

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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THE PRESIDENCY

No. 427

16 May 2011

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

No. 4 of 2011: Rural Development and Land Reform General Amendment Act, 2011.



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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.

(English text signed by the President)
(Assented to 12 May 2011)

ACT

To amend various laws under the administration of the Minister of Rural Development and Land Reform, so as to substitute certain obsolete definitions to ensure legal certainty; to effect certain consequential amendments in this regard; 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 47 of 1937, as amended by section 1 of Act 43 of 1957, section 1 of Act 43 of 1962, section 1 of Act 87 of 1965, section 2 of Act 61 of 1969, section 2 of Act 3 of 1972, section 7 of Act 62 of 1973, section 2 of Act 27 of 1982, section 2 of Act 62 of 1984, section 1 of Act 14 of 1993, section 10 of Act 11 of 1996, Proclamation R9 of 31 January 1997, section 35 of Act 47 of 1997 and section 1 of Act 93 of 1998

1. Section 2 of the Deeds Registries Act, 1937, is hereby amended by the substitution for subsection (1C) of the following subsection: 10

“(1C) The Minister may delegate any power conferred on him or her by this section, to the Director-General: [Land Affairs] Rural Development and Land Reform or a Deputy Director-General in the Department of [Land Affairs] Rural Development and Land Reform.”.

Amendment of section 1 of Act 40 of 1961, as amended by section 6 of Act 89 of 1993 15
and section 1 of Act 11 of 1995

2. Section 1 of the Kimberley Leasehold Conversion to Freehold Act, 1961, is hereby amended by the substitution for the definition of “**Minister**” of the following definition:

“ ‘Minister’ means the Minister of [Land Affairs] Rural Development and Land Reform;”.

Amendment of section 1 of Act 48 of 1961, as amended by section 1 of Act 28 of 1968, section 1 of Act 66 of 1982, section 1 of Act 47 of 1987, section 1 of Act 19 of 1988, section 36 of Act 9 of 1989, section 7 of Act 108 of 1993, Proclamation R41 of 25 March 1994 and Proclamation 67 of 7 July 1995

3. Section 1 of the State Land Disposal Act, 1961, is hereby amended by the 25
substitution for the definition of "**Minister**" of the following definition:

“ ‘Minister’ means the Minister of Public Works, but in relation to a provision of this Act which applies to, or is connected to any land transferred to the Minister of [Regional and Land Affairs] Rural Development and Land Reform in terms of paragraph 1(e) of Proclamation R.28 of 31 March 1992 or after 1 April 1992 in his name, means the latter Minister;”.

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Amendment of section 1 of Act 84 of 1967, as amended by section 11 of Act 108 of 1993 and Proclamation R160 of 31 October 1994

4. Section 1 of the Removal of Restrictions Act, 1967, is hereby amended by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of [Regional and Land Affairs] Rural Development and Land Reform;”.

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Amendment of section 1 of Act 40 of 1984, as amended by section 1 of Act 37 of 1986, section 1 of Act 66 of 1987, section 1 of Act 34 of 1993, Proclamation 66 of 7 July 1995 and section 49 of Act 8 of 1997

5. Section 1 of the Professional and Technical Surveyors’ Act, 1984, is hereby amended by the substitution for the definitions of “department” and “Minister” of the following definitions, respectively:

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“ ‘department’ means the Department of [Regional and Land Affairs] Rural Development and Land Reform;

‘Minister’ means the Minister of [Regional and Land Affairs] Rural Development and Land Reform;”.

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Amendment of section 12 of Act 40 of 1984, as amended by section 8 of Act 34 of 1993 and section 11 of Act 170 of 1993

6. Section 12 of the Professional and Technical Surveyors’ Act, 1984, is hereby amended by the substitution in subsection (1) for paragraphs (b) and (c) of the following paragraphs, respectively:

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“(b) two persons nominated by the Minister of [National Education] Higher Education and Training from persons in the full-time service of every technikon or college providing instruction in surveying;

(c) one person nominated by the Minister of [National Education] Higher Education and Training from persons in the service of the State;”.

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Amendment of section 8 of Act 95 of 1986, as amended by section 11 of Act 7 of 1992 and section 4 of Act 44 of 1997

7. Section 8 of the Sectional Titles Act, 1986, is hereby amended by the substitution for the words following paragraph (g) of the following words:

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“and in the case of land surveyors, the Director-General[: Land Affairs] of Rural Development and Land Reform or in the case of architects, the Director-General: Public Works, or any other official authorized thereto by the Director-General concerned, may refer a complaint in this regard to the relevant Council for investigation and the taking of such steps as the Council may deem fit.”.

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Amendment of section 54 of Act 95 of 1986, as amended by section 22 of Act 63 of 1991, section 11 of Act 7 of 1992 and section 26 of Act 44 of 1997

8. Section 54 of the Sectional Titles Act, 1986, is hereby amended—

(a) by the substitution in subsection (2)(c) for subparagraph (vi) of the following subparagraph:

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“(vi) an official of the Department of [Land Affairs] Rural Development and Land Reform.”; and

(b) by the substitution for subsection (5) of the following subsection:

“(5) When any nomination in terms of subsection (2)(c)(i), (ii), (iii) or (iv) becomes necessary, the body concerned shall at the request of the Director-General[: Land Affairs] of Rural Development and Land Reform furnish the nomination required for appointment to the

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regulation board, within a period of 60 days from the date of such request, failing which the Minister may appoint, subject to the provisions of that subsection, any suitable person as a member in place of the person he or she would have appointed if the said body had not so failed to nominate a person.”.

