STATE PRESIDENT'S OFFICE

No. 1277
20 July 1993

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

NO. 108 OF 1993: GENERAL LAW SECOND AMENDMENT ACT, 1993

GENERAL EXPLANATORY NOTE:

Words in bold type indicate omissions from existing enactments.

Words in italics indicate insertions in existing enactments.

ACT

To amend the Water Act, 1956, so as to substitute or delete obsolete designations and expressions; and to apply the provisions of the said Act to scheduled Black areas and released areas; to amend the Police Act, 1958, so as to make other provision in respect of the establishment of municipal police units for certain areas; to amend the State Land Disposal Act, 1961, so as to further define or delete certain designations and expressions; to authorize the State President to assign certain powers or duties with retrospective effect; and to provide for the operation of the said Act in relation to certain proclamations and regulations; to amend the Housing Act, 1966, so as to delete an obsolete expression; to amend the Removal of Restrictions Act, 1967, so as to substitute an obsolete designation; and to make further provision in respect of the alteration, suspension or removal of certain restrictions or obligations by the Administrator; to amend the General Law Amendment Act, 1969, so as to make further provision in respect of the cancellation of certain title deed restrictions; to amend the Financial Relations Act, 1976, so as to delete an obsolete restriction on the legislative power of former provincial councils; to amend the Conversion of Certain Rights to Leasehold Act, 1988, so as to substitute or delete obsolete designations and expressions; to make other provision in respect of the publication of certain notices; to provide for the conversion into ownership of certain rights to which the said Act relates; and to provide for the duration of the said Act; to amend the Police Third Amendment Act, 1989, so as to effect certain consequential amendments; to amend the Abolition of Racially Based Land Measures Act, 1991, so as to make other provision in respect of the phasing out of the South African Development Trust; to make further provision in respect of the functions of the Advisory Committee on Non-racial Area Measures; and to extend the powers of the State President in relation to certain laws; to amend the Upgrading of Land Tenure Rights Act, 1991, so as to substitute obsolete designations; to make further provision in respect of the administration of the provisions of the said Act; and to provide for the conversion into ownership of certain rights granted in respect of land in rural settlements; to repeal obsolete laws; and to provide for incidental matters.

(Afrikaans text signed by the Acting State President.)

(Assented to 28 June 1993.)

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

Amendment of section 60 of Act 54 of 1956, as substituted by section 8 of Act 45 of 1972 and amended by section 10 of Act 42 of 1975, section 41 of Act 63 of 1975, section 7 of Act 92 of 1980, section 10 of Act 97 of 1986 and section 28 of Act 45 of 1992

1. Section 60 of the Water Act, 1956, is hereby amended-

(a) by the deletion of subsection (4); and

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

"(5) If the Minister has expropriated any property under the provisions of this section and the provisions of section 31(6)(a) or 32(5) of the Deeds Registries Act, 1937 (Act No. 47 of 1937), do not apply in respect of such expropriation, the registrar of deeds in charge of the deeds registry in which the title deed to any land concerned is registered shall, if requested thereto by the **secretary** *Director-General* and pending the transfer or registration of the property in question, make notes in the appropriate registers that such property has been acquired by the Minister.".

Amendment of section 94 of Act 54 of 1956, as substituted by section 14 of Act 92 of 1980

2. Section 94 of the Water Act, 1956, is hereby amended-

(a) by the substitution for the proviso to subsection (1) of the following proviso:

"Provided that nothing in this subsection contained shall apply to property, as so defined, belonging to the **Government, including the South African Railways and Harbours Administration or any provincial administration, or the South African Development Trust constituted in terms of section 4(1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936)** *State* or to any works or undertakings **conducted** carried on by or on behalf of the State **or the Electricity Supply Commission referred to in section 1 of the Electricity Act, 1958 (Act No. 40 of 1958)**."; and

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

"(2) The provisions of section 60(2)(b), **(4)** (5) and (6) shall mutatis mutandis apply in connection with the expropriation of any property or the taking of **the** *any* right in terms of this section, and any reference in the said provisions to 'Minister' (except in section 60(2) (b) (i)), 'Minister of Water Affairs' and **'secretary'** *'Director-General'* shall be construed as a reference to an irrigation board.".

Amendment of section 112 of Act 54 of 1956, as substituted by section 15 of Act 92 of 1980

3. Section 112 of the Water Act, 1956, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of section 60(2)(b), **(4)** (5) and (6) shall mutates mutandis apply in connection with the expropriation of any property or the taking of any right in terms of this section, and any reference in the said provisions to 'Minister' (except in section 60(2)(b)(i)), 'Minister of Water Affairs' and **'secretary'** *'Director-General'* shall be construed as a reference to a water board. ".

Amendment of section 138B of Act 54 of 1956, as inserted by section 1 of Act 110 of 1986

4. Section 138B of the Water Act, 1956, is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) The provisions of section 60(2)(b), **(4)** (5) and (6) shall mutates mutandis apply in connection with the expropriation of *any* property or the taking of any right in terms of this subsection, and a reference in those provisions to 'Minister' (except in section 60(2)(b)(i)), 'Minister of Water Affairs' and **'secretary'** *'Director-General'* shall be construed as a reference to a body established under section 138A.".

