

TRIBAL LAND ACT
(Act No. 1 of 2018)

TRIBAL LAND REGULATIONS, 2022
(Published on 29th April, 2022)

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SCHEDULES

IN EXERCISE of the powers conferred on the Minister of Lands and Water Affairs by section 54 (1) of the Tribal Land Act, the following Regulations are hereby made —

1. These Regulations may be cited as the Tribal Land Regulations, 2022.
2. (1) There is hereby established a ministerial selection committee which shall be responsible for recommending to the Minister, suitable candidates for appointment as land board and subordinate land board members.
- (2) The ministerial selection committee shall consist of the following persons appointed by the Minister —
 - (a) the permanent secretary in the Ministry responsible for land management, who shall be the chairperson;
 - (b) two public officers; and
 - (c) two members of the public:

Citation
Establishment
of ministerial
selection
committee

Provided that the member of the ministerial selection committee shall not be a member of the land board appointed under section 7 of the Act and a member of the land board shall not be a member of the ministerial selection committee.

(3) The deputy chairperson shall be elected by members from amongst their number.

(4) The chairperson and the deputy chairperson shall, hold office for a period of three years.

(5) The Minister shall, by notice in the *Gazette*, publish the appointment of members, specifying date of appointment and period for which they are appointed to the ministerial selection committee.

(6) The provisions of sections 8, 9, 10, 11, 13, and 15 of the Act shall, with necessary modifications, apply to a member of the ministerial selection committee.

(7) Subject to the provisions of the Act, the ministerial selection committee shall regulate its own procedure.

Establishment
of selection
sub-committees

3. (1) There is hereby established for each land board listed in Schedule 1 to the Act, a selection sub-committee, which shall be appointed by the ministerial selection committee.

(2) Each selection sub-committee shall consist of —

- (a) the District Commissioner, who shall be the Chairperson of the selection sub-committee;
- (b) one member of tribal administration;
- (c) one public officer; and
- (d) two members of the public, who shall be resident in the tribal area for which they are appointed:

Provided that the member of the selection sub-committee shall not be a member of the land board appointed under section 7 of the Act and a member of the land board shall not be a member of the selection sub-committee.

(3) The deputy chairperson shall be elected by members from amongst their number.

(4) The chairperson and the deputy chairperson shall hold office for a period of three years.

(5) The Minister shall, by notice in the *Gazette*, publish the appointment of members, specifying date of appointment and period for which they are appointed to the selection sub-committee.

(6) The provisions of sections 8, 9, 10, 11, 13, and 15 of the Act shall, with necessary modifications, apply to a member of the selection sub-committee.

(7) Subject to the provisions of the Act, the selection sub-committee shall regulate its own procedure.

(8) The selection sub-committees shall be responsible for —

- (a) receiving applications for land board or subordinate land board membership;
- (b) screening applications referred to under paragraph (a);
- (c) interviewing applicants; and
- (d) making, in respect of the interviewed applicants, recommendations to the ministerial selection committee for appointment.

Land board or
subordinate land
board
membership
application

4. (1) The Minister responsible for land shall invite any person residing in a tribal territory of the land board or subordinate land board, who wishes to be appointed as land board or subordinate land board member, to apply for membership of the land board or subordinate land board.

(2) Subject to subregulation (1) the invitation shall be —

- (a) made at least two months prior to the appointment of a land board or subordinate land board membership; and

(b) published in two or more newspapers of national circulation.

5. (1) The selection sub-committee shall from the list of applicants who qualify to be appointed as members of the land board or subordinate land board, shortlist applicants based on the provisions of section 8 of the Act.

Appointment procedure for land board or subordinate land board membership

(2) From the interviewed applicants, the selection sub-committee shall select the most eligible members and refer them to the ministerial selection committee.

(3) From the list referred to in subregulation (2), the ministerial selection committee shall select and recommend 15 of the most eligible members from whom the Minister shall make appointments to the land board, ensuring, where practical, that subordinate areas that fall under the land board are represented.

