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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 368. 13 Maart 1974.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 19 van 1974: Wysigingswet op die Onderverdeling van Landbougrond, 1974.

DEPARTMENT OF THE PRIME MINISTER

No. 368. 13 March 1974.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 19 of 1974: Subdivision of Agricultural Land Amendment Act, 1974.

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Wet No. 19, 1974 WYSIGINGSWET OP DIE ONDERVERDELING VAN LANDBOUGROND, 1974.

WET

Tot wysiging van die Wet op die Onderverdeling van Landbougrond, 1970, ten einde die aangaan van langtermynhuurkontrakte en die registrasie van slegs sodanige huurkontrakte ten opsigte van dele van landbougrond onder sekere omstandighede te verbied; die bepalings betreffende misdrywe uit te brei; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 1 *Maart* 1974.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 70 van 1970, soos gewysig deur artikel 2 van Wet 55 van 1972.

1. Artikel 2 van die Wet op die Onderverdeling van Landbougrond, 1970 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (*e*) deur die volgende paragraaf te vervang:

„(*e*) die registrasie van 'n huurkontrak bedoel in artikel 3 (*d*) ten opsigte van 'n deel van landbougrond wat skriftelik aangegaan is voor die inwerkingtreding van die Wysigingswet op die Onderverdeling van Landbougrond, 1974.".

Vervanging van artikel 3 van Wet 70 van 1970, soos vervang deur artikel 3 van Wet 55 van 1972.

2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verbod op onderverdeling van, oorgang van onverdeelde aandeel in, aangaan van sekere huurkontrakte ten opsigte van deel van, verkoop van onopgemete persele op, en instelling of uitbreiding van sekere instellings op of oor, landbougrond.

3. Behoudens die bepalings van artikel 2—

(*a*) mag landbougrond nie onderverdeel word nie;

(*b*) gaan 'n onverdeelde aandeel in landbougrond wat nie reeds deur iemand besit word nie, op niemand oor nie;

(*c*) gaan 'n deel van 'n onderverdeelde aandeel in landbougrond nie op iemand oor nie, indien dié deel nie reeds deur iemand besit word nie;

(*d*) mag geen huurkontrak ten opsigte van 'n deel van landbougrond waarvan die termyn tien jaar of langer of die natuurlike lewensduur van die huurder of 'n ander in die kontrak genoemde persoon is, of wat van tyd tot tyd na keuse van die huurder hernieubaar is vir 'n onbepaalde termyn of vir termyne wat tesame met die eerste termyn van die huur gesamentlik minstens tien jaar beloop, aangegaan word nie;

(*e*) mag geen erf of perseel op landbougrond, hetsy opgemeet of nie, of 'n reg op so 'n erf of perseel, verkoop of vir verkoop geadverteer word nie;

(*f*) mag geen regsgebied, plaaslike gebied, gesondheidsgebied, buitestedelike gebied of ander gebied vermeld in paragraaf (*a*) of (*b*) van die omskrywing van ,landbougrond' in artikel 1, op

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ACT

To amend the Subdivision of Agricultural Land Act, 1970, so as to prohibit the concluding of long leases and the registration of only such leases in respect of portions of agricultural land in certain circumstances; to extend the provisions regarding offences; and to provide for matters connected therewith.

(*English text signed by the State President.*)
(*Assented to* 1 *March* 1974.)

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

Amendment of section 2 of Act 70 of 1970, as amended by section 2 of Act 55 of 1972.

1. Section 2 of the Subdivision of Agricultural Land Act, 1970 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (*e*) of the following paragraph:

"(*e*) the registration of a lease referred to in section 3 (*d*) in respect of a portion of agricultural land, concluded in writing prior to the commencement of the Subdivision of Agricultural Land Amendment Act, 1974.".

Substitution of section 3 of Act 70 of 1970, as substituted by section 3 of Act 55 of 1972.

2. The following section is hereby substituted for section 3 of the principal Act:

"Prohibition on subdivision of, vesting of undivided share in, concluding of certain leases in respect of portions of, sale of unsurveyed plots on, and establishment or enlargement of certain institutions on or over, agricultural land.

3. Subject to the provisions of section 2—

(*a*) agricultural land shall not be subdivided;

(*b*) no undivided share in agricultural land not already held by any person, shall vest in any person;

(*c*) no part of any undivided share in agricultural land shall vest in any person, if such part is not already held by any person;

(*d*) no lease in respect of a portion of agricultural land of which the period is ten years or longer or the natural life of the lessee or any other person mentioned in the lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period of the lease amount in all to not less than ten years, shall be entered into;

(*e*) no erf or plot, on agricultural land, whether surveyed or not, or any right to such an erf or plot, shall be sold or advertised for sale;

(*f*) no area of jurisdiction, local area, public health area, peri-urban area or other area referred to in paragraph (*a*) or (*b*) of the definition of

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grond ingestel word wat landbougrond is, of uitgebrei word sodat dit sodanige grond insluit nie,

tensy die Minister skriftelike toestemming tot die betrokke onderverdeling, oorgang, verhuring, verkoop, advertensie, instelling of uitbreiding verleen het.".

Wysiging van artikel 6 van Wet 70 van 1970, soos gewysig deur artikel 5 van Wet 55 van 1972.

3. Artikel 6 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Behoudens die bepalings van artikel 2 mag 'n Landmeter-generaal slegs 'n algemene plan of kaart wat betrekking het op 'n onderverdeling van landbougrond goedkeur, en mag 'n Registrateur van Aktes slegs die oorgang van 'n onverdeelde aandeel in landbougrond bedoel in artikel 3 (*b*), of 'n deel van so 'n aandeel bedoel in artikel 3 (*c*), of 'n huurkontrak bedoel in artikel 3 (*d*) ten opsigte van 'n deel van landbougrond, registreer, indien die toepaslike skriftelike toestemming van die Minister ingevolge hierdie Wet aan hom voorgelê is.".

Wysiging van artikel 11 van Wet 70 van 1970, soos vervang deur artikel 8 van Wet 55 van 1972.

4. Artikel 11 van die Hoofwet word hierby gewysig deur na paragraaf (*c*) die volgende paragraaf in te voeg:

„(*c*A) die bepalings van artikel 3 (*d*) betreffende die aangaan van 'n huurkontrak daarin bedoel, oortree;".

Kort titel.

5. Hierdie Wet heet die Wysigingswet op die Onderverdeling van Landbougrond, 1974.

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'agricultural land' in section 1 shall be established on, or enlarged so as to include, any land which is agricultural land,

unless the Minister has consented in writing to the subdivision, vesting, lease, sale, advertisement, establishment or enlargement concerned.".

3. Section 6 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 6 of Act 70 of 1970, as amended by section 5 of Act 55 of 1972.

"(1) Subject to the provisions of section 2 a Surveyor-General shall only approve a general plan or diagram relating to a subdivision of agricultural land, and a Registrar of Deeds shall only register the vesting of an undivided share in agricultural land referred to in section 3 (*b*), or a part of any such share referred to in section 3 (*c*), or a lease referred to in section 3 (*d*) in respect of a portion of agricultural land, if the relevant written consent of the Minister in terms of this Act has been submitted to him.".

4. Section 11 of the principal Act is hereby amended by the insertion after paragraph (*c*) of the following paragraph: Amendment of section 11 of Act 70 of 1970, as substituted by section 8 of Act 55 of 1972.

"(*c*A) contravenes the provisions of section 3 (*d*) with regard to the entering into of a lease contemplated therein;".

5. This Act shall be called the Subdivision of Agricultural Land Amendment Act, 1974. Short title.

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