



Republic of Namibia
Annotated Statutes

Formalities in respect of Contracts of Sale of Land Act 71 of 1969 (RSA)

(RSA GG 2427)

came into force in South Africa and South West Africa
on 1 January 1970 (see sections 3 and 5 of Act)

APPLICABILITY TO SOUTH WEST AFRICA: Section 3 of the Act states "This Act and any amendment thereof shall apply also in the territory of South West Africa."

TRANSFER TO SOUTH WEST AFRICA: The administration of this Act was transferred to South West Africa by the Executive Powers (Commerce) Transfer Proclamation, AG 28 of 1978, dated 28 April 1978. There were no amendments to the Act in South Africa prior to its repeal by the *Alienation of Land Act 68 of 1981* (RSA GG 7789), which was not made applicable to South West Africa.

ACT

To provide for the formalities in respect of a contract of sale of land and certain interests in land; to repeal section 1 of the General Law Amendment Act, 1957; and to provide for incidental matters.

*(English text signed by the State President)
(Assented to 30th May, 1969)*

ARRANGEMENT OF SECTIONS

1. Formalities in respect of contracts of sale of land and certain interests in land
2. Exclusion of contracts of sale of land or any interest in land sold by public auction
3. Application to South-West Africa
4. Repeal of section 1 of Act 68 of 1957
5. Short title and commencement

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

Formalities in respect of contracts of sale of land and certain interests in land

Formalities in respect of Contracts of Sale of Land Act 71 of 1969 (RSA)

1. (1) No contract of sale of land or any interest in land (other than a lease, mynpacht or mining claim or stand) shall be of any force or effect if concluded after the commencement of this Act unless it is reduced to writing and signed by the parties thereto or by their agents acting on their written authority.

(2) The provisions of subsection (1) relating to signature by the agent of a party acting on the written authority of the party, shall not derogate from the provisions of any law relating to the making of a contract in writing by a person professing to act as agent or trustee for a company not yet formed, incorporated or registered.

Exclusion of contracts of sale of land or any interest in land sold by public auction

2. The provisions of section 1 shall not apply to a contract of sale of land or any interest in land sold by public auction.

Application to South-West Africa

3. This Act and any amendment thereof shall apply also in the territory of South-West Africa.

Repeal of section 1 of Act 68 of 1957

4. Section 1 of the General Law Amendment Act, 1957, is hereby repealed.

[Section 1 of the General Law Amendment Act 68 of 1957 (SA GG 5894) contains no indication that it was applicable to South West Africa, nor was Act 68 of 1957 made applicable to South West Africa as a whole. Section 1 reads as follows:

“1. (1) No contract of sale or cession in respect of land or any interest in land (other than a lease, mynpacht or mining claim or stand) shall be of any force or effect if concluded after the commencement of this section unless it is reduced to writing and signed by the parties thereto or by their agents acting on their written authority.

(2) The laws specified in the Schedule are hereby repealed to the extent set out in the fourth column of the Schedule **[none of the repealed laws were applicable to South West Africa].”**

Short title and commencement

5. This Act shall be called the Formalities in respect of Contracts of Sale of Land Act, 1969, and shall come into operation on the first day of January, 1970.