(4) The names of the applicants referred to in subregulation (3) who have not been appointed by the Minister shall be kept for purposes of appointing —

(a) temporary members in terms of section 11 of the Act; or

(b) new members where the office of a member becomes vacant before the expiry of the member's term of office.

6. (1) Where the land board or subordinate land board proposes to authorise any person to exercise powers conferred on it by the Act, the land board or subordinate land board shall, in accordance with section 5 (3) of the Act, submit to the Minister, for approval, its proposal setting out the following —

Authorisation to exercise powers conferred on land board or subordinate land board

(a) reasons for such authorisation to exercise the powers; and

(b) duration and other conditions it wishes to impose on such authorisation of exercise of power.

(2) The land board or subordinate land board secretary shall upon approval by the Minister serve, on the person to whom the powers have been conferred, a resolution signed by the chairperson or the land board secretary.

7. (1) A person who wishes to be granted customary land rights shall make an application to the land board or subordinate land board in Form 1 as set out in Schedule 1.

Application for deed of customary land grant

(2) An application made in accordance with subregulation (1) shall be accompanied by —

(a) for a natural person —

(i) a copy of the applicant's valid identity card or passport for non-citizens, and

(ii) proof of marital status and marital regime in the case of a married person; or

(b) for a juristic person —

(i) proof of registration,

(ii) proof of shareholding in case of a company,

(iii) copies of valid identity card or passport for non-citizen shareholders,

(iv) constitution of a society,

(v) constitution of a syndicate signed by all members,

(vi) resolution of the company authorising application for customary land grant and representation, and

(vii) proof of powers to acquire immovable property.

8. (1) Upon receipt of an application for customary land rights, the land board or subordinate land board secretary shall, not less than 14 days before holding a land board or subordinate land board meeting where the application will be considered, notify the applicant, in writing, of the date and place of the meeting.

Procedure for receipt of application for deed of customary land grant

(2) The land board or subordinate land board shall, for the purpose of considering applications for deed of customary land grant and representations concerning the application, hold public sittings where any interested person shall be entitled to make representations concerning the application.

(3) The applicant and any interested person attending the meeting of the land board or subordinate land board referred to in subregulation (2), shall be entitled to call and question witnesses.

(4) No evidence shall be heard by a land board or subordinate land board unless the applicant and any interested person, whose name has been recorded as objecting to the application, has been given notice in writing not less than seven days of the meeting at which the evidence is heard.

(5) The land board or subordinate land board secretary shall cause to be recorded and kept minutes of all the proceedings of such meeting, the substance of which shall be considered by the land board or subordinate land board.

Procedure
before grant of
customary
land rights

9. (1) In considering an application for land grant, the land board or subordinate land board shall satisfy itself that —

- (a) the land is not subject to rights in favour of any person;
- (b) the land is available for the use applied for by the applicant;
- (c) the size of the land applied for and its location are suitable for the proposed use; and
- (d) the applicant is eligible to be allocated the land.

(2) The land board or subordinate land board secretary shall cause the decision on any application before the land board or subordinate land board to be recorded in the minutes of the meeting at which the application was considered.

Grant of
customary
land rights

10. Upon making a grant of customary land rights under section 23 (1) of the Act, the land board or subordinate land board shall submit to the Registrar of Deeds —

- (a) a draft deed of customary land grant in Form 2 as set out in Schedule 1; and
- (b) a resolution of the land board or subordinate land board in Form 3, as set out in Schedule 1, signed by the Chairperson of the land board or subordinate land board as the case may be,

together with such supporting documents as may be required by the Registrar of Deeds for the registration of such grant.

Power to make
determinations

11. (1) A land board or subordinate land board shall have the power, for the purpose of determining any matter before it, to administer an oath or affirmation to any person appearing before it.

