



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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CONTENTS

Page

GOVERNMENT NOTICE

No. 239	Promulgation of Agricultural (Commercial) Land Reform Amendment Act, 2003 (Act No. 14 of 2003), of the Parliament	1
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Government Notice

OFFICE OF THE PRIME MINISTER

No. 239	2003
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PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 14 of 2003: Agricultural (Commercial) Land Reform Amendment Act, 2003.

EXPLANATORY NOTE:

_____ Words underlined with a solid line indicate insertions in existing provisions.

[] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Agricultural (Commercial) Land Reform Act, 1995 so as to expand the definition of "owner" to include certain persons acting in a representative capacity; to further regulate the circumstances in which agricultural land may be acquired for purposes of land reform; and to make provision for incidental matters.

(Signed by the President on 3 November 2003)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Amendment of section 1 of Act No. 6 of 1995, as amended by section 1 of Act No. 16 of 2000.

1. Section 1 of the Agricultural (Commercial) Land Reform Act, 1995 (hereafter called the principal Act) is amended by the substitution for the definition of "owner" of the following definition:

“ ‘owner’, in relation to land or any registered right in or over land, means the person in whose name such land or right is registered, and includes -

- (a) if the owner is deceased, the executor of his or her estate;
- (b) if the estate of the owner has been sequestrated, the trustee of the insolvent estate;
- (c) if the owner is a company or a close corporation which is being wound up, the liquidator;
- (d) if the owner is a minor or a person otherwise under a legal disability, the guardian or curator of that person;
- (e) in respect of property attached in terms of an order of court, the sheriff, deputy sheriff or messenger of the court concerned, as the case may be;
- (f) the authorised representative of the owner in Namibia."

Amendment of section 14 of Act No. 6 of 1995, as amended by section 5 of Act No. 16 of 2000

2. Section 14 of the principal Act is amended -

(a) by the substitution for subsection (1) of the following subsection:

"(1) **[Subject to subsection (2)]** The Minister may, out of moneys available in the Fund, acquire in the public interest, in accordance with the provisions of this Act, agricultural land in order to make such land available for agricultural purposes to Namibian citizens who do not own or otherwise have the use of agricultural land or adequate agricultural land, and foremost to those Namibian citizens who have been socially, economically or educationally disadvantaged by past discriminatory laws or practices.";

(b) by the substitution for subsection (2) of the following subsection:

"(2) The Minister may under subsection (1) acquire -

- (a) any agricultural land offered for sale to the Minister in terms of section 17(4), whether or not the offer is subsequently withdrawn;
- (b) any agricultural land which has been acquired by a foreign national, or by a nominee owner on behalf or in the interest of a foreign national, in contravention of section 58 or 59; or
- (c) any agricultural land which the Minister considers to be appropriate for the purposes contemplated in that subsection."; and

(c) by the deletion of subsections (3), (4), (5), (6), (7), (8) and (9).

Amendment of section 19 of Act No. 6 of 1995

3. Section 19 of the principal Act is amended by the substitution for paragraph (a) of the following paragraph:

"(a) any agricultural land contemplated in section 14(2)[**(b) or (c)**]; or".

Amendment of section 20 of Act No. 6 of 1995

4. Section 20 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

"(1) Where the Minister, after consultation with the Commission, decides to acquire any property for the purposes of section 14(1) and -

- (a) the Minister [**acting on the recommendation of the Commission**] and the owner of such property are unable to negotiate the sale of such property by mutual agreement; or
- (b) the whereabouts of the owner of such property cannot be ascertained after diligent inquiry,

the Minister may, subject to the payment of compensation in accordance with the provisions of this Act, expropriate such property for such purpose."

Amendment of section 78 of Act No. 6 of 1995

5. Section 78 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

"(1) Any notice, document or other communication required or authorised under the provisions of this Act to be given to or served, or caused to be given to or served, on any person by the Minister shall be considered to have been duly given or served if, subject to subsection (2), the original or a true copy thereof is delivered or tendered to the person concerned personally or sent by registered post to such person."

Short title

6. This Act is called the Agricultural (Commercial) Land Reform Amendment Act, 2003.
