

## REPUBLIC OF NAMIBIA

### MINISTRY OF MINES AND ENERGY

**APPLICATION FOR APPROVAL FOR THE TRANSFER OF A MINING CLAIM OR FOR THE GRANT, CESSION OR ASSIGNMENT OF AN INTEREST IN ANY MINING CLAIM, OR TO BE JOINED AS A JOINT HOLDER OF A MINING CLAIM OR SUCH INTEREST  
(TRANSFeree, etc. A COMPANY)  
(Required in terms of Section 39 of the Minerals (Prospecting and Mining) Act, 1992  
(Act No. 33 of 1992, hereinafter the "Act")**

Receipt No.:

Date entered in LANDFOLIO:

**ONLY COMPANIES WHICH ARE 100% OWNED BY NAMIBIAN CITIZENS (Section 25(1)(b)) ARE ENTITLED TO TAKE TRANSFER OF A MINING CLAIM OR BE GRANTED, CEDED OR ASSIGNED AN INTEREST IN A MINING CLAIM, OR TO JOIN THE HOLDER OF A MINING CLAIM OR THE HOLDER OF AN INTEREST IN A MINING CLAIM, AS A JOINT HOLDER OF SUCH CLAIM OR INTEREST**

#### PART A (TO BE COMPLETED BY TRANSFEROR, ETC)

Full Name of Transferor, etc.: .....

Postal Address: .....

Nature of Transfer, etc. (tick applicable box):

Transfer of Mining Claim

Grant, Cession or Assignment of an Interest in a Mining Claim

Joinder of Person/Company as Joint Holder of a Mining Claim

Joinder of Person/Company as Joint Holder of an Interest in a Mining Claim


Are mining operations ongoing as per section 31(1)(a)?

Are all monthly reports submitted as per section 45(1)(d)?

Are all annual reports submitted as per section 45(1)(e)?

Are all claim fees paid as per section 123(1)(b)?

Has a landowner's agreement be entered into per section 52(1)(a)?

YES	NO

If the answer is "NO" to any of the questions, please submit an explanation for the failure to comply with the requirements of the mentioned sections of the Act: .....

.....

.....

.....

.....

Particulars of Mining Claim/s to be transferred etc.:

Ordinal no	Date of pegging	Farm name and number	Magisterial District/Region	Group of minerals	Name/postal address of land owner

Co-ordinates of **ALL** corner beacons of mining claims \* (Section 40(3)(a) of the Act)

Ordinal Number	Latitude (South)	Longitude (East)
	i).	
	ii).	
	iii).	
	iv).	
	i).	
	ii).	
	iii).	
	iv).	
	i).	
	ii).	
	iii).	
	iv).	
	i).	
	ii).	
	iii).	
	iv).	
	i).	
	ii).	
	iii).	
	iv).	
	i).	
	ii).	
	iii).	
	iv).	
	i).	
	ii).	
	iii).	
	iv).	
	i).	
	ii).	
	iii).	
	iv).	

	i).	
	ii).	
	iii).	
	iv).	

*\* In degrees/minutes/seconds or decimal degrees, accurate to seven (7) decimal places.*

**PART B (TO BE COMPLETED BY TRANSFEREE, ETC)**

Full Name of Transferee, etc.: .....

Particulars of Incorporation: .....

Date of Incorporation: ..... Company Registration Number: .....

Registered Address:

.....  
 .....

Postal Address: .....

Tel: ..... Fax: ..... Cell phone: ..... E-mail: .....

Principal Place of Business in Namibia: .....

Postal Address: .....

Tel: ..... Fax: ..... Cell phone: ..... E-mail: .....

Directors	Full Names	Nationality
1.		
2.		
3.		
4.		
5.		

Authorized Share Capital of Company: .....

Issued Share Capital of Company: .....

Particulars of Shareholders Who Beneficially Own More Than 5% of Issued Share Capital:

NAME	NATIONALITY	NO OF SHARES HELD	% SHARES HELD

Current Non-Exclusive Prospecting Licence No: ..... Valid to: .....

Total number of Mining Claims currently registered in transferee's name: .....

Indicate whether the transferee or its principals have held any of the following mineral rights under this Act or any law repealed by this Act:

In terms of Ordinance 20 of 1968 (tick applicable box):

In terms of this Act (tick applicable box):

	Yes	No		Yes	No
Prospecting Licence/s			Non-Exclusive Prospecting Licence/s		
Claim/s			Mining Claim/s		
Mining Area/s			Reconnaissance Licence/s		
Exclusive Prospecting Grant/s			Exclusive Prospecting Licence/s		
Exclusive Mining Grant/s			Mineral Deposit Retention Licence/s		
			Mining Licence/s		

Provide details of any prospecting or mining operations conducted by the transferee or any of its principals, outside of Namibia in the ten years period preceding the date of this application:

.....

Provide particulars of the condition of, and any existing damage to, the environment in the area to which this application relates\*:

.....

\*The transferee may append such documents, photographs etc. may be deemed expedient.

Estimate the effect which the proposed operations may have on the environment and the proposed steps to be taken to minimize or prevent any such effect:

.....

Indicate the geological nature of the deposit to be mined: .....

.....

Planned date of commencement of mining operations\*: .....

Expected nature of mining operations\*: .....

Expected rate of mining operations\*: .....

