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VAN DIE REPUBLIEK VAN SUID-AFRIKA

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

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CAPE TOWN, 27TH SEPTEMBER, 1966 [No. 1546

DEPARTEMENT VAN DIE EERSTE MINISTER.

o. 1436.] [27 September 1966.

Hierby word bekend gemaak dat die Staatspresident sy edkeuring geheg het aan die onderstaande Wette wat erby ter algemene inligting gepubliseer word:—

BLADSY

o. 27 van 1966: Wet op Ongemagtigde Uitgawe vir Spoorweë en Hawens, 1966 .. 2

DEPARTMENT OF THE PRIME MINISTER.

No. 1436.] [27th September, 1966.

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

PAGE

No. 27 of 1966: Railways and Harbours Unauthorized Expenditure Act, 1966 .. 3

No. 27, 1966.]

WET

Tot aanwending van 'n verdere geldsom ter bestryding van sekere ongemagtigde uitgawe aan spoorweg- en hawedienste gedurende die boekjaar wat op die een-en-dertigste dag van Maart 1965 geëindig het.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 23 *September* 1966.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Spoorweg- en Hawefonds belas met R24,749.14 ten opsigte van uitgawe vir die jaar 1964–'65.

1. Die Spoorweg- en Hawefonds word hiermee belas met die som van vier-en-twintigduisend sewehonderd nege-en-veertig rand veertien sent tot dekking van sekere uitgawe vir die dienste van die spoorweë en hawens gedurende die boekjaar wat op die een-en-dertigste dag van Maart 1965 geëindig het, waartoe die Spoorweg- en Hawebegrotingswet, 1964 (Wet No. 28 van 1964), en die Addisionele Spoorweg- en Hawebegrotingswet, 1965 (Wet No. 14 van 1965), geen magtiging verleen het nie. Bedoelde uitgawe word in die Bylae by hierdie Wet uiteengesit en nader omskryf op bladsye 3 en 4 van die Verslag (voorgelê aan die Parlement) van die Kontroleur en Ouditeur-generaal oor die rekenings vir daardie jaar en in die Eerste Verslag van die Gekose Komitee oor Spoorweë en Hawens, 1966.

Kort titel.

2. Hierdie Wet heet die Wet op Ongemagtigde Uitgawe vir Spoorweë en Hawens, 1966.

Bylae.

Diens.	Bedrag.
Inkomstedienste	R24,749.14
	R24,749.14

No. 27, 1966.]

ACT

To apply a further sum of money for the purpose of meeting certain unauthorized expenditure incurred on railways and harbours services during the financial year which ended the thirty-first day of March, 1965.

(*English text signed by the State President.*)
(*Assented to* 23*rd September*, 1966.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. The Railway and Harbour Fund is hereby charged with the sum of twenty-four thousand seven hundred and forty-nine rand fourteen cents to meet certain expenditure not authorized by the Railways and Harbours Appropriation Act, 1964 (Act No. 28 of 1964), and the Railways and Harbours Additional Appropriation Act, 1965 (Act No. 14 of 1965), for the services of the railways and harbours, during the financial year which ended the thirty-first day of March, 1965. Such expenditure is set forth in the Schedule to this Act and is more particularly specified on pages 3 and 4 of the Report (which has been submitted to Parliament) of the Controller and Auditor-General on the accounts for that year and in the First Report of the Select Committee on Railways and Harbours, 1966.

Railway and Harbour Fund charged with R24,749.14 in respect of expenditure for year 1964–'65.

2. This Act shall be called the Railways and Harbours Unauthorized Expenditure Act, 1966.

Short title.

Schedule.

Service.	Amount.
Revenue Services	R24,749.14
	R24,749.14

No. 28, 1966.]

WET

Om voorsiening te maak vir bystand aan persone wat boerdery beoefen of onderneem om dit te beoefen, vir die uitoefening van beheer ten opsigte van verleende bystand en vir ander aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 23 *September* 1966.)

INDELING VAN INHOUD.

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DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) „bystand" bystand in artikel 10 of 11 bedoel; (i)

(ii) „departement" die Departement van Landboukrediet en Grondbesit; (v)

(iii) „hierdie Wet" ook die regulasies; (xv)

(iv) „Insolvensiewet" die Insolvensiewet, 1936 (Wet No. 24 van 1936); (vi)

(v) „landdros", ook 'n addisionele landdros of assistent-landdros; (vii)

(vi) „Meester" met betrekking tot enige aangeleentheid, goed of boedel, 'n Meester, Adjunk-meester of Assistent-meester van die Hooggeregshof kragtens artikel 2 van die Boedelwet, 1965 (Wet No. 66 van 1965), aangestel, wat ten opsigte van daardie aangeleentheid, goed of boedel met regsbevoegdheid beklee is; (viii)

(vii) „Minister" die Minister van Landboukrediet en Grondbesit; (ix)

(viii) „raad" die by artikel 2 ingestelde raad; (ii)

(ix) „regulasie" 'n kragtens hierdie Wet uitgevaardigde regulasie; (xiii)

(x) „roerende goed" met betrekking tot roerende goed wat uit hoofde van 'n in artikel 38 bedoelde ooreenkoms die eiendom van die Staat is, ook—

(*a*) roerende goed wat eersbedoelde roerende goed uit hoofde van 'n in artikel 39 bedoelde voorwaarde of voorskrif vervang of aanvul;

(*b*) in die geval van roerende goed wat uit lewende hawe bestaan, die aanteel daarvan en enige produk wat uit sodanige lewende hawe of aanteel verkry word;

(*c*) in die geval van roerende goed wat bestaan uit enigiets wat by die kweek van gewasse, gesaaides of vrugte gebruik word, alle gewasse, gesaaides of vrugte, hetsy dit geoes is al dan nie, wat nadat bedoelde ooreenkoms aangegaan is, deur die persoon wat dit aangegaan het, gekweek word; (xi)

(xi) „sekretaris" die Sekretaris van Landboukrediet en Grondbesit; (xiv)

(xii) „skikking" 'n skikking in artikel 24 bedoel; (iv)

(xiii) „verband" ook 'n meegaande of borgverband en 'n sessie van enige sodanige verband; (x)

(xiv) „voorgeskrewe" by regulasie voorgeskrewe; (xii)

(xv) „voorsitter van die raad" ook die ondervoorsitter van

No. 28, 1966.]

ACT

To provide for assistance to persons carrying on or undertaking to carry on farming operations, for the exercise of control in respect of assistance rendered, and for other incidental matters.

(*Afrikaans text signed by the State President.*)
(*Assented to 23rd September*, 1966.)

ARRANGEMENT OF CONTENTS.

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BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

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

(i) "assistance" means assistance referred to in section 10 or 11; (i)

(ii) "board" means the board established by section 2; (viii)

(iii) "chairman of the board" includes the vice-chairman of the board when acting as chairman; (xv)

(iv) "compromise" means a compromise referred to in section 24; (xii)

(v) "department" means the Department of Agricultural Credit and Land Tenure; (ii)

(vi) "Insolvency Act" means the Insolvency Act, 1936 (Act No. 24 of 1936); (iv)

(vii) "magistrate" includes an additional or assistant magistrate; (v)

(viii) "Master", in relation to any matter, property or estate, means a Master, Deputy Master or Assistant Master of the Supreme Court appointed under section 2 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), who has jurisdiction in respect of such matter, property or estate; (vi)

(ix) "Minister" means the Minister of Agricultural Credit and Land Tenure; (vii)

(x) "mortgage bond" includes a collateral or security bond and a cession of any such bond; (xiii)

(xi) "movable property", in relation to movable property which is the property of the State by virtue of an agreement referred to in section 38, includes—

(*a*) movable property substituted for or supplementing such firstmentioned movable property by virtue of any condition or direction referred to in section 39;

(*b*) in the case of movable property consisting of livestock, the progeny thereof and any produce derived from such livestock or progeny;

(*c*) in the case of movable property consisting of anything used in the production of crops (including fruit), all such crops, whether harvested or not, grown after the said agreement was concluded by the person who entered into such agreement; (x)

(xii) "prescribed" means prescribed by regulation; (xiv)

(xiii) "regulation" means a regulation made under this Act; (ix)

(xiv) "secretary" means the Secretary for Agricultural Credit and Land Tenure; (xi)

DEEL I.

RAAD EN KOMITEES.

Landboukredietraad.

2. (1) Hierby word daar 'n raad ingestel bekend as die Landboukredietraad, wat bestaan uit hoogstens tien lede deur die Minister aangestel, van wie—

(*a*) een 'n beampte in die departement is;

(*b*) die ander lede aangestel word vanweë hul kennis van landboutegniek of landbou-ekonomie, of vanweë hul kennis van boerdery.

(2) Die Minister wys 'n lid van die raad as voorsitter en 'n ander sodanige lid as ondervoorsitter aan: Met dien verstande dat òf die voorsitter òf die ondervoorsitter 'n beampte in die departement moet wees.

(3) 'n Lid van die raad beklee sy amp vir die tydperk, maar hoogstens vyf jaar, wat die Minister ten tyde van die aanstelling bepaal, maar kan weer aangestel word: Met dien verstande dat, indien daar na sy oordeel gegronde redes daarvoor bestaan, die Minister te eniger tyd die ampstermyn van 'n lid kan beëindig.

(4) 'n Lid van die raad ontruim sy amp—

(*a*) indien sy ampstermyn verstryk het of deur die Minister beëindig word;

(*b*) indien hy hom verkiesbaar stel by enige party- of amptelike benoeming van kandidate vir die Parlement of 'n Provinsiale Raad of 'n poging aanwend om hom by so 'n benoeming te laat nomineer;

(*c*) indien sy boedel gesekwestreer word of hy om in artikel 10 (1) (*c*) bedoelde bystand aansoek doen;

(*d*) indien hy bedank.

(5) Die besoldiging, toelaes, verlof- of ander voorregte en diensvoorwaardes van 'n lid van die raad of sy plaasvervanger wat nie ingevolge 'n ander wet as hierdie Wet in die voltydse diens van die Staat is nie, word van tyd tot tyd deur die Minister in oorleg met die Minister van Finansies bepaal.

Werksaamhede en bevoegdhede van raad.

3. Die raad verrig die werksaamhede en oefen die bevoegdhede uit wat hierdie Wet aan hom toewys of verleen en verrig die ander werksaamhede wat die Minister van tyd tot tyd aan hom toewys.

Komitees van raad.

4. Die voorsitter van die raad kan uit die lede van die raad komitees van die raad aanstel wat uit minstens twee lede bestaan en kan een van daardie lede as voorsitter aanwys.

Delegering van werksaamhede en bevoegdhede van raad.

5. Die raad kan met die goedkeuring van die Minister, enige van sy werksaamhede of bevoegdhede aan enigeen van sy komitees of aan 'n landboukrediet-komitee delegeer, maar word nie daardeur enige van sy aldus gedelegeerde bevoegdhede ontneem nie, en kan 'n beslissing deur so 'n komitee uit hoofde van so 'n delegering, wysig of intrek.

Landboukrediet-komitees.

6. (1) Die Minister kan 'n komitee, bekend as 'n landboukrediet-komitee, vir 'n landdrosdistrik of gedeelte daarvan instel onder voorsitterskap van 'n deur die sekretaris aangewese beampte in die departement, in die geval van die komitee vir die Pretoriase landdrosdistrik, en onder voorsitterskap van 'n plaaslike landdros, in alle ander gevalle.

(2) 'n Landboukrediet-komitee bestaan uit minstens drie en hoogstens vyf lede, van wie—

(*a*) een die in subartikel (1) bedoelde voorsitter is;

(*b*) die ander lede deur die Minister aangestelde lede is, van wie minstens twee persone is wat in die betrokke landdrosdistrik of gedeelte daarvan woonagtig is, oor deeglike kennis van boerdery beskik en na oorlegpleging met die raad aangestel word.

(3) 'n Aangestelde lid van 'n landboukrediet-komitee beklee sy amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van die aanstelling bepaal, maar kan weer aangestel word: Met dien verstande dat, indien daar na sy oordeel gegronde redes daarvoor bestaan, die Minister te eniger tyd die ampstermyn van so 'n lid kan beëindig.

(4) Artikel 2 (4) is *mutatis mutandis* met betrekking tot 'n aangestelde lid van 'n landboukrediet-komitee van toepassing.

(5) 'n Lid van 'n landboukrediet-komitee wat nie in die voltydse diens van die Staat is nie, ontvang ten opsigte van sy dienste die toelaes wat die Minister in oorleg met die Minister

PART I.

BOARD AND COMMITTEES.

Agricultural Credit Board.

2. (1) There is hereby established a board to be known as the Agricultural Credit Board which shall consist of not more than ten members to be appointed by the Minister, of whom—

(*a*) one shall be an officer in the department;

(*b*) the other members shall be appointed by reason of their knowledge of agricultural technics or agricultural economics, or by reason of their knowledge of farming.

(2) The Minister shall designate any member of the board as chairman and any other such member as vice-chairman: Provided that either the chairman or the vice-chairman shall be an officer in the department.