Repeal of section 176 of Act 54 of 1956, as substituted by section 26 of Act 97 of 1986

5. Section 176 of the Water Act, 1956, is hereby repealed.

Amendment of section 17C of Act 7 of 1958, as inserted by section 2 of Act 76 of 1989

6. Section 17C of the Police Act, 1958, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) The Minister may at any time establish by notice in the Gazette a municipal police unit for any **development** area **as defined in section 1 of the Black Communities Development Act, 1984 (Act No. 4 of 1984)** which is situated outside the area of a local authority *and defined in the notice*. ".

Amendment of section 1 of Act 48 of 1961, as substituted by section 1 of Act 28 of 1968 and amended by section 1 of Act 66 of 1982, section 1 of Act 47 of 1987, section 1 of Act 19 of 1988 and section 36 of Act 9 of 1989

7. (1) Section 1 of the State Land Disposal Act, 1961, is hereby amended-

(a) by the 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 with-*

(a) any land referred to in paragraph 13 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), means the member of the Ministers' Council to whom the administration of land affairs of the population group in question has been assigned;

(b) any land transferred to the Minister of Regional and Land Affairs in terms of paragraph 1 (e) of Proclamation No. R.28 of 1992 or registered after 1 April 1992 in his name, means the latter Minister;"; and

(b) by the deletion of the definition of "board".

(2) Paragraph (b) of the definition of "Minister" in section 1 of the State Land Disposal Act, 1961, as substituted by subsection (1)(a), shall be deemed to have come into operation on 1 April 1992.

Amendment of section 6 of Act 48 of 1961, as substituted by section 4 of Act 66 of 1982

8. Section 6 of the State Land Disposal Act, 1961, is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) The State President may either generally or in regard to specified State land or in a specified case assign *with retrospective effect from a date not earlier than 1 April 1992* to the Minister **or to the board** any power or duty conferred or imposed upon him by section 2, 2A or 5 and any power or duty to issue deeds of grant which he may otherwise have."

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

"(2) If the State President assigns to the Minister **or to the board** any power conferred upon him by section 2, the Minister **or the board, as the case may be** shall have the powers and be subject to the duties conferred or imposed upon the State President by section 5 in connection with the exercising of the power so assigned."; and

(c) by the deletion of subsection (3).

Insertion of section 8A in Act 48 of 1961

9. (1) The following section is hereby inserted after section 8 of the State Land Disposal Act, 1961:

"Operation of Act in relation to certain proclamations and regulations

8A. The provisions of this Act shall apply in addition to, and not in substitution for, the provisions of any proclamation or regulation referred to in sections 5(2), 8(2) and 11(2) of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991).".

(2) Subsection (1) shall be deemed to have come into operation on 1

April 1992.

Substitution of section 84 of Act 4 of 1966, as substituted by section 14 of Act 97 of 1987

10. The following section is hereby substituted for section 84 of the Housing Act, 1966:

"Local authority, housing utility company or natural person may be exempted from certain measures

84. Any local authority to which a loan in respect of a scheme has been granted in terms of this Act, any housing utility company to which a loan or advance for the provision of housing has been granted in terms of this Act and any natural person to whom a housing loan, building loan or local authority housing loan for the construction of an approved dwelling has been granted, may at its or his request be exempted by the Administrator concerned from the provisions of any by-law, regulation or town planning scheme or the conditions of establishment of a township relating to the type of dwelling to be constructed, the materials to be used in the construction thereof or the *applicable* general building standards **applicable in the development area concerned**.".

Amendment of section 1 of Act 84 of 1967, as amended by section 1 of Act 18 of 1984

11. 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 **Community Development** *Regional and Land Affairs*;".

Amendment of section 2 of Act 84 of 1967, as amended by section 61 of Act 70 of 1968, section 7 of Act 96 of 1969 and section 2 of Act 18 of 1984

12. Section 2 of the Removal of Restrictions Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of subsection (1) shall not apply in respect of any condition of title affecting rights to minerals **or any condition imposed under the provisions of section 5(3) of the Townships Amendment Act, 1908 (Act No. 34 of 1908), of the Transvaal, or of section 16(3) of the Orange Free State Metals Mining Act, 1936 (Act No. 13 of 1936), or of section 2(2) of the Physical Planning and Utilization of Resources Act, 1967 (Act No. 88 of 1967), or in respect of any condition specifically prohibiting or restricting the sale or supply of intoxicating liquor or the sale, lease or occupation of any land to or by a non-white person, except in so far as such condition relates to the occupation of land which is used or is intended to be used for public purposes by the State or a local authority**.".

Substitution of section 28 of Act 101 of 1969

13. (1) The following section is hereby substituted for section 28 of the General Law Amendment Act, 1969:

"Cancellation of certain title deed restrictions

28. (1) Any provision in the title deed of any immovable property prohibiting or restricting the **ownership** *transfer, hypothecation or letting of such property to, or the possession*, occupation or use of such property by, any person **who is a member** of a particular **race or class** *population or ethnic group or who is not of a particular population or ethnic group*, is hereby cancelled, irrespective of whether such provision was imposed in terms of any law or otherwise.

