



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1490.

28 June 1991

No. 1490.

28 Junie 1991

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

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

No. 108 of 1991: Abolition of Racially Based Land Measures Act, 1991

No. 108 van 1991: Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991

**GENERAL EXPLANATORY NOTE:**

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- \_\_\_\_\_** Words underlined with a solid line indicate insertions in existing enactments.

# ACT

To repeal or amend certain laws so as to abolish certain restrictions based on race or membership of a specific population group on the acquisition and utilization of rights to land; to provide for the rationalization or phasing out of certain racially based institutions and statutory and regulatory systems; for the regulation of norms and standards in residential environments; and for the establishment of a commission under the name of the Advisory Commission on Land Allocation; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 27 June 1991.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

## CHAPTER I

### REPEAL OF AND ARRANGEMENTS IN RESPECT OF CERTAIN LAND ACTS

5

#### Repeal of Act 27 of 1913 and related laws

1. The following laws are hereby repealed:
  - (a) The Black Land Act, 1913 (Act No. 27 of 1913);
  - (b) the Black Lands (Natal and Transvaal) Release Act, 1925 (Act No. 28 of 1925); 10
  - (c) the Black Lands Further Release and Acquisition Act, 1927 (Act No. 34 of 1927);
  - (d) the Black Lands Adjustment Act, 1931 (Act No. 36 of 1931);
  - (e) the Black Lands Further Release and Acquisition Act, 1935 (Act No. 27 of 1935); 15
  - (f) sections 34 and 37 of the Black Laws Amendment Act, 1937 (Act No. 46 of 1937);
  - (g) section 18 of the Black Laws Amendment Act, 1952 (Act No. 54 of 1952);
  - (h) section 1 of the Laws on Plural Relations and Development Amendment Act, 1979 (Act No. 16 of 1979); 20
  - (i) section 1 of the Laws on Co-operation and Development Amendment Act, 1983 (Act No. 102 of 1983); and
  - (j) section 1 of the Laws on Development Aid Amendment Act, 1986 (Act No. 57 of 1986). 25

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [**                      **]**      Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- \_\_\_\_\_                      Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

# WET

Tot herroeping of wysiging van sekere wette ten einde sekere beperkings volgens ras of lidmaatskap van 'n bepaalde bevolkingsgroep by die verkryging en uitoefening van regte op grond af te skaf; om voorsiening te maak vir die rasionalisering of uitfasering van sekere rasgebaseerde instellings en statutêre en regulatoriese stelsels; vir die reëling van norme en standaarde in woonomgewings; en vir die instelling van 'n kommissie met die naam die Adviserende Kommissie op Grondtoewysing; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)*  
*(Goedgekeur op 27 Junie 1991.)*

**D**AAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

## HOOFSTUK I

### HERROEPING VAN EN REËLINGS TEN OPSIGTE VAN SEKERE WETTE OP GROND

5

#### Herroeping van Wet 27 van 1913 en verbandhoudende wette

1. Die volgende wette word hierby herroep:

- (a) Die Swart Grond Wet, 1913 (Wet No. 27 van 1913);
- 10 (b) die Swart Gronden (Natal en Transvaal) Bevrijdings Wet, 1925 (Wet No. 28 van 1925);
- (c) die Wet op Verdere Vrystelling en Verkryging van Swart Grond, 1927 (Wet No. 34 van 1927);
- (d) die Swart Grond Reëlingswet, 1931 (Wet No. 36 van 1931);
- 15 (e) die Wet op Verdere Vrystelling en Verkryging van Swart Grond, 1935 (Wet No. 27 van 1935);
- (f) artikels 34 en 37 van die Wet tot Wysiging van die Wette op Swartes, 1937 (Wet No. 46 van 1937);
- (g) artikel 18 van die Wet tot Wysiging van die Swart Wette, 1952 (Wet No. 54 van 1952);
- 20 (h) artikel 1 van die Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979 (Wet No. 16 van 1979);
- (i) artikel 1 van die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1983 (Wet No. 102 van 1983); en
- 25 (j) artikel 1 van die Wysigingswet op Wetgewing op Ontwikkelingshulp, 1986 (Wet No. 57 van 1986).

**Repeal of section 13 of and the Second Schedule to Act 32 of 1914**

2. Section 13 of and the Second Schedule to the Hartebeestpoort Irrigation Scheme (Crocodile River) Act, 1914, are hereby repealed.

**Amendment of section 7 of Act 22 of 1919, as amended by section 36 of Act 46 of 1937, section 2 of Ordinance 5 of 1951 (Transvaal) and section 3 of Ordinance 4 of 1955 (Transvaal)** 5

3. Section 7 of the Agricultural Holdings (Transvaal) Registration Act, 1919, is hereby amended by the substitution for the definition of "Minister" of the following definition:

"'Minister' shall mean the Minister of **[Lands] Public Works and Land Affairs** or any other Minister who may be authorized for the time being to discharge the duties of that Minister **[and in relation to land situated within a scheduled Black area or released area, as defined by or under the Development Trust and Land Act, 1936, shall mean the Minister of Plural Relations and Development]**;" 15

**Amendment of section 20 of Act 38 of 1927, as substituted by section 1 of Act 13 of 1955 and amended by section 2 of Act 34 of 1986**

4. (1) Section 20 of the Black Administration Act, 1927, is hereby amended by the substitution for the proviso to paragraph (a) of subsection (1) of the following proviso: 20

"Provided that if any such offence has been committed by two or more persons any of whom is not a Black, or in relation to a person who is not a Black or property belonging to any person who is not a Black other than property, movable or immovable, **[belonging to the South African Development Trust established by section four of the Development Trust and Land Act, 1936, or]** held in trust for a Black tribe or a community or aggregation of Blacks or a Black, such offence may not be tried by a Black chief or headman;" 25

(2) This section shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), 30 comes into operation in terms of section 12(1) of this Act.

**Repeal of section 25 of Act 38 of 1927**

5. (1) Section 25 of the Black Administration Act, 1927, is hereby repealed.

(2) Any proclamation made under section 25(1) of the Black Administration Act, 1927, including a proclamation validated by Act of Parliament, and in force immediately prior to the commencement of this section in an area, including a self-governing territory, shall, notwithstanding the provisions of subsection (1) but— 35

(a) subject to any amendment thereof under section 87 of this Act; or 40  
(b) in the case of a self-governing territory, also subject to an amendment thereof by a competent authority in that territory,

remain in force until repealed under the said section 87 or by a competent authority mentioned in paragraph (b).

**Amendment of section 26 of Act 38 of 1927, as substituted by section 3 of Act 4 of 1976** 45

6. Section 26 of the Black Administration Act, 1927, is hereby amended by the deletion of subsection (2).

**Amendment of section 29 of Act 38 of 1927, as amended by section 4 of Act 79 of 1957 and section 3 of Act 70 of 1974**

7. Section 29 of the Black Administration Act, 1927, is hereby amended by the deletion of subsection (3). 50

**Herroeping van artikel 13 van en die Tweede Bylae by Wet 32 van 1914**

2. Artikel 13 van en die Tweede Bylae by die Hartebeestpoort Besproeiings-  
schema (Krokodilrivier) Wet, 1914, word hierby herroep.

Wysiging van artikel 7 van Wet 22 van 1919, soos gewysig deur artikel 36 van Wet  
5 46 van 1937, artikel 2 van Ordonnansie 5 van 1951 (Transvaal) en artikel 3 van  
Ordonnansie 4 van 1955 (Transvaal)

3. Artikel 7 van die Landbouwhoeven (Transvaal) Registratie Wet, 1919,  
word hierby gewysig deur die omskrywing van "Minister" deur die volgende  
omskrywing te vervang:

10 " 'Minister' de Minister van **[Landen]** Publieke Werken en Grondzaken of  
zodanige andere Minister die van tijd tot tijd gemachtigd mocht worden de  
plichten van die Minister te vervullen **[en in verband met grond gelegen  
binnen een afgezonderd Swart gebied of een opengesteld gebied zoals bepaald  
15 in of krachtens de 'Ontwikkelingstrust en Grond Wet, 1936', de Minister van  
Plurale Betrekkinge en Ontwikkeling];**".

Wysiging van artikel 20 van Wet 38 van 1927, soos vervang deur artikel 1 van Wet  
13 van 1955 en gewysig deur artikel 2 van Wet 34 van 1986

4. (1) Artikel 20 van die Swart Administrasie Wet, 1927, word hierby gewysig  
deur die voorbehoudsbepaling by paragraaf (a) van subartikel (1) deur die  
20 volgende voorbehoudsbepaling te vervang:

"Met dien verstande dat indien so 'n misdryf gepleeg is deur twee of meer  
persone enigee van wie nie 'n Swarte is nie, of met betrekking tot 'n  
persoon wat nie 'n Swarte is nie of eiendom wat behoort aan 'n persoon wat  
nie 'n Swarte is nie uitgesonderd eiendom, roerend en onroerend, **[be-  
25 horende aan die Suid-Afrikaanse Ontwikkelingstrust ingestel deur artikel  
vier van die Ontwikkelingstrust en Grond Wet, 1936, of]** in trust gehou vir  
'n Swart stam, 'n gemeenskap of groep van Swartes of 'n Swarte, daardie  
misdryf nie deur 'n Swart kaptein of hoofman verhoor mag word nie;"

(2) Hierdie artikel tree in werking op die datum waarop die herroeping van  
30 artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936),  
ingevolge artikel 12(1) van hierdie Wet in werking tree.

**Herroeping van artikel 25 van Wet 38 van 1927**

5. (1) Artikel 25 van die Swart Administrasie Wet, 1927, word hierby herroep.

(2) 'n Proklamasie uitgevaardig kragtens artikel 25(1) van die Swart Adminis-  
35 trasie Wet, 1927, met inbegrip van 'n proklamasie wat by Wet van die Parlement  
geldig verklaar is, en van krag onmiddellik voor die inwerkingtreding van hierdie  
artikel in 'n gebied, met inbegrip van 'n selfregerende gebied, bly, ondanks die  
bepalings van subartikel (1) van hierdie artikel maar—

(a) behoudens enige wysiging daarvan kragtens artikel 87 van hierdie Wet;  
40 of

(b) in die geval van 'n selfregerende gebied, ook behoudens 'n wysiging  
daarvan deur 'n bevoegde gesag in daardie gebied,  
van krag totdat dit kragtens genoemde artikel 87 of deur 'n bevoegde gesag in  
paragraaf (b) vermeld, herroep word.

45 **Wysiging van artikel 26 van Wet 38 van 1927, soos vervang deur artikel 3 van Wet  
4 van 1976**

6. Artikel 26 van die Swart Administrasie Wet, 1927, word hierby gewysig  
deur subartikel (2) te skrap.

Wysiging van artikel 29 van Wet 38 van 1927, soos gewysig deur artikel 4 van Wet  
50 79 van 1957 en artikel 3 van Wet 70 van 1974

7. Artikel 29 van die Swart Administrasie Wet, 1927, word hierby gewysig  
deur subartikel (3) te skrap.

**Repeal of sections 30 and 30A of Act 38 of 1927**

8. (1) Sections 30 and 30A of the Black Administration Act, 1927, are hereby repealed.

(2) Any regulation made under section 30(2) and any by-law made under section 30A(1) of the Black Administration Act, 1927, and in force immediately prior to the commencement of this section in an area, including a self-governing territory, shall, notwithstanding the provisions of subsection (1) of this section but—

- (a) subject to any amendment thereof under section 87 of this Act; or
  - (b) in the case of a self-governing territory, also subject to an amendment thereof by a competent authority in that territory,
- remain in force until repealed under the said section 87 or by a competent authority mentioned in paragraph (b).

**Amendment of section 35 of Act 38 of 1927, as amended by section 9 of Act 9 of 1929, section 3 of Act 9 of 1939, section 10 of Act 21 of 1943, section 17 of Act 67 of 1952, section 4 of Act 42 of 1956, section 4 of Act 70 of 1974 and section 2 of Act 3 of 1980**

9. Section 35 of the Black Administration Act, 1927, is hereby amended—

- (a) by the deletion of the provisos in the definition of “Black”;
  - (b) by the deletion of the definition of “location”; and
  - (c) by the insertion of the following definition before the definition of “works”:
- “ ‘tribal settlement’ means any area where persons reside according to indigenous law;”

**Substitution of certain expression in Act 38 of 1927**

10. The Black Administration Act, 1927, is hereby amended by the substitution for the expression “location” wherever it occurs of the expression “tribal settlement”.

**Repeal of Act 18 of 1936 and related laws**

11. (1) Subject to the provisions of section 12, the following laws are hereby repealed:

- (a) The Development Trust and Land Act, 1936 (Act No. 18 of 1936);
- (b) sections 35, 40 and 41 of the Black Laws Amendment Act, 1937 (Act No. 46 of 1937);
- (c) the Development Trust and Land Amendment Act, 1939 (Act No. 17 of 1939);
- (d) sections 28 to 32 inclusive and section 34 of the Black Laws Amendment Act, 1949 (Act No. 56 of 1949);
- (e) the Development Trust and Land Amendment Act, 1954 (Act No. 18 of 1954);
- (f) the Development Trust and Land Amendment Act, 1956 (Act No. 73 of 1956);
- (g) sections 5 to 7 inclusive of the Black Laws Further Amendment Act, 1957 (Act No. 79 of 1957);
- (h) the Development Trust and Land Amendment Act, 1958 (Act No. 41 of 1958);
- (i) section 7 of the Representation between the Republic of South Africa and Self-governing Territories Act, 1959 (Act No. 46 of 1959);
- (j) sections 11 and 12 of the Black Laws Amendment Act, 1962 (Act No. 46 of 1962);
- (k) section 5 of the Black Laws Amendment Act, 1963 (Act No. 76 of 1963);
- (l) sections 15 to 17 inclusive and sections 32 to 38 inclusive of the Black Laws Amendment Act, 1964 (Act No. 42 of 1964);

**Herroeping van artikels 30 en 30A van Wet 38 van 1927**

8. (1) Artikels 30 en 30A van die Swart Administrasie Wet, 1927, word hierby herroep.

(2) 'n Regulasie uitgevaardig kragtens artikel 30(2) en 'n verordening gemaak kragtens artikel 30A(1) van die Swart Administrasie Wet, 1927, en van krag onmiddellik voor die inwerkingtreding van hierdie artikel in 'n gebied, met inbegrip van 'n selfregerende gebied, bly, ondanks die bepalings van subartikel (1) van hierdie artikel maar—

- (a) behoudens enige wysiging daarvan kragtens artikel 87 van hierdie Wet;  
10 of  
(b) in die geval van 'n selfregerende gebied, ook behoudens die wysiging daarvan deur 'n bevoegde gesag in daardie gebied,  
van krag totdat dit kragtens genoemde artikel 87 of deur 'n bevoegde gesag in paragraaf (b) vermeld, herroep word.

15 **Wysiging van artikel 35 van Wet 38 van 1927, soos gewysig deur artikel 9 van Wet 9 van 1929, artikel 3 van Wet 9 van 1939, artikel 10 van Wet 21 van 1943, artikel 17 van Wet 67 van 1952, artikel 4 van Wet 42 van 1956, artikel 4 van Wet 70 van 1974 en artikel 2 van Wet 3 van 1980**

9. Artikel 35 van die Swart Administrasie Wet, 1927, word hierby gewysig—  
20 (a) deur die voorbehoudsbepalings in die omskrywing van "Swarte" te skrap;  
(b) deur die omskrywing van "lokasie" te skrap; en  
(c) deur die volgende omskrywing voor die omskrywing van "bedryf" in te voeg:  
25 "'stammedersetting' enige gebied waarin mense volgens inheemse reg woon;".

**Vervanging van sekere uitdrukking in Wet 38 van 1927**

10. Die Swart Administrasie Wet, 1927, word hierby gewysig deur die uitdrukking "lokasie" oral waar dit voorkom deur die uitdrukking "stammedersetting" te vervang.  
30

**Herroeping van Wet 18 van 1936 en verbandhoudende wette**

11. (1) Behoudens die bepalings van artikel 12 word die volgende wette hierby herroep:

- (a) Die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936);  
35 (b) artikels 35, 40 en 41 van die Wet tot Wysiging van die Wette op Swartes, 1937 (Wet No. 46 van 1937);  
(c) die Wet tot Wysiging van die Ontwikkelingstrust en Grond Wet, 1939 (Wet No. 17 van 1939);  
(d) artikels 28 tot en met 32 en artikel 34 van die Wet tot Wysiging van die Wette op Swartes, 1949 (Wet No. 56 van 1949);  
40 (e) die Wysigingswet op die Ontwikkelingstrust en Grond, 1954 (Wet No. 18 van 1954);  
(f) die Wysigingswet op Ontwikkelingstrust en Grond, 1956 (Wet No. 73 van 1956);  
45 (g) artikels 5 tot en met 7 van die Verdere Wysigingswet op Swart Wetgewing, 1957 (Wet No. 79 van 1957);  
(h) die Wysigingswet op Ontwikkelingstrust en Grond, 1958 (Wet No. 41 van 1958);  
(i) artikel 7 van die Wet op die Verteenwoordiging tussen die Republiek van Suid-Afrika en Selfregerende Gebiede, 1959 (Wet No. 46 van 1959);  
50 (j) artikels 11 en 12 van die Wysigingswet op Swart Wetgewing, 1962 (Wet No. 46 van 1962);  
(k) artikel 5 van die Wysigingswet op Swart Wetgewing, 1963 (Wet No. 76 van 1963);  
55 (l) artikels 15 tot en met 17 en artikels 32 tot en met 38 van die Wysigingswet op Swart Wetgewing, 1964 (Wet No. 42 van 1964);