(3) A member of the board shall hold office for such period not exceeding five years as the Minister may determine at the time of the appointment, but shall be eligible for re-appointment: Provided that, if in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any member.

(4) A member of the board shall vacate his office—

(*a*) if his period of office has expired or is terminated by the Minister;

(*b*) if he seeks election at any party or official nomination of candidates for Parliament or a Provincial Council, or attempts to have himself nominated at any such nomination;

(*c*) if his estate is sequestrated or he applies for assistance contemplated in section 10 (1) (*c*);

(*d*) if he resigns.

(5) The remuneration, allowances, leave or other privileges and conditions of service of a member of the board or his alternate, not being in the full-time employment of the State under any law other than this Act, shall be determined from time to time by the Minister acting in consultation with the Minister of Finance.

Functions and powers of the board.

3. The board shall perform the functions and exercise the powers assigned to or conferred upon it by this Act and shall perform such other functions as the Minister may from time to time assign to it.

Committees of the board.

4. The chairman of the board may appoint from among the members of the board committees of the board consisting of not fewer than two members, and may designate one of those members as chairman.

Delegation of functions and powers of the board.

5. The board may, with approval of the Minister, delegate to any of its committees or to any agricultural credit committee any of its functions or powers, but shall not thereby be divested of any power which it may so have delegated, and may amend or withdraw any decision of any such committee by virtue of any such delegation.

Agricultural credit committees.

6. (1) The Minister may establish a committee, to be known as an agricultural credit committee, for any magisterial district or portion thereof, under the chairmanship of an officer in the department designated by the secretary, in the case of the committee for the Pretoria district, and under the chairmanship of a local magistrate in all other cases.

(2) An agricultural credit committee shall consist of not fewer than three and not more than five members, of whom—

(*a*) one shall be the chairman referred to in subsection (1);

(*b*) the other members shall be members appointed by the Minister, of whom at least two shall be persons resident in the magisterial district or part thereof concerned, who have a thorough knowledge of farming and shall be appointed after consultation with the board.

(3) An appointed member of an agricultural credit committee shall hold office for such period not exceeding three years as the Minister may determine at the time of the appointment, but shall be eligible for re-appointment: Provided that, if in his opinion there are good reasons for doing so, the Minister may at any time terminate the period of office of any such member.

(4) Section 2 (4) shall apply *mutatis mutandis* in relation to an appointed member of an agricultural credit committee.

(5) A member of an agricultural credit committee, who is not in the full-time service of the State, shall receive in respect of his services such allowances as the Minister acting in consultation

Werksaamhede van landboukrediet-komitees.

7. Die werksaamhede van 'n landboukrediet-komitee is om die Minister of die raad van advies te dien en verslag en aanbevelings te doen in verband met 'n ondersoek of aangeleentheid wat die Minister of die raad vir advies, verslag of aanbeveling na die komitee verwys, en om die werksaamhede te verrig of bevoegdhede uit te oefen wat die raad aan hom delegeer.

Uitgawes in verband met werksaamhede of bevoegdhede van raad of komitees.

8. Alle uitgawes in verband met die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad of komitees van die raad of landboukrediet-komitees, word bestry uit gelde deur die Parlement vir die doel bewillig.

Administrasie.

9. (1) Alle administratiewe werk, met inbegrip van die uitbetaling en ontvangs van geld, in verband met die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad of komitees van die raad of van 'n landboukrediet-komitee, staan onder beheer van die sekretaris.

(2) Die sekretaris of 'n persoon deur hom daartoe aangewys, is bevoeg om all stukke namens die raad te verly.

DEEL II.

BYSTAND.

Bystandsverlening deur raad.

10. (1) Behoudens die bepalings van subartikel (2), artikels 13 en 15 en die voorskrifte van die Minister, kan die raad op aansoek van enige persoon wat 'n blanke is en tot bevrediging van die raad boerdery beoefen of onderneem om dit te beoefen, aan daardie persoon op die bedinge en voorwaardes deur die raad bepaal, bystand verleen—

(*a*) by wyse van 'n lening vir 'n doel wat tot die beskerming of bevordering van die boerderybedryf strek;

(*b*) deur die verkoop of verhuur aan daardie persoon van onroerende of roerende goed van die Staat wat nie deur die Spoorwegadministrasie beheer word nie en wat na die oordeel van die raad vir boerderydoeleindes geskik is;

(*c*) in verband met 'n skikking.

(2) 'n Lening kragtens subartikel (1) vir die aanlê van grondbewaringswerke of die toepassing van grondbewaringsmaatreëls soos in die Grondbewaringswet, 1946 (Wet No. 45 van 1946), bedoel, word slegs op aanbeveling van die Minister van Landbou-tegniese Dienste of sy gemagtigde toegestaan, en so 'n lening vir die bou van 'n waterwerk soos in die Waterwet, 1956 (Wet No. 54 van 1956), bedoel, word slegs op aanbeveling van die Minister van Waterwese of sy gemagtigde toegestaan.

(3) Die raad kan 'n aansoek ingevolge subartikel (1) van die hand wys sonder om redes te verstrek.

(4) 'n In subartikel (1) bedoelde aansoek moet die besonderhede bevat wat die raad vereis.

Bystandsverlening deur Minister.

11. Die Minister kan na goeddunke en op die bedinge en voorwaardes deur hom bepaal, maar behoudens die bepalings van artikel 15, op aansoek van enige persoon wat 'n blanke is, aan daardie persoon bystand verleen—

(*a*) by wyse van die oordrag op bedoelde persoon van die aanspreeklikheid vir die terugbetaling van 'n bedrag ingevolge hierdie Wet op 'n ander persoon verhaalbaar, indien daardie ander persoon tot die oordrag toestem;

(*b*) by wyse van samevoeging van alle bedrae wat deur die Staat op eersbedoelde persoon verhaalbaar is uit hoofde van die toepassing van 'n wetsbepaling wat by hierdie Wet herroep word.

Verval van persoon se regte, pligte en verpligtings.

12. Die bedinge en voorwaardes waarop bystand verleen word aan 'n persoon moet daarvoor voorsiening maak dat bedoelde persoon se bestaande regte, pligte en verpligtings ingevolge hierdie Wet of 'n wetsbepaling wat by hierdie Wet herroep word, verval op die in artikel 14 (1) bedoelde datum.

Bystand aan lede van raad of van landboukrediet-

13. Geen bystand word aan 'n lid van die raad of van 'n landboukrediet-komitee verleen nie, behalwe bystand van die aard

7. The functions of an agricultural credit committee shall be to advise the Minister or the board and to report and make recommendations in connection with any investigation or matter which the Minister or the board may refer to the committee for advice or for a report or recommendation, and to perform such functions or exercise such powers as the board may delegate to it.

Functions of agricultural credit committees.

8. All expenditure in connection with the performance of the functions or the exercise of the powers of the board or committees of the board or agricultural credit committees shall be defrayed from moneys appropriated by Parliament for the purpose.

Expenditure in connection with functions or powers of board or committees.

9. (1) All administrative work, including the payment and receipt of money, in connection with the performance of the functions or the exercise of the powers of the board or committees of the board or of any agricultural credit committee, shall be under the control of the secretary.

Administration.

(2) The Secretary or any person designated by him shall have power to execute all documents on behalf of the board.

PART II.

ASSISTANCE.

10. (1) Subject to the provisions of subsection (2), sections 13 and 15 and the directions of the Minister, the board may, on application by any white person who carries on or undertakes to carry on farming operations to the satisfaction of the board, render assistance to such person on such terms and conditions as the board may determine—

Assistance rendered by board.

(*a*) by way of a loan for any purpose tending to safeguard or stimulate the farming industry;

(*b*) by selling or letting to such person immovable or movable property of the State, not controlled by the Railway Administration, which in the opinion of the board is suitable for farming purposes;

(*c*) in connection with a compromise.

(2) A loan under subsection (1) for the construction of soil conservation works or the application of soil conservation measures as contemplated in the Soil Conservation Act, 1946 (Act No. 45 of 1946), shall be granted only on the recommendation of the Minister of Agricultural Technical Services or his deputy, and any such loan for the construction of water works as contemplated in the Water Act, 1956 (Act No. 54 of 1956), shall be granted only on the recommendation of the Minister of Water Affairs or his deputy.

(3) The board may refuse an application under subsection (1) without assigning any reasons.

(4) An application referred to in subsection (1) shall contain such particulars as the board may require.

11. The Minister may in his discretion, and on such terms and conditions as he may determine, but subject to the provisions of section 15, render assistance to any white person applying for such assistance—

Assistance rendered by Minister.

(*a*) by transferring to such person the liability for repayment of any amount recoverable under this Act from any other person, if such other person consents to the transfer;

(*b*) by consolidating all amounts recoverable by the State from such first-mentioned person by virtue of the application of any law repealed by this Act.

12. The terms and conditions on which any assistance shall be rendered to any person shall provide that his existing rights, duties and obligations under this Act or any law repealed by this Act, shall lapse on the date referred to in section 14 (1).

Lapsing of person's rights, duties and obligations.

13. No assistance shall be rendered to a member of the board or of an agricultural credit committee except assistance

Assistance to members of board or agricultural

Samevoeging van verhaalbare bedrae.

14. (1) Indien bystand aan 'n persoon verleen word, word vanaf 'n datum deur die Minister bepaal alle bedrae saamgevoeg wat deur die Staat op hom verhaalbaar is weens die verlening van bystand aan hom of uit hoofde van die toepassing van 'n wetsbepaling wat by hierdie Wet herroep word.

(2) Die aldus saamgestelde bedrag word, behoudens die reg van die Minister of raad om addisionele sekuriteit te eis, geag versekureer te wees uit hoofde van enige bestaande sekuriteit deur bedoelde persoon verstrek ten opsigte van verleende bystand of weens die toepassing van 'n wetsbepaling wat by hierdie Wet herroep word, en is op die deur die Minister of raad bepaalde bedinge en voorwaardes terugbetaalbaar asof dit deur die Staat op bedoelde persoon verhaalbaar is weens die verlening van bystand aan hom.

(3) Die in subartikel (2) bedoelde bedinge en voorwaardes word, behoudens die bepalings van artikel 15, bepaal met inagneming van die in artikel 12 bedoelde regte, pligte en verpligtings.

Rente betaalbaar ten opsigte van verleende bystand.

15. Ondanks andersluidende wetsbepalings word daar op enige uitstaande bedrag wat weens die verlening van bystand verhaalbaar is of terugbetaalbaar is asof dit aldus verhaalbaar is, rente gevra teen die koers van vyf persent per jaar.

Beperkende voorwaardes op onroerende goed vir kontant verkoop.

16. Indien bystand aan 'n persoon verleen word by wyse van die verkoop aan hom van onroerende goed vir kontant, is artikel 35 (1) (*a*) en (*b*) en (2) en (3) *mutatis mutandis* van toepassing asof daar op daardie goed 'n verband ingevolge artikel 34 geregistreer moet word en asof die koper die verbandgewer is.

Voorvereistes vir uitbetaling van geld of die lewer van goed.

17. Geen bedrag ten opsigte van bystand word uitbetaal nie en geen roerende goed wat by wyse van bystand aan 'n persoon verkoop is, word aan hom gelewer nie voordat—

(*a*) waar 'n registrasie ten opsigte van onroerende goed vereis word uit hoofde van die bedinge of voorwaardes waarop die bystand verleen gaan word, bevestiging van sodanige registrasie ontvang is;

(*b*) waar die eiendomsreg op roerende goed as sekuriteit of addisionele sekuriteit ten opsigte van bedoelde bystand aan die Staat oorgedra moet word, 'n in artikel 38 (1) beoogde ooreenkoms aangegaan is en waar bedoelde roerende goed of 'n deel daarvan uit lewende hawe, masjinerie, voertuie, implemente, toerusting of gereedskap, van watter aard ook al, bestaan, bewys gelewer word dat dit vir sover doenlik, op die voorgeskrewe wyse gemerk is.

Uitstel vir terugbetaling van skuld.

18. Die Minister kan op aansoek van enige persoon, na goeddunke en op die bedinge en voorwaardes wat die Minister bepaal, aan daardie persoon uitstel verleen vir die terugbetaling van 'n bedrag wat ingevolge hierdie Wet op hom verhaalbaar is.

Nie-nakoming van bedinge of voorwaardes van bystandsverlening.

19. (1) Indien 'n persoon in gebreke bly om 'n beding of voorwaarde in artikel 14 (2) bedoel of waarop bystand aan hom verleen is of uitstel ingevolge artikel 18 verleen is, na te kom, kan die Minister daardie persoon by kennisgewing aan hom oorhandig of per aangetekende brief aan hom gestuur na die adres waar, sover die Minister bekend, hy laas gewoon het, versoek om binne die tydperk in die kennisgewing vermeld, daardie beding of voorwaarde na te kom.

(2) Indien bedoelde persoon in gebreke bly om aan die versoek te voldoen, word die hele bedrag wat nog ten opsigte van bystand verskuldig is, opeisbaar, en indien die bedrag nie binne dertig dae nadat dit aldus opeisbaar geword het, betaal word nie, kan die Minister kragtens artikel 37 of 42 optree, of 'n betrokke huurkontrak kanselleer, of enige onversekureerde bedrag deur middel van geregtelike stappe op bedoelde persoon verhaal.

