



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Diamond Act 13 of 1999
section 69

Diamond Regulations

Government Notice 84 of 2000

(GG 2300)

came into force on 1 April 2000 (GN 84/2000)

as amended by

Government Notice 104 of 2003 (GG 2984)

came into force on date of publication: 27 May 2003

Note that GN 104/2003 incorrectly indicates that it is amending the regulations in Government Notice 83 of 31 March 2000. GN 83/2000 was published in the same *Government Gazette* as the regulations, but was the preceding notice which brought the Diamond Act 13 of 1999 into force. GN 104/2003 obviously intended to amend the regulations published in GN 84/2000.

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Definitions

1. In these regulations “the Act” means the Diamond Act, 1999 (Act 13 of 1999), and any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it.

[The definitions below were all “added” to regulation 1 by GN 4/2003. There were no other directions in the amendment about how to incorporate them into regulation 1.]

“consignment” means one or more packets or parcels of unpolished diamonds that are placed in a tamper-resistant container and are exported or imported;

“export” means the taking out of Namibia in any manner;

“import” means the bringing into Namibia in any manner;

“Kimberley Process” means the international forum of diamond producing and trading countries, the diamond industry and civil society wherein representatives have negotiated the international certification scheme for the international trade in unpolished diamonds;

“Kimberley Process Certificate” means a forgery resistant document in a particular format which identifies a consignment of unpolished diamonds as being in compliance with the requirements of the Kimberley Process Certification Scheme, and which -

- (a) in relation to a consignment of unpolished diamonds exported from Namibia, is issued and validated by the Namibian Exporting Authority; and
- (b) in relation to a consignment of unpolished diamonds imported into Namibia, is issued and validated by a Participant’s Exporting Authority;

“Kimberley Process Certification Scheme” means the International Certification Scheme for the international trade in unpolished diamonds negotiated in the Kimberley Process;

“Namibian Exporting Authority”, means the Minister or a person or body designated by the Minister to issue and validate a Kimberley Process Certificate which is required to accompany a consignment of unpolished diamonds exported from Namibia to a Participant;

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“Namibian Importing Authority” means the Minister or a person or body designated by the Minister to verify a Kimberley Process Certificate accompanying a consignment of unpolished diamonds imported into Namibia from the country or territory of a Participant;

“parcel” means one or more unpolished diamonds that are packed together, that are not individualized, and which may contain unpolished diamonds from two or more countries of origin, and has the same meaning as packet;

“Participant” means any state or a regional economic integration organisation enforcing the Kimberley Process Certification Scheme;

“Participant’s Exporting Authority” means the authority or body designated by a Participant as Exporting Authority to issue and validate a Kimberley Process Certificate in respect of unpolished diamonds exported from that country or territory to a Participant;

“Regional Economic Integration Organisation” means an organisation comprised of sovereign states that have transferred competence to that organisation in respect of matters governed by the Kimberley Process Certification Scheme.

Application for licence

2. An application for a licence in terms of section 16 of the Act shall be substantially in the form as set out in Form I of Annexure A.

Issue of licence

3. A licence issued in terms of section 17 of the Act shall be issued substantially in the form as set out in Form 2 of Annexure A.

Fees for licences

4. (1) An application for a licence in terms of section 16 of the Act shall be accompanied by a non-refundable fee as set out in Annexure B.

(2) The fee payable in respect of the issue of a diamond cutting licence, a diamond tool-making licence or a diamond research licence shall be a fee as set out in Annexure B, payable not later than the date of issue thereof, and annually thereafter not later than the anniversary of the date of issue.

(3) The fee payable in respect of the issue of a diamond dealer’s licence shall be a fee as set out in Annexure B, payable not later than the date of issue thereof, and annually thereafter not later than the anniversary of the date of issue.

Application for permit

5. (1) An application in terms of section 28 of the Act for a permit referred to in section 27(a),(b),(c),(d),(e),(f),(g),(h),(i) or (j) of the Act shall be substantially in the form as set out in Form 3 of Annexure A.

(2) An application in terms of section 28 of the Act for a permit referred to in section 27(k) of the Act shall be substantially in the form as set out in Form 4 of Annexure A.

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Issue of permit

6. (1) A permit referred to in section 27(a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) and issued in terms of section 29 of the Act shall be issued substantially in the form as set out in Form 5 of Annexure A.

(2) A permit referred to in section 27(k) and issued in terms of section 29 of the Act shall be issued substantially in the form as set out in Form 6 of Annexure A.

(3) Unless the Minister otherwise determines, a permit referred to in section 27(k) shall automatically expire -

- (a) if the holder thereof is convicted of any offence under this Act;
- (b) if the holder thereof is convicted of any offence in respect of any high value mineral or any controlled mineral as defined in the Minerals (Prospecting and Mining) Act;
- (c) if the holder thereof is in Namibia or elsewhere under any law convicted of theft, fraud, forgery, uttering, robbery, perjury, housebreaking with intent to commit a crime, bribery or an attempt to commit any of these offences, or any other offence involving dishonesty, or any offence relating to the unlawful dealing in or possession of ivory or rhinoceros horns;
- (d) if the holder thereof is elsewhere than in Namibia convicted under any law of any offence relating to the unlawful dealing in or possession of diamonds;
- (e) at the same time as any work permit or temporary residence permit, as the case may be, issued to the holder thereof under the laws of Namibia expires, unless such permit is simultaneously replaced by another valid work permit or temporary residence permit, or a permanent residence permit, or Namibian citizenship;
- (f) if any condition endorsed on such permit in terms of section 29(2) of the Act is not complied with.

(4) When a permit referred to in section 27(k) of the Act expires for any reason referred to in sub-regulation (3) the holder of such permit shall within a period of seven days or within such longer period as the Minister may determine on good cause shown, leave the restricted area for which it was issued.

Conditions for valuation and release of unpolished diamonds for export

6A. (1) Every unpolished diamond submitted to the Minister for valuation in terms of section 45(1) of the Act for export purposes shall be accompanied by an Export Declaration for Unpolished Diamonds in the form as set out in Form 20 of Annexure A.

(2) A consignment must not be released for export in terms of section 45(4) of the Act unless a Kimberley Process Certificate has been issued and validated by the Namibian Exporting Authority in respect of every diamond contained in the consignment.

(3) For the purposes of the issuing and validation of a Kimberley Process Certificate in terms of subregulation (2) -

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- (a) the unpolished diamond must be exported to a Participant;
- (b) the unpolished diamond must be inspected by the Namibian Exporting Authority to verify conformity with the Export Declaration referred to in subregulation (1); and
- (c) the parcel into which the unpolished diamonds must be made up in terms of section 45(4)(a) of the Act before release for export must be a tamper-resistant container sealed in the manner determined by the Minister.

(4) The Namibian Exporting Authority must issue and validate a Kimberley Process Certificate in the form set out in Form 21 of Annexure A if he or she is satisfied that the provisions of subregulation (3) have been complied with.

(5) A consignment released for export in terms of section 45(4)(a) must be accompanied on export by the original of the Kimberley Process Certificate issued and validated in respect of the diamond contained therein, and the exporter must be furnished with an authenticated copy of that Certificate.

(6) Particulars of every unpolished diamond in a consignment released for export must be recorded forthwith in the appropriate register maintained by the Namibian Exporting Authority for that purpose.

[regulation 6A inserted by GN 104/2003]

Conditions for import of unpolished diamonds

- 6B.** (1) No person shall import an unpolished diamond into Namibia unless -
- (a) the person by whom the diamond is imported is the holder of a permit issued in accordance with regulation 6 authorising such import;
 - (b) the diamond is imported from a Participant;
 - (c) a valid Kimberley Process Certificate has been issued and validated in respect of the diamond by the Participant's Exporting Authority;
 - (d) adequate arrangements have been made for the examination of the consignment by the Namibian Importing Authority.

