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WINDHOEK-NAMIBIA

GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

R2,00

WINDHOEK — 14 September 1992

No. 477

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MINISTRY OF TRADE AND INDUSTRY

No. 120 1992

REGULATIONS UNDER THE FOREIGN INVESTMENT ACT, 1990

Under section 17 of the Foreign Investment Act 1990 (Act 27 of 1990) I hereby make the following regulations:

1. The form of application for a Certificate of Status Investment under section 6 of the Act shall be as set out in Annex A hereto.
2. The form of Certificate of Status Investment under section 7 of the Act shall be as set out in Annex B hereto.

BEN AMATHILA
MINISTER OF TRADE
AND INDUSTRY

Windhoek, 27 August 1992

ANNEX A

REPUBLIC OF NAMIBIA
MINISTRY OF TRADE AND INDUSTRY
INVESTMENT CENTRE

APPLICATION
FOR
CERTIFICATE OF STATUS INVESTMENT
UNDER
THE FOREIGN INVESTMENT ACT 1990

For official use only:

Registration number: .../...

NOTES TO THE APPLICATION FOR A CERTIFICATE OF STATUS
INVESTMENT

1. The information required in each section of the application is to be fully provided in order to avoid delays in the conclusion of official action.
2. Applicants should feel free to submit additional information in the form of annexures if the spaces provided on the Application form are not sufficient.
3. Reports on profit forecasts, cash flow projections, projected income statements and balance sheets should be presented either in addition to, or where applicable as a substitute for, the relevant portions of the application by making cross references to these reports.
4. The following constitute the complete application:
 - 4.1 Completed application form.
 - 4.2 Foreign registration particulars of Applicant, if any.
 - 4.3 Joint Venture Agreement, where applicable.
 - 4.4 Partnership Agreement, where applicable.
 - 4.5 Registration particulars of Namibian venture, where applicable.
 - 4.6 Copy of project documents/feasibility study related to project or business.
5. All financial information should be provided in Namibian currency (i.e. Rand or Namibian Dollar, as applicable).

1. INFORMATION ABOUT THE APPLICANT**1.1 Full Name:**

1.2 Postal Address:

1.3 Telephone No. :

Fax No.**:**

Telex No.**:**

1.4 Location of Head Office: (Street address)

1.5 Business and bank references:

1.6 Nature of business conducted by applicant:

1.7 Experience appertaining to 1.6 above:

2. INFORMATION REGARDING PROPOSED BUSINESS IN NAMIBIA

2.1 Name:

2.2 Type of business organisation [i.e. Private limited company, Public limited company, Sole Trader, Partnership, others (specify)]:

2.3 Company registration number:

2.4 Registered address:

2.5 Head Office in Namibia:

2.6 Locality and description of business operations:

2.7 Goods produced or to be produced and/or services rendered or to be rendered:

2.8 Shareholding in proposed business (directors and shareholders):

<u>Name</u>	<u>Address</u>	<u>Nationality</u>	<u>Capacity:</u>	
			share- holder/ director	% share- holding

2.9 Name of country in which final control and overall management policy will be exercised:

2.9 Funding of the business/value of investment:

<u>Item</u>	<u>Namibian</u>	<u>Foreign</u>	<u>Total</u> <u>Value</u>
Land			
Buildings			
Machinery			
Equipment			
Patents			
Cash			
Other			
TOTAL			

3. INVESTMENT INFORMATION

3.1 Monetary value of foreign assets already
invested:

3.2 Monetary value of foreign assets to
be invested:

3.3 Monetary value of re-investment already
made:

3.4 Monetary value of re-investment envisaged:

3.4.1 from profits _____

3.4.2 from proceeds of sale of business _____

3.5 Foreign assets already invested and/or to be invested:

Type	Already invested	To be invested				
		YEAR				
		1	2	3	4	5
Machinery						
Equipment						
Spare parts						
Technology						
Cost of expertise						
R&D						
Patents						
Raw materials						
Cash						
Other						
TOTAL						

Amount provided:

on Loan

by Shares

3.6 APPLICATION OF INVESTMENT

3.6.1 Will the investment be utilised for the acquisition of existing shares in a company, incorporated in Namibia?

YES ☐ NO ☐

3.6.2 Will the investment be utilised to increase the capital of an existing company in Namibia?

YES ☐ NO ☐

3.6.3 Will the investment be utilised to capitalise a new company to be established or incorporated in Namibia?

YES ☐ NO ☐

3.6.4 Name of Company:

3.6.5 Authorised share capital:

3.6.6 Issued share capital:

3.6.7 Fully paid share capital:

3.6.7.1 Number of shares : _____

Nominal value per share : _____

Market value per share : _____

3.6.8 Structure of shareholding:

Name of Shareholder	Nationality	Share- holding (Value)	% Share- holding
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3.6.9 Existing business operations:

