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Government Notice

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DEPARTMENT OF GOVERNMENTAL AFFAIRS

No. 54 1985

PROMULGATION OF ACT OF NATIONAL ASSEMBLY

The following Act, which has been adopted by the National Assembly and signed by the Administrator-General in terms of the South West Africa Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation R.101 of 1985), is hereby published in terms of section 18 of that Proclamation: —

No. 7 of 1985: Land Bank Amendment Act, 1985

DEPARTEMENT VAN OWERHEIDSAKE

No. 54 1985

AFKONDIGING VAN WET VAN NASIONALE VERGADERING

Die volgende Wet, wat ingevolge die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie R.101 van 1985), deur die Nasionale Vergadering aangeneem en deur die Administrateur-generaal onderteken is, word hierby afgeskondig ingevolge artikel 18 van daardie Proklamasie: —

No. 7 van 1985: Wysigingswet op die Landbank, 1985

Act No. 7, 1985

LAND BANK AMENDMENT ACT, 1985

(Afrikaans text signed by the Administrator-General on 20 August 1985)

ACT

To amend the Land Bank Act, 1944, so as to provide for the extension of the membership of the board of the Land and Agricultural Bank of South West Africa; to provide for the increase of the amount of advances which may be made on securities of land; and to further regulate the power of the Cabinet to guarantee advances made by the said Bank, and of the said Bank to hold or dispose of land; and to provide for incidental matters.

BE IT ENACTED by the National Assembly, as follows:-

Amendment of section 4 of Act 13 of 1944, as amended by section 2 of Act 42 of 1951, section 1 of Act 46 of 1965, section 7 of Act 31 of 1969, section 2 of Act 92 of 1970 and section 5 of Proclamation R.147 of 1979.

Amendment of section 8 of Act 13 of 1944.

Amendment of section 26 of Act 13 of 1944, as amended by section 9 of Act 47 of 1959 and section 23 of Proclamation R.147 of 1979.

1. Section 4 of the Land Bank Act, 1944 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The operations of the bank shall be administered and managed by a board which shall consist of a chairman (who shall be the general manager appointed under section 4bis) and at least five but not more than 10 other members appointed by the Cabinet.”.

2. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The quorum for any meeting of the board shall be at least half of the members thereof, and all decisions at any such meeting shall be by resolution by majority vote of the members present thereat: Provided that no advance shall be granted in pursuance of a resolution passed at any meeting for which three members constituted a quorum and at which only three members were present, unless such resolution was adopted by unanimous vote.”.

3. (1) Section 26 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the fair agricultural or pastoral value of the land, together with the value of improvements to be effected thereon, as determined by the board;”.

WYSIGINGSWET OP DIE LANDBANK, 1985

Wet No. 7,1985

(Afrikaanse teks deur die Administrateur-generaal onder-
teken op 20 Augustus 1985)

WET

Tot wysiging van die Landbankwet, 1944, ten einde voorsiening te maak vir die uitbreiding van die ledetal van die raad van die Land- en Landboubank van Suidwes-Afrika; voorsiening te maak vir die verhoging van die bedrag van voorskotte wat teen sekuriteit van grond verstrek kan word; en die bevoegdheid van die Kabinet om voorskotte deur genoemde Bank verstrek, te waarborg, en van genoemde Bank om grond te besit of van die hand te sit, verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die Nasionale Vergadering, soos volg:-

1. Artikel 4 van die Landbankwet, 1944 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die werkzaamhede van die bank word beheer en bestuur deur 'n raad wat bestaan uit 'n voorzitter (wat die kragtens artikel 4bis aangestelde hoofbestuurder is) en minstens vyf maar hoogstens 10 ander lede wat deur die Kabinet aangestel word.”.

Wysiging van artikel 4 van Wet 13 van 1944, soos gewysig deur artikel 2 van Wet 42 van 1951, artikel 1 van Wet 46 van 1965, artikel 7 van Wet 31 van 1969, artikel 2 van Wet 92 van 1970 en artikel 5 van Proklamasie R.147 van 1979.

2. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die kworum vir 'n vergadering van die raad is minstens die helfte van die lede daarvan, en alle besluite van so 'n vergadering geskied by meerderheidstemming van die daarop aanwesige lede: Met dien verstande dat geen voorskot toegestaan word nie ingevolge 'n besluit geneem op 'n vergadering waarvoor drie lede 'n kworum was en waarop daar slegs drie lede aanwesig was, tensy daardie besluit eenparig aangeneem was.”.

Wysiging van artikel 8 van Wet 13 van 1944.

3.(1) Artikel 26 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) die billike waarde van daardie grond vir landbou- en vee- teeltdoeleindes, tesame met die waarde van verbeterings wat daarop aangebring moet word, soos deur die raad bepaal;”.

Wysiging van artikel 26 van Wet 13 van 1944, soos gewysig deur artikel 9 van Wet 47 van 1959 en artikel 23 van Proklamasie R.147 van 1979.