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Amendment of section 1 of Act 112 of 1991, as amended by section 30 of Act 108 of 1993, section 8 of Act 11 of 1995 and section 1 of Act 34 of 1996

9. Section 1 of the Upgrading of Land Tenure Rights Act, 1991, is hereby amended by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of [Land Affairs] Rural Development and Land Reform;”.

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Amendment of section 22 of Act 112 of 1991, as amended by section 12 of Act 11 of 1995 and section 9 of Act 34 of 1996

10. Section 22 of the Upgrading of Land Tenure Rights Act, 1991, is hereby amended—

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(a) by the substitution for the heading of the following heading:

“**Transfer of certain offices to the Department of [Public Works and Land Affairs] Rural Development and Land Reform**”;

(b) by the substitution in subsection (1) for the words following paragraph (b) of the following words:

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“and which has been established in the Department of Development Aid or in any department under the control of the government of a territory, which after the commencement of that Constitution, forms part of the national territory, is hereby transferred to the Department of [Land Affairs] Rural Development and Land Reform.”; and

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(c) by the substitution in subsection (2) for paragraphs (a) and (b) of the following paragraphs, respectively:

“(a) the control of such an office and all registers, books, plans, diagrams, records and other documents relating to the affairs of such office, shall vest in the Director-General[: Land Affairs] of Rural Development and Land Reform; and

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(b) the officers and employees attached to such office shall, subject to subsection (3), perform their functions as if they were seconded to the Department of [Land Affairs] Rural Development and Land Reform.”.

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Amendment of section 1 of Act 125 of 1991, as amended by section 20 of Act 89 of 1993

11. Section 1 of the Physical Planning Act, 1991, is hereby amended by the substitution for the definitions of “Department”, “Director-General” and “Minister” of the following definitions, respectively:

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“ ‘Department’ means the Department of [Regional and Land Affairs] Rural Development and Land Reform;

‘Director-General’ means the Director-General[: Regional and Land Affairs] of Rural Development and Land Reform;

‘Minister’ means the Minister of [Regional and Land Affairs] Rural Development and Land Reform;”.

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Amendment of section 27 of Act 125 of 1991

12. Section 27 of the Physical Planning Act, 1991, is hereby amended by the substitution in subsection (1) for the proviso to paragraph (d) of the following proviso:

“Provided that without the prior written approval of the Minister of Agriculture, Forestry and Fisheries, or an officer designated by him or her, no permission shall

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be granted in terms of any law for the subdivision of land which in terms of the relevant plan may be used for agricultural purposes as well as any other purpose.”.

Amendment of section 1 of Act 111 of 1993, as amended by section 13 of Act 11 of 1995

13. Section 1 of the Land Titles Adjustment Act, 1993, is hereby amended by the substitution for the definitions of “**Director-General**” and “**Minister**” of the following definitions, respectively:

“ ‘**Director-General**’ means the Director-General of [Land Affairs] Rural Development and Land Reform;

‘**Minister**’ means the Minister of [Land Affairs] Rural Development and Land Reform;”.

Amendment of section 14 of Act 111 of 1993, as amended by section 16 of Act 11 of 1995

14. Section 14 of the Land Titles Adjustment Act, 1993, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Director-General may, subject to such conditions as he or she may deem necessary—

(a) delegate to an officer employed by the Department of [Land Affairs] Rural Development and Land Reform any power conferred upon him or her in terms of this Act; or

(b) authorise an officer employed by the Department of [Land Affairs] Rural Development and Land Reform to perform any duty assigned to him or her in terms of this Act.”.

Amendment of section 1 of Act 119 of 1993, as amended by section 18 of Act 11 of 1995

15. Section 1 of the Distribution and Transfer of Certain State Land Act, 1993, is hereby amended by the substitution for the definitions of “**Director-General**” and “**Minister**” of the following definitions, respectively:

“ ‘**Director-General**’ means the Director-General of [Land Affairs] Rural Development and Land Reform;

‘**Minister**’ means the Minister of [Land Affairs] Rural Development and Land Reform;”.

Amendment of section 16 of Act 119 of 1993, as amended by section 21 of Act 11 of 1995

16. Section 16 of the Distribution and Transfer of Certain State Land Act, 1993, is hereby amended by the substitution in subsection (1) for paragraphs (a) and (b) of the following paragraphs, respectively:

“(a) delegate to an officer employed by the Department of [Land Affairs] Rural Development and Land Reform any power conferred upon him or her in terms of this Act; or

(b) authorize an officer employed by the Department of [Land Affairs] Rural Development and Land Reform to perform any duty assigned to him or her in terms of this Act.”.

Amendment of section 1 of Act 126 of 1993, as amended by section 68 of Act 67 of 1995, section 1 of Act 26 of 1998 and section 1 of Act 58 of 2008

17. Section 1 of the Land Reform: Provision of Land and Assistance Act, 1993, is hereby amended by the substitution for the definitions of “**Department**” and “**Minister**” of the following definitions, respectively:

“ ‘**Department**’ means the [National Department responsible for Land Affairs] Department of Rural Development and Land Reform;

‘**Minister**’ means the Minister of [Land Affairs] Rural Development and Land Reform;”.