

Namibia

National Heritage Act, 2004

National Heritage Regulations, 2005

Government Notice 106 of 2005

Legislation as at 15 November 2017

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National Heritage Regulations, 2005

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Republic of Namibia
Annotated Statutes

National Heritage Act, 2004

National Heritage Regulations, 2005

Government Notice 106 of 2005

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Commenced on 1 September 2005

[This is the version of this document at 15 November 2017.]

[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for NamibLII.]

[The Government Notice which publishes these regulations notes that they were made on the recommendation of the National Heritage Council.]

1. Definitions

In these regulations a word or expression to which a meaning has been assigned in the Act bears that meaning, and unless the context otherwise indicates-

“**the Act**” means the National Heritage Act, 2004 (Act [No. 27 of 2004](#)).

2. Notice of amendment to Registrar of Deeds

The Council must, when giving notice to the Registrar of Deeds of any matter contemplated in section 37(1) of the Act, lodge such notice in the form set out in Annexure A.

3. Certificate of status

- (1) A person applying for a certificate under section 38(1) of the Act must make an application to the Council in the form set out in Annexure B.
- (2) The certificate referred to in section 38(1) of the Act must be issued in the form set out in Annexure C.

4. Notice of proposed sale

An owner of a protected place or protected object who, in terms of section 39 of the Act, proposes to enter into a contract of sale of the whole or part of such place or such object must give written notice to the Council in the form set out in Annexure D.

5. Provisional protection order

The provisional protection order referred to in section 41(1) of the Act must be made in the form set out in Annexure E.

6. Application for permit

- (1) A person applying, under section 48(1) of the Act, for a permit to carry out works or activities must-
 - (a) complete the relevant portion of the application form set out in Annexure F; and
 - (b) include, where the application is made by a person other than the owner of the protected place or protected object, the written consent of the owner stating that the works or activities may be carried out in relation to that place or that object.
- (2) An application referred to in subregulation (1) must be accompanied by a fee of N\$150.00 and be submitted to the Council for processing.

7. Permit

The permit referred to in section 52(1) of the Act must be in the form set out in Annexure G.

8. Application for consent

- (1) A person applying, in terms of section 53(7) of the Act, for consent must complete the relevant portion of the application form set out in Annexure H and submit such application-
 - (a) in the case of a building situated within a local authority area, to the relevant local authority; and
 - (b) in the case of a building situated outside a local authority area, to the Council.
- (2) A person applying for a consent, referred to in section 55(8) of the Act, must complete the relevant portion of the application form set out in Annexure H and submit such application to the Council for processing.
- (3) An application for a consent made under subregulation (2) must be accompanied by a fee of N \$150-00.

9. Consent

A consent referred to in section 55(9) of the Act must be in the form set out in Annexure I.

10. Appeals to the Minister

- (1) A person who wishes to appeal as contemplated in section 61(1) of the Act must lodge an appeal in the manner provided for in this regulation.
- (2) An appeal referred to in terms of subregulation (1) must-
 - (a) be lodged with the Minister within 30 days of receipt of the decision made by the Council;
 - (b) be in the form approved by the Minister;
 - (c) indicate whether the appeal lies against the whole or only against part of the decision of the Council, and where the appeal lies against part of the decision made by the Council, that part must be indicated; and
 - (d) indicate the redress sought.

- (3) Where an appeal is lodged with the Minister by way of electronic transmission the applicant must, within a period of 7 days after the date of the transmission, deliver or send a hard copy of the appeal together with any representations made in support thereof to the Minister.
- (4) The appellant must at the time of lodging a hard copy of the appeal with the Minister also deliver or send a hard copy of that appeal to the Council.
- (5) An appeal lodged in terms of subregulation (1) must indicate the grounds for appeal by-
 - (a) citing the appropriate provision of the Act incorrectly applied by the Council; or
 - (b) stating which findings or facts were incorrect and stating why such findings or facts were incorrect.
- (6) The Minister must within 60 days from the date of receipt of the appeal make a determination referred to in subregulation (7).
- (7) The Minister may-
 - (a) refer the matter back to the Council for reconsideration in accordance with any directions, which he or she may give;
 - (b) confirm the decision of the Council;
 - (c) set aside the decision of the Council;
 - (d) vary the decision of the Council; or
 - (e) make such other determination which the Council could have made.
- (8) Where the Minister makes a determination under subregulation (7), he or she must inform the appellant and the Council of that determination.

11. Appeals to the Council

- (1) A person who wishes to appeal as contemplated in section 61(2) of the Act must lodge the appeal in the manner provided for in this regulation.
- (2) An appeal referred to in terms of subregulation (1) must-
 - (a) be lodged with the Council within 30 days of receipt of the decision made by the local authority concerned;
 - (b) be in the form approved by the Council;
 - (c) indicate whether the appeal lies against the whole or only against part of the decision of that local authority, and where the appeal lies against part of the decision made by that local authority, that part must be indicated; and
 - (d) indicate the redress sought.
- (3) Where an appeal is lodged with the Council by way of electronic transmission the applicant must, within a period of 7 days after the date of the transmission, deliver or send a hard copy of the appeal together with any representations made in support thereof to the Council.
- (4) The appellant must at the time of lodging a hard copy of the appeal with the Council also deliver or send a hard copy of that appeal to the local authority concerned.
- (5) An appeal lodged in terms of subregulation (1) must indicate the grounds for appeal by-
 - (a) citing the appropriate provision of the Act incorrectly applied by the local authority concerned; or
 - (b) stating that the findings or facts were incorrect and stating why such findings or facts were incorrect.

- (6) The Council must within 60 days from the date of receipt of the appeal make a determination referred to in subregulation (7).
- (7) The Council may-
 - (a) confirm the appeal; or
 - (b) refuse the appeal.
- (8) Where the Council makes a determination under subregulation (7), the Council must inform the appellant and the local authority concerned of its determination.
- (9) A person aggrieved by a determination made by the Council under subregulation (7) may lodge an appeal with the Minister against such determination and such appeal must, with the necessary changes, be in accordance with regulation 10.

Annexure A

Forms

[Editorial note: The forms have not been reproduced.]

Annexure B

Forms

[Editorial note: The forms have not been reproduced.]

Annexure C

Forms

[Editorial note: The forms have not been reproduced.]

Annexure D

Forms

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Annexure E

Forms

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Annexure F

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Annexure G

Forms

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Annexure H

Forms

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Annexure I

Forms

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