



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

**Agricultural (Commercial) Land Reform
Act 6 of 1995**
section 77

**Regulations in relation to Acquisition of
Agricultural Land by Foreign Nationals**

Government Notice 257 of 1996

(GG 1411)

came into force on date of publication: 19 September 1996

as 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 272/1996 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 waiver in general (in terms of section 17 of Act 6 of 1995) rather than being relevant only to foreign nationals (in terms of section 58 of Act 6 of 1995). Nevertheless, since the amending Government Notice purports to be adding forms to these regulations, the forms in question are included here.

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.

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An application for the consent of the Minister of Lands, Resettlement and Rehabilitation in terms of section 58 of the Agricultural (Commercial) Land Reform Act, 1995 shall be made in the following form:

**Application for Consent to Acquire Agricultural Land
or to enter into an Agreement for Occupation or Possession of
Agricultural Land by Foreign National**

To view content without printing, scroll down.

To print at full scale (A4), double-click the icon below.



GN 257/1996 Form



GN 120/2014
Forms 1A & 4

[Form 1A and Form 4 are inserted “after Form 3” by GN 120/2014. The numbering appears to be an error as the original regulation contained only a single, unnumbered form, and there were no amendments to the regulations prior to GN 120/2014. It may be that the additional forms were not intended to be part of these regulations at all.]

FORM 1A - Certificate of Waiver for Previously Disadvantaged Person

FORM 4 - Offer of Sale of Agricultural Land.]

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REPUBLIC OF NAMIBIA

MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION

**APPLICATION FOR CONSENT TO ACQUIRE AGRICULTURAL LAND
OR TO ENTER INTO AN AGREEMENT FOR OCCUPATION OR
POSSESSION OF AGRICULTURAL LAND BY FOREIGN NATIONAL**

IMPORTANT:

- (a) Read Part VI (Sections 58 to 62) of the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995);
- (b) Parts I, II and IV of the application form must be completed by the foreign national or the duly authorised agent of the foreign national.
- (c) Part III of the application form must be completed by the owner of the land in respect of which the application is made, or by the duly authorised agent of the owner.
- (d) A power of attorney must be submitted by the person who signs as agent.
- (e) If the space provided is insufficient the required information may be submitted in the form of a memorandum.
- (f) Send application to the Permanent Secretary: Lands, Resettlement and Rehabilitation, Private Bag 13343, Windhoek;

I the undersigned (full name)

of (postal address)

acting as principal/in the capacity as duly authorised agent of

do hereby apply for the consent of the Minister of Lands, Resettlement and Rehabilitation in terms of section 58 of the Agricultural (Commercial) Land Reform Act, 1995 (Act 6 of 1995) -

- *(a) to acquire agricultural land through the registration of transfer of ownership in the deeds registry in accordance with the proposed written instrument which is attached to this application;

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*(b) to enter into an agreement for the occupation or possession of agricultural land in accordance with the proposed written instrument which is attached to this application,

and I declare that the information provided in Parts I, II and IV of this application is true and correct.

Signed at.....on

.....
.....
.....

I the undersigned (*full name*)

of (postal address).....

acting as principal/in the capacity as duly authorised agent of

being the registered owner of the land to which this application relates, do hereby declare that the information provided in Part III of this application is true and correct.

Signed at..... on

.....
.....

PART I

PARTICULARS OF FOREIGN NATIONAL

1. Name in full

2. Postal address:

Residential address:
in Namibia outside Namibia

.....
.....
.....

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3. Residence in Namibia from
4. Telephone number: - business
- home
5. Facsimile number
6. Date of birth
Place of birth
7. Married or Single?
8. Number of children and ages
9. Occupation
10. Nationality
11. Country of permanent residence
12. Particulars of immovable property held by the foreign national and his or her spouse (*state the farm name and no./erf no./extent/ district/town/title deed no. and the date acquired*)
 - (a) in Namibia
.....
.....
.....
.....
 - (b) outside Namibia
.....
.....
.....
13. If a company or closed corporation:
 - (a) country where incorporated
 - (b) registration/incorporation number:
 - (c) registered address
14. If a company or closed corporation the information required in paragraphs 1-12 above must be furnished in respect of each shareholder or member of the company or closed corporation. (*Use a separate memorandum if necessary*)

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PART II

PARTICULARS OF NOMINEE

1. Name in full
2. Residential address
3. Postal address
4. Telephone number - business
- home
5. Facsimile number
6. Nationality
7. Country of permanent residence
8. Occupation

PART III

**PARTICULARS OF FARMING EXPERIENCE OF
FOREIGN NATIONAL AND ANY OTHER PERSON
WHO WILL MANAGE THE LAND**

1. Has the foreign national any previous farming experience?.....
2. If the answer to 1 is "yes", state -
 - (a) whether as assistant, manager, owner or lessee.....
 - (b) date from whichtill.....
 - (c) district

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- (d) farm name and number
- (e) country
- (f) type of farming.....
.....
.....

