

No. 22, 1919.]

ACT

To provide for the registration of land in the Transvaal which is divided into agricultural holdings, for regulating the sub-division of such holdings and for other purposes in connection therewith.

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:—

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1. Notwithstanding anything to the contrary contained in any law, where the owner of an area of land has divided or intends to divide it into lots exceeding fifteen in number for the purpose of forming agricultural holdings the Minister may, subject to the provisions of this Act, certify that the land has been or is intended to be so divided for agricultural holdings only and not for the purpose of constituting a township, and on that certificate being lodged with the Registrar of Deeds, and so long as it remains in force, the area of land shall not, when so divided, be deemed to be a township within the meaning of the Townships Act and the provisions of that Act shall not apply to it.

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2. (1) A certificate under section one shall be granted only on application by the owner to the Board and on a recommendation by the Board and subject to such conditions, if any, as the Board may recommend.

(2) When making an application under sub-section (1) the owner shall provide the Board with such particulars and information and such plans and diagrams as it may require for the purpose of showing the extent and situation of the area of land which is to be divided and the plan according to which it is intended to divide it, but save as is hereinafter provided the owner shall not be bound to divide the land as shown in the plan or to maintain any divisions shown therein.

(3) If the ground in respect of which application is made is situated within the limits of any municipality notice shall be given by the owner to the Council of the municipality of his intention to apply for a certificate and the Board before recommending the granting of a certificate shall give to the Council concerned an opportunity of making such representations as it may desire in regard to the granting of a certificate.

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3. (1) Before recommending the Minister to grant a certificate under this Act in respect of any area the Board may require such portions of the area as it may think fit to be set apart for educational or other public purposes, or for services required in the general interest of the inhabitants of the area, and any portions so set apart shall be transferred to the Governor-General by the owner before a certificate is granted by the Minister: Provided that no portions of any area set apart for the purposes mentioned in this section shall be deemed to be places falling within the provisions of section fifty-two (1) (c) of the Precious and Base Metals Act, 1908, of the Transvaal.

(2) Any portions of land set apart under sub-section (1) shall be marked on the plan submitted by the owner to the Board and shall remain vested in the Governor-General notwithstanding any alterations in the plan of division unless the Minister on the recommendation of the Board shall allow the owner to substitute other portions in lieu of those previously transferred.

(3) The Governor-General shall not in respect of any land transferred to him under this section be subject to any liability imposed upon owners of land under the Fencing Act, 1912, or any amendment thereof.

Where certificate not to be granted.

4. The Board shall not recommend the granting of a certificate nor shall a certificate be granted in respect of any area of land of which any lot or portion as shown on the general plan of division submitted by the owner is less than one morgen in extent: Provided that where land has before the commencement of this Act been divided into agricultural holdings and where agreements have been entered into for the sale of any such holdings being less than one morgen in extent the Board may recommend the granting of a certificate notwithstanding that any such holdings are less than one morgen in extent.

Restriction on giving out or subdividing lots

5. (1) While a certificate granted under this Act remains in force as regards any area of land, it shall not be lawful for the owner thereof to sell, lease or dispose of any lot or portion otherwise than in accordance with the general plan submitted to the Board without the written approval of the Board nor shall the owner of any lot or portion thereof sell, lease or dispose of in any way any part of his lot or portion without the written approval of the Board and that approval shall not be granted if in the opinion of the Board the proposed sub-division of the lot or portion would render it unsuitable for occupation as an agricultural holding or if after the proposed sub-division any part of such lot or portion would be less in extent than one morgen.

(2) The Registrar of Deeds shall not register the transfer or lease of any lot or portion of such land or any part thereof which is less in extent than one morgen nor shall any lot or portion be capable of being held by two or more persons in joint ownership where if the lot or portion were divided according to the shares of the joint owners any of such divisions would be less in extent than one morgen, but nothing in this sub-section shall be deemed to prohibit the transfer undivided of any agricultural holding less than one morgen in extent referred to in the proviso to section four.

This sub-section shall not apply to land expropriated under any law for railway or public purposes.

Cancellation of certificate

6. (1) Where a certificate has been granted under this Act in respect of any area of land the owner of the land for the time being or of any portion not being less in extent than one half of it may apply to the Minister for cancellation of the certificate as regards the whole area or such portion thereof as the case may be, and the Minister on the recommendation of the Board may cancel the certificate either unconditionally or subject to such conditions as he may think fit to require, and the land in respect of which the certificate has been cancelled shall cease to be subject to the provisions of this Act.

Provided that no application for cancellation shall be granted in respect of the whole area or of any portion if that area or portion as the case may be has been so divided that it would but for the provisions of this Act constitute a township within the meaning of the Townships Act.

(2) Where a certificate has been cancelled under this section any portion of the land in respect of which it is cancelled which has been vested in the Governor-General under the provisions of section three shall on the application of the owner be retransferred to him subject to any condition imposed by the Minister in respect of the cancellation of the certificate.

Definitions.

7. In this Act save where inconsistent with the context—

“Minister” shall mean the Minister of Lands or any other Minister who may be authorized for the time being to discharge the duties of that Minister;

“Townships Act” shall mean the Townships Act of the Transvaal, Act No. 33 of 1907 (as amended by the Act No. 34 of 1908 of the Transvaal) and any amendment thereof;

“Board” shall mean the Board constituted by the Townships Act with the addition of the Secretary for Lands and the Secretary for Agriculture;

“agricultural holding” shall mean a portion of land not less than one morgen in extent used solely or mainly for the purpose of agriculture or horticulture or for breeding or keeping domestic animals, poultry or bees.

Application of Act and short title. 8. This Act shall apply only within the Province of the Transvaal and may be cited as the Agricultural Holdings (Transvaal) Registration Act, 1919.