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OF SOUTH WEST AFRICA

BUITENGEWONE

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## Government Notice

## Goewermentskennisgewing

Office of the  
ADMINISTRATOR-GENERAL FOR THE  
TERRITORY OF SOUTH WEST AFRICA

Kantoor van die  
ADMINISTRATEUR-GENERAAL VIR DIE  
GEBIED SUIDWES-AFRIKA

DEPARTMENT OF THE COUNCIL OF  
MINISTERS

DEPARTEMENT VAN DIE MINISTERSRAAD

No. AG. 169

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PROMULGATION OF ACT OF NATIONAL  
ASSEMBLY

AFKONDIGING VAN WET VAN NASIONALE  
VERGADERING

The following Act, which has been adopted by the National Assembly of South West Africa and signed by the Administrator-General in terms of the National Assembly Proclamation, 1979 (Proclamation AG. 21 of 1979), is hereby published in terms of section 19 of that Proclamation:—

Die volgende Wet, wat ingevolge die Proklamasie op die Nasionale Vergadering, 1979 (Proklamasie AG. 21 van 1979), deur die Nasionale Vergadering van Suidwes-Afrika aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgekondig ingevolge artikel 19 van daardie Proklamasie: —

No. 21 of 1981: Abolition of Racial Discrimination (Urban Land and Public Amenities) Amendment Act, 1981

No. 21 van 1981: Wysigingswet op die Afskaffing van Rassediskriminasie (Grond in Dorpe en Openbare Geriewe), 1981

Act No. 21, 1981

**ABOLITION OF RACIAL DISCRIMINATION (URBAN  
LAND AND PUBLIC AMENITIES AMENDMENT ACT,  
1981**

*(Afrikaans text signed by the Administrator-General on  
10 December 1981)*

**ACT**

**To amend the Abolishment of Racial Discrimination (Urban Residential Areas and Public Amenities) Act, 1979, so as to extend the incidence of the provisions relating to the removal of restrictions based on race in connection with certain land in urban areas and the prohibition to impose such restrictions; to further regulate the duties of the registrar of deeds to make notes on the title deed of such land to give effect to the provisions of the said Act; and to provide for incidental matters.**

BE IT ENACTED by the National Assembly of South West Africa, as follows:—

Amendment of section 1 of  
Act 3 of 1979.

1. Section 1 of the Abolishment of Racial Discrimination (Urban Residential Areas and Public Amenities) Act, 1979 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the definition of "residential erf".

Substitution of section 2 of  
Act 3 of 1979.

2. The following section is hereby substituted for section 2 of the principal Act:

"Race no bar to the acquisition or transfer of land in townships or rights in respect thereof.

2. No person, association of persons or juristic person shall, on account of the fact that he or it or another person or any such association or juristic person —

(a) is, or is deemed to be, a member of a particular racial group; or

(b) is not, or is deemed not to be, a member of a particular racial group; or

(c) in the case of an association of persons or a juristic person, its members consist of, or any interest in it is held by, persons who are members of a particular racial group or who are not members of a particular racial group or who are members of different racial groups,

be disqualified or debarred from acquiring in any manner the ownership of, or any right in, to or over land situated in any township, or possessing or occupying or residing upon such

**WYSIGINGSWET OP DIE AFKAPPING VAN  
RASSEDISKRIMINASIE (GROND IN DORPE EN  
OPENBARE GERIEWE), 1981**

Wet No. 21, 1981

*(Afrikaanse teks deur die Administrateur-generaal  
onderteken op 10 Desember 1981)*

**WET**

Tot wysiging van die Wet op die Afkapping van Rassediskriminasie (Stedelike Woonbuurte en Openbare Geriewe), 1979, ten einde die trefwydte van die bepalings betreffende die opheffing van beperkings wat op ras gegrond is in verband met sekere grond in stedelike gebiede en die verbod om sodanige beperkings op te lê, uit te brei; die pligte van die registrateur van aktes om aantekeninge op die titelbewys van bedoelde grond aan te bring ten einde aan die bepalings van genoemde Wet gevolg te gee, verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die Nasionale Vergadering van Suidwes-Afrika, soos volg:—

1. Artikel 1 van die Wet of die Afkapping van Rassediskriminasie (Stedelike Woonbuurte en Openbare Geriewe), 1979 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van "woonerf" te skrap.

