of 1977, which was made partially applicable to South West Africa.]

*Application for an Officer's Decision to be Varied or Withdrawn*

**14.** Any person who intends to apply in terms of section 23 of the Act, for any decision of an officer to be varied or withdrawn, shall, within 60 days of the date of such decision, submit an application to the Minister with full particulars regarding -

- (a) his name and address;
- (b) the decision in question including the reference number and date thereof;
- (c) the land concerned as described in the title deed; and
- (d) the grounds for the application.

*Proviso Regarding Rights Acquired under Previous Regulations*

**15.** The provisions of these regulations shall in no way prejudice any right, privilege or obligation or liability acquired, accrued or incurred under the regulations in Government Notice 2390 dated 9 December 1955, as amended by Government Notice 1108 dated 31 July 1964, and republished in Government Notice R. 1986 dated 4 December 1964, and by Government Notice R. 1167 dated 4 August 1967.