Act No. 7, 1985**LAND BANK AMENDMENT ACT, 1985**

(2) Subsection (1) shall be deemed to have come into operation on 20 July 1983.

Substitution of section 64 of Act 13 of 1944, as substituted by section 3 of Act 14 of 1964 and amended by section 39 of Proclamation R.147 of 1979.

4.(1) The following section is hereby substituted for section 64 of the principal Act:

"Guarantees by Cabinet."

64. The Cabinet may at any time on such terms and conditions as it may determine guarantee the repayment to the bank of not more than one-fifth of any advance made or to be made by the bank to any farmer under this Act."

(2) A guarantee given by the Cabinet under section 64 of the principal Act, before the substitution of that section by section (1), shall, notwithstanding that substitution, remain in force according to the terms thereof until the guarantee lawfully expires.

Amendment of section 72 of Act 13 of 1944, as amended by section 9 of Act 13 of 1953, section 7 of Act 60 of 1957, section 30 of Act 47 of 1959 and section 44 of Proclamation R.147 of 1979.

5.(1) Section 72 of the principal Act is hereby amended -

- (a) by the deletion of the proviso to subsection (1);
- (b) by the substitution for subsection (1)*bis* of the following subsection:

" (1)*bis* The bank may -

(a) at any time dispose of any land which it holds for its business premises if such land is no longer required for the said business premises;

(b) at any time dispose of any land it acquired in terms of the proviso to subsection (1), before the deletion of the said proviso by section 5(1)(a) of the Land Bank Amendment Act, 1985, to any person whose remuneration is paid out of the funds of the bank or, if there is no such person requiring the land for accommodation, to any other person."; and

- (c) by the substitution for subsection (4) of the following subsection:

" (4) It shall not be lawful for the general manager, any member of the board or any member of the staff to buy directly or indirectly any land sold in accordance with this section (except land contemplated in subsection (1)(*bis*)(b)).".

(2) Subsection (1) shall be deemed to have come into operation on 26 January 1981.

Short title.

6. This Act shall be called the Land Bank Amendment Act, 1985.

WYSIGINGSWET OP DIE LANDBANK, 1985**Wet No. 7, 1985**

(2) Subartikel (1) word geag op 20 Julie 1983 in werking te getree het.

4.(1) Artikel 64 van die Hoofwet word hierby deur die volgende artikel vervang:

"Waarborg deur Kabinet."

64. Die Kabinet kan te eniger tyd op die bedinge en voorwaardes wat hy bepaal die terugbetaling aan die bank waarborg van hoogstens een-vyfde van enige voorskot wat kragtens hierdie Wet deur die bank aan 'n boer verstrek is of verstrek staan te word.".

Vervanging van artikel 64 van Wet 13 van 1944, soos vervang deur artikel 3 van Wet 14 van 1964 en gewysig deur artikel 39 van Proklamasie R.147 van 1979.

(2) 'n Waarborg deur die Kabinet gegee kragtens artikel 64 van die Hoofwet, voor die vervanging van daardie artikel deur subartikel (1) van hierdie artikel, bly, ondanks bedoelde vervanging, ooreenkomstig die bepalings daarvan van krag totdat die waarborg wettiglik verstryk.

5.(1) Artikel 72 van die Hoofwet word hierby gewysig -

(a) deur die voorbehoudsbepaling by subartikel (1) te skrap;

(b) deur subartikel (1)*bis* deur die volgende subartikel te vervang:

" (1)*bis* Die bank kan-

Wysiging van artikel 72 van Wet 13 van 1944, soos gewysig deur artikel 9 van Wet 13 van 1953, artikel 7 van Wet 60 van 1957, artikel 30 van Wet 47 van 1959 en artikel 44 van Proklamasie R.147 van 1979.

(a) enige grond wat hy vir sy besigheidsgeboue besit, te eniger tyd van die hand sit indien daardie grond nie meer vir gemelde besigheidsgeboue benodig word nie;

(b) enige grond wat hy ingevolge die voorbehoudsbepaling by subartikel (1) verkry het, voor die skrapping van genoemde voorbehoudsbepaling deur artikel 5(1)(a) van die Wysigingswet op die Landbank, 1985, te eniger tyd van die hand sit, aan iemand wie se besoldiging uit die fondse van die bank betaal word of, indien daar geen sodanige persoon is wat die grond vir huisvesting nodig het nie, aan enigiemand anders."; en

(c) deur subartikel (4) deur die volgende subartikel te vervang:

" (4) Die Hoofbestuurder, 'n lid van die raad of 'n lid van die personeel mag nie regstreeks of onregstreeks grond wat ooreenkomstig hierdie artikel verkoop word (behalwe grond in subartikel (1)*bis*(b) beoog), aankoop nie.".

(2) Subartikel (1) word geag op 26 Januarie 1981 in werking te getree het.

6. Hierdie Wet heet die Wysigingswet op die Landbank, 1985.

Kort titel.