3.6.10 What role will you, as investor, play in the management of the company?

3.7 Is the investment intended to:

3.7.1 acquire existing shares in an unincorporated Joint Venture in Namibia,

YES ☐

NO ☐

3.7.2 provide new capital for an unincorporated Joint Venture in Namibia? YES ☐ NO ☐

If YES, please specify:

3.7.1 ☐

3.7.2 ☐

3.7.3 Name of the Joint Venture:

3.7.4 Capital employed in Joint Venture (value): _____

3.7.5 Your share in Joint Venture (%) : _____

3.7.6 Existing Joint Venture operations:

3.7.7 What role will you, as investor, play in the management of the Joint Venture?

4. OPERATIONAL INFORMATION

In this section applicants are required to specify proposed step by step development of the business as a result of the investment.

4.1 Stages of development to full production:

4.2 Production capacity of the business:

Installed capacity : _____

Proposed production: _____

4.3 Raw materials used or to be used annually by the enterprise: (Please quote unit of measurement).

Item	Source	Quantity at full capacity	Value

4.4 Expected annual revenue/expenditure:

	<u>YEAR 1</u>	<u>YEAR 2</u>	<u>YEAR 3</u>	<u>YEAR 4</u>	<u>YEAR 5</u>
<u>REVENUE:</u>					
EXPORTS.....
OTHER.....
TOTAL INCOME					
<u>OPERATIONAL COSTS:</u>					
LABOUR.....
MATERIAL.....
OTHER.....
TOTAL COSTS					
NET INCOME					

4.5 Expected annual foreign exchange earnings of the business:

Item	Year 1	Year 2	Year 3	Year 4	Year 5
Revenue from exports	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____
TOTAL	=====	=====	=====	=====	=====

4.6 Expected foreign exchange expenditure of the business:

Item	Year 1	Year 2	Year 3	Year 4	Year 5
Machinery and equipment	_____	_____	_____	_____	_____
Raw materials	_____	_____	_____	_____	_____
Service payments (Please specify)	_____	_____	_____	_____	_____
Profits and dividends to be transferred out of Namibia	_____	_____	_____	_____	_____
Interest on loans or debentures	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____
TOTAL	=====	=====	=====	=====	=====

5. EMPLOYMENT/TRAINING INFORMATION

5.1 Persons employed or to be employed by the business:

5.1.1 Year 1	<u>Namibian</u>		<u>Foreign</u>	
	Male	Female	Male	Female
Managers	_____	_____	_____	_____
Supervisors	_____	_____	_____	_____
Technicians	_____	_____	_____	_____
Skilled workers	_____	_____	_____	_____
Clerical+office staff	_____	_____	_____	_____
Unskilled labour	_____	_____	_____	_____

Year 2	<u>Namibian</u>		<u>Foreign</u>	
	Male	Female	Male	Female
Managers	_____	_____	_____	_____
Supervisors	_____	_____	_____	_____
Technicians	_____	_____	_____	_____
Skilled workers	_____	_____	_____	_____
Clerical+office staff	_____	_____	_____	_____
Unskilled labour	_____	_____	_____	_____

Year 3	<u>Namibian</u>		<u>Foreign</u>	
	Male	Female	Male	Female
Managers	_____	_____	_____	_____
Supervisors	_____	_____	_____	_____
Technicians	_____	_____	_____	_____
Skilled workers	_____	_____	_____	_____
Clerical+office staff	_____	_____	_____	_____
Unskilled labour	_____	_____	_____	_____

Year 4	<u>Namibian</u>		<u>Foreign</u>	
	Male	Female	Male	Female
Managers	_____	_____	_____	_____
Supervisors	_____	_____	_____	_____
Technicians	_____	_____	_____	_____
Skilled workers	_____	_____	_____	_____
Clerical+office staff	_____	_____	_____	_____
Unskilled labour	_____	_____	_____	_____

Year 5	<u>Namibian</u>		<u>Foreign</u>	
	Male	Female	Male	Female
Managers	_____	_____	_____	_____
Supervisors	_____	_____	_____	_____
Technicians	_____	_____	_____	_____
Skilled workers	_____	_____	_____	_____
Clerical+office staff	_____	_____	_____	_____
Unskilled labour	_____	_____	_____	_____

