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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 788.

2 June 1995

No. 788.

2 Junie 1995

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

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

No. 11 of 1995: Land Affairs General Amendment Act, 1995.

No. 11 van 1995: Algemene Wysigingswet op Grondsake, 1995.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Kimberley Leasehold Conversion to Freehold Act, 1961, so as to substitute certain definitions; to make further provision in respect of the freedom from certain conditions of certain erven; and to make other provision in respect of the publication of certain notices; to amend the Expropriation of Mineral Rights (Townships) Act, 1969, so as to delete an obsolete definition and define a certain expression; to substitute obsolete expressions; and to make other provision in respect of the publication of certain notices; to amend the Upgrading of Land Tenure Rights Act, 1991, so as to delete and substitute certain definitions; to substitute certain obsolete designations; to provide for the repeal of the power by proclamation to declare the said Act to be applicable in the former self-governing territories; and to provide for the saving of certain such proclamations; to amend the Land Titles Adjustment Act, 1993, so as to substitute certain definitions and obsolete designations and an obsolete expression; and to substitute an obsolete provision relating to the application of the said Act; to amend the Distribution and Transfer of Certain State Land Act, 1993, so as to substitute certain definitions and obsolete designations; to repeal a provision relating to certain requirements with respect to the notices by which certain land is designated as land to be dealt with in accordance with the provisions of the said Act; and to substitute an obsolete provision relating to the application of the Act; to amend the Regional Industrial Development Act, 1993, so as to substitute certain definitions; to alter the composition of the Regional Industrial Development Board; to substitute an obsolete designation; and to provide for the extension of the application of the said Act; to repeal obsolete and discriminatory laws; and to provide for incidental matters.

(Afrikaans text signed by the President.)
(Assented to 24 May 1995.)

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

Amendment of section 1 of Act 40 of 1961, as amended by section 6 of Act 89 of 1993

1. Section 1 of the Kimberley Leasehold Conversion to Freehold Act, 1961, is hereby amended—

- (a) by the substitution in the definition of "Bultfontein" for the words preceding paragraph (a) of the following words:
 " 'Bultfontein' means the following properties situated in the municipality and division of Kimberley in the **[Province of the Cape of Good Hope] province of Northern Cape** and registered in favour of either the municipality or the council of the municipality of the city of Kimberley—";
- (b) by the substitution for the definition of "Master" of the following definition:
 " 'Master' means the **[Assistant] Master of the Supreme Court of South Africa [in the Province of the Cape of Good Hope] appointed for the area of jurisdiction of the division of the Supreme Court which has its seat at Kimberley;**";
- (c) by the substitution for the definition of "Minister" of the following definition:
 " 'Minister' means the Minister of **[Regional and] Land Affairs;**";
- (d) by the substitution for the definition of "Surveyor-General" of the following definition:
 " 'Surveyor-General' means the Surveyor-General **[of the Province of the Cape of Good Hope] appointed in respect of the office of surveyor-general established under section 3 of the Land Survey Act, 1927 (Act No. 9 of 1927), for the region within which the district of Kimberley is situated;**".

Amendment of section 2 of Act 40 of 1961

2. Section 2 of the Kimberley Leasehold Conversion to Freehold Act, 1961, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding anything to the contrary contained in any other law the Surveyor-General shall alter the general plans referred to in paragraphs (c) and (d) of the definition of "Bultfontein" by excluding therefrom the erven referred to in the said paragraphs, and the said erven shall upon being so excluded be free of any conditions imposed in respect thereof under the provisions of the Townships Ordinance, 1934 (Ordinance No. 33 of 1934 (Cape)), before the repeal thereof, or under the provisions of the Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985 (Cape))."

Amendment of section 4 of Act 40 of 1961

3. Section 4 of the Kimberley Leasehold Conversion to Freehold Act, 1961, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) As soon as practicable after the publication of such notice the town clerk shall cause to be published once in **[an English and once in an Afrikaans newspaper] at least two newspapers, each published in a different official language as referred to in section 3(1) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and circulating in the municipal area of Kimberley, a notice drawing the attention of all interested persons to the said notice in the Gazette and stating the purport thereof.**"

Substitution of section 15 of Act 40 of 1961

4. The following section is hereby substituted for section 15 of the Kimberley Leasehold Conversion to Freehold Act, 1961:

"Exemption from provisions

15. The provisions of the **[Townships Ordinance, 1934 (Ordinance No. 33 of 1934 (Cape))] Land Use Planning Ordinance, 1985 (Ordinance No. 15 of 1985 (Cape)), shall not apply to anything**

required or permitted to be done under the provisions of this Act [and the provisions of the Group Areas Development Act, 1955, shall not apply to any transfer of an erf from the city council of Kimberley to an owner in terms of the provisions of this Act].”.