Wysiging van artikel 1 van  
Wet 3 van 1979.

2. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 2  
van Wet 3 van 1979.

"Ras geen beletsel  
teen verkryging of  
oordrag van  
grond in dorpe of  
regte ten opsigte  
daarvan.

2. Geen persoon, vereniging van persone of regspersoon is onbevoeg of word verbied, vanweë die feit dat hy of 'n ander persoon of so 'n vereniging of regspersoon —

- (a) 'n lid van 'n bepaalde rassegroep is of geag word dit te wees; of
- (b) nie 'n lid van 'n bepaalde rassegroep is nie of geag word dit nie te wees nie; of
- (c) in die geval van 'n vereniging van persone of 'n regspersoon, die lede daarvan bestaan uit, of 'n belang daarin gehou word deur, persone wat lede van 'n bepaalde rassegroep is of wat lede van verskillende rassegroepe is,

om die eiendom van, of enige reg in, op of oor grond wat in 'n dorp geleë is op enige wyse te verkry of sodanige grond te besit of te okkupeer of daarop te woon of so 'n reg uit

**ABOLITION OF RACIAL DISCRIMINATION  
(URBAN LAND AND PUBLIC AMENITIES  
AMENDMENT ACT, 1981**

land or exercising any such right, or from transferring or granting in any manner such ownership or any such right, or giving possession or occupation of such land, to such other person or such association of persons or juristic person, or enabling or permitting him or it to reside upon such land or to exercise any such right.”.

Substitution of section 5 of Act 3 of 1979.

3. The following section is hereby substituted for section 5 of the principal Act:

“Removal and annulment of restrictions, obligations, conditions, servitudes and provisions repugnant to section 2.

5. (1) Any restriction or obligation which is binding on the owner of land situated in any township by virtue of —

- (a) a restrictive condition or servitude registered against the title deed of such land; or
- (b) a provision of any law; or
- (c) a provision of any town planning scheme as defined in the law (if any) on the planning of townships applicable in that part of the territory of South West Africa in which the township concerned is situated; or
- (d) a provision of a town planning scheme as so defined and a restrictive condition or servitude registered against the title deed of such land; or
- (e) a provision of a town planning scheme as so defined and a provision of any law,

and which is repugnant to the provisions of section 2, is hereby removed in so far as it is so repugnant, and the restrictive condition, servitude or provision concerned is hereby declared to be null and void to the same extent.

(2) The registrar of deeds or other person in charge of any office where deeds in respect of land situated in a township are registered, shall, when the title deed of land registered in such office is at any time received in such office for any purpose, make such notes as he may consider necessary to give effect to the provisions of subsection (1), on that title deed and in or upon all relevant registers or documents kept in such office.”.

**WYSIGINGSWET OP DIE AFSKAFFING VAN RASSE- WET No. 21, 1981  
DISKRIMINASIE (GROND IN DORPE EN OPENBARE  
GERIEWE), 1981**

te oefen nie, of om daardie eiendom of so 'n reg op enige wyse oor te dra of te verleen, of besit of okkupasie van sodanige grond te gee, aan daardie ander persoon of daardie vereniging van persone of regs persoon, of hom in staat te stel of toe te laat om op sodanige grond te woon of so 'n reg uit te oefen nie.”.

3. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 5 van Wet 3 van 1979.

“Opheffing en nietigverklaring van beperkings, verpligtings, voorwaardes, serwitute en bepalinge wat met artikel 2 strydig is.

