

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 421.

4 Maart 1981.

No. 421.

4 March 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee 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 1981: Wysigingswet op die Onderverdeling van Landbougrond, 1981.

No. 18 of 1981: Subdivision of Agricultural Land Amendment Act, 1981.

Act No. 18, 1981

SUBDIVISION OF AGRICULTURAL LAND AMENDMENT  
ACT, 1981

## GENERAL EXPLANATORY NOTE:

[ ]

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

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Words underlined with solid line indicate insertions in existing enactments.

## ACT

To amend the Subdivision of Agricultural Land Act, 1970, so as further to define "agricultural land", to substitute the definition of "Minister", to insert a definition of "sale" and "sold" and to delete the definition of "Secretary"; to assign certain functions to the Minister of Agriculture and Fisheries; to delete all references to the Secretary; to limit the categories of persons who may apply for the consent of the Minister to certain acts in regard to agricultural land; to empower the Minister to determine the place of lodging of applications for that consent; to authorize a Registrar of Deeds to register certain additional servitudes in respect of the land concerned without the written consent of the Minister; to provide that certain restrictive conditions which have been noted on title deeds of the land concerned shall for the purposes of the variation or cancellation of those conditions be deemed to have been so noted in favour of the Minister; and to provide for matters connected therewith.

(English text signed by the State President.)  
(Assented to 16 February 1981.)

**BE IT ENACTED** by the State President 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, section 1 of Act 18 of 1977 and section 1 of Act 12 of 1979.

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

(a) by the substitution for paragraph (b) of the definition of "agricultural land" of the following paragraph: 5

"(b) land—

(i) **[forming]** which forms part of any area subdivided in terms of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919); or

(ii) **[being]** which is a township as defined in section 102 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), but excluding a private township as defined in section 1 of the Town Planning Ordinance, 1949 (Ordinance No. 27 of 1949 of Natal), not situated in an area of jurisdiction or a public health area referred to in paragraph (a);" 10 15 20

(b) by the substitution for the definition of "Minister" of the following definition:

"Minister' means the Minister of Agriculture and Fisheries;"

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

"'sale' includes a sale subject to a suspensive condition; and 'sold' shall have a corresponding meaning;" and

(d) by the deletion of the definition of "Secretary".

Amendment of section 4 of Act 70 of 1970, as amended by section 4 of Act 55 of 1972 and section 4 of Act 18 of 1977.

2. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) (a) Any application for the consent of the Minister for the purposes of section 3 shall—

(i) in the case where any act referred to in paragraphs (a) to (e) of that section is contemplated, be made by the owner of the land concerned;

(ii) be lodged [with the Secretary] in such place and [shall] be in such form and be accompanied by such plans, documents and information as [are] may be determined by the [Secretary] Minister.

(b) For the purposes of paragraph (a) "owner" shall have the meaning assigned to it in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937)."

Amendment of section 6A of Act 70 of 1970, as inserted by section 6 of Act 55 of 1972 and amended by section 6 of Act 18 of 1977.

3. Section 6A of the principal Act is hereby amended by the insertion after paragraph (a) of subsection (1) of the following paragraph:

"(aA) a servitude which is supplementary to a servitude referred to in paragraph (a), and which has a servitude area not exceeding 225 square metres which adjoins the area of the last-mentioned servitude;"

Amendment of section 7 of Act 70 of 1970.

4. Section 7 of the principal Act is hereby amended by the substitution for the word "Secretary" of the word "Minister".

Amendment of section 8 of Act 70 of 1970, as amended by section 7 of Act 55 of 1972 and section 7 of Act 18 of 1977.

5. Section 8 of the principal Act is hereby amended—

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

"(1) The Minister may delegate to [the Secretary or] any [other] officer in the Public Service any power conferred upon him by this Act, excluding a power referred to in section 10, but shall not be divested of any power delegated by him, and may vary or withdraw any decision of [the Secretary or] any such officer upon application by any person affected and feeling aggrieved by such decision."; and

(b) by the deletion in paragraph (b) of subsection (3) of the words "the Secretary or".

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 and section 8 of Act 18 of 1977.

6. Section 11 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) hinders or obstructs in the performance of his functions any [other] person acting under an authority [from the Secretary] in terms of section 7;"

Amendment of section 13 of Act 70 of 1970, as substituted by section 9 of Act 18 of 1977.

7. Section 13 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) A restrictive condition, in favour of the State, a Minister of State, an Administrator (including the Adminis-

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trator of the territory of South West Africa), an officer, the  
general public or any person, in connection with the use of  
agricultural land or the manner in which such land may be  
dealt with, which has by virtue of a permit or similar  
document referred to in subsection (1) been noted on the 5  
title deed of the land, shall for the purposes of the variation  
or cancellation of that condition be deemed to have been so  
noted in favour of the Minister.”.

Short title.

8. This Act shall be called the Subdivision of Agricultural  
Land Amendment Act, 1981. 10