(2) For the purpose of enabling it to decide upon an application, a land board or subordinate land board shall have the power to subpoena any person to give evidence before it.

(3) A subpoena served in term of subregulation (2) shall be in Form 4 as set out in Schedule 1.

(4) Any person who without reasonable excuse fails to obey a subpoena which has been served upon him or her under subregulation (2) commits an offence and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding P500, or to both.

(5) Any person who fails or refuses to take an oath or affirmation before the land board or subordinate land board commits an offence and is liable to imprisonment for a term not exceeding six months or to a fine not exceeding P5000, or to both.

12. The decision of the land board or subordinate land board on any matter shall be communicated in writing to the address provided by the applicant.

Communication of land board or subordinate land board decision

13. Upon authorising any transfer of any customary land right under the Act, the land board or subordinate landboard shall submit to the Registrar of Deeds a resolution of the land board or subordinate land board, signed by the Chairperson, together with such supporting documents as may be required by the Registrar of Deeds for registration of such transfer.

Transfer of customary land rights

14. (1) Where the land board or subordinate land board purports to cancel a grant of land in terms of section 43 of the Act, the land board or subordinate land board shall give the grantee 30 days written notice, stating grounds upon which the grant is to be cancelled.

Cancellation of customary land rights

(2) Where the grantee agrees with the grounds stated by the land board or subordinate land board, in accordance with subregulation (1), and consents to the cancellation of the grant of land, the land board or subordinate land board shall cause such cancellation to be registered with the Registrar of Deeds.

(3) Where the grantee does not agree with the grounds stated by the land board or subordinate land board, in accordance with subregulation (1), and is opposed to the cancellation of the grant of land, the grantee shall appeal to the Land tribunal in accordance with the provisions of the Land Tribunal Act.

Cap. 32:13

15. (1) Upon receipt of an application for a grant of land by way of lease in terms of section 27 of the Act, a land board or subordinate land board shall, after satisfying itself of conditions provided for under regulation 9, consider whether and, if so, on what terms and conditions, including the appropriate consideration to be paid by the applicant, it is disposed to grant the land applied for.

Consideration of application for grant by way of lease

(2) If the land board or subordinate land board is disposed to grant an application made in terms of subregulation (1) to a non-citizen, it shall submit to the Minister for his or her approval —

- (a) the application and a draft agreement of grant including the proposed terms and conditions;
- (b) the sketch plan prepared by the land board or subordinate land board; and
- (c) a letter of recommendation stating the reasons for their recommendation.

(3) In deciding whether to grant or refuse the approval sought at subregulation (2) the Minister shall —

- (a) have regard to the effect that the grant or refusal of the consent is likely to have on the economic development of the area concerned;
- (b) act on the principle that consent generally ought to be refused where the person to whom the land is to be disposed of is unlikely to utilise the land well or develop it adequately or already has sufficient land that can be utilised for the purpose he or she proposes to use it; and
- (c) consider any other reasons including issues of national security.

(4) Where the Minister approves a grant of land by way of lease in terms of this regulation, the land board or the subordinate land board shall cause the granting of the registered memorandum of agreement of lease to the applicant and retain a copy for their record.

(5) A memorandum of agreement of lease in terms of subregulation (4) shall be in Form 5 set out in Schedule 1.

(6) Where the Minister withholds his or her approval for a grant of land by way of lease, the land board or subordinate land board shall inform the applicant in writing.

Demarcation of boundaries

16. Demarcation of boundaries of the land which is subject to grant in terms of section 42 (1) of the Act shall consist of demarcation poles made of wood or iron at all corners being a minimum of 75mm diameter and 1.2 meters from the ground with a minimum of 50cm depth in the ground.

Appeal against decision of subordinate land board to main land board

17. (1) Any aggrieved person wishing to appeal against a decision of a subordinate land board may do so by lodging an appeal with the land board within 30 days of receipt of the decision of the subordinate land board.