(2) The officer in charge of the deeds registry concerned shall **on application by the owner of any immovable property concerned or his authorized agent, and** on production of the relevant title deed endorse the fact of such cancellation on such title deed.

(3) No office fees, stamp duty or transfer duty shall be payable in respect of any such cancellation or endorsement.".

(2) Subsection (1) shall be deemed to have come into operation on 30 June 1991.

Amendment of section 8 of Act 65 of 1976

14. (1) Section 8 of the Financial Relations Act, 1976, is hereby amended by the deletion of subsections (2) and (3).

(2) Subsection (1) shall be deemed to have come into operation on 30 June 1991.

Amendment of section 1 of Act 81 of l998

15. Section 1 of the Conversion of Certain Rights to Leasehold Act, 1988, is hereby amended-

(a) by the insertion after the definition of "certificate" of the following definition:

"*'Director-General' means the director-general of the provincial administration in question*;";

(b) by the deletion of the definitions of "competent person" and "development area";

(c) by the insertion before the definition of "local authority" of the following definition:

"*'formalized township' means a formalized township as defined in section 1(1) of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991)*;";

(d) by the substitution for the definition of "publish" of the following definition:

"*'publish', in relation to a notice, means the publication of the notice-*

(a) by publishing it either in the Official Gazette of the province concerned or in an Afrikaans and in an English newspaper

circulating in the area concerned; and

(b) by affixing it at a prominent place at the office of the local authority concerned and at such other public buildings in the area concerned as the Director-General may determine;"

(e) by the deletion of the definition of "secretary"; and

(f) by the insertion after the definition of "this Act" of the following definition:

"*'township register' means a register referred to in section 46(1) of the Deeds Registries Act, 1937*;".

Amendment of section 2 of Act 81 of 1988

16. Section 2 of the Conversion of Certain Rights to Leasehold Act, 1988, is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) **Any secretary** *The Director-General* shall conduct an inquiry in the prescribed manner in respect of affected sites **within development areas situated** within his province in order to determine who shall be declared to have been granted a right of leasehold *or in the case where the affected sites are situate in a formalized township for which a township register has been opened, ownership* with regard to such sites.";

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

"(a) give effect to any agreement or transaction in relation to the rights of a holder contemplated in subsection (4)*(a) or* (b) in respect of the site concerned, between such holder and any other person;";

(c) by the substitution for paragraph (c) of the said subsection (3) of the following paragraph:

"(c) consider any intestate heir of the last such holder to have been granted a right of leasehold *or, in the case where that site is situate in a formalized township for which a township register has been opened, ownership* in respect of the site concerned;";

(d) by the deletion of the proviso to the said subsection (3);

(e) by the substitution for subsection (4) of the following subsection:

"(4) At the conclusion of the inquiry and after having considered any relevant claim or objection, the **secretary** *Director-General* shall, if he is satisfied that the person concerned

(a) is a competent person; and

(b) is, subject to the provisions of subsection (3), in respect of the site concerned-

(i)*(a)* the holder of a site permit, certificate or trading site permit; or

(ii)*(b)* the holder of rights which in the opinion of the **secretary** *Director-General* are similar to the rights of the holder of a site permit,

certificate or trading site permit, determine whom he intends to declare to have been granted a right of leasehold *or, in the case where that site is situate in a formalized township for which a township register has been opened, ownership* in respect of the site concerned.";

(f) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

"*(a) that such a determination has been made in respect of the site stated in the notice*,"

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

"*(b) that the prescribed particulars of that determination are open to inspection for a period of 14 days as from the date of the publication of the notice at the prescribed place*;"; and

(h) by the substitution for paragraph (d) of the said subsection (5) of the following paragraph:

"(d) that, subject to any decision of the Administrator concerned on appeal, the person concerned shall be declared to have been granted a right of leasehold *or, in the case where that site is situate in a formalized township for which a township register has been opened, ownership* in respect of the site concerned.".

Substitution of section 4 of Act 81 of l988

17. The following section is hereby substituted for section 4 of the Conversion of Certain Rights to Leasehold Act, 1988:

"Granting of leasehold or ownership

4. (1) The **secretary concerned** *Director-General* shall upon the expiry of the period specified for appeal under section 3(1) or, in the case of such appeal, on the confirmation, variation or substitution of the determination referred to in section 2(4), in the prescribed manner declare the person concerned to have been granted -

(a) a right of leasehold in respect of the affected site concerned under section 52(1) of the principal Act, whereupon that person shall be deemed for all purposes to have been granted a right of leasehold under the said section 52(1); or

(b) in the case where the affected site is situate in a formalized township for which a township register has been opened, ownership in respect of the affected site concerned.

(2) The provisions of section 52(4) of the principal Act shall not apply in respect of any leasehold contemplated in subsection (1) **of this section**.".

