



Republic of Namibia  
Annotated Statutes

## REGULATIONS

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REGULATIONS SURVIVING IN TERMS OF

# Local Authorities Act 23 of 1992

section 95(5)

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## Native Reserve Regulations

Government Notice 68 of 1924  
(OG 137)  
came into force on 16 June 1924

The Native Reserve Regulations were originally made in terms of section 20 of the Native Administration Proclamation 11 of 1922, which was repealed by the Local Authorities Act 23 of 1992. Pursuant to section 95(5) of the Local Authorities Act 23 of 1992, the Native Reserve Regulations are deemed to have been made under that Act. Please note that in terms of these regulations, 1 British Pound (£1) is equivalent to 2 Namibian Dollars (N\$2). Additionally, there are 20 shillings in a pound and there are also 240 pence in a pound of British currency. The abbreviation "s" refers to shillings and the abbreviation "d" refers to pence.

### as amended by

**Government Notice 238 of 1930** (OG 394)  
came into force on date of publication: 6 March 1981

**Government Notice 49 of 1934** (OG 555)  
came into force on 23 April 1934

**Government Notice 169 of 1935** (OG 645)  
came into force on 28 November 1935

**Government Notice 179 of 1935** (OG 646)  
came into force on 17 December 1935

**Government Notice 124 of 1937** (OG 722)  
came into force on date of publication: 6 March 1937

**Government Notice 20 of 1938** (OG 738)  
came into force on date of publication: 1 February 1938

**Government Notice 129 of 1938** (OG 760)  
came into force on date of publication: 1 September 1938

**Government Notice 198 of 1938** (OG 768)  
came into force on date of publication: 1 December 1938

**Government Notice 107 of 1939** (OG 797)  
came into force on date of publication: 15 June 1939

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**Government Notice 118 of 1940 (OG 860)**  
 came into force on date of publication: 15 August 1940  
**Government Notice 267 of 1949 (OG 1458)**  
 came into force on date of publication: 1 October 1949  
**Government Notice 216 of 1951 (OG 1588)**  
 came into force on date of publication: 16 April 1951  
**Government Notice 395 of 1951 (OG 1623)**  
 came into force on date of publication: 15 September 1951  
**Government Notice 121 of 1952 (OG 1673)**  
 came into force on date of publication: 1 May 1952  
**Government Notice 175 of 1954 (OG 1848)**  
 came into force on date of publication: 15 July 1954  
**Government Notice 2 of 1988 (OG 5542)**  
 came into force on date of publication: 9 May 1988

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**ARRANGEMENT OF REGULATIONS**

[The individual regulations have no headings.]

MANAGEMENT

RESIDENCE IN RESERVE

COMMONAGE

SCHEDULE

TARIFF OF GRAZING FEES IN NATIVE RESERVES

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MANAGEMENT

1. The Magistrate shall have general control of the Native Reserves established under Section *sixteen* of the Native Administration Proclamation 1922 (hereinafter called "Reserves") within his district. He shall have all the powers and may lawfully perform all or any of the duties vested in or imposed upon a Superintendent of a reserve whether or not a Superintendent shall have been appointed for such reserve, and every Superintendent and all other officers appointed in connection with the Reserves shall be under his authority and shall be obliged to carry out his instructions in respect of all matters pertaining to the administration thereof.

2. (a) The Reserve shall where necessary be divided into wards by the Magistrate and each ward shall be placed under the control of a headman. Every headman shall be under the control of a Superintendent and shall carry out the orders of such Superintendent.

(b) The Native Commissioner may, after consultation with the Superintendent, appoint any elected member or members of a Board appointed in terms of section *four* of the Native Reserves Trust Funds Administration Proclamation, 1924 (Proclamation No. 9 of 1924), to assist any headman, either specially or generally, in the execution of his duties. Such member or members shall act under the instructions of such Headman and shall be regarded as headman for the purpose of Regulation No. 7; and of section *three-hundred and fifty-nine* of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation No. 30 of 1935).

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**[regulation 2 amended by GN 198/1938]**

**3.** The Superintendent shall be charged with the duty of making allotments of land, collecting taxes and fees, issuing passes, supervising sanitation, branding native stock and generally controlling the Reserve.

**4.** The Superintendent shall register all natives residing in or entering the Reserve and for this purpose shall keep the following registers -

- (a) A Register setting forth all necessary particulars concerning natives coming into or removing from the Reserve and the number and description of the stock brought or removed by them;
- (b) A Register of all huts or dwellings, the name of each occupant, the members of his family and the stock possessed by him from time to time.