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- (m) section 3 of the Black Laws Amendment Act, 1966 (Act No. 63 of 1966);
- (n) the Black Laws Amendment Act, 1970 (Act No. 19 of 1970);
- (o) section 1 of the Second Black Laws Amendment Act, 1970 (Act No. 27 of 1970); 5
- (p) section 1 of the Third Black Laws Amendment Act, 1970 (Act No. 49 of 1970);
- (q) section 27 of the Black Education Account Abolition Act, 1972 (Act No. 20 of 1972);
- (r) section 3 of the Black Laws Amendment Act, 1972 (Act No. 23 of 1972); 10
- (s) sections 2, 3 and 4 of the Black Laws Amendment Act, 1973 (Act No. 7 of 1973);
- (t) sections 5 and 6 of the Black Laws Amendment Act, 1974 (Act No. 70 of 1974); 15
- (u) sections 29, 30 and 31 of the Expropriation Act, 1975 (Act No. 63 of 1975);
- (v) sections 4, 5 and 6 of the Black Laws Amendment Act, 1976 (Act No. 4 of 1976);
- (w) the Development Trust and Land Amendment Act, 1976 (Act No. 110 of 1976); 20
- (x) section 2 of the Black Laws Amendment Act, 1977 (Act No. 119 of 1977);
- (y) sections 2 to 5 inclusive of the Laws on Plural Relations and Development Amendment Act, 1979 (Act No. 16 of 1979); 25
- (z) section 3 of the Laws on Plural Relations and Development Second Amendment Act, 1979 (Act No. 98 of 1979);
- (aa) section 2 of the Laws on Co-operation and Development Amendment Act, 1983 (Act No. 102 of 1983);
- (bb) sections 3 and 4 of the Laws on Co-operation and Development Amendment Act, 1984 (Act No. 83 of 1984); 30
- (cc) the Development Trust and Land Amendment Act, 1985 (Act No. 54 of 1985);
- (dd) sections 4 to 7 inclusive of the Laws on Development Aid Amendment Act, 1986 (Act No. 57 of 1986); 35
- (ee) sections 2 and 3 of the Development Aid Laws Amendment Act, 1988 (Act No. 53 of 1988);
- (ff) the Excision of Released Areas Act, 1988 (Act No. 54 of 1988);
- (gg) the Development Trust and Land Amendment Act, 1989 (Act No. 31 of 1989); 40
- (hh) the Development Trust and Land Second Amendment Act, 1990 (Act No. 31 of 1990);
- (ii) the Development Trust and Land Amendment Act, 1990 (Act No. 72 of 1990); and
- (jj) the Excision of Released Areas Amendment Act, 1990 (Act No. 73 of 1990). 45

(2) Any regulation made under section 48 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), and in force immediately prior to the commencement of the repeal of that section in an area, including a self-governing territory, shall, notwithstanding subsection (1) of this section but— 50

- (a) subject to any amendment thereof under section 87 of this Act; or
- (b) in the case of a self-governing territory, also subject to an amendment thereof by a competent authority in that territory,

remain in force until repealed under the said section 87 or by a competent authority mentioned in paragraph (b). 55

### South African Development Trust

12. (1) Notwithstanding the provisions of section 11 of this Act, the repeal of sections 4, 6*bis*, 8, 9, 9*bis*, 9*ter*, 10, 13, 18, 18*bis*, 19, 20, 22, 23, 39, 48 and 49 of



WET OP DIE AFSKAFFING VAN RASGEBASEERDE  
GRONDREËLINGS, 1991

Wet No. 108, 1991

- (m) artikel 3 van die Wysigingswet op Swart Wetgewing, 1966 (Wet No. 63 van 1966);
- (n) die Wysigingswet op Swart Wetgewing, 1970 (Wet No. 19 van 1970);
- 5 (o) artikel 1 van die Tweede Wysigingswet op Swart Wetgewing, 1970 (Wet No. 27 van 1970);
- (p) artikel 1 van die Derde Wysigingswet op Swart Wetgewing, 1970 (Wet No. 49 van 1970);
- (q) artikel 27 van die Wet op die Afskaffing van die Swart Onderwysrekening, 1972 (Wet No. 20 van 1972);
- 10 (r) artikel 3 van die Wysigingswet op Swart Wetgewing, 1972 (Wet No. 23 van 1972);
- (s) artikels 2, 3 en 4 van die Wysigingswet op Swart Wetgewing, 1973 (Wet No. 7 van 1973);
- (t) artikels 5 en 6 van die Wysigingswet op Swart Wetgewing, 1974 (Wet No. 70 van 1974);
- 15 (u) artikels 29, 30 en 31 van die Onteieningswet, 1975 (Wet No. 63 van 1975);
- (v) artikels 4, 5 en 6 van die Wysigingswet op Swart Wetgewing, 1976 (Wet No. 4 van 1976);
- 20 (w) die Wysigingswet op die Ontwikkelingstrust en Swart Grond, 1976 (Wet No. 110 van 1976);
- (x) artikel 2 van die Wysigingswet op Swart Wetgewing, 1977 (Wet No. 119 van 1977);
- (y) artikels 2 tot en met 5 van die Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979 (Wet No. 16 van 1979);
- 25 (z) artikel 3 van die Tweede Wysigingswet op Wetgewing op Plurale Betrekkinge en Ontwikkeling, 1979 (Wet No. 98 van 1979);
- (aa) artikel 2 van die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1983 (Wet No. 102 van 1983);
- 30 (bb) artikels 3 en 4 van die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1984 (Wet No. 83 van 1984);
- (cc) die Wysigingswet op die Ontwikkelingstrust en Grond, 1985 (Wet No. 54 van 1985);
- (dd) artikels 4 tot en met 7 van die Wysigingswet op Wetgewing op Ontwikkelingshulp, 1986 (Wet No. 57 van 1986);
- 35 (ee) artikels 2 en 3 van die Wysigingswet op Ontwikkelingshulpwetgewing, 1988 (Wet No. 53 van 1988);
- (ff) die Wet op die Wegname van Oopgestelde Gebiede, 1988 (Wet No. 54 van 1988);
- 40 (gg) die Wysigingswet op die Ontwikkelingstrust en Grond, 1989 (Wet No. 31 van 1989);
- (hh) die Tweede Wysigingswet op Ontwikkelingstrust en Grond, 1990 (Wet No. 31 van 1990);
- (ii) die Wysigingswet op Ontwikkelingstrust en Grond, 1990 (Wet No. 72 van 1990); en
- 45 (jj) die Wysigingswet op die Wegname van Oopgestelde Gebiede, 1990 (Wet No. 73 van 1990).

(2) 'n Regulasie uitgevaardig kragtens artikel 48 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), en van krag in 'n gebied, met inbegrip van 'n selfregerende gebied, onmiddellik voor die inwerkingtreding van die herroeping van daardie artikel, bly, ondanks subartikel (1) van hierdie artikel maar—

- (a) behoudens enige wysiging daarvan kragtens artikel 87 van hierdie Wet; of
- 55 (b) in die geval van 'n selfregerende gebied, ook behoudens 'n wysiging daarvan deur 'n bevoegde gesag in daardie gebied, van krag totdat dit kragtens genoemde artikel 87 of deur 'n bevoegde gesag in paragraaf (b) vermeld, herroep word.

**Suid-Afrikaanse Ontwikkelingstrust**

60 12. (1) Ondanks die bepalings van artikel 11 van hierdie Wet tree die herroeping van artikels 4, 6bis, 8, 9, 9bis, 9ter, 10, 13, 18, 18bis, 19, 20, 22, 23,

**Act No. 108, 1991 ABOLITION OF RACIALLY BASED LAND MEASURES ACT, 1991**

the Development Trust and Land Act, 1936 (Act No. 18 of 1936), as amended by the laws referred to in section 11, shall come into operation on a separate date or separate different dates fixed by the State President by proclamation in the *Gazette*.

(2) The State President may, in order to bring about the phasing out of the South African Development Trust established under section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), by proclamation in the *Gazette*—

- (a) transfer any asset (including land) or right acquired and any liability or obligation incurred by the Trust to any person, State department or institution established by or under a law, and that person, State department or institution shall, after such transfer, be deemed to have acquired the asset or right or to have incurred the liability or obligation;
- (b) assign the performance of a service performed by the Trust to any person, State department or institution established by or under a law;
- (c) transfer any person in the service of the Trust to any State department or institution established by or under a law, subject to the adjustments (if any) to the conditions of service, remuneration and pension rights of such a person as specified in the proclamation: Provided that any person who declines such transfer, shall be dealt with in terms of the provisions governing his conditions of service, remuneration and pension rights.

(3) Any transfer or assignment referred to in subsection (2) shall be subject to any term, condition, restriction or direction of the State President as specified in the relevant proclamation.

(4) (a) The registrar of deeds in question shall make the necessary entries and endorsements in respect of his registers and other documents, as well as in respect of any relevant documents produced to him, in order to give effect to such a transfer.

(b) No transfer duty, stamp duty or other fees shall be payable in respect of such transfer, entry or endorsement.

**Repeal of Act 29 of 1937 and related laws** 30

13. The following laws are hereby repealed:

- (a) The Unbeneficial Occupation of Farms Act, 1937 (Act No. 29 of 1937);
- (b) the Unbeneficial Occupation of Farms Amendment Act, 1939 (Act No. 35 of 1939); and
- (c) sections 33 and 34 of the Expropriation Act, 1975 (Act No. 63 of 1975).

**Amendment of section 70 of Act 30 of 1941, as amended by section 13 of Act 7 of 1961, section 2 of Act 27 of 1970, section 11 of Act 11 of 1974, section 20 of Act 29 of 1984 and Proclamation No. 45 of 1990**

14. (1) Section 70 of the Workmen's Compensation Act, 1941, is hereby amended by the deletion in subparagraph (i) of paragraph (a) of subsection (1) of the words "the South African Development Trust established under the Development Trust and Land Act, 1936 (Act No. 18 of 1936)".

(2) Subsection (1) shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act.

**Amendment of section 1 of Act 10 of 1944, as amended by section 10 of Act 55 of 1972**

15. Section 1 of the Provincial Powers Extension Act, 1944, is hereby amended by the deletion of the words "and which does not form part of an area defined in the Schedule to the Black Land Act, 1913 (Act No. 27 of 1913), or of an area defined in the First Schedule to the Development Trust and Land Act, 1936 (Act No. 18 of 1936)".

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39, 48 en 49 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), soos gewysig deur die wette waarna verwys word in artikel 11, in werking op 'n afsonderlike datum of afsonderlike verskillende datums deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

5 (2) Die Staatspresident kan, ten einde die uitfasering van die Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), te bewerkstellig, by proklamasie in die *Staatskoerant*—

10 (a) 'n bate (met inbegrip van grond) of reg verkry en 'n las of verpligting aangegaan deur die Trust, oordra aan enige persoon, Staatsdepartement of instelling by of kragtens 'n wet ingestel, en daardie persoon, Staatsdepartement of instelling word na die oordrag geag die bate of reg te verkry het of die las of verpligting aan te gaan het;

15 (b) die verrigting van diens wat deur die Trust verrig word, opdra aan enige persoon, Staatsdepartement of instelling by of kragtens 'n wet ingestel;

20 (c) 'n persoon in diens van die Trust oorplaas na 'n Staatsdepartement of instelling by of kragtens 'n wet ingestel, behoudens die aanpassings (as daar is) aan sodanige persoon se diensvoorwaardes, besoldiging en pensioenregte in die proklamasie vermeld: Met dien verstande dat 'n persoon wat verkies om nie sodanige oorplasing te aanvaar nie, behandel word ooreenkomstig die bepalinge op sy diensvoorwaardes, besoldiging en pensioenregte.

25 (3) 'n Oordrag, opdrag of oorplasing bedoel in subartikel (2) is onderworpe aan 'n beding, voorwaarde, beperking of voorskrif van die Staatspresident soos uiteengesit in die betrokke proklamasie.

(4) (a) Die betrokke registrateur van aktes moet die nodige aantekeninge en endossemente ten opsigte van sy registers en ander stukke, asook ten opsigte van enige tersaaklike stukke wat aan hom voorgelê word, aanbring ten einde aan so 'n oordrag gevolg te gee.

30 (b) Geen hereregte, seëlregte of ander gelde is ten opsigte van so 'n oordrag, inskrywing of endossement betaalbaar nie.

**Herroeping van Wet 29 van 1937 en verbandhoudende wette**

13. Die volgende wette word hierby herroep:

35 (a) Die Wet op Onvoordelige Okkupasie van Plase, 1937 (Wet No. 29 van 1937);

(b) die Wysigingswet op Onvoordelige Okkupasie van Plase, 1939 (Wet No. 35 van 1939); en

(c) artikels 33 en 34 van die Onteieningswet, 1975 (Wet No. 63 van 1975).

40 **Wysiging van artikel 70 van Wet 30 van 1941, soos gewysig deur artikel 13 van Wet 7 van 1961, artikel 2 van Wet 27 van 1970, artikel 11 van Wet 11 van 1974, artikel 20 van Wet 29 van 1984 en Proklamasie No. 45 van 1990**

45 14. (1) Artikel 70 van die Ongevallewet, 1941, word hierby gewysig deur in subparagraaf (i) van paragraaf (a) van subartikel (1) die woorde “die Suid-Afrikaanse Ontwikkelingstrust ingestel kragtens die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936)” te skrap.

(2) Subartikel (1) tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

50 **Wysiging van artikel 1 van Wet 10 van 1944, soos gewysig deur artikel 10 van Wet 55 van 1972**

55 15. Artikel 1 van die Wet tot Uitbreiding van Provinsiale Magte, 1944, word hierby gewysig deur die woorde “en wat nie deel vorm nie van 'n gebied in die Bylae van die ‘Swart Grond Wet, 1913’ (Wet No. 27 van 1913), omskryf, of van 'n gebied in die Eerste Bylae van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), omskryf” te skrap.

## Act No. 108, 1991 ABOLITION OF RACIALLY BASED LAND MEASURES ACT, 1991

**Repeal of section 2 of Act 10 of 1944**

16. Section 2 of the Provincial Powers Extension Act, 1944, is hereby repealed.

**Amendment of section 21 of Act 13 of 1944, as amended by section 6 of Act 47 of 1959, section 2 of Act 35 of 1961, section 1 of Act 14 of 1964, section 5 of Act 46 of 1965, section 13 of Act 5 of 1968, section 3 of Act 41 of 1972, section 1 of Act 52 of 1975, section 1 of Act 109 of 1976, section 1 of Act 88 of 1981, section 3 of Act 89 of 1985, section 1 of Act 93 of 1988 and section 8 of Act 80 of 1989** 5

17. (1) Section 21 of the Land Bank Act, 1944, is hereby amended by the deletion of paragraph (c)bis of subsection (1).

(2) Subsection (1) shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act. 10

**Amendment of section 28 of Act 13 of 1944, as substituted by section 3 of Act 5 of 1968 and amended by section 12 of Act 31 of 1969 and Proclamation No. 147 of 1979**

18. (1) Section 28 of the Land Bank Act, 1944, is hereby amended by the deletion of paragraph (d) of subsection (1). 15

(2) Subsection (1) shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act.

**Repeal of heading preceding section 45ter, and section 45ter, of Act 13 of 1944** 20

19. (1) Section 45ter of the Land Bank Act, 1944, and the heading preceding that section are hereby repealed.

(2) Subsection (1) shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act. 25

**Amendment of section 10 of Act 52 of 1951, as substituted by section 14 of Act 104 of 1988**

20. Section 10 of the Prevention of Illegal Squatting Act, 1951, is hereby amended—

(a) by the substitution for the definition of “administration” of the following definition: 30

“‘administration’ means the provincial administration concerned;”;

(b) by the substitution for the definition of “Administrator” of the following definition: 35

“‘Administrator’ means an Administrator as defined in section 1 of the Provincial Government Act, 1986 (Act No. 69 of 1986);”;

(c) by the deletion of the definition of “Official Gazette”.

**Substitution of section 11A of Act 52 of 1951, as inserted by section 15 of Act 104 of 1988** 40

21. The following section is hereby substituted for section 11A of the Prevention of Illegal Squatting Act, 1951:

**“Exercise of powers by Administrator**

**11A.** The Administrator shall exercise the powers granted to him under this Act in accordance with the directions of the Minister of Planning, Provincial Affairs and National Housing. 45

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**Herroeping van artikel 2 van Wet 10 van 1944**

16. Artikel 2 van die Wet tot Uitbreiding van Provinsiale Magte, 1944, word hierby herroep.

Wysiging van artikel 21 van Wet 13 van 1944, soos gewysig deur artikel 6 van Wet 47 van 1959, artikel 2 van Wet 35 van 1961, artikel 1 van Wet 14 van 1964, artikel 5 van Wet 46 van 1965, artikel 13 van Wet 5 van 1968, artikel 3 van Wet 41 van 1972, artikel 1 van Wet 52 van 1975, artikel 1 van Wet 109 van 1976, artikel 1 van Wet 88 van 1981, artikel 3 van Wet 89 van 1985, artikel 1 van Wet 93 van 1988 en artikel 8 van Wet 80 van 1989

10 17. (1) Artikel 21 van die Landbankwet, 1944, word hierby gewysig deur paragraaf (c)bis van subartikel (1) te skrap.

(2) Subartikel (1) tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

15 Wysiging van artikel 28 van Wet 13 van 1944, soos vervang deur artikel 3 van Wet 5 van 1968 en gewysig deur artikel 12 van Wet 31 van 1969 en Proklamasie No. 147 van 1979

18. (1) Artikel 28 van die Landbankwet, 1944, word hierby gewysig deur paragraaf (d) van subartikel (1) te skrap.

20 (2) Subartikel (1) tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

**Herroeping van opskrif voor artikel 45ter, en artikel 45ter, van Wet 13 van 1944**

19. (1) Artikel 45ter van die Landbankwet, 1944, en die opskrif by daardie artikel word hierby herroep.

(2) Subartikel (1) tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

Wysiging van artikel 10 van Wet 52 van 1951, soos vervang deur artikel 14 van Wet 104 van 1988

20. Artikel 10 van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hierby gewysig—

(a) deur die omskrywing van “administrasie” deur die volgende omskrywing te vervang:

35 “‘administrasie’ die betrokke provinsiale administrasie;”;

(b) deur die omskrywing van “Administrateur” deur die volgende omskrywing te vervang:

40 “‘Administrateur’ ’n Administrateur soos omskryf in artikel 1 van die Wet op Provinsiale Regering, 1986 (Wet No. 69 van 1986);”;

(c) deur die omskrywing van “Offisiële Koerant” te skrap.

**Vervanging van artikel 11A van Wet 52 van 1951, soos ingevoeg deur artikel 15 van Wet 104 van 1988**

21. Artikel 11A van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hierby deur die volgende artikel vervang:

**“Uitoefening van bevoegdhede deur Administrateur**

11A. Die Administrateur oefen die bevoegdhede kragtens hierdie Wet aan hom verleen uit ooreenkomstig die voorskrifte van die Minister van Beplanning, Provinsiale Sake en Nasionale Behuising.”

**Act No. 108, 1991 ABOLITION OF RACIALLY BASED LAND MEASURES ACT, 1991****Repeal of Act 47 of 1953 and related laws**

22. The following laws, in so far as they have not been repealed, are hereby repealed:

- (a) The Black Education Act, 1953 (Act No. 47 of 1953);
- (b) the Black Education Amendment Act, 1954 (Act No. 44 of 1954); 5
- (c) the Black Education Amendment Act, 1956 (Act No. 36 of 1956);
- (d) the Black Education Amendment Act, 1959 (Act No. 33 of 1959);
- (e) the Black Education Amendment Act, 1961 (Act No. 55 of 1961);
- (f) the Black Special Education Act, 1964 (Act No. 24 of 1964);
- (g) the Black Education Amendment Act, 1970 (Act No. 44 of 1970); 10
- (h) section 22 of the General Law Amendment Act, 1975 (Act No. 57 of 1975);
- (i) the Black Education Amendment Act, 1977 (Act No. 56 of 1977); and
- (j) the Black Education Amendment Act, 1978 (Act No. 67 of 1978).