(2) Upon examination of a consignment containing an unpolished diamond, the Namibian Importing Authority must ensure that -

- (a) the parcel in which the diamond is contained on import is accompanied by a valid Kimberley Process Certificate referred to in subregulation (1)(c);
- (b) the container in which the diamond is contained has been properly sealed by the Participant's Exporting Authority and has not been tampered with; and
- (c) the content of the container is inspected to ascertain whether the diamond conforms with the details in the accompanying Kimberley Process Certificate.

(3) A consignment must be returned to the Participant's Exporting Authority if, in the opinion of the Namibian Importing Authority, it has been tampered with.

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(4) Upon being satisfied in respect of the matters referred to in subregulations (1) and (2), the Namibian Importing Authority must release the unpolished diamond to the person authorised to import the diamond and furnish that person with an authenticated copy of the Kimberley Process Certificate in respect of the diamond imported.

(5) Particulars of every unpolished diamond released in terms of subregulation (4) must be recorded forthwith in the appropriate register maintained by the Namibian Importing Authority for that purpose.

(6) Details of the consignment must be confirmed by the Namibian Importing Authority with the relevant Participant's Exporting Authority.

(7) The original of the Kimberley Process Certificate must be kept by the Namibian Importing Authority for a minimum period of 3 years.

[regulation 6B inserted by GN 104/2003]

Power of Minister with regard to unpolished diamond suspected of being exported or imported contrary to law

6C. (1) Should the Minister be of the opinion that the provisions of regulation 6A or 6B have not been complied with or suspect that an unpolished diamond in a consignment has been acquired unlawfully, the Minister may retain such unpolished diamond and -

- (a) inform the exporter or importer of its retention; and
- (b) request the exporter or importer to provide proof and reasons as to why that diamond should not be retained.

(2) Should the proof and reasons provided in accordance with subregulation (1)(b) be acceptable, the Minister must -

- (a) in the case of an exporter, release that diamond for export in terms of section 45(4)(a) of the Act; or
- (b) in the case of an importer, release that diamond in accordance with subregulation 6B(4).

(3) If the Minister is not satisfied with the proof and reasons provided in accordance with subregulation 1(b), the Minister must -

- (a) inform the person intending to export or import the diamond thereof; and
- (b) cause an investigation to be conducted.

(4) Upon completion of the investigation, the Minister may take any appropriate action according to law, which may include -

- (a) the return of the unpolished diamond to the rightful owner thereof;
- (b) the return of the unpolished diamond to the country of origin; or

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- (c) referral of the matter to an appropriate law enforcement authority.

[regulation 6C inserted by GN 104/2003]

Fees for permits

7. An application in terms of section 28 of the Act for a permit referred to in section 27(a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) of the Act shall be accompanied by a non-refundable fee as set out in Annexure B.

Certificate of approval of premises

8. (1) A certificate of approval of premises on which unpolished diamonds may be sold or disposed of as referred to in section 38(1)(c) and issued in terms of section 39(4) of the Act shall be issued substantially in the form as set out in Form 7 of Annexure A.

(2) A certificate of approval of premises on which unpolished diamonds may be received or purchased as referred to in section 38(2)(c) and issued in terms of section 39(4) of the Act shall be issued substantially in the form as set out in Form 8 of Annexure A.

(3) A certificate of approval of premises on which unpolished diamonds may be processed, or on which research or tests in connection with unpolished diamonds may be conducted, as referred to in section 40(1)(b) and issued in terms of section 41(2), read with section 39 of the Act, shall be issued substantially in the form as set out in Form 9 of Annexure A.

Application for registration of authorized representative

9. An application for the registration of any person as an authorized representative in terms of section 43(1) of the Act shall be substantially in the form as set out in Form 10 of Annexure A.

Issue of certificate of registration as authorized representative

10. A certificate of registration as an authorized representative issued in terms of section 43(9) of the Act shall be issued substantially in the form as set out in Form 11 of Annexure A.

Registers in respect of unpolished diamonds

- (11) The following registers shall be kept in terms of section 46(1) of the Act:
- (a) A producer, contractor sub-contractor, holder of an exclusive prospecting licence and holder of a non-exclusive prospecting licence shall keep a register of unpolished diamonds won, recovered, received, transported, sold, disposed of or exported substantially in the form as set out in Form 12 of Annexure A;
 - (b) a dealer shall keep a register of unpolished diamonds purchased, imported, received or disposed of substantially in the form as set out in Form 13 of Annexure A;
 - (c) a cutter shall keep a register of unpolished diamonds purchased, imported, received, processed or disposed of substantially in the form as set out in Form 14 of Annexure A;

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- (d) a tool-maker shall keep a register of unpolished diamonds purchased, received, processed or disposed of substantially in the form as set out in Form 15 of Annexure A;
- (e) a researcher shall keep a register of unpolished diamonds purchased, received, processed or disposed of substantially in the form as set out in Form 16 of Annexure A.

(2) A register referred to in subregulation (1) shall be kept in numerical and chronological order and shall with respect to each calendar month contain the particulars set out in the relevant form referred to in that subregulation, which particulars shall be recorded in handwritten form.

[The word “calendar” is misspelt in the *Government Gazette*, as reproduced above.]

(3) Except where otherwise provided for by the relevant security plan approved under section 50 of the Act, a producer, contractor, sub-contractor, holder of an exclusive prospecting licence or licensee shall keep a separate register referred to in sub-regulation (1) at every place specified in terms of regulation 16(1)(g) where diamonds are kept.

(4) A holder of a non-exclusive prospecting licence shall keep a separate register referred to in sub-regulation (1) at every place where unpolished diamonds are kept.

Notes of receipt or purchase in respect of unpolished diamonds

12. The note of receipt or purchase referred to in section 47(1) of the Act shall be completed substantially in the form as set out in Form 17 of Annexure A.

Security check of persons employed or engaged in activities related to unpolished diamonds

13. (1) Whenever any person is required to perform a security check on an employee or a natural person in terms of section 48(1)(a) of the Act, he or she shall -

- (a) obtain a certificate of conduct from the Namibian Police Force;
- (b) obtain a certified copy of the following documents in respect of that employee or natural person:
 - (i) passport;
 - (ii) identity document;
 - (iii) temporary or permanent residence permit, as the case may be;
 - (iv) work permit;
- (c) if the employee is not a Namibian citizen, or a permanent resident in Namibia, obtain a document, issued by a competent authority of the country of which that employee or natural person is a citizen, stating whether that employee or natural person has been convicted of any offence in that country or any other country and giving particulars of the nature of and the sentence imposed for any offence;

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- (d) retain all documents obtained for the purposes of a security check for a period of at least three years from the date on which the employee or natural person has ceased to be engaged in the activity or operation for which the security check has been performed, or for a period of at least three years from the date on which the security check is completed, whichever date is the later of the two.

(2) If the documents referred to in sub-regulation (1) indicate that the employee or natural person -

- (a) has been convicted of any offence under this Act or the Diamond Industry Protection Proclamation, 1939 (Proclamation No. 17 of 1939);

**[The Diamond Industry Protection Proclamation 17 of 1939
was repealed by the Diamond Act 13 of 1999.]**

- (b) has been convicted of any offence in respect of any high value mineral or any controlled mineral as defined in the Minerals (Prospecting and Mining) Act;

[The “Minerals (Prospecting and Mining) Act” is Act 33 of 1992.]

- (c) has in Namibia or elsewhere under any law been convicted of theft, fraud, forgery, uttering, robbery, perjury, housebreaking with intent to commit a crime, bribery or an attempt to commit any of these offences, or any other offence involving dishonesty, or any offence relating to the unlawful dealing in or possession of ivory or rhinoceros horns;
- (d) has elsewhere than in Namibia been convicted under any law of any offence relating to the unlawful dealing in or possession of diamonds;
- (e) has any charge or investigation relating to any offence mentioned in paragraph (a), (b), (c) or (d) pending against him or her,

that employee or natural person shall not be suitable to be engaged in any activity or operation referred to in section 48(1).