For the purpose of enabling the Superintendent to enter the required particulars in such registers it shall be the duty of every native to furnish such particulars as may be required of him not later than a date to be notified by the Superintendent and thereafter to report any change in respect of the particulars so required not later than one month after the occurrence thereof.

**5.** It shall be lawful for a Medical Officer at the request of the Magistrate, when and as often as it is deemed advisable or necessary to inspect any Reserve and examine the residents therein and any resident who shall refuse to submit himself to such examination shall be guilty of an offence.

**6.** Any such Medical Officer, Superintendent or Headman shall have access to any hut or dwelling occupied by a native in the Reserve for the purpose of inspection or supervision. Every occupant of a hut or dwelling who refuses to grant admission whenever demanded by such Medical Officer, Superintendent or Headman for the purpose aforesaid shall be guilty of an offence.

**7.** Any person obstructing, resisting or hindering or in any way interfering with any Medical Officer, Superintendent or Headman in the discharge or execution of his duty or refusing or neglecting to obey any lawful order given by any Medical Officer, Superintendent or Headman under these regulations shall be guilty of an offence.

**8.** Any person certified by Medical Officer to be affected with any disease dangerous to public health may be ordered to remove from such Reserve or to reside in such portion of the Reserve as may be set aside for such person or persons, and any person who fails to comply forthwith with such order shall be guilty of an offence.

**9.** (a) A Headman shall not dispose of any criminal case arising in his ward but shall report at once to the Superintendent every crime or offence that may come to his knowledge and shall render every assistance in bringing the offender or offenders to justice.

(b) He shall not in the execution of his duties ask for, demand or receive any fee or fine without the authority of the Magistrate.

(c) He shall not make any allotment of land, either to new comers or by way of redistribution of land already occupied, nor shall he under any circumstances deprive any person of any land of which such person shall be in occupation except upon the express order there to of the Superintendent.

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[The word “newcomers” is produced as two words in the above Regulation, reproduced as per *Official Gazette*.]

- (d) He shall at once report to Superintendent any allotment which may become vacant.
- (e) He shall that every hut or dwelling is duly registered and shall notify the Superintendent of the erection, abandonment or disappearance of any hut or dwelling.
- (f) He shall not grant permission to any one to reside in the Reserve without the previous consent thereto of the Superintendent.
- (g) He shall at once report to Superintendent the arrival of any strangers and the number of stock, if any, in their possession, and in the case of their intended stay and the date of their departure.
- (h) He shall render every assistance in the collection of taxes and grazing fees.
- (i) He shall at once report and bring or cause to be brought to the superintendent any stray stock found in the Reserve.
- (j) He shall at once report the appearance in the Reserve of any animal suffering from scab, lungsickness, redwater or other contagious or infectious disease.
- (k) He shall keep the Reserve clear of all vagrants.
- (l) He shall report every untreated case of venereal disease in the Reserve which comes to his knowledge in order that measures may be adopted to prevent the spread of the contagion.
- (m) He shall promptly obey all instructions given to him by the Magistrate or Superintendent.

**RESIDENCE IN RESERVE**

**10.** No building of any kind whatsoever shall be erected in any Reserve by any European without the section of the Administrator and no new homestead or other building whatsoever shall be erected by any native without the consent of the Superintendent first had and obtained, and any person erecting any building or hut or establishing a homestead without such consent shall be guilty of an offence.

The Magistrate may upon conviction of any such person order the removal or demolition of any hut, dwelling or other erection constructed in contravention of this regulation and the owner thereof shall not be entitled to compensation therefor.

No school shall be allowed in a Reserve unless approved by the Director of Education.

**11.** (1) No person shall encamp, reside or be within, or enter the Reserve without a written pern so to do, signed by the Superintendent thereof or the Native Commissioner and any person not being the lawful holder of such a permit then in force who shall encamp, reside or be within, or enter the Reserve shall except as hereinafter provided, be guilty of an offence.

[The word “pern” above is reproduced as per the *Official Gazette*.]

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(2) No native resident of the Reserve may leave or having left may re-enter the Reserve without a written permit so to do, signed by the Superintendent thereof. Such permit shall set forth the grounds upon which it is granted, the period, if any, for which it is granted, and the number and description of the stock, if any, to be removed or introduced by the holder thereof.

Any such resident who contravenes any provision of this paragraph, or any condition contained in a permit issued under the provisions of this paragraph, shall be guilty of an offence.

