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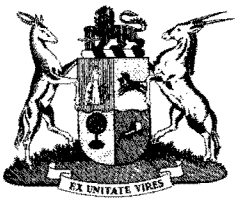

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 421. 4 Maart 1981.

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

No. 18 van 1981: Wysigingswet op die Onderverdeling van Landbougrond, 1981.

OFFICE OF THE PRIME MINISTER

No. 421. 4 March 1981.

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

No. 18 of 1981: Subdivision of Agricultural Land Amendment Act, 1981.

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Act No. 18, 1981 SUBDIVISION OF AGRICULTURAL LAND AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:

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

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Subdivision of Agricultural Land Act, 1970, so as further to define "agricultural land", to substitute the definition of "Minister", to insert a definition of "sale" and "sold" and to delete the definition of "Secretary"; to assign certain functions to the Minister of Agriculture and Fisheries; to delete all references to the Secretary; to limit the categories of persons who may apply for the consent of the Minister to certain acts in regard to agricultural land; to empower the Minister to determine the place of lodging of applications for that consent; to authorize a Registrar of Deeds to register certain additional servitudes in respect of the land concerned without the written consent of the Minister; to provide that certain restrictive conditions which have been noted on title deeds of the land concerned shall for the purposes of the variation or cancellation of those conditions be deemed to have been so noted in favour of the Minister; and to provide for matters connected therewith.

(*English text signed by the State President.*)
(*Assented to 16 February 1981.*)

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

Amendment of section 1 of Act 70 of 1970, as amended by section 1 of Act 55 of 1972, section 1 of Act 18 of 1977 and section 1 of Act 12 of 1979.

1. Section 1 of the Subdivision of Agricultural Land Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for paragraph *(b)* of the definition of "agricultural land" of the following paragraph:

"*(b)* land—

(i) **[forming]** which forms part of any area subdivided in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919); or

(ii) **[being]** which is a township as defined in section 102 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), but excluding a private township as defined in section 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949 of Natal), not situated in an area of jurisdiction or a public health area referred to in paragraph *(a)*;";

(b) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of Agriculture and Fisheries;";

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WYSIGINGSWET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1981 **Wet No. 18, 1981**

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Onderverdeling van Landbougrond, 1970, ten einde ,,landbougrond'' nader te omskryf, die omskrywing van ,,Minister'' te vervang, 'n omskrywing van ,,verkoop'' in te voeg en die omskrywing van ,,Sekretaris'' te skrap; sekere werksaamhede aan die Minister van Landbou en Visserye op te dra; alle verwysings na die Sekretaris te skrap; die kategorieë persone wat aansoek kan doen om die toestemming van die Minister tot sekere handelinge met betrekking tot landbougrond, te beperk; aan die Minister die bevoegdheid te verleen om die plek van inlewering van aansoeke om die vermelde toestemming, te bepaal; 'n Registrateur van Aktes te magtig om sekere bykomende serwitute ten opsigte van die betrokke grond te registreer sonder die skriftelike toestemming van die Minister; te bepaal dat sekere beperkende voorwaardes wat op titelbewyse van die betrokke grond aangeteken is, vir die doeleindes van die wysiging of rojering van daardie voorwaardes geag word ten gunste van die Minister aldus aangeteken te gewees het; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op 16 Februarie 1981.*)

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

1. Artikel 1 van die Wet op die Onderverdeling van Landbougrond, 1970 (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 70 van 1970, soos gewysig deur artikel 1 van Wet 55 van 1972, artikel 1 van Wet 18 van 1977 en artikel 1 van Wet 12 van 1979.