**Repeal of Act 55 of 1959 and related laws**

15

23. (1) The following laws are hereby repealed:

- (a) The Black Affairs Act, 1959 (Act No. 55 of 1959);
- (b) section 5 of the Black Laws Amendment Act, 1966 (Act No. 63 of 1966);
- (c) sections 4 to 7 inclusive of the Third Black Laws Amendment Act, 1970 (Act No. 49 of 1970); 20
- (d) the Laws on Co-operation and Development Act, 1981 (Act No. 111 of 1981);
- (e) sections 1 and 2 of the Laws on Co-operation and Development Act, 1982 (Act No. 83 of 1982); and
- (f) sections 11 to 17 inclusive of the Constitutional Laws Amendment Act, 1987 (Act No. 32 of 1987). 25

(2) This section shall come into operation on a separate date fixed by the State President by proclamation in the *Gazette*.

**Repeal of section 19 of Act 57 of 1959**

24. Section 19 of the Stock Theft Act, 1959, is hereby repealed.

30

**Amendment of section 91 of Act 66 of 1965, as substituted by section 21 of Act 86 of 1983**

25. Section 91 of the Administration of Estates Act, 1965, is hereby amended by the substitution for the expression "section 93(3)(a)" of the expression "section 93(3)".

35

**Amendment of section 93 of Act 66 of 1965, as amended by section 4 of Act 79 of 1971, section 22 of Act 86 of 1983 and section 5 of Act 63 of 1990**

26. Section 93 of the Administration of Estates Act, 1965, is hereby amended by the substitution for subsection (3) of the following subsection:

- “(3) After the expiration of three months from the date of publication of the said statement, such person shall forthwith transmit a statement and affidavit in the prescribed form to the Master and deposit in the guardian’s fund to the credit of the rightful owners all such amounts still remaining unclaimed by the rightful owners.” 40

**Repeal of section 70A of Act 4 of 1966**

45

27. (1) Section 70A of the Housing Act, 1966, is hereby repealed.

(2) This section shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act.

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**Herroeping van Wet 47 van 1953 en verbandhoudende wette**

22. Die volgende wette, vir sover dit nog nie herroep is nie, word hierby herroep:

- (a) Die Wet op Swart Onderwys, 1953 (Wet No. 47 van 1953);
- 5 (b) die Wysigingswet op Swart Onderwys, 1954 (Wet No. 44 van 1954);
- (c) die Wysigingswet op Swart Onderwys, 1956 (Wet No. 36 van 1956);
- (d) die Wysigingswet op Swart Onderwys, 1959 (Wet No. 33 van 1959);
- (e) die Wysigingswet op Swart Onderwys, 1961 (Wet No. 55 van 1961);
- 10 (f) die Wet op Buitengewone Onderwys vir die Swartes, 1964 (Wet No. 24 van 1964);
- (g) die Wysigingswet op Swart Onderwys, 1970 (Wet No. 44 van 1970);
- (h) artikel 22 van die Algemene Regswysigingswet, 1975 (Wet No. 57 van 1975);
- (i) die Wysigingswet op Swart Onderwys, 1977 (Wet No. 56 van 1977); en
- 15 (j) die Wysigingswet op Swart Onderwys, 1978 (Wet No. 67 van 1978).

**Herroeping van Wet 55 van 1959 en verbandhoudende wette**

23. (1) Die volgende wette word hierby herroep:

- (a) Die Wet op Swart Sake, 1959 (Wet No. 55 van 1959);
- 20 (b) artikel 5 van die Wysigingswet op Swart Wetgewing, 1966 (Wet No. 63 van 1966);
- (c) artikels 4 tot en met 7 van die Derde Wysigingswet op Swart Wetgewing, 1970 (Wet No. 49 van 1970);
- (d) die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1981 (Wet No. 111 van 1981);
- 25 (e) artikels 1 en 2 van die Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1982 (Wet No. 83 van 1982); en
- (f) artikels 11 tot en met 17 van die Wysigingswet op Staatkundige Wetgewing, 1987 (Wet No. 32 van 1987).

(2) Hierdie artikel tree in werking op 'n afsonderlike datum wat die  
30 Staatspresident by proklamasie in die *Staatskoerant* bepaal.

**Herroeping van artikel 19 van Wet 57 van 1959**

24. Artikel 19 van die Wet op Veediefstal, 1959, word hierby herroep.

**Wysiging van artikel 91 van Wet 66 van 1965, soos vervang deur artikel 21 van Wet 86 van 1983**

35 25. Artikel 91 van die Boedelwet, 1965, word hierby gewysig deur die uitdrukking "artikel 93(3)(a)" deur die uitdrukking "artikel 93(3)" te vervang.

**Wysiging van artikel 93 van Wet 66 van 1965, soos gewysig deur artikel 4 van Wet 79 van 1971, artikel 22 van Wet 86 van 1983 en artikel 5 van Wet 63 van 1990**

40 26. Artikel 93 van die Boedelwet, 1965, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

- 45 "(3) Na verloop van drie maande vanaf die datum van publikasie van gemelde staat, moet so 'n persoon onverwyld 'n staat en beëdigde verklaring in die voorgeskrewe vorm stuur aan die Meester en al sodanige bedrae wat nog onopgeëis is deur die regmatige eienaars in die voogdyfonds stort om aan die regmatige eienaars gekrediteer te word."

**Herroeping van artikel 70A van Wet 4 van 1966**

27. (1) Artikel 70A van die Behuisingswet, 1966, word hierby herroep.

(2) Hierdie artikel tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936),  
50 ingevolge artikel 12(1) van hierdie Wet in werking tree.

**Act No. 108, 1991 ABOLITION OF RACIALLY BASED LAND MEASURES ACT, 1991****Amendment of section 1 of Act 63 of 1970, as amended by section 1 of Act 76 of 1981**

28. Section 1 of the Mountain Catchment Areas Act, 1970, is hereby amended—

- (a) by the substitution for the definition of “occupier” of the following definition: 5  
 “occupier”, in relation to land, means any person who as owner, lessee or otherwise has the management, charge, control or use of any land, whether he resides on that land or not, and includes any person who has a right of cutting trees or wood on any land or of removing trees or wood from any land, and in relation to land under the control of a local authority, that local authority, but does not include any person who as [a labour tenant, squatter or servant, as defined in section 49 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or as] ‘bywoner’ or ‘deelsaaier’ is in occupation or has the use of any land;” and 10  
 (b) by the deletion of paragraph (e) of the definition of “owner”. 15

**Amendment of section 6 of Act 21 of 1971, as amended by section 7 of Act 9 of 1975, section 11 of Act 98 of 1979 and section 9 of Act 30 of 1984**

29. Section 6 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the deletion in subparagraph (i) of paragraph (a) of subsection (2) of the words “or the Development Trust and Land Act, 1936 (Act No. 18 of 1936)”. 20

**Amendment of section 30 of Act 21 of 1971, as amended by section 9 of Act 71 of 1974**

30. Section 30 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the deletion of subsection (4). 25

**Insertion of section 30A in Act 21 of 1971**

31. The following section is hereby inserted in the Self-governing Territories Constitution Act, 1971, after section 30:

**“Validity of law of self-governing territory in conflict with certain laws 30**

**30A.** No law of a self-governing territory shall be valid in so far as it is in conflict with any provision of the Abolition of Racially Based Land Measures Act, 1991, or any proclamation made under the said Act.”.

**Repeal of section 36A of Act 21 of 1971**

35

32. (1) Section 36A of the Self-governing Territories Constitution Act, 1971, is hereby repealed.

(2) Any proclamation made under section 36A of the Self-governing Territories Constitution Act, 1971, and in force immediately prior to the commencement of this section in an area, including a self-governing territory, shall, notwithstanding the provisions of subsection (1) but— 40

- (a) subject to any amendment thereof under section 87 of this Act; or  
 (b) in the case of a self-governing territory, also subject to an amendment thereof by a competent authority in that territory,  
 remain in force until repealed under the said section 87 or by a competent authority mentioned in paragraph (b). 45



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**Wysiging van artikel 1 van Wet 63 van 1970, soos gewysig deur artikel 1 van Wet 76 van 1981**

28. Artikel 1 van die Wet op Bergopvanggebiede, 1970, word hierby gewysig—

5 (a) deur die omskrywing van “bewoner” deur die volgende omskrywing te vervang:

“bewoner”, met betrekking tot grond, iemand wat as eienaar, huurder of andersins die bestuur, toesig of beheer oor of gebruik van grond het, hetsy hy op daardie grond woon of nie, en ook  
10 iemand wat die reg het om bome of hout op grond te kap of om bome of hout van grond te verwyder, en met betrekking tot grond onder beheer van ’n plaaslike bestuur, daardie plaaslike bestuur, maar nie ook iemand wat as [plakkerdiensbode, plakker of diensbode, soos omskryf in artikel 49 van die Ontwikkelingstrust en  
15 Grond Wet, 1936 (Wet No. 18 van 1936), of as] bywoner of deelsaaier in okkupasie van grond is of die gebruik daarvan het nie;”; en

(b) deur paragraaf (e) van die omskrywing van “eienaar” te skrap.

**Wysiging van artikel 6 van Wet 21 van 1971, soos gewysig deur artikel 7 van Wet 9 van 1975, artikel 11 van Wet 98 van 1979 en artikel 9 van Wet 30 van 1984**

29. Artikel 6 van die Grondwet van die Selfregerende Gebiede, 1971, word hierby gewysig deur in subparagraaf (i) van paragraaf (a) van subartikel (2) die woorde “of die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936)” te skrap.

**Wysiging van artikel 30 van Wet 21 van 1971, soos gewysig deur artikel 9 van Wet 71 van 1974**

30. Artikel 30 van die Grondwet van die Selfregerende Gebiede, 1971, word hierby gewysig deur subartikel (4) te skrap.

**Invoeging van artikel 30A in Wet 21 van 1971**

30 31. Die volgende artikel word hierby in die Grondwet van die Selfregerende Gebiede, 1971, na artikel 30 ingevoeg:

“Regskrag van wet van selfregerende gebied in stryd met sekere wette

35 30A. Geen wet van ’n selfregerende gebied is van krag in soverre dit in stryd is met ’n bepaling van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991, of van ’n proklamasie kragtens genoemde Wet uitgevaardig nie.”.

**Herroeping van artikel 36A van Wet 21 van 1971**

32. (1) Artikel 36A van die Grondwet van die Selfregerende Gebiede, 1971, word hierby herroep.

(2) ’n Proklamasie uitgevaardig kragtens artikel 36A van die Grondwet van die Selfregerende Gebiede, 1971, en van krag onmiddellik voor die inwerking-treding van hierdie artikel in ’n gebied, met inbegrip van ’n selfregerende gebied, bly, ondanks die bepalings van subartikel (1) van hierdie artikel maar—

45 (a) behoudens enige wysiging daarvan kragtens artikel 87 van hierdie Wet; of

(b) in die geval van ’n selfregerende gebied, ook behoudens ’n wysiging daarvan deur ’n bevoegde gesag in daardie gebied,  
van krag totdat dit kragtens genoemde artikel 87 of deur ’n bevoegde gesag in  
50 paragraaf (b) vermeld, herroep word.

## Act No. 108, 1991 ABOLITION OF RACIALLY BASED LAND MEASURES ACT, 1991

**Amendment of Schedule 1 to Act 21 of 1971, as amended by section 12 of Act 23 of 1972, section 15 of Act 7 of 1973, section 24 of Act 70 of 1974, section 10 of Act 71 of 1974, section 4 of Act 115 of 1977, section 19 of Act 12 of 1978, Proclamation No. R.150 of 1979, Proclamation No. R.3 of 1980, Proclamation No. 172 of 1980, Proclamation No. R.235 of 1980, Proclamation No. R.116 of 1984, Proclamation No. R.112 of 1985, Proclamation No. 38 of 1986, Proclamation No. 141 of 1986, Proclamation No. R.20 of 1987, Proclamation No. R.64 of 1987, section 20 of Act 32 of 1987, Proclamation No. R.109 of 1988 and section 4 of Act 111 of 1990**

33. Schedule 1 to the Self-governing Territories Constitution Act, 1971, is hereby amended by the substitution for item 7B of the following item: 10

“7B. The levy and exemption of rental for and grazing fees on land **[other than land situated in a proclaimed township, belonging to the South African Development Trust, established by section 4 of the Development Trust and Land Act, 1936 (Act 18 of 1936)]**.”

**Amendment of section 4 of Act 54 of 1971, as amended by sections 46 and 47 of Act 97 of 1986** 15

34. Section 4 of the National Roads Act, 1971, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A notice under subsection (1) shall only be issued on the recommendation of the commission made, subject to the provisions of subsection (5)(b), after consultation with the Administrator of each province in which the road in question is or will be situated and, if that road is or will be situated in a territory which by or in terms of an Act of Parliament has been declared to be a self-governing territory within the Republic **[or in an area consisting of land referred to in section 21(1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or in a scheduled Black area as defined in that Act, with the Secretary for Plural Relations and Development]**, with the competent authority of the self-governing territory concerned.” 20 25

**Amendment of section 1 of Act 2 of 1975, as amended by section 1 of Act 48 of 1982**

35. (1) Section 1 of the Abortion and Sterilization Act, 1975, is hereby amended by the substitution for the definition of “State-controlled institution” of the following definition: 30

“‘State-controlled institution’ means a hospital conducted by the State (including a provincial administration), and such part of any other institution, other than such a hospital, as may be hired and controlled by a provincial administration **[and a hospital maintained out of moneys provided out of the South African Development Trust Fund mentioned in section 8 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936)]**.” 35

(2) This section shall come into operation on the date on which the repeal of section 8 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act. 40

**Amendment of section 25 of Act 12 of 1975, as amended by section 5 of Act 20 of 1982**

36. Section 25 of the Agricultural Produce Agency Sales Act, 1975, is hereby amended by the substitution for subsection (3) of the following subsection: 45

“(3) If within the period of 90 days referred to in subsection (1), no valid claim has been lodged in respect of such money, the Director-General shall deposit such money to the credit of the person entitled thereto, in the guardian’s fund referred to in section 86 of the Administration of Estates Act, 1965 (Act No. 66 of 1965).” 50

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Wysiging van Bylae 1 by Wet 21 van 1971, soos gewysig deur artikel 12 van Wet 23 van 1972, artikel 15 van Wet 7 van 1973, artikel 24 van Wet 70 van 1974, artikel 10 van Wet 71 van 1974, artikel 4 van Wet 115 van 1977, artikel 19 van Wet 12 van 1978, Proklamasie No. R. 150 van 1979, Proklamasie No. R. 3 van 5 1980, Proklamasie No. 172 van 1980, Proklamasie No. R. 235 van 1980, Proklamasie No. R. 116 van 1984, Proklamasie No. R. 112 van 1985, Proklamasie No. 38 van 1986, Proklamasie No. 141 van 1986, Proklamasie No. R. 20 van 1987, Proklamasie No. R. 64 van 1987, artikel 20 van Wet 32 van 1987, Proklamasie No. R. 109 van 1988 en artikel 4 van Wet 111 van 1990

10 33. Bylae 1 by die Grondwet van die Selfregerende Gebiede, 1971, word hierby gewysig deur item 7B deur die volgende item te vervang:

“7B. Die heffing en kwytskelding van huurgelde vir en weidingsgelde op grond **[uitgesonderd grond binne geproklameerde dorpe, behorende aan die** 15 **Suid-Afrikaanse Ontwikkelingstrust ingestel by artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet 18 van 1936)].**”

Wysiging van artikel 4 van Wet 54 van 1971, soos gewysig deur artikels 46 en 47 van Wet 97 van 1986

34. Artikel 4 van die Wet op Nasionale Paaie, 1971, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

20 “(2) ’n Kennisgewing kragtens subartikel (1) word slegs uitgevaardig op aanbeveling van die kommissie, gedoen, behoudens die bepalings van subartikel (5)(b), na beraadslaging met die Administrateur van elke provinsie waarin die betrokke pad geleë is of sal wees en, indien daardie pad 25 geleë is of geleë sal wees in ’n gebied wat by of kragtens ’n Parlements wet tot ’n selfregerende gebied binne die Republiek verklaar is **[of in ’n gebied wat bestaan uit grond in artikel 21(1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), bedoel, of in ’n afgesonderde Swart gebied soos in daardie Wet omskryf, met die Sekretaris van Plurale Betrekkinge en Ontwikkeling]**, met die bevoegde gesag van die betrokke selfregerende 30 gebied.”

Wysiging van artikel 1 van Wet 2 van 1975, soos gewysig deur artikel 1 van Wet 48 van 1982

35. (1) Artikel 1 van die Wet op Vrugafdrywing en Sterilisering, 1975, word hierby gewysig deur die omskrywing van “Staatsbeheerde inrigting” deur die 35 volgende omskrywing te vervang:

“‘Staatsbeheerde inrigting’ ’n hospitaal wat deur die Staat (met inbegrip van ’n provinsiale administrasie) bedryf word, en dié deel van ’n ander inrigting as so ’n hospitaal wat gehuur en beheer word deur ’n provinsiale administrasie **[en ’n hospitaal wat in stand gehou word met geld wat voorsien 40 word uit die Suid-Afrikaanse Ontwikkelingstrustfonds vermeld in artikel 8 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936)]**.”

(2) Hierdie artikel tree in werking op die datum waarop die herroeping van artikel 8 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

45 Wysiging van artikel 25 van Wet 12 van 1975, soos gewysig deur artikel 5 van Wet 20 van 1982

36. Artikel 25 van die Wet op Agentskapsverkoping van Landbouprodukte, 1975, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

50 “(3) Indien daar binne die in subartikel (1) bedoelde tydperk van 90 dae geen geldige eis ten opsigte van bedoelde geld ingedien is nie, stort die Direkteur-generaal daardie geld in die voogdyfonds bedoel in artikel 86 van die Boedelwet, 1965 (Wet No. 66 van 1965), om aan die persoon wat daarop geregtig is, gekrediteer te word.”