(3) Anything to the contrary in these regulations notwithstanding, any native may enter the Reserve for the purpose of obtaining from the Superintendent a written permit to encamp, reside or be within, or visit the Reserve, provided that he proceeds to the Superintendent's office to obtain such permit within 48 hours of having entered the Reserve.

[regulation 11 deleted and substituted by GN 130/1938]

12.

[Regulation 12 deleted by GN 129/1938]

13. No Native resident of a Reserve may leave or having left may re-enter such Reserve without a permit so to do, signed by the Superintendent thereof. Such permit shall set forth the grounds upon which it is granted, the period, if any, for which it is granted, and the number and description of the stock, if any, to be removed or introduced by the holder thereof.

Any such resident who contravenes any provision of this regulation, or any condition contained in a permit issued under the provisions of this regulation, shall be guilty of an offence.

[regulation 13 deleted and substituted by GN 129/1938]

14. (1) No person shall encamp, reside or be within, or enter any Reserve without a written permit so to do, signed by the Superintendent thereof or by the Native Commissioner of the District wherein the Reserve is situated, and any person not being the lawful holder of such a permit then in force who shall encamp, reside or be within, or enter any Reserve shall, except as hereinafter provided, be guilty of an offence.

(2) Anything to the contrary in these regulations notwithstanding, any native may enter a Reserve for the purpose of obtaining from the Superintendent a written permit to encamp, reside or be within, or visit such Reserve, provided that he proceeds to the Superintendent's Office to obtain such permit within 48 hours of having entered the Reserve.

[regulation 14 deleted and substituted by GN 129/1938]

15. No person lawfully residing in a Reserve shall permit any person not being in lawful residence therein to reside at or occupy any hut or building at his kraal or homestead or under his control.

16. In any case where a person is charged with an offence against Sections *ten*, *fourteen* and *fifteen* of these regulations the onus of proving that he himself or his tenant or the inhabitant of his hut or building was in lawful occupation shall rest upon the person so charged.

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**17.** No person shall cut, break, injure, uproot or destroy any tree or bush or collect wood on Reserve lands without a permit so to do signed by the Superintendent, provided that “head loads” or dry wood which can be taken without damage to growing trees may be removed without a permit by natives lawfully residing in the Reserve for their own use, but not for sale, and provided further that no axe or saw be used for such purpose.

Any person who shall cut, break, injure, or uproot or destroy any tree or bush or collect wood other than dry wood on Reserve lands without a permit so to do or otherwise than in accordance with the conditions of such permit, and any person who shall use or be found in possession of an axe or saw for the purpose of gathering dry wood, shall be guilty of an offence.

**18.** No person shall set fire to the grass in any Reserve save as a protective measure against a fire and then only with the permission or under the orders of the Superintendent, and any person who shall within a Reserve wilfully or negligently set fire to grass or trees or scrub or who shall kindle any fire which by spreading shall set fire thereto shall be guilty of an offence.

**19.** (a) It shall be the immediate duty of every native resident of, or native visitor to, a Native Reserve, upon becoming aware (either by observation or report) of a grass fire in or near such reserve, to extinguish or attempt to extinguish it.

(b) If such person is unable to extinguish the fire alone or with the assistance of such others as are available and assisting, he shall immediately report the fact of the fire, or cause such fact to be reported to the nearest Headman or Boardman.

(c) Such headman or Boardman shall immediately take steps to extinguish or to attempt to extinguish the fire and, for this purpose, has the right either by himself or by his deputy to call to his assistance all native residents in, or native visitors to, the Reserve.

(d) If he is unable to extinguish the fire such Headman or Boardman shall immediately report, or cause to be reported, the fact of such fire to the Superintendent, who shall have the same rights as a Headman or Boardman in calling on residents to assist in extinguishing grass fires.

(e) Any person who shall fail in any duty imposed on him by the preceding paragraphs in this regulation, or who shall carry out such duty negligently or without due diligence or who shall fail or refuse to carry out any instructions given by a Superintendent, Headman or Boardman, in terms of the provisions contained in the aforesaid preceding paragraphs, shall be guilty of an offence. It shall be a defence to any charge hereunder, that in the circumstances of any particular case the person charged was either too young or too old to assist or was suffering from such illness or infirmity as, in the opinion of the Court, excused him from his duty.

(f) For the purpose of this regulation the word “Boardman” shall mean any native member of a board, other than a Headman, appointed to a reserve in terms of section *four* of the Native Reserves Trust Funds Administration Proclamation, 1924 (Proclamation No. 9 of 1924).