\* The fundamental obligation of the holder of a mining claim is, subject to the provisions of **Section 31(1)(b)(i)**, to carry on mining operations on such mining claim for the mineral or group of minerals in respect of which such mining claim has been registered.

Details of the planned programme of prospecting operations where, in terms of the provisions of **Section 31(1)(b)(i)**, the transferee, etc. intends, during the six month period following the date of registration of the mining claim/s, to carry on prospecting operations in lieu of mining operations: .....

.....

Provide particulars of technical capability/resources: .....

Provide particulars of financial capability/resources: .....

Furnish details of any other matter which in the opinion of the transferee, etc. is relevant to the application:

.....  
.....

The following **documents** must be attached to this application:

1. A **certified copy of the written agreement** entered into between the transferor and the transferee, and

IN THE CASE OF THE TRANSFEROR, ETC. -

2. The **original registration certificate(s)** of the mining claim(s) being transferred, etc.
3. The sketch plans or diagrams of the mining claim(s) which accompanied the registration certificate(s).
4. The prescribed **transfer application fee of N\$150-00**.

IN THE CASE OF THE TRANSFEE, ETC -

5. Certified copies of:
  - The company's "Certificate of Incorporation" and "Certificate of Registration to Commence Business";
  - The company's "Contents of Register of Directors, Auditors and Officers", and
  - Extracts of the Company's Share Register confirming the authorised and issued share capital, name and nationality of shareholders and number of shares held.

**As applicant for the transfer of mining claims, we (transferee) take note of the general terms and conditions below under which the mining claims will be transferred and registered should our application be successful.**

**General terms and conditions of the registration of mining claims:**

The holder of a mining claim shall –

- Not grant, cede or assign any interest in a mining claim to another person, or be joined as a joint holder of such mining claim otherwise than in writing (e.g. contractor agreement) and with the approval in writing of the Minister (Section 3(1)(b));
- Exercise his rights under the mining claim reasonably and in such manner that the rights and interests of the land owner are not adversely affected, except to the extent to which such owner is compensated (Section 41(1)(a));
- Submit to the Mining Commissioner a copy of the written compensation agreement entered into with the land owner (Section 52(1)(a)(i));
- Not exercise his rights under the mining claim until a written compensation agreement is in place or such mining claim holder has been granted an ancillary right to exercise such rights on such land (Section 52(1)(a)(i));
- Carry on prospecting or mining operations in the claim area in accordance with good prospecting- or mining practices (Section 41(1)(b));
- Maintain all beacons in a decent and legible condition at all times (Section 39(5) and 41(1)(c));
- Take all reasonable steps to secure the safety, welfare and health of all employees and prevent or minimize any pollution to the environment (Section 41(1)(e));
- Apply to the Mining Commissioner for an accessory works permit before any such accessory works are erected (Section 31(3)(a));
- Maintain in good condition and repair all accessory works in such claim area (if any) (Section 41(1)(f));
- Remove from the claim area all structures, equipment and other goods not used or intended to be used (Section 41(1)(g));
- Take reasonable steps to warn persons who may be in the vicinity of any accessory works of possible hazards (Section 41(1)(h));
- In the case of company –
  - Give written notice to the Mining Commissioner of any change of such company (e.g. name, address, directors, share holding, etc.) within 30 days as from such change (Section 41(1)(j));
- In the case of a natural person –
  - Give written notice to the Mining Commissioner of any change of such natural person (e.g. name, surname, address, etc.) within 30 days as from such change (Section 41(1)(k));
- Keep at an address in Namibia, and such address shall be registered with the Mining Commissioner, a proper record in relation to any –
  - Prospecting operations (Section 45(1)(a)(ii)), and
  - Mining operations (Section 45(1)(a)(i)),
- For a period of not less than 3 years.
  - Submit monthly returns/reports within 15 days after the end of each month to the Mining Commissioner (Section 45(1)(d));
  - Submit annual returns/reports within 60 days after 31 December of each year to the Mining Commissioner (Section 45(1)(e));
  - Pay annual mining claim fees before or on the anniversary date of the date of registration of the mining claim (Section 123(1)).

**It shall be generally accepted that the transferee acquainted themselves with the provisions of the Minerals (Prospecting and Mining) Act, No. 33 of 1992.**

**Declaration by Transferor, etc.:**

I declare to the best of my knowledge that the information contained in PART A of this application is true and correct, and that as at the date of this application, the transferor, etc. is lawfully entitled to be the holder of the mining claim(s) and lawfully entitled to make this application.

\_\_\_\_\_  
FULL NAME OF TRANSFEROR

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE 20\_\_\_\_

**Declaration by Transferee**

I, DULY AUTHORISED, DECLARE TO THE BEST OF MY KNOWLEDGE THAT THE INFORMATION CONTAINED IN THIS APPLICATION IS TRUE AND CORRECT.

\_\_\_\_\_  
FULL NAME OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
**OFFICIAL CAPACITY**

Kindly note that in terms of the provisions of **Section 133(b) and (c) of Act 33 of 1992**, any person who:

- makes or causes to be made in connection with any provision of this Act any statement which is false or misleading knowing it to be false or misleading; or
- submits or causes to be submitted in connection with any application or any notice, report, return or statement issued or given under any provision of this Act or the terms and conditions of any non-exclusive prospecting licence, mining claim or mineral licence, any document, information or particulars which are false or misleading knowing them to be false or misleading.

shall be guilty of a criminal offence and on conviction liable to a fine not exceeding N\$8 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.