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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2384.

23 October 1987

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23 Oktober 1987

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

No. 101 of 1987: Land Affairs Act, 1987.

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

No. 101 van 1987: Wet op Grondsake, 1987.

ACT

To provide for the determination of amounts of compensation, purchase prices or rents in respect of immovable property expropriated, purchased or leased by the Department of Public Works and Land Affairs for public purposes and the giving of advice with regard to the value of land, rights on or in respect of land and purchase prices or rents in respect of certain immovable property; for that purpose to make provision for the establishment of a Land Affairs Board; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 13 October 1987.)*

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) "board" means the Land Affairs Board established by section 2; (vi) 5
 - (ii) "department" means the Department of Public Works and Land Affairs; (i)
 - (iii) "immovable property" includes—
 - (a) any interest in immovable property; and
 - (b) any movable property which is contemplated to be purchased, leased, alienated or let together with the relevant immovable property; (iv) 10
 - (iv) "Minister" means the Minister of Public Works; (iii)
 - (v) "public purposes" includes any purpose which is connected with the administration of the provisions of any law by a State department, Administration or any statutory body or body corporate; (v) 15
 - (vi) "regulation" means a regulation made and in force under this Act; (vii)
 - (vii) "this Act" includes the regulations. (ii) 20

Establishment of Land Affairs Board.

2. There is hereby established a board to be known as the Land Affairs Board, which shall perform the functions assigned to it by or under this Act or any other law.

Constitution of board.

3. (1) Subject to the provisions of subsection (2), the board shall consist of not more than five members appointed by the Minister in a full-time or part-time capacity after consultation with the Minister of Local Government, Housing and Works in the Ministers' Council: House of Assembly, the Minister of Local Government, Housing and Agriculture in the Ministers' Council: House of Representatives and the Minister of Local Government, Housing and Agriculture in the Ministers' Council: House of Delegates. 25

(2) The Minister may, in addition to the members appointed in terms of subsection (1), designate one or more persons in the employment of the State to serve as a member or members on the board. 35

(3) One of the members of the board shall be designated by the Minister as the chairman and one as the vice-chairman of the board.

(4) Whenever the chairman is absent or unable to perform any of his functions, the vice-chairman shall act in his stead. 40

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Tenure of office of members of board.

4. (1) A member of the board shall be appointed for such a period as the Minister may at the time of such appointment determine, and shall be eligible for reappointment on the termination of any period for which he has been appointed.
- (2) A member of the board shall vacate his office— 5
- (a) if he resigns or dies;
 - (b) if the Minister deems it expedient in the interest of the functioning of the board and withdraws his appointment;
 - (c) if his estate is sequestrated or he applies for assistance 10 contemplated in section 10 (1) (c) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966);
 - (d) if he seeks election at any party or official nomination of candidates for Parliament, the President's Council or any other legislative authority elected on a party political 15 basis, or attempts to have himself nominated at any such nomination;
 - (e) if he becomes of unsound mind or is convicted of an offence in terms of section 9 or 10, or of any other offence in respect of which he is sentenced to im- 20 prisonment without the option of a fine; or
 - (f) if he has absented himself from three consecutive meetings of the board without its leave.

Remuneration and allowances of members of board.

5. (1) A member of the board, other than a person who is in the employment of the State and in receipt of a salary from public funds, shall receive such remuneration and allowances as the Minister, with the concurrence of the Minister of Finance, may determine. 25

(2) Save as is otherwise provided in this Act, the conditions of service of a member of the board who is not a person in the employment of the State, shall be determined by the Minister with the concurrence of the Minister of Finance. 30

Functions of board.

6. (1) Subject to the directions of the Minister, the board shall determine the amounts of compensation, purchase prices or rents payable in respect of immovable property which is expropriated, purchased or leased by the department for public purposes, out of moneys appropriated by Parliament for that purpose: Provided that the Minister may in certain cases assign the power of decision regarding the determination of such rents to officers of the department. 35 40

(2) Subject to the directions of the Minister, the board may advise any other Minister, the department and any other department of State or Administration, and any other statutory body or body corporate, with regard to—

- (a) the value of land and rights on or in respect of land; 45
- (b) amounts of compensation, purchase prices, rents or other amounts which in the opinion of the board ought to be paid when immovable property is expropriated, or a right to use such property temporarily is taken, or such property is purchased or otherwise acquired or leased, by any such Minister, department, Administration or body; and 50
- (c) the amounts which in the opinion of the board ought to be paid when immovable property is alienated, let or otherwise disposed of by any such Minister, department, Administration or body. 55

Executive committee.

7. (1) The Minister may appoint an executive committee consisting of the chairman and the vice-chairman of the board and so many other members of the board as the Minister may determine. 60

(2) Any three members of the executive committee shall form a quorum.

(3) The chairman of the board shall be the chairman of the executive committee, and if both he and the vice-chairman are absent from any meeting, the members present thereat, pro- 65

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vided there is a quorum, may elect one of their number to preside at such meeting.

