



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

Vol. 225

KAAPSTAD, 7 MAART 1984

No. 9094

CAPE TOWN, 7 MARCH 1984

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 374.

7 Maart 1984

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7 March 1984

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 1984: Wysigingswet op Opheffing van Beperkings, 1984.

No. 18 of 1984: Removal of Restrictions Amendment Act, 1984.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Removal of Restrictions Act, 1967, so as to replace the definition of "Minister" in the Afrikaans text; to provide for the exercise by the Administrator of his powers to alter, suspend or remove certain restrictions or obligations in respect of land by notice in the *Official Gazette* instead of by proclamation; to provide for the payment by an applicant for the alteration, suspension or removal of restrictions or obligations in respect of land, of the expenses incurred in connection with the application by the local authority of the area in which the land is situate; to delete section 4 (4), which in certain circumstances requires the approval of the Minister of Community Development before the Administrator may grant an application; and to repeal the provision in connection with the tabling of proclamations; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 22 February 1984.)*

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

1. Section 1 of the Removal of Restrictions Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the 5 substitution in the Afrikaans text for the definition of "Minister" of the following definition:

Amendment of section 1 of Act 84 of 1967.

"'Minister' die Minister van **[Gemeenskapsbou]** Gemeenskapsontwikkeling;"

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

Amendment of section 2 of Act 84 of 1967, as amended by section 61 of Act 70 of 1968 and section 7 of Act 96 of 1969.

15 "(1) Whenever the Administrator of a province in which the land in question is situate, is satisfied—

(a) that it is desirable to do so in the interest of the establishment or development of any township or in the interest of any area, whether it is situate in an urban area or not; or in the public interest; or

(b) that the land in question is required—

20 (i) for ecclesiastical purposes by the owner or purchaser thereof; or

(ii) for public purposes by the State or a local authority; or

(iii) for the use or erection of any building by the State or a local authority; or

25 (iv) for purposes incidental to any purpose mentioned in subparagraphs (i) to (iii), inclusive,

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- he may, subject to the provisions of this Act, of his own accord or on application of any person in terms of section 3, by **[proclamation] notice** in the *Official Gazette* of the province alter, suspend or remove, either permanently or for a period specified in such **[proclamation] notice** and either unconditionally or subject to any condition so specified, any restriction or obligation which is binding on the owner of the land by virtue of—
- 5
- 10 (aa) a restrictive condition or servitude registered against the title deed of the land; or
- (bb) a provision of a law relating to the establishment of townships or to town planning; or
- 15 (cc) a provision of a by-law or of a regulation or of a townplanning scheme; or
- (dd) a provision of a townplanning scheme and a restrictive condition or servitude registered against the title deed of the land; or
- 20 (ee) a provision of a townplanning scheme and a provision of a law relating to the establishment of townships or to town planning, and which relates to—
- (aaa) the subdivision of the land; or
- 25 (bbb) the purpose for which the land may be used; or
- (ccc) the requirements to be complied with or to be observed in connection with the erection of buildings or the use of the land.”;
- 30 (b) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:
“Before the Administrator issues any **[proclamation under this section] notice under subsection (1)** of his own accord in any case in which the rights of any person may be adversely affected without such person’s consent, the Administrator shall—”;
- 35 (c) by the substitution for paragraph (c) of subsection (4) of the following paragraph:
“(c) comply with the provisions of section 4 (1) and (2) [and (4)], which shall apply *mutatis mutandis* as if application had been made for the proposed alteration, suspension or removal, as the case may be, of the restriction or obligation concerned.”.
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3. Section 3 of the principal Act is hereby amended—

- 45 (a) by the substitution for subsection (4) of the following subsection:
“(4) If the land is encumbered by a bond and the application is made by the owner of the land, the application shall be accompanied by the bondholder’s consent to such application, and if any bond is registered against the land after the date of the application and before the publication of the relevant **[proclamation] notice under section 2 (1)** the owner of the land shall furnish the provincial secretary with the consent of the holder of such bond to such application.”;
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- 55 (b) by the substitution for subsection (5) of the following subsection:
“(5) The applicant (if he is a person other than the State) shall deposit—
- 60 (a) with the said provincial secretary such an amount as the Administrator may consider sufficient to cover the expenses which will be incurred by the

Amendment of section 3 of Act 84 of 1967.

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provincial administration in connection with the application; and

5 (b) in the circumstances contemplated in subsection (2), with the local authority concerned such an amount as the local authority may consider sufficient to cover the expenses which will be incurred by it in connection with the application, and shall also give an undertaking to defray any such expenses of the provincial administration and, in the 10 circumstances so contemplated, of the local authority in excess of the relevant amount so deposited.”.

4. Section 4 of the principal Act is hereby amended by the deletion of subsection (4).

Amendment of section 4 of Act 84 of 1967, as amended by section 1 of Act 55 of 1977.

15 5. Section 5 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection:

Amendment of section 5 of Act 84 of 1967.

20 “(7) If after consideration of the documents, information, comments, findings, objections and recommendations referred to him in terms of subsection (2) (a) or subsection (6), the Minister deems it desirable in the public interest to do so, he may address a written request to the Administrator for the alteration, suspension or removal, as the case may be, of the restriction or obligation concerned in respect of the said land, and thereupon the Administrator shall, by [proclamation] notice in the *Official Gazette* of the province, alter, suspend or remove such restriction or obligation 25 in respect of the said land to the extent and subject to the conditions determined by the Minister and specified in the [proclamation] notice.”.

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

Amendment of section 6 of Act 84 of 1967.

35 “(1) The registrar of deeds and surveyor-general concerned shall as soon as possible after the publication of a [proclamation] notice in terms of section 2 (1) or 5 (7) make, free of charge, such appropriate entries in and endorsements on any relevant register, title deeds, diagram or plan in [his office] their respective offices or submitted to [him] them, as may be necessary to reflect the effect of the [proclamation] notice.”.

7. Section 7 of the principal Act is hereby repealed.

Repeal of section 7 of Act 84 of 1967.

40 8. The following section is hereby inserted in the principal Act after section 8:

Insertion of section 8A in Act 84 of 1967.

45 “Continued validity of certain proclamations. 8A. Any proclamation issued under section 2 (1) or 5 (7) before the commencement of the Removal of Restrictions Amendment Act, 1984, shall continue to be of force and effect notwithstanding the amendment of the section in question by that Act, and shall in so far as may be necessary for the purposes of this Act be deemed to be a notice issued under the section in question as amended by that Act.”.

50 9. This Act shall be called the Removal of Restrictions Amendment Act, 1984.

Short title.