(a) deur paragraaf *(b)* van die omskrywing van ,,landbougrond'' deur die volgende paragraaf te vervang:

,,*(b)* grond wat—

(i) deel uitmaak van 'n gebied wat ingevolge die Landbouwhoeven (Transvaal) Registratie Wet, 1919 (Wet No. 22 van 1919), onderverdeel is; of **[wat]**

(ii) 'n dorp is soos omskryf in artikel 102 (1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), maar uitgesonderd 'n privaatdorp soos omskryf in artikel 1 van die Dorpsbeplanningsordonnansie, 1949 (Ordonnansie No. 27 van 1949 van Natal), wat nie in 'n regsgebied of 'n openbare gesondheidsgebied vermeld in paragraaf *(a)* geleë is nie;";

(b) deur die omskrywing van ,,Minister'' deur die volgende omskrywing te vervang:

,,,Minister' die Minister van Landbou en Visserye;";

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(c) by the insertion after the definition of "right" of the following definition:

"'sale' includes a sale subject to a suspensive condition; and 'sold' shall have a corresponding meaning;" and

(d) by the deletion of the definition of "Secretary".

Amendment of section 4 of Act 70 of 1970, as amended by section 4 of Act 55 of 1972 and section 4 of Act 18 of 1977.

2. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) *(a)* Any application for the consent of the Minister for the purposes of section 3 shall—

(i) in the case where any act referred to in paragraphs *(a)* to *(e)* of that section is contemplated, be made by the owner of the land concerned;

(ii) be lodged **[with the Secretary]** in such place and **[shall]** be in such form and be accompanied by such plans, documents and information as **[are]** may be determined by the **[Secretary]** Minister.

(b) For the purposes of paragraph *(a)* "owner" shall have the meaning assigned to it in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937).".

Amendment of section 6A of Act 70 of 1970, as inserted by section 6 of Act 55 of 1972 and amended by section 6 of Act 18 of 1977.

3. Section 6A of the principal Act is hereby amended by the insertion after paragraph *(a)* of subsection (1) of the following paragraph:

"*(a*A) a servitude which is supplementary to a servitude referred to in paragraph *(a)*, and which has a servitude area not exceeding 225 square metres which adjoins the area of the last-mentioned servitude;".

Amendment of section 7 of Act 70 of 1970.

4. Section 7 of the principal Act is hereby amended by the substitution for the word "Secretary" of the word "Minister".

Amendment of section 8 of Act 70 of 1970, as amended by section 7 of Act 55 of 1972 and section 7 of Act 18 of 1977.

5. Section 8 of the principal Act is hereby amended—

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

"(1) The Minister may delegate to **[the Secretary or]** any **[other]** officer in the Public Service any power conferred upon him by this Act, excluding a power referred to in section 10, but shall not be divested of any power delegated by him, and may vary or withdraw any decision of **[the Secretary or]** any such officer upon application by any person affected and feeling aggrieved by such decision."; and

(b) by the deletion in paragraph *(b)* of subsection (3) of the words "the Secretary or".

Amendment of section 11 of Act 70 of 1970, as substituted by section 8 of Act 55 of 1972 and amended by section 4 of Act 19 of 1974 and section 8 of Act 18 of 1977.

6. Section 11 of the principal Act is hereby amended by the substitution for paragraph *(b)* of the following paragraph:

"*(b)* hinders or obstructs in the performance of his functions any **[other]** person acting under an authority **[from the Secretary]** in terms of section 7;".

Amendment of section 13 of Act 70 of 1970, as substituted by section 9 of Act 18 of 1977.

7. Section 13 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) A restrictive condition, in favour of the State, a Minister of State, an Administrator (including the Adminis-

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(c) deur die omskrywing van ,,Sekretaris" te skrap; en

(d) deur die volgende omskrywing na die omskrywing van ,,uitvoerende komitee" in te voeg:

,,,verkoop' ook 'n verkoop onderworpe aan 'n opskortende voorwaarde; en het ,verkoop', wanneer dit as 'n werkwoord gebruik word, 'n ooreenstemmende betekenis;".

2. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 4 van Wet 70 van 1970, soos gewysig deur artikel 4 van Wet 55 van 1972 en artikel 4 van Wet 18 van 1977.

,,(1) *(a)* 'n Aansoek om die toestemming van die Minister vir die doeleindes van artikel 3 moet—

(i) in die geval waar 'n handeling vermeld in paragrawe *(a)* tot *(e)* van daardie artikel beoog word, gedoen word deur die eienaar van die betrokke grond;

(ii) **[by die Sekretaris]** ingelewer word by dié plek en **[moet]** in dié vorm wees en vergesel gaan van dié planne, stukke en inligting wat **[genoemde Sekretaris]** die Minister bepaal.