(3) An employee or natural person engaged in any activity or operation referred to in section 48(1) shall immediately inform the relevant producer, holder of an exclusive prospecting licence or licensee of any conviction referred to in sub-regulation 2(a),(b),(c) or (d) or of the fact that any charge or investigation referred to in sub-regulation 2(e) is pending against him or her.

(4) Any employee or natural person who contravenes or fails to comply with a provision of sub-regulation (3) shall be guilty of an offence and liable on conviction to a fine not exceeding N\$50 000-00 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Records of employees, contractors and sub-contractors

14. (1) Every person, being a producer, contractor, sub-contractor, holder of an exclusive or non-exclusive prospecting licence or a licensee shall record in writing -

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- (a) the names, identity numbers and/or passport numbers of all employees, contractors and sub-contractors employed or engaged or contracted by that person;
- (b) particulars of all employees discharged by that person for dishonesty;
- (c) particulars of all contractors or sub-contractors engaged or contracted by that person whose approval in terms of section 49 of the Act has been revoked.

(2) The record referred to in sub-regulation (1)(a) shall be kept for a period of at least three years from the date on which any employee, contractor or sub-contractor has ceased to be an employee, contractor or sub-contractor, as the case may be.

(3) The record referred to in sub-regulation (1)(b) and (c) shall be kept for a period of at least three years after the date on which such record was made.

Documents required by persons who carry or transport unpolished diamonds

15. (1) Except where otherwise provided for by the relevant security plan approved under section 50 of the Act, any person who carries or transports any unpolished diamonds outside a restricted area or from any restricted area to another restricted area, as the case may be, shall have in his or her possession -

- (a) an original document, issued, signed and dated by the producer, contractor, sub-contractor, holder of an exclusive prospecting licence or a non-exclusive prospecting licence, licensee or permit holder, as the case may be, for or on behalf of whom the unpolished diamonds are carried or transported on his or her own letterhead, stating -
 - (i) the name and identity or passport number of the person carrying or transporting the unpolished diamonds;
 - (ii) the origin, destination, number and weight of the unpolished diamonds;
 - (iii) the date of the intended carriage or transport of the unpolished diamonds;
 - (iv) the period of time which would probably be required to carry or transport the unpolished diamonds to their destination;
 - (v) the route by which the unpolished diamonds should be carried or transported, which shall be the shortest possible route which would be reasonable to follow;
 - (vi) the specific instruction to the carrier or transporter regarding the precise destination of the unpolished diamonds; and
- (b) his or her identity document or passport.

(2) Any person who permits the carrying or transport of an unpolished diamond and who fails to provide a document as required in sub-regulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding N\$50 000-00 or to imprisonment not exceeding one year or to both such fine and such imprisonment.

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(3) Any person who carries or transports any unpolished diamond without the documents referred to in sub-regulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding N\$50 000-00 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

(4) Any person who without good cause fails to follow the route or instructions referred to in sub-regulation (1)(v) or (vi), shall be guilty of an offence and liable on conviction to a fine not exceeding N\$50 000-00 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(5) A copy of the original document referred to in sub-regulation (1)(a) shall be kept by the person who issued it for a period of at least three years.

(6) Upon delivery of the unpolished diamonds the original document referred to in sub-regulation (1)(a) shall be signed and dated by the person to whom the diamonds are delivered and retained by that person for a period of at least three years.

(7) Any person who contravenes or fails to comply with the provisions of sub-regulations (5) or (6) shall be guilty of an offence and liable on conviction to a fine not exceeding N\$25 000-00 or to imprisonment for a period of six months or to both such fine and such imprisonment.

Security plan

16. (1) A security plan referred to in section 50 of the Act shall contain full particulars specifying:

- (a) the policy and procedures to be applied and followed with respect to employees involved in offences under the Act or in any way connected to unpolished diamonds;
- (b) the systems of surveillance and control of activities on the business premises, other approved premises and in the relevant restricted area or areas covered by such plan;
- (c) the systems and procedures to be followed to safeguard any unpolished diamonds;
- (d) access of persons to unpolished diamonds and to the premises or area covered by the security plan;
- (e) the manner in which and method by which unpolished diamonds, diamondiferous concentrate or sand, soil, clay, gravel, stone or any mineral is or are to be moved on or from the premises or area covered by the security plan to any other place;
- (f) systems and procedures regarding the control of movement of employees and other persons on the premises or in the area covered by the security plan;
- (g) each location inside or outside the premises or area covered by the security plan where unpolished diamonds shall be kept and the security arrangements at such locations;
- (h) the person responsible for the execution and enforcement of the security plan;

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- (i) in the case of a producer, contractor or sub-contractor, the security arrangements at the place where mining occurs and at every stage of the recovery process until the final intended product is recovered;
- (j) the storage of any diamondiferous concentrate, sand, soil, clay, gravel, stone or minerals;
- (k) the security arrangements at places where bulk sampling is being carried on;
- (l) the systems and procedures to be followed during the transport of any unpolished diamonds, as well as in the case of an exception referred to in regulation 15(1), particulars regarding the documentation that should be kept;
- (m) in the case of an exception referred to in regulation 11(3), alternative arrangement with regard to the keeping of registers or records relating to unpolished diamonds;
- (n) any other matter which the Minister may require.

(2) Any holder of an exclusive prospecting licence shall be required to submit a security plan within thirty days after the first diamond was won or recovered by such holder or after bulk sampling has commenced.

(3) Whenever any material changes occur regarding the matters which are required to be covered by a security plan, or in the scope of the activities giving rise to such plan, such plan shall be amended accordingly subject to the provisions of section 50(6) of the Act.

Records to be kept by cutter

17. (1) A cutter shall, in respect of each unpolished diamond purchased, received, imported, exported, sold or disposed of, record in writing a description of such diamond, which description shall contain particulars of the weight, value, shape, colour and clarity of such diamond, unless such cutter is, on good cause shown, exempted in writing by the Commissioner from keeping records of any of the prescribed particulars.

(2) A cutter shall, in respect of each diamond processed by that cutter, promptly record in writing a description of such diamond after it has been processed, which description shall contain particulars of the weight, value, cut, colour and clarity of such diamond.

(3) The records referred to in sub-regulations (1) and (2) shall be kept for a period of at least three years, in such a manner that such records are ready and suitable for inspection at the request of a diamond inspector or police official exercising his or her powers under the Act.

(4) Any person who contravenes or fails to comply with the provisions of this regulation shall be guilty of an offence and liable on conviction to a fine not exceeding N\$100 000-00 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

Registration of diamond prospecting or mining vessels

18. Every producer, holder of an exclusive prospecting licence, contractor or sub-contractor who is required to register a vessel as a diamond prospecting or mining vessel in terms of section 57(1) of the Act shall complete and submit to the Commissioner a document substantially in the form as set out in Form 18 of Annexure A.

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Export of polished diamonds

19. (1) Any person who intends to export from Namibia any polished diamonds of a total weight of 10 carats or more shall notify the Minister, as required by section 64(1) of the Act, of that fact, by completing and delivering a notification substantially in the form as set out in Form 19 of Annexure A within the period required by that section.

(2) For the purposes of this regulation, delivery shall not be regarded to have taken place unless the Minister has acknowledged receipt in writing of the document referred to in sub-regulation (1).

Search of animals

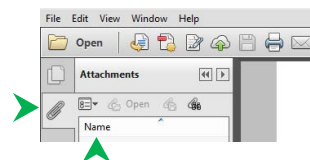
20. Any search in terms of sections 66 or 67 of the Act may include a search of any animal.

ANNEXURE A
Forms

The content is shown at small scale on the next pages of this PDF.

To print at full scale, open the PDF attached.

