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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 391.

16 Maart 1977.

No. 391.

16 March 1977.

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

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

No. 18 van 1977: Wysigingswet op die Onderverdeling van Landbougrond, 1977.

No. 18 of 1977: Subdivision of Agricultural Land Amendment Act, 1977.

Act No. 18, 1977

SUBDIVISION OF AGRICULTURAL LAND AMENDMENT ACT,
1977.

ACT

To amend the provisions of the Subdivision of Agricultural Land Act, 1970, relating to definitions; the application of the said Act; and the conclusion of leases in respect of a portion of agricultural land; to provide for control regarding the sale or grant of rights in respect of a portion of agricultural land; and for control in regard to the publication of town-planning schemes relating to agricultural land; to enable an Administrator to determine the conditions of use of land which after subdivision is not to be used as agricultural land; to provide for the registration of servitudes in respect of agricultural land; to further regulate the power of the Minister of Agriculture in regard to the delegation of his powers; to increase the penalties for offences in terms of the said Act; to place certain documents issued under certain ordinances on the same level as certain consents granted in terms of the said Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 8 March 1977.)

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

Amendment of section 1 of Act 70 of 1970, as amended by section 1 of Act 55 of 1972.

1. Section 1 of the Subdivision of Agricultural Land Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—

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

"'advertise' means to distribute to members of the public or bring to their notice in any other manner any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference;";

(b) by the substitution for paragraph (b) of the definition of "agricultural land" of the following paragraph:

"(b) land forming part of any area subdivided in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919), or being a township as defined in section 102 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937);";

(c) by the insertion after the definition of "Minister" of the following definitions:

"'prescribed' means prescribed by regulation;

'right', in relation to agricultural land, does not include any right to minerals or a prospecting or mining right;

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'scheme' means a town-planning scheme prepared in terms of a provincial ordinance or an ordinance of the territory of South West Africa by an authority referred to in paragraph (a) of the definition of 'agricultural land', envisaging the co-ordinated and harmonious development of the area to which such scheme relates;".

Amendment of section 2 of Act 70 of 1970, as amended by section 2 of Act 55 of 1972 and section 1 of Act 19 of 1974.

2. Section 2 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

- “(a) (i) any subdivision of land for the purpose of transferring a portion thereof to the State or the administration of the territory of South West Africa or a statutory body;
- (ii) the transfer of an undivided share in land to the State or the administration of the territory of South West Africa or a statutory body;
- (iii) the sale or grant of any right to any portion of agricultural land to the State or the administration of the territory of South West Africa or a statutory body;”.

Substitution of section 3 of Act 70 of 1970, as substituted by section 2 of Act 19 of 1974.

3. The following section is hereby substituted for section 3 of the principal Act:

“Prohibition of certain actions regarding agricultural land.

3. Subject to the provisions of section 2—

- (a) agricultural land shall not be subdivided;
- (b) no undivided share in agricultural land not already held by any person, shall vest in any person;
- (c) no part of any undivided share in agricultural land shall vest in any person, if such part is not already held by any person;
- (d) no lease, in respect of a portion of agricultural land of which the period is 10 years or longer, or is the natural life of the lessee or any other person mentioned in the lease, or which is renewable from time to time at the will of the lessee, either by the continuation of the original lease or by entering into a new lease, indefinitely or for periods which together with the first period of the lease amount in all to not less than 10 years, shall be entered into;
- (e) no portion of agricultural land, whether surveyed or not, shall be sold or advertised for sale, and no right to such portion shall be sold or granted for a period of more than 10 years or for the natural life of any person or to the same person for periods aggregating more than 10 years, or advertised for sale or with a view to any such granting;
- (f) no area of jurisdiction, local area, public health area, peri-urban area or other area referred to in paragraph (a) or (b) of the definition of 'agricultural land' in section 1, shall be established on, or enlarged so as to include, any land which is agricultural land;
- (g) no public notice to the effect that a scheme relating to agricultural land or any portion thereof has been prepared or submitted under the ordinance in question, shall be given, unless the Minister has consented in writing.”.