(2) Such notice of appeal shall state —

- (a) the date on which it was lodged;
- (b) the appellant's name, contact details and postal address;
- (c) the respondents name, contact details and postal address;
- (d) grounds of appeal;
- (e) proof of ownership of land rights where necessary; and
- (f) a copy of the subordinate land board resolution.

Procedure for repossession for public purposes

18. (1) The land board shall together with the acquiring authority consult the community and other relevant stakeholders to be affected by repossession at least six months before the intended repossession of residential accommodation.

(2) The land board shall, after consultation with the community, serve notice in terms of section 31 (1) of the Act on individual persons to vacate the land, stating the following —

- (a) reasons for intended repossession of land;
- (b) what the grantee is entitled to;
- (c) the period within which the assessment will be conducted;
- (d) restrictions during the period on notice; and
- (e) the period within which the person shall vacate the land.

(3) The land board shall notify the grantee in writing of the date of assessment not less than 14 days before the date of the assessment meeting and that the grantee shall be present or be represented.

(4) Where representation is made under subregulation (3), such representation shall be communicated in writing by the grantee, not less than seven days before the date of the assessment meeting.

(5) An assessment committee established in terms of section 14 of the Act shall include representatives of the acquiring authority, grantee and land board.

(6) The assessment committee shall compile assessment and valuation reports in Form 6 set out in Schedule 1.

(7) The assessment and valuation reports compiled in terms of subregulation (6) shall be discussed with the grantee and the acquiring authority before submission to the land board or subordinate land board for consideration.

(8) In the event that either the grantee or acquiring authority does not agree to the valuation, he or she shall be allowed to engage the services of a professional valuer of his or her choice for a second opinion.

(9) In considering the assessment and valuation reports the land board shall grant a hearing to the grantee, his or her representative or the acquiring authority where necessary.

(10) The decision of the land board regarding the amount of compensation shall be binding to the acquiring authority which shall make payment to the grantee within 30 days from the date of the land board resolution.

(11) Delayed payment of compensation that exceeds six months shall attract five per cent interest annually.

(12) The grantee shall vacate the land in question within three months or such reasonable time, as may be determined by the land board, upon receipt of the payment.

(13) In case of an emergency, the Minister may issue an order to the effect that a grantee shall vacate his or her land before compensation is paid.

(14) In emergency cases referred to in subregulation (13), the acquiring authority shall provide alternative accommodation where necessary.

19. (1) In determining the amount of compensation the grantee is entitled to, the land board or subordinate land board shall take the following into account — Computation of compensation

- (a) the loss of land right where the alternative land of same size and value has not been granted;
- (b) the value of the standing crops taken over by the acquiring authority;
- (c) the value of any improvements effected to such land, including the value of any clearing or preparation of land for agricultural or other purposes;
- (d) the costs of resettlement of the grantee;
- (e) the cost of registration of title deed;
- (f) removal and transportation costs; and
- (g) mortgage costs reasonably incurred, or that might reasonably be incurred, by the grantee in connection with the discharge of a mortgage and the execution of a new mortgage;

Provided that the amount shall not exceed the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage.

(2) In assessing the amount of compensation for *solatium*, the land board or subordinate land board shall take the following into account —

- (a) the length of time the grantee has resided on the land to determine whether the grantee is residing on the land temporarily or indefinitely;
- (b) the inconvenience likely to be suffered by the grantee because of his or her removal from the land;
- (c) disturbance, disruption or closure of business operations for a period not exceeding three months; and
- (d) loss of goodwill.

(3) The land board or subordinate land board may consider other factors it deems necessary in determining the amount of compensation the grantee is entitled to be compensated for.

(4) Compensation for the loss of right shall be based at the prevailing market rates.

(5) No compensation shall be payable in a case where the grantee is not in a position to produce lawful title to the land in question or to improvements which are affected by the proposed repossession.

