

No. 10, 1944.]

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.

# ACT

## To empower provincial councils and the Minister of Lands to prohibit or regulate the division of certain land into small portions.

(Signed by the Officer Administering the Government in English.)

(Assented to 28th March, 1944.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Provincial  
councils may  
prohibit or  
regulate  
division of  
certain land.

1. In addition to any powers which a provincial council has at the commencement of this Act to prohibit or regulate the division of land, it shall also have the power to make ordinances prohibiting or regulating the division, by means of a survey and transfer or a survey and registered lease of any land which is not owned by the State and which does not form part of an area defined in the Schedule to the Natives' Land Act, 1913 (Act No. 27 of 1913), or of an area defined in the First Schedule to the Native Trust and Land Act, 1936 (Act No. 18 of 1936), 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), and a provincial council may by ordinance provide, in connection with any such division, for conditions restricting the use of any portion of any land divided as aforesaid, or imposing on any such portion any servitude in favour of the public.

Division of  
certain land  
subject to  
consent of  
Minister of Lands.

2. (1) If in terms of any ordinance under section one any land may not be divided without the consent or approval of the Administrator or any other authority, the Administrator or such authority shall not consent to or approve any division of such land, and if in terms of any such ordinance such consent or approval is not required for the division of any land to which it relates, no person shall effect any division of such land, unless the Minister of Lands has satisfied himself that the proposed division is not likely to give rise to the application of section two of the Unbeneficial Occupation of Farms Act, 1937 (Act No. 29 of 1937), and has granted his permission in writing to the proposed division: Provided that the preceding provisions of this sub-section shall not apply in connection with any land situate in any area excluded from time to time by the Governor-General by proclamation in the *Gazette* from the operation of this sub-section, while such a proclamation is in force with reference to the area in question.

(2) The Minister of Lands may, by writing under his hand, delegate, in whole or in part, his functions under sub-section (1).

Registration and  
enforcement of  
certain  
conditions  
provided for  
by provincial  
councils.

3. (1) Notwithstanding any provision to the contrary contained in the Deeds Registries Act, 1937 (Act No. 47 of 1937), if the consent to or approval of the division of any land granted by the Administrator or any other authority in terms of any ordinance under section one or any other ordinance under which the Administrator is authorized to impose conditions, is made subject to any condition, intended to serve the public interest and restricting the rights of the owner or conferring rights in favour of other persons in respect of such land or any portion thereof, or if by any ordinance under section one the division of any land is made subject to any such condition, that condition may either be inserted in the relevant deed of transfer or be registered by means of a notarial deed, and the officer in charge of the deeds registry concerned shall endorse on the title deeds of any land retained by the transferor every such condition which relates to the land so retained.

(2) The Administrator of the province in which is situate any land which is subject to any condition referred to in sub-section (1), shall be entitled to enforce such condition.

Repeal or  
amendment of  
Act 22 of 1919.

4. The Provincial Council of Transvaal may by ordinance repeal or from time to time amend the Agricultural Holdings (Transvaal) Registration Act, 1919.

Short title.

5. This Act shall be called the Provincial Powers Extension Act, 1944.