

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

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CAPE TOWN, 13TH OCTOBER, 1970.

[No. 2880.

KAAPSTAD, 13 OKTOBER 1970.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1721.

13th October, 1970.

No. 1721.

13 Oktober 1970.

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. 83 of 1970: Paarl Mountain Act, 1970.

No. 83 van 1970: Paarlbergwet, 1970.

PAARL MOUNTAIN ACT, 1970.

Act No. 83, 1970

ACT

To provide for the transfer of the ownership in certain land to the Paarl Municipality for certain purposes and the expropriation of certain rights in such land, to empower the said Municipality to donate a portion or portions of the said land to the State for the purposes of a language monument, and to provide for other incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 30th September, 1970.)

WHEREAS a certain piece of land known as the Paarl Mountain (at present Erf No. 1, Paarl), in extent 3,380 morgen, was by Deed of Grant (Stellenbosch Freehold 3-7) dated the 2nd December, 1838, granted in freehold to Daniel van Ryneveld and his successors in office as principal magistrates of the district in which the Paarl then was or may thereafter be placed, as a commonage for the use and benefit of the inhabitants of that village and of the field cornetcy of "Behind the Paarl", subject to conditions reading as follows: Preamble.

"That no person, who has a right to send his cattle to the Mountain shall be permitted to send any other cattle than are *bona fide* his own to graze there under a penalty of three pounds sterling for each transgression—the land now granted is bounded on all sides by private property, as will further appear by the chart framed by the Surveyor, and with full power and authority henceforth to possess the same in perpetuity, subject however to all such duties and regulations as are either already or shall in future be established with regard to such lands, also that the proprietor of the 'Paarl Mill' shall as heretofore retain his claim to the 'Mill Water' rising on this Land.":

AND WHEREAS the Paarl Municipality has exercised control over the said commonage since 1882 under the powers conferred upon it by law:

AND WHEREAS the said Municipality has for a considerable time striven to develop the said commonage as a nature reserve and pleasure resort, not only for the inhabitants of the Paarl but also for all other inhabitants of the Republic:

AND WHEREAS the said Municipality will be able to develop the said commonage properly as a nature reserve only if the ownership therein is vested in it and certain rights therein are expropriated:

AND WHEREAS at present only a few persons exercise rights in respect of the said commonage, and it is desirable to protect certain rights:

PAARL MOUNTAIN ACT, 1970.

Act No. 83, 1970

AND WHEREAS it is expedient to provide for the transfer of the ownership in the said commonage to the said Municipality and for the expropriation of certain rights therein:

AND WHEREAS a portion or portions of the said commonage are required for the purposes of a language monument:

AND WHEREAS it is expedient to provide that, with certain exceptions, the said commonage shall be used only as a nature reserve, and not alienated:

AND WHEREAS it is expedient to provide for other incidental matters:

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

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

(i) "commonage" means a certain piece of land known as Paarl Mountain (Erf No. 1, Paarl), in extent 3,380 morgen, as more fully described in Deed of Grant (Stellenbosch Freehold 3-7) dated the 2nd December, 1838; (ii)

(ii) "municipality" means the Paarl Municipality. (i)

2. (1) The ownership in the commonage and all other rights therein, except any right possessed by any person other than the municipality on the 30th November, 1966, to water or water works on the commonage or to maintain such water works, are hereby transferred to the municipality: Provided that this subsection shall not be so construed as to deprive any person, who on the said date used water on the commonage or derived from the commonage, of such use. **Transfer of rights to municipality.**

(2) The Registrar of Deeds at Cape Town shall give effect to the transfer referred to in subsection (1) in such manner as he may deem most practicable and convenient.

(3) Subject to the provisions of subsections (1), (4) and (7), the municipality shall not alienate the land transferred to it in terms of this section, and may use it only as a nature reserve.

(4) The municipality shall, by way of donation, transfer to the State for the purposes of a language monument a portion or portions of the said land designated by the Minister of Agriculture from time to time.

(5) On transfer of such portion or portions to the State all rights retained by any person in respect of such portion or portions by virtue of the provisions of subsection (1) shall lapse.

(6) Notwithstanding the provisions of this section the municipality shall not enlarge existing water works or construct new water works on the commonage without the prior consent in writing of the said Minister.

(7) If at any time the municipality does not require any portion of the commonage for a nature reserve or for transfer in terms of subsection (4), it may, with the approval of the Administrator and subject to such conditions as he may determine, let for agricultural purposes any such portion which the municipality does not so require, to any owner of land adjoining the commonage, for any period expiring not later than fifty years after the date referred to in subsection (1).

3. No compensation shall be payable to any person by virtue of the transfer contemplated in section 2. **No compensation payable.**

4. This Act shall be called the Paarl Mountain Act, 1970. **Short title.**