**[regulation 19 deleted and substituted by GN 124/1937]**

**20.** (a) No person shall introduce into or keep within any Reserve any livestock of any description or any animal likely to be a nuisance or injurious or dangerous to the public health without the written permission of the Superintendent. No person shall keep or cause to be kept within a Reserve any animal unless he be the *bona fide* owner or the person having the lawful custody thereof. The number of livestock of each kind which may be kept by each

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inhabitant of a reserve shall be subject to such limitations as may from time to time be imposed by the Administrator by notice in the *Gazette*. The maximum number of large stock and small stock respectively which shall be permitted to be kept in any Reserve by any one person shall until further notice be that prescribed in the Schedule hereto. Any person found in possession of a greater number of livestock of any description than that to which he is lawfully entitled shall be guilty of an offence.

[The word "person" is misspelt in the *Official Gazette*, as reproduced above.]

(b) Every person authorised in terms of these Regulations to keep livestock in a reserve shall be liable to pay in respect of such stock the fees set forth in the Schedule annexed hereto provided that the Administrator may approve of exemption or reduction of fees in special cases.

(c) The fees payable in terms of the last preceding paragraph shall become due and payable upon a date to be notified by the Superintendent and any person liable for the payment of the same who shall fail to make or cause payment to be made of the fees due by him shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding one month; provided that no person shall be liable to be prosecuted as aforesaid until the expiration of sixty days from the date when such fees became due and payable.

The Magistrate on passing sentence shall also give judgment for the amount of the fee in default and such judgment shall thereupon be executable in all respects as if it were a civil judgment of the Magistrate's Court.

(d) The Superintendent shall have the right to castrate any bull of the age of 12 months or over which has not been approved by him for the purposes of the breeding of cattle in the Reserve under his control and no bull of the age of 12 months or over shall be introduced into a Reserve unless it has been previously inspected and approved for purposes of the breeding of cattle by the Superintendent of that Reserve.

[paragraph (d) inserted by GN 107/1939]

**21.** No person shall keep any dog in any Reserve without the written permission of the Superintendent. The Administrator may from time to time fix the number of dogs which may be kept by each person.

**22.** The Superintendent of any Reserve may for the better preservation of the grazing therein prohibit for any period to be fixed by him the grazing of the animals or any particular species of animal in any portion of the common grazing ground in such Reserve, and any person disobeying any such prohibition shall be guilty of an offence.

**23.** Any animal trespassing on the Reserve may be impounded by the Superintendent or any Headman, and thereafter the provisions of Proclamation No. 5 of 1917 and the Regulations framed thereunder, shall apply in respect of such impounding.

**24.** Any owner of livestock or any person having the care or custody of livestock in any Reserve who shall fail to report forthwith to the Superintendent or a Headman the appearance of any contagious or infectious disease amongst such livestock shall be guilty of an offence.

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**25.** Any person who shall wilfully obstruct in any way the approaches to public watering places in any Reserve or obstruct the use of the water thereat or defile the water there in shall be guilty of an offence.

General

**26.** Whenever a birth or death occurs in any hut or dwelling in any Reserve the occupier thereof or in case of his absence or incapacity the eldest adult there resident shall immediately report the same to the Superintendent.

Whenever a birth or death occurs in a Reserve elsewhere than in a hut or dwelling, any person having knowledge thereof shall report the same to the Superintendent. Failure or neglect on the part of the person responsible to make such report shall constitute an offence.

**27.** In the interests of order and good government the Magistrate with the approval of the Administrator may order any resident of a Reserve or person therein who shall in the opinion of such Magistrate be an undesirable person to leave such Reserve within a time to be specified in such order; provided that all an opportunity shall first have been given to such person to show cause why he should not be so ordered to leave. Any person who having been ordered to leave a Reserve fails to comply with such order within the time specified therein, or who having left in terms of such order re-enters a Reserve, without permission so to do, shall be guilty of an offence.

**27bis.** (1) Any Superintendent who, after investigation, is satisfied that any male resident of a Reserve has no regular and sufficient lawful means of support, or leads an idle existence, may order such person to take up employment on essential public works or services within or without the Reserve at a sufficient wage to be determined by such Superintendent.

(2) Any male resident of a Reserve against whom an order has been made in terms of sub-regulation (1), or who has in terms of regulation 33 appealed against such order, who fails to take up such employment as ordered within a reasonable time after such order by the Superintendent, or any order of the magistrate on appeal confirming the order of the Superintendent, as the case may be, shall be guilty of an offence.

[regulation 27bis inserted by GN 121/1952]

**28.** Any person who creates a disturbance or nuisance of any nature whatsoever in any Reserve shall be guilty of an offence.