Substitution of section 5 of Act 81 of 1988

18. The following section is hereby substituted for section 5 of the Conversion of Certain Rights to Leasehold Act, 1988:

"Registration of leasehold or transfer of ownership

5. (1) Whenever **he** *the Director-General* has made a declaration-

(a) in terms of section 4(1)*(a)*, **the secretary** *he* shall lodge such declaration and every deed and other document necessary for the registration of the right of leasehold concerned with the registrar concerned, who shall-

(a) *(i)* for the purposes of registration, accept that the particulars contained in the declaration are correct; and

(b) *(ii)* without the production of any **particulars or** certificate **referred to in section 53(4) or 66(1)(n)(ivA), respectively, of the principal Act** *to the effect that the levies or charges in respect of the affected site concerned have been paid to the local authority*, register the right of leasehold in favour of the person mentioned in the declaration;

(b) in terms of section 4(1)(b), he shall lodge such declaration and a certificate of ownership, on the form prescribed for that purpose under the Deeds Registries Act, 1937 (Act No. 47 of 1937), and made out in the name of the person mentioned in the declaration, with the registrar concerned, who shall-

(i) notwithstanding the provisions of the said Act, register the transfer of ownership of the affected site concerned by signing the certificate of ownership; and

(ii) when the transfer of ownership of that affected site has been registered

(aa) make an entry of such transfer of ownership in the applicable registers;

(bb) file the declaration and signed certificate of ownership in the deeds registry in such manner as he may consider fit; and

(cc) make a copy of the signed certificate of ownership available to the Director-General for delivery to the

person to whom that affected site has been transferred.

(2) If the occupier of a site is not the holder of the right of leasehold *or the owner* in respect of it, the **secretary** *Director-General* shall not act in terms of subsection (1) unless he is satisfied that the amount of any bona fide improvements on the site that have been **affected** *effected* by that occupier has been assessed in the prescribed manner and paid to that occupier, or that security to the satisfaction of the **secretary** *Director-General* has been furnished for the payment of that amount.

(3)*(a)* Sections 10(1)(q) and 16A of the Deeds Registries Act, 1937 **(Act No. 47 of 1937)**, shall apply in respect of the said right of leasehold as if it were a right of leasehold referred to in those sections.

(b) No provision of section 15 or 17 of the Deeds Registries Act, 1937, shall apply, and no transfer duty, stamp duty or other fees shall be payable, in respect of the said transfer of ownership.

(4) The **secretary** *Director-General* shall for the purposes of **the** *any* registration **of the right of leasehold** *in terms of this section* be deemed to be the duly authorized representative of the local authority concerned.".

Amendment of section 6 of Act 81 of 1988

19. Section 6 of the Conversion of Certain Rights to Leasehold Act, 1988, is hereby amended-

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

"(b) of a site permit, certificate or trading site permit or of rights referred to in section **(ii)** who has not prior to a date to be determined by the Administrator concerned **with regard to the development area concerned or part thereof** *m respect of a particular area* (which date shall not be earlier than the date upon which the **secretary concerned** *Director-General* has completed the inquiry contemplated in section 2(1) to the satisfaction of the Administrator) become the holder of a right of leasehold *or an owner*, shall from such date; or";

(b) by the substitution for paragraph (c) of the said subsection (1) of the following paragraph:

"(c) of a site permit, certificate or trading site permit or of rights referred to in section 2(4)(b)**(ii)** in respect of a site in an area defined in a proclamation under section 2(2) of the principal Act, shall from the commencement of this Act, or if such a proclamation is issued after the commencement of this Act, from the date of such proclamation,"; and

(c) by the substitution for the proviso to the said subsection (1) of the following proviso:

"Provided that nothing in this subsection contained shall be

construed as derogating from any right that the holder of a site permit, certificate, trading site permit or rights contemplated in section **(ii)** might have acquired by virtue of the provisions of the regulations.".

Amendment of section 11 of Act 81 of l988

20. Section 11 of the Conversion of Certain Rights to Leasehold Act, 1988, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The holder of a site permit, certificate, trading site permit or rights contemplated in section 2(4)(b)**(ii)** shall, notwithstanding the repeal of the regulations by this Act but subject to the provisions of any other law, and until a right of leasehold *or the transfer of ownership* in respect of the site concerned has been registered or until he has become a lessee under section 6(1)(c), as the case may be, have the same rights that he would have had in respect of that site in terms of the regulations as if they were not repealed by this Act.".

Insertion of section 12A in Act 81 of l988

21. The following section is hereby inserted after section 12 of the Conversion of Certain Rights to Leasehold Act, 1988:

"Duration of Act

12A. This Act shall cease to have effect on a date fixed by the State President by proclamation in the Gazette.".

Substitution of long title of Act 81 of 1988

22. The following long title is hereby substituted for the long title of the Conversion of Certain Rights to Leasehold Act, 1988:

"ACT

To provide for the conversion of certain **occupational rights in development areas to** *rights of occupation into* leasehold *or ownership* and for matters connected therewith."

Substitution of word "secretary" in Act 81 of 1988

23. The Conversion of Certain Rights to Leasehold Act, 1988, is hereby amended by the substitution for the word "secretary", wherever it appears, of the word "Director-General" .

Substitution of section 13 of Act 81 of 1988

24. The following section is hereby substituted for section 13 of the Conversion of Certain Rights to Leasehold Act, 1988:

"Short title and commencement

13. This Act shall be called the Conversion of Certain Rights **to** *into* Leasehold *or Ownership* Act, 1988, and shall come into operation on a date fixed by the State President by proclamation in the

Gazette. ".

