

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.



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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 959.

9th June, 1971.

No. 959.

9 Junie 1971.

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

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

No. 50 of 1971: Marburg Immigration Settlement Regulation Act, 1971.

No. 50 van 1971: Reëlingswet op die Immigrantenedersetting Marburg, 1971.

Act No. 50, 1971 MARBURG IMMIGRATION SETTLEMENT REGULATION ACT,
1971.

ACT

To provide for the subdivision of the commonages within the Marburg Immigration Settlement, situate in the County of Alfred, Province of Natal, and the allocation of the relevant portions to, and the dividing of the other assets of the Marburg Immigration Settlement Board, among registered owners of lots within the said Settlement; for the disestablishment of the said Board; and for matters incidental thereto.

(English text signed by the State President.)
(Assented to 26th May, 1971.)

Preamble.

WHEREAS certain commonage land has, in terms of section 3 of the Marburg Immigration Settlement (Local Board of Management) Act, 1927 (Act No. 43 of 1927), been granted to the Marburg Immigration Settlement Board established under section 1 of the said Act;

AND WHEREAS the said land and other land acquired by the said Board are subject to a servitude of pasturage in favour of the registered owners of lots within the Marburg Immigration Settlement;

AND WHEREAS for various reasons the said land cannot be fully utilized by the said owners;

AND WHEREAS there is an increasing demand for land within the area of the said Settlement for the purpose of industrial development;

AND WHEREAS the majority of the said owners are in agreement that it would be to the best advantage of all the said owners if the said land and the other assets of the said Board are divided among them on an equitable basis;

AND WHEREAS certain provisions of the Group Areas Act, 1966 (Act No. 36 of 1966), have been applied to certain portions of the said Settlement;

AND WHEREAS it is because of the situation of the said land and for other reasons impracticable merely to subdivide it and allocate to each of the said owners a portion thereof;

AND WHEREAS it is therefore expedient to empower the said Board, subject to certain conditions, to undertake the division of the said land and the other assets of the said Board among the said owners, and to provide for the disestablishment of the said Board after completion of such division;

AND WHEREAS it is expedient to provide for incidental matters:

Act No. 50, 1971 MARBURG IMMIGRATION SETTLEMENT REGULATION ACT, 1971.

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

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "Board" means the Marburg Immigration Settlement Board established under section 1 of the principal Act; (v)
- (ii) "commonage" means those portions of the three pieces of commonage land granted to the Board in terms of section 3 of the principal Act that are still held by it at the time of the allocation in terms of section 2 of this Act, and includes land acquired by the Board after the 23rd May, 1929, and still held by it at the time of such allocation; (iii)
- (iii) "principal Act" means the Marburg Immigration Settlement (Local Board of Management) Act, 1927 (Act No. 43 of 1927); (ii)
- (iv) "registered owner" means a person who, according to the registers of the Registrar of Deeds, Pietermaritzburg, is the registered owner of a lot or portion of a lot situate within the settlement, other than a lot or portion of a lot which—
 - (a) on the 23rd May, 1929, formed part of any of the three pieces of commonage land granted to the Board in terms of section 3 of the principal Act; or
 - (b) was acquired by the Board after that date and disposed of by it before the allocation in terms of section 2 of this Act; (i)
- (v) "settlement" means the area of the Marburg Immigration Settlement as defined in the Schedule to Government Notice No. 919 of the 23rd May, 1929, but does not include the three pieces of commonage land granted to the Board in terms of section 3 of the principal Act. (iv)

Division of commonage and other assets of the Board among registered owners of lots within settlement.

2. (1) Notwithstanding anything to the contrary contained in the principal Act, but subject to the provisions of this section, the Board may allocate, on a basis which, in the opinion of the Board, is fair and equitable, to each registered owner a portion of the commonage and a share in the other assets of the Board, or, to some of such owners, such portions and shares, and to others such portions or shares, and subdivide the commonage accordingly.

(2) The allocation in terms of subsection (1) shall take place according to the formula:

$$y = \frac{a}{b} \text{ of } c+d-e$$

in which

- y* represents the value of an allocation to a registered owner by way of land and cash or land or cash, and expressed in cents;
- a* represents the total area of a lot or lots or portion of a lot or portions of lots owned by such registered owner within the settlement, calculated to the nearest one tenth of one hectare and expressed in hectares, such an area of less than one tenth of one hectare being regarded as one tenth of one hectare;
- b* represents the aggregate area of the said lots or portions thereof as calculated and expressed for the purposes of *a*;
- c* represents the total value of the surveyed portions of the commonage allocated to the registered owners, expressed in cents;
- d* represents the total cash amount held by the Board, and expressed in cents;

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1971.

e represents the total amount owed by the Board, and expressed in cents.

(3) Whenever the Board allocates portions of the commonage in terms of this section, the Board shall do so on a basis which in the opinion of the Board, is fair and practically feasible, and—

- (a) such a portion shall not be less than 4 hectares;
- (b) the transfer of any such portion to the registered owner concerned may be subject to a right of way as defined by the Board;
- (c) if any such portion is situated in an area defined in a proclamation under section 23 (1) of the Group Areas Act, 1966 (Act No. 36 of 1966), only a registered owner who is a member of the same group as the group specified in such proclamation, shall be considered for the allocation of such portion;
- (d) the Board shall bear all costs in connection with the transfer of any such portion to the registered owner concerned; and
- (e) no duty or fees of office shall be payable by the Board or such owner in respect of such transfer.

(4) In order to give effect to the provisions of this section, the Board shall, subject to the provisions of subsection (3) (a), cause the commonage to be surveyed and divided into portions which, in the opinion of the Board, shall, for the purposes of allocation in terms of subsection (1), be the most practical and for that purpose cause the said portions to be appraised by sworn appraisers: Provided that at least two appraisements of each portion shall be obtained, and the average of the appraisements in terms of this subsection shall, for the purposes of an allocation according to the formula referred to in subsection (2), be deemed to be the true value of the portion concerned.

Disestablishment
of Board, and
repeal of Act 43
of 1927.

3. (1) When the Minister of Agriculture is satisfied that the board has exercised all the powers conferred upon it by section 2 and that the provisions of the said section have been complied with in all respects, he may, by notice in the *Gazette*, declare that, from a date specified in such notice, the Board shall be disestablished.

(2) The principal Act is hereby repealed from the date contemplated in subsection (1).

Short title.

4. This Act shall be called the Marburg Immigration Settlement Regulation Act, 1971.