

MINISTRY OF FISHERIES AND MARINE RESOURCES

No. 93

2018

AMENDMENT OF REGULATIONS RELATING TO THE EXPLOITATION OF MARINE RESOURCES: MARINE RESOURCES ACT, 2000

In terms of section 61 read with section 33(2) of the Marine Resources Act, 2000 (Act No. 27 of 2000), I have made the regulations set out in the Schedule.

B. ESAU

MINISTER OF FISHERIES AND MARINE RESOURCES

Windhoek, 24 May 2018

SCHEDULE

Definitions

1. In these regulations, “the Regulations” means the Regulations Relating to the Exploitation of Marine Resources published in Government Notice No. 241 of 7 December 2001, as amended by Government Notice No. 63 of 30 April 2015 and Government Notice No. 55 of 1 April 2016.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is amended -
 - (a) by the substitution for subregulation (1) of the following subregulation:

“(1) An application for an exploratory right or a quota under the Act must be made to the Permanent Secretary -

- (a) in respect of an exploratory right, in the form set out in Annexure B; and
- (b) in respect of a quota, in the form set out in Annexure C.”; and

(b) by the insertion of the following subregulation after subregulation (1).

“(1A) An application for a right under section 33 of the Act, must

- (a) comply with the requirements of the notice issued under section 33(1) of the Act; and
- (b) be made in the forms set out in Annexure A.”.

Amendment of Annexure A to the Regulations

3. The Regulations are amended by the substitution for Annexure A to the Regulations of the following Annexure:

**“ANNEXURE A
FORMAT OF DOCUMENTS TO BE INCLUDED IN EACH APPLICATION FOR A
RIGHT TO HARVEST MARINE RESOURCES**

FORM 1A



REPUBLIC OF NAMIBIA

MINISTRY OF FISHERIES AND MARINE RESOURCES

Marine Resources Act, 2000

**APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES
FOR COMMERCIAL PURPOSES**

Name of Applicant:

Postal address:

.....

Business or Residential Address:

.....

Telephone Number: Email address:

Species or fisheries in respect of which a right is sought:

.....

(a separate application must be submitted for each species or fishery for which a right is sought)

I, the undersigned, hereby apply for the right to harvest the species or fisheries cited above and declare that the particulars furnished are to the best of my knowledge and belief correct in all respects.

.....
Signature

.....
Place

.....
Date

DOCUMENT 1
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
 Postal address:
 Physical address:
 Telephone (plus contact mobile number):
 Contact Email address:

SHAREHOLDING OF APPLICANT COMPANY

No.	Name	Citizenship: (if Namibian, indicate if a) by birth or descent or b) naturalization)	% shares
For all shareholders in the applicant company			
	List all names of natural persons shareholders:		
1			
2			
....	(add more rows as appropriate)		
	Other legal entities who are shareholders in the applicant company; e.g. trusts, CC,		
	Name of legal entity		
	Names of natural persons in the legal entity		
1			
2			
....	(add more rows as appropriate)		

Signed at (place) on day of (month) 2018 (date),
 by: (name), being duly authorized to make this application for a right to
 harvest marine resources for commercial purposes, at a properly convened meeting of directors of
 (name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

Please attach to DOCUMENT 1:

- (a) Copies of all company registration certificates of applicant company, and associated legal entities (trusts, CCs and others), if any;
- (b) Copies of Memorandum and Articles of Association of the applicant company;
- (c) Copies of shareholders agreement;
- (d) Copies of share certificates of all shareholders;
- (e) Copies of ID cards of all shareholders; and
- (f) Copies of certificates of good standing of applicant and shareholding companies with Namibia revenue authorities and other relevant authorities.

DOCUMENT 2
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
 Postal address:
 Physical address:
 Telephone (plus contact mobile number):
 Contact Email address:

COMPANY BENEFICIAL OWNERSHIP

Activity	Does the applicant company plan to undertake this activity:					
	Alone? (Yes/No)	Through Joint Venture (JV)?		Through shareholding?		
		JV Name	% Namibian shareholding in the JV	Names of each partner	% Namibian shareholding of each partner	Overall % Namibian shareholding
Fishing Operations						
		(add other rows as appropriate)				
On-shore Processing						
		(add other rows as appropriate)				
Marketing						
		(add other rows as appropriate)				

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 by: (name), being duly authorized to make this application for a right to
 harvest marine resources for commercial purposes, at a properly convened meeting of directors of
 (name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

Please attach to DOCUMENT 2:

- (a) All agreements and resolutions of Boards of Directors as appropriate;
- (b) Share certificates of all shareholders;
- (c) Attach memorandum and articles of association of the applicant company, shareholders agreement and any other relevant agreement; and
- (d) Copies of certificates of good standing of applicant company and shareholding companies with Namibia revenue authorities and other relevant authorities.