5.1.2 Indicate names, addresses (if available), posts and duties of proposed foreign employees, their experience and academic qualifications and your programme for their replacement by Namibian staff:

5.1.3 When are the foreign employees expected to assume duties?

5.2 Number of Namibian staff trained or to be trained:

<u>Year 1</u>	<u>Inside</u>	<u>Outside</u>
	Namibia	
Male	_____	_____
Female	_____	_____
<u>Year 2</u>	<u>Inside</u>	<u>Outside</u>
	Namibia	
Male	_____	_____
Female	_____	_____

<u>Year 3</u>	<u>Inside</u>		<u>Outside</u>
		Namibia	
Male	_____		_____
Female	_____		_____
<u>Year 4</u>	<u>Inside</u>		<u>Outside</u>
		Namibia	
Male	_____		_____
Female	_____		_____
<u>Year 5</u>	<u>Inside</u>		<u>Outside</u>
		Namibia	
Male	_____		_____
Female	_____		_____

6. INFORMATION ON TECHNOLOGY AND ENVIRONMENT

6.1 Describe, if possible, the technology, patents, etc., to be used, including year and place of registration (if applicable):

6.2 Description of production process:

6.3 Wastes and by-products of the process:

6.4 Effects of the production on the environment (e.g. indicate the extent of pollution, effluents and waste and the means of reducing the danger to the environment):

6.5 Steps to be taken to mitigate effects on environment:

7. DEVELOPMENT INFORMATION

7.1 How will this investment contribute to Namibia's economic development?

8. FISCAL AND OTHER INCENTIVES

8.1 Are you applying for or receiving fiscal or other incentives over and above those provided for in the Act?

If yes, please specify:

9. SETTLEMENT OF DISPUTES

9.1 Indicate if you wish to elect a dispute settlement procedure as provided in Section 13 of the Foreign Investment Act:

YES ☐ NO ☐

If YES, please indicate:

Namibian ☐
Court of Law

International ☐
Arbitration

9.2 If by International Arbitration, please indicate:

UNCITRAL ☐

Other method of settlement ☐

10. I/We _____ in my/our capacity
as _____ and being duly authorized
hereto by the Applicant declare that the particulars stated
above are true and correct to the best of my/our knowledge
and that any estimates given in this Application have been
made in good faith and with all due care.

I/We furthermore undertake to provide satisfactory proof of the
above particulars on request.

Dated this day of 19....

.....
APPLICANT

MINISTRY OF TRADE AND INDUSTRY

No. 121

1992

**DETERMINATION OF MINIMUM VALUE OF
ELIGIBLE INVESTMENT: FOREIGN INVESTMENT ACT, 1990**

Under section 5(1) of the Foreign Investment Act, 1990 (Act 27 of 1990) I hereby determine that the minimum value of foreign assets required to constitute an eligible investment under the Act shall be the equivalent (at the date of lodging the relative application for a Certificate of Status Investment) of R500 000.

**BEN AMATHILA
MINISTER OF TRADE
AND INDUSTRY**

Windhoek, 27 August 1992

ANNEX B**REPUBLIC OF NAMIBIA****CERTIFICATE OF STATUS INVESTMENT****under the Foreign Investment Act 1990**

_____ of _____
(name of foreign investor) (country of origin)

in consideration of the eligible investment made/to be made
in

_____ an enterprise located/ to be
(name of enterprise) located at

_____ and engaging/about to engage
(location of undertaking) in the business of

_____ IS HEREBY GRANTED A
(nature of undertaking) CERTIFICATE OF STATUS
INVESTMENT.

This Certificate is granted in respect of assets described or detailed in the Schedule, the value of which is assessed in accordance with the Act to be _____ and which will constitute _____ per cent of the total assets of the Enterprise and which are to be invested in accordance with the timetable in the Schedule:

SCHEDULE

This Certificate is issued subject to the provisions of the Foreign Investment Act 1990.

It conveys to the Foreign Investor named therein the benefits provided under the said Act for the holder of such a Certificate.

Its continued validity is subject to the discharge by the foreign investor of the following obligations which formed part of his proposals/application to the Minister in respect of the investment:

Any dispute arising as mentioned in Section 13(1) of the Act shall be settled by reference to _____ .

MINISTER OF TRADE AND INDUSTRY