(6) No compensation shall be payable for improvements which are in conflict with the land use zoning unless, the grantee can show that developments were carried out with the authority of the land board, subordinate land board or planning authority and that the developments were carried out prior to the zoning of the land in question.

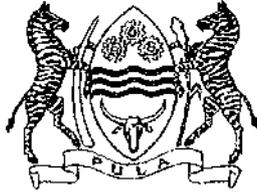
20. The fees payable in terms of the Act are set out in Schedule 2.

Fees

21. The Tribal Land Regulations are hereby revoked.

Revocation of
Cap. 32:02
(Sub. Leg.)

SCHEDULE 1
Form 1
(reg. 7(1))



REPUBLIC OF BOTSWANA

APPLICATION FOR LAND RIGHTS

Applicant Details

Full name of applicant/Company.....

Omang/ Passport/Registration No.....

Date of Birth (dd/mm/yyyy).....Gender: Male Female

Postal Address.....

Physical Address: Location..... Ward;..... Plot.....

Telephone No (mobile)..... (home)..... (work).....

Email Address.....

Marital status:.....

Employment Status: Employed Unemployed

Marriage regime (if married).....

Name of spouse (if married).....Spouse Omang No. /Passport No.....

Requested Location..... Proposed Land Use.....

Next of Kin: Name.....Omang/Passport Number..... Relation.....

Physical Address of next of kin: Location Ward:..... Plot.....

Owned Plot(s) Details (Including owned by spouse)

Plot No.	Location	Land use	development status
1.
2.
3.

I (full name of the applicant).....state that the above information may result in the rejection of my application and / or prosecution and forfeiture of the plot if already granted to me.

.....
Signature of Applicant/representative

.....
Date

Form 2
(reg.10(a))

DEED OF CUSTOMARY LAND GRANT



REPUBLIC OF BOTSWANA

DEED OF CUSTOMARY LAND GRANT

This is to certify that in accordance with the provisions of the Tribal Land Act and the Regulations made thereunder,(Land board or subordinate land board) at its sitting of.....(Date) held at.....(Village) granted

Name.....

Date of Birth.....

ID No.....

Marital Status.....

Name of Spouse if married.....

ID No. of Spouse if married.....
(In accordance with the laws of Botswana)

A piece of Tribal land being:

CERTAIN:

SITUATE:

MEASURING:

AS WILL MORE FULLY APPEAR: From Diagram DSM NO. Surveyed by land Surveyor..... on.....(date) and approved by the Director of Surveys and Mapping on (date).

HELD UNDER: CERTIFICATE OF REGISTERED LAND TITLE NO.
DATED

WHICH PROPERTY IS SUBJECT TO THE FOLLOWING CONDITIONS

GRANT

1. This grant has been made by the Land board or subordinate land board in terms of the Tribal Land Act and is subject to the said Act and any other laws, regulations and policies in force from time to time.

RIGHTS AND DURATION

2. This grant confers perpetual user rights.
3. The rights and obligations conferred by this grant shall be inheritable.
4. In the case of agricultural plots, this entitles the grantee to drill for water within the plot to support the primary land use. Such drill of the borehole shall be in accordance with the provisions of the Water Act (Cap.34:01) or any legislation.

PURPOSE

5. This grant shall be used foronly and for no other purpose save with the written permission of the Land board or subordinate land board or Planning Authority.

DEVELOPMENT

6. The allocated plot shall be developed within a period of..... Years from the date of registration by the Registrar of Deeds failing which the Land board or subordinate land board may cancel the rights.

TRANSFERS, MORTGAGE, LEASE

7. Any transfer, mortgage, or lease of these rights shall be in accordance with the provisions of the Tribal Land Act or any other law.

CANCELLATIONS

8. The Land board or subordinate land board shall be entitled to cancel the grant upon breach of any of the conditions of the grant or where the grantee has contravened the provisions of the Tribal Land Act or any other Law.
9. In case of cancellation as a result of 8 above, the Land board or subordinate land board shall not be liable to pay compensation.