Amendment of section 1 of Act 96 of 1969, as amended by section 83 of Act 63 of 1975 5

5. Section 1 of the Expropriation of Mineral Rights (Townships) Act, 1969, is hereby amended—

- (a) by the deletion of the definition of “Administrator”;
- (b) by the insertion after the definition of “owner” of the following definition: 10

“ ‘Premier’, in relation to rights to minerals in land, the Premier of the province in which the land is situated, or a competent authority within the jurisdiction of the government of the province concerned designated by the Premier.”. 15

Amendment of section 2 of Act 96 of 1969, as amended by section 84 of Act 63 of 1975 and section 7 of Act 89 of 1993

6. Section 2 of the Expropriation of Mineral Rights (Townships) Act, 1969, is hereby amended by the substitution for the words following on paragraph (b) of subsection (2) of the following words: 20

“the [Administrator] Premier may cause to be published once in the [Official] Provincial Gazette of the province in question and twice with an interval of not less than one week in [an Afrikaans and an English newspaper] at least two newspapers, each published in a different official language, as referred to in section 3(1) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), and circulating in the district in which the land in question is situated, a notice in which all owners of those rights are called upon to submit to the [Administrator] Premier in writing, within a period specified in the notice or such further period as the [Administrator] Premier may allow, reasons why those rights should not be expropriated under subsection (3), including such proposals as any such owner may wish to make in connection with the consideration for which or the conditions on which he would be prepared to grant such consent or relinquish those rights.”. 25 30

Substitution of words “Administrator”, “Regional and Land Affairs” and “Official Gazette” in Act 96 of 1969 35

7. The Expropriation of Mineral Rights (Townships) Act, 1969, is hereby amended by the substitution for the words “Administrator”, “Regional and Land Affairs” and “Official Gazette”, wherever they occur, of the words “Premier”, “Land Affairs” and “Provincial Gazette”, respectively. 40

Amendment of section 1 of Act 112 of 1991, as amended by section 30 of Act 108 of 1993

8. Section 1 of the Upgrading of Land Tenure Rights Act, 1991, is hereby amended—

- (a) by the deletion of the definition of “Administrator”; 45
- (b) by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of [Regional and] Land Affairs;”.

Substitution of section 24A of Act 112 of 1991

9. The following section is hereby substituted for section 24A of the Upgrading of Land Tenure Rights Act, 1991:

“Delegation by Minister

- 24A. The Minister may, on the conditions he may deem fit— 5
- (a) delegate to the **[Administrator]** Premier of a province, or any competent authority within the jurisdiction of the government of a province designated by the Premier of that province, any power conferred upon the Minister by this Act; or
- (b) authorise the **[Administrator]** Premier or competent authority referred to in paragraph (a) to perform any duty assigned to the Minister by this Act.” 10

Repeal of section 25 of Act 112 of 1991

10. Section 25 of the Upgrading of Land Tenure Rights Act, 1991, is hereby repealed. 15

Saving of proclamations issued under section 25 of Act 112 of 1991

11. (1) A proclamation issued under section 25(1) of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991), and in force immediately prior to the commencement of section 10 of this Act in an area in respect of which such proclamation was issued, shall, notwithstanding the provisions of section 10 of this Act, remain in force until repealed by the President by proclamation in the *Gazette*. 20

(2) The President may by proclamation in the *Gazette* take such measures as he or she deems necessary for purposes of regulating the proper administration of a proclamation which in terms of subsection (1) remains in force in respect of an area which was, prior to the commencement of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), a self-governing territory as defined in section 38(1) of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971). 25

Substitution of words “Administrator” and “State President” in Act 112 of 1991 30

12. The Upgrading of Land Tenure Rights Act, 1991, is hereby amended—
- (a) by the substitution for the word “Administrator”—
- (i) where it occurs in sections 7, 8, 9(1), 10, 12, 15, 16, 17, 18, 18A, 18B, 18C, 18D, 18E and 18I, of the word “Minister”; and
- (ii) where it occurs in sections 9(3) and 11, of the word “Premier”; and 35
- (b) by the substitution for the words “State President”, wherever they occur, of the word “President”.