Minister kan roerende goed vir boerdery-doeleindes verkry.

20. Ter bereiking van die oogmerke van hierdie Wet, kan die Minister op aanbeveling van die raad uit gelde deur die Parlement vir die doel bewillig, en teen die prys en op die voorwaardes deur hom bepaal, roerende goed wat na sy oordeel vir boerdery-doeleindes geskik is, aankoop of oorneem.

DEEL III.

SKIKKING MET SKULDEISERS.

Opskorting van geregtelike stappe.

21. (1) 'n Geding wat in 'n hof teen 'n persoon ingestel is tot verhaal van 'n bedrag deur hom verskuldig, of tot beslaglegging op, of verkoop van bates wat aan hom behoort, by die

Consolidation of amounts recoverable.

14. (1) If assistance is rendered to any person, all amounts recoverable from him by the State on account of rendering assistance to him or by virtue of the application of any law repealed by this Act, shall be consolidated as from such date as the Minister may determine.

(2) The consolidated amount shall, subject to the right of the Minister or board to require additional security, be deemed to be secured by virtue of any existing security furnished by the said person in respect of assistance rendered or on account of the application of any law repealed by this Act, and shall be repayable on such terms and conditions as the Minister or board may determine as if it were recoverable by the State from such person on account of assistance rendered to him.

(3) The terms and conditions referred to in subsection (2) shall, subject to the provisions of section 15, be determined with due regard to the rights, duties and obligations referred to in section 12.

Interest payable in respect of assistance rendered.

15. Notwithstanding anything to the contrary in any other law contained, interest at the rate of five per cent. per annum shall be charged on any amount outstanding which is recoverable on account of assistance rendered or is repayable as if it were so recoverable.

Restrictive conditions on immovable property sold for cash.

16. If assistance is rendered to any person by selling immovable property to him for cash, section 35 (1) (*a*) and (*b*) and (2) and (3) shall *mutatis mutandis* apply as if a mortgage bond over that property were to be registered under section 34 and as if the purchaser were the mortgagor.

Prerequisites for payment of money or delivery of property.

17. No amount shall be paid in respect of assistance and no movable property sold to any person by way of assistance shall be delivered to him before—

(*a*) where any registration in respect of immovable property is required by virtue of the terms or conditions subject to which the assistance is to be rendered, confirmation of such registration has been received;

(*b*) where the ownership in movable property is to be transferred to the State as security or additional security in respect of such assistance, an agreement contemplated in section 38 (1) has been entered into, and where such movable property or any part thereof consists of livestock, machinery, vehicles, implements, equipment or tools, of whatever nature, proof is furnished that it has, as far as possible, been marked in the prescribed manner.

Extension of time for repayment of debt.

18. The Minister may on application by any person, in his discretion and on such terms and conditions as the Minister may determine, grant such person an extension of time for repayment of any amount recoverable from him under this Act.

Non-compliance with terms or conditions on which assistance is rendered.

19. (1) If any person fails to comply with any terms or conditions referred to in section 14 (2) or subject to which any assistance has been rendered to him or any extension of time has been granted to him under section 18, the Minister may request such person by notice delivered to him or forwarded to him by registered letter to the address where, to the Minister's knowledge, he last resided, to comply with such terms or conditions within the period stated in the notice.

(2) If such person fails to comply with the request, the whole amount still owing in respect of assistance shall become due, and if the amount is not paid within thirty days after it has so become due, the Minister may take steps under section 37 or 42, or cancel any lease in question, or recover any unsecured amount from such person by the institution of legal proceedings.

Minister may acquire movable property for farming purposes.

20. In order to achieve the objects of this Act, the Minister may, on the recommendation of the board, out of moneys appropriated by Parliament for the purpose and at such price and subject to such conditions as he may determine, purchase or take over movable property which in his opinion is suitable for farming purposes.

PART III.

COMPROMISE WITH CREDITORS.

Stay of legal proceedings.

21. (1) Any proceedings instituted in any court against any person for the recovery of any debt due by him, or for the

tenuitvoerlegging van 'n vonnis van daardie hof, word opgeskort deur indiening by daardie hof, van 'n sertifikaat onderteken deur die voorsitter of ondervoorsitter van die raad waaruit blyk dat bedoelde persoon (in hierdie Deel die applikant genoem), aansoek om bystand gedoen het en dat daar na die oordeel van bedoelde voorsitter of ondervoorsitter 'n redelike vooruitsig bestaan dat die raad aan die applikant bystand sal verleen.

(2) Indien—

(*a*) die raad die aansoek van die applikant van die hand wys;

(*b*) daar ingevolge artikel 25 verklaar is dat alle verrigtings ingevolge hierdie Deel ten opsigte van die applikant verval het;

(*c*) die raad bystand aan die applikant verleen,

verval genoemde sertifikaat en kan 'n geding in subartikel (1) bedoel, behoudens die bepalings van artikel 24, voortgesit word.

Die belê van 'n vergadering van skuldeisers om te skik.

22. (1) As dit na die oordeel van die raad wenslik is, ten einde die applikant (tensy sy boedel gesekwestreer is) in staat te stel om met 'n redelike vooruitsig op sukses te boer, dat daar met sy skuldeisers 'n skikking getref word wat, op die bedinge en voorwaardes in die skikkingsvoorstel uiteengesit, vir een of meer van die volgende aangeleenthede voorsiening maak, naamlik—

(*a*) dat oor bates van die applikant op 'n bepaalde wyse beskik word;

(*b*) dat die applikant van verpligtings teenoor sy skuldeisers in die geheel of gedeeltelik onthef word;

(*c*) dat aan die applikant uitstel van nakoming van al daardie verpligtings verleen word,

kan die sekretaris, na oorlegpleging met die applikant, by kennisgewing in die *Staatskoerant* en 'n Afrikaanse en 'n Engelse nuusblad in omloop in die gebied waarin die applikant gewoonlik woon, 'n vergadering van die applikant en sy skuldeisers belê met die doel om die vorderings van skuldeisers teen die applikant te bewys en 'n skikkingsvoorstel te oorweeg.

(2) 'n Kennisgewing in subartikel (1) bedoel, dui aan die plek waar en die tyd wanneer die vergadering plaasvind, en word minstens dertig dae voor die datum van die vergadering gepubliseer.

(3) Die vergadering vind plaas in die kantoor van 'n landdros van die distrik of gedeelte daarvan waarin die applikant woonagtig is.

(4) Die sekretaris stuur aan die landdros in wie se kantoor die vergadering moet plaasvind, 'n afskrif van die aansoek van die applikant en daardie afskrif is gedurende 'n tydperk van minstens veertien dae voor die vergadering, gedurende kantoorure ter insae van die applikant se skuldeisers of skuldenaars of hul verteenwoordigers, kosteloos beskikbaar.

(5) Die sekretaris stuur 'n afskrif van die kennisgewing in subartikel (1) bedoel aan die landdros in wie se kantoor die vergadering moet plaasvind en aan die registrateur van aktes in wie se kantoor enige onroerende goed, wat in die aansoek van die applikant as bate aangedui word, geregistreer is.

(6) So spoedig moontlik na die publikasie van bedoelde kennisgewing, oorhandig die sekretaris aan die applikant en elke skuldeiser of stuur hy aan hulle per aangetekende pos, gerig aan die betrokke adres in die aansoek vermeld, 'n afskrif van die kennisgewing tesame met besonderhede van die skikking wat ingevolge artikel 24 (4) voorgestel gaan word.

(7) Versuim om sodanige afskrif of besonderhede te oorhandig of te stuur, maak nie die verrigtings ingevolge hierdie Deel ongeldig nie.

Uitwerking van indiening van sertifikaat of publikasie van kennisgewing.

23. (1) Met ingang van die datum van die indiening van 'n in artikel 21 (1) bedoelde sertifikaat by 'n hof of, indien geen sertifikaat aldus ingedien is nie, met ingang van die datum van publikasie van 'n in artikel 22 (1) bedoelde kennisgewing, en totdat bedoelde sertifikaat ingevolge artikel 21 (2) verval—

(*a*) mag geen persoon onroerende of roerende goed van die applikant waarop by die tenuitvoerlegging van 'n vonnis van 'n hof beslag gelê is, verkoop nie, tensy hy van die indiening van die sertifikaat of die publikasie van die kennisgewing, na gelang van die omstandighede, onbewus is en daar nie redelikerwys van hom verwag kan word om daarvan te weet nie;

(*b*) mag die applikant nie sy skulde betaal of sy bates van die hand sit of beswaar nie, behalwe met die toestemming van die raad;

of a judgment of such court, shall be stayed by the filing in such court of a certificate signed by the chairman or vice-chairman of the board to the effect that the said person (in this Part referred to as the applicant) has applied for assistance and that in the opinion of such chairman or vice-chairman there is a reasonable prospect of the board's rendering assistance to the applicant.

(2) If—

(*a*) the board refuses the application of the applicant;

(*b*) all proceedings under this Part have been declared under section 25 to have lapsed in respect of the applicant;

(*c*) the board renders assistance to the applicant,

the said certificate shall lapse and any proceedings referred to in subsection (1) may, subject to the provisions of section 24, be continued.

Convening a meeting of creditors with a view to compromise.

22. (1) If in the opinion of the board it is desirable, in order to enable the applicant (unless his estate has been sequestrated) to carry on farming with a reasonable prospect of success, that a compromise with his creditors be effected, providing, subject to such terms and conditions as may be set out in the proposal for a compromise, for one or more of the following matters, namely—

(*a*) that any assets of the applicant shall be disposed of in a particular manner;

(*b*) that the applicant shall be released wholly or in part from any obligations towards his creditors;

(*c*) that the applicant shall be granted an extension of time for the fulfilment of all such obligations,

the secretary may, after consultation with the applicant, by notice in the *Gazette* and in an Afrikaans and an English newspaper circulating in the area in which the applicant ordinarily resides, convene a meeting of the applicant and his creditors for the purpose of proving claims of creditors against the applicant and to consider a proposal for a compromise.

(2) Any notice referred to in subsection (1) shall state the place where and time when the meeting shall take place, and shall be published not less than thirty days before the date of the meeting.

(3) The meeting shall be held in the office of a magistrate of the district or portion thereof in which the applicant resides.

(4) The secretary shall forward to the magistrate, in whose office the meeting is to be held, a copy of the applicant's application, and such copy shall be open for inspection during office hours free of charge by the applicant's creditors or debtors or their representatives, for a period of not less than fourteen days before the meeting.

(5) The secretary shall forward a copy of the notice referred to in subsection (1) to the magistrate in whose office the meeting is to be held and to the registrar of deeds in whose office any immovable property, disclosed as an asset in the applicant's application, has been registered.

(6) As soon as may be after publication of the said notice, the secretary shall deliver to the applicant and every creditor, or forward to them by registered post addressed to the address concerned stated in the application, a copy of the notice together with particulars of the compromise to be proposed under section 24 (4).

(7) Any failure to deliver or forward such copy or particulars shall not invalidate the proceedings under this Part.

Effect of filing of certificate or publication of notice.

23. (1) With effect from the date of filing of a certificate referred to in section 21 (1) in any court or, if no certificate has been so filed, with effect from the date of publication of a notice referred to in section 22 (1), and until such certificate lapses in terms of section 21 (2)—

(*a*) no person shall sell any immovable or movable property of the applicant which has been attached in execution of a judgment of any court, unless he does not know and cannot reasonably be expected to know of the filing of the certificate or the publication of the notice, as the case may be;

(*b*) the applicant shall not pay any of his debts, or dispose of or encumber any of his assets except with the

(*c*) mag geen skuldeiser van die applikant in 'n hof 'n geding instel om die applikant se boedel te sekwestreer of om betaling van 'n skuld deur hom verskuldig, af te dwing nie;

(*d*) mag geen persoon enige trekker of ander landboumasjinerie of enige landbougereedskap of besproeiingsmasjinerie of vragmotor wat onderworpe aan 'n opskortende of ontbindende voorwaarde aan die applikant verkoop is en uitsluitend in verband met sy boerdery gebruik word, in besit neem of 'n geding vir die teruggawe daarvan instel nie.

(2) Ná die indiening van bedoelde sertifikaat of die publikasie van bedoelde kennisgewing, na gelang van die geval, moet 'n persoon wat belas is met die tenuitvoerlegging van 'n vonnis van 'n hof teen die applikant, tot betaling van 'n skuld deur die applikant verskuldig, die opbrengs van 'n verkoping by die tenuitvoerlegging van dié vonnis wat op die datum van die indiening van die sertifikaat of die publikasie van die kennisgewing in sy besit was, of wat te eniger tyd daarná in sy besit gekom het, betaal—

(*a*) aan die beredderaar of kurator van die applikant; of

(*b*) aan die persoon wat kragtens die vonnis daarop geregtig is, indien bedoelde sertifikaat uit hoofde van artikel 21 (2) (*a*) of (*b*) verval het:

Met dien verstande dat eersbedoelde persoon nie aanspreeklik is weens versuim om sodanige opbrengs aan so 'n beredderaar of kurator te betaal nie, indien hy dit betaal het aan die persoon wat daarop geregtig sou gewees het as bedoelde sertifikaat nie ingedien of bedoelde kennisgewing nie gepubliseer was nie, en hy, toe hy dié betaling gedoen het, van die indiening van die sertifikaat of die publikasie van die kennisgewing onbewus was en nie redelikerwys daarvan kon geweet het nie.

