

No. 48, 1961.]

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 provide for the disposal of certain State land and for matters incidental thereto, and to prohibit the acquisition of State land by prescription.

(Afrikaans text signed by the State President.)  
(Assented to 19th June, 1961.)

**BE IT 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) "Minister" means the Minister of Lands but in relation to any land which in terms of any law falls under the control and management of the Administration as defined in section *one* of the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957), "Minister" means the Minister of Transport;
- (ii) "State land" includes any right in respect of State land but, except for the purposes of sections *three* and *nine*, does not include any right to minerals on or in such land.

State President may dispose of certain State land.

2. (1) Subject to the provisions of sub-sections (2) and (3) the State President may, on such terms and conditions as he may deem fit, sell, exchange, donate or lease any State land on behalf of the State.

(2) The State President shall not dispose of any particular State land in terms of sub-section (1) if the disposal thereof is governed by any other law.

(3) The provisions of sub-section (1) shall not exempt the State from complying with any obligation in terms of the conditions subject to which the State holds any particular State land.

(4) The Minister shall within one month after the commencement of the first ordinary session of Parliament in any calendar year lay on the Tables of both Houses of Parliament particulars of every sale, exchange or donation of State land in terms of sub-section (1) during the immediately preceding calendar year.

State land not subject to acquisitive prescription.

3. Notwithstanding any rule of law to the contrary State land shall, after the expiration of a period of ten years from the date of commencement of this Act, not be capable of being acquired by any person by prescription.

Stipulations in deeds regarding reservation of mineral rights.

4. If the State holds any rights to minerals on or in any State land and such land is disposed of under section *two*, the deed in terms of which such land is so disposed of shall contain a stipulation to the effect that those rights have been reserved to the State.

Execution of documents in connection with disposal of State land.

5. (1) If the State President has under section *two*—

(a) sold, exchanged or donated any State land, he shall either issue an appropriate deed of grant or cause to be registered in a deeds registry such other deed as may be appropriate;

(b) leased any State land, he shall sign or cause to be signed on behalf of the State an appropriate lease.

(2) Any documents required to effect registration of a deed mentioned in paragraph (a) of sub-section (1), any lease mentioned in paragraph (b) of the said sub-section not signed by the State President, and any documents required to effect the registration of such a lease in a deeds registry, shall be signed on behalf of the State by a person authorized thereto by the State President either generally or in regard to specified State land or in any specified case.

Assignment of powers and duties by State President.

6. (1) The State President may either generally or in regard to specified State land or in a specified case assign to the Minister any power or duty conferred or imposed upon him by section *two* or *five* and any power or duty to issue deeds of grant which he may otherwise have.

(2) If the State President so assigns to the Minister any power conferred on him by *section two*, the Minister shall have the powers and be subject to the duties conferred or imposed upon the State President by *section five* in connection with the exercise of the power so assigned.

Assignment of powers and duties by Minister.

7. (1) The Minister may either generally or in regard to specified State land or in a specified case assign to an Administrator of a province or any officer in the service of the State any power or duty conferred or imposed upon him by or in terms of this Act.

(2) If the Minister so assigns any power referred to in *section two*, the provisions of sub-section (2) of *section six* shall *mutatis mutandis* apply.

Regulations.

8. The State President may make any regulations which he considers necessary or expedient for the achievement of the purposes and objects of this Act.

Repeal of laws, and provisions relating to certain disposals of State land prior to commencement of this Act.

9. (1) Subject to the provisions of sub-section (2) the laws specified in the Schedule are hereby repealed to the extent shown in the third column thereof.

(2) Any provision of a law repealed by sub-section (1) which immediately prior to the commencement of this Act applies in respect of any prior disposal of State land or in respect of any matter arising out of any such disposal, shall continue so to apply as if such law had not been repealed.

(3) Any disposal of State land at the public instance prior to the commencement of this Act which was not effected under or by virtue of any rule of law, shall be deemed to have been lawfully effected.

Short title.