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[Forms 20 and 21 inserted into Annexure A by GN 104/2003]

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FORMS

FORM 1

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)
APPLICATION FOR LICENCE IN TERMS OF SECTION 16

New licence ☐ Renewal ☐

1. Kind of licence applied for : Dealer ☐ Cutter ☐ Tool-maker ☐ Researcher ☐

2. Particulars of applicant if prospective licensee is a natural person: (In case of partnerships, provide particulars required in paragraph 2 in respect of each partner on a separate sheet of paper)

2.1 First name(s) : _____

2.2 Surname(s) : _____

2.3 Identity No/Passport No : (attach certified copy) _____

2.4 Nationality : (attach proof) _____

2.5 Postal Address : _____

2.6 Residential Address : _____

2.7 Telephone No : _____ (work) _____ (home)

2.8 Fax No : _____

2.9 If permanently resident in Namibia, state Permanent Residence Permit No : (attach proof) _____

2.10 Tax No : (attach proof) _____

2.11 Interest (%) held in partnership (in case of partnership) _____

3. Particulars of prospective licensee if it is a juristic person (company or close corporation) already in existence :

3.1 Name : _____

3.2 Namibian Registration No : _____

3.3 Telephone No : _____

3.4 Fax No : _____

3.5 Business Address : _____

3.6 Postal Address : _____

3.7 Tax No : _____

3.8 Name of chief executive : _____

3.9 Full name, nationality, identity number/passport number of every director/member: _____

3.10 Particulars of each interest held (%) in the juristic person and name, address and nationality of holder(s) of controlling interest (as defined in Section 1 of the Act) : _____

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4. Particulars of prospective licensee if it is a juristic person (company or close corporation) to be incorporated in the event that a licence is granted to it :

4.1 Proposed name : _____

4.2 Name of proposed chief executive : _____

4.3 Full name, nationality, identity number/passport number of every person to become director/member : _____

4.4 Particulars of each interest (%) to be held in the juristic person and name, address and nationality of any person(s) to become holder(s) of controlling interest (as defined in Section 1 of the Act): _____

4.5 Particulars of applicant applying on behalf of prospective licensee :
(Note : If applicant is a natural person, complete 4.5.1 - 4.5.9; 4.5.20 and 4.5.21 below. If applicant is a juristic person (company or close corporation) complete 4.5.10 - 4.5.21 below)

4.5.1 First names : _____

4.5.2 Surname : _____

4.5.3 Identity No/Passport No : (attach certified copy) _____

4.5.4 Nationality : _____

4.5.5 Postal address : _____

4.5.6 Residential address : _____

4.5.7 Telephone No : _____ (work) _____ (home)

4.5.8 Fax No : _____

4.5.9 If permanently resident in Namibia, state Permanent Residence Permit No : _____

4.5.10 Name : _____

4.5.11 Namibian Registration No : _____

4.5.12 Telephone No : _____

4.5.13 Fax No : _____

4.5.14 Business Address : _____

4.5.15 Postal Address : _____

4.5.16 Tax No : _____

4.5.17 Name of chief executive : _____

4.5.18 Full name, nationality, identity number/passport number of every director/member : _____

4.5.19 Particulars of each interest held (%) in the juristic person and name, address and nationality of holder(s) of controlling interest (as defined in Section 1 of the Act) : _____

REGULATIONS
Diamond Act 13 Of 1999
Diamond Regulations

FORM 1

4.5.20 Give details of relationship with (including any interest in) and reason for applying on behalf of prospective licensee : _____

4.5.21 I _____ undertake to incorporate and register the company/close corporation mentioned in paragraph 4.1 above with such particulars as furnished in paragraph 4.1 - 4.4 above within a period of _____ in the event of the application being granted.

SIGNATURE _____ DATE _____

5. In the case of all applicants, give full particulars of any person, who by virtue of an agreement with the prospective licensee, or by virtue of any direct or indirect interest in the prospective licensee, or by any other means, is able to exert influence over the conduct of the affairs of the prospective licensee - (See Section 16(4)(b)(iv) of the Act) : _____

6. State whether applicant named in paragraph 2.1 and 2.2 or 3.1 or whether any person mentioned in paragraph 3.8, 3.9, 3.10, 4.2, 4.3, 4.4, 4.5.1, 4.5.2, 4.5.17, 4.5.18, 4.5.19 or 5 -

6.1 has ever been declared insolvent : _____

(If yes, provide details on separate sheet of paper)

6.2 is of unsound mind and has been declared so by a competent court : _____

(If yes, provide details on separate sheet of paper)

6.3 has ever been convicted of a criminal offence, in or outside the Republic of Namibia : _____

(If yes, provide details on separate sheet of paper)

6.4 has ever been arrested for or charged with, or acquitted of, any criminal offence, in or outside the Republic of Namibia : _____

(If yes, provide details on separate sheet of paper)

6.5 has any investigation in connection with any criminal offence pending against him/her : _____

(If yes, provide details on separate sheet of paper)

7. Attach business plan including full details of the following :

7.1 Number of employees to be employed in connection with activities authorised by the licence.

7.2 Names, positions and nationality of key personnel and details of expertise, including copy of their curriculum vitae.

7.3 Experience and expertise of prospective licensee/shareholders/members/directors and/or management in diamond industry.

7.4 Available working capital, financial support and insurance arrangements with regard to diamonds.

7.5 How unpolished diamonds (in case of dealer) or polished diamonds (in case of cutter) will be marketed.

7.6 How tools, implements or other articles or crushed or altered diamonds (in case of toolmaker) will be marketed.

7.7 Object and details of research (in case of researcher).

7.8 Source from which unpolished diamonds will be obtained.

7.9 Any further particulars, information or details of relevant plans or programs.

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 1

8. Full particulars of address where business premises referred to in Section 18 of the Act is or will be situated (If particulars not yet available, then provide as soon as possible as licence will not be issued unless provided) :

9. *I _____ (full names) hereby declare that the contents of this application are to the best of my knowledge and belief true and correct in all respects after due inquiry and I declare that I am aware of the provisions of section 71(g) of the Act.

SIGNATURE :

DATE :

(*Owner in case of one-man business, duly authorised person on behalf of company or close corporation, all partners in case of partnership)

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 2

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)
LICENCE
(Issued in terms of section 17)

A _____ No _____
_____ licence is hereby issued to

Identity No / Namibian registration No : _____
entitling the holder to _____

on the following approved business premises: _____

Conditions of licence (if any): _____

Period of validity of licence: _____

Remarks (if any): _____

DATE STAMP

DIAMOND COMMISSIONER

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 3

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)
APPLICATION IN TERMS OF SECTION 28 FOR PERMIT REFERRED
TO IN SECTION 27(a),(b),(c),(d),(e),(f),(g),(h),(i) or (j)

1. Kind of permit applied for : (mark appropriate block)

- ☐ (a) **Possession of unpolished diamond(s) (Sec. 27(a))**
- (i) Total number of diamonds : _____
- (ii) Total mass (in carats up to two decimal places) : _____
- (iii) Total Value : _____
- (iv) Total number of diamonds with mass above 2 carats each : _____
- (Attach separate sheet of paper listing mass of each such diamond)
- (v) Source of diamonds (attach proof) : _____
- Name : _____
- Address : _____
- (vi) Reason for/purpose of possession : _____
- (vii) Date/period for which permit is required : _____
- ☐ (b) **Selling or disposal of unpolished diamond(s) (Sec. 27(b))**
- (i) Total number of diamonds : _____
- (ii) Total mass (in carats up to two decimal places) : _____
- (iii) Total value : _____
- (iv) Total number of diamonds with mass above 2 carats each : _____
- (Attach separate sheet of paper listing mass of each such diamond)
- (v) Source of diamonds (attach proof) : _____
- Name : _____
- Address : _____
- (vi) Intended buyer or receiver (if known) : _____
- Name : _____
- Address : _____
- (vii) Date/period for which permit is required : _____
- (viii) Premises of intended transaction (as referred to in Section 38(1) of the Act): _____
- ☐ (c) **Receiving or purchasing of unpolished diamond(s) (Sec. 27 (c))**
- (i) Total number of diamonds : _____
- (ii) Total mass (in carats up to two decimal places) : _____
- (iii) Total value : _____
- (iv) Total number of diamonds with mass above 2 carats each : _____
- (Attach separate sheet of paper listing mass of each such diamond)
- (v) Person from whom to be received or purchased (attach proof) : _____
- Name : _____
- Address : _____
- (vi) Date/period for which permit is required : _____
- (vii) Premises of intended transaction (as referred to in Section 38(2) of the Act): _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 3