RIGHTS OF THE GRANTOR

10. The Land board or subordinate land board shall be entitled at all reasonable times to enter upon the allocated land through its representatives or agents for the purpose of inspecting the allocated land.

PUBLIC UTILITIES

11. The grantee shall not without reasonable cause deny any lawfully established public authority or Utility Company the permission of constructing any facility required for public purposes. No compensation shall be payable by the Land board or subordinate land board in relation to the damages caused by the lawfully established authorities or Utility Companies.

NOTICES

- 12. (a) Any communication or written notices shall be duly given or made and delivered in writing addressed to the grantee at the address given by the grantee.
- (b) Where for any reason the address of the grantee cannot be ascertained, the notice shall be published in any newspaper circulating in the country

.....
BOARD CHAIRPERSON/SECRETARY

.....
DATE

REGISTERED AND GIVEN UNDER MY HAND AT.....
IN THE DEEDS REGISTRY OFFICE THIS..... DAY OF
.....(month.....(year)

.....
REGISTRAR OF DEEDS

DECLARATIONS/ENDORSEMENTS

Form 3
(reg. 10(b))

RESOLUTION OF THE BOARD



REPUBLIC OF BOTSWANA

RESOLUTION DETAILS

RESOLUTION PASSED BY (Land board or
subordinate land board) at (Village)
on the day of (month) (year)

RESOLVED THAT —

(1).....
.....

In Respect of

CERTAIN:.....

SITUATE:.....

MEASURING:.....

LAND USE:.....

(2)..... as the Chairperson/Board Secretary be authorised to
sign all documents to give effect to the said transaction.

**CERTIFIED TRUE RESOLUTION OF THE ABOVE-MENTIONED LAND BOARD OR
SUBODINATE LAND BOARD.**

.....
Chairperson/Board Secretary

.....
Date

Form 4
(reg. 11(3))

SUBPOENA



REPUBLIC OF BOTSWANA

IN THE LAND BOARD /SUBBODINATE LAND BOARD

TO: (Name)
..... (Address)

You are hereby required to appear in person before the.....Land board or subbordinate land board at(village),..... on the.....day of(month)..... (year) at..... (time) and from day to day until this matter is finalised, to give evidence in this matter regardingand participate in site inspection. You are required to bring with and then produce to the Land board or subbordinate land board any documents that may be necessary for determination of this matter.

Be advised that in terms of Regulation 11 (4) of the Tribal Land Regulations, any person who without reasonable excuse fails to obey a subpoena which has been served upon him or her under the regulations commits an offence and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding P5200, or to both.

DATED..... at.....on.....(month).....(year)

FROM Board Secretary to the.....Land board or Subordinate land board
.....
.....
.....
(Address)

Signed: _____

Date: _____

Form 5
(reg. 15(5))

MEMORANDUM OF AGREEMENT OF LEASE



REPUBLIC OF BOTSWANA

Made and entered into by and between

.....(Lessor)

(Herein referred to the lessor) represented by.....(Name)
He or She being duly authorised thereto by a resolution of Board dated.....and
annexed hereto marked.....

And

.....(Lessee)

(Hereinafter referred to as the lessee) represented by.....(Name)
He or She being duly authorised by..... dated..... annexed hereto
marked.....

Where it is agreed as follows;

1. Lease area

The lessor hereby lets to the lessee a piece of land being

CERTAIN:

SITUATE:

MEASURING:

AS WILL MORE FULLY APPEAR: From Diagram DSM NO. Surveyed by
Land Surveyor.....on the(Date) and approved by
the Director of Surveys and Mapping on the.....(Date)

WHICH PROPERTY: is held under Certificate of Registered Land Title No.....
dated.....

