



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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WINDHOEK - 1 March 2003

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### MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION

No. 33

2003

#### COMMENCEMENT OF COMMUNAL LAND REFORM ACT, 2002 (ACT NO.5 OF 2002)

In terms of Section 47 of the Communal Land Reform Act, 2002 (Act No.5 of 2002), I hereby determine that the said Act will come into operation on the date of publication of this Notice in the *Gazette*.

**H. POHAMBA**

**MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION**

Windhoek, 24 February 2003

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**MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION**

No. 34

2003

**COMMUNAL LAND REFORM ACT, 2002 (ACT NO.5 OF 2002):  
COMMENCEMENT OF SECTION 18**

In terms of Section 18 of the Communal Land Reform Act, 2002 (Act No.5 of 2002), I hereby determine that the said Act will come into operation on the date of publication of this Notice in the *Gazette*.

**H. POHAMBA  
MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION**

Windhoek, 24 February 2003

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**MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION**

No. 35

2003

**COMMUNAL LAND REFORM ACT, 2002 (ACT NO.5 OF 2002):  
COMMENCEMENT OF SECTION 28(3)**

In terms of Section 28(4) of the Communal Land Reform Act, 2002 (Act No.5 of 2002), I hereby determine that section 28(3) of the said Act will come into operation on the date of publication of this Notice in the *Gazette*.

**H. POHAMBA  
MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION**

Windhoek, 24 February 2003

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**MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION**

No. 36

2003

**COMMUNAL LAND REFORM ACT, 2002 (ACT NO.5 OF 2002):  
COMMENCEMENT OF SECTION 28(2)**

In terms of Section 28(4) of the Communal Land Reform Act, 2002 (Act No.5 of 2002), I hereby determine that section 28(2) of the said Act will come into operation on the date of publication of this Notice in the *Gazette*.

**H. POHAMBA  
MINISTER OF LANDS, RESETTLEMENT AND REHABILITATION**

Windhoek, 24 February 2003

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**MINISTRY OF LANDS, RESETTLEMENT AND REHABILITATION**

No. 37

2003

**REGULATIONS MADE IN TERMS OF THE COMMUNAL LAND REFORM ACT, 2002 (ACT  
NO. 5 OF 2002)**

The Minister of Lands, Resettlement and Rehabilitation has under section 45 of the Communal Land Reform Act, 2002 (Act No. 5 of 2002), made the regulations set out in the Schedule.

**H. POHAMBA**

**MINISTER OF LANDS, RESETTLEMENT  
AND REHABILITATION**

Windhoek, 24 February 2003

**SCHEDULE**

**ARRANGEMENT OF REGULATIONS  
PRELIMINARY**

1. Definitions

**PART 1**

**CUSTOMARY LAND RIGHTS**

2. Application for customary land right
3. Maximum size of land that may be held under customary land right
4. Particulars pertaining to allocation of customary land right
5. Register of customary land rights and certificate of registration of customary land right
6. Cancellation of customary land right
7. Application for recognition and registration of right referred to in section 28(1) of the Act
8. Register of recognition of right referred to in section 28(1) of the Act and certificate of registration of that right
9. Hearing regarding application for recognition and registration of right referred to in section 28(1) of the Act
10. Conditions regarding grazing of stock of lawful residents on commonage

**PART II**

**RIGHTS OF LEASEHOLD**

11. Application for right of leasehold
12. Application for right of leasehold for agricultural purposes outside designated area
13. Maximum size of land that may be granted under a right of leasehold
14. Determination of amount payable in respect of right of leasehold and improvements
15. Conditions applicable to right of leasehold
16. Register of right of leasehold and certificate of leasehold
17. Application for recognition of right referred to in section 35(1) of the Act and for the grant of a right of leasehold under the Act
18. Hearing regarding application for recognition of right referred to in section 35(1) of the Act
19. Deed of leasehold

**PART III**  
**PRELIMINARY INVESTIGATION OF CLAIM TO EXISTING RIGHTS**

20. Form of notice regarding holding of preliminary investigation and form of summons
21. Service of notice and summons regarding holding of investigating committee
22. Conducting of preliminary investigation
23. Service of notice by board regarding report of investigating committee

**PART IV**  
**GENERAL**

24. Application for transfer of customary land right or right of leasehold
  25. Appeal against decision of Chief, Traditional Authority or board
  26. Exemptions regarding retention of fences on communal land
  27. Procedure for application for authorisation for erection of a fence on communal land and circumstances in which such authorisation is not required
  28. Procedure for investigation to be conducted by board for purpose of considering an application, including the summoning of witnesses
  29. Procedure for referral of a matter to an arbitrator
  30. Conditions under which prospecting or mining operations may be carried out on communal land
  31. Combating and prevention of soil erosion
  32. Protection of pastoral resources
  33. Matters relating to roads, watercourses, woods and the use of water, wood, clay and stone on communal land
  34. Functions of secretary of a board
  35. Eviction of persons occupying communal land
  36. Offences and penalties
  37. Fees payable
  38. Repeal of regulations
- Annexure 1
- Annexure 2