Amendment of section 4 of Act 76 of 1989, as amended by section 10 of Act 110 of 1990

25. Section 4 of the Police Third Amendment Act, 1989, is hereby amended-

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

(b) by the substitution for subsection (3) of the following subsection:

"*(3) A reference in any law to a person appointed under section 34 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), shall, in respect of the area of a local authority as defined in section 1(1) of the said Act, be construed as a reference to a member of a municipal police unit established by section 17C(1)(a) of the principal Act in respect of such area.*"; and

(c) by the deletion of subsection (11).

Substitution of long title of Act 76 of 1989

26. The following long title is hereby substituted for the long title of the Police Third Amendment Act, 1989:

"ACT

To amend the Police Act, 1958, in order to provide for the establishment of municipal police units in the areas of Black local authorities and in certain **development** *other* areas; for the appointment of members of those units, and the powers and duties of such members; for the transfer of certain persons in the employment of the said local authorities **and of certain persons serving in the said development areas** to municipal police units; and for the transfer to the State of certain movable and immovable property used by the said local authorities **or in the said development areas** in connection with municipal police functions; and to provide for incidental matters.".

Amendment of section 12 of Act 108 of 1991

27. (1) Section 12 of the Abolition of Racially Based Land Measures Act, 1991, is hereby amended-

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

"(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** *an Administrator, a Minister or the State, including the government of a self-governing territory*, and **that person, State department or institution** *the Administrator, Minister or State* shall, after such transfer, be deemed to have acquired the asset or right or to have incurred the liability or obligation;"; and

(b) by the deletion of paragraph (b) of the said subsection (2).

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1992.

Substitution of section 83 of Act 108 of 1991

28. The following section is hereby substituted for section 83 of the Abolition of Racially Based Land Measures Act, 1991:

"Functions of Committee

83. (1) The Committee-

(a) may of its own accord, or shall at the request of the Minister of Justice, investigate and consider any matter relating to the exercise of any power conferred upon the State President by this Act;

(b) may make recommendations to the State President in connection with any such matter;

(c) may, with the approval of the said Minister, establish one or more sub-committees to inquire into, and to report to the Committee in regard to, any matter falling within the scope of the Committee's functions.

(2) A sub-committee established under subsection (1)(c) shall consist of such number of-

(a) members of the Committee;

(b) members of the Committee and persons who are not such members; or

(c) such persons,

as the Committee may determine, and the Committee may at any time dissolve or reconstitute such sub-committee.".

Amendment of section 87 of Act 108 of 1991

29. (1) Section 87 of the Abolition of Racially Based Land Measures Act, 1991, is hereby amended-

(a) by the substitution for subsection (1) of the following subsection:

"(1) The State President may **to the extent that appears to him to be necessary or expedient to provide for**

(a) by proclamation in the Gazette make enactments with a view to the readjustment of matters in a non-racial manner **by proclamation in the Gazette**; *and*

(b) provide in any such enactment for-

(a) *(i)* **repeal, amend, supplement or with or without adjustments substitute any regulation,**

proclamation, rule or by-law *the repeal, amendment or supplement of any proclamation, regulation, by-law or rule* referred to in section 5*(2)*, 8*(2)*, 11(2), 32(2) or 72(2) of this Act, *or the substitution, either with or without adjustments, of any such proclamation, regulation, by-law or rule*;

(b) *(ii)* **amend** *the amendment* or supplement *of* any law which contains *any provision that has been repealed by this Act or in which appears* a reference or *an* implied reference to any law or *any* 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, *or the repeal of any such law*;

(c)*(iii)* **amend** *the amendment* or supplement *of* any other law, *or the repeal of any such other law*, so as to give effect to any repeal, amendment, supplement or substitution contemplated in **paragraph (a) or (b)** *subparagraph (i) or (ii)*; or

(d) *(iv)* **amend** *the amendment of* the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987), or **a** *any* regulation made thereunder, *or the repeal of the said Act or any such regulation*.";

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

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

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

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

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1992.

Amendment of section 1 of Act 112 of 1991

30. Section 1 of the Upgrading of Land Tenure Rights Act, 1991, is hereby amended-

(a) by the substitution in subsection (1) for the definition of

"Administrator" of the following definition:

"*'Administrator' means the administrator of a province acting in consultation with the other members of the executive committee of that province*;"; and

(b) by the substitution in the said subsection (1) for the definition of "Minister" of the following definition:

"'Minister' means the Minister of **Public Works** *Regional* and Land Affairs;".

Amendment of section 15 of Act 112 of 1991

31. Section 15 of the Upgrading of Land Tenure Rights Act, 1991, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The **Minister** *Administrator* may by notice in the *Official* Gazette declare a township specified in the notice to be a formalized township for the purposes of Chapter 1.".

Insertion of Chapter 2A and sections 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H and 181 in Act 112 of 1991

32. The following chapter is hereby inserted after section 18 of the Upgrading of Land Tenure Rights Act, 1991:

"CHAPTER 2A

RURAL SETTLEMENTS

Declaration of areas to be rural settlements

18A. (1) Notwithstanding anything to the contrary in this Act contained but subject to the provisions of subsection (2), the Administrator may by notice in the Official Gazette declare any area specified in the notice to be a rural settlement.