(3) Indien die applikant die eienaar van onroerende goed is, kan die Minister die betrokke registrateur van aktes magtig om op die titelbewys van daardie goed een of meer van die beperkings te registreer wat ingevolge subartikel (1) (*a*) of (*b*) ten opsigte daarvan van toepassing is.

(4) Bedoelde registrateur van aktes moet aan so 'n magtiging gevolg gee op 'n wyse wat hy as die mees uitvoerbare en die gerieflikste beskou, en elke sodanige beperking is daarna teenoor alle persone geldig en van krag.

Prosedure op vergadering van skuldeisers en skikking.

24. (1) Op 'n vergadering van die applikant en sy skuldeisers wat ingevolge artikel 22 belê is, of enige verdere vergadering wat belê is vir bewys van vorderings teen die applikant, is die landdros in wie se kantoor die vergadering plaasvind, voorsitter en hy kan van tyd tot tyd so 'n vergadering verdaag.

(2) 'n Skuldeiser van die applikant kan op so 'n vergadering sy vordering teen die applikant bewys en die bepalings van die Insolvensiewet is, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing met betrekking tot die wyse waarop so 'n vordering bewys moet word en tot 'n persoon wat 'n vordering teen die applikant bewys het of voornemens is om dit te bewys en tot sake wat met daardie vordering in verband staan: Met dien verstande dat, indien 'n voorstel ingevolge subartikel (4) uitstel van nakoming van al die verpligtings van die applikant teenoor sy skuldeisers beoog, die vorderings teen die applikant, soos in sy aansoek vermeld, as juis en aldus bewys beskou word, tensy die teendeel op die vergadering bewys word.

(3) Artikels 64 (2) en (3) en 65 van die Insolvensiewet is *mutatis mutandis* van toepassing ten opsigte van 'n vergadering ingevolge artikel 22 en ten opsigte van die applikant.

(4) Op 'n vergadering ingevolge artikel 22 stel 'n persoon wat deur die Minister daartoe aangestel is, 'n skikking voor wat, op die bedinge en voorwaardes in die skikkingsvoorstel uiteengesit, vir een of meer van die volgende aangeleenthede voorsiening maak, naamlik—

(*a*) dat oor bates van die applikant op 'n bepaalde wyse beskik word;

(*b*) dat die applikant van verpligtings teenoor sy skuldeisers in die geheel of gedeeltelik onthef word;

(*c*) dat aan die applikant uitstel van nakoming van al die bedoelde verpligtings verleen word.

(5) Bedoelde skikkingsvoorstel word beskou as aangeneem deur al die skuldeisers van die applikant en bind, behoudens artikel 26, sowel hulle as die applikant, hetsy hulle 'n vordering teen die applikant bewys het, al dan nie, tensy die voorstel verwerp word—

(*a*) deur die meerderheid van die skuldeisers wie se vor-

(*c*) no creditor of the applicant shall institute any proceedings in any court for the sequestration of the applicant's estate or to enforce payment of any debt owing by him;

(*d*) no person shall take possession of or institute any proceedings for the return of any tractor or other agricultural machinery or any agricultural implements or irrigation machinery or lorry sold to the applicant subject to a suspensive or resolutive condition and used exclusively in connection with his farming operations.

(2) After the filing of such certificate or the publication of such notice, as the case may be, any person charged with the execution of a judgment of any court against the applicant for the payment of any debt owing by the applicant, shall pay the proceeds of any sale in the execution of such judgment, which were in his possession on the date of the filing of such certificate or the publication of such notice, or which came into his possession at any time thereafter—

(*a*) to the liquidator or trustee of the applicant; or

(*b*) to the person entitled thereto under the judgment, if the said certificate has lapsed by virtue of section 21 (2) (*a*) or (*b*):

Provided that such first-mentioned person shall not be liable for failure to pay over such proceeds to such liquidator or trustee, if he paid them over to the person who would have been entitled thereto if the said certificate had not been filed or the said notice had not been published, and he did not know and could not reasonably have known of the filing of such certificate or the publication of such notice at the time when he made such payment.

(3) If the applicant is the owner of immovable property the Minister may authorize the registrar of deeds concerned to register against the title deeds of that property, any one or more of the restrictions which in terms of subsection (1) (*a*) or (*b*) may apply in respect thereof.

(4) The said registrar of deeds shall give effect to any such authorization in such manner as may to him appear to be most practicable and convenient, and any such restriction shall thereupon be valid and effective against all persons.

Procedure at meeting of creditors and compromise.

24. (1) At a meeting of the applicant and his creditors convened under section 22, or any further meeting convened for the proof of claims against the applicant, the magistrate in whose office the meeting is held shall be chairman and he may from time to time adjourn such meeting.

(2) Any creditor of the applicant may prove his claim against the applicant at any such meeting and the provisions of the Insolvency Act shall, in as far as they can be applied, apply *mutatis mutandis* in relation to the manner in which any such claim shall be proved and to any person who has proved or intends to prove any claim against the applicant and to matters incidental to such claim: Provided that if a proposal in terms of subsection (4) contemplates an extension of time for the fulfilment of all obligations of the applicant towards his creditors, the claims against the applicant, as disclosed in his application, shall be regarded as being correct and so proved, unless the contrary is proved at the meeting.

(3) Sections 64 (2) and (3) and 65 of the Insolvency Act shall apply *mutatis mutandis* in respect of any meeting under section 22 and in respect of the applicant.

(4) At a meeting under section 22 a person appointed for the purpose by the Minister shall propose a compromise providing, subject to such terms and conditions as may be set out in the proposal for a compromise, for any one or more of the following matters, namely—

(*a*) that any assets of the applicant shall be disposed of in a particular manner;

(*b*) that the applicant shall be released wholly or in part from any obligations towards his creditors;

(*c*) that the applicant shall be granted an extension of time for the fulfilment of all such obligations.

(5) The said proposal for a compromise shall be regarded as having been adopted by all creditors of the applicant and shall, subject to section 26, be binding upon them as well as the applicant, whether or not they proved a claim against the applicant, unless the proposal is rejected—

(*a*) by the majority of the creditors whose claims will not be paid in full in terms of the said proposal and whose

as die helfte bedra van die gesamentlike bedrag van alle vorderings wat nie ten volle betaal sal word nie; of

(*b*) deur die meerderheid van die skuldeisers wat volgens bedoelde voorstel uitstel van nakoming van verpligtings teenoor hulle moet verleen en wie se vorderings gesamentlik meer as die helfte bedra van die gesamentlike bedrag van alle vorderings ten opsigte waarvan uitstel verleen moet word; of

(*c*) deur die een of ander skuldeiser wie se vordering teen die applikant deur 'n verband, pand- of retensiereg versekureer is en wat volgens bedoelde voorstel, uitstel van nakoming van verpligtings ten opsigte van daardie vordering moet verleen, of ten opsigte daarvan nie ten volle of tot 'n bedrag gelyk aan die som waarop hy bedoelde sekuriteit gewaardeer het, toe hy sy vordering bewys het, uitbetaal sal word nie.

Verklaring dat verrigtings ingevolge hierdie Deel verval en uitwerking daarvan.

25. (1) Indien die applikant—

(*a*) sonder redelike verontskuldiging in gebreke bly om 'n vergadering wat ingevolge artikel 22 belê is, by te woon;

(*b*) sonder verlof van die voorsittende beampte so 'n vergadering verlaat;

(*c*) na die oordeel van die voorsittende beampte, met bedrieglike oogmerke of met die doel om een skuldeiser bo 'n ander te bevoordeel, in sy aansoek of op daardie vergadering valse of onvolledige gegewens verstrek het;

(*d*) na die oordeel van die voorsittende beampte artikel 23 (1) (*b*) verontagsaam het; of

(*e*) ontkennend op 'n ingevolge artikel 28 (1) gestelde vraag antwoord,

verklaar die voorsittende beampte dat alle verrigtings ingevolge hierdie Deel ten opsigte van die applikant verval het en doen hy dienooreenkomstig aan die sekretaris verslag.

(2) Die Minister kan, na oorlegpleging met die raad, te eniger tyd, maar voordat, ooreenkomstig 'n skikking, onroerende goed getransporteer of met verband beswaar is of 'n verband of ander las op onroerende goed gerojeer is, verklaar dat alle verrigtings ingevolge hierdie Deel ten opsigte van die applikant verval het, indien—

(*a*) daar na die oordeel van die Minister om die een of ander rede nie aan die skikking gevolg gegee kan word nie;

(*b*) die applikant, na die oordeel van die Minister, met die opset om te bedrieg of om aan een skuldeiser bo 'n ander voorkeur te verleen, in sy aansoek of op 'n vergadering ingevolge hierdie Deel of by 'n ondersoek deur die Minister gelas, valse of onvolledige inligting verstrek het;

(*c*) die Minister oortuig is dat die applikant artikel 23 (1) (*b*) verontagsaam het;

(*d*) die applikant te eniger tyd voordat of nadat die skikking getref is, hom op 'n wyse gedra het, of iets nadat die skikking getref is, gebeur het, wat dit, na die oordeel van die Minister, onwenslik maak om aan die skikking gevolg te gee;

(*e*) die applikant versuim het om 'n beding of voorwaarde van die skikking na te kom;

(*f*) waar die skikking vir die voortsetting van die applikant se boerdery voorsiening maak, die beredderaar iets gedoen of nagelaat het wat, na die oordeel van die Minister, die suksesvolle voortsetting van dié boerdery onredelikerwys strem; of

(*g*) die Minister oortuig is dat die applikant sy aansoek wil terugtrek: Met dien verstande dat die Minister kragtens hierdie paragraaf sonder oorlegpleging met die raad kan optree.

(3) 'n Verklaring kragtens hierdie artikel het die uitwerking dat alle regte en verpligtings van die applikant herleef asof geen stappe ingevolge hierdie Deel gedoen was nie.

Uitwerking van skikking.

26. (1) Wanneer 'n skikking getref is—

(*a*) is die applikant van alle skulde wat in sy aansoek vermeld word, onthef behalwe waar die skikking anders bepaal;

(*b*) word alle bates wat ingevolge bedoelde skikking van die applikant op die Staat of op 'n ander skuldeiser van die applikant oorgaan, aan hom onttrek en behoort bedoelde bates aan die Staat of aan daardie ander skuldeiser;

(*c*) mag die applikant geen onroerende goed vervreem of beswaar nie wat ingevolge bedoelde skikking sy eiendom bly maar met verband beswaar moet word of aan

of the aggregate amount of all claims which will not be paid in full; or

(*b*) by the majority of the creditors, who, in terms of the said proposal, have to grant an extension of time for the fulfilment of obligations towards them and whose claims in the aggregate amount to more than one-half of the aggregate amount of all claims in respect of which an extension of time has to be granted; or

(*c*) by any creditor whose claim against the applicant has been secured by a mortgage bond, pledge or right of retention and who in terms of the said proposal has to grant an extension of time for the fulfilment of obligations in respect of such claim or will not be paid in respect thereof in full or up to an amount equal to the amount at which he valued such security when proving his claim.

Declaration that proceedings under this Part shall lapse, and effect thereof.

25. (1) If the applicant—

(*a*) without reasonable excuse fails to attend any meeting convened under section 22;

(*b*) departs from any such meeting without leave of the presiding officer;

(*c*) has, in the opinion of the presiding officer, furnished false or incomplete information in his application or at such meeting, with intent to defraud or to prefer any creditor over any other creditor;

(*d*) has, in the opinion of the presiding officer, failed to observe section 23 (1) (*b*); or

(*e*) replies in the negative to a question put under section 28 (1),

the presiding officer shall declare all proceedings under this Part to have lapsed in respect of the applicant and shall report to the secretary accordingly.

(2) The Minister may, after consultation with the board, at any time but before any immovable property has been transferred or mortgaged or any mortgage bond or other charge upon immovable property has been cancelled in terms of a compromise, declare all proceedings under this Part to have lapsed in respect of the applicant, if—

(*a*) in the opinion of the Minister it is for any reason not feasible to give effect to the compromise;

(*b*) the applicant has, in the opinion of the Minister, furnished false or incomplete information in his application or at a meeting under this Part or an enquiry ordered by the Minister, with intent to defraud or to prefer any creditor over any other creditor;

(*c*) the Minister is satisfied that the applicant has failed to observe section 23 (1) (*b*);

(*d*) the applicant has, at any time before or after the compromise was effected, conducted himself in a manner, or something has happened after the compromise was effected, which, in the opinion of the Minister, makes it undesirable that effect be given to the compromise;

(*e*) the applicant has failed to comply with any term or condition of the compromise;

(*f*) where the compromise provides for the continuation of the farming operations of the applicant, the liquidator has done or omitted to do anything which, in the opinion of the Minister, unreasonably interferes with the successful continuation of such farming operations; or

(*g*) the Minister is satisfied that the applicant desires to withdraw his application: Provided that the Minister may act under this paragraph without consulting the board.