Amendment of section 1 of Act 111 of 1993

13. Section 1 of the Land Titles Adjustment Act, 1993, is hereby amended—
- (a) by the substitution for the definition of “Director-General” of the following definition: 40
- “ ‘Director-General’ means the Director-General of **[Regional and]** Land Affairs;”;
- (b) by the substitution for the definition of “Minister” of the following definition: 45
- “ ‘Minister’ means the Minister of **[Regional and]** Land Affairs.”.

Amendment of section 3 of Act 111 of 1993

14. Section 3 of the Land Titles Adjustment Act, 1993, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) A commissioner who is not in the full-time service of the State shall, in respect of his service as a commissioner, be paid such remuneration and allowances as the Minister, with the concurrence of the Minister of [State Expenditure] Finance, may from time to time determine.” 5

Amendment of section 5 of Act 111 of 1993

15. Section 5 of the Land Titles Adjustment Act, 1993, is hereby amended by the substitution for subsection (3) of the following subsection: 10

“(3) Such amount shall be paid by the Director-General into the [State] National Revenue Fund established by section 185 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).”

Amendment of section 14 of Act 111 of 1993

16. Section 14 of the Land Titles Adjustment Act, 1993, is hereby amended by the substitution for subsection (1) of the following subsection: 15

“(1) The Director-General may, subject to such conditions as he may deem necessary—

- (a) delegate to an officer employed by the Department of [Regional and] Land Affairs any power conferred upon him in terms of this Act; or 20
- (b) authorize an officer employed by the Department of [Regional and] Land Affairs to perform any duty assigned to him in terms of this Act.”

Substitution of section 16 of Act 111 of 1993

17. The following section is hereby substituted for section 16 of the Land Titles Adjustment Act, 1993: 25

“Application of Act

16. As from the coming into operation of the Land Affairs General Amendment Act, 1995, the provisions of this Act shall apply in the whole of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).” 30

Amendment of section 1 of Act 119 of 1993

18. Section 1 of the Distribution and Transfer of Certain State Land Act, 1993, is hereby amended—

- (a) by the substitution for the definition of “Director-General” of the following definition: 35

“ ‘Director-General’ means the Director-General of [Regional and] Land Affairs;”;

- (b) by the substitution for the definition of “Minister” of the following definition: 40

“ ‘Minister’ means the Minister of [Regional and] Land Affairs;”.

Amendment of section 2 of Act 119 of 1993

19. Section 2 of the Distribution and Transfer of Certain State Land Act, 1993, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection: 45

“(1) This Act shall apply to land belonging to the State (including land registered in the name of a Minister, a Premier or a former Administrator), and land belonging to a local authority or development body, and designated by the Minister by notice in the *Gazette* as land to

- be dealt with in accordance with the provisions of this Act: Provided that land belonging to a local authority or development body may only be so designated by the Minister if it is 'land of a local authority' or 'land of a development body' as defined in section 88A of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991)."; 5
- (b) by the deletion of subsection (3).

Amendment of section 3 of Act 119 of 1993

20. Section 3 of the Distribution and Transfer of Certain State Land Act, 1993, is hereby amended by the substitution for subsection (3) of the following subsection: 10

- "(3) A commissioner who is not in the full-time service of the State shall in respect of his service as a commissioner be paid such remuneration and allowances as the Minister, with the concurrence of the Minister of [State Expenditure] Finance, may from time to time determine."

Amendment of section 16 of Act 119 of 1993 15

21. Section 16 of the Distribution and Transfer of Certain State Land Act, 1993, is hereby amended by the substitution for subsection (1) of the following subsection:

- "(1) The Director-General may, subject to such conditions as he may deem necessary— 20
- (a) delegate to an officer employed by the Department of [Regional and Land Affairs] any power conferred upon him in terms of this Act; or
- (b) authorize an officer employed by the Department of [Regional and Land Affairs] to perform any duty assigned to him in terms of this Act."

Substitution of section 19 of Act 119 of 1993 25

22. The following section is hereby substituted for section 19 of the Distribution and Transfer of Certain State Land Act, 1993:

"Application of Act

19. As from the coming into operation of the Land Affairs General Amendment Act, 1995, the provisions of this Act shall apply in the whole of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)." 30

Amendment of section 1 of Act 187 of 1993

23. Section 1 of the Regional Industrial Development Act, 1993, is hereby amended— 35

- (a) by the substitution for the definition of "Department" of the following definition: 40
- " 'Department' means the Department of [Regional and Land Affairs] Trade and Industry;";
- (b) by the substitution for the definition of "Director-General" of the following definition: 45
- " 'Director-General' means the Director-General: [Regional and Land Affairs] Trade and Industry or his authorized representative;";
- (c) by the substitution for the definition of "Minister" of the following definition:
- " 'Minister' means the Minister of [Regional and Land Affairs] Trade and Industry;".

