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THE PRESIDENCY

No. 322

1 June 2021

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

Act No. 6 of 2021: Upgrading of Land Tenure Rights Amendment Act, 2021

DIE PRESIDENSIE

No. 322

1 Junie 2021

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

Wet No. 6 van 2021: Wysigingswet op die Opgradering van Grondbesitregte, 2021

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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.
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(*English text signed by the President*)
 (Assented to 26 May 2021)

ACT

To amend the Upgrading of Land Tenure Rights Act, 1991, so as to provide for the application for conversion of land tenure rights to ownership; to provide for the notice of informing interested persons of an application to convert land tenure rights into ownership; to provide for an opportunity for interested persons to object to conversion of land tenure rights into ownership; to provide for the institution of inquiries to assist in the determination of land tenure rights; to provide for application to court by an aggrieved person for appropriate relief; to provide for the recognition of conversions that took effect in good faith in the past; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 2 of Act 112 of 1991, as amended by section 30 of Act 139 of 1992

1. Section 2 of the Upgrading of Land Tenure Rights Act, 1991 (hereinafter referred to as the “principal Act”), is hereby amended— 5
- (a) by the substitution for the heading of the following heading: 10
- “[Conversion] Application for conversion of land tenure rights mentioned in Schedule 1,”;
- (b) by the substitution for subsection (1) of the following subsection: 15
- “(1) [Any land tenure right mentioned in Schedule 1 and which was granted in respect of] Any person who is the registered holder of a land tenure right mentioned in Schedule 1 according to the register of land rights in which that land tenure right was registered in terms of the provisions of any law, or could have been a holder of that land tenure right had it not been for laws or practices that unfairly discriminated against such person, may apply to the Minister, in the prescribed manner, for the conversion of such land tenure right into ownership in respect of—
- (a) any erf or any other piece of land in a formalized township for which a township register was already opened at the commencement of this Act [**, shall at such commencement be converted into ownership**]; 20

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.
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- Woorde met volstreep daaronder, dui invoegings in bestaande verordeninge aan.
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(Engelse teks deur die President geteken)
(Goedgekeur op 26 Mei 2021)

WET

Tot wysiging van die Wet op die Opgradering van Grondbesitregte, 1991, ten einde voorsiening te maak vir aansoek om omskepping van grondbesitregte na eiendomsreg; voorsiening te maak vir kennisgewing aan belangstellende persone oor 'n aansoek om grondbesitregte in eiendomsreg te omskep; voorsiening te maak vir 'n geleenthed vir belangstellende persone om teen omskepping van grondbesitregte in eiendomsreg beswaar aan te teken; voorsiening te maak vir die instelling van ondersoeke om te help met die bepaling van grondbesitregte; voorsiening te maak vir aansoek by 'n hof deur 'n te nagekome persoon vir gepaste regshulp; voorsiening te maak vir die erkenning van omskepping wat in die verlede te goeder trou van krag geword het; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 2 van Wet 112 van 1991, soos gewysig deur artikel 30 van Wet 139 van 1992

1. Artikel 2 van die Wet op die Opgradering van Grondbesitregte, 1991 (hierna die “Hoofwet” genoem), word hierby gewysig— 5
- (a) deur die opskrif deur die volgende opskrif te vervang:
“[Omskepping] Aansoek om omskepping van grondbesitregte vermeld in Bylae 1;”;
- (b) deur subartikel (1) deur die volgende subartikel te vervang: 10
“(1) [‘n Grondbesitreg vermeld in Bylae 1 wat toegeken is ten opsigte van] Enige persoon wat die geregistreerde houer is van ‘n grondbesitreg vermeld in Bylae 1 ooreenkomsdig die grondregteregister waarin daardie grondbesitreg geregistreer is ingevolge die bepalings van enige wetsbepalings, of wat ‘n houer van daardie grondbesitreg kon gewees het, maar nie was nie weens wetsbepalings of praktyke wat onbillik teenoor daardie persoon gediskrimineer het, kan op die voorgeskrewe wyse by die Minister aansoek doen om die omskepping van daardie grondbesitreg na eiendomsreg ten opsigte van— 15
- (a) ‘n erf of ‘n ander stuk grond in ‘n geformaliseerde dorp waarvoor by die inwerkingtreding van hierdie Wet ‘n dorpregister reeds geopen is[, word by sodanige inwerkingtreding in eiendomsreg omskep]; 20