STATE PRESIDENT'S OFFICE

No. 784.
7 May 1993

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

NO. 58 OF 1993: GROOT CONSTANTIA TRUST ACT, 1993.

ACT

To make provision for the incorporation of the Groot Constantia Control Board as an association not for gain; for the transfer of the Groot Constantia Estate to the said association; and for matters in connection therewith.

(Afrikaans text signed by the State President)
(Assented to 29 April 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:

Definitions

1. In this Act, unless the context otherwise indicates-

(i) "board" means the Groot Constantia Control Board established by section 2 of the Groot Constantia State Estate Control Act, 1975 (Act No. 24 of 1975); (v)

(ii) "Companies Act" means the Companies Act, 1973 (Act No. 61 of 1973); (iii)

(iii) "company" means the association not for gain contemplated in section 2; (ii)

(iv) "estate" means the Groot Constantia Estate as defined in section 3; (i)

(v) "Minister" means the Minister of Agriculture. (iv)

Incorporation of board as association not for gain

2. (1) The board shall. within three months of the date of commencement of this Act, request the registrar of companies in writing to incorporate the board in terms of the Companies Act as an association not for gain referred to in section 21 of the Companies Act, under the name Groot Constantia Trust.

(2) The request shall be accompanied by the memorandum of association and articles of association of the proposed company, duly signed on behalf of the board and approved by the Minister.

(3) If the memorandum of association and articles of association referred to in subsection (2) have been so signed and approved they shall, as far as the signing thereof is concerned, be deemed to comply with the requirements of the Companies Act for the registration, in terms of the said Act, of any such memorandum and articles.

(4) (a) On receipt of the said request and the memorandum and articles so signed and approved, the registrar of companies shall register the memorandum and articles in accordance with section 63(1) of the Companies Act and he shall in accordance with section 64(1) of that Act endorse thereon a certificate that the company is incorporated.

(b) No fee shall be payable in terms of the Companies Act in respect of the reservation of the name of the company, the registration of the said memorandum and articles and the issue of the certificate to commence business.

(c) The registrar of companies may, in order to comply with the provisions of this subsection, issue such directives and authorize such departures from the regulations promulgated under the Companies Act and the forms prescribed by that Act as he may deem necessary.

(5) Notwithstanding section 285 of the Companies Act and notwithstanding the date of incorporation of the company, the first financial year of the company shall be deemed to be the year commencing on 1 July preceding the date of the incorporation of the company.

Groot Constantia Estate

3. The Groot Constantia Estate consists of-

(a) those portions of land registered under Deed of Transfer No. 217/1885 dated 19 October 1885 and described as-

(i) the Remainder of the farm No. 911, division of the Cape, in extent 9,5668 ha;

(ii) the farm No. 913, division of the Cape, in extent 16,4547 ha;

(iii) the Remainder of Portion 2 of the farm No. 1094, division of the Cape, in extent 76,6067 ha;

(b) State forest land which has been withdrawn from demarcation by Government Notice No. 1645 dated 18 August 1978 and described as Portion of Groot Constantia, Component 2 of Tokai State Forest 129, division of the Cape, in extent 22,1725 ha;

(c) the farm Coleyn, known as Erf 2761, Constantia, division of the Cape, in extent 16,1069 ha;

(d) the farm Nova, known as Erf 7395, a portion of Erf 2607 Constantia, division of the Cape, as described on diagram 9215/75, in extent 11,1492 ha;

(e) the farm Hoop op Constantia, known as Erf 6601, portion of Erf 2744 Constantia, division of the Cape, in extent 6,0641 ha; and

(f) the Remainder of portion of Erf 2744 Constantia, division of the Cape, in extent 6,5953 ha.

Effect of incorporation of board as company

4. (1) From the date of incorporation of the company contemplated in section 2(4) (a)-

(a) the ownership of the estate and all assets, liabilities, rights and obligations shall devolve from the State and the board, respectively, upon the company without any transfer duty, stamp duty, office fee or other fee being payable in respect thereof;

(b) the liabilities and obligations of the State in relation to the estate shall devolve upon the company: Provided that any obligation in respect of the maintenance or restoration of the estate which on that date has already been undertaken by the State or to which the State has bound itself, shall not devolve upon the company; and

(c) anything done by or on behalf of or in respect of the board shall be deemed to have been done by or on behalf of or in respect of the company.

(2) The ownership of the estate devolving upon the company in terms of subsection (1)(a) or reverting to the State in terms of section 5 shall be transferred to the company or the State, as the case may be, without payment of transfer duty, stamp duty or any other moneys or costs, but subject to any existing right, encumbrance, duty or trust on or over that property.

(3) The officer in charge of a deeds office or other office where the estate is registered, shall, on submission to him of the title deed concerned, make such endorsements on that title deed and such entries in his registers as may be required to effect the transfer concerned.

(4) The company shall not alienate or encumber with mortgage the estate or any part thereof.

(5) The incorporation of the company shall not affect anything lawfully done by the board or the State in relation to the estate before the incorporation.

Reversion of ownership of estate to State under certain circumstances

5. The ownership of the estate shall, notwithstanding the provisions of section 21 of the Companies Act, revert to the State without payment by the State of compensation therefor in the event of the liquidation, deregistration or dissolution of the company.

Exemption

6. The provisions of the Liquor Act, 1989 (Act No. 27 of 1989), shall not be applicable in respect of any person who under the provisions of the memorandum of association and articles of association of the company sells wine from the estate on behalf of the company.

Restaurant

7. For the purposes of the Liquor Act, 1989 (Act No. 27 of 1989), anyone who conducts or manages a restaurant on the estate shall be deemed to hold a restaurant liquor licence mentioned in section 20(a)(ii) of that Act, in respect of that restaurant.

Repeal of laws

8. (1) The laws mentioned in the Schedule are hereby repealed to the extent indicated in the third column thereof.

(2) Subsection (1) shall come into operation on the date of incorporation contemplated in section 2(4)(a).

Short title

9. This Act shall be called the Groot Constantia Trust Act, 1993.

LAWS REPEALED

No. and year of law	Short title	Extent of repeal
Act No. 24 of 1975	Groot Constantia State Estate Control Act	So much as has not been repealed.
Act No. 57 of 1975	General Law Amendment Act	Section 49.
Act No. 11 of 1979	Groot Constantia State Estate Control Amendment Act	The whole.
Act No. 41 of 1989	Groot Constantia State Estate Control Amendment Act (House of Assembly)	The whole.