(2) The Administrator shall not declare any such area to be a rural settlement unless-

(a) a diagram and general plan in respect of that area have been approved under the applicable provision of any law;

(b) a land tenure right mentioned in Schedule 2 has been granted in respect of any piece of land in that area; and

(c) if that area is situate on tribal land, the tribe in question has requested the Administrator by means of a tribal resolution to take steps to declare that area to be a rural settlement with a view to converting the land tenure rights granted to individuals in respect of pieces of land in that area into ownership.

(3) The laws relating to the subdivision of land, the establishment of townships and town planning shall not apply in respect of any area referred

to in subsection (1).

(4) The Administrator may at any time amend or withdraw a notice referred to in subsection (1) by like notice in the Official Gazette: Provided that any such amendment or withdrawal shall not derogate from the validity of anything done in terms of this Chapter, or from any right, privilege, obligation or liability acquired, accrued or incurred in terms of or by virtue of this Chapter.

Assistance by Administrator in respect of certain areas

18B. (1) Subject to the provisions of subsection (2) and the availability of moneys and personnel, the Administrator shall in respect of an area in which land tenure rights mentioned in Schedule 2 were granted in respect of pieces of land, take with the co-operation of the community residing in such area such steps as may be necessary to declare the area to be a rural settlement.

(2) Subsection (1) shall not apply in respect of any area situate on tribal land unless the tribe in question has requested the Administrator by means of a tribal resolution to take steps to declare that area to be a rural settlement with a view to converting the land tenure rights granted to individuals in respect of pieces of land in that area into ownership.

Surveying

18C. If an area in which land tenure rights mentioned in Schedule 2 were granted in respect of pieces of land has not been surveyed, the Administrator may from moneys appropriated by Parliament for that purpose-

(a) with the co-operation of the community residing in such area, cause the layout of that area to be replanned and cause such adjustments to be effected to the layout thereof as he may consider necessary;

(b) cause such area, including any pieces of land, to be surveyed and cause a diagram and general plan to be prepared; and

(c) cause the said diagram and general plan to be submitted to the surveyor-general for his approval.

Compilation and updating of registers of land rights

18D. (1) If the Administrator is of the opinion that the register of land rights of an area in which land tenure rights mentioned in Schedule 2 were granted in respect of pieces of land has not been written up or properly written up, he may designate any person to compile a register of land rights for such area or to update the existing register, and to rectify or supplement errors and omissions, as the case may be.

(2) If the Administrator receives a request from a tribe in terms of

section 18B(2) in respect of any area on tribal land in which the individual pieces of land are occupied or utilized by individuals and their families under the indigenous law or customs of that tribe, he may designate any person to compile a register of land rights for such area.

(3) If any area referred to in subsection (1) or (2) has not been surveyed, the functions mentioned in that subsection shall not be performed before the survey of such area has commenced.

(4) Any register of land rights compiled or updated in terms of this section shall, as to its format, form and contents, be compiled or updated in accordance with the legal and administrative requirements applicable to the registers used in a deeds registry in connection with the registration of farms or other pieces of land.

(5) Any person designated under subsection (1) or (2) shall, in the compilation or updating of a register of land rights-

(a) satisfy himself that the property descriptions in the register or which he makes in the register correspond with those descriptions on the general plan of the area in question prepared in terms of section 18C(b);

(b) ascertain the identity of the person who at the relevant time is physically and beneficially the holder of the land tenure right in respect of each piece of land in such area;

(c) consider any representations made to him, either orally or in writing, by any person who lays claim to be registered in the register as the holder of a land tenure right.

(6) In order to gather information which is necessary or expedient to compile or update a register of land rights for the area in question, the designated person may-

(a) question any person who in his opinion may have relevant information available;

(b) require any person to deliver to him forthwith, or to submit to him at such time and place as may be determined by him, any register, permit, certificate or other document in the possession or under the control of any such person and which in his opinion contains relevant information

(c) examine any such register, permit, certificate or document or make an extract therefrom or a copy thereof;

(d) for the purposes of paragraph (a), (b) or (c), at any reasonable time enter upon any land in such area.

(7) Whenever the designated person performs his functions under this section, he may be accompanied by such persons as he may in the circumstances of any particular case consider necessary.

(8) The Administrator shall issue to a person designated under subsection (1) or (2) proof in writing of his designation, and such a person shall not perform any function under this section unless he is at the time of performing that function in possession of such proof, which proof shall be produced at the request of any person affected by the performance of that function.

Appeal against entries in registers of land rights

18E. (1) Any person aggrieved by any entry made by a person designated under subsection (1) or (2) of section 18D in a register of land rights compiled or updated in terms of that section, may within 30 days after he became aware of the entry appeal in writing against such entry to the Administrator.

(2) The Administrator may, after he has considered the grounds of the appeal and the reasons of the designated person for such entry-

(a) either in whole or in part, allow the appeal and direct the designated person to alter such entry or to substitute for it such other entry as the designated person in the Administrator's opinion ought to have made; or

(b) dismiss the appeal.

(3) The Administrator shall cause a person who lodged an appeal with him to be notified in writing of his decision on the appeal.

