

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.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

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

Vol. 216

CAPE TOWN, 22 JUNE 1983

KAAPSTAD, 22 JUNIE 1983

No. 8767

OFFICE OF THE PRIME MINISTER

KANTOOR VAN DIE EERSTE MINISTER

No. 1320.

22 June 1983

No. 1320.

22 Junie 1983

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. 76 of 1983: Disposal of Common Pasturage Areas Act, 1983.

No. 76 van 1983: Wet op die Beskikking oor Gemeenskaplike Weivelde, 1983.

ACT

To make provision for the sale of certain State land used as common pasturage; the abolition of certain committees of management; the meeting of the liabilities of such committees and the realization of their assets and rights; and the disposal of the net proceeds of such sale and such realization; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 15 June 1983.)

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

Definitions.

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

- (i) "area", in relation to a committee of management, means the area comprised by the group of holdings the owners of which are entitled to use the common pasturage area under the control of that committee, and any land reserved as a common pasturage area in terms of section 22 of the Land Settlement Act, 1956 (Act No. 21 of 1956), and includes any other State land under the control of that committee of management; (iv) 5
- (ii) "committee of management" means a committee of management established or deemed to have been established in terms of the regulations; (i) 10
- (iii) "common pasturage area" means any State land under the control of a committee of management after having been set apart as common pasturage under the Land Settlement Act, 1956, but does not include State land which in terms of section 22 (2) of that Act has been reserved from allotment; (v) 15
- (iv) "fixed date", in relation to a particular common pasturage area, means the date fixed in respect thereof under section 2; (ix) 20
- (v) "holding" means any holding referred to in section 1 of the Land Settlement Act, 1956; (vi) 25
- (vi) "irrigable land" means the total area of a holding which may be irrigated in terms of a determination of the Minister of Environment Affairs under section 63 (2) of the Water Act, 1956 (Act No. 54 of 1956); (ii) 30
- (vii) "Minister" means the Minister of Community Development; (vii) 30
- (viii) "owner", in relation to any holding, means—
 - (a) the person registered at the fixed date as the owner of the holding; or
 - (b) in the case of any holding leased by the State under a lease which contains an option in favour of the lessee to purchase that holding, the person who at the fixed date is the lessee of the holding and who before that date exercised the option to purchase the holding; or 40

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- (c) in the case of a holding purchased from the State but which at the fixed date was not yet registered in the name of the purchaser, that purchaser; (iii)
- (ix) "regulations" means the regulations made or deemed to have been made under section 78 of the Land Settlement Act, 1956; (viii) 5

Withdrawal of common pasturage area.

2. (1) The Minister may by notice in the *Gazette* determine that a common pasturage area shall with effect from a date fixed in the notice be withdrawn from the control of the committee of management established in respect thereof under the regu- 10
lations.

(2) A notice referred to in subsection (1) may be issued only in respect of a common pasturage area in its entirety.

(3) With effect from the fixed date—

- (a) the provisions of any law which in terms of section 51 15
(1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), continued to apply in respect of the common pasturage area concerned, shall no longer apply to it;
- (b) any provision in the title deed of any holding in terms of which the owner of any holding is authorized to use 20
the common pasturage area, shall lapse.

Decision of Minister in cases of uncertainty.

3. In any case of uncertainty on the question as to whether—

- (a) State land has been reserved under the Land Settlement Act, 1956 (Act No. 21 of 1956), as a common 25
pasturage area;
- (b) the owner of land was immediately before the fixed date entitled to use any common pasturage area;
- (c) any State land is under the control of a particular committee of management,

the question shall be submitted to the Minister for a decision. 30

Dissolution of certain committees of management and realization of assets.

4. (1) The committee of management controlling a common pasturage area in respect of which a notice has been issued in terms of section 2, shall be deemed to have been dissolved with effect from the fixed date, and on that date the assets, rights and liabilities of that committee shall pass to the State. 35

(2) The Minister shall as soon as possible after the fixed date realize all assets and rights of the committee of management in question and shall meet all its liabilities.

(3) The provisions of section 6 shall, subject to the provisions of subsection (4), apply in respect of that portion of the proceeds of such realization which remains after such liabilities have been met.

(4) If the proceeds of the assets of a committee of management are not sufficient to meet the liabilities of that committee, the proceeds mentioned in section 6 (1) (b) shall be used to meet 45
such liabilities before any allotment and division as contemplated in that section take place.

Sale of land withdrawn from control of committee of management.

5. (1) (a) The land which formed the common pasturage in respect of which a notice was issued under section 2 (1), shall as soon as possible after the fixed date be sold by 50
the Minister.

(b) The provisions of the State Land Disposal Act, 1961 (Act No. 48 of 1961), shall subject to the provisions of this Act apply to such sale.

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(2) Any rights to minerals in and disposed of under subsection (1) shall remain vested in the State.

(3) The provisions of section 6 shall apply in respect of that portion of the proceeds of such sale which remains after deduction of all costs incurred in connection with the sale. 5

Disposal of proceeds.

6. (1) Notwithstanding anything to the contrary in any law contained—

(a) 10% of the proceeds referred to in section 5 (3) shall be paid into the State Revenue Fund;

(b) 90% of the proceeds referred to in section 5 (3), plus 10 the proceeds referred to in section 4 (3), after compliance, where necessary, with the provisions of section 4 (4), shall be allotted to and divided among the owners of holdings who were immediately before the fixed date entitled to use the common pasturage area in question. 15

(2) Such allotment and division shall take place in accordance with the formula—

$$y = \frac{a}{b} \times c$$

20

in which—

y represents the amount which shall be allotted to the owner of a holding;

a represents the total extent of irrigable land of the holding or holdings situated in the area of the committee of 25 management in question which belong to the same owner, calculated to the nearest tenth of a hectare;

b represents the total extent of all irrigable land of all holdings situated within the area of the committee of management in question, calculated to the nearest 30 tenth of a hectare; and

c represents the total amount of the proceeds referred to in subsection (1) (*b*).

Delegation.

7. (1) The Minister may delegate in writing the powers conferred upon him by this Act to the board referred to in section 2 35 of the Community Development Act, 1966 (Act No. 3 of 1966), or to any committee thereof or to any officer in the public service.

(2) The Minister may at any time in writing withdraw a delegation in terms of subsection (1), and no delegation of a power 40 shall preclude the exercise of such power by the Minister.

Short title.

8. This Act shall be called the Disposal of Common Pasturage Areas Act, 1983.