**Substitution of section 21 of Act 63 of 1975**

37. The following section is hereby substituted for section 21 of the Expropriation Act, 1975:

**“Deposit of compensation money with Master, and retention thereof by Minister, in certain cases** 5

21. (1) If property expropriated under this Act was burdened with a *fideicommissum* or if compensation is payable in terms of this Act to a person whose place of residence is not known, or if compensation is so payable and there is no person to whom it can be paid, the Minister may deposit the amount of the compensation payable in terms of this Act with the Master **[for if, in the opinion of the Minister, the property concerned is not so burdened and the compensation is so payable to a Black, with the South African Development Trust mentioned in section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936)]**, and after such deposit the Minister shall cease to be liable in respect of that amount. 10 15

(2) Any moneys received by the Master in terms of subsection (1) shall—

(a) if the property in question was burdened with a *fideicommissum*, *mutatis mutandis* be subject to all the terms and conditions contained in the will or other instrument by which such *fideicommissum* was constituted; and 20

(b) subject to the provisions of paragraph (a), be paid into the Guardian's Fund referred to in section 86 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), for the benefit of the persons who are or may become entitled thereto, and bear interest at a rate determined from time to time by the Minister of Finance. 25

(3) The provisions of subsections (1) and (2) shall not affect the jurisdiction of any court to make an order in respect of any moneys in question. 30

(4) In the event of a dispute or doubt as to the person who is to receive any compensation payable in terms of this Act, or in the event of the issue of an interdict in respect of the payment of any such compensation, or if the owner and any mortgagee or any buyer have not notified the Minister in terms of section 19 in regard to the payment of such compensation, the Minister shall pay the amount of such compensation to the Master.”. 35

**Repeal of sections 42 and 57 of Act 11 of 1977**

38. Sections 42 and 57 of the Finance and Financial Adjustments Acts Consolidation Act, 1977, are hereby repealed. 40

**Amendment of section 7 of Act 36 of 1978**

39. Section 7 of the Alteration of Provincial Boundaries Act, 1978, is hereby amended by the deletion of paragraph (b).

**Substitution of section 233 of Act 91 of 1981** 45

40. The following section is hereby substituted for section 233 of the Co-operatives Act, 1981:

**“Disposal of unclaimed payments**

233. If a cheque by which any payment is made in terms of a liquidation or distribution account, is not cashed or deposited within 90 days after it was issued, the liquidator shall, unless the registrar otherwise directs, stop payment of the cheque and forthwith deposit 50

**Vervanging van artikel 21 van Wet 63 van 1975**

37. Artikel 21 van die Onteieningswet, 1975, word hierby deur die volgende artikel vervang:

5 **“Storting van vergoedingsgeld by Meester, en terughouding daarvan deur Minister, in sekere gevalle**

21. (1) Indien goed wat kragtens hierdie Wet onteien is, met 'n fideikommis belas was, of indien vergoeding ingevolge hierdie Wet betaalbaar is aan iemand wie se verblyfplek onbekend is, of indien vergoeding aldus betaalbaar is en daar niemand is aan wie dit oorbetaal kan word nie, kan die Minister die bedrag van die vergoeding wat ingevolge hierdie Wet betaalbaar is, stort by die Meester, [of, indien volgens die oordeel van die Minister, die betrokke goed nie aldus belas is nie en die vergoeding aan 'n Swarte aldus betaalbaar is, by die Suid-Afrikaanse Ontwikkelingstrust vermeld in artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936)] en na sodanige storting is die Minister nie verder ten opsigte van daardie bedrag aanspreeklik nie.

(2) Geld wat ingevolge subartikel (1) deur die Meester ontvang word—

20 (a) is, indien die betrokke goed met 'n fideikommis belas was, *mutatis mutandis* onderworpe aan al die bepalings en voorwaardes wat vervat is in die testament of ander geskrif waarby die fideikommis geskep is; en

25 (b) word, behoudens die bepalings van paragraaf (a), ten bate van die persone wat daarop geregtig is of word, in die Voogdyfonds vermeld in artikel 86 van die Boedelwet, 1965 (Wet No. 66 van 1965), gestort en dra rente teen 'n koers wat die Minister van Finansies van tyd tot tyd bepaal.

30 (3) Die bepalings van subartikels (1) en (2) raak nie die bevoegdheid van 'n hof om ten opsigte van betrokke geld 'n bevel uit te reik nie.

35 (4) In die geval van geskil of twyfel oor wie enige vergoeding moet ontvang wat ingevolge hierdie Wet betaalbaar is, of in die geval van die uitreiking van 'n interdik ten opsigte van die uitbetaling van sodanige vergoeding, of indien die eienaar en 'n verbandhouer of 'n koper nie die Minister ingevolge artikel 19 aangaande die uitbetaling van sodanige vergoeding in kennis gestel het nie, betaal die Minister die bedrag van dié vergoeding oor aan die Meester.”

**Herroeping van artikels 42 en 57 van Wet 11 van 1977**

40 38. Artikels 42 en 57 van die Konsolidasiewet op Finansiële en Finansiële Reëlingswette, 1977, word hierby herroep.

**Wysiging van artikel 7 van Wet 36 van 1978**

39. Artikel 7 van die Wet op die Verandering van Provinsiale Grense, 1978, word hierby gewysig deur paragraaf (b) te skrap.

45 **Vervanging van artikel 233 van Wet 91 van 1981**

40. Artikel 233 van die Koöperasiewet, 1981, word hierby deur die volgende artikel vervang:

**“Beskikking oor onopgeëiste betalings**

50 233. Indien 'n tjek waardeur 'n betaling ingevolge 'n likwidasie- of distribusierekening gedoen word, nie binne 90 dae na uitreiking daarvan gewissel of gedeponeer word nie, moet die likwidateur, tensy die registrateur anders gelas, betaling van die tjek keer en die

the amount concerned in the guardian's fund referred to in section 86 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), to be credited to the said person."

#### **Amendment of section 2 of Act 43 of 1983**

41. (1) Section 2 of the Conservation of Agricultural Resources Act, 1983, is hereby amended by the deletion of paragraph (b) of subsection (1). 5  
 (2) This section shall come into operation on a separate date fixed by the State President by proclamation in the *Gazette*.

#### **Amendment of section 1 of Act 35 of 1984**

42. (1) Section 1 of the Animal Diseases Act, 1984, is hereby amended by the deletion in subsection (1) of paragraph (c) of the definition of "owner". 10  
 (2) This section shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act.

#### **Amendment of section 2 of Act 122 of 1984**

43. (1) Section 2 of the Forest Act, 1984, is hereby amended by the deletion of subsection (1). 15  
 (2) This section shall come into operation on a separate date fixed by the State President by proclamation in the *Gazette*.

#### **Repeal of section 3 of Act 26 of 1985**

44. Section 3 of the Alteration of Provincial Boundaries Act, 1985, is hereby repealed. 20

#### **Amendment of section 2 of Ordinance 20 of 1986**

45. Section 2 of the Division of Land Ordinance (Transvaal), 1986, is hereby amended by the deletion of paragraph (c) of subsection (1). 25

#### **Amendment of section 2 of Act 84 of 1986**

46. (1) Section 2 of the Motor Vehicle Accidents Act, 1986, is hereby amended by the deletion in paragraph (a) of subsection (2) of the words "South African Development Trust or the".  
 (2) This section shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act. 30

#### **Amendment of section 6 of Act 41 of 1987, as amended by section 2 of Act 58 of 1989**

47. (1) Section 6 of the Electricity Act, 1987, is hereby amended by the substitution for paragraph (a) of the proviso to subsection (1) of the following paragraph: 35  
 "(a) any department of State;"  
 (2) This section shall come into operation on the date on which the repeal of section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), comes into operation in terms of section 12(1) of this Act. 40

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bedrag onverwyld stort in die voogdyfonds bedoel in artikel 86 van die Boedelwet, 1965 (Wet No. 66 van 1965), om aan bedoelde persoon gekrediteer te word.”.

**Wysiging van artikel 2 van Wet 43 van 1983**

- 5 41. (1) Artikel 2 van die Wet op die Bewaring van Landbouhulpbronne, 1983, word hierby gewysig deur paragraaf (b) van subartikel (1) te skrap.  
(2) Hierdie artikel tree in werking op 'n afsonderlike datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

**Wysiging van artikel 1 van Wet 35 van 1984**

- 10 42. (1) Artikel 1 van die Wet op Dieresiektes, 1984, word hierby gewysig deur in subartikel (1) paragraaf (c) van die omskrywing van “eienaar” te skrap.  
(2) Hierdie artikel tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

**15 Wysiging van artikel 2 van Wet 122 van 1984**

43. (1) Artikel 2 van die Boswet, 1984, word hierby gewysig deur subartikel (1) te skrap.  
(2) Hierdie artikel tree in werking op 'n afsonderlike datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

**20 Herroeping van artikel 3 van Wet 26 van 1985**

44. Artikel 3 van die Wet op die Verandering van Provinsiale Grense, 1985, word hierby herroep.

**Wysiging van artikel 2 van Ordonnansie 20 van 1986**

- 25 45. Artikel 2 van die Ordonnansie op die Verdeling van Grond (Transvaal), 1986, word hierby gewysig deur paragraaf (c) van subartikel (1) te skrap.

**Wysiging van artikel 2 van Wet 84 van 1986**

46. (1) Artikel 2 van die Motorvoertuigongelukkewet, 1986, word hierby gewysig deur in paragraaf (a) van subartikel (2) die woorde “Suid-Afrikaanse Ontwikkelingstrust of die” te skrap.  
30 (2) Hierdie artikel tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

**Wysiging van artikel 6 van Wet 41 van 1987, soos gewysig deur artikel 2 van Wet 58 van 1989**

- 35 47. (1) Artikel 6 van die Elektrisiteitswet, 1987, word hierby gewysig deur paragraaf (a) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang:  
“(a) 'n Staatsdepartement;”  
40 (2) Hierdie artikel tree in werking op die datum waarop die herroeping van artikel 4 van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), ingevolge artikel 12(1) van hierdie Wet in werking tree.

## CHAPTER II

REPEAL OF AND ARRANGEMENTS IN RESPECT OF LAWS ON  
GROUP AREAS AND FREE SETTLEMENT AREAS**Repeal of Act 36 of 1966 and related laws**

48. (1) The following laws are hereby repealed: 5
- (a) The Group Areas Act, 1966 (Act No. 36 of 1966);
  - (b) the Group Areas Amendment Act, 1969 (Act No. 69 of 1969);
  - (c) the Group Areas Amendment Act, 1972 (Act No. 83 of 1972);
  - (d) the Group Areas Amendment Act, 1974 (Act No. 72 of 1974);
  - (e) the Group Areas Amendment Act, 1975 (Act No. 22 of 1975); 10
  - (f) the Group Areas Amendment Act, 1977 (Act No. 96 of 1977);
  - (g) the Group Areas Amendment Act, 1978 (Act No. 43 of 1978);
  - (h) the Group Areas Amendment Act, 1979 (Act No. 113 of 1979);
  - (i) the Group Areas Amendment Act, 1982 (Act No. 62 of 1982);
  - (j) the Group Areas Amendment Act, 1984 (Act No. 101 of 1984); 15
  - (k) the Free Settlement Areas Act, 1988 (Act No. 102 of 1988); and
  - (l) the Local Government Affairs in Free Settlement Areas Act, 1988 (Act No. 103 of 1988).
- (2) Any transaction whereby a person (hereinafter referred to as a nominee owner) acquired property contrary to section 40 of the Group Areas Act, 1966, on behalf of another person (hereinafter referred to as the principal) shall, from the commencement of this section, be deemed not to be an illegal transaction or a transaction which constitutes an offence. 20
- (3) The parties to a transaction referred to in subsection (2) may within six months after the commencement of this section in writing request the registrar of deeds concerned to transfer property which by virtue of the transaction is registered in the name of the nominee owner to the principal in accordance with this section. 25
- (4) A request referred to in subsection (3) shall be accompanied by affidavits or solemn affirmations by the nominee owner and the principal, respectively, 30 in which the following submissions are contained, namely—
- (a) in the case of the nominee owner—
    - (i) that he is a party to a transaction referred to in subsection (2) as nominee owner;
    - (ii) that the person who made the affidavit or affirmation referred to in 35 paragraph (b) is the principal in the transaction;
    - (iii) that a property registered in his name and specified in the affidavit or affirmation was registered in his name by virtue of the transaction;
    - (iv) that he acquired the property on behalf of the principal with the 40 exclusive object of circumventing the Group Areas Act, 1966; and
    - (v) that he has no objection to the transfer of the property to the principal;
  - (b) in the case of the principal—
    - (i) that he is a party to the transaction concerned as principal; 45
    - (ii) that the person who made the affidavit or affirmation referred to in paragraph (a) is the nominee owner in the transaction;
    - (iii) that the property concerned was registered in the name of the nominee owner by virtue of the transaction; and
    - (iv) that the nominee owner acquired the property on his behalf with the 50 exclusive object of circumventing the Group Areas Act, 1966.
- (5) On receipt of a request in accordance with subsection (3) and the supporting affidavits or solemn affirmations in which the submissions referred to in subsection (4) are contained, the registrar of deeds shall, subject to section 56 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), transfer the property 55 concerned to the person who according to the affidavits or solemn affirmations is or is purported to be the principal, by making the necessary entries and endorsements in respect of his registers and other documents, as well as in respect of any relevant documents produced to him.



## HOOFSTUK II

HERROEPING VAN EN REËLINGS TEN OPSIGTE VAN WETTE OP  
GROEPS- EN VRYEVESTIGINGSGBIEDE

## Herroeping van Wet 36 van 1966 en verbandhoudende wette

- 5 48. (1) Die volgende wette word hierby herroep:
- (a) Die Wet op Groepsgebiede, 1966 (Wet No. 36 van 1966);
  - (b) die Wysigingswet op Groepsgebiede, 1969 (Wet No. 69 van 1969);
  - (c) die Wysigingswet op Groepsgebiede, 1972 (Wet No. 83 van 1972);
  - (d) die Wysigingswet op Groepsgebiede, 1974 (Wet No. 72 van 1974);
  - 10 (e) die Wysigingswet op Groepsgebiede, 1975 (Wet No. 22 van 1975);
  - (f) die Wysigingswet op Groepsgebiede, 1977 (Wet No. 96 van 1977);
  - (g) die Wysigingswet op Groepsgebiede, 1978 (Wet No. 43 van 1978);
  - (h) die Wysigingswet op Groepsgebiede, 1979 (Wet No. 113 van 1979);
  - (i) die Wysigingswet op Groepsgebiede, 1982 (Wet No. 62 van 1982);
  - 15 (j) die Wysigingswet op Groepsgebiede, 1984 (Wet No. 101 van 1984);
  - (k) die Wet op Vryvestigingsgebiede, 1988 (Wet No. 102 van 1988); en
  - (l) die Wet op Plaaslike Owerheidsaangeleenthede in Vryvestigingsgebiede, 1988 (Wet No. 103 van 1988).
- (2) 'n Transaksie waarby iemand (hierna 'n genomineerde eienaar genoem)
- 20 eiendom in stryd met artikel 40 van die Wet op Groepsgebiede, 1966, namens iemand anders (hierna die prinsipaal genoem) verkry het, word vanaf die inwerkingtreding van hierdie artikel geag nie 'n onwettige transaksie of 'n transaksie wat 'n misdryf uitmaak, te wees nie.
- (3) Die partye by 'n transaksie in subartikel (2) bedoel, kan die betrokke
- 25 registrator van aktes binne ses maande na die inwerkingtreding van hierdie artikel skriftelik versoek om eiendom wat uit hoofde van die transaksie in die naam van die genomineerde eienaar geregistreer is, ooreenkomstig hierdie artikel aan die prinsipaal oor te dra.
- (4) 'n Versoek bedoel in subartikel (3) moet vergesel gaan van beëdigde of
- 30 plegtige verklarings deur, onderskeidelik, die genomineerde eienaar en die prinsipaal waarin die volgende bewerings vervat is, te wete—
- (a) in die geval van die genomineerde eienaar—
    - (i) dat hy as genomineerde eienaar 'n party by 'n transaksie bedoel in subartikel (2) is;
    - 35 (ii) dat die persoon wat die verklaring bedoel in paragraaf (b) afgelê het die prinsipaal by die transaksie is;
    - (iii) dat 'n eiendom wat in sy naam geregistreer is en in die verklaring vermeld word, uit hoofde van die transaksie in sy naam geregistreer is;
    - 40 (iv) dat hy die eiendom namens die prinsipaal verkry het met die uitsluitlike oogmerk om die Wet op Groepsgebiede, 1966, te omseil; en
    - (v) dat hy geen beswaar teen die oordrag van die eiendom aan die prinsipaal het nie;
  - 45 (b) in die geval van die prinsipaal—
    - (i) dat hy as prinsipaal 'n party by die betrokke transaksie is;
    - (ii) dat die persoon wat die verklaring bedoel in paragraaf (a) afgelê het die genomineerde eienaar by die transaksie is;
    - (iii) dat die betrokke eiendom uit hoofde van die transaksie in die
    - 50 naam van die genomineerde eienaar geregistreer is; en
    - (iv) dat die genomineerde eienaar die eiendom namens hom verkry het met die uitsluitlike oogmerk om die Wet op Groepsgebiede, 1966, te omseil.
- (5) By ontvangs van 'n versoek ooreenkomstig subartikel (3) en die onder-
- 55 steunende beëdigde of plegtige verklarings waarin die bewerings in subartikel (4) vervat is, moet die registrator van aktes, behoudens artikel 56 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), die betrokke eiendom aan die persoon wat volgens die beëdigde of plegtige verklarings die prinsipaal is of heet te wees, oordra deur die nodige aantekeninge en endossemente ten
- 60 opsigte van sy registers en ander stukke, asook ten opsigte van enige tersaaklike stukke wat aan hom voorgelê word, aan te bring.

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(6) No transfer duty, stamp duty or other fees shall be payable in respect of a transfer referred to in subsection (5).

(7) Any person who makes an affidavit or a solemn affirmation referred to in this section which to his knowledge is false or in any material respect misleading, shall be guilty of an offence and liable on conviction to a fine not exceeding R8 000 or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment. 5

(8) If a nominee owner—

(a) refuses or omits to make an affidavit or a solemn affirmation referred to in subsection (4); or 10

(b) cannot be found to make such an affidavit or solemn affirmation, the principal may within six months after the commencement of this section apply to a court for an order authorizing the transfer of the property concerned to him.

(9) The registrar of deeds shall carry out an order of the court under subsection (8) by making the necessary entries and endorsements in respect of his registers and other documents, as well as in respect of any relevant documents produced to him. 15

(10) The provisions of subsection (5) shall apply *mutatis mutandis* in respect of a transfer referred to in subsection (8).

**Amendment of section 40 of Ordinance 26 of 1944, as amended by section 8 of Ordinance 7 of 1956, section 11 of Ordinance 18 of 1961, section 2 of Ordinance 10 of 1977 and section 1 of Ordinance 7 of 1984** 20

49. Section 40 of the Valuation Ordinance (Cape of Good Hope), 1944, is hereby amended by the substitution in subsection (1) for subparagraph (c) of paragraph (ii) of the following subparagraph: 25

“(c) immovable property improved or depreciated in value by reason of the operation of a town-planning scheme or any municipal or public work or undertaking **[or the proclamation of a group area under section twenty of the Group Areas Act, 1957 (Act No. 77 of 1957)]**”.