☐ (d) **Export of unpolished diamond(s) (Sec. 27(d))**

(i) Total number of diamonds : _____

(ii) Total mass (in carats up to two decimal places) : _____

(iii) Total value : _____

(iv) Total number of diamonds with mass above 2 carats each : _____

(Attach separate sheet of paper listing mass of each such diamond)

(v) Source of diamonds (attach proof) : _____

Name : _____

Address : _____

(vi) Intended recipient : _____

Name : _____

Address : _____

(vii) Date/period for which permit is required : _____

(viii) Purpose of export : _____

(ix) Point of export : _____

(x) Means of export (by rail, air, sea, road) : _____

☐ (e) **Import of unpolished diamond(s) (Sec. 27(e))**

(i) Total number of diamonds : _____

(ii) Total mass (in carats up to two decimal places) : _____

(iii) Total value : _____

(iv) Total number of diamonds with mass above 2 carats each : _____

(Attach separate sheet of paper listing mass of each such diamond)

(v) Source of diamonds (attach proof) : _____

Name : _____

Address : _____

(vi) Date/period for which permit is required : _____

(vii) Purpose of import : _____

(viii) Point of entry : _____

☐ (f) **Polishing, crushing or setting of unpolished diamond(s) (Sec. 27(f))**

(i) Total number of diamonds : _____

(ii) Total mass (in carats up to two decimal places) : _____

(iii) Total value : _____

(iv) Total number of diamonds with mass above 2 carats each : _____

(Attach separate sheet of paper listing mass of each such diamond)

(v) Source of diamonds (attach proof) : _____

Name : _____

Address : _____

(vi) Reason for/purpose of polishing, crushing or setting diamonds : _____

(vii) Date/period for which permit is required : _____

(viii) Premises (as referred to in section 40(1) of the Act) : _____

☐ (g) **Possession of diamondiferous concentrate (Sec. 27(g))**

(i) Total mass of concentrate : _____

(ii) Description of container(s) : _____

(iii) Number of container(s) : _____

(iv) Place where concentrate to be kept/possessed : _____

(v) Reason for/purpose of possession : _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 3

- (vi) Source of concentrate (attach proof) : _____
Name : _____
Address : _____
- (vii) Date/period for which permit is required : _____
- ☐ (h) Export of diamondiferous concentrate (Sec. 27(h))
- (i) Total mass of concentrate : _____
- (ii) Description of container(s) : _____
- (iii) Number of container(s) : _____
- (iv) Source of concentrate (attach proof) : _____
Name : _____
Address : _____
- (v) Intended recipient : _____
Name : _____
Address : _____
- (vi) Date/period for which permit is required : _____
- (vii) Purpose of export : _____
- (viii) Point of export : _____
- (ix) Means of export (by rail, air, sea, road, etc) : _____
- ☐ (i) Removal of sand, soil, clay, gravel, stone or mineral from restricted area (Sec. 27(i))
- (i) Total mass/volume : _____
- (ii) Description of container(s) : _____
- (iii) Number of container(s) : _____
- (iv) Means of removal : _____
- (v) Intended destination (full details of address) : _____
- (vi) Reason for/purpose of removal : _____
- (vii) Restricted area from which to be removed : _____
- (viii) Date/period for which permit is required : _____
- ☐ (j) Export of sand, soil, clay, gravel or stone which may contain diamonds (Sec.27(j))
- (i) Total mass/volume : _____
- (ii) Description of container(s) : _____
- (iii) Number of container(s) : _____
- (iv) Source of concentrate (attach proof) : _____
Name: _____
Address : _____
- (v) Intended recipient : _____
Name: _____
Address : _____
- (vi) Date/period for which permit is required : _____
- (vii) Reasons why it is believed that the material for which the permit is requested may contain diamonds : _____

- (viii) Purpose of export : _____
- (ix) Point of export : _____
- (x) Means of export (by rail, air, sea, road, etc) : _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 3

2. **Particulars of applicant if he/she is a natural person :**
(In case of partnership each partner must supply particulars)
 - (a) First name(s) : _____
 - (b) Surname : _____
 - (c) Identity No/Passport No (attach certified copy) : _____
 - (d) Nationality (attach proof) : _____
 - (e) Postal address : _____
 - (f) Residential address : _____
 - (g) Telephone no : _____
 - (h) Fax no : _____
 - (i) If permanent resident in Namibia, state Permanent Residence Permit No (attach certified copy): _____
3. **Particulars of applicant if it is a juristic person :**
 - (a) Name : _____
 - (b) Telephone no : _____
 - (c) Fax no : _____
 - (d) Business address : _____
 - (e) Postal address : _____
 - (f) Registration no : _____
 - (g) Tax no (attach proof) : _____
 - (h) Name of chief executive : _____
 - (i) Full name, nationality, identity number/passport number of every director/member : _____

 - (j) Particulars of each interest held (%) in the juristic person and name, address and nationality of holder(s) of controlling interest (as defined in section 1 of the Act): _____

4. **In the case of all applicants, give full particulars of any person, who by virtue of a contract with the applicant, or by virtue of any direct or indirect interest in the applicant, or by any other means, is able to exert influence over the conduct of the affairs of the applicant :**

5. **State whether applicant named in paragraph 1 or whether any person mentioned in paragraph 2(h), (i) or (j) or 3 -**
 - (a) has ever been convicted of a criminal offence, in or outside the Republic of Namibia : _____
(If yes, provide details on separate sheet of paper)
 - (b) has ever been arrested for, or charged with, or acquitted of, any criminal offence in or outside the Republic of Namibia: _____
(If yes, provide details on separate sheet of paper)

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 3

- (c) has any investigation in connection with any criminal offence pending against him/her -

(If yes, provide details on separate sheet of paper)

6. *I, _____ (full names) hereby declare that the contents of this application are to the best of my knowledge and belief true and correct in all respects after due inquiry and I declare that I am aware of the provisions of section 71(g) of the Act.

SIGNATURE : _____ **DATE :** _____

(*Owner in case of one-man business, duly authorised person on behalf of company or close corporation, all partners in case of partnership)

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 4

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

**APPLICATION IN TERMS OF SECTION 28 FOR PERMIT REFERRED
TO IN SECTION 27(k)**

- (Notes : (i) Permit should be applied for at least 30 days before required.
(ii) A separate application form should be completed by applicant's spouse and each dependant of 15 years or older who require a permit.)

