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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1365.

11 Julie 1984

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

No. 1365.

11 July 1984

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

—o. 80 van 1984: Wysigingswet op die Bevordering van Bevolkingsdigtheid in Aangewese Gebiede, 1984.

No. 80 of 1984: Promotion of the Density of Population in Designated Areas Amendment Act, 1984.

PROMOTION OF THE DENSITY OF POPULATION IN
DESIGNATED AREAS AMENDMENT ACT, 1984

Act No. 80, 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 Promotion of the Density of Population in Designated Areas Act, 1979, so as to insert a definition of "Director-General" and "alienate"; to regulate anew the payment of interest and the repayment of capital amounts in respect of assistance rendered in designated areas; to make provision for the registration of a certain condition when mortgage bonds to secure certain assistance and advances are registered; to regulate anew the payment of interest on certain amounts already recoverable on the date on which an area is designated under section 3; to replace a certain official title; and to amend the short title; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 19 June 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 Promotion of the Density of Population in Designated Areas Act, 1979 (hereinafter referred to as the principal Act), is hereby amended—
- Amendment of
section 1 of
Act 87 of 1979.
- (a) by the insertion after the definition of "agricultural land" of the following definition:
- "alienate", in relation to agricultural land situated
within a designated area, means—
- 10 (a) the transfer of the land to another owner; and
 (b) in the case where the land is registered in the name of a private company, also the sale, transfer or cession of any share of that company;"
- 15 (b) by the insertion after the definition of "designated area" of the following definition:
- "Director-General" means the Director-General: Agriculture; and
- (c) by the deletion of the definition of "Secretary".
- 20 2. (1) Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- Amendment of
section 4 of
Act 87 of 1979.
- "(1) If after the designation of an area in terms of section 3 (1) (a) assistance is rendered **[under the Agricultural Credit Act, 1966 (Act No. 28 of 1966)]** to any person in respect of agricultural land situated within such area, interest shall, notwithstanding anything to the contrary contained in any law but subject to the provisions of subsection (2) of this section and section 4A (5), be payable yearly in arrear at the rate of four per cent per annum on any outstanding
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PROMOTION OF THE DENSITY OF POPULATION IN
DESIGNATED AREAS AMENDMENT ACT, 1984

Act No. 80, 1984

amount which is recoverable on account of the rendering of such assistance (excluding accrued interest thereon): Provided that [(a)] where such assistance is rendered for the purchase of agricultural land in the designated area in question, [to a person who does not have ownership of agricultural land or has not concluded a transaction for the acquisition of such agricultural land] such assistance shall be subject to the following special terms and conditions, namely—

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- 10 [(i)] (a) no part of the said outstanding amount shall be repayable during the first eight years after the date on which the assistance was rendered;
- [(ii)] (b) no interest shall be payable on the said outstanding amount during the first two years after the said date;
- 15 [(iii)] (c) interest at a rate of two per cent per annum shall be payable yearly in arrear on the said outstanding amount (excluding accrued interest thereon) during the third, fourth and fifth year after the said date;
- 20 [(iv)] (d) the said outstanding amount shall be repayable with effect from the [first day of the] ninth year after the said date over a period of 25 years in such instalments, payable yearly in arrear, as the board may from time to time determine in respect of each case.

25 [(b) where such assistance is rendered for the purchase of agricultural land in the designated area in question, to a person who already has ownership of agricultural land or has concluded a transaction for the acquisition of such agricultural land, such assistance shall be subject to the following special terms and conditions, namely—

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- (i) no part of the said outstanding amount shall be repayable during the first five years after the date on which the assistance was rendered;
- 35 (ii) interest at the rate of two per cent per annum shall be payable on the said outstanding amount during the first two years after the said date;
- 40 (iii) the said outstanding amount shall be repayable with effect from the first day of the sixth year after the said date over a period of twenty-five years in such instalments as the board may determine in respect of each case]”.

