

No. 10, 1929.]

ACT

To provide for the constitution of a Local Board of Management for the Van Wyk's Vlei Settlement, District of Carnarvon, the amendment of Act No. 29 of 1908 of the Cape of Good Hope, and certain incidental matters.

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:—

Constitution of
Van Wyk's Vlei
Settlement board.

1. (1) Notwithstanding anything contained in the Van Wyk's Vlei Settlement Act, 1908 (Act No. 29 of 1908), of the Cape of Good Hope or the regulations framed thereunder or in the conditions of any Crown grant or other document of title or any lease issued in respect of the lands within the Van Wyk's Vlei Settlement (hereinafter called the settlement) known respectively as sowing lots, garden lots and building lots, the Minister of Lands may, by notice in the *Gazette*, authorize the constitution of a local board (hereinafter called the board) for the management of the area of the settlement as defined in the Schedule to this Act.

(2) Such board shall consist of seven members, one of whom shall be the magistrate of the district of Carnarvon who shall be the chairman of the board. Three members shall be elected by the registered owners of sowing lots and three members by the registered owners of garden and building lots within the settlement in manner prescribed by regulation under section *eight*, and every such member shall hold office for the period of one year.

(3) If the owners at any time fail, neglect or refuse to elect a board or to elect a sufficient number of members to form such board, the Minister of Lands may by notice in the *Gazette* appoint from among the owners a sufficient number of persons to constitute such board.

(4) Three members of the board shall form a quorum. The chairman shall have a deliberative vote and in the event of an equality of votes shall in addition have a casting vote. The decision of the majority of the board present at any meeting thereof shall be the decision of the board and shall be final and conclusive.

(5) The board shall be named the Van Wyk's Vlei Settlement Board and shall be a body corporate capable of suing and being sued, and, subject to the provisions of this Act and as far as may be necessary for the better performance of its functions and duties thereunder, of doing such things as bodies corporate may by law do.

Termination of
Government
obligations and
vesting of certain
Crown lands in
board.

2. On constitution of the board in terms of section *one*—

(a) any obligation or responsibility of the Government for the maintenance and repair of the irrigation works serving the settlement and the distribution of water therefrom which prior to the commencement of this Act vested in the Government shall cease and determine; and

(b) any unalienated Crown lands (not being Crown land reserved or occupied for any Government purpose) within the area of the settlement as defined in the Schedule to this Act shall vest in the board subject to the provisions of section *six*.

Functions of
board.

3. (1) It shall be the function and duty of the board to control and maintain the irrigation works constructed for the service of the settlement, to regulate the distribution of water therefrom and to control and manage the settlement.

(2) The board shall within the settlement have and exercise—

(a) all such functions, powers, rights, duties and obligations as are conferred on an irrigation board by the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912) or any amendment thereof;

(b) subject to the approval of the Minister of Lands, all such powers as may be exercised by a committee of management constituted under the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925); and

(c) the power to buy, hold, sell and lease land :

Provided that such functions and powers and such duties and obligations shall be exercised and carried out subject to such rights as the registered owners of sowing lots, garden lots and building lots may have under their title deeds, and that no purchase or sale of land shall take place save under the authority previously obtained of the Governor-General.

(3) Any servitude or other right reserved to the Government in the title deed of any land within the settlement and exercisable in connection with any irrigation works constructed or to be constructed on, at, or for the purpose of, the settlement shall be deemed to be held by and shall be exercisable by the board.

Sale of sowing lots. 4. Notwithstanding anything contained in this Act or in any other law no further sowing lots within the settlement shall be sold after the commencement of this Act.

Division of settlement area. 5. (1) The Minister may, on the recommendation of the board, by notice in the *Gazette* define as commonage for the exclusive use of the owners of garden and building lots, subject to rules made under the authority of paragraph (b) of sub-section (2) of section three, portion of the area defined in the Schedule to this Act: Provided that the area so defined shall not exceed one-eighth of the total area of land described in the said Schedule.

(2) The area of the settlement remaining after the deduction of the area defined in terms of sub-section (1) and any land occupied by any of the irrigation works and the garden, building and sowing lots shall be set aside for the exclusive use of the owners of sowing lots.

(3) The board may, subject to the approval of not less than three-fourths of the registered owners of sowing lots and the approval of the Governor-General, sub-divide the remainder of the area of the settlement set aside in terms of sub-section (2) into portions equal in number to the sowing lots in the settlement and pass transfer of such portions to the registered owners of sowing lots.

Grant of Crown land to board. 6. (1) Notwithstanding anything contained in any law, the Governor-General may issue a Crown grant to the board of the unalienated Crown lands, or any portion thereof, within the area of the settlement as defined in the Schedule to this Act and which have become vested in the board in terms of section two.

(2) Such grant shall be made subject to such conditions as are usually inserted in grants of Crown land within the Province of the Cape of Good Hope, and such other conditions as the Governor-General may deem expedient.

Amendment of Act No. 29 of 1908, Cape of Good Hope. 7. The Van Wyk's Vlei Settlement Act, 1908 (Act No. 29 of 1908) of the Cape of Good Hope is hereby amended—

(a) by the deletion in section one of the words " and all land in the said settlement remaining undisposed of at the date of this Act may be disposed of by the Governor in accordance with the regulations set out in Schedule "C" hereto, and subject thereto, and any additional regulations from time to time made thereunder "; and

(b) by the repeal of sections two and three.

Regulations. 8. The Minister of Lands may by notice in the *Gazette* make regulations, not inconsistent with this Act, for all or any of the following purposes—

(a) the manner in which elections for membership of the board shall be carried out;

(b) the procedure of the Board;

- (c) the filling of vacancies on the board arising through death, resignation or other cause; and
- (d) the procedure governing the making of rules by the board under the powers conferred by the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925).

Short title.

9. This Act may be cited as the Van Wyk's Vlei Settlement (Local Board of Management) Act, 1929.

Schedule.

AREA OF THE VAN WYK'S VLEI SETTLEMENT, DISTRICT OF CARNARVON.

The farms Jackhalskolk, Verkeerde Vlakte, Gans Vley, Quagga Kolk, Van Wyk's Vley, Kromvley, Kalkdam and portions of the farms Hottentot's Dam and Vaalkop, presently vested in the Crown, in extent respectively 7,195 morgen, 154 square roods and 3,325 morgen, 368 square roods.