**Amendment of section 6 of Act 52 of 1951, as substituted by section 9 of Act 104 of 1988** 30

50. Section 6 of the Prevention of Illegal Squatting Act, 1951, is hereby amended by the deletion of paragraph (b) of subsection (9).

**Amendment of section 32 of Act 4 of 1966, as amended by section 64 of Act 63 of 1975** 35

51. Section 32 of the Housing Act, 1966, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in any law contained, the Commission may—

(a) subject to the prior written approval of the Minister, given in consultation with the Minister of Finance, purchase, or acquire in any other manner, any **[affected property as defined in section 1 of the Community Development Act, 1966, or any other]** immovable property **[whether or not situated in a group area as so defined]** for use for purposes determined in this Act or, where necessary, otherwise to develop or dispose of it; 40 45

(b) at the request of the Minister, made in consultation with the Minister of Finance, purchase, expropriate, or acquire in any other manner, any such **[affected property or other]** immovable property or so purchase, expropriate or acquire it and construct a dwelling or carry out a scheme on it.”. 50

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(6) Geen hereregte, seëlregte of ander gelde is ten opsigte van 'n oordrag bedoel in subartikel (5) betaalbaar nie.

(7) 'n Persoon wat 'n beëdigde of plegtige verklaring bedoel in hierdie artikel aflê wat na sy wete vals of in enige wesenlike opsig misleidend is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R8 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel sodanige boete as sodanige gevangenisstraf.

(8) Indien 'n genomineerde eienaar—

(a) weier of versuim om 'n beëdigde of plegtige verklaring bedoel in subartikel (4) af te lê; of

(b) nie opgespoor kan word om sodanige beëdigde of plegtige verklaring af te lê nie,

kan die prinsipaal binne ses maande na die inwerkingtreding van hierdie artikel by 'n hof aansoek doen om 'n bevel vir die oordrag van die betrokke eiendom

(9) Die registrateur van aktes gee uitvoering aan 'n bevel van die hof kragtens subartikel (8), deur die nodige aantekeninge en endossemente ten opsigte van sy registers en ander stukke, asook ten opsigte van enige tersaaklike stukke wat aan hom voorgelê word, aan te bring.

(10) Die bepalinge van subartikel (5) is *mutatis mutandis* van toepassing ten opsigte van 'n oordrag bedoel in subartikel (8).

**Wysiging van artikel 40 van Ordonnansie 26 van 1944, soos gewysig deur artikel 8 van Ordonnansie 7 van 1956, artikel 11 van Ordonnansie 18 van 1961, artikel 2 van Ordonnansie 10 van 1977 en artikel 1 van Ordonnansie 7 van 1984**

49. Artikel 40 van die Skattingsordonnansie (Kaap die Goeie Hoop), 1944, word hierby gewysig deur in subartikel (1) subparagraaf (c) van paragraaf (ii) deur die volgende subparagraaf te vervang:

“(c) onroerende goed wat weens die werking van 'n dorpsaanlegskema of enige munisipale of openbare werk of onderneming **[of die proklamering van 'n groepsgebied kragtens artikel twintig van die Wet op Groepsgebiede, 1957 (Wet No. 77 van 1957)]** in waarde gestyg of gedaal het;”.

**Wysiging van artikel 6 van Wet 52 van 1951, soos vervang deur artikel 9 van Wet 104 van 1988**

50. Artikel 6 van die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hierby gewysig deur paragraaf (b) van subartikel (9) te skrap.

**Wysiging van artikel 32 van Wet 4 van 1966, soos gewysig deur artikel 64 van Wet 63 van 1975**

51. Artikel 32 van die Behuisingwet, 1966, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Ondanks andersluidende wetsbepalinge, kan die Kommissie—

(a) onderworpe aan die voorafgaande skriftelike goedkeuring van die Minister, gegee in oorleg met die Minister van Finansies **[geaffekteerde eiendom soos omskryf in artikel 1 van die Wet op Gemeenskapsontwikkeling, 1966, of]**, enige **[ander]** onroerende eiendom **[hetsy dit in 'n groepsgebied, soos aldus omskryf, geleë is al dan nie]** koop, of op enige ander wyse verkry, om dit te gebruik vir doeleindes in hierdie Wet bepaal, of om dit, waar nodig, andersins te ontwikkel of te vervreem;

(b) op versoek van die Minister, gedoen in oorleg met die Minister van Finansies, sodanige **[geaffekteerde eiendom of ander]** onroerende eiendom koop, onteien, of op enige ander wyse verkry, of dit aldus koop, onteien of verkry en 'n woning daarop bou of 'n skema daarop uitvoer.”.

**Act No. 108, 1991 ABOLITION OF RACIALLY BASED LAND MEASURES ACT, 1991**

**Amendment of section 1 of Act 91 of 1983, as amended by section 1 of Act 116 of 1984, section 1 of Act 45 of 1985, section 1 of Act 110 of 1985, section 6 of Act 43 of 1988, section 1 of Act 82 of 1988 and section 23 of Act 103 of 1988**

52. Section 1 of the Promotion of Local Government Affairs Act, 1983, is hereby amended by the deletion of the definition of "free settlement area". 5

**Amendment of section 17 of Act 91 of 1983, as amended by section 24 of Act 103 of 1988**

53. Section 17 of the Promotion of Local Government Affairs Act, 1983, is hereby amended by the deletion of subsections (4) and (5).

**Amendment of section 17B of Act 91 of 1983, as inserted by section 5 of Act 110 of 1985 and amended by section 25 of Act 103 of 1988** 10

54. Section 17B of the Promotion of Local Government Affairs Act, 1983, is hereby amended by the deletion of subsection (10).

### CHAPTER III

#### REPEAL OF AND ARRANGEMENTS IN RESPECT OF CERTAIN LAWS APPLICABLE TO ASIATICS AND COLOURED

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##### **Repeal of Asiatic Land Tenure Acts**

55. The following laws are hereby repealed:
- (a) The Transvaal Asiatic Land Tenure Amendment Act, 1936 (Act No. 30 of 1936); 20
  - (b) the Transvaal Asiatic Land Tenure Further Amendment Act, 1937 (Act No. 32 of 1937);
  - (c) the Asiatics (Transvaal Land and Trading) Amendment Act, 1941 (Act No. 28 of 1941);
  - (d) the Asiatic Land Tenure Amendment Act, 1944 (Act No. 9 of 1944); 25
  - (e) the Asiatic Land Tenure Act, 1946 (Act No. 28 of 1946); and
  - (f) the Asiatic Laws Amendment Act, 1948 (Act No. 47 of 1948).

##### **Repeal of Act 7 of 1946 and the Rural Coloured Areas Acts**

56. The following laws are hereby repealed:
- (a) The Coloured Persons Settlement Act, 1946 (Act No. 7 of 1946); 30
  - (b) the Concordia Communal Reserve (Extension of Area) Act, 1958 (Act No. 29 of 1958);
  - (c) the Coloured Persons Communal Reserves Act, 1961 (Act No. 3 of 1961);
  - (d) the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963); 35
  - (e) the Rural Coloured Areas Amendment Act, 1967 (Act No. 75 of 1967);
  - (f) section 22 of the General Law Amendment Act, 1969 (Act No. 101 of 1969);
  - (g) sections 46 and 47 of the Expropriation Act, 1975 (Act No. 63 of 1975);
  - (h) the Rural Coloured Areas Amendment Act, 1976 (Act No. 28 of 1976); 40 and
  - (i) the Rural Coloured Areas Amendment Act, 1978 (Act No. 31 of 1978).

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Wet No. 108, 1991

**Wysiging van artikel 1 van Wet 91 van 1983, soos gewysig deur artikel 1 van Wet 116 van 1984, artikel 1 van Wet 45 van 1985, artikel 1 van Wet 110 van 1985, artikel 6 van Wet 43 van 1988, artikel 1 van Wet 82 van 1988 en artikel 23 van Wet 103 van 1988**

- 5 52. Artikel 1 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig deur die omskrywing van "vryvestigingsgebied" te skrap.

**Wysiging van artikel 17 van Wet 91 van 1983, soos gewysig deur artikel 24 van Wet 103 van 1988**

- 10 53. Artikel 17 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig deur subartikels (4) en (5) te skrap.

**Wysiging van artikel 17B van Wet 91 van 1983, soos ingevoeg deur artikel 5 van Wet 110 van 1985 en gewysig deur artikel 25 van Wet 103 van 1988**

- 15 54. Artikel 17B van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig deur subartikel (10) te skrap.

## HOOFSTUK III

HERROEPING VAN EN REËLINGS TEN OPSIGTE VAN SEKERE  
WETTE VAN TOEPASSING OP ASIATE EN KLEURLINGE**Herroeping van Wette op Grondbesit van Asiate**

- 20 55. Die volgende Wette word hierby herroep:
- (a) Die Wysigingswet op Grondbesit van Asiate in Transvaal, 1936 (Wet No. 30 van 1936);
  - (b) die Verdere Wysigingswet op Grondbesit van Asiate in Transvaal, 1937 (Wet No. 32 van 1937);
  - 25 (c) die Wysigingswet op Asiate (Grond en Besigheid in Transvaal), 1941 (Wet No. 28 van 1941);
  - (d) die Wysigingswet op Grondbesit van Asiate, 1944 (Wet No. 9 van 1944);
  - (e) die Wet op Grondbesit van Asiate, 1946 (Wet No. 28 van 1946); en
  - 30 (f) die Wet tot Wysiging van die Wette op Asiate, 1948 (Wet No. 47 van 1948).

**Herroeping van Wet 7 van 1946 en die Wette op Landelike Kleurlinggebiede**

56. Die volgende wette word hierby herroep:
- (a) Die Wet op Kleurlingnedersettings, 1946 (Wet No. 7 van 1946);
  - 35 (b) die Wet op die Gemeenskapsreserwe Concordia (Uitbreiding van Gebied), 1958 (Wet No. 29 van 1958);
  - (c) die Wet op Gemeenskaplike Kleurlingreservate, 1961 (Wet No. 3 van 1961);
  - (d) die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963);
  - 40 (e) die Wysigingswet op Landelike Kleurlinggebiede, 1967 (Wet No. 75 van 1967);
  - (f) artikel 22 van die Algemene Regswysigingswet, 1969 (Wet No. 101 van 1969);
  - (g) artikels 46 en 47 van die Onteieningswet, 1975 (Wet No. 63 van 1975);
  - 45 (h) die Wysigingswet op Landelike Kleurlinggebiede, 1976 (Wet No. 28 van 1976); en
  - (i) die Wysigingswet op Landelike Kleurlinggebiede, 1978 (Wet No. 31 van 1978).

## Act No. 108, 1991 ABOLITION OF RACIALLY BASED LAND MEASURES ACT, 1991

**Amendment of section 1 of Act 9 of 1987**

57. Section 1 of the Rural Areas Act (House of Representatives), 1987, is hereby amended—

- (a) by the substitution for paragraph (c) of the definition of “fixed date” of the following paragraph: 5  
 “(c) in relation to an incorporated area, the date of publication of the proclamation under section 4(1) of Act 24 of 1963 [**whereby such area was declared to be reserved for occupation or ownership of qualified persons**];”;
- (b) by the substitution for the definition of “incorporated area” of the following definition: 10  
 “‘incorporated area’ means an area consisting of one or more pieces of land (whether contiguous or not) which has been [**declared to be reserved for occupation or ownership**] defined by proclamation under section 4(1) of Act 24 of 1963;”;
- (c) by the deletion of the definition of “qualified person”; and 15  
 (d) by the substitution for the definition of “society” of the following definition: 20  
 “‘society’ means any mission society or religious body which, prior to the application of the Act of 1909 to any area, held land in such area in trust for the inhabitants thereof [**who are qualified persons**], or was the owner of land on which a mission station [**for qualified persons**] existed and to which the provisions of the Act of 1909 applied on the fixed date in terms of section 27 of that Act;”.

**Repeal of section 2 of Act 9 of 1987** 25

58. Section 2 of the Rural Areas Act (House of Representatives), 1987, is hereby repealed.

**Amendment of section 3 of Act 9 of 1987**

59. Section 3 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the substitution for subsection (1) of the following subsection: 30  
 “(1) Save as is expressly otherwise provided in this Act [**or the conditions and reservations set out in any proclamation issued under section 4(1) of Act 24 of 1963**], the provisions of this Act shall, in so far as they can be applied, *mutatis mutandis* apply also to every existing area.”.

**Amendment of section 8 of Act 9 of 1987** 35

60. Section 8 of the Rural Areas Act (House of Representatives), 1987, is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph: 40  
 “(b) any registered owner of land appearing on the plan of subdivision or general plan shall retain his ownership of such land [**subject to the condition that in the case of any such owner who is not a qualified person the land in question shall be dealt with as in this section provided**].”; and  
 (b) by the deletion of subsections (2) and (3). 45

**Repeal of sections 9 and 10 of Act 9 of 1987**

61. Sections 9 and 10 of the Rural Areas Act (House of Representatives), 1987, are hereby repealed.

**Wysiging van artikel 1 van Wet 9 van 1987**

57. Artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig—

- (a) deur paragraaf (c) van die omskrywing van “bepaalde datum” deur die volgende paragraaf te vervang:
- “(c) met betrekking tot ’n ingelyfde gebied, die datum van afkondiging van die proklamasie kragtens artikel 4(1) van Wet 24 van 1963 **[waarby daardie gebied vir okkupasie of eienaarskap deur bevoegde persone voorbehou verklaar is]**”;
- (b) deur die omskrywing van “bevoegde persoon” te skrap;
- (c) deur die omskrywing van “genootskap” deur die volgende omskrywing te vervang:
- “genootskap’ ’n sendinggenootskap of godsdienstige liggaam wat voor die toepassing van die Wet van 1909 op ’n gebied, grond in so ’n gebied vir die inwoners daarvan **[wat bevoegde persone is]** in trust gehou het, of die eienaar van grond was waarop daar ’n sendingstasie **[vir bevoegde persone]** was en waarop die bepalings van die Wet van 1909 ingevolge artikel 27 daarvan op die bepaalde datum van toepassing was;”;
- (d) deur die omskrywing van “ingelyfde gebied” deur die volgende omskrywing te vervang:
- “ingelyfde gebied’ ’n gebied bestaande uit een of meer stukke grond (hetsy aangrensend al dan nie) wat by proklamasie kragtens artikel 4(1) van Wet 24 van 1963 **[vir okkupasie of eienaarskap voorbehou]** omskryf is;”.

**Herroeping van artikel 2 van Wet 9 van 1987**

58. Artikel 2 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby herroep.

**Wysiging van artikel 3 van Wet 9 van 1987**

59. Artikel 3 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) Behalwe vir sover in hierdie Wet **[of die voorwaardes en voorbehoude vervat in ’n kragtens artikel 4(1) van Wet 24 van 1963 uitgevaardigde proklamasie]** uitdruklik anders bepaal word, is die bepalings van hierdie Wet *mutatis mutandis* vir sover dit toegepas kan word ook van toepassing op elke bestaande gebied.”.

**Wysiging van artikel 8 van Wet 9 van 1987**

60. Artikel 8 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:
- “(b) behou ’n geregistreerde eienaar van grond wat op die plan van die onderverdeling of algemene plan voorkom, sy eiendomsreg in die betrokke grond **[onderworpe aan die voorwaarde dat in die geval van so ’n eienaar wat nie ’n bevoegde persoon is nie, oor die betrokke grond beskik moet word soos in hierdie artikel bepaal]**.”; en
- (b) deur subartikels (2) en (3) te skrap.

**Herroeping van artikels 9 en 10 van Wet 9 van 1987**

61. Artikels 9 en 10 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby herroep.

**Substitution of section 11 of Act 9 of 1987**

62. The following section is hereby substituted for section 11 of the Rural Areas Act (House of Representatives), 1987:

**“Endorsement of title deeds**

11. The registrar of deeds concerned shall upon receipt of a notice signed by the Minister or a person authorized thereto by him, and without payment of transfer duty or registration or other fees, make the necessary endorsements and entries on the appropriate documents and in his registers and, if submitted to him, on the title deed of any land in an incorporated area which in terms of section 7 **[or 8(2) or (3)]** becomes vested in the Minister or in terms of section **[10 or] 20(2)(d)** becomes vested in the board of management.”.

**Amendment of section 12 of Act 9 of 1987**

63. Section 12 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The Minister shall **[subject to the provisions of section 13(1)]**, out of moneys appropriated by the House of Representatives for the purpose, pay compensation to the owner in respect of any property or right which has vested in the Minister by virtue of section 7 **[or 8(3)]**, except in the case of—”.

**Repeal of sections 13, 14 and 15 of Act 9 of 1987**

64. Sections 13, 14 and 15 of the Rural Areas Act (House of Representatives), 1987, are hereby repealed.

**Amendment of section 16 of Act 9 of 1987**

65. Section 16 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any person who fails to comply with a notice under subsection (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or in default of payment to imprisonment for a period not exceeding three months.”.

**Repeal of section 17 of Act 9 of 1987**

66. Section 17 of the Rural Areas Act (House of Representatives), 1987, is hereby repealed.

**Amendment of section 18 of Act 9 of 1987**

67. Section 18 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the deletion in subsection (1) of the words “or (in the case of a determination under section 17) the arbitrators or the umpire”.

**Amendment of section 19 of Act 9 of 1987**

68. Section 19 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the substitution for the first proviso of the following proviso:

“Provided that where land is mortgaged the compensation may in so far as may be necessary be applied in payment of the claims of mortgagees in their legal order of preference **[provided such mortgagees have complied with the provisions of section 15]**:”.



**Vervanging van artikel 11 van Wet 9 van 1987**

62. Artikel 11 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby deur die volgende artikel vervang:

**“Endossering van titelbewyse**

5                   11. Die betrokke registrateur van aktes moet by ontvangs van 'n kennisgewing onderteken deur die Minister of sy gemagtigde, sonder die betaling van hereregte of registrasie- of ander gelde, op die gepaste dokumente en in sy registers en, indien aan hom voorgelê, op die titelbewys van grond in 'n ingelyfde gebied wat ingevolge artikel 7 **[of 8(2) of (3)]** op die Minister oorgaan of ingevolge artikel **[10 of] 20(2)(d)** op die bestuursraad oorgaan, die nodige endossemente en inskrywings aanbring.”.