(3) Any declaration under this section shall have the effect of reviving all rights and obligations of the applicant as if no action had been taken under this Part.

Effect of compromise.

26. (1) Whenever a compromise has been effected—

(*a*) the applicant shall be relieved of all liabilities disclosed in his application, except where the compromise may otherwise provide;

(*b*) all assets passing in terms of the compromise from the applicant to the State, or to any other creditor of the applicant, shall cease to be vested in him and shall be vested in the State or such other creditor;

(*c*) the applicant shall not dispose of or encumber any immovable property which in terms of such compromise remains his property, but is to be mortgaged or made subject to any condition or restriction, until

moet word, totdat bedoelde verband geregistreer of bedoelde voorwaarde of beperking teen die titelbewys van daardie onroerende goed aangeteken is.

(2) 'n Skuldeiser van die applikant wie se vordering nie in die aansoek van die applikant vermeld word nie en wat nie betyds van die vergadering van die applikant en sy skuldeisers, ingevolge artikel 22 belê, in kennis gestel was om hom in staat te stel om sy vordering op daardie vergadering te bewys nie, behou sy vorderingsreg teenoor die applikant ten opsigte van bedoelde vordering, maar is nie geregtig om op daardie skikking inbreuk te maak vir sover dit voorsiening maak vir die oorgang van bates van die applikant op die Staat of op enige ander skuldeiser van die applikant, of vir die registrasie van 'n verband nie.

(3) Indien 'n skuldeiser van 'n applikant wie se eis in die aansoek van die applikant vermeld word, of wat op die vergadering wat ingevolge artikel 22 belê is of op enige ander daaropvolgende vergadering van skuldeisers, die geleentheid gehad het om sy vordering te bewys, in gebreke gebly het om sy vordering te bewys, verval sy vordering behalwe vir sover dit versekureer is of betaal moet word volgens 'n skikking wat op eersgenoemde vergadering aangegaan is.

Verkiesing of aanstelling en werksaamhede van beredderaar.

27. (1) Wanneer 'n skikking getref is, kan die skuldeisers wie se vorderings ingevolge bedoelde skikking nie ten volle betaal sal word nie, of wat ingevolge die skikking uitstel van nakoming van verpligtings teenoor hulle moet verleen, op die vergadering waarop die skikking getref is, 'n beredderaar verkies, en indien 'n beredderaar nie aldus verkies word nie, stel die Meester onverwyld 'n beredderaar aan.

(2) Die bepalings van die Insolvensiewet met betrekking tot die verkiesing of aanstelling van 'n kurator is, behoudens die bepalings van subartikel (4), *mutatis mutandis* van toepassing op die verkiesing of aanstelling van 'n in subartikel (1) bedoelde beredderaar.

(3) Behoudens die bepalings van artikel 29, gaan, by verkiesing of aanstelling van 'n beredderaar, alle bates van die applikant wat ingevolge die skikking nie op die Staat of op ander skuldeisers oorgaan nie en nie aan die applikant bly behoort nie, oor op die beredderaar, wat aan die skikking gevolg moet gee.

(4) 'n Kragtens hierdie artikel verkose of aangestelde beredderaar ontvang die voorgeskrewe vergoeding uit die bates wat aldus op hom oorgaan.

Verkiesing of aanstelling van kurator na verwerping van voorgestelde skikking.

28. (1) Indien 'n in artikel 24 (4) bedoelde voorstel tot 'n skikking op 'n vergadering verwerp word, vra die voorsittende beampte die applikant of hy verlang dat daar met sy boedel ingevolge hierdie artikel gehandel word.

(2) Indien die applikant op daardie vraag ontkennend antwoord, handel die voorsittende beampte ooreenkomstig artikel 25 (1).

(3) Indien die applikant op bedoelde vraag bevestigend antwoord, kan die skuldeisers van die applikant wat hulle vorderings teen hom op bedoelde vergadering bewys het, of wie se vorderings as bewys beskou word, op daardie vergadering 'n kurator verkies, en indien 'n kurator nie aldus verkies word nie, stel die Meester onverwyld 'n kurator aan.

(4) Die bepalings van die Insolvensiewet met betrekking tot die verkiesing of aanstelling van 'n kurator is *mutatis mutandis* van toepassing op die verkiesing of aanstelling van 'n in subartikel (3) bedoelde kurator.

(5) By die verkiesing of aanstelling van 'n in subartikel (3) bedoelde kurator, hou alle bates van die applikant wat op die datum van daardie verkiesing of aanstelling aan hom behoort, op om aan hom te behoort, en gaan daardie bates, onderworpe aan artikel 29, op die kurator oor, selfs indien hulle nie aan bedoelde kurator gelewer is nie, en word die applikant van alle skulde wat hy voor daardie datum aangegaan het, onthef, maar word die applikant, by die toepassing van enige ander wet, nie as 'n insolvente persoon en sy boedel nie as gesekwestreer beskou nie.

Verskaffing van sekuriteit deur beredderaar of kurator en sy bevoegdhede en verpligtings.

29. (1) 'n Beredderaar of kurator wat ingevolge hierdie Deel verkies of aangestel is, tree nie as sodanig op nie alvorens hy tot bevrediging van die Meester vir die behoorlike verrigting van sy werksaamhede as beredderaar of kurator sekuriteit verskaf het en van die Meester 'n sertifikaat ter bevestiging van sy verkiesing of aanstelling en van die verskaffing van bedoelde sekuriteit ontvang het.

(2) Wanneer bedoelde beredderaar of kurator bedoelde sertifikaat ontvang het, beskik hy met betrekking tot die verrigting

the said mortgage has been registered or until the said condition or restriction has been registered against the title deeds of such immovable property.

(2) A creditor of the applicant whose claim is not disclosed in the application of the applicant and who was not informed of the meeting of the applicant and his creditors convened under section 22, in sufficient time to enable him to prove his claim at such meeting, shall retain his right of action in respect of such claim against the applicant, but he shall not be entitled to disturb the said compromise in so far as it provides for the passing of any assets from the applicant to the State or to any other creditor of the applicant or for the registration of a mortgage bond.

(3) If a creditor of the applicant whose claim is disclosed in the application of the applicant or who was at the meeting convened under section 22, or at any subsequent meeting of creditors, afforded an opportunity of proving his claim, has failed to prove his claim, it shall lapse, except in so far as it is secured or is to be paid in terms of a compromise effected at such first-mentioned meeting.

Election or appointment and functions of liquidator.

27. (1) When a compromise has been effected, the creditors whose claims will not be paid in full in terms of the said compromise, or who have, in terms of such compromise, to grant an extension of time for the fulfilment of obligations towards them, may at the meeting at which the compromise has been effected, elect a liquidator, and if a liquidator is not so elected, the Master shall forthwith appoint a liquidator.

(2) The provisions of the Insolvency Act relating to the election or appointment of a trustee shall, subject to the provisions of subsection (4), apply *mutatis mutandis* to the election or appointment of a liquidator referred to in subsection (1).

(3) Subject to the provisions of section 29, all assets of the applicant which are in terms of the compromise not to vest in the State or any other creditor and not to remain vested in the applicant, shall on the election or appointment of a liquidator vest in the liquidator, who shall give effect to the compromise.

(4) A liquidator elected or appointed under this section shall receive out of the assets so vesting in him, such remuneration as may be prescribed.

Election or appointment of trustee after rejection of proposed compromise.

28. (1) If a proposal to compromise referred to in section 24 (4) is rejected at any meeting, the presiding officer shall ask the applicant whether he desires that his estate be dealt with in terms of this section.

(2) If the applicant replies to the said question in the negative, the presiding officer shall act in terms of section 25 (1).

(3) If the applicant replies to the said question in the affirmative, the creditors of the applicant who have proved their claims against him at the said meeting, or whose claims are regarded as having been proved, may elect a trustee at such meeting and, if a trustee is not so elected, the Master shall forthwith appoint a trustee.

(4) The provisions of the Insolvency Act relating to the election or appointment of a trustee shall apply *mutatis mutandis* to the election or appointment of a trustee referred to in subsection (3).

(5) On the election or appointment of a trustee referred to in subsection (3), all assets belonging to the applicant on the date of such election or appointment shall cease to be vested in him, and such assets shall, subject to section 29, be vested in the trustee, even though they may not have been delivered to the trustee, and the applicant shall be released from all liabilities incurred by him before the said date, but, for the purposes of any other law, the applicant shall not be regarded as an insolvent and his estate shall not be regarded as having been sequestrated.

Furnishing of security by liquidator or trustee and his powers and obligations.

29. (1) A liquidator or trustee, elected or appointed under this Part, shall not act as such before he has furnished security to the satisfaction of the Master for the proper performance of his functions as liquidator or trustee and has received from the Master a certificate confirming his election or appointment and the furnishing of the said security.

(2) When any such liquidator or trustee has received the said certificate, he shall, in relation to the performance of his functions as liquidator or trustee, have all the rights and powers and shall be subject to all the obligations which under the

ingevolge die Insolvensiewet aan 'n kurator verleen of opgelê word, en oor die algemeen is die Insolvensiewet *mutatis mutandis* van toepassing vir sover dit toegepas kan word, asof die bates wat op die beredderaar of kurator oorgegaan het, 'n insolvente boedel is, behalwe vir sover hierdie Wet anders bepaal.

Verslag van vergadering aan die sekretaris en Meester.

30. Die voorsittende beampte op 'n vergadering ingevolge hierdie Deel, doen aan die sekretaris en die Meester verslag van die uitslag van en die verrigtings op die vergadering.

Registrasie van transport of verband en rojering van verband of ander las tot uitvoering van skikking.

31. (1) Wanneer 'n skikking meebring dat onroerende goed getransporteer of met verband beswaar moet word of dat 'n verband of ander las op onroerende goed gerojeer moet word, magtig die Minister die betrokke registrateur van aktes onverwyld skriftelik om die transport of verband te registreer of om die verband of ander las te rojeer.

(2) Bedoelde registrateur gee, ondanks andersluidende wetsbepalings, aan bedoelde magtiging gevolg, selfs indien geen prokurasie, toestemming of ander magtiging aan hom voorgelê word om bedoelde transport of verband te registreer of om bedoelde verband of ander las te rojeer nie, of selfs indien die verbandakte ten opsigte van 'n verband wat gerojeer moet word, nie aan hom voorgelê word nie.

Betaling van gelde aan 'n beredderaar.

32. Sodra alle onroerende goed getransporteer of met verband beswaar is en alle verbande of ander laste op onroerende goed gerojeer is ooreenkomstig 'n skikking, en 'n in artikel 29 (1) bedoelde sertifikaat uitgereik is, betaal die sekretaris aan die betrokke beredderaar, vir besteding ooreenkomstig die skikking, enige bedrag wat die Minister ingevolge die skikking onderneem het om ten opsigte van die skulde van die applikant te betaal.

Borge van applikant word nie van aanspreeklikheid onthef nie.

33. Geen handeling in verband met 'n applikant ingevolge hierdie Deel maak op die aanspreeklikheid van 'n borg vir enige skuld van die applikant inbreuk nie, behalwe vir sover daardie skuld as gevolg van bedoelde handeling verminder is.

DEEL IV.

SEKURITEITE EN OPTREDE IN VERBAND DAARMEE.

ONROERENDE GOED.

Registrasie van verbande.

34. (1) Wanneer daar ingevolge hierdie Wet 'n voorwaarde gestel word dat onroerende goed ten gunste van die Staat met verband beswaar moet word as sekuriteit of gedeeltelike sekuriteit vir—

(*a*) verleende bystand; of

(*b*) enige bedrag ingevolge hierdie Wet op 'n persoon verhaalbaar,

kan die verbandakte op die wyse in hierdie artikel beskryf, geregistreer word.

(2) Stukke in so 'n vorm opgestel dat dit ingevolge die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), as 'n verbandakte geregistreer kan word, moet deur die verbandgewer voor 'n landdros of die sekretaris in tweevoud onderteken word en aan die sekretaris gestuur of oorhandig word saam met die ander stukke wat die sekretaris vereis.

(3) By ontvangs van bedoelde stukke stuur of oorhandig die sekretaris dit aan die betrokke registrateur van aktes wat, by ontvangs daarvan en van die ander stukke of inligting wat hy vereis, in alle opsigte met bedoelde ondertekende stukke handel asof dit 'n verbandakte is wat in sy teenwoordigheid onderteken is soos in artikel 50 (1) van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), bepaal.

(4) Indien bedoelde registrateur bedoelde stukke as 'n verbandakte registreer, word dit vir alle doeleindes geag aldus onderteken te gewees het.

Registrasie van spesiale voorwaardes of beperkings.