(2) The provisions of subsection (1) of section 4 of the principal Act, as substituted by subsection (1) of this section, shall apply as from the date of commencement of this section to any assistance which was rendered to any person before that date under the circumstances for which provision was made in paragraph (b) of the proviso to the first-mentioned subsection, before it was so substituted, but such application shall not affect the liability of the person concerned for interest incurred by him in terms of the said paragraph before that date.

3. The following section is hereby inserted in the principal Act after section 4:

Insertion of
section 4A in
Act 87 of 1979.

55 “Registration of certain conditions. 4A. (1) When a mortgage bond is registered over agricultural land, situated within a designated area, to secure assistance rendered to a person in respect of that land, the Minister may, notwithstanding any provision to the contrary contained in the Agricultural Credit Act, 1966 (Act No. 28 of 1966), with regard to the registration of conditions or restrictions, authorize the registrar of deeds concerned in writing to endorse on the title deed of the land in question a condition that the land shall not be alienated without the written consent of the Minister within a period of 60 ten years after the date of registration of the bond.

PROMOTION OF THE DENSITY OF POPULATION IN
DESIGNATED AREAS AMENDMENT ACT, 1984

Act No. 80, 1984

5 (2) When a mortgage bond is registered or a charge is recorded over agricultural land, situated within a designated area, to secure an advance made under the Land Bank Act, 1944 (Act No. 13 of 1944), the managing director appointed under section 4*bis* of the said Act may authorize the registrar of deeds concerned in writing to endorse on the title deed of the land in question a condition that the land shall not be alienated without the written consent of the Minister within a period of ten years after the date of registration of the bond or recording of the charge.

10 (3) (a) The said registrar of deeds shall give effect to any authorization under subsection (1) or (2) in such manner as may to him appear to be most practicable and convenient, and thereupon the condition concerned shall, subject to the provisions of paragraph (b), be valid and effective against all persons.

15 (b) A condition contemplated in subsection (2) shall not apply in the case where the land concerned is alienated by the Land and Agricultural Bank of South Africa in terms of the Land Bank Act, 1944.

20 (4) When the Minister grants his consent under subsection (1) or (2) for the alienation of land, he may authorize the said registrar of deeds in writing to cancel the condition concerned, and the registrar shall give effect to any such authorization.

25 (5) When the Minister grants his consent under subsection (1) for the alienation of land in a case where assistance for the purchase of that land has been rendered to a person, the consent shall—

30 (a) unless the Minister on the recommendation of the board directs otherwise, be subject to the condition that that person pays to the State an amount equal to the difference between the interest which was payable in terms of section 4 (1) on the balance of the capital amount of the assistance outstanding from time to time during the period from the date on which the assistance was rendered to the date of the granting of the consent, or such shorter period as the Minister may, with due regard to the circumstances of the particular case, determine, and the interest which would have been payable if interest had been charged during that period on that amount at the standard interest rate determined from time to time in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975); and

35 (b) be subject to any other condition, not inconsistent with the provisions of this Act, which the Minister may determine on the recommendation of the board.

40 (6) When the Minister grants his consent under subsection (2) for the alienation of land in a case where the person to whom the advance concerned was made has in terms of any subsidy scheme been subsidized by the State in the payment of interest on any balance of the advance outstanding, the consent shall—

45 (a) unless the Minister on the recommendation of the board directs otherwise, be subject to the condition that the said person pays to the State the amount by which the State has so subsidized him; and

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PROMOTION OF THE DENSITY OF POPULATION IN
DESIGNATED AREAS AMENDMENT ACT, 1984

Act No. 80, 1984

(b) be subject to any other condition, not inconsistent with the provisions of this Act or the Land Bank Act, 1944, which the Minister may determine on the recommendation of the board.”.

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

Amendment of
section 5 of
Act 87 of 1979.