1. **Particulars of applicant :**
 - (a) First name(s) : _____
 - (b) Surname : _____
 - (c) Sex : _____
 - (d) Identity No/Passport No (attach certified copy) : _____
 - (e) Nationality (attach proof) : _____
 - (f) Postal address : _____
 - (g) Residential address : _____
 - (h) Telephone No : _____ (work) _____ (home)
 - (i) Fax No : _____
 - (j) If permanently resident in Namibia, state Permanent Residence Permit No (attach certified copy): _____
 - (k) Work permit No (attach copy) : _____
 - (l) Expiry date of work permit : _____
2. **Particulars of employer :**
 - (a) Name : _____
 - (b) Postal address : _____
 - (c) Business address : _____
 - (d) Telephone No : _____
 - (e) Fax No : _____
 - (f) Capacity/position in which applicant is employed : _____
3. **Particulars of restricted area(s) for which permit is required :**
 - (a) Area(s): _____
 - (b) Point of entry : _____
 - (c) Point of departure : _____
 - (d) Purpose for which permit is required : _____
 - (e) Date/period for which permit is required : _____
4. **If applicant is spouse, child, other family member or dependent of existing permit holder employed in restricted area, give particulars of such permit holder :**
 - (a) First name(s) : _____
 - (b) Surname : _____
 - (c) Postal address : _____
 - (d) Residential address : _____
 - (e) Permit no : _____
 - (f) Relationship to permit holder : _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 4

5. Particulars of any dependants under the age of 15 years who should be covered by this permit :

Dependant No. 1 :

- (a) First name(s) : _____
(b) Surname : _____
(c) Relationship to applicant : _____
(d) Age : _____
(e) Sex : _____
(f) Date of birth : _____

Dependant No. 2 :

- (a) First name(s) : _____
(b) Surname : _____
(c) Relationship to applicant : _____
(d) Age : _____
(e) Sex : _____
(f) Date of birth : _____

(In case of more than two such dependants provide particulars as above on separate sheet of paper)

6. Particulars of and statement by person in control of restricted area (e.g. producer, contractor or sub-contractor) :

- (a) Name : _____
(b) Postal address : _____
(c) Residential/business address : _____
(d) Telephone no : _____
(e) I _____ (full names), telephone no _____ in my capacity as _____ hereby support/do not support (delete whichever is not applicable) the above application by _____ (state names of applicant), subject to the following recommendations (if any) :

If application is not supported, state reasons:

I am duly authorised by _____ (name of producer, contractor, sub-contractor in charge of restricted area) to make this statement.

SIGNATURE : _____ DATE : _____

7. State whether applicant -

- (a) has ever been convicted of a criminal offence, in or outside the Republic of Namibia :
(If yes, provide details on separate sheet of paper)
(b) has ever been arrested for, or charged with, or acquitted of, any criminal offence, in or outside the Republic of Namibia :

(If yes, provide details on separate sheet of paper)

REGULATIONS
Diamond Act 13 of 1999
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FORM 4

- (c) has any investigation in connection with any criminal offence pending against him/her :
(If yes, provide details on separate sheet of paper)

SIGNATURE OF APPLICANT : _____ **DATE :** _____
(If signed on behalf of applicant, also state full names of person signing.)

APPROVED	NOT APPROVED

Signature of police officer / diamond inspector / Diamond Commissioner
or other authorised person.

DATE STAMP

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 5

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

PERMIT REFERRED TO IN SECTION 27(a), (b), (c), (d), (e), (f), (g), (h), (i) or (j)
(Issued in terms of Section 28)

Permit No. _____

Permission is hereby granted to :

Name : _____

Identity No/Passport No/Namibian Registration No : _____

Address : _____

to : _____

(state "sell or dispose of", "receive", "purchase", "export", "possess", "import",
"polish", "set", "crush", "remove" as the case may be)

the following : _____

(state "unpolished diamond", "diamondiferous concentrate", "sand", "soil", "clay",
"gravel", "stone" or "minerals", as the case may be)

Description: _____

Conditions (if any) : _____

Remarks (if any) : _____

Permit is valid from _____ until _____

DIAMOND COMMISSIONER

DATE STAMP

REGULATIONS
Diamond Act 13 Of 1999
Diamond Regulations

FORM 6

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)
PERMIT REFERRED TO IN SECTION 27(k)
(Issued in terms of Section 28)

Permit No. _____

Permission is hereby granted to :

Name : _____

(and the dependants listed on the reverse hereof, if any)

Identity No/Passport No : _____

Postal address : _____

Residential address : _____

to : _____

(State "enter", "reside", "travel" and/or "work" whichever is applicable) in the following restricted area(s): _____

on/during the period : _____

(state date(s) or period, whichever is applicable)

Note that by virtue of the provisions of section 67(3) of the Act it shall be a condition of this permit that the holder of this permit (and any dependants under the age of 15 years listed on the reverse side hereof) consent to being searched in a lawful manner upon leaving or immediately after having left the abovementioned restricted area(s) or upon leaving or immediately after having left the following places(s) within the restricted area (list any such places) : _____

Other conditions (if any) : _____

ISSUING AUTHORITY _____

DATE
STAMP

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 7

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

CERTIFICATE OF APPROVAL:
PREMISES FOR SELLING UNPOLISHED DIAMONDS
(Issued in terms of Section 39, read with Section 38(1))

No. _____

This is to certify that in terms of the provisions of the Diamond Act, 1999 (Act 13 of 1999), the premises at: _____

have been approved as premises for the selling or disposal of unpolished diamonds in the name of: _____

a: _____
(state "producer", "holder of an exclusive prospecting license", "holder of a non-exclusive prospecting license", "dealer" or "holder of a permit referred to in Section 27(b)", as the case may be)

subject to the following conditions: _____

DIAMOND COMMISSIONER

DATE STAMP

REGULATIONS
Diamond Act 13 Of 1999
Diamond Regulations

FORM 8

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

CERTIFICATE OF APPROVAL :
PREMISES FOR RECEIPT OR PURCHASE OF UNPOLISHED DIAMONDS
(Issued in terms of Section 39, read with Section 38(2))

No. _____

This is to certify that in terms of the provisions of the Diamond Act, 1999 (Act 13 of 1999), the premises at: _____

have been approved as premises for the receiving or purchasing of unpolished diamonds in the name of: _____

a: _____
(state "dealer", "cutter", "tool-maker", "researcher" or "holder of a permit referred to in Section 27(c)", as the case may be)

subject to the following conditions: _____

DIAMOND COMMISSIONER

DATE STAMP

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 9

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

CERTIFICATE OF APPROVAL:
PREMISES FOR PROCESSING OF UNPOLISHED DIAMONDS
(Issued in terms of Section 41, read with Section 39)

No. _____

This is to certify that in terms of the provisions of the Diamond Act, 1999 (Act 13 of 1999), the premises at: _____

have been approved as premises for the processing of unpolished diamonds in the name of: _____

by: _____

(state "cutter", "tool-maker" or "researcher", as the case may be)

subject to the following conditions: _____

DIAMOND COMMISSIONER

DATE STAMP

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 10

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

**APPLICATION FOR REGISTRATION OF AUTHORISED
REPRESENTATIVE**
(In terms of Section 43(1))

1. Particulars of applicant (if natural person) :

- (a) First name(s) : _____
- (b) Surname : _____
- (c) Identity No/Passport No (attach certified copy) : _____
- (d) Nationality (attach proof) : _____
- (e) Postal address : _____
- (f) Residential address : _____
- (g) Telephone no : _____ (work) _____ (home)
- (h) Fax no : _____
- (i) If permanently resident in Namibia, state Permanent Residence Permit No (attach certified copy) : _____
- (j) Tax no (attach proof) : _____
- (k) Work permit No (attach copy) : _____
- (l) Expiry date of work permit : _____

2. Particulars of applicant (if juristic person) :

- (a) Name : _____
- (b) Registration no : _____
- (c) Telephone no : _____
- (d) Fax no : _____
- (e) Business address : _____
- (f) Postal address : _____
- (g) Tax no (attach proof) : _____
- (h) Name of chief executive : _____

3. State whether applicant is a "cutter", "dealer", "tool-maker", "researcher", "producer", "holder of exclusive prospecting license", "holder of non-exclusive prospecting license", "holder of permit referred to in Section 27(b)" or "holder of permit referred to in Section 27(c)", as the case may be:

4. Particulars of natural person to be registered as authorized representative :

- (a) First name(s) : _____
- (b) Surname : _____
- (c) Identity no/Passport no (attach certified copy) : _____
- (d) Nationality (attach proof) : _____
- (e) Postal address : _____
- (f) Residential address : _____
- (g) Telephone no : _____ (work) _____ (home)
- (h) Fax no : _____
- (i) If permanently resident in Namibia, state Permanent Residence Permit no (attach certified copy): _____
- (j) Work permit No (attach copy) : _____
- (k) Expiry date of work permit : _____

REGULATIONS
Diamond Act 13 Of 1999
Diamond Regulations

FORM 10

- (l) Tax no (attach proof) :
(m) State nature of involvement in applicant's activities :

- (n) State particulars of knowledge/experience of diamonds :

- (o) State whether person to be registered as authorized representative -

- (i) has ever been declared insolvent : _____
(If yes, provide details on separate sheet of paper)
(ii) has ever been convicted of a criminal offence, in or outside the Republic of Namibia : _____

- (If yes, provide details on separate sheet of paper)
(iii) has ever been arrested for or charged with, or acquitted of, any criminal offence, in or outside the Republic of Namibia : _____

- (If yes, provide details on separate sheet of paper)
(iv) has any investigation in connection with any criminal offence pending against him/her: _____

(If yes, provide details on separate sheet of paper)

5. Names of existing authorized representative(s) (if any) :

6. Names of authorized representative(s) to be replaced (if any) :

7. *I (applicant) _____ (full names) hereby declare that the contents of this application are to the best of my knowledge and belief true and correct in all respects after due inquiry and I declare that I am aware of the provisions of section 71(g) of the Act.

SIGNATURE : _____ DATE : _____
(APPLICANT)

(*Owner in case of one-man business, duly authorised person on behalf of company or close corporation, all partners in case of partnership)

REGULATIONS
Diamond Act 13 Of 1999
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FORM 10

7. I (intended authorized representative) _____
(full names) hereby declare that the contents of this application, in so far as they relate to me, are to the best of my knowledge and belief true and correct in all respects after due inquiry and I declare that I am aware of the provisions of section 71(g) of the Act.

SIGNATURE : _____ **DATE :** _____
(INTENDED AUTHORIZED REPRESENTATIVE)

REGULATIONS
Diamond Act 13 Of 1999
Diamond Regulations

FORM 11

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

CERTIFICATE OF REGISTRATION AS AUTHORIZED REPRESENTATIVE
(Issued in terms of Section 43(9))

No. _____

This is to certify that : _____

Identity no/Passport no : _____

has been registered as an authorized representative of : _____

a : _____
(state "cutter", "dealer", "tool-maker", "researcher", "producer", "holder of
exclusive prospecting license", "holder of non-exclusive prospecting license", "holder
of permit referred to in Section 27(b)" or "holder of permit referred to in Section
27(c)", as the case may be)

and is therefore authorized to : _____
(state "sell" or "purchase" or "purchase and sell", as the case may be)

unpolished diamonds on behalf of the last-mentioned person.

DIAMOND COMMISSIONER

DATE STAMP

REGULATIONS
Diamond Act 13 Of 1999
Diamond Regulations

FORM 12

PAGE SERIAL NO. _____

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT 1999 (ACT 13 OF 1999)

REGISTER OF UNPOLISHED DIAMONDS WON, RECOVERED, RECEIVED, TRANSPORTED, SOLD, DISPOSED OF OR EXPORTED

NAME OF PRODUCER/HOLDER OF EXCLUSIVE PROSPECTING LICENSE / NON-EXCLUSIVE PROSPECTING LICENSE / CONTRACTOR / SUB-CONTRACTOR _____

SITE / PLANT / VESSEL NAME & NO. / PLACE WHERE DIAMONDS ARE KEPT : _____

LICENSE NO. : _____ TEL NO : _____ FAX NO : _____

ADDRESS : _____

DIAMONDS WON, RECOVERED OR RECEIVED					DIAMONDS TRANSPORTED, SOLD, DISPOSED OF OR EXPORTED									
Date	Stones (less than 2 carats)	Stones (2 carats and more)		Single Stones (18.8 carats and more) (specify each stone separately)	Size	State if diamonds transported, sold, exported, etc.	Place to which transported	Serial No.	Stones (less than 2 carats)	Stones (2 carats and more)	Single Stones (18.8 carats and more) (specify each stone separately)	Remarks		
	Total weight	Total Weight	Total No.	Weight					Total weight	Total Weight	Total No.	Weight		
Stock at start of month														

I, _____ do hereby declare that the above is a true return of all unpolished diamonds won, recovered, received, transported, sold, disposed of or exported by me.

SIGNATURE OF PRODUCER/HOLDER OF EXCLUSIVE PROSPECTING LICENSE / HOLDER OF NON-EXCLUSIVE PROSPECTING LICENSE / CONTRACTOR / SUB-CONTRACTOR (OR AUTHORIZED PERSON) _____

DATE : _____

FORM 13

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT 1999 (ACT 13 OF 1999)

REGISTER OF UNPOLISHED DIAMONDS PURCHASED, IMPORTED, RECEIVED OR DISPOSED OF

MONTH _____ 19 _____

NAME OF DIAMOND DEALER : _____ BUSINESS ADDRESS : _____ TEL NO : _____

DIAMONDS PURCHASED, IMPORTED OR RECEIVED				DIAMONDS DISPOSED OF					
Date and number of receipt	From whom purchased, etc. (name and address)	Mass (carats)	Value N\$	Date	State how diamonds were disposed of (sold, exported, etc.)	Name of purchaser or transferee	Mass (in carats)	Value N\$	
Stock on hand at start of month									
TOTAL				TOTAL					
				STOCK ON HAND AT END OF MONTH					

I, _____ do hereby declare that the above is a true return of all unpolished diamonds purchased, received, imported or disposed of by me.

SIGNATURE OF LICENSEE (OR AN AUTHORIZED REPRESENTATIVE) _____ DATE : _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

Form 14

Republic of Namibia
Ministry of Mines and Energy
Diamond Act 1999 (Act 13 of 1999)

REGISTER OF UNPOLISHED DIAMONDS PURCHASED,
IMPORTED, RECEIVED, PROCESSED AND DISPOSED OF

NAME OF CUTTER: _____ BUSINESS ADDRESS: _____ TEL NO: _____

UNPOLISHED DIAMONDS PURCHASED, IMPORTED OR RECEIVED														
Date	Receipt No.	Set No.	From where (owner and address)	Gross (see clause 1 above)			Net (2 above and above)			Single Stones (3.3 above and above) (specify each stone separately)				
				Total Weight	Total Number	Total Value	Total Weight	Total Number	Total Value	Weight	Value	Shape	Colour	Clarity
			Subsidiary at start of month											
TOTAL														

_____, do hereby declare that the above is a true return of all unpolished diamonds purchased, imported, received, processed or disposed of by me.

Sig: _____ (NATURE OF THE PERSON AUTHORIZED PERSON)

DATE: _____

[Form 14 continued on page 34]

Form 14

Month _____ 20__

PROCESSED DIAMONDS											UNPOLISHED DIAMONDS DISPOSED OF												
Stone (see clause 1 above)			Stone (2 above and above)			Single Stones (3.3 above and above) (specify each stone separately)					Name of traditional purchaser	Date disposed of (date, reported, etc)	Stone (see clause 1 above)			Stone (2 above and above)			Single Stones (3.3 above and above) (specify each stone separately)				
Total Weight	Total No.	Total Value	Total Weight	Total No.	Total Value	Weight	Value	Colour	Clarity	Total Weight			Total No.	Total Value	Total Weight	Total No.	Total Value	Weight	Value	Shape	Colour	Clarity	
TOTAL																							

[Form 14 continued from page 33]

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

REGISTER OF UNPOLISHED DIAMONDS PURCHASED, RECEIVED, PROCESSED OR DISPOSED OF

NAME OF DIAMOND TOOL-MAKER: _____
BUSINESS ADDRESS: _____ TEL. NO. _____

[illegible]

I, _____ do hereby declare that the above is a true return of all unpolished diamonds purchased, received, processed or disposed of by me.