(4) The executive committee may, subject to the directions of the board, exercise all the powers and perform all the functions of the board between meetings of the board, but shall not have the power, save in so far as the board otherwise directs, to set aside or vary any decision of the board. 5

(5) The executive committee shall meet at such times and places as the chairman of the board may determine.

Meetings of board.

8. (1) A member of the board shall not knowingly be present at or take part in the discussion of or vote upon any matter before the board or the executive committee thereof in which he or his spouse, or any person related to him in the third or a closer degree of consanguinity or affinity, or his partner or employer, other than the State, or the partner or employer of his spouse, has, directly or indirectly, any pecuniary interest. 15

(2) The chairman of the board shall determine the times when and the places where meetings of the board will be held.

(3) Three members of the board shall form a quorum for a meeting of the board. 20

(4) The chairman of the board shall preside at all meetings of the board at which he is present, and if both the chairman and vice-chairman are absent from any meeting, the members present thereat, provided there is a quorum, may elect one of their number to preside at such meeting. 25

(5) The decision of a majority of the members of the board present at any meeting thereof shall be deemed to be a decision of the board, and in the event of an equality of votes on any matter before a meeting of the board, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote. 30

Prohibition on receiving of fees or rewards.

9. Any member of the board who receives any fee or reward from any person in connection with any matter whatsoever dealt with by the board, shall be guilty of an offence and liable on conviction to a fine not exceeding R6 000 or to imprisonment for a period not exceeding three years or to both such fine and such imprisonment. 35

Preservation of secrecy.

10. Any member of the board who discloses, except with the consent of the board or in the performance of his duties or as a witness in a court of law, any information acquired by him in the course of his duties, shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 40

Regulations.

11. The Minister may make regulations as to— 45

(a) the proceedings at meetings of, and the business of, the board and the executive committee; and

(b) generally, any matter which he deems it necessary or expedient to prescribe in order to give effect to the provisions of this Act and to realize the objects thereof. 50

Disposal of certain assets, rights, liabilities and obligations.

12. (1) All assets, rights, liabilities and obligations of the Community Development Board referred to in section 2 of the Community Development Act, 1966 (Act No. 3 of 1966), which do not pertain to an area referred to in section 51B of the said Act, shall vest in the State as from the commencement of this section, and from that date any reference to the Community Development Board in any law or document in so far as it relates to those assets, rights, liabilities and obligations, shall, unless it would be clearly inconsistent, be construed as a reference to the State. 55

(2) The registrar of deeds in question shall make the necessary entries in his registers and other documents to give effect to the terms of such vesting and to effect the necessary endorsements on any relevant title deed, mortgage bond or other document, upon production thereof. 60

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(3) No transfer duty, stamp duty or other fees shall be payable in respect of such vesting, entry or endorsement.

Interpretation of certain expressions.

13. (1) Any reference to the Community Development Board in the State Land Disposal Act, 1961 (Act No. 48 of 1961), shall be construed as a reference to the Land Affairs Board established by section 2.

(2) Any reference in any law or document to the Land Tenure Board shall, unless it would be clearly inconsistent, be construed as a reference to the Land Affairs Board established by section 2.

Repeal of laws.

14. (1) The laws specified in the Schedule are hereby repealed to the extent set out in the third column thereof.

(2) Section 51B of the Community Development Act, 1966 (Act No. 3 of 1966), and the Community Development Amendment Act, 1986 (Act No. 48 of 1986), shall be repealed with effect from a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.

15. (1) This Act shall be called the Land Affairs Act, 1987, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

Schedule

LAWS REPEALED (SECTION 14)

No. and year of law	Short title	Extent of repeal
Act No. 3 of 1966	Community Development Act, 1966	The whole, except section 51B
Act No. 42 of 1967	Community Development Amendment Act, 1967	The whole
Act No. 58 of 1968	Community Development Amendment Act, 1968	The whole
Act No. 58 of 1969	Community Development Amendment Act, 1969	The whole
Act No. 74 of 1970	Community Development Amendment Act, 1970	The whole
Act No. 68 of 1971	Community Development Amendment Act, 1971	The whole
Act No. 80 of 1971	General Law Amendment Act, 1971	Section 24
Act No. 6 of 1972	Insolvency Amendment Act, 1972	Section 8 in so far as it repeals section 47 of the Community Development Act, 1966
Act No. 93 of 1972	Community Development Amendment Act, 1972	The whole
Act No. 94 of 1974	Second General Law Amendment Act, 1974	Sections 43 up to and including 46
Act No. 19 of 1975	Community Development Amendment Act, 1975	The whole
Act No. 63 of 1975	Expropriation Act, 1975	Sections 50 up to and including 62
Act No. 126 of 1977	Community Development Amendment Act, 1977	The whole
Act No. 19 of 1978	Community Development Amendment Act, 1978	The whole
Act No. 12 of 1980	Community Development Amendment Act, 1980	The whole
Act No. 26 of 1982	Community Development Amendment Act, 1982	The whole
Act No. 68 of 1982	Second Community Development Amendment Act, 1982	The whole
Act No. 64 of 1983	Community Development Amendment Act, 1983	The whole
Act No. 20 of 1984	Community Development Amendment Act, 1984	The whole