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Amendment of section 4 of Act 70 of 1970, as amended by section 4 of Act 55 of 1972.

4. Section 4 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The Minister may in his discretion refuse or—

(a) on such conditions, including conditions as to the purpose for or manner in which the land in question may be used, as he deems fit, grant any such application;

(b) if he is satisfied that the land in question is not to be used for agricultural purposes and after consultation with the Administrator of the province, including the territory of South West Africa, in which such land is situated, on such conditions as such Administrator may determine in regard to the purpose for or manner in which such land may be used, grant any such application.”;

(b) by the substitution for subsection (3) of the following subsection:

“(3) The Minister or, in the case of a condition referred to in subsection (2) (b), the Administrator concerned may enforce any such condition.”;

(c) by the substitution for subsection (4) of the following subsection:

“(4) The Minister or, in the case of a condition referred to in subsection (2) (b), the Administrator concerned after consultation with the Minister may vary or withdraw any such condition and, if it has been registered against the title deed of the land, the Minister may direct that it be varied or cancelled.”.

Amendment of section 6 of Act 70 of 1970, as amended by section 5 of Act 55 of 1972 and section 3 of Act 19 of 1974.

5. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of section 2 a Surveyor-General shall only approve a general plan or diagram relating to a subdivision of agricultural land, and a Registrar of Deeds shall only register the vesting of an undivided share in agricultural land referred to in section 3 (b), or a part of any such share referred to in section 3 (c), or a lease referred to in section 3 (d) or, if applicable, a right referred to in section 3 (e) in respect of a portion of agricultural land, if the written consent of the Minister in terms of this Act has been submitted to him.”.

Amendment of section 6A of Act 70 of 1970, as inserted by section 6 of Act 55 of 1972.

6. Section 6A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to the provisions of the Water Act, 1956 (Act No. 54 of 1956), a servitude in respect of agricultural land, except—

(a) a right of way, aqueduct, pipe line or conducting of electricity with a width not exceeding 15 metres;

(b) a usufruct over the whole of agricultural land in favour of one person or in favour of such person and his spouse or the survivor of them if they are married in community of property,

shall not be registered by a Registrar of Deeds without the written consent of the Minister.”.

Amendment of section 8 of Act 70 of 1970, as amended by section 7 of Act 55 of 1972.

7. Section 8 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsections:

“(2) The Minister may under subsection (1) delegate the same power to more than one officer or different powers to different officers or in respect of different areas the same or different powers to different officers.

(3) (a) An application referred to in subsection (1) shall be made within the period and in the manner prescribed, and shall be accompanied by the prescribed fee.

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(b) If the Minister withdraws any decision of the Secretary or the officer concerned, the prescribed fee paid by the applicant shall be refunded to him, or if the Minister varies any such decision, he may in his discretion direct that the whole or any part of such fee be refunded to the applicant."

Amendment of section 11 of Act 70 of 1970, as substituted by section 8 of Act 55 of 1972 and amended by section 4 of Act 19 of 1974.

8. Section 11 of the principal Act is hereby amended by the substitution for the words following paragraph (d) of the following words:

"shall be guilty of an offence and on conviction liable to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 2 years, and in addition, in the case of an offence contemplated in paragraph (c) or (d), to a fine not exceeding R50 in respect of each day on which the offence continues."

Substitution of section 13 of Act 70 of 1970.

9. The following section is hereby substituted for section 13 of the principal Act:

"Validity of permits.

13. A permit issued under section 8 (1) (a) (ii) or (iii) of the Environment Planning Act, 1967 (Act No. 88 of 1967), or a similar document issued under a provincial ordinance or an ordinance of the territory of South West Africa, prior to the commencement of this Act and still of force and effect at such commencement, shall be deemed to be a written consent granted by the Minister in terms of section 3 of this Act, and the conditions (if any) subject to which such permit or document was issued in terms of the first-mentioned Act or the ordinance in question, shall be deemed to be conditions imposed by the Minister in terms of section 4 (2) of this Act in connection with such consent."

Short title.

10. This Act shall be called the Subdivision of Agricultural Land Amendment Act, 1977.