

**REPUBLIC OF NAMIBIA**

**NATIONAL ASSEMBLY**

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**FOREST AMENDMENT  
BILL**

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*(As read a First Time)*

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*(Introduced by the Minister of Agriculture, Water and Forestry)*

**EXPLANATORY NOTE:**

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing provisions.

[            ] Words in bold type in square brackets indicate omissions from existing provisions.

**BILL**

**To amend the Forest Act, 2001, so as to redefine the expressions of “Minister” and “Ministry”; to extend the composition of the Forestry Council; and to provide for matters incidental thereto.**

**BE IT ENACTED** by the Parliament of the Republic of Namibia, as follows:-

**Amendment of section 1 of Act No. 12 of 2001**

**1.** Section 1 of the Forest Act, 2001 (hereinafter referred to as the principal Act), is amended -

(a) by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister responsible for forestry;” and

(b) by the substitution for the definition of “Ministry” of the following definition:

“ ‘Ministry’ means the Ministry charged with the administration of affairs relating to forestry;”.

**Amendment of section 2 of Act No. 12 of 2001**

**2.** Section 2 of the principal Act is amended -

(a) by the substitution for subsection (1) of the following subsection:

“(1) There is established a body to be known as the Forestry Council which consists of the following persons, namely -

(a) one staff member of the Ministry charged with the administration of matters relating to forestry designated by the Minister responsible for that Ministry;

(b) one staff member of the Ministry charged with the administration of matters relating agriculture designated by the Minister responsible for that Ministry;

(c) one staff member of the Ministry charged with the administration

of environmental matters designated by the Minister responsible for that Ministry;

- (d) one staff member of the Ministry charged with the administration of land matters designated by the Minister responsible for that Ministry; and
  - (e) three other persons appointed by the Minister of whom -
    - (i) two shall be persons nominated by two associations or organisations which the Minister reasonably believes represents the interests of farmers in Namibia;
    - (ii) one shall be a person nominated by the Council of Traditional Leaders established by section 2 of the Council of Traditional Leaders Act, 1997 (Act No. 13 of 1997).”; and
- (b) by the substitution for the words preceding paragraph (a) of subsection (3) of the following words:

“Notwithstanding subsection (1), a person is not eligible to be appointed or designated as a member of the Council if he or she -”.

#### **Amendment of section 4 of Act No. 12 of 2001**

3. Section 4 of the principal Act is amended -
- (a) by the substitution for subsection (1) of the following subsection:
 

“Subject to subsection (2), any member of the Council appointed or designated in terms of section 2 shall hold office for a period of three years from the date of his or her appointment or designation, but may upon the expiration of that period again be appointed or designated.”;
  - (b) by the substitution for subsection (4) of the following subsection:
 

“(4) If a member dies or vacates his or her office before the expiration of his or her term of office, the vacancy shall be filled for the unexpired portion of the term of office of that member by the appointment or designation in the manner contemplated in section 2 of a suitable person.”; and
  - (c) by the deletion of subsection (5).

#### **Short title**

4. This Act is called the Forest Amendment Act, 2005.