DOCUMENT 3
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
 Postal address:
 Physical address:
 Telephone (plus contact mobile number):
 Contact Email address:

FISHING VESSEL BENEFICIAL OWNERSHIP

Does the applicant company:						
Own a fishing vessel?		Have (or plan to have) access to a fishing vessel through Joint Venture (JV)		Own a fishing vessel through shareholding		
As a sole owner? Yes /No	Name(s) /Flag of vessel(s)	JV and vessel name	% Namibian shareholding in the JV	Name and flag status of each vessel	% of applicant company shareholding in each vessel	Overall % Namibian shareholding in each vessel

Signed at (place) on day of (month) 2018 (date),
 by: (name), being duly authorized to make this application for a right to
 harvest marine resources for commercial purposes, at a properly convened meeting of directors of
 (name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

Please attach to DOCUMENT 3:

- (a) All agreements and resolutions of Boards of Directors as appropriate.
- (b) Share certificates of all shareholders, shareholders agreements and any other relevant agreement;
- (c) Memorandum and articles of association of the vessel company;
- (d) Fishing Vessel flag status attestation documents;
- (e) Fishing Vessel licensing and registration documents in terms of applicable Namibian legislation.
- (f) Copies of certificates of good standing of applicant and shareholding companies with Namibia revenue authorities and other relevant authorities.

DOCUMENT 4
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
Postal address:
Physical address:
Telephone (plus contact mobile number):
Contact Email address:

APPLICANT BUSINESS PLAN

- 1. All applicants must ensure that all aspects required in the business plan are included in the business plan.
- 2. The business plan should be approved by the applicant company.
- 3. The business plan must be approved as follows:

Signed at (place) on day of (month) 2018 (date),
by: (name), being duly authorized to make this application for a right to
harvest marine resources for commercial purposes, at a properly convened meeting of directors of
(name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

DOCUMENT 5
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
 Postal address:
 Physical address:
 Telephone (plus contact mobile number):
 Contact Email address:

SHAREHOLDING OF PREVIOUSLY DISADVANTAGED NAMIBIANS

No	Name of Preciously Disadvantaged (PD) Namibian citizen	% shares in applicant company	PD and liberation war veteran?	PD and Woman?	PD and youth?	PD and person living with disability?	PD and living in economically marginalized community
1							
2							
3							
...	Add more rows as appropriate						
TOTAL shareholding of each category							
% shareholding in applicant							

Category	Number of beneficiaries	% shares
Individual shareholders who are previously disadvantaged		
Workers Trust		
Other Trusts		
Others (specify)		
TOTAL		

Signed at (place) on day of (month) 2018 (date),
 by: (name), being duly authorized to make this application for a right to
 harvest marine resources for commercial purposes, at a properly convened meeting of directors of
 (name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

Please attach to DOCUMENT 5:

- (a) Copies of share certificates of all shareholders; and
- (b) Copies of ID cards of all shareholders.

DOCUMENT 6
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
 Postal address:
 Physical address:
 Telephone (plus contact mobile number):
 Contact Email address:

REGIONAL DEVELOPMENT

No.	Name of Region	Name of Shareholder	% shares in applicant company	Total % shares for each region
	Erongo			
	Khomas			
	(insert more rows as appropriate)			

Signed at (place) on day of (month) 2018 (date),
 by: (name), being duly authorized to make this application for a right to
 harvest marine resources for commercial purposes, at a properly convened meeting of directors of
 (name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

Please attach to DOCUMENT 6:

- (a) Copies of share certificates of all shareholders; and
- (b) Copies of ID cards of all shareholders.

DOCUMENT 7
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
 Postal address:
 Physical address:
 Telephone (plus contact mobile number):
 Contact Email address:

REGIONAL DEVELOPMENT - INVESTMENTS

No	Name of Region	Investments	Value (N\$)	Total investments (N\$) for each region
	Erongo			
	Khomas			
	(insert more rows as appropriate)			

Signed at (place) on day of (month) 2018 (date),
 by: (name), being duly authorized to make this application for a right to
 harvest marine resources for commercial purposes, at a properly convened meeting of directors of
 (name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

Please attach to DOCUMENT 7:

Photos and other evidence of investments as appropriate. Investments will be physically verified.

DOCUMENT 8
APPLICATION FOR A RIGHT TO HARVEST MARINE RESOURCES IN TERMS OF
SECTION 33 OF THE MARINE RESOURCES ACT, 2000

Date:
 Postal address:
 Physical address:
 Telephone (plus contact mobile number):
 Contact Email address:

EMPLOYMENT CREATION

(Note: Document 8 is only applicable for companies already investing in fisheries industry)

A: PAY-ROLL OF APPLICANT COMPANY

No	Name of Employee/ and	ID Number	tel number	Position	Number of Months worked in 2017	Salary (NS/Month)
For Namibian Citizens						
1						
2						
3						
Insert more rows as appropriate						
TOTAL						
For foreign workers						
1						
2						
3						
Insert more rows as appropriate						
TOTAL						

x 100

b) Quality of Namibian jobs:=

Signed at (place) on day of (month) 2018 (date),
 by: (name), being duly authorized to make this application for a right to
 harvest marine resources for commercial purposes, at a properly convened meeting of directors of
 (name of the applicant company), held on (date) at(place).

..... (signature)

Countersigned by Chairperson / Director of the Applicant Company:

..... (name) (signature)

AND STAMP of applicant company.

..... (date)

Please all relevant payrolls attach to DOCUMENT 8.