35. (1) By registrasie van 'n verband ingevolge artikel 34, kan die Minister die betrokke registrateur van aktes skriftelik magtig om op die titelbewyse van die betrokke onroerende goed en, in die geval van 'n in paragraaf (*b*) van hierdie subartikel bedoelde beperking, enige ander onroerende goed van die verbandgewer wat nie ten gunste van 'n ander persoon beswaar is nie, een of meer van die volgende voorwaardes of beperkings aan te teken, naamlik dat daardie goed nie sonder die toestemming van die Minister—

(*a*) onderverdeel mag word nie;

(*b*) afsonderlik van mekaar vervreem mag word nie;

(*c*) met verband of andersins beswaar mag word nie;

(*d*) vir beslaglegging vatbaar is of uitgewin mag word nie,

Insolvency Act are conferred or imposed upon a trustee, and generally the Insolvency Act shall apply *mutatis mutandis* in so far as it can be applied, as if the assets vesting in the liquidator or trustee were an insolvent estate, except in so far as this Act may otherwise provide.

30. The presiding officer at any meeting under this Part, shall report the result of and the proceedings at the meeting to the secretary and the Master.

Report on meeting to secretary and Master.

31. (1) If a compromise entails the transfer or mortgaging of immovable property or the cancellation of any mortgage bond or other charge upon immovable property, the Minister shall forthwith in writing authorize the registrar of deeds concerned to register the transfer or mortgage bond or to cancel the mortgage bond or other charge.

Registration of transfer or mortgage bond and cancellation of mortgage bond or other charge in order to give effect to compromise.

(2) The said registrar shall, notwithstanding anything to the contrary in any other law contained, give effect to the said authorization, even though no power of attorney, consent or other authorization may be produced to him for the registration of the said transfer or mortgage bond or for the cancellation of the said mortgage bond or other charge, or even though the deed of hypothecation in respect of the mortgage bond to be cancelled, may not be produced to him.

32. As soon as all immovable property has been transferred or mortgaged and all mortgage bonds or other charges upon immovable property have been cancelled in terms of a compromise, and a certificate referred to in section 29 (1) has been issued, the secretary shall pay to the liquidator concerned, for disbursement in terms of the compromise, any amount which the Minister in terms of the compromise has undertaken to pay in respect of the liabilities of the applicant.

Payment of moneys to liquidator.

33. No action taken in connection with an applicant under this Part shall affect the liability of any surety for any liability of the applicant, except in so far as that liability has been reduced as a result of such action.

Sureties of applicant not relieved of liability.

PART IV.

SECURITIES AND STEPS TAKEN IN CONNECTION THEREWITH.

IMMOVABLE PROPERTY.

34. (1) Whenever a condition is imposed under this Act that immovable property be mortgaged in favour of the State as security or partial security for—

Registration of mortgage bonds.

(*a*) assistance rendered; or

(*b*) any amount recoverable under this Act from any person,

the mortgage bond may be registered in the manner described in this section.

(2) A document framed in such form that it could be registered as a mortgage bond in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), shall be signed in duplicate by the mortgagor before a magistrate or the secretary and be transmitted or handed to the secretary together with such other documents as he may require.

(3) On receipt of the said documents the secretary shall transmit or hand them to the registrar of deeds concerned who, on receipt thereof and of such other documents or information as he may require, shall deal in all respects with the said signed documents as if they were a mortgage bond signed in his presence as provided in section 50 (1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937).

(4) If the said registrar registers such documents as a mortgage bond, they shall for all purposes be deemed to have been so signed.

35. (1) When any mortgage bond is registered in terms of section 34, the Minister may authorize the registrar of deeds concerned in writing to endorse on the title deeds of the immovable property in question and, in the case of a restriction referred to in paragraph (*b*) of this subsection, any other immovable property of the mortgagor not encumbered in favour of any other person, any one or more of the following conditions or restrictions, namely, that such property shall not, without the consent of the Minister—

Registration of special conditions or restrictions.

(*a*) be subdivided;

(*b*) be alienated separately;

(*c*) be mortgaged or otherwise encumbered;

(*d*) be attached or sold in execution, except at the instance

(*e*) deel van die boedel van die eienaar van daardie goed uitmaak nie, maar behoudens die regte van die houer van 'n verband oor daardie goed, die eiendom van die Staat word, indien, terwyl daar nog 'n bedrag ten opsigte van bystand deur bedoelde eienaar aan die Staat verskuldig is, sy boedel gesekwestreer word of daarmee deur 'n eksekuteur ingevolge artikel 34 (5) van die Boedelwet, 1965 (Wet No. 66 van 1965), gehandel moet word, of daarmee ingevolge artikel 28 van hierdie Wet gehandel word.

(2) Bedoelde registrateur moet aan daardie magtiging gevolg gee op die wyse wat hy as die mees uitvoerbare en die gerieflikste beskou, en daarna is enige sodanige voorwaarde of beperking teenoor alle persone geldig en van krag, maar verval dit, met uitsondering van die in subartikel (1) (*a*) of (*b*) bedoelde beperking, by registrasie van transport van daardie goed op naam van 'n ander eienaar.

(3) Die Minister kan bedoelde registrateur skriftelik magtig om 'n in subartikel (1) bedoelde voorwaarde of beperking te rojeer en die registrateur gee aan so 'n magtiging gevolg.

Afstanddoening van voorkeurregte van Staat en toestemming tot optrede met betrekking tot beswaarde onroerende goed.

36. Wanneer onroerende goed met 'n verband beswaar is as sekuriteit vir 'n bedrag ingevolge hierdie Wet verhaalbaar, kan die Minister op die voorwaardes wat hy bepaal—

(*a*) van die Staat se voorkeurreg kragtens so 'n verband afstand doen;

(*b*) toestem tot 'n regshandeling met betrekking tot so 'n verband of tot goed wat aldus beswaar is.

Geregtelike verkoping van beswaarde onroerende goed.

37. (1) Indien 'n bedrag nie binne dertig dae nadat dit ingevolge artikel 19 (2) opeisbaar geword het, betaal word nie, kan die Minister die betrokke balju skriftelik opdrag gee om enige betrokke onroerende goed wat ten gunste van die Staat met verband of 'n ander las beswaar is, in beslag te neem.

(2) Die balju wat so 'n opdrag ontvang, moet uitvoering daaraan gee asof dit 'n lasbrief vir uitwinning van die betrokke onroerende goed is en asof die Staat vonnis teen die eienaar daarvan verkry het vir die bedrag wat hy, volgens mededeling van die Minister aan die balju, nog aan die Staat verskuldig is.

(3) Wanneer onroerende goed ingevolge subartikel (2) verkoop word, kan die Minister dit uit gelde wat deur die Parlement vir die doel bewillig is, aankoop.

ROERENDE GOED.

Oordrag van eiendomsreg op roerende goed op Staat as sekuriteit.

38. (1) Wanneer daar ingevolge hierdie Wet 'n voorwaarde gestel word dat die eiendomsreg op roerende goed op die Staat oorgedra moet word as sekuriteit of gedeeltelike sekuriteit vir—

(*a*) bystand aan 'n persoon verleen; of

(*b*) enige bedrag ingevolge hierdie Wet op 'n persoon verhaalbaar,

gaan die Minister en daardie persoon 'n ooreenkoms aan waarby bedoelde eiendomsreg aldus oorgedra word.

(2) Sodra so 'n ooreenkoms aangegaan is, word die roerende goed waarop dit betrekking het, ondanks andersluidende wetsbepalings of bepalings van die gemene reg, die eiendom van die Staat.

(3) Ondanks die bepalings van subartikel (2), is die Staat nie vir skade wat deur enige van die daarin bedoelde goed veroorsaak word, aanspreeklik of aan die bepalings van 'n ander wet as hierdie Wet wat op daardie goed betrekking het, gebonde nie, maar is die persoon met wie die Minister voormelde ooreenkoms aangegaan het, aldus aanspreeklik en gebonde, en dra hy enige verlies van bedoelde goed, asof hy die eienaar daarvan is.

Optrede ten opsigte van roerende goed waarop ooreenkoms betrekking het.

39. Wanneer roerende goed ingevolge artikel 38 die eiendom van die Staat geword het, kan die Minister te eniger tyd op die voorwaardes wat hy bepaal en onderworpe aan sy voorskrifte—

(*a*) van enige regte van die Staat op bedoelde goed afstand doen in die mate deur hom bepaal;

(*b*) tot enige handeling met betrekking tot bedoelde goed toestem.

Afskrif van ooreenkoms moet vir insae beskikbaar wees.

40. (1) 'n Afskrif van die in artikel 38 (1) bedoelde ooreenkoms word bewaar in die kantoor van die landdros van elke distrik (behalwe die Pretoriase landdrosdistrik) of gedeelte daarvan waarin die persoon wat die ooreenkoms aangegaan het, na die wete van die sekretaris sy boerdery voortsit of woon, en indien bedoelde persoon sy boerdery in die Pretoriase landdrosdistrik voortsit of daar woon, word so 'n afskrif in die kantoor van die sekretaris bewaar.

(2) Die sekretaris stuur aan bedoelde landdros 'n kennisgewing waarin optrede ingevolge artikel 39 ten opsigte van die

(*e*) form part of the estate of the owner of such property, but shall, subject to the rights of the holder of a mortgage bond on such property, become the property of the State, if, while there is any amount in respect of assistance owing to the State by the said owner, his estate is sequestrated or is to be dealt with by an executor in terms of section 34 (5) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), or is dealt with in terms of section 28 of this Act.

(2) The said registrar shall give effect to the said authorization in such manner as may to him appear to be most practicable and convenient, and thereupon any such condition or restriction shall be valid and effective against all persons, but shall, with the exception of the restriction referred to in subsection (1) (*a*) or (*b*), lapse on registration of transfer of such property in the name of another owner.

(3) The Minister may authorize the said registrar in writing to cancel any condition or restriction referred to in subsection (1), and the registrar shall give effect to any such authorization.

Waiver of preferential rights of State and consent to action in relation to encumbered immovable property.

36. When immovable property has been mortgaged as security for any amount recoverable under this Act, the Minister may, on such conditions as he may determine—

(*a*) waive any preferential right of the State under any such mortgage bond;

(*b*) consent to any legal act in relation to any such mortgage bond or the mortgaged property.

Sale in execution of encumbered immovable property.

37. (1) If any amount is not paid within thirty days after it has become due in terms of section 19 (2), the Minister may direct the sheriff concerned in writing to attach any immovable property concerned which has been mortgaged or otherwise encumbered in favour of the State.

(2) The sheriff receiving any such direction shall give effect thereto as if it were a writ of execution upon the immovable property concerned and as if the State had obtained judgment against the owner thereof for the amount which he, according to the notification of the Minister to the sheriff, still owes to the State.

(3) If any immovable property is sold in terms of subsection (2), the Minister may purchase it out of moneys appropriated by Parliament for the purpose.

MOVABLE PROPERTY.

Transfer of ownership in movable property to the State as security.

38. (1) Whenever a condition is imposed under this Act that the ownership in movable property be transferred to the State as security or partial security for—

(*a*) assistance rendered to any person; or

(*b*) any amount recoverable under this Act from any person,

the Minister and such person shall enter into an agreement in terms of which the said ownership is so transferred.

(2) As soon as any such agreement has been concluded, the movable property to which such agreement relates shall, notwithstanding anything to the contrary in any other law or the common law contained, become the property of the State.

(3) Notwithstanding the provisions of subsection (2), the State shall not be liable for any damage caused by any property referred to in that subsection or be subject to any law other than this Act applicable to such property, but the person with whom the Minister concluded the agreement aforesaid shall be so liable and subject to such law, and shall bear any loss of such goods as if he were the owner thereof.

Action taken in respect of movable property to which agreement relates.

39. Whenever movable property has become the property of the State in terms of section 38, the Minister may at any time, subject to such conditions as he may determine and to such directions as he may give—

(*a*) waive any rights of the State in such property to such extent as he may determine;

(*b*) consent to any action in relation to such property.

Copy of agreement to be available for inspection.

40. (1) A copy of the agreement referred to in section 38 (1) shall be kept in the office of the magistrate of every district (other than the Pretoria magisterial district) or portion thereof in which, to the Secretary's knowledge, the person who entered into the agreement carries on farming or resides, and if such person carries on farming or resides in the Pretoria magisterial district, such a copy shall be kept in the office of the secretary.

(2) The secretary shall forward a notice to the said magistrate

(3) Die sekretaris of 'n landdros in wie se kantoor 'n afskrif van die ooreenkoms ingevolge hierdie artikel bewaar word, laat enigeen kosteloos toe om daardie afskrif en 'n in subartikel (2) bedoelde kennisgewing te lees of 'n afskrif daarvan te maak.

Optrede by oorlye of onbevoegdheid van persoon wat eiendomsreg op roerende goed aan Staat as sekuriteit oorgedra het.