(b) By die toepassing van paragraaf *(a)* het ,,eienaar" die betekenis wat in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), daaraan toegeskryf is.".

3. Artikel 6A van die Hoofwet word hierby gewysig deur die volgende paragraaf na paragraaf *(a)* van subartikel (1) in te voeg: Wysiging van artikel 6A van Wet 70 van 1970, soos ingevoeg deur artikel 6 van Wet 55 van 1972 en gewysig deur artikel 6 van Wet 18 van 1977.

,,*(a*A*)* 'n serwituut wat aanvullend is by 'n serwituut in paragraaf *(a)* vermeld, en wat 'n serwituutgebied van hoogstens 225 vierkante meter het wat aan die gebied van laasgenoemde serwituut grens;".

4. Artikel 7 van die Hoofwet word hierby gewysig deur die woord ,,Sekretaris" deur die woord ,,Minister" te vervang. Wysiging van artikel 7 van Wet 70 van 1970.

5. Artikel 8 van die Hoofwet word hierby gewysig— Wysiging van artikel 8 van Wet 70 van 1970, soos gewysig deur artikel 7 van Wet 55 van 1972 en artikel 7 van Wet 18 van 1977.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

,,(1) Die Minister kan 'n bevoegdheid wat by hierdie Wet aan hom verleen is, uitgesonderd 'n bevoegdheid in artikel 10 bedoel, aan **[die Sekretaris of]** 'n **[ander]** beampte in die Staatsdiens delegeer, maar word nie van 'n bevoegdheid wat hy gedelegeer het, ontdoen nie, en kan 'n beslissing van **[die Sekretaris of]** so 'n beampte wysig of intrek op aansoek van iemand wat deur dié beslissing geraak word en homself daardeur veronreg voel."; en

(b) deur in paragraaf *(b)* van subartikel (3) die woorde ,,die Sekretaris of" te skrap.

6. Artikel 11 van die Hoofwet word hierby gewysig deur paragraaf *(b)* deur die volgende paragraaf te vervang: Wysiging van artikel 11 van Wet 70 van 1970, soos vervang deur artikel 8 van Wet 55 van 1972 en gewysig deur artikel 4 van Wet 19 van 1974 en artikel 8 van Wet 18 van 1977.

,,*(b)* iemand **[anders]** wat kragtens magtiging **[van die Sekretaris]** ingevolge artikel 7 optree, by die verrigting van sy werksaamhede hinder of belemmer;".

7. Artikel 13 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word: Wysiging van artikel 13 van Wet 70 van 1970, soos vervang deur artikel 9 van Wet 18 van 1977.

,,(2) 'n Beperkende voorwaarde, ten gunste van die Staat, 'n Staatsminister, 'n Administrateur (met inbegrip

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trator of the territory of South West Africa), an officer, the general public or any person, in connection with the use of agricultural land or the manner in which such land may be dealt with, which has by virtue of a permit or similar document referred to in subsection (1) been noted on the title deed of the land, shall for the purposes of the variation or cancellation of that condition be deemed to have been so noted in favour of the Minister.".

Short title.

8. This Act shall be called the Subdivision of Agricultural Land Amendment Act, 1981.

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van die Administrateur van die gebied Suidwes-Afrika), 'n beampte, die algemene publiek of 'n persoon, in verband met die gebruik van landbougrond of die wyse waarop daar met sodanige grond gehandel mag word, wat uit hoofde van 'n permit of soortgelyke stuk vermeld in subartikel (1) op die titelbewys van die grond aangeteken is, word vir die doeleindes van die wysiging of rojering van daardie voorwaarde geag ten gunste van die Minister aldus aangeteken te gewees het.".

8. Hierdie Wet heet die Wysigingswet op die Onderverdeling van Landbougrond, 1981. **Kort titel.**