

Namibia

Agricultural (Commercial) Land Reform Act, 1995

General Regulations, 1996

Government Notice 272 of 1996

Legislation as at 15 November 2017

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General Regulations, 1996 (Government Notice 272 of 1996)

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Republic of Namibia
Annotated Statutes

Agricultural (Commercial) Land Reform Act, 1995

General Regulations, 1996

Government Notice 272 of 1996

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[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 Namibia.]

as amended by

Government Notice 243 of 2001 (GG 2663) came into force on date of publication: 15 December 2001

Government Notice 181 of 2005 (GG 3555) came into force on date of publication: 15 December 2005 and possibly as intended to be amended by

Government Notice 120 of 2014 (GG 5530)

came into force on date of publication: 13 August 2014

GN 120/2014 (GG 5530) says that it is amending the Regulations relating to the Acquisition of Land by Foreign Nationals contained in GN 257/1996, but this statement seems to be an error.

The Regulations relating to the Acquisition of Land by Foreign Nationals contained in GN 257/1996 contain only one form, which has no number. GN 120/2014 inserts a Form 1A and a Form 4 after Form 3. The General Regulations in GN 272/196 contain a Form 1 and a Form 2, but no Form 3. Thus, the numbers of the forms in GN 120/2014 do not fit correctly with either of these sets of regulations. However, the forms in GN 120/2014 appear to concern sale and wavier in general (in terms of section 17 of Act 6 of 1995) rather than being relevant only to foreigner nationals (in terms of section 58 of Act 6 of 1995). Since it appears that these forms may have been intended to be additions to these regulations, they are included here for reference.

There are other errors in GN 120/2014. It states "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." This statement is incorrect. Regulations relating to the Acquisition of Agricultural Land by Foreign Nationals were published in GN 257/1996, but all of the other Government Notices referred to concern other sets of regulations issued under the Act – with the exception of GN 143/2007, which is not a regulation but a notice issued under regulation 3 of the Land Valuation

and Taxation Regulations concerning the dates for a general valuation of agricultural land. (Two of the previous amendments listed are amendments to these regulations.)

1. Definitions

In these regulations, unless the context otherwise indicates, any word or expression defined in the Act shall have that meaning, and-

“the Act” means the Agricultural (Commercial) Land Reform Act, 1995 (Act [6 of 1995](#)).

2. Particulars to be furnished in connection with an offer to sell agricultural land to the State

An offer to sell agricultural land to the State, as required by section 17 of the Act, shall contain or be accompanied by a statement containing the following information:

- (a) The name, nationality, postal address, business address and telephone number of the owner of the land;

[The word “the” at the beginning of paragraph (a) should not be capitalised.]

- (b) a description of the location of the land, with reference to the road along or in the vicinity of which it is situated, the nearest town and the distance from, and direction of situation in relation to such town, and any other information that may assist in locating the land;
- (c) whether the owner is residing on the land and the period for which he or she has been residing thereon, and if the owner is not personally resident on the land, particulars as to the management of the farming or other operations carried on upon the land;
- (d) if a person other than the owner is entitled to the beneficial occupation of the land, the name and address of such person and the nature and particulars of the right under which that person occupies the land; and
- (e) the present land use, with reference to-
- (i) the nature of the farming or other operations being carried on upon the land;
 - (ii) the dimensions of areas comprising-
 - (aa) cultivated land;
 - (bb) orchards;
 - (cc) vineyards;
 - (dd) commercial plantations; and
 - (ee) grazing-land;with an indication in each case of the extent of such area which is arid land or under irrigation;
 - (iii) the number of livestock, large and small, currently kept on the land; and
 - (iv) the carrying capacity for livestock, and the natural grazing conditions;
- (f) particulars of water resources on or available to the land, including dams weirs, boreholes, reservoirs and other fixed works in connection with the development and use of water on the land as well as information concerning-
- (i) the State Water Control Area in which the land is situated;
 - (ii) if a permit is held in relation to the use of water, the number and date of issue of such permit and the quantity of water to which the land is entitled per year thereunder;

- (iii) the number of hectares permitted to be irrigated under any irrigation scheme which may be applicable to the land;
- (g) a description of all buildings and structures on the land, including the materials of construction and approximate areas thereof and, if known, the year of their erection or construction;
- (h) particulars of other developments on the land, including soil conservation and irrigation works, grazing camps, and the nature and distance of boundary and other fencing;
- (i) whether any exploration or mining operations are being carried on upon the land and, where applicable, the nature of such operations and, if known, the type of licence under which the operations are carried on and the name and address of the holder of the licence;
- (j) particulars of any interest, lease, right of occupation or any other encumbrance affecting the land, the name and address of every person entitled to the benefit thereunder and, if available, a copy of the deed or other instrument embodying such interest, lease, right or encumbrance;
- (k) the number of employees and their family members residing on the land; and
- (l) any other information which the owner considers necessary or relevant to mention in connection with the offer to sell.

3. Certificate of waiver

A certificate of waiver referred to in section 16 of the Act shall be in the form set out in Form 1 in the Annexure.

4. Application for option to purchase a farming unit

An application for an option to purchase a farming unit in terms of section 47(2) of the Act shall be in the form set out in Form 2 in the Annexure.

Annexure

Forms

[Form 1 is substituted by [GN 243/2001](#) and by [GN 181/2005](#).

Form 1A and Form 4 may have been intended to be inserted “after Form 3” by [GN 120/2014](#) – which states that it is amending another set of regulations, but seems by virtue of its subject matter to have been intended as an amendment to these regulations. There is no “Form 3” in either these regulations or in the regulations identified by [GN 120/2014](#) as the ones being amended. It is possible that the forms in question were intended to be inserted after Form 2 of these regulations.]

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