**Wysiging van artikel 12 van Wet 9 van 1987**

63. Artikel 12 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

15                   “Die Minister moet **[behoudens die bepalings van artikel 13(1)]**, uit fondse deur die Raad van Verteenwoordigers vir die doel bewillig, aan die eenaar vergoeding betaal ten opsigte van enige eiendom of reg wat ingevolge artikel 7 **[of 8(3)]** op die Minister oorgegaan het, behalwe in die geval van—”.

**Herroeping van artikels 13, 14 en 15 van Wet 9 van 1987**

64. Artikels 13, 14 en 15 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby herroep.

**25 Wysiging van artikel 16 van Wet 9 van 1987**

65. Artikel 16 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

30                   “(2) Iemand wat versuim om aan 'n kennisgewing ingevolge subartikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens drie maande.”.

**Herroeping van artikel 17 van Wet 9 van 1987**

66. Artikel 17 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby herroep.

**Wysiging van artikel 18 van Wet 9 van 1987**

67. Artikel 18 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur in subartikel (1) die woorde “of (in die geval van 'n bepaling kragtens artikel 17) die arbiters of die skeidsregter” te skrap.

**Wysiging van artikel 19 van Wet 9 van 1987**

68. Artikel 19 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur die eerste voorbehoudsbepaling deur die volgende voorbehoudsbepaling te vervang:

45                   “Met dien verstande dat waar grond met verband beswaar is, die vergoeding vir sover nodig aangewend kan word vir die betaling van eise van verbandhouders volgens hul wetlike rangorde **[mits bedoelde verbandhouders aan die voorskrifte van artikel 15 voldoen het]**.”.

**Amendment of section 29 of Act 9 of 1987**

69. Section 29 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may, for the purpose of section 3(3)(f) of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), direct that an Association of Management Boards of Rural **[Coloured]** Areas be instituted.”.

**Amendment of section 47 of Act 9 of 1987**

70. Section 47 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) If the nominated person is unable to designate any person under this section by reason of the inability of any beneficiary to make adequate arrangements to the satisfaction of the other beneficiaries or their lawful representatives and of the nominated person for the payment of the value of the shares of such beneficiaries, the Minister may direct that the right of occupation or ownership of the erf in question be sold **[to a person who is a qualified person]** on such terms and conditions and at such a price as he may deem fit, and that the proceeds of such sale after deduction of any expenses incurred in connection therewith be divided amongst all the beneficiaries in proportion to their respective shares.”.

**Amendment of section 49 of Act 9 of 1987**

71. Section 49 of the Rural Areas Act (House of Representatives), 1987, is hereby amended by the substitution in paragraph (b) of subsection (2) for the words preceding the proviso of the following words:

“on the authority of the Minister such deed of grant or subsequent title deed may be cancelled and the lot in question may be sold by public auction on such conditions and at such price as the Minister may deem fit **[to any person who is a qualified person]** where in the opinion of the Minister the owner has for a period of two years failed to make beneficial use of such lot:”.

## CHAPTER IV

REPEAL OF AND ARRANGEMENTS IN RESPECT OF  
CERTAIN LAWS ON DEVELOPMENT, TOWNSHIPS AND  
TOWNSHIP PLANNING**Repeal of Act 4 of 1984 and related laws**

72. (1) The following laws are hereby repealed:
- (a) The Black Communities Development Act, 1984 (Act No. 4 of 1984);
  - (b) the Black Communities Development Amendment Act, 1985 (Act No. 52 of 1985);
  - (c) sections 3 and 4 of the Laws on Co-operation and Development Second Amendment Act, 1985 (Act No. 90 of 1985);
  - (d) the Black Communities Development Amendment Act, 1986 (Act No. 74 of 1986);
  - (e) sections 26 to 29 inclusive of the Constitutional Laws Amendment Act, 1987 (Act No. 32 of 1987);
  - (f) section 26 of the Taxation Laws Amendment Act, 1987 (Act No. 86 of 1987);
  - (g) the Black Communities Development Amendment Act, 1988 (Act No. 42 of 1988); and

**Wysiging van artikel 29 van Wet 9 van 1987**

69. Artikel 29 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

- 5 “(1) Die Minister kan vir die doeleindes van artikel 3(3)(f) van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983), gelas dat ’n Vereniging van Bestuursrade van Landelike **[Kleurlinggebiede]** Gebiede ingestel word.”.

**Wysiging van artikel 47 van Wet 9 van 1987**

- 10 70. Artikel 47 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

- 15 “(4) Ingeval die benoemde persoon nie daarin slaag om iemand ingevolge hierdie artikel aan te wys nie vanweë die onvermoë van enigeen van die begunstigdes om voldoende reëlins ten genoeë van die ander begunstigdes of hul wettige verteenwoordigers en van die benoemde persoon vir uitbetaling van die waardes van aandele van daardie begunstigdes te tref, kan die Minister gelas dat die okupasiereg of eiendomsreg in die betrokke erf **[aan iemand wat ’n bevoegde persoon is]** verkoop word op die bedinge en
- 20 voorwaardes en teen die prys wat hy goedvind, en dat die opbrengs van so ’n verkoop na aftrek van enige koste in verband daarmee aangegaan onder al die begunstigdes na verhouding van hul onderskeie aandele verdeel word.”.

**Wysiging van artikel 49 van Wet 9 van 1987**

- 25 71. Artikel 49 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, word hierby gewysig deur in paragraaf (b) van subartikel (2) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

- 30 “bedoelde grondbrief of latere transportakte op gesag van die Minister gekanselleer kan word en die betrokke perseel op die voorwaardes en teen die prys wat die Minister goedvind **[aan iemand wat ’n bevoegde persoon is]** per openbare veiling verkoop kan word waar die eienaar volgens die oordeel van die Minister vir ’n tydperk van twee jaar versuim het om dié perseel voordelig te benut:”.

35

## HOOFSTUK IV

HERROEPING VAN EN REËLINGS TEN OPSIGTE VAN SEKERE  
WETTE OP ONTWIKKELING, DORPE EN DORPSBEPLANNING**Herroeping van Wet 4 van 1984 en verbandhoudende wette**

- 40 72. (1) Die volgende wette word hierby herroep:
- (a) Die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984);
- (b) die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1985 (Wet No. 52 van 1985);
- 45 (c) artikels 3 en 4 van die Tweede Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1985 (Wet No. 90 van 1985);
- (d) die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1986 (Wet No. 74 van 1986);
- (e) artikels 26 tot en met 29 van die Wysigingswet op Staatkundige Wetgewing, 1987 (Wet No. 32 van 1987);
- 50 (f) artikel 26 van die Wysigingswet op Belastingwette, 1987 (Wet No. 86 van 1987);
- (g) die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1988 (Wet No. 42 van 1988); en

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(h) the Black Communities Development Amendment Act, 1991.

(2) Chapters VI and VIA of the Black Communities Development Act, 1984 (Act No. 4 of 1984), and any regulation made under the said Act, and in force immediately prior to the commencement of this section in an area, shall, notwithstanding the provisions of subsection (1) of this section but subject to any amendment thereof under section 87 of this Act, remain in force until repealed under the said section 87. 5

(3) Notwithstanding the provisions of subsection (1) the fund referred to in section 47 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), shall continue to exist and shall be administered by the Minister of Planning, Provincial Affairs and National Housing. 10

(4) This section shall come into operation on a separate date fixed by the State President by proclamation in the *Gazette*.

**Amendment of section 1 of Act 4 of 1966, as amended by section 1 of Act 47 of 1967, section 1 of Act 40 of 1975, section 1 of Act 124 of 1977, section 2 of Act 109 of 1979, section 1 of Act 28 of 1982, section 1 of Act 63 of 1983 and section 1 of Act 97 of 1987** 15

73. Section 1 of the Housing Act, 1966, is hereby amended—

- (a) by the deletion in subsection (1) of the definition of “development area”; and
- (b) by the substitution in subsection (1) for paragraph (e) of the definition of “scheme” of the following paragraph: 20
  - “(e) a proposal for the development of land **[in a development area]** and the establishment of a township thereon; or”.

**Amendment of section 17A of Act 4 of 1966, as inserted by section 2 of Act 63 of 1983 and amended by section 2 of Act 49 of 1986 and section 6 of Act 97 of 1987** 25

74. Section 17A of the Housing Act, 1966, is hereby amended by the substitution in paragraph (b) of subsection (3) for the words preceding the proviso of the following words:

“with a view to the development of a market for immovable property **[in a development area where no such market exists or where, in the opinion of the housing utility company, the market is insufficiently developed]**, to train estate agents or to have such agents trained and to take such other steps as may be necessary to promote the development of such a market.” 30

**Amendment of section 42 of Act 4 of 1966, as amended by section 5 of Act 40 of 1975 and section 8 of Act 97 of 1987** 35

75. Section 42 of the Housing Act, 1966, is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

“(f) invest money with or give other security to building societies in respect of loans to be made or made by them to natural or other persons for the acquisition or development of land **[in a development area]**.” 40

**Substitution of section 64 of Act 4 of 1966, as substituted by section 10 of Act 97 of 1987**

76. The following section is hereby substituted for section 64 of the Housing Act, 1966: 45

**“Disposal of right of occupation**

64. Notwithstanding anything to the contrary in any law contained, any local authority may—

- (a) dispose of the right of occupation of any dwelling constructed by it under section 61; and 50

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(h) die Wysigingswet op die Ontwikkeling van Swart Gemeenskappe, 1991.

(2) Hoofstukke VI en VIA van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), en 'n regulasie uitgevaardig kragtens gemelde Wet, en van krag onmiddellik voor die inwerkingtreding van hierdie artikel in 'n gebied, bly, ondanks die bepalings van subartikel (1) van hierdie artikel maar behoudens enige wysiging daarvan kragtens artikel 87 van hierdie Wet, van krag totdat dit kragtens genoemde artikel 87 herroep word.

(3) Ondanks die bepalings van subartikel (1) bly die fonds bedoel in artikel 47 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), voortbestaan en word dit geadmistreer deur die Minister van Beplanning, Provinsiale Sake en Nasionale Behuising.

(4) Hierdie artikel tree in werking op 'n afsonderlike datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

15 **Wysiging van artikel 1 van Wet 4 van 1966, soos gewysig deur artikel 1 van Wet 47 van 1967, artikel 1 van Wet 40 van 1975, artikel 1 van Wet 124 van 1977, artikel 2 van Wet 109 van 1979, artikel 1 van Wet 28 van 1982, artikel 1 van Wet 63 van 1983 en artikel 1 van Wet 97 van 1987**

73. Artikel 1 van die Behuisingswet, 1966, word hierby gewysig—

20 (a) deur in subartikel (1) die omskrywing van “ontwikkelingsgebied” te skrap; en

(b) deur in subartikel (1) paragraaf (e) van die omskrywing van “skema” deur die volgende paragraaf te vervang:

25 “(e) 'n plan vir die ontwikkeling van grond **[in 'n ontwikkelingsgebied]** en die uitlê van 'n dorp daarop; of”.

**Wysiging van artikel 17A van Wet 4 van 1966, soos ingevoeg deur artikel 2 van Wet 63 van 1983 en gewysig deur artikel 2 van Wet 49 van 1986 en artikel 6 van Wet 97 van 1987**

74. Artikel 17A van die Behuisingswet, 1966, word hierby gewysig deur in 30 paragraaf (b) van subartikel (3) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

35 “met die oog op die ontwikkeling van 'n mark vir onroerende eiendom **[in 'n ontwikkelingsgebied waar so 'n mark nie bestaan nie of waar, na die oordeel van die behuisingsnutaatskappy die mark nie voldoende ontwikkel is nie]**, eiendomsagente op te lei of te laat oplei en sodanige ander stappe te doen as wat nodig mag wees ter bevordering van die ontwikkeling van so 'n mark:”.

**Wysiging van artikel 42 van Wet 4 van 1966, soos gewysig deur artikel 5 van Wet 40 van 1975 en artikel 8 van Wet 97 van 1987**

40 75. Artikel 42 van die Behuisingswet, 1966, word hierby gewysig deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

45 “(f) geld belê by of ander sekuriteit verstrek aan bouverenigings ten opsigte van lenings deur hulle gemaak te word of gemaak aan natuurlike of ander persone vir die verkryging of ontwikkeling van grond **[in 'n ontwikkelingsgebied]**.”.

**Vervanging van artikel 64 van Wet 4 van 1966, soos vervang deur artikel 10 van Wet 97 van 1987**

76. Artikel 64 van die Behuisingswet, 1966, word hierby deur die volgende artikel vervang:

50 **“Oormaking van okkupasiereg**

64. Ondanks andersluidende wetsbepalings kan 'n plaaslike bestuur—

(a) die reg van okkupasie van 'n woning wat kragtens artikel 61 deur hom gebou is, oormaak; en

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(b) out of advances made to it or moneys borrowed by it under this Act, advance money for the construction of a dwelling on land belonging to such local authority

**[in accordance with section 36 of the Black Communities Development Act, 1984 (Act No. 4 of 1984)]."**

5

**Amendment of section 1 of Act 102 of 1982, as amended by section 10 of Act 102 of 1983, section 69 of Act 4 of 1984, section 2 of Act 34 of 1986, section 1 of Act 58 of 1986, section 30 of Act 74 of 1986, section 21 of Act 32 of 1987 and section 1 of Act 95 of 1988**

77. Section 1 of the Black Local Authorities Act, 1982, is hereby amended by the deletion in subsection (1) of the definitions of "administration area" and "development area".

10

**Amendment of section 2 of Act 102 of 1982, as substituted by section 2 of Act 58 of 1986 and amended by Government Notice No. 20 of 1987, section 2 of Act 43 of 1988 and section 2 of Act 95 of 1988**

15

78. (1) Section 2 of the Black Local Authorities Act, 1982, is hereby amended—  
(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) establish under a name mentioned in the notice a city council, a town council, a town committee or a local authority committee for an area defined **[in terms of subsection (2)(a)]** by him";

20

(b) by the deletion of paragraph (a) of subsection (2);

(c) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

25

"(b) alter the area of jurisdiction of a local authority after consultation with the local authority concerned, by excluding any portion therefrom or by adding thereto **[a development area or an area or portion of a development area or]** an area."; and

30

(d) by the addition of the following subsections:

"(11) An Administrator may by notice in the *Official Gazette* define for the purposes of this subsection an area outside a local authority area and exercise in such area the powers conferred upon a city council in a local authority area under this Act.

35

(12) An area administered by the Administrator in terms of Chapter 3 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), shall be deemed to be a defined area referred to in subsection (11)."

(2) Any reference in any law to a local authority established under section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), shall be deemed in respect of an area referred to in section 2(11) of the Black Local Authorities Act, 1982, also to be a reference to the Administrator.

40

**Amendment of section 3 of Act 102 of 1982, as amended by section 3 of Act 95 of 1988**

45

79. Section 3 of the Black Local Authorities Act, 1982, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) promote the establishment of local authorities or local authority committees **[for or in development areas]**."

**Substitution of section 15 of Act 102 of 1982**

50

80. The following section is hereby substituted for section 15 of the Black Local Authorities Act, 1982:

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(b) uit voorskotte aan hom gemaak of gelde deur hom geleen kragtens hierdie Wet, geld voorskiet vir die bou van 'n woning op grond wat aan die plaaslike bestuur behoort

5 **[ooreenkomstig artikel 36 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984)]."**

Wysiging van artikel 1 van Wet 102 van 1982, soos gewysig deur artikel 10 van Wet 102 van 1983, artikel 69 van Wet 4 van 1984, artikel 2 van Wet 34 van 1986, artikel 1 van Wet 58 van 1986, artikel 30 van Wet 74 van 1986, artikel 21 van Wet 32 van 1987 en artikel 1 van Wet 95 van 1988

10 77. Artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig deur in subartikel (1) die omskrywings van "administrasiegebied" en "ontwikkelingsgebied" te skrap.

15 Wysiging van artikel 2 van Wet 102 van 1982, soos vervang deur artikel 2 van Wet 58 van 1986 en gewysig deur Goewermentskennisgewing No. 20 van 1987, artikel 2 van Wet 43 van 1988 en artikel 2 van Wet 95 van 1988

78. (1) Artikel 2 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

20 "(a) 'n stadsraad, 'n dorpsraad, 'n dorpskomitee of 'n plaaslike owerheidskomitee onder 'n naam in die kennisgewing vermeld, instel vir 'n gebied **[kragtens subartikel (2)(a)]** soos deur hom omskryf;"

(b) deur paragraaf (a) van subartikel (2) te skrap;

25 (c) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

30 "(b) die regsgebied van 'n plaaslike owerheid, na oorlegpleging met die betrokke plaaslike owerheid, verander deur enige gedeelte daarvan uit te sluit of 'n **[ontwikkelingsgebied of 'n gebied of 'n gedeelte van 'n ontwikkelingsgebied of]** gebied daarby te voeg;" en

(d) deur die volgende subartikels by te voeg:

35 "(11) 'n Administrateur kan by kennisgewing in die *Offisiële Koerant* 'n gebied buite 'n plaaslike owerheidsgebied vir die doeleindes van hierdie subartikel omskryf en binne daardie gebied bevoegdhede uitoefen wat kragtens hierdie Wet aan 'n stadsraad binne 'n plaaslike owerheidsgebied verleen word.

40 (12) 'n Gebied wat deur die Administrateur ingevolge Hoofstuk 3 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), geadministreer is, word geag 'n in subartikel (11) bedoelde omskrewende gebied te wees."

(2) 'n Verwysing in enige wet na 'n plaaslike owerheid kragtens artikel 2 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), ingestel, word geag met betrekking tot 'n gebied bedoel in artikel 2(11) van die Wet op 45 Swart Plaaslike Owerhede, 1982, ook 'n verwysing na die Administrateur te wees.

Wysiging van artikel 3 van Wet 102 van 1982, soos gewysig deur artikel 3 van Wet 95 van 1988

50 79. Artikel 3 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

"(b) die instelling van plaaslike owerhede of plaaslike owerheidskomitees **[vir of in ontwikkelingsgebiede]** bevorder;"

Vervanging van artikel 15 van Wet 102 van 1982

55 80. Artikel 15 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby deur die volgende artikel vervang:

**“Attendance of meetings by State officials**

15. An official of the State **[or a representative of the development board within whose administration area the area of a local authority is situated]** may attend a meeting of a local authority or an executive committee, if the local authority or executive committee so desires, and participate in the proceedings, but shall not have the right to vote.” 5

CHAPTER V

ADVISORY COMMITTEE ON NON-RACIAL AREA MEASURES

**Establishment of Advisory Committee on Non-racial Area Measures** 10

81. There is hereby established a committee to be known as the Advisory Committee on Non-racial Area Measures (in this Chapter referred to as the Committee).

**Constitution of Committee**

82. (1) The Committee shall consist of so many members as the State President may deem necessary and appoint. 15

(2) The State President shall designate one of the members of the Committee as chairman of the Committee.

