

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

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1290.

25 Junie 1986

No. 1290.

25 June 1986

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. 57 van 1986: Wysigingswet op Wetgewing op Ontwikkelingshulp, 1986.

No. 57 of 1986: Laws on Development Aid Amendment Act, 1986.

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 Black Land Act, 1913, so as to abolish certain restrictions in regard to the acquisition of land; to amend the Black Administration Act, 1927, so as to entrust certain powers of the State President to the Minister of Education and Development Aid and to extend the regulatory powers of the Minister; and to grant to local government bodies the power to make by-laws; to amend the Development Trust and Land Act, 1936, so as to further regulate the transfer of certain rights and obligations of the South African Development Trust; to cancel restrictive conditions which apply to the alienation by Blacks of certain land; and to abolish certain restrictions in regard to the acquisition of land and the alienation of sub-divided land; to provide for the commencement of Proclamation R.86 of 1982; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 18 June 1986.)

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

1. Section 1 of the Black Land Act, 1913, is hereby amended by the substitution for subsection (2) of the following subsection:

- 5 “(2) Except with the approval of the Minister of Education and Development Aid, no person other than the Trust or a Black shall acquire land in a scheduled Black area from a Black: Provided—
- 10 (a) that this provision shall not be construed as including the acquisition of an interest in land by means of a registered mortgage bond;
- (b) that at a sale in execution of such land for the recovery of an outstanding loan debt the mortgagee may acquire the land if such debt cannot be recovered out of the proceeds of the sale; and
- 15 (c) that such mortgagee shall within one year after such acquisition or within such further period as the Minister of Education and Development Aid may approve, sell the land to a Black”.

Amendment of section 1 of Act 27 of 1913, as amended by section 50 of Act 18 of 1936, section 1 of Act 16 of 1979 and section 1 of Act 102 of 1983.

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2. Section 30 of the Black Administration Act, 1927, is hereby amended—

Amendment of section 30 of Act 38 of 1927, as substituted by section 2 of Act 83 of 1984.

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

“(1) The **[State President] Minister of Education and Development Aid** may, notwithstanding anything to the contrary in any law contained, by **[proclamation] notice** in the *Gazette* set apart land which in terms of sections 2 and 49, respectively, of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), is a released area or a scheduled area, or which belongs to the South African Development Trust, or which is situated in any area determined by Parliament by resolution as a town for occupation by or for the residential or business purposes of Black persons, and land which is so set aside may include land which at the time of the setting aside is already occupied by such persons or is already utilized by them for such other purposes.”; and

(b) by the addition to subsection (2) of the following paragraphs:

- “(k) the manner in which the revenue and expenditure account and the capital account of a local government body shall be kept;
- (l) the auditing of the books and accounts of a local government body;
- (m) the procedure in connection with the calling for, the consideration and the acceptance of tenders for the execution of work for or the supply of goods or services to a local government body;
- (n) the establishment and management of a medical scheme for the employees of a local government body or two or more local government bodies;
- (o) the licensing by local government bodies of trading undertakings and occupations;
- (p) the levying of property rates by local government bodies;
- (q) the procedure to be followed by a local government body when making by-laws under section 30A.”.

3. The following section is hereby inserted in the Black Administration Act, 1927, after section 30:

Insertion of section 30A in Act 38 of 1927.

“By-laws. **30A.** (1) A local government body may make by-

laws with the approval of the Minister on any matter referred to in section 30 (2) which the Minister may assign to such local government body for the control and management of a town.

(2) The power of a local government body to make by-laws as referred to in subsection (1) shall not debar the Minister from making by-laws on such matters himself.

(3) By-laws made under this section may in respect of any contravention thereof or failure to comply therewith prescribe a penalty not exceeding a fine of R250 or imprisonment for a period of three months.

(4) By-laws made under this section shall be published by the Minister in the *Gazette*.”.

4. Section 4bis of the Development Trust and Land Act, 1936, is hereby amended—

Amendment of section 4bis of Act 18 of 1936, as inserted by section 7 of Act 46 of 1959 and substituted by section 3 of Act 83 of 1984.

(a) by the substitution for paragraph (a) of the following paragraph:

“(a) any right or obligation of the Trustee or the Trust in respect of any land or other property of the Trust; or”; and

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(b) by the substitution for paragraph (b) of the following paragraph:

“(b) any right or obligation of the Trustee or the Trust in respect of land of which a Black person is the registered owner; or”.

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5. The following section is hereby inserted after section 11 of the Development Trust and Land Act, 1936:

Insertion of section 11A in Act 18 of 1936.

