

Namibia

Formalities in respect of Leases of Land Act, 1969

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Republic of Namibia
Annotated Statutes

Formalities in respect of Leases of Land Act, 1969

Act 18 of 1969

Published in [South African Government Gazette no. 2318](#) on 26 March 1969

Assented to on 13 March 1969

Commenced on 1 January 1970

[Up to date as at 14 July 2020]

[APPLICABILITY TO SOUTH WEST AFRICA: Section 2 states “This Act and any amendment thereof shall apply also in the territory of South West Africa.” Although amendments to the Act in South Africa would have been automatically applicable to South West Africa, there were no amendments to the Act in South Africa prior to Namibian independence.]

[TRANSFER TO SOUTH WEST AFRICA: It is not clear what transfer proclamation, if any, was applicable. However, the issue of transfer is not relevant to the content of the Act since there were no amendments to the Act in South Africa prior to Namibian independence.]

ACT

To provide for the formalities in respect of leases of land; to repeal section 2 of the General Law Amendment Act, 1956; and to provide for incidental matters.

(English text signed by the State President)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:

1. Formalities in respect of leases of land

- (1) Subject to the provisions of subsection (2), no lease of land shall be invalid merely by reason of the fact that such lease is not in writing.
- (2) No lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period of the lease amount in all to not less than ten years, shall, if such lease be entered into after the commencement of this Act, be valid

against a creditor or successor under onerous title of the lessor for a period longer than ten years after having been entered into, unless -

- (a) it has been registered against the title deeds of the leased land; or
- (b) the aforesaid creditor or successor at the time of the giving of credit or the entry into the transaction by which he obtained the leased land or a portion thereof or obtained a real right in respect thereof, as the case may be, knew of the lease.

2. Application to South-West Africa

This Act and any amendment thereof shall apply also in the territory of South-West Africa.

3. Repeal of section 2 of Act 50 of 1956

Section 2 of the General Law Amendment Act, 1956, is hereby repealed.

[Section 2 of the General Law Amendment Act 50 of 1956 (SA GG 5703) contains no indication that it was applicable to South West Africa, nor was Act 50 of 1956 made applicable to South West Africa as a whole. Section 2 reads as follows:]

[“2. No lease of land shall be invalid merely by reason of the fact that such lease is not in writing: Provided that no lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period of the lease amount in all to not less than ten years, and no cession of such lease, shall be valid as against third parties if executed after the commencement of this Act, unless registered against the title deeds of the leased land.”]

4. Short title and commencement

This Act shall be called the Formalities in respect of Leases of Land Act, 1969, and shall come into operation on the first day of January, 1970.