(3) A member of the Committee shall hold office during the State President's pleasure. 20

(4) A member of the Committee who is not in the full-time service of the State, may be paid such remuneration and allowances as the Minister of Justice may with the concurrence of the Minister of Finance determine.

**Functions of Committee**

83. The Committee shall make such investigations as the Minister of Justice or an officer designated by him may deem necessary, and shall advise the State President in relation to the exercise of the powers of the State President granted to him under this Act. 25

**Meetings of Committee**

84. (1) A meeting of the Committee shall be held at such time and place as the chairman may determine. 30

(2) When the chairman is absent from a particular meeting or is unable to perform his functions as chairman, any other member of the Committee designated by the chairman shall preside at that meeting.

(3) The majority of the members of the Committee shall form a quorum for a meeting of the Committee. 35

(4) The decision of the majority of the members of the Committee present at any meeting thereof, shall be a decision of the Committee: Provided that in the event of an equality of votes the member of the Committee presiding at that meeting shall have a casting vote in addition to his deliberative vote. 40

(5) The Committee may make rules in relation to the holding of, and procedure at, meetings of the Committee.

**Reports of Committee**

85. (1) The Committee shall annually not later than the first day of March submit to the Minister of Justice a report on all its activities during the previous year. 45

(2) The report referred to in subsection (1) shall be laid upon the Table in Parliament within 14 days after it is submitted to the Minister, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session. 50



**“Bywoning van vergaderings deur beamptes van Staat**

- 5 15. 'n Beampte van die Staat [of 'n verteenwoordiger van die ontwikkelingsraad binne wie se administrasiegebied die regsgebied van 'n plaaslike owerheid geleë is] kan 'n vergadering van 'n plaaslike owerheid of 'n uitvoerende komitee bywoon, indien die plaaslike owerheid of uitvoerende komitee dit verlang, en aan die verrigtinge deelneem, maar het nie die reg om te stem nie.”.

## HOOFSTUK V

## ADVIESKOMITEE OP NIE-RASSIGE GEBIEDSREËLINGS

10 **Instelling van Advieskomitee op Nie-rassige Gebiedsreëlings**

81. Daar word hierby 'n komitee met die naam die Advieskomitee op Nie-rassige Gebiedsreëlings (in hierdie Hoofstuk die Komitee genoem) ingestel.

**Samestelling van Komitee**

- 15 82. (1) Die Komitee bestaan uit soveel lede as wat die Staatspresident nodig ag en deur hom aangestel word.  
(2) Die Staatspresident wys een van die lede van die Komitee as voorsitter van die Komitee aan.  
(3) 'n Lid van die Komitee beklee sy amp vir solank dit die Staatspresident behaag.  
20 (4) Aan 'n lid van die Komitee wat nie in die heelydse diens van die Staat is nie, kan die besoldiging en toelaes betaal word wat die Minister van Justisie met die instemming van die Minister van Finansies bepaal.

**Werkzaamhede van Komitee**

- 25 83. Die Komitee moet die ondersoek instel wat die Minister van Justisie of 'n beampte deur hom aangewys, nodig ag, en moet die Staatspresident met betrekking tot die uitoefening deur die Staatspresident van die bevoegdhede hom by hierdie Wet verleen, adviseer.

**Vergaderings van Komitee**

- 30 84. (1) 'n Vergadering van die Komitee word gehou op die tyd en plek wat die voorsitter bepaal.  
(2) Wanneer die voorsitter van 'n bepaalde vergadering afwesig is of nie in staat is om sy werkzaamhede as voorsitter te verrig nie, sit 'n ander lid van die Komitee deur die voorsitter aangewys op daardie vergadering voor.  
(3) Die meerderheid van die lede van die Komitee maak 'n kworum vir 'n  
35 vergadering van die Komitee uit.  
(4) Die besluit van die meerderheid van die lede van die Komitee wat op 'n vergadering daarvan aanwesig is, is 'n besluit van die Komitee: Met dien verstande dat in die geval van 'n staking van stemme die lid van die Komitee wat op daardie vergadering voorsit 'n beslissende stem benewens sy beraadslagende  
40 stem het.  
(5) Die Komitee kan reëls maak met betrekking tot die hou van, en prosedure op, vergaderings van die Komitee.

**Verslae van Komitee**

- 45 85. (1) Die Komitee lê jaarliks nie later nie as die eerste dag van Maart 'n verslag oor al sy bedrywighede gedurende die voorafgaande jaar aan die Minister van Justisie voor.  
(2) Die verslag in subartikel (1) bedoel, word in die Parlement ter Tafel gelê binne 14 dae nadat dit aan die Minister voorgelê is, indien die Parlement dan byeen is, of, indien die Parlement nie dan byeen is nie, binne 14 dae na die  
50 aanvang van sy eersvolgende sessie.

**Performance of administrative work of Committee**

86. The administrative work incidental to the performance of the functions of the Committee shall be performed by officers in the service of the Department of Justice under the control of the Director-General: Justice.

**Power of State President in relation to certain laws**

5

87. (1) The State President may, to the extent that appears to him to be necessary or expedient to provide for the readjustment of matters in a non-racial manner, by proclamation in the *Gazette*—

(a) repeal, amend, supplement or with or without adjustments substitute any regulation, proclamation, rule or by-law referred to in section 5, 8, 11(2), 32(2) or 72(2) of this Act; 10

(b) amend or supplement any law which contains a reference or implied reference to any law or provision that has been repealed by this Act or to any area that has been defined, determined or established by or under any such repealed law or provision; 15

(c) amend or supplement any other law so as to give effect to any repeal, amendment, supplement or substitution contemplated in paragraph (a) or (b); or

(d) amend the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987), or a regulation made thereunder. 20

(2) Without prejudice to the generality of the powers conferred by this section—

(a) any amendment or supplement contemplated in paragraph (b) of subsection (1) may be effected irrespective of whether the repeal of the law or provision referred to in that paragraph has commenced or not; and 25

(b) any amendment or supplement of any law referred to in paragraph (b) or (c) of subsection (1) may, subject to the qualifications which the State President may think fit, provide for the extension or restriction of the application of such law or any provision thereof.

(3) The State President shall not exercise his powers under subsection (1) in respect of a self-governing territory referred to in the Self-Governing Territories Constitution Act, 1971 (Act No. 21 of 1971), except after consultation with the government of such self-governing territory. 30

(4) The provisions of this section shall lapse on 31 December 1994.

**Tabling of list of proclamations**

35

88. A list of proclamations issued by the State President under sections 12 and 87 shall be laid upon the Table of Parliament in the same manner as the list referred to in section 17 of the Interpretation Act, 1957 (Act No. 33 of 1957), and if Parliament by resolution disapproves of any such proclamation or any provision thereof, such proclamation or provision shall cease to be of force and effect, but without prejudice to the validity of anything done in terms of such proclamation or such provision before it so ceased to be of force and effect, or to any right or liability acquired or incurred in terms of such proclamation or such provision before it so ceased to be of force and effect. 40

**CHAPTER VI**

45

**ADVISORY COMMISSION ON LAND ALLOCATION****Establishment of Advisory Commission on Land Allocation**

89. There is hereby established a commission to be known as the Advisory Commission on Land Allocation (in this Chapter referred to as the Commission).

**Constitution of Commission and period of office of members**

50

90. (1) The members of the Commission shall be appointed by the State President and shall consist of—

**Verrigting van administratiewe werk van Komitee**

86. Die administratiewe werk verbonde aan die verrigting van die werksaamhede van die Komitee word verrig deur beamptes in die diens van die Departement van Justisie onder beheer van die Direkteur-generaal: Justisie.

**5 Bevoegdheid van Staatspresident met betrekking tot sekere wette**

87. (1) Die Staatspresident kan in die mate wat hy dit nodig of raadsaam ag om voorsiening te maak vir die herreëling van aangeleenthede op 'n nie-rassige wyse, by proklamasie in die *Staatskoerant*—

- 10 (a) 'n regulasie, proklamasie, reël of verordening waarna in artikel 5, 8, 11(2), 32(2) of 72(2) van hierdie Wet verwys word, herroep, wysig, aanvul of met of sonder aanpassings vervang;
- 15 (b) 'n wet wat 'n bepaling bevat waarin 'n verwysing of geïmpliseerde verwysing voorkom na 'n wet of bepaling wat deur hierdie Wet herroep is of na 'n gebied wat by of kragtens so 'n herroepe wet of bepaling omskryf, bepaal of ingestel was, wysig of aanvul;
- (c) 'n ander wet wysig of aanvul ten einde effektief gevolg te gee aan 'n herroeping, wysiging, aanvulling of vervanging beoog in paragraaf (a) of (b); of
- 20 (d) die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987), of 'n regulasie daarkragtens uitgevaardig, wysig.
- (2) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdhede wat by hierdie artikel verleen word—
- (a) kan 'n wysiging of aanvulling beoog in paragraaf (b) van subartikel (1) aangebring word ongeag of die herroeping van die wet of bepaling
- 25 (b) kan 'n wysiging of aanvulling van 'n wet waarna in paragraaf (b) of (c) van subartikel (1) verwys word ook, behoudens die kwalifikasies wat die Staatspresident goedvind, voorsiening maak vir die uitbreiding of inperking van die toepassing van so 'n wet of bepaling daarvan.
- 30 (3) Die Staatspresident oefen nie sy bevoegdhede kragtens subartikel (1) met betrekking tot 'n selfregerende gebied bedoel in die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), uit nie behalwe na oorlegpleging met die regering van sodanige selfregerende gebied.
- (4) Die bepalings van hierdie artikel verval op 31 Desember 1994.

**35 Tertafellegging van lys van proklamasies**

88. 'n Lys van proklamasies wat kragtens artikels 12 en 87 deur die Staatspresident uitgevaardig word, moet in die Parlement ter Tafel gelê word op dieselfde wyse as die lys bedoel in artikel 17 van die Interpretasiewet, 1957 (Wet No. 33 van 1957), en indien die Parlement by besluit so 'n proklamasie of 'n

40 bepaling van so 'n proklamasie afkeur, verval die regsrag van die proklamasie of bepaling, dog sonder om afbreuk te doen aan die geldigheid van iets wat ingevolge so 'n proklamasie of so 'n bepaling gedoen is voor die regsrag daarvan aldus verval het, of aan 'n reg of verpligting wat ingevolge so 'n

45 proklamasie of so 'n bepaling verkry of opgeloop is voor die regsrag daarvan aldus verval het.

**HOOFSTUK VI****ADVISERENDE KOMMISSIE OP GRONDTOEWYSING****Instelling van Adviserende Kommissie op Grondtoewysing**

89. Daar word hierby 'n kommissie met die naam die Adviserende Kommissie op Grondtoewysing (in hierdie Hoofstuk die Kommissie genoem) ingestel.

50

**Samestelling van Kommissie en ampsduur van lede**

90. (1) Die lede van die Kommissie word deur die Staatspresident aangestel en bestaan uit—

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- (a) a chairman;
- (b) a vice-chairman; and
- (c) so many other members, not exceeding five, as the State President may deem necessary and who, in his opinion, are representative of the population as a whole. 5

(2) The chairman and the vice-chairman of the Commission shall be designated by the State President.

(3) If the chairman is absent or unable to perform his functions in terms of this Act or if no person has been designated as chairman, the vice-chairman shall act as chairman of the Commission and, while the vice-chairman so acts, he shall exercise all the powers and perform all the duties of the chairman. 10

(4) A member of the Commission shall hold office as a member, and a member designated as chairman or vice-chairman shall hold office as chairman or vice-chairman, during the State President's pleasure.

### Objects of Commission 15

91. The objects of the Commission shall be to make recommendations to the State President regarding—

- (a) the identification of land belonging to the State or any State institution and acquired by the State or any State institution under, or for the purpose of promoting the objects of, any law repealed by this Act and which has not yet been developed or allocated for a specific purpose; 20
- (b) the identification of rural land with a view to the acquisition thereof by the State for the purposes of agricultural settlement;
- (c) the planning and development, within the limits of the financial means of the State, of land referred to in paragraph (a) or (b), including proposals regarding— 25
  - (i) the manner in which the land can best be developed to offer the greatest number of people, in the case of agricultural land, a decent living, or, in the case of residential land, adequate living space; and
  - (ii) the manner in which participation by the private sector in such planning and development can be obtained; 30
- (d) the allocation of land referred to in paragraph (a) or (b), including proposals regarding— 35
  - (i) the determination of procedures and closing dates in connection with applications for allocations;
  - (ii) the determination of a basis on which allocations can be made with due regard to claims by persons disadvantaged in respect of the land concerned by the application of a law repealed by this Act.

### Powers and duties of Commission

92. The provisions of sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 (Act No. 8 of 1947), shall apply *mutatis mutandis* to the Commission. 40

### Meetings of Commission

93. (1) A meeting of the Commission shall be held at such time and place as the chairman may determine.

(2) The majority of the members of the Commission shall form a quorum for a meeting of the Commission. 45

(3) The decision of the majority of the members of the Commission present at any meeting thereof, shall be a decision of the Commission: Provided that in the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote. 50

(4) The Commission may make rules in relation to the holding of, and procedure at, meetings of the Commission.

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- (a) 'n voorsitter;
- (b) 'n ondervoorsitter; en
- (c) soveel ander lede, maar hoogstens vyf, as wat die Staatspresident nodig ag en wat, na sy oordeel, verteenwoordigend is van die bevolking as geheel.
- 5 (2) Die voorsitter en die ondervoorsitter van die Kommissie word deur die Staatspresident aangewys.
- (3) Indien die voorsitter afwesig is of nie in staat is om sy pligte ingevolge hierdie Wet te verrig nie of as niemand as voorsitter aangewys is nie, neem die ondervoorsitter as voorsitter van die Kommissie waar en, terwyl die ondervoorsitter aldus waarneem, oefen hy al die bevoegdhede uit en verrig hy al die pligte van die voorsitter.
- 10 (4) 'n Lid van die Kommissie beklee sy amp as lid, en 'n lid wat as voorsitter of ondervoorsitter aangewys is, beklee sy amp as voorsitter of ondervoorsitter, vir solank dit die Staatspresident behaag.
- 15

**Doelstellings van Kommissie**

91. Die doelstellings van die Kommissie is om aanbevelings aan die Staatspresident te doen aangaande—

- 20 (a) die identifisering van grond wat aan die Staat of enige Staatsinstelling behoort en wat kragtens of ter bevordering van die oogmerke van 'n wet deur hierdie Wet herroep, deur die Staat of enige Staatsinstelling verkry is en nog nie vir 'n bepaalde doel ontwikkel of toegewys is nie;
- (b) die identifisering van landelike grond met die oog op die verkryging daarvan deur die Staat vir die doeleindes van landbouvestiging;
- 25 (c) die beplanning en ontwikkeling van grond in paragraaf (a) of (b) bedoel binne die perke van die Staat se finansiële vermoëns, met inbegrip van voorstelle betreffende—
- (i) die wyse waarop die grond ten beste ontwikkel kan word om aan die grootste getal mense, in die geval van landbougrond, 'n menswaardige bestaan, of, in die geval van residensiële grond, toereikende lewensruimte, te bied; en
- 30 (ii) die wyse waarop deelname deur die privaatsektor by sodanige beplanning en ontwikkeling verkry kan word;
- (d) die toekenning van grond in paragraaf (a) of (b) bedoel, met inbegrip van voorstelle betreffende—
- 35 (i) die bepaling van prosedures en sluitingsdatums in verband met aansoeke om toekenning;
- (ii) die bepaling van 'n grondslag waarop toekennings gedoen kan word met inagneming van aansprake deur persone wat met
- 40 betrekking tot die betrokke grond benadeel is deur die toepassing van 'n wet wat deur hierdie Wet herroep is.

**Bevoegdhede en pligte van Kommissie**

92. Die bepalings van artikels 2, 3, 4, 5 en 6 van die Kommissiewet, 1947 (Wet No. 8 van 1947), is *mutatis mutandis* op die Kommissie van toepassing.

**45 Vergaderings van Kommissie**

93. (1) 'n Vergadering van die Kommissie word gehou op die tyd en plek wat die voorsitter bepaal.

(2) Die meerderheid van die lede van die Kommissie maak 'n kworum vir 'n vergadering van die Kommissie uit.

50 (3) Die besluit van die meerderheid van die lede van die Kommissie wat op 'n vergadering daarvan aanwesig is, is 'n besluit van die Kommissie: Met dien verstande dat in die geval van 'n staking van stemme die voorsitter 'n beslissende stem benewens sy beraadslagende stem het.

(4) Die Kommissie kan reëls maak met betrekking tot die hou van, en

55 prosedure op, vergaderings van die Kommissie.

**Reports of Commission**

94. (1) The Commission shall annually not later than the first day of March submit to the State President a report on all its activities during the previous year.

(2) The report referred to in subsection (1) shall be laid upon the Table in Parliament as soon as possible.

5

**Remuneration and allowances of members of Commission**

95. A member of the Commission who is not in the full-time service of the State may, from moneys appropriated by Parliament for such purpose, be paid such remuneration and allowances in respect of the services performed by him with regard to the functions of the Commission as may be determined by the Minister of Finance.

10

**Performance of administrative work of Commission**

96. The administrative work incidental to the performance of the functions of the Commission shall be performed by officers appointed in terms of the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), under the control of a Minister designated by the State President.

15

**CHAPTER VII****NORMS AND STANDARDS IN RESIDENTIAL ENVIRONMENTS****Definitions**

97. In this Chapter, unless the context otherwise indicates—
- “by-law” means any by-law made and in force under section 98; 20
- “general plan” means a plan representing the relative positions and dimensions of two or more pieces of land and which has been approved as a general plan under any law;
- “local authority” means— 25
- (a) any local authority as defined in section 1(1) of the Black Local Authorities Act, 1982 (Act No. 102 of 1982);
- (b) any institution or body as referred to in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), excluding— 30
- (i) any regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);
- (ii) any management body or any representative body as defined in section 1 of the last-mentioned Act; or
- (iii) a joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990); 35
- (c) any board of management or board as defined in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987); or
- (d) any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987);
- “neighbourhood” means— 40
- (a) an area comprising one or more general plans and in which the majority of the premises are residential premises; or
- (b) a portion of any area referred to in paragraph (a) comprising at least 100 residential premises and which is defined for the purposes of this Chapter by means of cadastral boundaries as shown on the compilation 45 maps of the surveyor-general;
- “neighbourhood committee” means any neighbourhood committee contemplated in section 98(1)(a) established under any by-law;
- “nuisance”, in relation to any premises, means any deviation from the use for which the land concerned has been zoned or the use permitted under any 50 town planning scheme, or any physical condition—
- (a) comprising a health or safety risk;
- (b) of decay that conflicts with the perceptible norms or standards in the neighbourhood concerned; or

**Verslae van Kommissie**

94. (1) Die Kommissie lê jaarliks, nie later nie as die eerste dag van Maart, 'n verslag oor al sy bedrywighede gedurende die voorafgaande jaar aan die Staatspresident voor.