“Cancellation of restrictive conditions.”

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11A. (1) Any restrictive condition in regard to the alienation of land situate in a scheduled Black area or a released area by a Black to a Black and which is registered against the title deed of the land, is hereby cancelled.

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(2) The registrar of deeds in charge of the deeds registry in question shall make the necessary entry in his records and other documents in order to give effect to the provisions of this section, and shall make the necessary endorsements on any relevant title deed or other document, upon production thereof.

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(3) No transfer duty, stamp duty or other fees shall be payable in respect of such endorsements or entries.”

6. Section 12 of the Development Trust and Land Act, 1936, is hereby amended—

Amendment of section 12 of Act 18 of 1936, as amended by section 6 of Act 17 of 1939, section 3 of Act 73 of 1956 and section 4 of Act 16 of 1979.

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

“(1) Except with the approval of the Minister, **[(a)]** no person other than the Trust or a Black shall acquire land in a released area from a Black: Provided—

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(a) that this provision shall not be construed as including the acquisition of an interest in land by means of a registered mortgage bond;

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(b) that at a sale in execution of such land for the recovery of an outstanding loan debt the mortgagee may acquire the land if such debt cannot be recovered out of the proceeds of the sale; and

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(c) that such mortgagee shall within one year after such acquisition or within such further period as the Minister may approve, sell the land to a Black.

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[(a)bis no person other than the Trust or a Black shall enter into any transaction whereby he becomes or would become a mortgagee over land in a released area of which a Black is the registered owner;

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(b) notwithstanding anything in section 11 or in any other law, no Black shall acquire land outside a scheduled Black area from a person other than a Black if such land be wholly surrounded by land held under registered title by persons other than Blacks.]”; and

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

“(2) In **[approving of any transaction]** granting approval under subsection (1) the Minister may impose such conditions as to matters incidental to the occupation of land as he may deem fit.”.

7. Section 12bis of the Development Trust and Land Act, 1936, is hereby amended—

Amendment of section 12bis of Act 18 of 1936, as inserted by section 32 of Act 56 of 1949,

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(a) by the deletion of subsection (2);

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

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- 5 “(3) The Minister may grant his consent in terms of subsection (1) **[or (2)]** subject to such conditions as he may determine and may impose in regard to the use and occupation of the said land **[referred to in subsection (2) after alienation or lease thereof,]** such conditions as he may deem fit.”;
- (c) by the substitution for paragraph (b) of subsection (5) of the following paragraph:
- 10 “(b) Any person who contravenes the provisions of subsection (1) **[or (2)]** or who subdivides, partitions, **[alienates, leases]** uses or occupies any land otherwise than in accordance with the conditions imposed under subsection (3) shall be guilty of an offence.”;
- 15 (d) by the substitution for subsection (6) of the following subsection:
- “**(6) No Surveyor-General shall approve of any diagram of any subdivision of any land referred to in subsection (1) unless there is produced to him a certificate under the hand of the [Secretary for Plural Relations and Development] Director-General: Development Aid stating that the Minister has consented to such subdivision and setting forth any conditions which the Minister may have imposed under subsection (3).**”;
- 20 (e) by the substitution for subsection (7) of the following subsection:
- “**(7) No registrar of deeds shall execute, attest or register any deed relating to the subdivision or partition [alienation or lease] of any land referred to in subsection (1) [or (2)] unless there is produced to him a certificate under the hand of the [Secretary for Plural Relations and Development] Director-General: Development Aid stating that the Minister has consented to such subdivision or partition, [alienation or lease] as the case may be, and setting forth any conditions which the Minister may have imposed under subsection (3).**”;
- 25 (f) by the substitution for subsection (9) of the following subsection:
- 30 “**(9) The provisions of this section shall not apply in respect of land which is the property of the Trust or in respect of land [included in any township, subdivided estate, private township or hamlet, to the establishment, approval, proclamation or recognition of which the Minister has declared his consent in terms] to which the provisions of section 37 of the Black Laws Amendment Act, 1937 (Act No. 46 of 1937), or any other legal provisions in connection with township establishment are applicable.**”.

substituted by section 1 of Act 18 of 1954 and amended by section 4 of Act 73 of 1956.

50 8. (1) The Regulations for the Administration and Control of Certain Urban Areas in Natal, 1982, promulgated by Proclamation R.86 of 1982, shall be deemed to have come into operation on 10 December 1982.

Commencement of Proclamation R.86 of 1982.

(2) Regulation 21 of the Regulations referred to in subsection (1) is hereby repealed.

9. This Act shall be called the Laws on Development Aid Amendment Act, 1986. Short title.