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PRESIDENT'S OFFICE

KANTOOR VAN DIE PRESIDENT

No. 1739.

24 October 1996

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

No. 52 of 1996: Land Administration Amendment Act, 1996.

No. 1739.

24 Oktober 1996

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

No. 52 van 1996: Wysigingswet op Grondadministrasie, 1996.

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 Land Administration Act, 1995, so as to delete the definition of "proclaimed area"; to insert a definition of "Director-General" and to insert a definition of "Minister" in the Afrikaans text; to make further provision for the delegation of powers; to repeal the section which confers upon the President certain powers with regard to laws in a proclaimed area; and to make provision for matters connected therewith.

*(English text signed by the President.)
(Assented to 20 October 1996.)*

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

Amendment of section 1 of Act 2 of 1995

1. Section 1 of the Land Administration Act, 1995 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of "Minister" of the following definition:

" 'Director-General' means the Director-General: Land Affairs;";

(b) by insertion, in the Afrikaans text, after the definition of "Direkteur-generaal" of the following definition:

" 'Minister' die Minister van Grondsake."; and

(c) by the deletion of the definition of "proclaimed area".

Amendment of section 2 of Act 2 of 1995

2. Section 2 of the principal Act is hereby amended—

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

"(d) The Premier [or a member of the Executive Council] of a province to whom any power has been delegated under paragraph (a)(i) may, subject to any directions contemplated in paragraph (b) and such further conditions and periods of time as he or she may consider necessary, in writing delegate any such power to—

(i) [the Director-General of that province] any member of the Executive Council of that province; or

- (ii) the Director-General of that province, to be exercised by that Director-General or by any officer in the service of the provincial government concerned indicated by that Director-General.”;
- (b) by the insertion after paragraph (d) of subsection (1) of the following paragraph: 5
“(e) A member of the Executive Council of a province to whom any power has been delegated under paragraph (a)(i) may, subject to any directions contemplated in paragraph (b) or (d) and such further conditions and periods of time as the Premier concerned or he or she may consider necessary, in writing delegate any such power to the Director-General of that province to be exercised by that Director-General or by any officer in the service of the provincial government concerned indicated by that Director-General.”; and 10
- (c) by the insertion after subsection (1) of the following subsection: 15
“(1A) (a) The Director-General may in writing, either in general or in a particular case or in cases of a particular nature, delegate any power relating to land matters conferred upon him or her in terms of any law to—
 (i) the Director-General of a national department or a province, to be exercised by that Director-General or by any officer in that department or in the service of the provincial government in question, as the case may be, indicated by the Director-General concerned; or 20
 (ii) an officer in the service of a local government body contemplated in section 1 of the Local Government Transition Act, 1993. 25
(b) Any person to whom any power has been delegated under paragraph (a) shall exercise that power subject to the directions of the Director-General.
(c) The Director-General may at any time in writing withdraw such delegation, and the delegation of any power shall not prevent the Director-General from exercising that power.”; 30
- (b) by the substitution in subsection (2) for the words following paragraph (b) of the following words: 35
“either generally or to the extent specified in the proclamation, and subject to such conditions [, amendments, adaptations, modifications] and periods of time as the President may consider necessary.”; and
- (c) by the deletion of paragraphs (a) and (b) of subsection (3).

Repeal of section 3 of Act 2 of 1995

3. Section 3 of the principal Act is hereby repealed.

Repeal of section 4 of Act 2 of 1995

4. Section 4 of the principal Act is hereby repealed.

Short title and commencement

5. This Act shall be called the Land Administration Amendment Act, 1996, and shall be deemed to have come into operation on 22 September 1995.