5 (2) Die verslag in subartikel (1) bedoel, word so gou doenlik in die Parlement ter Tafel gelê.

**Besoldiging en toelaes van lede van Kommissie**

95. Aan 'n lid van die Kommissie wat nie in die heelydse diens van die Staat is nie, kan uit die geld deur die Parlement vir dié doel bewillig die besoldiging en toelaes ten opsigte van die dienste deur hom in verband met die werksaamhede van die Kommissie gelewer, betaal word wat die Minister van Finansies bepaal.

**Verrigting van administratiewe werk van Kommissie**

96. Die administratiewe werk verbonde aan die verrigting van die werksaamhede van die Kommissie word verrig deur beamptes aangestel ingevolge die 15 bepaling van die Staatsdienswet, 1984 (Wet No. 111 van 1984), onder die beheer van 'n Minister deur die Staatspresident aangewys.

**HOOFSTUK VII****NORME EN STANDAARDE IN WOONOMGEWINGS****20 Woordoms krywing**

97. In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken—

“algemene plan” ’n plan wat die onderlinge liggings en afmetings van twee of meer stukke grond aangee en wat kragtens ’n wetsbepaling as ’n algemene plan goedgekeur is;

25 “buurt”—

(a) ’n gebied wat een of meer algemene planne beslaan en waarin die meerderheid van die persele woonpersele is; of

(b) ’n deel van ’n gebied in paragraaf (a) bedoel wat minstens 100 woonpersele beslaan en wat vir die doeleindes van hierdie Hoofstuk omskryf word by wyse van kadastrale grense soos dit op die landmeter- 30 generaal se kompilasiekaarte aangedui word;

“buurtkomitee” ’n buurtkomitee beoog in artikel 98(1)(a) ingestel kragtens ’n verordening;

“eienaar”, met betrekking tot ’n perseel—

35 (a) die eienaar soos omskryf in artikel 102(1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of in artikel 1(1) van die Wet op Deeltitels, 1986 (Wet No. 95 van 1986), na gelang van die geval; of

(b) die houer van ’n grondbesitreg vermeld in Bylae 1 by die Wet op die Opgradering van Grondbesitregte, 1991;

40 “misstand”, met betrekking tot ’n perseel, ’n afwyking van die gebruik waarvoor die betrokke grond gesoneer is of die gebruik kragtens ’n stadsbeplanningskema gemagtig, of ’n fisiese toestand—

(a) wat ’n gesondheids- of veiligheidsrisiko inhou;

45 (b) van verval wat indruis teen die waarneembare norme of standaarde in die betrokke buurt; of

(c) wat, gemeet aan die norme of standaarde van die betrokke buurt, aanstootlik is;

“perseel”—

50 (a) ’n “erf” soos omskryf in artikel 102(1) van die Registrasie van Aktes Wet, 1937, en ook enige gebou of bouwerk of ’n deel daarvan; of

(b) ’n “deel” soos omskryf in artikel 1(1) van die Wet op Deeltitels, 1986; “plaaslike owerheid”—

(a) ’n plaaslike owerheid soos omskryf in artikel 1(1) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982);

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- (c) which, measured against the norms or standards of the neighbourhood concerned, is offensive;
- “owner”, in relation to any premises, means—
- (a) the owner as defined in section 102(1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or in section 1(1) of the Sectional Titles Act, 1986 (Act No. 95 of 1986); or 5
- (b) the holder of any land tenure right referred to in Schedule 1 to the Upgrading of Land Tenure Rights Act, 1991;
- “premises” means—
- (a) any “erf” as defined in section 102(1) of the Deeds Registries Act, 1937, and includes any building or structure or any part thereof; or 10
- (b) any “section” as defined in section 1(1) of the Sectional Titles Act, 1986;
- “residential premises” means any premises destined by law for habitation.

**By-laws for residential areas**

98. (1) A majority of all the owners of residential premises in any neighbourhood may by agreement lodge draft by-laws in relation to any such neighbourhood with the local authority concerned regarding— 15

- (a) the election and establishment by the owners of residential premises in any such neighbourhood of a neighbourhood committee of such owners comprising not more than six members; 20
- (b) overcrowding of residential premises, including norms or standards for the determination of overcrowding, and the prohibition, prevention, combating and termination of any overcrowding inconsistent with such norms or standards;
- (c) the use for habitation of premises which are unfit for that purpose, including norms or standards for the determination of such fitness, and the prohibition, prevention, combating and termination of any such use that is inconsistent with such norms or standards; 25
- (d) the maintenance of residential premises in a clean and hygienic condition; 30
- (e) the repair, cleaning up or removal of nuisances on premises by the owner thereof;
- (f) the repair and maintenance of buildings, structures, machinery, accessories, fences and open spaces on or in any residential premises; and
- (g) the orderly use of amenities established and maintained for the residents of the neighbourhood concerned, the determination of norms or standards in respect of any such use and the combating and prohibition of any offensive, indecent, unhygienic or dangerous conduct in the use of such amenities. 35

(2) Upon receipt of any draft by-laws contemplated in subsection (1) the local authority concerned shall, if it is of the opinion that such draft by-laws comply with subsection (1), cause such by-laws to be promulgated in the *Official Gazette* in respect of any such neighbourhood. 40

(3) (a) Any person who contravenes or fails to comply with any provision of any by-law shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment. 45

(b) No accused shall be convicted of any offence referred to in paragraph (a) unless the court is satisfied that a notice referred to in section 100(1) has been served on him and that he has failed to comply with any instruction contained therein within the determined period. 50

**Validity of by-laws**

99. (1) Any by-law which discriminates on the ground of race, colour or religion or is grossly unfair shall be of no force and effect.



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- (b) 'n instelling of liggaam soos bedoel in artikel 84(1)(f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), uitgesonderd—
- (i) 'n streeksdiensteraad ingestel kragtens artikel 3 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985);
- 5 (ii) 'n bestuursliggaam of 'n verteenwoordigende liggaam soos omskryf in artikel 1 van laasgenoemde Wet; of
- (iii) 'n gesamentlike diensteraad ingestel kragtens artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84 van 1990);
- 10 (c) 'n bestuursraad of raad soos omskryf in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987); of
- (d) 'n plaaslike raad ingestel kragtens artikel 2 van die Wet op Plaaslike Rade (Volksraad), 1987 (Wet No. 94 van 1987);
- 15 “verordening” ’n verordening uitgevaardig en van krag kragtens artikel 98; “woonperseel” ’n perseel wat regtens vir bewoning bestem is.

**Verordeninge vir woongebiede**

98. (1) 'n Meerderheid van al die eienaars van woonpersele in 'n buurt kan by ooreenkoms konsepverordeninge met betrekking tot so 'n buurt by die betrokke  
20 plaaslike owerheid indien aangaande—

- (a) die verkiesing en instelling deur die eienaars van woonpersele in so 'n buurt van 'n buurtkomitee van sodanige eienaars bestaande uit hoogstens ses lede;
- 25 (b) oorbewoning van woonpersele, met inbegrip van norme of standarde vir die bepaling van oorbewoning, en die verbod, voorkoming, bekamping en beëindiging van oorbewoning in stryd met sodanige norme of standarde;
- (c) die gebruik vir bewoning van persele wat nie vir daardie doel geskik is nie, met inbegrip van norme of standarde vir die bepaling van  
30 sodanige geskiktheid, en die verbod, voorkoming, bekamping en beëindiging van sodanige gebruik in stryd met sodanige norme of standarde;
- (d) die hou van woonpersele in 'n sindelike en higiëniese toestand;
- (e) die herstel, opruiming of verwydering van misstande op persele deur  
35 die eienaar daarvan;
- (f) die herstel en instandhouding van geboue, strukture, masjinerie, toebehore, omheining en oop ruimtes op of in enige woonperseel; en
- (g) die ordelike gebruik van geriewe wat tot stand gebring en in stand  
40 gehou word vir die inwoners van die betrokke buurt, die bepaling van norme of standarde ten opsigte van sodanige gebruik en die bekamping en verbod van aanstootlike, onbetaamlike, onhigiëniese of gevaarlike gedrag by die gebruik van sodanige geriewe.

(2) By ontvangs van konsepverordeninge beoog in subartikel (1) moet die betrokke plaaslike owerheid, indien hy van oordeel is dat sodanige konsepver-  
45 ordeninge aan subartikel (1) voldoen, sodanige verordeninge ten opsigte van so 'n buurt in die *Offisiële Koerant* laat afkondig.

(3) (a) 'n Persoon wat 'n bepaling van 'n verordening oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van  
50 hoogstens een maand of met sowel sodanige boete as sodanige gevangenisstraf.

(b) 'n Beskuldigde word nie aan 'n misdryf in paragraaf (a) bedoel, skuldig bevind nie tensy die hof oortuig is dat 'n kennisgewing bedoel in artikel 100(1) aan hom beteken is en dat hy versuim het om binne die bepaalde tydperk te voldoen aan 'n aanseggings daarin vervat.

**55 Geldigheid van verordeninge**

99. (1) 'n Verordening wat op grond van ras, kleur of geloof diskrimineer of op growwe onredelikheid neerkom, is nie van krag nie.

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(2) Any by-law made by the local authority concerned under any other law and which is inconsistent with any by-law made under this Chapter shall be of no force and effect in relation to the neighbourhood concerned.

**Powers of neighbourhood committee**

**100.** (1) A neighbourhood committee may, if it is of the opinion that any provision of any by-law is being contravened or that there is a failure to comply therewith in the neighbourhood concerned, cause a notice in writing to that effect to be served on the owner or occupier concerned in which he is instructed to rectify such contravention or failure within 14 days or such longer period as may be determined by the neighbourhood committee. 5

(2) If the owner or occupier concerned fails to comply with any notice referred to in subsection (1) within the determined period, a member of the neighbourhood committee or any owner or occupier of any premises in the neighbourhood concerned who feels aggrieved thereby, may act as complainant in any criminal proceedings instituted against such owner or occupier. 10 15

**Serving of notice**

**101.** Any written notice under section 100(1) to any owner or occupier concerned shall be served on him—

- (a) by delivering a copy thereof to him;
- (b) by leaving such copy at his usual or last known place of residence or business; or 20
- (c) by sending such copy to him by post to his usual or last known place of residence or business.

**Interdict**

**102.** (1) Any person who feels aggrieved by any contravention of or any failure to comply with any provision of any by-law, shall have the legal capacity to apply to any competent court of law for a peremptory or prohibitory interdict in connection with the contravention of or failure to comply with such provision of such by-law. 25

(2) Any interdict referred to in subsection (1) may, in addition to being applied for against the occupier of any premises, also be applied for against any absent owner thereof. 30

(3) Notwithstanding anything to the contrary contained in any law, any court established under section 2(1)(f) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), shall, for the purposes of the provisions of subsection (1), be deemed to be a competent court of law, and any such court shall have the jurisdiction to hear and allow or dismiss any application referred to in that subsection. 35

**Application of this Chapter in self-governing territories**

**103.** (1) Notwithstanding the provisions of section 104, the provisions of this Chapter shall only apply in a self-governing territory as referred to in the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), if, after consultation with the government of any such self-governing territory, the State President by notice in the *Gazette* declares them to be applicable in any such territory, and the State President may, in order to give effect to any such application, so amend provisions of this Chapter. 40 45

(2) In applying this Chapter in any self-governing territory as referred to in subsection (1), a reference to "local authority" shall be construed as a reference to any body of persons which the State President may after consultation with the government of the self-governing territory concerned by proclamation in the *Gazette* declare to be a local authority for that purpose. 50

(2) 'n Verordening wat deur die betrokke plaaslike owerheid kragtens 'n ander wet uitgevaardig is en wat in stryd is met 'n verordening kragtens hierdie Hoofstuk uitgevaardig, is nie van krag met betrekking tot die betrokke buurt nie.

## 5 Bevoegdhede van buurtkomitee

100. (1) Indien 'n buurtkomitee van oordeel is dat 'n bepaling van 'n verordening in die betrokke buurt oortree word of dat daar versuim word om daaraan te voldoen, kan hy 'n skriftelike kennisgewing te dien effekte aan die betrokke eienaar of okkupeerder laat beteken waarin hy aangesê word om sodanige oortreding of versuim binne 14 dae of die langer tydperk wat deur die buurtkomitee bepaal mag word, reg te stel.

(2) Indien die betrokke eienaar of okkupeerder versuim om binne die bepaalde tydperk te voldoen aan 'n kennisgewing in subartikel (1) bedoel, kan 'n lid van die buurtkomitee of 'n eienaar of okkupeerder van 'n perseel in die betrokke buurt wat hom daardeur veronreg voel, as klaer optree in 'n strafregtelike vervolging teen sodanige eienaar of okkupeerder ingestel.

### Betekening van kennisgewing

101. 'n Skriftelike kennisgewing aan 'n betrokke eienaar of okkupeerder kragtens artikel 100(1) moet aan hom beteken word—

- 20 (a) deur 'n afskrif daarvan aan hom te oorhandig;  
(b) deur sodanige afskrif by sy gewone of jongsbekende woonplek of sakeplek te laat; of  
(c) deur sodanige afskrif deur die pos na sy gewone of jongsbekende woonplek of sakeplek te stuur.

## 25 Interdik

102. (1) 'n Persoon wat hom veronreg voel deur 'n oortreding van of 'n versuim om te voldoen aan 'n bepaling van 'n verordening, het die regsbevoegdheid om by 'n bevoegde geregshof aansoek te doen om 'n gebiedende of verbiedende interdik in verband met die oortreding van of versuim om te voldoen aan so 'n bepaling van so 'n verordening.

(2) 'n Interdik bedoel in subartikel (1) kan benewens die aanvra daarvan teen die okkupeerder van 'n perseel, ook teen 'n afwesige eienaar daarvan aangevra word.

35 (3) Ondanks enige andersluidende wetsbepaling word 'n hof ingestel kragtens artikel 2(1)(f) van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), by die toepassing van die bepalings van subartikel (1) geag 'n bevoegde geregshof te wees, en so 'n hof het die regsbevoegdheid om 'n in daardie subartikel bedoelde aansoek aan te hoor en toe te staan of van die hand te wys.

### Toepassing van hierdie Hoofstuk in selfregerende gebiede

40 103. (1) Ondanks die bepalings van artikel 104 is die bepalings van hierdie Hoofstuk slegs van toepassing in 'n selfregerende gebied bedoel in die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), indien die Staatspresident dit, na oorlegpleging met die regering van so 'n selfregerende gebied, by proklamasie in die *Staatskoerant* in so 'n gebied van toepassing  
45 verklaar, en die Staatspresident kan, ten einde aan so 'n toepassing gevolg te gee, bepalings van hierdie Hoofstuk aldus wysig.

(2) By die toepassing van hierdie Hoofstuk in 'n selfregerende gebied bedoel in subartikel (1) word 'n verwysing na "plaaslike owerheid" uitgelê as 'n verwysing na enige liggaam van persone wat die Staatspresident na oorlegpleging met die regering van die betrokke selfregerende gebied by proklamasie in  
50 die *Staatskoerant* vir daardie doel tot 'n plaaslike owerheid verklaar.

## CHAPTER VIII

## MISCELLANEOUS PROVISIONS

**Application of Act**

**104.** This Act shall also apply in the self-governing territories referred to in the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971). 5

**Restrictions on ground of race or ethnicity in laws of self-governing territories**

**105.** Any provision in any law of a self-governing territory restricting the acquisition and utilization of rights to land on the ground of race or ethnicity shall cease to be in force in such an area after the commencement of this Act.

**Interpretation of references in laws to certain areas** 10

**106.** Unless clearly inappropriate, any reference or implied reference in a law to an area defined, determined or established by or under a law or a provision of a law repealed by this Act, shall be construed to be a reference or an implied reference to that area as it was defined, determined or established immediately prior to the repeal of the last-mentioned law and also to any other area which the Minister of Planning, Provincial Affairs and National Housing may by notice in the *Gazette* declare as an additional area for the purposes of such first-mentioned law. 15

**Act 28 of 1966 and Act 43 of 1983**

**107.** The State President may, by proclamation in the *Gazette*, designate the Minister and the Department responsible for the administration of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), and the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), and upon such assignment the provisions of section 10(5) of the Interpretation Act, 1957 (Act No. 33 of 1957), shall apply *mutatis mutandis*. 20 25

**Short title and commencement**

**108.** This Act shall be called the Abolition of Racially Based Land Measures Act, 1991, and shall come into operation on 30 June 1991.

## HOOFSTUK VIII

## DIVERSE BEPALINGS

**Toepassing van Wet**

104. Hierdie Wet is ook van toepassing in die selfregerende gebiede bedoel in die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971).

**Bepelings op grond van ras of etnisiteit in wette van selfregerende gebiede**

105. 'n Bepaling in 'n wet van 'n selfregerende gebied wat beperkings opleë op die verkryging en uitoefening van regte op grond volgens ras of etnisiteit is na die inwerkingtreding van hierdie Wet nie in so 'n gebied van krag nie.

**10 Uitleg van verwysings in wette na sekere gebiede**

106. Tensy klaarblyklik onvanpas, word 'n verwysing of geïmpliseerde verwysing in 'n wet na 'n gebied omskryf, bepaal of ingestel by of kragtens 'n wet of 'n bepaling van 'n wet deur hierdie Wet herroep, geag 'n verwysing of geïmpliseerde verwysing te wees na daardie gebied soos dit onmiddellik voor die herroeping van laasgenoemde wet omskryf, bepaal of ingestel was, en ook enige ander gebied wat die Minister van Beplanning, Provinsiale Sake en Nasionale Behuising by kennisgewing in die *Staatskoerant* as 'n bykomende gebied vir die doeleindes van sodanige eersgenoemde wet verklaar.

**Wet 28 van 1966 en Wet 43 van 1983**

107. Die Staatspresident wys die Minister en die Departement wat vir die administrasie van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), en die Wet op die Bewaring van Landbouhulpbronne, 1983 (Wet No. 43 van 1983), verantwoordelik is by proklamasie in die *Staatskoerant* aan en by so 'n opdrag is die bepaling van artikel 10(5) van die Interpretasiewet, 1957 (Wet No. 33 van 1957), *mutatis mutandis* van toepassing.

**Kort titel en inwerkingtreding**

108. Hierdie Wet heet die Wet op die Afkaffing van Rasgebaseerde Grondreelings, 1991, en tree in werking op 30 Junie 1991.