RIGHTS AND DURATION

2. This grant has been made by the Land board or subordinate land board in terms of the Tribal Land Act and is subject to the said Act and any other laws, regulations and policies in force from time to time.
3. The rights and obligations conferred by this grant shall be inheritable.
4. This grant shall be for a period of 50 years commencing on the.....(Date of Registration by the Registrar of Deeds).
5. In the case of agricultural plots, this entitles the grantee to drill for water within the plot to support the primary land use. Such drilling of the borehole shall be in accordance with the provisions of the Water Act (Cap. 34:01) or any law that deals with water.

PURPOSE

6. The leased land shall be used foronly and for no other purpose save with the written consent of the Land board or subordinate land board.

DEVELOPMENT

7. The allocated plot shall be developed within a period of.....(Years) from the time of grant failing which the Land board or subordinate land board may cancel the rights.

TRANSFER, MORTGAGE, CHARGE AND SUB-LEASE

8. Any transfer, mortgage, charge, bond, sub lease of these rights shall be in accordance with the provisions of the Tribal Land Act or any other related laws, regulations and policies in force from time to time.

RENT AND RENTAL REVIEW

9. (a) The rent payable by the grantee shall be P.....per annum payable in advance at the offices of the lessor or by any method permitted by the land board or subordinate land board.
(b) Notwithstanding the provisions of 9 (a) above, the rental payable may be adjusted at any time by the land board or subordinate land board by giving the grantee notice in writing to the address provided by the grantee.

DEATH OF GRANTEE

- 10.(a) This grant shall not terminate by reason of the grantee's death in case of natural persons but shall pass on to a duly appointed heir who shall within 12 months of the death of the original grantee apply to the land board or subordinate land board to have his or her name substituted as the new grantee for the unexpired period of the lease.
(b) In case of juristic person, if such juristic person ceases to lawfully exist for any reason, the grant shall revert back to the land authority on such date the juristic person ceases to exist.

RENEWAL

11. The grantee may be allowed to renew the grant a further period of.....(Years) provided the grantee informs the Land board or subordinate land board of its intention to renew the grant within.....Years before the date of expiry.

TERMINATION

- 12.(a) This grant may be terminated by the grantee by giving the Land board or subordinate land board notice in writing in which case all immovable improvements including fences and walls built by the grantee shall revert to the land board or subordinate land board without any compensation.
- (b) The land board or subordinate land board may terminate this grant on giving the grantee three (3) months' notice in writing for its intention to do so and shall pay adequate compensation to the grantee for developments in the land. On receipt of such notice the grantee shall forthwith vacate the land and surrender all improvements thereon to the land board or s subordinate land board.
- (c) On the termination of the grant by expiration of a lease due to the passage of time, the land and all improvements thereon shall revert to the land board or subordinate land board without any compensation being paid whatsoever.

CANCELLATION

- 13.(a) The land board or subordinate land board shall be entitled to cancel the grant upon any breach of conditions of this grant or contravention of the provisions of the Tribal Land Act or any other written law.
- (b) In cases of cancellation as a result of a breach by the grantee, the land board or subordinate land board shall not be liable to pay compensation.

RIGHTS OF THE LESSOR

14. The land board or subordinate land board shall be entitled at all reasonable times to enter upon the allocated land through its representatives or agents for the purpose of inspecting the allocated land.

PUBLIC UTILITIES

15. The grantee shall not without reasonable cause deny any lawfully established public authority or Utility Company the permission of constructing any facility required for public purposes. No compensation shall be payable by the land board or subordinate land board in relation to the damages caused by the lawfully established authorities or Utility Companies.

NOTICES

- 16.(a) Any communication or written notices shall be duly given or made and delivered in writing addressed to the grantee at the address given by the grantee.
- (b) Where for any reason the address of the grantee cannot be ascertained, the notice shall be published in any newspaper circulating nation-wide.

