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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 337

CAPE TOWN, 23 JULY 1993

KAAPSTAD, 23 JULIE 1993

No. 14992

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1293.

23 July 1993

No. 1293.

23 Julie 1993

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

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

No. 126 of 1993: Provision of Certain Land for Settlement Act, 1993.

No. 126 van 1993: Wet op die Beskikbaarstelling van Sekere Grond vir Vestiging, 1993.

ACT

To provide for the designation of certain land; to regulate the subdivision of such land and the settlement of persons thereon; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 9 July 1993.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
- (i) "Administrator" means an Administrator as defined in section 1 of the Provincial Government Act, 1986 (Act No. 69 of 1986); (ii) 5
 - (ii) "deeds registry" means a deeds registry as defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937); (vii)
 - (iii) "designated land" means land which is under section 2 designated for settlement; (i) 10
 - (iv) "developer" means any person who under section 4 undertakes the development of designated land; (v)
 - (v) "development body" means a development corporation established under section 5(1)(a) of the Promotion of the Economic Development of National States Act, 1968 (Act No. 46 of 1968), or an institution established by or under any other law with objects similar to those of a development corporation established under the said section 5(1)(a); (vi) 15
 - (vi) "Minister" means the Minister of Regional and Land Affairs; (iv)
 - (vii) "partition plan" means a partition plan as referred to in section 6; (viii)
 - (viii) "prescribed" means prescribed by or under this Act; (x) 20
 - (ix) "settlement" means the settlement of persons on designated land as referred to in section 7(1); (ix)
 - (x) "this Act" includes a regulation made under this Act. (iii)

Powers of Administrator with regard to certain land

2. (1) The Administrator may, subject to the provisions of section 3, designate for the purposes of settlement— 25
- (a) State land which is controlled by him and made available by him for those purposes;
 - (b) State land which is controlled by the Minister, or land which is purchased or acquired by him in any other manner, and which is made available by him for those purposes; 30
 - (c) any land which has been made available for those purposes by the owner thereof.
- (2) The Administrator shall give notice in the *Official Gazette* of any land designated under subsection (1). 35
- (3) The Administrator may by notice in the *Official Gazette*, with the concurrence of the Minister, impose conditions for the use of the land designated under subsection (1).
- (4) The laws governing the subdivision of agricultural land and the establishment of townships, shall not apply in respect of land referred to in subsection (1). 40

Publication of notice in newspaper

3. (1) The Administrator shall cause to be published in an Afrikaans and an English newspaper circulating in the district in which the designated land is situated, a notice calling upon interested parties to submit in writing to the Administrator, within a period mentioned in the notice, which period may not be shorter than 21 days, following the day upon which the notice appeared in the newspaper, any representations which they wish to make in respect of the contemplated designation. 5

(2) The Administrator shall not designate any land before he has considered all the representations received by virtue of subsection (1). 10

Development of designated land

4. The development of designated land shall be undertaken—

(a) in the case of land referred to in section 2(1)(a) or (b), by the Administrator or by someone with whom he has concluded an agreement for that purpose; and 15

(b) in the case of land referred to in section 2(1)(c), by the owner of that land or by someone with whom he has concluded an agreement for that purpose.

Subdivision of designated land

5. The developer may, subject to the conditions contemplated in section 2(3), subdivide the designated land or cause it to be subdivided in accordance with the provisions of this Act into pieces of land for small-scale farming, residential, public, community, business or similar purposes. 20

Partition plan

6. (1) The developer shall draw up or cause to be drawn up a partition plan indicating the intended subdivision of the designated land. 25

(2) If the Administrator is not the developer, the developer shall submit such partition plan to the Administrator, and if the Administrator is satisfied with the intended subdivision of the designated land, he shall approve the partition plan.