**29.** (1) No person within the area of any Reserve shall make, buy, sell, deal in, deliver or be in possession of any kaffir beer or any other spirituous or intoxicating liquor or substance of any kind whatsoever whether the same shall be contained in any patent medicine or other preparation nor shall any person within such area as aforesaid allow or suffer any such kaffir beer or other spirituous or intoxicating liquor or substance to be brought upon or remain on any permission of which he is the owner or occupier or of which he has the care or custody and no person within any such area shall buy, sell, deliver or be in possession of any, sprouted or malted grain for the purpose of making kaffir beer therefrom.

(2) It shall be lawful for any Superintendent, Headman, or member of a duly constituted Police Force upon reasonable suspicion that any person is in possession of any kaffir beer or any other spirituous or intoxicating liquor or substance of any kind whatsoever in any Reserve or that kaffir beer or other spirituous or intoxicating liquor or substance is hidden or stored on any premises or building in any Reserve to call upon the person so suspected to

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produce the same and to search if necessary, without warrant, such person or premises or building. Any kaffir beer or other spirituous or intoxicating liquor or substance produced or discovered shall be seized and confiscated.

**30.** No person shall within any Reserve keep any coffee shop, eating house or boarding house for the use of natives or any premises for the accommodation of more than four native travellers unless he is the holder of a permit so to do signed by the Superintendent, Every such permit shall be subject to such conditions as the Superintendent may deem fit and may at any time for good and sufficient reason be modified or cancelled without notice.

**31.** No person shall carry on any business at any shop trading station or other business place of any kind and no person shall carry on the business of a hawker within any Reserve save under a permit granted under the authority of the Administrator first had and obtained and subject to such conditions as may be imposed. Any such permit may at any time for good and sufficient reason be modified or cancelled without notice.

The provisions of this regulation shall be read as additional to and not in substitution of the provisions of Section *twenty-two* of Proclamation 21 of 1921.

**32.** No public gathering or assembly shall be convened or held in any Reserve without the permission of the Superintendent.

**33.** Every resident in a Reserve shall have the right to appeal to the Magistrate against any act omission or order of the Superintendent or any Headman and after due inquiry the Magistrate shall make such order as he may deem fit.

**34.** Any person who shall contravene any of the foregoing regulations in respect of which no penalty is specially provided shall be liable upon conviction to a penalty not exceeding £2 or in default of payment to imprisonment not exceeding one month, and in the event of a second or subsequent conviction to a fine not exceeding £5, or in default of payment to imprisonment not exceeding two months.

**35.** These regulations apply to and have effect in every area set aside as a Native Reserve under section *sixteen* of the Native Administration Proclamation, 1922 (Proclamation No. 11 of 1922), as from the date on which its setting aside took place, except the Zessfontein reserve, the Kaokoveld reserve for Chief Oorlog and Tribe and Muhona Katiti and Tribe, and the Kaokoveld Reserve for late Chief Kasupi's Tribe, all in the district of Kaokoveld, as defined in the Schedules to Government Notice No. 122 dated the 13th November, 1923, and the Ovamboland reserve, comprising the district of Ovamboland, created by the Ovamboland Affairs Proclamation, 1929 (Proclamation No. 27 of 1929), the Okavango Native Territory reserve, in the district of Grootfontein as created by the Okavango Native Territory Affairs Proclamation, 1937 (Proclamation No. 32 of 1937), the Berseba Hottentot Territory in the district of Keetmanshoop and the Bondels reserve in the District of Warmbad, to which they shall be deemed never to have applied.

[regulation 35 inserted by GN 238/1930 and amended by GN 29/1941]

SCHEDULE

[Schedule substituted by GN 49/1934, GN 169/1935, amended by GN 179/1935, GN 20/1938, GN 107/1939, GN 118/1940, substituted by GN 267/1949, amended by GN 216/1951, GN 395/1951, substituted by GN 175/1954 and GN 2 of 1988.]

TARIFF OF GRAZING FEES IN NATIVE RESERVES

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A. Tariffs

Grazing fees:

(a) Large stock:

- (i) Per bovine, in fenced areas per year ..... R4,80
- (ii) Per bovine, in unfenced areas per year ..... R2,40
- (iii) Per horse, donkey or mule per year ..... R3,00

(b) Small stock:

- Per sheep or goat per year..... R0,40

B. Maximum number of livestock

- 1. Maximum number of large stock of whatever age ..... 500
- 2. Maximum number of small stock of whatever age ..... 300