Conversion of land tenure rights

18F. (1) For the purposes of the conversion into ownership of land tenure rights granted in respect of pieces of land in an area which has been declared under section 18A(1) to be a rural settlement, the registrar of deeds concerned shall, upon production to him of-

(a) the title deed of the land on which that area is situate;

(b) a diagram and general plan in respect of that area which have been approved under the applicable provision of any law; and

(c) a register of land rights or, if the register for that area has been compiled or updated in terms of section 18D, the register so compiled or updated, register such diagram, general plan and register in the deeds registry in such manner as he may consider fit, and make the necessary endorsements or entries in respect of such title deed, his registers and other documents in order to give effect to the provisions of this Chapter.

(2) Any land tenure right mentioned in Schedule 2 and granted in respect of any piece of land in an area-

(a) which has been declared under section 18A(1) to be a rural settlement; and

(b) in respect of which the relevant title deed, diagram, general plan and register have been produced to the registrar of deeds in terms of subsection (1), shall, upon the lodgement by the owner of such piece of land at the relevant deeds registry of a certificate of ownership, on the form prescribed for that purpose under the Deeds Act and made out in the name of the person who is the holder of the relevant land tenure right, be converted into ownership by that registrar of deeds by the registration of the piece of land in the name of the said person: Provided that the registrar of deeds shall not so register any piece of land unless a certificate of rights to minerals has been taken out for the reservation of the rights to minerals in respect of such piece of land or the land on which such area is situate, as the case may be.

(3) As from the registration of the piece of land in the name of the said person, the ownership of the piece of land shall vest exclusively in that person.

(4) No provision of section 15 or 17 of the Deeds Act shall apply in respect of the transfer of ownership effected by such conversion.

(5) Notwithstanding the provisions of the Deeds Act, the registrar of deeds shall register the transfer of ownership of any piece of land under the circumstances referred to in subsection (2) by signing the certificate of ownership lodged at the deeds registry in terms of that subsection.

(6) When the registrar of deeds has registered the transfer of ownership of any piece of land in terms of subsection (5), he shall-

(a) make an entry of the transfer of ownership in the applicable registers;

(b) file the signed certificate of ownership in the deeds registry in such manner as he may consider fit; and

(c) make a copy of the signed certificate of ownership available to the person who has lodged it under subsection (2), for delivery to the person to whom the piece of land has been transferred.

(7) No transfer duty, stamp duty or other fees shall be payable in respect of any registration, endorsement, entry or transfer in terms of this section.

Title conditions, servitudes and other rights

18G. Ownership which vests in any piece of land by virtue of a conversion in terms of section 18F shall be subject to any condition, servitude or other right registered against the title of the land on which the area in question is situate.

Effect of Chapter

18H. Property transactions in any area which has been declared under section 18A(1) to be a rural settlement shall-

(a) in the case of the transfer of any piece of land in that area in

respect of which any land tenure right mentioned in Schedule 2 has been granted, be disposed of in accordance with section 18F;

(b) in the case of any other transfer, be disposed of in accordance with the Deeds Act.

Conditions of land use

181. (1) If any area has been declared under section 18A(1) to be a rural settlement, the Administrator may by notice in the Official Gazette impose conditions in respect of that area for the regulation of the use of the pieces of land in the area.

(2) Conditions imposed under subsection (1)-

(a) shall not be registered against the title of the land on which the area in question is situate or against the title of any other piece of land in that area;

(b) may at any time be amended or withdrawn by the Administrator by like notice.

(3) The Administrator shall exercise the powers conferred upon him by this section after consultation with the community residing in the area in question in such manner as he may consider the most suitable.

(4) Any condition referred to in this section shall lapse as from the date on which a town planning scheme or a zoning scheme becomes applicable in respect of the area in question.".

Amendment of section 23 of Act 112 of 1991

33. Section 23 of the Upgrading of Land Tenure Rights Act, 1991, is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) hinders or obstructs any person designated under section 18(1) or (2), *18D(1) or (2)* or 20(3) in the performance of his functions under this Act;".

Insertion of section 24A in Act 112 of 1991

34. The following section is hereby inserted after section 24 of the Upgrading of Land Tenure Rights Act, 1991:

"Assignment of functions by Minister

24A. The Minister may-

(a) delegate to the Administrator any power conferred upon the Minister by this Act; or

(b) authorize the Administrator to perform any duty assigned to the Minister by this Act.".

Substitution of word "Minister" in Act 112 of 1991

35. The Upgrading of Land Tenure Rights Act, 1991, is hereby amended by the substitution for the word "Minister", wherever it appears in sections 15 (2), 16, 17 and 18, of the word "Administrator".

Repeal of laws

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

(2) Notwithstanding the repeal of the South-West Africa Constitution Act, 1968 (Act No. 39 of 1968), any law which was made under section 38(1) of that Act and is in force in the Republic or in respect of the administration of Walvis Bay at the commencement of this Act shall continue in force until amended or repealed by an Act of Parliament.

Short title and commencement

37. (1) This Act shall be called the General Law Second Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

(2) Different dates may be fixed under subsection (1) in respect of different provisions of this Act.