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

10 “(1) Notwithstanding anything to the contrary contained in any law but subject to the provisions of [subsection] subsections (3A) and (4), the Minister may, when application therefor is made in terms of subsection (2), on the recommendation of the board and on the conditions determined by the Minister, fix the rate at which interest is payable on any outstanding amount, or part thereof, which is, on the date with effect from which an area is designated in terms of section 3 (1) (a), already recoverable on account of the rendering of assistance in terms of the Agricultural Credit Act, 1966, or by virtue of the application of any law repealed by that Act, in respect of farming activities on agricultural land which is, after such designation, situated within the designated area in question, at four per cent per annum or, if the assistance in question is assistance as contemplated in section 4 (2), in accordance with the provisions of that section, with effect from [the said] a date determined by the Minister on the recommendation of the board, provided the requirements of this Act relating to the occupation and control of the farming unit or farming units of which the agricultural land in question consists, are being complied with.”; and

30 (b) by the insertion after subsection (3) of the following subsection:

35 “(3A) (a) When the rate at which interest is payable on any amount recoverable on account of the rendering of assistance other than assistance contemplated in section 4 (2) has been fixed under subsection (1), the Minister may, if he is satisfied—

(i) after such investigation as he may deem necessary;

40 (ii) after consultation with the board; and

(iii) after having afforded the person in respect of whom that rate has been so fixed an opportunity to make representations,

45 that that person fails or failed to comply with the requirements of this Act as contemplated in subsection (1) or with any condition determined by the Minister under the said subsection (1), withdraw the fixing by notice in writing delivered to that person, or forwarded to him by registered post, with effect from a date specified in the notice.

50 (b) When any such fixing is withdrawn under paragraph (a)—

55 (i) interest on the amount outstanding at that time in respect of the assistance in question shall be payable, with effect from the date specified in the notice, at the rate which would have been payable thereon in terms of section 15 of the Agricultural Credit Act, 1966, had the Minister not fixed the rate under subsection (1); and

60 (ii) the outstanding amount referred to in subparagraph (i) shall be increased on the date specified in the notice by an amount equal to the difference between the interest which was payable in terms of such fixing on the amount outstanding from time to time during the period from the date of the fixing to the date

PROMOTION OF THE DENSITY OF POPULATION IN
DESIGNATED AREAS AMENDMENT ACT, 1984

Act No. 80, 1984

5 specified in the notice, or such shorter period
as the Minister may, with due regard to the
circumstances of the particular case, deter-
mine, and the interest which would have been
payable on that amount during that period
had the Minister not fixed the rate of interest
under subsection (1), and thereafter such out-
standing amount, as so increased, shall for
the purposes of this Act or any other law be
deemed to be the outstanding amount in re-
spect of the assistance in question.

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15 (c) The provisions of this subsection shall not be con-
strued as having the effect that the Minister is pro-
hibited from fixing the rate at which interest is pay-
able on any outstanding amount, or part thereof,
referred to in subsection (1), in accordance with the
provisions of that subsection, in a case where a
fixing has been withdrawn under paragraph (a) of
this subsection.”

20 5. The principal Act is hereby amended by the substitution for
the word “Secretary”, wherever it occurs, of the word “Direc-
tor-General”.

Substitution of
“Director-General”
for “Secretary”
in Act 87 of 1979.

6. The following section is hereby substituted for section 12 of
the principal Act:

Substitution of
section 12 of
Act 87 of 1979.

25 “Short title. 12. This Act shall be called the **[Promotion of the
Density of Population in] Designated Areas Develop-
ment Act, 1979 [and shall come into operation on a
date fixed by the State President by proclamation in
the Gazette].**”.

30 7. (1) This Act shall be called the Promotion of the Density of
Population in Designated Areas Amendment Act, 1984, and
shall come into operation on a date fixed by the State President
by proclamation in the *Gazette*.

Short title
and commence-
ment.

35 (2) Different dates may be fixed under subsection (1) in re-
spect of different provisions of this Act.