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OFFICE OF THE PRESIDENCY

No. 1401.

24 November 1999

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

No. 43 of 1999: Abolition of Certain Title Conditions Act, 1999.

KANTOOR VAN DIE PRESIDENSIE

No. 1401.

24 November 1999

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

No. 43 van 1999: Wet op die Afskaffing van Sekere Titelvoorwaardes, 1999.

(English text signed by the President.)
(Assented to 18 November 1999.)

ACT

To provide for the abolition of certain conditions in terms of which the consent or permission of the holder of an office under the Republic, the former Union of South Africa or any *dominium*, colony or republic which preceded the former Union of South Africa, is required for the alienation or transfer of immovable property from one person to another; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Abolition of conditions

1. (1) Notwithstanding anything to the contrary contained in any law, but subject to section 2, any condition registered against any title before the commencement of this Act, whereby the consent or permission of the holder of an office under the Republic, the former Union of South Africa or any *dominium*, colony or republic which preceded the former Union of South Africa is required for the alienation or transfer of immovable property from one person to another, is hereby abolished. 5

(2) The registrar of deeds concerned must, in respect of each such condition, make such entries and endorsements in his or her registers or other documents as may be necessary to give effect to the provisions of subsection (1). 10

Exclusions from application of Act

2. Section 1 does not apply to any condition registered against a title, if such condition— 15

- (a) is imposed under any town planning scheme;
- (b) is imposed under a land use control mechanism having the effect of a town planning scheme;
- (c) affects rights to minerals;
- (d) determines a period during which a piece of land may not be alienated or transferred, if such period has not expired; 20
- (e) determines that the ownership of a piece of land will revert to the State if that condition is breached;
- (f) determines that the State may resume ownership of a piece of land for public purposes; 25
- (g) establishes a right of pre-emption in favour of the State;
- (h) was imposed as a condition of a permit or authorisation issued in terms of the Water Act, 1956 (Act No. 54 of 1956), before the repeal of that Act by the National Water Act, 1998 (Act No. 36 of 1998);
- (i) relates to land owned by the State; or 30
- (j) relates to land of which the holder of the office in question is the nominal owner, holding it in a fiduciary capacity.

Short title

3. This is the Abolition of Certain Title Conditions Act, 1999.