SIGNATURE OF LICENSEE (OR AUTHORIZED PERSON): _____ DATE: _____

FORM 16
PAGE SERIAL NO.

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

REGISTER OF UNPOLISHED DIAMONDS PURCHASED, RECEIVED, PROCESSED OR DISPOSED OF

NAME OF DIAMOND RESEARCHER : _____

ADDRESS : _____ TEL NO : _____

[illegible]

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

FORM 17

NOTE OF PURCHASE / RECEIPT OF UNPOLISHED DIAMONDS

NAME OF PURCHASER / RECIPIENT : _____

NO. OF NOTE : _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 18

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)

REGISTRATION OF DIAMOND PROSPECTING OR
MINING VESSEL IN TERMS OF SECTION 57(1)

DIAMOND PROSPECTING VESSEL ☐ DIAMOND MINING VESSEL ☐

PART I

PRODUCER ☐ HOLDER OF EXCLUSIVE PROSPECTING LICENCE ☐
CONTRACTOR ☐ SUB-CONTRACTOR ☐

Name: _____
Postal Address: _____
Business Address: _____
Telephone No.: _____ Fax No.: _____
Licence No.: _____
Name of Licence Holder (in case of contractor/sub-contractor): _____

PART II

Name of Vessel: _____
Port of Registry: _____
Port Registration No.: _____
(Attach copy of / extract from register or certificate of registry)
Radio call sign: _____
Name of Owner: _____
(Attach certificate of ownership / copy of deed of sale)

Construction: Wood ☐ Steel ☐
 Aluminium ☐ Glass fibre ☐
 Other ☐ Specify: _____

Date and place of construction/conversion as Diamond Prospecting or Mining Vessel: _____

Overall Length: _____
Maximum Beam: _____
Depth: _____
(Attach two colour photographs (A,6 format) as well as negatives from which photographs were made, showing vessel from starboard and port)
Gross registered tons: _____
Main engine(s) horsepower: _____
(Attach copy / extract from register providing particulars of vessel)
Expiring date of safety certificate: _____
(Attach copy of certificate)
Is there a mortgage bond registered over the vessel? : _____
(Attach copy of deed of mortgage)
Provide technical specifications of sampling, prospecting and / or mining operations to be carried out : _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

PART III

Name of vessel master : _____

Name of vessel manager (person in charge of prospecting or mining operations) : _____

Total no. of crew : _____

Attach list giving details of crew members, specifying position held, whether permanent or temporary crew member, name, nationality (attach proof). (Whenever details provided in Part III change, an amended list should promptly be forwarded to the Ministry.)

I _____ do hereby declare that the contents of this form and the annexures thereto are to the best of my knowledge and belief and correct in all respects after due inquiry and I declare that I am aware of the provisions of section 71(g) of the Act.

SIGNATURE : _____ DATE : _____

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 19

REPUBLIC OF NAMIBIA
MINISTRY OF MINES AND ENERGY
DIAMOND ACT, 1999 (ACT 13 OF 1999)
NOTIFICATION OF INTENDED EXPORT
OF POLISHED DIAMONDS IN TERMS
OF SECTION 64(1)

1. **Particulars of exporter if natural person :**
 - 1.1 First name(s) : _____
 - 1.2 Surname: _____
 - 1.3 Identity / Passport No. : _____
 - 1.4 Nationality : _____
 - 1.5 **If resident in Namibia, furnish particulars of the following in Namibia :**
Postal Address : _____
Residential Address : _____
Telephone No. : _____ (work) _____ (home)
Fax No. : _____
 - 1.6 **If resident outside Namibia, furnish particulars of the following in country of residence :**
Postal Address : _____
Residential Address : _____
Telephone No. : _____ (work) _____ (home)
Fax No. : _____
 - 1.7 **If resident outside Namibia, furnish particulars of the following in Namibia :**
Address where staying : _____
Contact person at address (if applicable) : _____
Telephone No. : _____ Fax No. : _____
2. **Particulars of exporter if juristic person (company or close corporation) :**
 - 2.1 Name : _____
 - 2.2 Country of Registration and Registration No. : _____
 - 2.3 Telephone No. : _____
 - 2.4 Fax No. : _____
 - 2.5 Business Address : _____
 - 2.6 Postal Address : _____
 - 2.7 **If foreign company or close corporation, give details of contact person in Namibia :**
Name : _____
Postal Address : _____
Business / Work Address : _____
Residential Address : _____
Telephone No. : _____ (work) _____ (home)
Fax No. : _____
3. **Particulars of diamonds :**
 - 3.1 No. of carats : _____
 - 3.2 No. of stones : _____
 - 3.3 Value / Sales price : _____
 - 3.4 Intended place of export : _____
 - 3.5 Destination : _____
 - 3.6 Intended buyer / sales agent : _____
4. I _____ do hereby declare that the contents of this form and the annexures thereto are to the best of my knowledge and belief correct in all respects after due inquiry and I declare that I am aware of the provisions of section 71(g) of the Act.

SIGNATURE :

DATE :

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 20

EXPORT DECLARATION FOR UNPOLISHED DIAMONDS
(Regulation 6A(1))

A. PARTICULARS OF EXPORTER

Name/Company Name:
Identity Number/Company Registration No.
Address:
.....

B. PARTICULARS OF CONSIGNEE

Name:
Address:

C. CHARACTERISTICS OF DIAMONDS

	Carat Mass/Weight	Value US\$
GEM		
INDUSTRIAL		
TOTAL		

D. COUNTRY OR TERRITORY OF ORIGIN/PROVENANCE OF CONSIGNMENT:

E. DECLARATION

- (i) I hereby declare that the unpolished diamonds mentioned above have been acquired in a lawful manner; and
- (ii) the prescribed register in terms of section 46 of the Diamond Act, 1999, confirming substantiation of such acquisition has been submitted to the Minister of Mines and Energy.

Signature:

Date:

**NOTE: Insert:*

'country of origin' being the country where a consignment of unpolished diamond has been mined or extracted;

OR

'country of provenance' being the last participant from where a consignment of unpolished diamonds was exported, as recorded in import documentation.

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

FORM 21

REPUBLIC OF NAMIBIA
KIMBERLEY PROCESS CERTIFICATE

NA.....

MINISTRY OF MINES AND ENERGY

HS CODE	Carat Mass	Value (US\$)
7102.21		
7102.31		



Country of origin
Number of Parcels

Stamp of Diamond
Commissioner

It hereby is certified that the unpolished diamonds
in this consignment have been handled in accordance with the provisions
of the Kimberley Process International Certification Scheme for
Rough diamonds

.....
Date of Issue

.....
Name of Exporter

.....
Date of Expiry

.....
Name of Importer

.....
.....
Address of Importer

.....
Signature of Registering officer

..... (Perforation)

Name of Importing Authority:

Date of Receipt of Importing Authority:

IMPORT CONFIRMATION

This is to certify that the unpolished diamonds accompanied by Republic of Namibia Kimberley Process Certificate No. were imported into and verified in compliance with the Kimberley Process Certification Scheme for Rough Diamonds. Copy of certificate to accompany confirmation.

Importing authority:

Date:

Signature:".

REGULATIONS
Diamond Act 13 of 1999
Diamond Regulations

ANNEUXURE B

[The word “Annexure” is misspelt in the *Government Gazette*, as reproduced above.]

FEES

TYPE OF FEE	FEES PAYABLE N\$
1. Application for licence in terms of section 16 of Act (regulation 4(1))	500-00
2. Issue of diamond cutting license, diamond tool-making licence or diamond research license (regulation 4(2))	1 500-00
3. Issue of diamond dealer’s license (regulation 4(3))	10 000-00
4. Application for permit referred to in section 27(a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) of the Act (regulation 7)	250-00