



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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[No. 3531.]

DEPARTMENT OF THE PRIME MINISTER.

No. 924.

2nd June, 1972.

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

No. 55 of 1972: Subdivision of Agricultural Land Amendment Act, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 924.

2 Junie 1972.

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

No. 55 van 1972: Wysigingswet op die Onderverdeling van Landbougrond, 1972.

SUBDIVISION OF AGRICULTURAL LAND  
AMENDMENT ACT, 1972.

Act No. 55, 1972

# ACT

To amend the Subdivision of Agricultural Land Act, 1970, so as further to define agricultural land; so as to prohibit the registration of certain leases; so as to regulate, in certain circumstances, the sale of agricultural land, the utilization thereof for specified purposes, and the registration of servitudes in respect thereof; and so as to extend the powers of the Minister as to the imposition of conditions and the delegation of powers; to amend the Provincial Powers Extension Act, 1944, so as to extend the powers of provincial councils; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 19th May, 1972.)*

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

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

Amendment of  
section 1 of  
Act 70 of 1970.

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

"'agricultural land' means any land, except—

(a) land situated in the area of jurisdiction of a municipal council, city council, town council, village council, village management board, village management council, local board, health board or health committee, and land forming part of, in the province of the Cape of Good Hope, a local area established under section 6 (1) (i) of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952 of that province), and, in the province of Natal, a public health area as defined in section 1 of the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941 of the last-mentioned province), and, in the province of the Transvaal, an area in respect of which a local area committee has been established under section 21 (1) of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943 of the Transvaal), and, in South-West Africa, a peri-urban area established under section 9 of the Peri-Urban Development Board Ordinance, 1970 (Ordinance No. 19 of 1970 of South-West Africa), but excluding any such land declared by the Minister after consultation with the executive committee concerned and by notice in the *Gazette* to be agricultural land for the purposes of this Act;

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- (b) land forming part of any other area subdivided into erven or plots, with or without public open spaces, and in streets bounded by such erven, plots or spaces;
  - (c) land of which the State or the administration of the territory of South-West Africa is the owner or which is held in trust by the State or a Minister or the Administrator of the said territory for any person;
  - (d) land forming part of a scheduled Bantu area as defined in section 49 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or of a released area referred to in section 2 of the said Act, or land referred to in section 4 of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954);
  - (e) land to which the provisions of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963), apply, or land in the territory of South-West Africa included in the 'Gebiet' as defined in section 1 of the Rehoboth Investment and Development Corporation Act, 1969 (Act No. 84 of 1969);
  - (f) land which the Minister after consultation with the executive committee concerned and by notice in the *Gazette* excludes from the provisions of this Act;"; and
- (b) by the insertion after the said definition of "agricultural land" of the following definition:  
"executive committee" means the executive committee of a province or the territory of South-West Africa;".

## 2. Section 2 of the principal Act is hereby amended—

Amendment of  
section 2 of  
Act 70 of 1970.

- (a) by the substitution for paragraph (a) of the following paragraph:  
"(a) any subdivision of land for the purpose of transferring a portion thereof to the State or the administration of the territory of South-West Africa or a statutory body, or the transfer of an undivided share in land to the State or that administration or any such body;"; and
- (b) by the addition of the following paragraph:  
"(e) the registration of a lease concluded in writing prior to the commencement of the Subdivision of Agricultural Land Amendment Act, 1972."

## 3. The following section is hereby substituted for section 3 of the principal Act:

Substitution of  
section 3 of Act  
70 of 1970.

"Prohibition on subdivision of, vesting of undivided share in, registration

3. Subject to the provisions of section 2—
- (a) agricultural land shall not be subdivided;
  - (b) no undivided share in agricultural land not already held by any person, shall vest in any person;
  - (c) no part of any undivided share in agricultural land shall vest in any person, if such part is not already held by any person;

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- of a lease of portion of, sale of unsurveyed plots on, and establishment or enlargement of certain institutions on or over, agricultural land.
- (d) no lease in respect of a portion of agricultural land shall be registered in a deeds registry;
  - (e) no erf or plot, on agricultural land, whether surveyed or not, or any right to such an erf or plot, shall be sold or advertised for sale;
  - (f) no area of jurisdiction, local area, public health area, peri-urban area or other area referred to in paragraph (a) or (b) of the definition of 'agricultural land' in section 1 shall be established on, or enlarged so as to include, any land which is agricultural land, unless the Minister has consented in writing to the subdivision, vesting, registration, sale, advertisement, establishment or enlargement concerned."

4. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 4 of Act 70 of 1970.

"(2) The Minister may in his discretion refuse or grant any such application, and, if he grants it, grant it on such conditions as he deems fit, including conditions as to the purpose for which or the manner in which the land in question may be used."

5. 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 70 of 1970.

"(1) Subject to the provisions of section 2 a Surveyor-General shall only approve a general plan or diagram relating to a subdivision of agricultural land, and a Registrar of Deeds shall only register the vesting of an undivided share in agricultural land referred to in section 3 (b), or a part of any such share referred to in section 3 (c), or a lease in respect of a portion of agricultural land, if the relevant written consent of the Minister in terms of this Act has been submitted to him."

6. The following section is hereby inserted in the principal Act after section 6: Insertion of section 6A in Act 70 of 1970.

"Registration of servitudes.

6A. (1) If a Registrar of Deeds is of opinion that the effect of the registration in his office of a particular servitude in respect of agricultural land would, for practical purposes, be the same as the registration of the vesting of an undivided share in, or the registration of a lease in respect of a portion of, that land, he may refuse to register such servitude, unless the Minister grants written consent to the registration.

(2) The provisions of sections 4 and 6 (2) shall *mutatis mutandis* apply in respect of the granting of consent for the purposes of subsection (1) of this section, and in respect of such consent."

7. Section 8 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1): Amendment of section 8 of Act 70 of 1970.

"(2) The Minister may under subsection (1) delegate the same power to more than one officer."

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8. The following section is hereby substituted for section 11 of the principal Act:

Substitution of section 11 of Act 70 of 1970.

"Offences and penalties.

11. Any person who—

- (a) in any application for the purpose of this Act makes any statement which is false in any material respect, knowing it to be false, or fails to disclose any information with intent to deceive;
- (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;
- (c) contravenes or fails to comply with a condition imposed in terms of section 4 (2);
- (d) contravenes the provisions of section 3 (e), shall be guilty of an offence and on conviction liable to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding one year and, in addition, in the case of an offence contemplated in paragraph (c) or (d), to a fine not exceeding ten rand in respect of each day on which the offence continues."

9. The following long title is hereby substituted for the long title of the principal Act:

Substitution of long title of Act 70 of 1970.

"Act

To control the subdivision and, in connection therewith, the use of agricultural land."

10. Section 1 of the Provincial Powers Extension Act, 1944, is hereby amended by the deletion of the words "into portions of which any one is of an extent of less than twenty-five morgen (or, in the province of Natal, less than fifty acres)".

Amendment of section 1 of Act 10 of 1944.

11. This Act shall be called the Subdivision of Agricultural Land Amendment Act, 1972.

Short title.