

No. 43, 1927.]

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ACT

To provide for the constitution of a Local Board of Management for the Marburg Immigration Settlement, county of Alfred, in the Province of Natal, 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:—

1. (1) Notwithstanding anything contained in the Immigration Act of 1894 (Act No. 4 of 1894) of Natal, or in the regulations framed thereunder or in any Crown grant or other document of title issued to any person in respect of any land within the Marburg Immigration Settlement (hereinafter called the Settlement) situate in the County of Alfred, Province of Natal, the Minister of Lands (hereinafter called the Minister) may by notice in the *Gazette* authorize the constitution of a Local Board (hereinafter called the Board) for the management of the area comprising the settlement and the commonages attached thereto, which area shall be defined by the Minister in the said notice.

(2) The Board shall consist of five members who shall be elected by the registered owners of lots within the settlement in manner prescribed by regulation under section *four*. Every member of the Board elected as aforesaid shall hold office for a period of three years. If such owners shall 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 may, by notice in the *Gazette*, appoint from among such owners a sufficient number of persons to constitute such Board.

(3) Three members of the Board shall form a quorum. The Board shall elect one of its members to be the chairman of the Board. The chairman shall have a deliberative vote and, in the event of an equality of votes, he shall, in addition, have a casting vote. The decision of the majority of the members of the Board shall be the decision of the Board and shall be final and conclusive.

(4) The Board shall be known as the Marburg Immigration 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.

2. (1) It shall be the duty of the Board to control and maintain the commonages attached to the settlement and granted to it in terms of section *three*, and to regulate their use by the registered owners of lots in the settlement.

(2) The Board shall, within the area defined by the Minister under sub-section (1) of section *one*, have, subject to the approval of the Minister, 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): Provided that such powers shall, save as specially provided in this Act, be exercised subject to such rights as the registered owners aforesaid may have under their title deeds, and provided further that, in the making of any rules under the powers aforesaid, the Board shall be governed by the provisions of any regulations made under section *four*.

(3) The Board shall have the power to purchase and hold land and to sell, exchange, donate, lease or hypothecate any land so purchased or any land acquired by exchange or any land forming part of the commonage falling within the area defined by the Minister under sub-section (1) of section *one*, and granted to the Board in terms of section *three*:

Constitution of Marburg Immigration Settlement Board.

Functions of Board.

Provided that no such purchase, sale, exchange, donation or hypothecation of land shall be effected unless it has been sanctioned by not less than two-thirds of the votes represented by the registered owners aforesaid present at any meeting convened as prescribed by regulation framed under section *four* for the purpose of considering any proposal of the Board for the purchase, sale, exchange, donation or hypothecation of land; and provided further that no such purchase, sale, exchange, donation or hypothecation shall take place save under authority of the Governor-General.

(4) Any land acquired by the Board under sub-section (3) shall be deemed to be within the area defined by the Minister under sub-section (1) of section *one*.

(5) The proceeds of any sale or lease in terms of sub-section (3) shall be devoted to the acquisition of other land for the purposes of the settlement or to some other purpose for the use, benefit or enjoyment of the registered owners of lots on the settlement.

(6) The servitude of pasturage in favour of the registered owners aforesaid, attaching to any land forming part of the commonages referred to in sub-section (3) and alienated under that sub-section shall, upon such alienation, lapse in respect of the land so alienated.

(7) The Minister may, in consultation with the Board, exclude from the powers of the Board under this Act, any land alienated under sub-section (3).

Grant of
commonage
land to
Board.

3. Notwithstanding anything contained in any law or in any title deed relating to land in the settlement, the Governor-General may grant to the Board certain three pieces of commonage land which are now being used by the registered owners of lots within the settlement in terms of regulations promulgated under Act No. 4 of 1894 of Natal. Such a grant shall be made subject to such conditions as are usually inserted in grants of Crown land within the Province of Natal and such other conditions as the Governor-General may deem expedient.

Regulations.

4. The Minister may, by notice in the *Gazette*, prescribe regulations not inconsistent with this Act for any of the following purposes—

- (a) the basis on which rights of voting by registered owners of lots in the settlement at elections for membership of the Board shall be exercised and the manner in which elections for membership of the Board shall be carried out;
- (b) the filling of vacancies on the Board arising through death, resignation or other cause;
- (c) the procedure of the Board;
- (d) the manner in which proposals by the Board to buy, sell, exchange, donate or hypothecate land in terms of sub-section (3) of section *two* shall be submitted to a meeting of such registered owners and the procedure to be followed in convening any such meeting;
- (e) the rendering of a report and statement of accounts by the Board in respect of its operation;
- (f) 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).

Existing
rules.

5. The rules or special by-laws promulgated in terms of section *two* of Act No. 4 of 1894 of Natal shall be of force and effect until amended or repealed in terms of this Act.

Short title.

6. This Act may be cited as the Marburg Immigration Settlement (Local Board of Management) Act, 1927.