10. This Act shall be called the State Land Disposal Act, 1961.

### Schedule.

#### LAWS REPEALED.

No. and Year of Law.	Territory and Title or Subject.	Extent of Repeal.
<b>CAPE OF GOOD HOPE.</b>		
Act No. 37 of 1882.	"Agricultural Lands Act, 1882".	The whole.
Act No. 3 of 1883.	"Cemeteries Act, 1883".	Paragraph (1) of <i>section five</i> .
Act No. 40 of 1885.	"Agricultural Lands Amendment Act, 1885".	The whole.
Act No. 15 of 1887.	"Crown Lands Disposal Act, 1887".	The whole.
Act No. 37 of 1889.	"Crown Lands and Quitrent Relief Act, 1889".	The whole.
Act No. 16 of 1890.	"Transfer Facilitation Act, 1890".	The whole.
Act No. 14 of 1891.	"The Crown Lands Disposal Extension Act, 1891".	The whole.
Act No. 26 of 1891.	"Crown Lands Leasing Act, 1891".	The whole.
Act No. 23 of 1892.	"The Partition Transfer Facilitation Act, 1892".	The whole.
Act No. 30 of 1893.	"Transfer Facilitation Amendment Act, 1893".	The whole.
Act No. 40 of 1895.	"Crown Lands Disposal Act and Leasing Acts Amendment Act, 1895".	The whole.
Act No. 46 of 1899.	"Agricultural Lands Further Amendment Act, 1899".	The whole.
Act No. 47 of 1899.	"The Elliot European Communal Lands Act, 1899".	The whole.

No. and Year of Law.	Territory and Title or Subject.	Extent of Repeal.
Act No. 13 of 1906.	"The Outspans Act, 1906". ..	Section <i>four</i> .
Act No. 41 of 1908.	"The Elliot Commonages Sub-division Act, 1908".	The whole.
Act No. 42 of 1908.	"Farms Selection Act, 1908". ..	The whole.
NATAL.		
Act No. 44 of 1904.	"The Agricultural Development Act, 1904".	The whole.
Act No. 28 of 1907.	Amendment of "The Agricultural Development Act, 1904".	The whole.
Act No. 23 of 1910.	"To enable purchasers of Crown lands to suspend payment of the instalments of purchase price upon suitable terms".	The whole.
Act No. 27 of 1910.	"To make certain provisions with regard to the purchase and disposal of lands acquired for settlements".	The whole.
ORANGE FREE STATE		
Ordinance No. 34 of 1905.	"Crown Lands (small areas) Disposal Ordinance, 1905".	The whole.
Act No. 13 of 1908.	"Crown Land Disposal Act, 1908".	The whole.
Act No. 31 of 1909.	"Irrigation Settlements Act, 1909".	The whole.
TRANSVAAL.		
Ordinance No. 45 of 1902.	"Settlers Ordinance 1902". ..	The whole.
Ordinance No. 57 of 1903.	Crown Land Disposal Ordinance 1903.	The whole.
Ordinance No. 13 of 1906.	Crown Land Disposal Amendment Ordinance 1906.	The whole.
Act No. 37 of 1907.	Land Settlement Act 1907.	The whole.
UNION.		
Act No. 2 of 1911.	Crown Land Disposal (Execution of Deeds) Act, 1911.	The whole.
Act No. 12 of 1912.	Land Settlement Act, 1912.	Section <i>forty-seven</i> .
Act No. 15 of 1912.	Transvaal and Orange Free State Land Settlements Amendment Act, 1912.	Sections <i>one, two, three and five</i> .
Act No. 26 of 1915.	Persons on Active Service Relief Act, 1915.	Section <i>two</i> .
Act No. 16 of 1916.	Transvaal and Orange Free State Land Settlements Act Further Amendment Act, 1916.	The whole.
Act No. 1 of 1917.	Gubenxa and Embokotwa Titles Amendment Act, 1917.	The whole.
Act No. 23 of 1917.	Land Settlement Act Amendment Act, 1917.	Sections <i>twenty-one and twenty-two</i> .
Act No. 6 of 1919.	Crown Land Disposal (Cape of Good Hope) Amendment Act, 1919.	The whole.
Act No. 8 of 1922.	Crown Lands Disposal Act (Cape) Amendment Act, 1922.	The whole.
Act No. 38 of 1922.	Financial Adjustments Act, 1922.	Section <i>four</i> .
Act No. 57 of 1934.	Land Settlement (Amendment) Act, 1934.	Section <i>twenty-one</i> .
Act No. 1 of 1952.	State Lands Disposal Amendment Act, 1952.	The whole.