Amendment of section 2 of Act 187 of 1993

24. Section 2 of the Regional Industrial Development Act, 1993, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

- “(b) an official of—
- (i) the Department designated by the Director-General;
 - [(ii) the Department of Trade and Industry designated by the Director-General: Trade and Industry;]
 - (iii) the Department of State Expenditure designated by the Director-General: State Expenditure;
 - (iv) the Department of Finance designated by the Director-General: Finance.”

Amendment of section 6 of Act 187 of 1993

25. Section 6 of the Regional Industrial Development Act, 1993, is hereby amended by the substitution for subsection (4) of the following subsection:

- “(4) Each member of the Board or a committee of the Board, including alternate or co-opted members, but excluding members in the full-time employment of the State, may be paid such salary, other remuneration and allowances as the Minister, with the concurrence of the Minister of [State Expenditure] Finance, may determine from time to time.”

Insertion of section 15A in Act 187 of 1993

26. The Regional Industrial Development Act, 1993, is hereby amended by the insertion after section 15 of the following section:

“Application of Act

15A. As from the coming into operation of the Land Affairs General Amendment Act, 1995, the provisions of this Act shall apply in the whole of the national territory referred to in section 1 of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993).”

Repeal of laws

27. The laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

Short title

28. This Act shall be called the Land Affairs General Amendment Act, 1995.

SCHEDULE

No. and year of law	Short title	Extent of repeal
Act No. 76 of 1963	Black Laws Amendment Act, 1963	Section 32
Act No. 56 of 1968	Black Laws Amendment Act, 1968	Sections 6 and 7
Act No. 27 of 1970	Second Black Laws Amendment Act, 1970	Section 12
Act No. 49 of 1970	Third Black Laws Amendment Act, 1970	Sections 2, 3 and 12
Act No. 23 of 1972	Black Laws Amendment Act, 1972	Sections 5, 6, 7 and 12
Act No. 102 of 1972	General Law Amendment Act, 1972	Section 22
Act No. 7 of 1973	Black Laws Amendment Act, 1973	Sections 7, 8, 9, 11, 12, 13, 14 and 15
Act No. 70 of 1974	Black Laws Amendment Act, 1974	Sections 9, 10, 12, 13, 14, 18, 19, 20, 21, 22, 23 and 24
Act No. 71 of 1974	Second Black Laws Amendment Act, 1974	The whole
Act No. 9 of 1975	Black Laws Amendment Act, 1975	The whole
Act No. 115 of 1977	Second Black Laws Amendment Act, 1977	The whole
Act No. 12 of 1978	Black Laws Amendment Act, 1978	Sections 9, 14, 15, 16, 17, 18, 19 and 20
Act No. 102 of 1978	Second Black Laws Amendment Act, 1978	The whole
Act No. 16 of 1979	Laws on Plural Relations and Development Amendment Act, 1979	Sections 10 and 11
Act No. 98 of 1979	Laws on Plural Relations and Development Second Amendment Act, 1979	Sections 11 and 17
Act No. 3 of 1980	Laws on Co-operation and Development Amendment Act, 1980	Section 6
Act No. 94 of 1980	Laws on Co-operation and Development Second Amendment Act, 1980	Sections 7 and 8
Act No. 102 of 1983	Laws on Co-operation and Development Amendment Act, 1983	Sections 16, 17 and 18
Act No. 83 of 1984	Laws on Co-operation and Development Amendment Act, 1984	Section 12
Act No. 91 of 1985	Laws on Co-operation and Development Amendment Act, 1985	Sections 6, 7 and 9
Act No. 105 of 1986	Laws on Development Aid Second Amendment Act, 1986	The whole
Act No. 97 of 1988	Constitutional Laws Second Amendment Act, 1988	The whole
Act No. 126 of 1991	Development Aid Laws Amendment Act, 1991	Sections 2, 3, 4, 5, 6, 7 and 8
Act No. 89 of 1993	Regional and Land Affairs General Amendment Act, 1993	Sections 10, 11, 12, 13, 15, 16, 17 and 18
Act No. 93 of 1993	Joint Administrative Authority for Walvis Bay Act, 1993	The whole
Act No. 99 of 1993	Joint Administration of Certain Matters Act, 1993	The whole
Act No. 107 of 1993	Revocation and Assignment of Powers of Self-governing Territories Act, 1993	The whole
Act No. 109 of 1993	Regulation of Joint Executive Action regarding Certain Land Act, 1993	The whole