5. (1) 'n Beperking of verpligting wat vir die eienaar van grond wat in 'n dorp geleë is, bindend is uit hoofde van —

- (a) 'n beperkende voorwaarde of serwituut teen die titelbewys van daardie grond geregistreer; of
- (b) 'n bepaling van 'n wet; of
- (c) 'n bepaling van 'n dorpsbeplanning-skema soos omskryf in die wet (indien daar een is) op die beplanning van dorpe wat van toepassing is in dié deel van die gebied Suidwes-Afrika waarin die betrokke dorp geleë is; of
- (d) 'n bepaling van 'n dorpsbeplanning-skema soos aldus omskryf en 'n beperkende voorwaarde of serwituut teen die titelbewys van daardie grond geregistreer; of
- (e) 'n bepaling van 'n dorpsbeplanning-skema soos aldus omskryf en 'n bepaling van 'n wet,

en wat met die bepalinge van artikel 2 strydig is, word hierby opgehef vir sover dit aldus strydig is, en die betrokke beperkende voorwaarde, serwituut of bepaling word in dieselfde mate hierby nietig verklaar.

(2) Die registrateur van aktes of ander persoon in beheer van 'n kantoor waar aktes ten opsigte van grond wat in 'n dorp geleë is, geregistreer word, moet, wanneer die titelbewys van grond wat in daardie kantoor geregistreer is, te eniger tyd vir die een of ander doel in daardie kantoor ontvang word, die aantekeninge wat hy nodig ag om aan die bepalinge van subartikel (1) gevolg te gee, aanbring op daardie titelbewys en in of op alle tersaaklike registers of stukke wat in daardie kantoor gehou word.”.

Act No.21, 1981

**ABOLITION OF RACIAL DISCRIMINATION  
(URBAN LAND AND PUBLIC AMENITIES  
AMENDMENT ACT, 1981**Amendment of section 7 of  
Act 3 of 1979.

4. Section 7 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) For the purposes of subsection (1) a provision of a law authorizing or effecting the reservation or setting apart of any part of a township as an area for occupation or possession by, or any other needs of, members of a particular racial group, shall not be regarded as repugnant to the provisions of section 2, but the reservation or setting apart of such an area which has been effected or is effected at any time under or by such a provision, shall in no way prejudice the application and operation of the provisions of section 2 in respect of any land in the area concerned.”.

Substitution of section 8 of  
Act 3 of 1979.

5. The following section is hereby substituted for section 8 of the principal Act:

“Short title.

8. This Act shall be called the Abolition of Racial Discrimination (Urban Land and Public Amenities) Act, 1979.”.

Substitution of long title of  
Act 3 of 1979.

6. The following long title is hereby substituted for the long title of the principal Act:

“To remove restrictions based on race in connection with land in urban areas and certain public amenities; to prohibit the imposition of such restrictions; and to provide for incidental matters.”.

Short title.

7. This Act shall be called the Abolition of Racial Discrimination (Urban Land and Public Amenities) Amendment Act, 1981.

**WYSIGINGSWET OP DIE AFSKAFFING VAN RASSE-  
DISKRIMINASIE (GROND IN DORPE EN OPENBARE  
GERIEWE), 1981** Wet No. 21, 1981

4. Artikel 7 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 7 van  
Wet 3 van 1979.

“(2) By die toepassing van subartikel (1) word ’n bepaling van ’n wet wat die reservering of afsondering van ’n gedeelte van ’n dorp as ’n gebied vir okkupasie of besit deur, of ander behoeftes van, lede van ’n bepaalde rassegroep magtig of bewerkstellig, nie geag met die bepalings van artikel 2 strydig te wees nie, maar die reservering of afsondering van so ’n gebied wat te eniger tyd kragtens of by so ’n bepaling gedoen is of gedoen word, doen geensins afbreuk aan die toepassing en werking van die bepalings van artikel 2 ten opsigte van enige grond in die betrokke gebied nie.”

5. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 8  
van Wet 3 van 1979.

“Kort titel.

8. Hierdie Wet heet die Wet op die Afskaffing van Rassediskriminasie (Grond in Dorpe en Openbare Geriewe), 1979.”

6. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

Vervanging van lang titel  
van Wet 3 van 1979.

“Om beperkings wat op ras gegrond is in verband met grond in stedelike gebiede en sekere openbare geriewe op te hef; om die oplê van sodanige beperkings te verbied; en om vir bykomstige aangeleenthede voorsiening te maak.”

7. Hierdie Wet heet die Wysigingswet op die Afskaffing van Rassediskriminasie (Grond in Dorpe en Openbare Geriewe), 1981.

Kort titel.