Surveying and approval of plans and diagrams

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7. The developer shall—

(a) as indicated on the approved partition plan, cause plans and diagrams to be prepared for the designated land, and shall cause such plans and diagrams to be submitted to the surveyor-general for approval; and

(b) after the plans and diagrams have been approved or provisionally approved by the surveyor-general, file such plans and diagrams at the deeds registry for registration by the registrar of deeds. 35

Settlement of persons on designated land

8. (1) The developer may, subject to the provisions of subsection (2), alienate or lease a piece of land referred to in section 5 to any person. 40

(2) Settlement of a person shall take place only after a land surveyor has surveyed the designated land and placed the beacons: Provided that the Administrator may in a particular case grant permission that such settlement may take place in a manner determined by him even though the beacons concerned have not been placed. 45

Registration of ownership

9. (1) If ownership in a piece of land referred to in section 5 is transferred, the developer shall, as soon as the surveying thereof is completed, submit a certificate of ownership, made out in the name of the person to which such piece

of land has been alienated, on the form prescribed for that purpose under the Deeds Registries Act, 1937 (Act No. 47 of 1937), to the deeds registry, whereupon the registrar of deeds shall register such piece of land in the name of that person.

(2) No provision of section 15 or 17 of the Deeds Registries Act, 1937, shall apply, and no transfer duty, stamp duty or other fee shall be payable in respect of the transfer of ownership of land— 5

(a) referred to in section 2(1)(a) and (b); or

(b) referred to in section 2(1)(c) the owner of which is a development body.

(3) Notwithstanding the provisions of the Deeds Registries Act, 1937, the registrar of deeds shall register the transfer of ownership of a piece of land which was alienated under section 8(1) to a person, by signing the certificate of ownership referred to in subsection (1). 10

(4) When the registrar of deeds has registered the transfer of ownership of a piece of land in terms of subsection (3), he shall—

(a) file the signed certificate of ownership in his office in such manner as he may deem fit; and 15

(b) make a copy of the signed certificate of ownership available to the Administrator for delivery to the person to whom the piece of land has been transferred.

Financial aid

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10. The Administrator may, from money appropriated by Parliament for this purpose, in the prescribed manner grant an advance or subsidy to any person for the development of designated land.

Aid in acquiring land

11. The Minister may, from money appropriated by Parliament for this purpose, grant an advance or subsidy to any person for the acquisition of land for the purposes contemplated in section 2(1)(c). 25

Exclusion of certain land

12. The provisions of this Act shall not apply to land referred to in section 88B(1)(a), (b) and (c) of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991), for the period during which the Commission on Land Allocation carries out an investigation in respect of that land for the purposes of Chapter VI of that Act. 30

Application of Act in self-governing territories

13. The State President may, after consultation with the cabinet of a self-governing territory referred to in section 29 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), and by proclamation in the *Gazette*— 35

(a) declare that this Act shall apply in the self-governing territory concerned to the extent indicated in that proclamation;

(b) amend this Act in order to regulate its application in that territory; 40

(c) repeal or amend any law, or part thereof, that is in force in such territory in order to regulate any matter which, in his opinion, is required to be regulated in consequence of such application.

Regulations

14. The Minister may make regulations regarding— 45

(a) any matter which in terms of this Act is required or permitted to be prescribed;

(b) the sizes of the pieces of land into which the designated land shall be subdivided;

- (c) any steps which may be taken if the developer does not comply with the conditions contemplated in section 2(3) or, if applicable, the developer does not comply with any term of an agreement referred to in section 4;
 - (d) the supply of services to persons who are settled on the designated land;
 - (e) the number of people who may inhabit a piece of land contemplated in section 5; 5
 - (f) the grant of financial or other assistance to a buyer or lessee of a piece of land contemplated in section 5,
- and, generally, with regard to any other matter which he considers it necessary or expedient to prescribe in order to achieve or promote the objects of this Act, and the generality of this provision shall not be limited by the preceding paragraphs of this section. 10

Delegation

15. (1) The Minister may delegate or assign any power or duty conferred or imposed upon him by or under this Act, except the power conferred upon him under section 14, to an Administrator or to any officer of the Department of Regional and Land Affairs. 15

(2) The Administrator may delegate or assign any power or duty conferred or imposed upon him by or under this Act to any officer of the Provincial Administration concerned. 20

(3) A delegation or assignment under subsection (1) or (2) shall not prevent the Minister or the Administrator, as the case may be, from himself exercising the power or performing the duty concerned.

Short title

16. This Act shall be called the Provision of Certain Land for Settlement Act, 25 1993.