41. Indien 'n persoon te sterwe kom, of op regsgesag as 'n geestelik gekrenkte of gebrekkige persoon aangehou word, of deur 'n bevoegde hof as onbevoeg verklaar word om sy eie sake te behartig, neem die eksekuteur van sy boedel of sy regsverteenwoordiger (met inbegrip van iemand wat regtens gemagtig is om sy boedel te bestuur of om opdrag vir die bestuur daarvan te gee), alle roerende goed wat uit hoofde van 'n ooreenkoms deur bedoelde persoon ingevolge artikel 38 aangegaan, die eiendom van die Staat is, in bewaring en hou hy dit tot beskikking van die Minister, wat daarmee kan handel asof bedoelde persoon nog in lewe is of nie aldus aangehou word nie of nie aldus onbevoeg verklaar is nie.

Beskikking oor roerende goed waarop ooreenkoms betrekking het.

42. (1) Wanneer roerende goed uit hoofde van 'n ooreenkoms deur die Minister en 'n persoon ingevolge artikel 38 aangegaan, die eiendom van die Staat is, kan die Minister sonder enige vorm van regsproses die geregsbode of 'n ander persoon opdrag gee om op daardie goed beslag te lê waar dit ook al is, en indien die goed geheel en al of gedeeltelik uit gewasse, gesaaides of vrugte bestaan, kan die Minister al die stappe laat doen wat hy nodig ag om dit in te samel—

(*a*) indien 'n bedrag wat deur eersbedoelde persoon verskuldig is, nie binne dertig dae nadat dit ingevolge artikel 19 (2) opeisbaar geword het, betaal word nie; of

(*b*) indien na die oordeel van die Minister, die omstandighede waaronder bedoelde goed verkeer van so 'n aard is dat die Staat skade kan ly; of

(*c*) indien na die oordeel van die Minister 'n in artikel 39 bedoelde voorwaarde of voorskrif ten opsigte van bedoelde goed nie nagekom is nie; of

(*d*) indien die boedel van eersbedoelde persoon gesekwestreer word of daarmee deur 'n eksekuteur ingevolge artikel 34 (5) van die Boedelwet, 1965 (Wet No. 66 van 1965), gehandel moet word, of daarmee ingevolge artikel 28 van hierdie Wet gehandel word.

(2) Die Minister kan die aldus inbeslaggenome goed laat verkoop op die plek, tyd en wyse wat hy bepaal, of dit vir die Staat behou teen 'n waardasie wat hy billik ag en daarmee na goeddunke handel, en die bedrag van die koopprys of waardasie na betaling van die koste in verband met die inbeslagneming, insameling of verkoping aangegaan, word aangewend tot vermindering of delging van die bedrag tesame met rente en koste wat nog ten opsigte van bystand deur die betrokke persoon aan die Staat verskuldig is, en 'n oorskot word, na gelang van die omstandighede, aan daardie persoon of sy regsverteenwoordiger of die kurator, beredderaar of eksekuteur van sy boedel oorbetaal.

DEEL V.

DIVERSE BEPALINGS.

Oordrag van onroerende goed aan Staat.

43. Onroerende goed kragtens hierdie Wet deur die Minister verkry, word getransporteer aan en geregistreer op naam van die Republiek van Suid-Afrika.

Beamptes kan dokumente opstel en vir registrasie aanbied en Minister kan grondbrief uitreik.

44. (1) Ondanks andersluidende wetsbepalings kan 'n verbandakte, magtiging, kontrak, ooreenkoms of skriftelike toestemming, of enige ander dokument wat by die toepassing van hierdie Wet of 'n wet wat by hierdie Wet herroep word, by 'n registrasiekantoor vir registrasie of opberging aangebied word, deur 'n beampte in die departement opgestel word en hoef 'n huurkontrak wat aldus aangebied word nie deur 'n notaris verly te word nie.

(2) 'n In subartikel (1) bedoelde dokument, word van 'n endossement voorsien dat dit deur bedoelde beampte opgestel is.

(3) Wanneer Staatsgrond ingevolge hierdie Wet aan 'n persoon verkoop word, kan die Minister 'n grondbrief ten opsigte van daardie grond uitreik.

Vrystelling van regte, belastings en gelde.

45. Ondanks andersluidende wetsbepalings is geen reg, belasting of gelde deur die Staat of 'n persoon aan wie bystand verleen word, ten opsigte van 'n handeling of transaksie (met inbegrip van die aankoop van onroerende goed met geld by wyse van bystand verkry) kragtens hierdie Wet, of ten opsigte van 'n stuk wat in verband met so 'n handeling of transaksie vereis word, betaalbaar nie.

Reg van toegang of besigtiging.

46. (1) 'n Persoon wat oor die algemeen of spesiaal deur die

(3) The secretary or any magistrate in whose office a copy of the agreement is kept in terms of this section, shall allow any person to read or make a copy of such copy and any notice referred to in subsection (2), free of charge.

Action taken on death or incapacity of person who transferred ownership in movable property to State as security.

41. If any person dies or is detained under order of a competent court as a mentally disordered or defective person, or is declared by a competent court to be incapable of managing his own affairs, the executor in his estate or his legal representative (including any person empowered by law to administer or give directions as to the administration of his estate) shall take charge of all movable property which is the property of the State by virtue of an agreement entered into by such person under section 38, and hold such property at the disposal of the Minister, who may deal with it as if such person were still alive or had not been so detained or had not so been declared incapable of managing his own affairs.

Disposal of movable property to which agreement relates.

42. (1) Whenever any movable property is the property of the State by virtue of an agreement entered into by the Minister and any person under section 38, the Minister may without recourse to any court of law direct the messenger of the court or any other person to seize such property wherever it may be, and if the property consists wholly or in part of crops (including fruit), the Minister may cause such steps to be taken as he may deem necessary in order to gather such crops—

(*a*) if any amount owing by such first-mentioned person is not paid within thirty days after it has become due in terms of section 19 (2); or

(*b*) if, in the opinion of the Minister, the circumstances in which such property happens to be are of such a nature that the State may suffer any loss; or

(*c*) if in the opinion of the Minister any condition or direction referred to in section 39 has not been complied with in respect of the said property; or

(*d*) if the estate of such first-mentioned person is sequestrated or is to be dealt with by an executor in terms of section 34 (5) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), or is dealt with under section 28 of this Act.

(2) The Minister may cause the property so seized to be sold at such place and time and in such manner as he may determine, or retain it on behalf of the State at such valuation as he may regard fair, and dispose of it as he may think fit, and the amount of the purchase price or valuation, after payment of any costs incurred in connection with the seizure, gathering or sale, shall be applied towards the reduction or payment of such amount together with interest and costs as may be owing to the State by the person concerned in respect of assistance, and if any balance remains, it shall be paid to such person or his legal representative or the trustee, liquidator or executor in his estate, as the case may be.

PART V.

MISCELLANEOUS PROVISIONS.

Transfer of immovable property to the State.

43. Any immovable property acquired by the Minister under this Act shall be transferred to and registered in the name of the Republic of South Africa.

Officers may frame and tender documents for registration and Minister may issue deed of grant.

44. (1) Notwithstanding anything to the contrary in any other law contained, any mortgage bond, authorization, contract, agreement or written consent, or any other document tendered for the purposes of this Act or any law repealed by this Act, at any deeds registry for registration or filing, may be framed by an officer in the department, and any lease so tendered need not be executed by a notary.

(2) Any document referred to in subsection (1) shall be endorsed to the effect that it has been framed by the said officer.

(3) Whenever State land is sold to any person under this Act, the Minister may issue a deed of grant in respect of such land.

Exemption from duties, taxes and fees.

45. Notwithstanding anything to the contrary in any other law contained, no duty, tax or fees shall be payable by the State or any person to whom assistance is rendered, in respect of anything done or any transaction (including the purchase of immovable property with money obtained by way of assistance) under this Act, or in respect of any document required in connection with anything so done or any such transaction.

Right of access or inspection

46. (1) Any person authorized thereto by the secretary

te doen of te laat doen, ten einde die oogmerke van hierdie Wet te bereik.

(2) Wanneer 'n in subartikel (1) bedoelde persoon gemagtig is om roerende goed of 'n deel daarvan waarop die eiendomsreg by die Staat berus, te besigtig, kan hy besigtiging op die voorgeskrewe wyse eis.

(3) Indien roerende goed nie op versoek van 'n in subartikel (1) bedoelde persoon vir besigtiging vertoon word nie, word dit geag sonder toestemming verkoop te wees, totdat die teendeel bewys word.

Misdrywe.

47. 'n Persoon wat—

(*a*) lid van die raad of 'n landboukrediet-komitee is en by die bespreking van of 'n stemming oor 'n aangeleentheid voor die raad of landboukrediet-komitee, aanwesig is of daaraan deelneem, of die sienswyse of stem van 'n ander sodanige lid ten opsigte van bedoelde aangeleentheid probeer beïnvloed, indien daardie persoon of na sy wete, 'n ander persoon wat in die derde of 'n nader graad van bloed- of aanverwantskap aan hom verwant is, 'n geldelike of ander belang, hetsy as 'n vennoot, skuldeiser, skuldenaar of andersins, by bedoelde aangeleentheid het;

(*b*) lid van die raad of 'n landboukrediet-komitee is en regstreeks of onregstreeks vergoeding of beloning van 'n persoon ontvang ten opsigte van of in verband met 'n aangeleentheid wat deur die raad of die landboukrediet-komitee behandel word;

(*c*) lid van die raad of 'n landboukrediet-komitee is en, behalwe in 'n verslag aan die Minister of die sekretaris, openbaar maak hoe hy of 'n ander sodanige lid gestem het oor 'n aangeleentheid wat met die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad of die landboukrediet-komitee in verband staan, of wat sy sienswyse of dié van 'n ander sodanige lid omtrent bedoelde aangeleentheid is of was;

(*d*) ten opsigte van of in verband met 'n aangeleentheid wat deur die raad of 'n landboukrediet-komitee behandel word, vergoeding of beloning aan 'n lid van die raad of die landboukrediet-komitee gee of aanbied met die oogmerk om hom op korrupte wyse te beïnvloed of te beweeg om in stryd met sy plig ingevolge hierdie Wet te handel;

(*e*) in 'n aansoek ingevolge hierdie Wet 'n bewering maak wat in 'n wesentlike opsig vals is, terwyl hy weet dat dit vals is, of enige van sy bates of laste verswyg met die opset om te bedrieg;

(*f*) goed waarop hy die eiendomsreg aan die Staat ingevolge artikel 38 oorgedra het, sonder skriftelike toestemming van die Minister van die hand sit, vernietig of verbruik, of toelaat dat 'n ander persoon dit doen;

(*g*) die beslaglegging, insameling of verkoping van enige goed ingevolge artikel 42 belemmer of verhinder;

(*h*) versuim of weier om aan 'n kragtens artikel 46 (1) gemagtigde persoon toegang tot grond of 'n gebou te verleen, of hom by 'n besigtiging of die verrigting van enige ander werksaamhede, hinder of belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend rand of by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

Regulasies.

48. (1) Behoudens die bepalings van subartikel (2) kan die Minister regulasies uitvaardig met betrekking tot—

(*a*) die byeenroep van en die prosedure en kworum op vergaderings van die raad of komitees daarvan of van landboukrediet-komitees en die aanstelling van plaasvervangers van lede van die raad of bedoelde komitees;

(*b*) die wyse waarop 'n aansoek ingevolge hierdie Wet gedoen moet word;

(*c*) die vergoeding wat 'n beredderaar ontvang;

(*d*) die besigtiging van goed waarvan die eiendomsreg by die Staat berus;

(*e*) enige ander aangeleentheid wat kragtens hierdie Wet voorgeskryf kan word of ten opsigte waarvan dit na sy oordeel nodig of dienstig is om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.

(2) 'n Regulasie wat op Staatsinkomste of -uitgawes betrekking het, word uitgevaardig na oorlegpleging met die Minister van Finansies.

or performing or causing to be performed any act, in order to achieve the objects of this Act.

(2) Whenever a person referred to in subsection (1) has been authorized to inspect any movable property or part thereof vesting in the State, he may demand inspection in the prescribed manner.

(3) If movable property is not produced for inspection at the request of a person referred to in subsection (1), it shall, until the contrary is proved, be deemed to have been sold without consent.

Offences.

47. Any person who—

(*a*) being a member of the board or an agricultural credit committee, is present at or takes part in any discussion of or voting upon any matter before the board or agricultural credit committee, or endeavours to influence the opinion or vote of any other such member in respect of such matter, if such person or to his knowledge any other person related to him in the third or a closer degree of affinity or consanguinity has any pecuniary or other interest in such matter, whether as a partner, creditor, debtor or otherwise;

(*b*) being a member of the board or an agricultural credit committee, receives directly or indirectly any fee or reward from any person in respect of or in connection with any matter dealt with by the board or the agricultural credit committee;

(*c*) being a member of the board or an agricultural credit committee, discloses, except in a report to the Minister or the secretary, the vote or opinion of himself or any other such member on any matter relating to the performance of the functions or the exercise of the powers of the board or the agricultural credit committee;

(*d*) in respect of or in connection with any matter dealt with by the board or an agricultural credit committee, gives or offers any fee or reward to any member of the board or the agricultural credit committee for the purpose of corruptly influencing or inducing him to act in conflict with his duty under this Act;

(*e*) in any application under this Act alleges any fact which is substantially incorrect, knowing it to be incorrect, or, with intent to defraud, fails to disclose any of his assets or liabilities;

(*f*) without the consent in writing of the Minister disposes of, destroys or consumes any property the ownership in which he transferred to the State under section 38, or allows any other person to do so;

(*g*) hinders or obstructs the seizure, gathering or sale of any property under section 42;

(*h*) fails or refuses to grant access to any land or building to any person authorized under section 46 (1), or hinders or obstructs him when inspecting anything or performing any other function,

shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rand or, in default of payment, to imprisonment for a period not exceeding five years.

