

No. 6, 1933.]

ACT

To provide for the constitution of a local board of management for the settlement laid out on the farm Ohrigstad No. 230, district of Lydenburg, Transvaal, the issue of Crown grants to such board and to lessees of land in such settlement, and to provide for other 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:—

Establishment of board of management for Ohrigstad.

1. The Minister of Lands (hereinafter called the Minister) may, by notice in the *Gazette*, establish a local board (hereinafter called the board) for the management of the area of the settlement laid out on the farm Ohrigstad No. 230, district Lydenburg, Province of the Transvaal (hereinafter referred to as the settlement), which area shall be defined by the Minister in the said notice.

Constitution of board.

2. (1) The board shall consist of such number of members, but not less than three nor more than seven, as the Minister may from time to time determine.

(2) The Minister shall appoint one member of the board and the remaining members shall be elected by the registered owners in manner prescribed by regulation.

(3) Every member shall be appointed or elected, as the case may be, for a period of one year but shall, on the expiration of such period, be eligible for re-appointment or re-election.

(4) If the seat of any member becomes vacant before the expiration of the period for which he was appointed or elected, the vacancy shall be filled in manner prescribed by regulation and the substituted member shall hold office during the remainder of the period for which the vacating member was appointed or elected.

Electors of members of board.

3. (1) Every registered owner shall be entitled to one vote at an election of members of the board, and he may exercise his vote in person or by proxy, in manner prescribed by regulation.

(2) If the registered owners at any time fail to elect the members or a sufficient number of members of the board, the Minister may by notice in the *Gazette* appoint a sufficient number of registered owners as members of the board to complete its membership.

Chairman and quorum.

4. (1) The Minister shall appoint one of the members of the board as chairman, who shall, in the event of an equality of votes, at any meeting of the board, have a casting vote in addition to his deliberative vote.

(2) If the board consists of three members, two shall form a quorum, otherwise three members shall form a quorum.

(3) The decision of the majority of the members of the board present at any meeting thereof shall be a decision of the board.

Name of board.

5. The board shall be known as the Ohrigstad 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.

Functions of the board.

6. (1) It shall be the function and duty of the board to control and manage the settlement.

(2) The board may—

(a) with the approval of the Minister exercise, in respect of the area of the settlement, 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

(b) buy, hold, sell, donate, exchange, let or hire any land within such area.

Grant of Crown land to board.

7. (1) The Governor-General may assign to the board for the use by the registered owners as a commonage, or for any other purpose, all or any of the unalienated Crown land within the area of the settlement, and may grant to the board all or any of such land whether it was or was not previously so assigned.

(2) Such a grant shall be made subject to such rights as the registered owners may have to such land under their respective crown grants, certificates of allotment, leases or other documents of title, and shall further be subject to such conditions as are usually inserted in grants of Crown land within the Province of the Transvaal, and such other conditions as the Governor-General may deem expedient to impose.

(3) Any deed of grant issued in terms of this section shall be exempt from transfer duty, stamp duty and registration fees and charges.

(4) All expenditure incurred in connection with the survey of the land to be granted as aforesaid shall be paid out of the Consolidated Revenue Fund.

Regulations.

8. The Minister may by notice in the *Gazette* make regulations—

- (a) prescribing the procedure of the board in connection with its meetings and the procedure to be followed by the board in making rules under the powers conferred by the Settlements (Committee of Management) Act, 1925 (Act No. 21 of 1925); and
- (b) in regard to any matter which may be prescribed by regulation under this Act.

Grant of lots to lessees.

9. (1) The Minister may on the application of any lessee from the Government of an agricultural lot in the settlement cause to be issued to such lessee a Crown grant of his lot, notwithstanding that the value of such lot with the improvements effected thereon by the lessee does not exceed the total indebtedness of the lessee to the Government in respect of the purchase price of such lot and of advances made to him, by the amount prescribed in section *eight* of the Land Settlement Acts Further Amendment Act, 1922 (Act No. 21 of 1922): Provided that there shall be registered simultaneously with such grant, a mortgage bond on such lot in favour of the Government, as provided in the said section *eight*.

(2) Notwithstanding the provisions of sub-section (2) of section *eighteen* of the Financial Adjustments Act, 1927 (Act No. 27 of 1927) the Minister may apply any excess payment referred to in that sub-section, made by a lessee referred to in sub-section (1) of this section, or any part of such excess payment, to defray any expenses necessarily incurred or any fee or duty payable in connection with the issue, to such lessee, of the said Crown grant or with the passing of the said mortgage bond.

Definition.

10. In this Act the expression "registered owner" means an owner, or a purchaser or lessee, from the Government, of an agricultural lot in the settlement.

Short title.

11. This Act shall be known as the Ohrigstad Settlement Act, 1933.