SCHEDULE

LAWS REPEALED (SECTION 36(1))

No. and year of law	Short title	Extent of repeal
Act No. 49 of 1919	Treaty of Peace and South West Africa Mandate Act, 1919	The whole.
Act No. 19 of 1939	Police (South-West Africa) Act, 1939	The whole.
Act No. 28 of 1944	South-West Africa Affairs Amendment Act, 1944	The whole.
Act No. 44 of 1945	Black Reserves (South-West Africa) Act, 1945	The whole.
Act No. 23 of 1949	South-West Africa Affairs Amendment Act, 1949	So much as is unrepealed.
Act No. 56 of 1954	South-West Africa Native Affairs Administration Act, 1954	The whole.
Act No. 7 of 1958	Police Act, 1958	So much of section 36(1) as relates to the Police

		(South-West Africa) Act, 1939.
Act No. 46 of 1962	Black Laws Amendment Act, 1962	Section 14.
Act No. 93 of 1963	General Law Further Amendment Act, 1963	Section 23.
Act No. 102 of 1967	General Law Amendment Act, 1967	Section 22.
Act No. 39 of 1968	South-West Africa Constitution Act, 1968	The whole.
Act No. 54 of 1968	Development of Self-government for Native Nations in South-West Africa Act, 1968	The whole.
Act No. 25 of 1969	South-West Africa Affairs Act, 1969	The whole.
Act No. 84 of 1969	Rehoboth Investment and Development Corporation Act, 1969	The whole.
Act No. 13 of 1970	South-West Africa Constitution Amendment Act, 1970	The whole.
Act No. 17 of 1970	General Law Amendment Act, 1970	Section 7.
Act No. 27 of 1970	Second Black Laws Amendment Act, 1970	Section 11.
Act No. 80 of 1971	General Law Amendment Act, 1971	Sections 26 and 27.
Act No. 23 of 1972	Black Laws Amendment Act, 1972	Sections 4, 8 and 9.
Act No. 47 of 1972	Mines, Works and Minerals in South-West Africa Amendment Act, 1972	The whole.
Act No. 63 of 1972	Coloured Persons in South-West Africa Education Act, 1972	The whole.
Act No. 69 of 1972	Control of the Meat Trade in South-West Africa Amendment Act, 1972	The whole.
Act No. 79 of 1972	Namaland Consolidation and Administration Act, 1972	The whole.
Act No. 85 of 1972	Basters of Rehoboth Education Act, 1972	The whole.
Act No. 86 of 1972	Nama in South-West Africa	

	Education Act, 1972	The whole.
Act No. 102 of 1972	General Law Amendment Act, 1972	Sections 29, 30 and 36.
Act No. 7 of 1973	Black Laws Amendment Act, 1973	Section 6.
Act No. 20 of 1973	Development of Self-government for Native Nations in South-West Africa Amendment Act, 1973	The whole.
Act No. 48 of 1973	Trade Marks in South West Africa Act, 1973	The whole.
Act No. 62 of 1973	General Law Amendment Act, 1973	Sections 34, 35, 48 and 49.
Act No. 70 of 1974	Black Laws Amendment Act, 1974	Section 17.
Act No. 71 of 1974	Second Black Laws Amendment Act, 1974	Sections 3, 4, 5 and 6.
Act No. 3 of 1975	South West Africa Diamond Industry Protection Amend-ment Act, 1975	The whole.
Act No. 9 of 1975	Black Laws Amendment Act, 1975	Sections 5 5 and 6.
Act No. 57 of 1975	General Law Amendment Act, 1975	Section 1.
Act No. 66 of 1975	Exchequer Act 1975	So much of the Schedule as relates to the Development of Self-govern-ment for Native Nations in South-West Africa Act, 1968.
Act No. 4 of 1976	Black Laws Amendment Act, 1976	Sections 16 to 21.
Act No. 30 of 1976	Coloured Persons in South-West Africa Education Amendment Act, 1976	The whole.
Act No. 31 of 1976	Basters of Rehoboth Education Amendment Act, 1976	The whole.
Act No. 32 of 1976	Nama in South-West Africa Education Amendment Act, 1976	The whole.
Act No. 56 of 1976	Rehoboth Self-Government Act, 1976	The whole.

Act No. 33 of 1977	Population Registration and Identity Documents in South-West Africa Amendment Act, 1977	So much as is unrepealed.
Act No. 95 of 1977	South West Africa Constitution Amendment Act, 1977	The whole.
Proclamation No. R.249 of 1977	Amendment of (1) the South-West Africa Affairs Amendment Act, 1949, (2) the Republic of South Africa Constitution Act, 1961, and (3) the South-West Africa Constitution Act, 1968	So much as is unrepealed.
Proclamation No. R.264 of 1977	Amendment of the South-West Africa Constitution Act, 1968 (Act 39 of 1968)	The whole.
Act No. 9 of 1989	Legal Succession to the South African Transport Services Act, 1989	So much of Schedule 2 as relates to the South-West Africa Constitution Act, 1968.
Act No. 21 of 1991	Identification Amendment Act, 1991	Sections 2 and 4.
Act No. 50 of 1991	Minerals Act, 1991	So much of the Schedule as relates to the Mining Rights (South-West Africa) Act, 1932.
Act No. 114 of 1991	Population Registration Act Repeal Act, 1991	So much of Schedule 1 as Relates to the Population Registration and Identity Documents in South West Africa Amendment Act, 1977.