THUS DONE AND SIGNED at.....on this.....day of.....(month).....(year)

.....
Board Chairperson/Secretary
(Land board or subordinate land board)
For the lessor

THUS DONE AND SIGNED at.....on this..... day of.....(month).....(year)

.....
Lessee

REGISTERED AND GIVEN UNDER MY HAND AT.....
... IN THE DEEDS REGISTRY OFFICE THIS.....DAY OF(month)
.....(year)

.....
REGISTRAR OF DEEDS

.....
DATE

ENDORSEMENTS/ DECLARATIONS

Notes

- (1) is the assessed figure
- (2) is the claimants figure which shall always be included
- (3) is the final figure after checking and approved by Department of Lands

COMMON LAW LEASE PLAN

LAND BOARD _____

DATE OF LEASE _____

Locality Sketch

Scale 1:

Site Plan (dimensions)

Scale 1:

Date: _____

Prepared by: _____

Designation: _____

INSPECTION REPORT

Ploughing FIELDS

Claimant.....

User.....

Address.....

Location/Village.....

Date of Cultivation.....

Inspection Date.....

Land Board.....

Total Area.....

Type of Fencing and Length.....

Status and Description of Field

Estimated Yields/Ha

(a) Sorghum.....

(b) Millet.....

(c) Maize

(d) Ground Nuts.....

(e) Beans

(f) Other

Signed: Claimant:Date:

Chairman: Assessment Committee:Date:

BUILDING

Claimant.....

User.....

Address.....

Location/Village.....

Date of Construction.....

Inspection Date.....

Land Board.....

Construction Details

- (a) Area.....
- (b) Foundation.....
- (c) Floors.....
- (d) Walls.....
- (e) Doors and Windows.....
- (f) Roof.....
- (g) Accommodation.....
- (h) Fence.....
- (i) Services.....
- (j) Condition
- (k) Other

Other Improvements

Description.....
.....
.....

Signed ClaimantDate

Chairperson: Assessment CommitteeDate

SCHEDULE 2
FEES
(Reg. 20)

SERVICE OFFERED		CHARGES
Application For Land		P50
Lost Title		P1500
Copies of Minutes and other related documents		P10/page
Sketch Plans		P500
Compliance Certificate		P100
Endorsement		P500
Transfer Application	Sale/Donation	P3000
	Inheritance	P200
Application For Advertised plots (Commercial, Industrial, Civic And Farms/Ranches Etc.)		P1000
Framing of Survey Diagram		P500
Beacon Identification	Ordinary plots	P500
	Agric Holdings & Ploughing Fields	P100
	Ranches (Base Rate + Distance/ km subsistence. (All at government prevailing Rates)+	P2500+distance /km +Subsistence/day
Application for Way-Leaves and Servitudes	Less than 1km	P500
	1km-5km	P1000
	5km and above	P5000
Survey fee (Less than 1000m ²)		P1500 (to be increased on the basis of plot size)

RENTALS

LAND USE	RENTALS
Commercial Plots	P1.00/m ² /Annum
Industrial Plots	P0.70/m ² /Annum
Civic & Community	Plots P0.55/m ² / Annum
Undeveloped Small Agricultural Holdings (Dairy, Horticulture, Small Stock Farm, Piggery, Garden, Integrated Farm Held Under Common Law Lease)	P1000.00/Annum
	P1000.00+P1.00/Ha/ Annum
Developed Small Agricultural Holdings (Dairy, Horticulture, Small Stock Farm, Piggery, Garden, Integrated Farm Held Under Common Law Lease)	P1000+P 15.00 /Ha/ Annum Base Rate
Undeveloped Game Farms/Livestock Ranches	P1000 + P2.00/Ha/ Annum
Developed Game Farms/Livestock Ranches	P1000 +P20.00/Ha/ Annum
Mining Concessions Areas	P15000 + P500/Ha/ Annum
Surface Rights	P1.00/m ² /Month
Residential Plots Citizens	P100 Flat Rate
Residential Plots Non-Citizens	P1000/Annum

MADE this 25th day of April, 2022.

KEFENTSE MZWINILA,
Minister of Lands and Water Affairs.