[If farming operations are or were conducted on several farms, furnish the above information in relation to each farm on a separate memorandum]

- 3. If the application is granted, will the foreign national, in the case of a natural person, personally -
 - (a) occupy the land
 - (b) be in charge of the operations proposed to be conducted on the land?
.....
- 4. If any of the answers to 3 is "No", or if the foreign national is a company or closed corporation, state the name, nationality and capacity of the person who -
 - (a) will be the principal occupier of the land
 - (b) will manage the land
- 5. If the land will be managed by a person other than the foreign national, or in the case of a company or closed corporation, state whether such manager has any previous farming experience?.....
- 6. If the answer to 5 is "yes", state -
 - (a) whether as assistant, manager, owner or lessee.....
.....
 - (b) date from which..... till.....
 - (c) district
 - (d) farm name and number
 - (e) country

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(f) type of farming

{If farming operations are or were conducted on several farms, furnish the above information in relation to each farm on a separate memorandum}

7. Provide information of any other arrangement if neither of paragraphs 3 or 4 is applicable

8. If any other persons (other than employees engaged for farming operations and their families) will reside on the land through the foreign national/principal occupier, state the number of persons and their relationship to the foreign national/principal occupier

PART III

PARTICULARS OF LAND TO WHICH APPLICATION RELATES

(To be completed by the present owner of the land)

1. Registered name and number
2. District and division
3. Area in hectares
4. Full name and date of birth of registered owner:
.....
5. Address and telephone number of registered owner:
.....
6. Number and date of title deed:
.....

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7. Location of the Land:

The land is situated.....km.....(direction) of.....
 (nearest town)

8. Present land use:

(a) Is the land presently being used for agricultural purposes?

	<i>Dry land</i>	<i>Under irrigation</i>
--	-----------------	-------------------------

 ha ha
--	----------	----------

Lands

 ha ha
--	----------	----------

Orchards

 ha ha
--	----------	----------

Vineyards

 ha ha
--	----------	----------

Grazing

Other agricultural uses (specify).....ha.....

(b) Is the land or any portion thereof being used for game farming?
 ing?.....

Area in hectares used for game farming.....

(c) If any portion of the land is lying idle and not used for farming or any other purposes, state the area of the portion in hectares and the reason why it is not being used.....

9. If the land or any portion thereof is being used for any non-agricultural purpose, state -

(a) the nature of such other activities

.....

(b) the size of the area used for such activities

.....

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10. Particulars of existing improvements:

Main residence (*describe materials, e.g. brick and iron*)

.....
.....

Staff housing (*state number and describe materials*)

.....
.....

Other buildings (*state nature and describe materials*)

.....
.....
.....

Water sources (*dams, weirs, boreholes, etc.*)

.....
.....
.....
.....

Fencing (*i.e. ring-fenced, puddocks, state kilometres*)

.....
.....

Other improvements

.....
.....
.....

11. Particulars of existing employees and their families:

(a) number engaged in farming operations

(b) number engaged in other activities (*specify*).....

(c) number of family members of employees residing on the land and not employed

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PART IV

PROPOSED USE OF LAND

1. Purposes for which land is proposed to be used:
 - (a) Farming purposes (other than game farming).....ha
(specify types of farming)
 - (b) Game farmingha *(specify purposes for which game farming will be conducted)*
 - (c) Other purposesha *(specify)*.....

2. Will any person other than the foreign national carry on any operations on the land independently from the business of the foreign national? *(state the full name, address and nationality of the person and the nature of such operations)*.....

3. State proposed plans for future development of the land and estimated value of developments
.....

4. State proposed plans for any measures to be provided to prevent or deal with any adverse environmental consequences that may result from the use of the land.....

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-
5. Will a mortgage bond be registered over the property simultaneously with the transfer of ownership?.....
- (a) the amount to be secured.....
- (b) the full name and address of the intending mortgagee
.....
.....
.....
6. Number of employees proposed to be engaged -
- (a) for farming operations.....
- (b) for other purposes (specify).....
.....
- Namibian citizens
- Other nationalities
7. Will any of the existing employees or members of their families be required to move from the land by reason of the change of ownership/occupation/possession?.....
- State number
- Give particulars of assistance (if any) that will be given for their removal and resettlement
-

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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 whatsoever, 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

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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**

.....
Date Signature of Spouse

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					
	C	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					

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**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							

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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\$					

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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\$	

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(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)	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\$	

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(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

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.	
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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

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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)
