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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 486. 31 Maart 1976.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 25 van 1976: Wysigingswet op die Verkoop van Grond op Afbetaling, 1976.

DEPARTMENT OF THE PRIME MINISTER

No. 486. 31 March 1976.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 25 of 1976: Sale of Land on Instalments Amendment Act, 1976.

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Wet No. 25, 1976 WYSIGINGSWET OP DIE VERKOOP VAN GROND OP AFBETALING, 1976

WET

Tot wysiging van die Wet op die Verkoop van Grond op Afbetaling, 1971, betreffende die regte van 'n koper ingevolge 'n intermediêre transaksie; en die omstandighede waarin die verkoper stappe teen die koper kan doen; en om voorsiening te maak vir verdere regshulp wat 'n hof aan 'n koper kan verleen; en vir bykomstige aangeleenthede.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 15 *Maart* 1976.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 11 van Wet 72 van 1971, soos vervang deur artikel 8 van Wet 49 van 1975.

1. Artikel 11 van die Wet op die Verkoop van Grond op Afbetaling, 1971 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Die koper wat, ten einde transport van grond te verkry, die hereregte en koste van transport betaal wat deur die tussenpersoon of 'n voorganger van die tussenpersoon verskuldig is, kan die aldus betaalde bedrae op die tussenpersoon of die betrokke voorganger verhaal.".

Wysiging van artikel 13 van Wet 72 van 1971, soos gewysig deur artikel 10 van Wet 49 van 1975.

2. Artikel 13 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (1) te voeg:

„Met dien verstande dat indien die verkoper twee sodanige kennisgewings in dieselfde kalenderjaar by tussenpose van meer as dertig dae aldus aan die koper oorhandig of gestuur het, hy in 'n daaropvolgende kennisgewing wat in daardie kalenderjaar aldus aan die koper oorhandig of gestuur word, van die koper kan eis om binne 'n tydperk van minstens sewe dae sy verpligting na te kom.".

Wysiging van artikel 17 van Wet 72 van 1971, soos vervang deur artikel 13 van Wet 49 van 1975.

3. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikels te vervang:

„(2) 'n Hof binne wie se regsgebied grond geleë is wat kragtens 'n kontrak verkoop is, kan op aansoek van die koper wat, weens die feit dat iemand in gebreke gebly het om 'n dokument te onderteken wat betrekking het op die betaling van hereregte ten opsigte van of transport van daardie grond, nie in staat is om transport van daardie grond te verkry nie, die betrokke adjunk-balju of geregsbode, na gelang van die geval, gelas om daardie dokument, onderworpe aan die voorwaardes wat die hof bepaal, namens so iemand te onderteken.

(3) 'n Landdroshof is bevoeg om enige regshulp in subartikel (1) of (2) beoog, te verleen.".

Kort titel.

4. Hierdie Wet heet die Wysigingswet op die Verkoop van Grond op Afbetaling, 1976.

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ACT

To amend the Sale of Land on Instalments Act, 1971, relating to the rights of a purchaser under an intermediate transaction; and to the circumstances in which the seller may take action against the purchaser; and to make provision for further relief which a court may grant to a purchaser; and for incidental matters.

(*English text signed by the State President.*)
(*Assented to* 15 *March* 1976.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 11 of the Sale of Land on Instalments Act, 1971 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (9) of the following subsection: Amendment of section 11 of Act 72 of 1971, as substituted by section 8 of Act 49 of 1975.

"(9) The purchaser who, in order to obtain transfer of land, pays the transfer duty and transfer costs which are payable by the intermediary or any predecessor of the intermediary, may recover the amounts so paid from the intermediary or the predecessor concerned.".

2. Section 13 of the principal Act is hereby amended by the addition to subsection (1) of the following proviso: Amendment of section 13 of Act 72 of 1971, as amended by section 10 of Act 49 of 1975.

"Provided that if the seller in the same calendar year has so handed over or sent to the purchaser two such notices at intervals of more than thirty days, he may in any subsequent notice so handed over or sent in such calendar year, make demand to the purchaser to carry out his obligation within a period of not less than seven days.".

3. Section 17 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsections: Amendment of section 17 of Act 72 of 1971, as substituted by section 13 of Act 49 of 1975.

"(2) A court within whose area of jurisdiction land sold under a contract is situated, may, on the application of the purchaser who, by reason of the fact that any person failed to sign a document relating to the payment of transfer duty in respect of or transfer of such land, is unable to obtain transfer of such land, order the deputy sheriff or messenger of the court concerned, as the case may be, to sign on behalf of any such person any such document, subject to such conditions as the court may determine.

(3) A magistrate's court shall have jurisdiction to grant any relief contemplated in subsection (1) or (2).".

4. This Act shall be called the Sale of Land on Instalments Amendment Act, 1976. **Short title.**