Regulations.

48. (1) Subject to the provisions of subsection (2), the Minister may make regulations relating to—

(*a*) the calling of and procedure and quorum at meetings of the board or committees thereof or of agricultural credit committees, and the appointment of alternates to members of the board or such committees;

(*b*) the manner in which any application under this Act is to be made;

(*c*) the remuneration to be received by a liquidator;

(*d*) the inspection of property vesting in the State;

(*e*) any other matter which may be prescribed under this Act or in respect of which he deems it necessary or expedient to make regulations in order to achieve the objects of this Act.

(2) Any regulation relating to State revenue or expenses shall be made after consultation with the Minister of Finance.

(3) Regulasies kragtens hierdie artikel uitgevaardig, kan bepaal dat 'n persoon wat 'n bepaling daarvan oortree of versuim om dit na te kom, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met die boete van hoogstens tweehonderd rand of gevangenisstraf vir die tydperk maar hoogstens ses maande, wat daarin bepaal word.

Delegering van bevoegdhede.

49. (1) Die Minister kan 'n bevoegdheid by hierdie Wet of 'n in artikel 51 bedoelde wet aan hom verleen, uitgesonderd die in artikels 2, 10 en 48 bedoelde bevoegdhede, aan die sekretaris of 'n ander beampte van die Staat delegeer, maar word nie daardeur enige van sy aldus gedelegeerde bevoegdhede ontneem nie, en kan 'n beslissing van die sekretaris of ander beampte wysig of intrek.

(2) Die sekretaris kan, met die goedkeuring van die Minister, 'n bevoegdheid by hierdie Wet aan die sekretaris verleen, aan 'n ander beampte in die departement delegeer.

Bedinge of voorwaardes deur Minister of raad bepaal, nie aan beperkings onderworpe nie.

50. Onderworpe aan hierdie Wet of 'n ander wet, is die Minister of die raad by die uitoefening van 'n bevoegdheid by hierdie Wet verleen om in verband met enige aangeleentheid bedinge of voorwaardes te bepaal, aan geen beperkings, van watter aard ook al, onderworpe nie.

Herroeping van wette.

51. (1) Die wette in die Bylae vermeld, word hierby herroep in die mate in die derde kolom daarvan uiteengesit: Met dien verstande dat, behoudens die bepalings van artikel 12 en subartikels (2) en (3) van hierdie artikel, enige bepaling van 'n aldus herroepe wet of van 'n wet kragtens of deur so 'n wet uitgevaardig of in werking gehou, ondanks die herroeping van bedoelde wet, ten opsigte van 'n aangeleentheid in verband waarmee enigiets kragtens enige wet soos voormeld gedoen is of ten opsigte van enigiets wat met so 'n aangeleentheid in verband staan of wat nodig is om in verband met so 'n aangeleentheid gedoen te word, van toepassing bly asof bedoelde wet nie aldus herroep is nie.

(2) 'n Raad ingestel deur of kragtens 'n by hierdie Wet herroepe wet en die Kantoor tot Invordering van Staatsvoorskotte hou op om te bestaan, maar vir sover dit nodig is by die toepassing van enige bepaling wat uit hoofde van die voorbehoudsbepaling by subartikel (1) van toepassing bly, word, behoudens die bepalings van subartikel (3), 'n verwysing in bedoelde bepaling of in daarmee in verband staande stukke na die Staatspresident, 'n ander minister as die Minister, 'n raad soos voormeld of 'n ampsdraer daarvan of die Sekretaris van die Kantoor tot Invordering van Staatsvoorskotte, as 'n verwysing na die Minister en 'n verwysing na die Kantoor tot Invordering van Staatsvoorkotte as 'n verwysing na die kantoor van die Minister uitgelê.

(3) Alle onroerende of roerende goed van die in die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), bedoelde Boerebystandsraad en alle regte en verpligtinge van daardie raad ten opsigte van onroerende of roerende goed, gaan op die Staat oor sonder enige vorm van registrasie of endossement.

Bewilligde gelde.

52. Gelde deur die Parlement bewillig vir bestryding van uitgawes wat ten opsigte van die een of ander aangeleentheid by die toepassing van 'n wet wat by hierdie Wet herroep word, aangegaan is, word geag ook vir bestryding van uitgawes wat by die toepassing van hierdie Wet of die Wet op Grondbesit, 1966, ten opsigte van 'n dergelike aangeleentheid aangegaan is, bewillig te wees.

Uitleg van verwysings in Landbankwet, 1944, na Boere-Bystandswet, 1935.

53. 'n Verwysing in die Landbankwet, 1944 (Wet No. 13 van 1944), na 'n bepaling van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), word geag ook 'n verwysing na die ooreenstemmende bepaling van hierdie Wet te wees.

Bevoegdhede of verpligtings van die Land- en Landboubank van Suid-Afrika nie geraak nie.

54. Hierdie Wet maak geen inbreuk op enige ander wet wat aan die Land- en Landboubank van Suid-Afrika bevoegdhede of verpligtings met betrekking tot grond of ander sekuriteit wat ten gunste van bedoelde bank verhipotekeer is, verleen of oplê nie.

Uitleg van verwysings na Boedelwet, 1965, voor inwerkingtreding

55. 'n Verwysing in hierdie Wet na 'n bepaling van die Boedelwet, 1965 (Wet No. 66 van 1965), word voor die inwerkingtreding van daardie Wet, as 'n verwysing na die ooreenstemmende bepaling van die Boedelwet, 1913 (Wet No. 24 van

(3) Regulations made under this section may provide that any person contravening or failing to comply with any provision thereof shall be guilty of an offence and liable on conviction to such fine not exceeding two hundred rand or to imprisonment for such period not exceeding six months as may be specified therein.

Delegation of powers.

49. (1) The Minister may delegate any power conferred upon him by this Act, or any law referred to in section 51, other than the powers referred to in sections 2, 10 and 48, to the secretary or any other officer of the State, but is not thereby divested of any power so delegated, and may amend or withdraw any decision of the secretary or other officer.

(2) The secretary may with the consent of the Minister delegate to any other officer in the department any power conferred upon the secretary by this Act.

Terms or conditions determined by Minister or board not subject to any limitations.

50. Subject to this Act or any other law, the Minister or the board shall, in exercising any power conferred by this Act to determine any terms or conditions in connection with any matter, not be subject to any limitations of whatever nature.

Repeal of laws

51. (1) The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column thereof: Provided that, subject to the provisions of section 12 and subsections (2) and (3) of this section, any provision of any law so repealed or any law made under or kept in operation by any such law, shall, notwithstanding the repeal of such law, continue to apply in respect of any matter in connection with which anything has been done under any law aforesaid or in respect of anything incidental to any such matter or which may be necessary to be done in connection with any such matter, as if such law had not been so repealed.

(2) Any board established by or under any law repealed by this Act, and the State Advances Recoveries Office, shall cease to exist, but as far as may be necessary for the purposes of any provision continuing to apply by virtue of the proviso to subsection (1), any reference in such provision or in any documents relating thereto to the State President, any minister other than the Minister, a board as aforesaid or any office-bearer thereof or the Secretary of the State Advances Recoveries Office shall, subject to the provisions of subsection (3), be construed as a reference to the Minister, and any reference to the State Advances Recoveries Office shall be construed as a reference to the office of the Minister.

(3) All immovable or movable property of the Farmers' Assistance Board referred to in the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), and all rights and obligations of that board in respect of any immovable or movable property, shall vest in the State without any form of registration or endorsement.

Appropriated moneys.

52. Moneys appropriated by Parliament for defraying expenditure incurred in respect of any matter for the purposes of any law repealed by this Act, shall be deemed to have been appropriated also for defraying expenditure incurred for the purposes of this Act or the Land Tenure Act, 1966, in respect of any similar matter.

Interpretation of references in Land Bank Act, 1944, to Farmers' Assistance Act, 1935.

53. Any reference in the Land Bank Act, 1944 (Act No. 13 of 1944), to any provision of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), shall be construed as including a reference to the corresponding provision of this Act.

Powers or obligations of the Land and Agricultural Bank of South Africa not affected.

54. Nothing in this Act contained shall affect any other law conferring or imposing on the Land and Agricultural Bank of South Africa any powers or obligations relating to land or any other security hypothecated in favour of the said bank.

Interpretation of references to Administration of Estates Act, 1965, prior to its commencement

55. Any reference in this Act to any provision of the Administration of Estates Act, 1965 (Act No. 66 of 1965), shall, prior to the commencement of that Act, be construed as a reference to the corresponding provision of the Administration of Estates Act, 1913 (Act No. 24 of 1913)

Wysiging van artikel 3 van Wet 45 van 1946, soos gewysig deur artikel 3 van Wet 37 van 1960 en artikel 3 van Wet 31 van 1964.

56. Artikel 3 (1) van die Grondbewaringswet, 1946, word hierby gewysig deur paragraaf (*b*) deur die volgende paragraaf te vervang:

„(*b*) die Sekretaris van Landboukrediet en Grondbesit;".

Wysiging van artikel 1 van Wet 54 van 1956, soos gewysig deur artikel 1 van Wet 56 van 1961.

57. Artikel 1 van die Waterwet, 1956 (Wet No. 54 van 1956), word hierby gewysig deur die omskrywing van „eienaar" deur die volgende omskrywing te vervang:

„(vi) ‚eienaar', met betrekking tot grond, die persoon wat in 'n registrasiekantoor van aktes as die eienaar of besitter daarvan geregistreer is, en ook die Staat, die kurator van 'n insolvente boedel, 'n beredderaar of kurator ingevolge die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), of die Wet op Landboukrediet, 1966, gekies of aangestel, die likwidateur van 'n maatskappy wat 'n eienaar is, die wetlike verteenwoordiger van 'n eienaar wat oorlede is of wat minderjarig of kranksinnig of andersins onbevoeg is, en die verteenwoordiger in die Unie van 'n eienaar wat uit die Unie afwesig is of van wie nie bekend is waar hy hom bevind nie, en, met betrekking tot grond wat ingevolge die wette op nedersetting aan iemand toegeken of verhuur is onderworpe aan 'n reg om bedoelde grond te koop, of tot Kroongrond wat deur aankoop verkry is, maar ten opsigte waarvan transport nog nie aan die koper gegee is nie, die persoon aan wie daardie grond aldus toegeken, verhuur of verkoop is; maar by die toepassing van Hoofstuk IX beteken ‚eienaar' nie ook 'n natuurlike persoon nie; (xii)".

Kort titel en inwerkingtreding.

58. Hierdie Wet heet die Wet op Landboukrediet, 1966, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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56. Section 3 (1) of the Soil Conservation Act, 1946, is hereby amended by the substitution for paragraph (*b*) of the following paragraph:

"(*b*) the Secretary for Agricultural Credit and Land Tenure;".

Amendment of section 3 of Act 45 of 1946, as amended by section 3 of Act 37 of 1960 and section 3 of Act 31 of 1964.

57. Section 1 of the Water Act, 1956, is hereby amended by the substitution for the definition of "owner" of the following definition:

"(xii) 'owner', in relation to land, means the person registered in a deeds registry as the owner or holder thereof, and includes the State, the trustee in an insolvent estate, a liquidator or trustee elected or appointed under the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), or the Agricultural Credit Act, 1966, the liquidator of a company which is an owner, the legal representative of any owner who has died or is a minor or of unsound mind or otherwise under disability and the agent in the Union of an owner who is absent from the Union or whose whereabouts are unknown, and, in relation to land which has been allotted or leased to any person under the laws relating to land settlement, subject to a right to purchase such land, or to Crown land which has been acquired by purchase but in respect of which title has not yet been given to the purchaser, the person to whom that land has been so allotted, leased or sold; but for the purposes of Chapter IX 'owner' shall not include a natural person; (vi)".

Amendment of section 1 of Act 54 of 1956, as amended by section 1 of Act 56 of 1961.

58. This Act shall be called the Agricultural Credit Act, 1966, and shall come into operation on a date to be fixed by the State President by notice in the *Gazette*.

Short title and commencement.

Bylae.

No. en jaar van Wet.	Kort titel.	In hoeverre herroep.
Wet No. 16 van 1924.	Droogte Noodlenigings Wet, 1924 ..	Die geheel.
Wet No. 25 van 1927.	Droogte en Oorstroming Noodlenigingswet, 1927.	Die geheel.
Wet No. 9 van 1928.	Droogte Noodlenigings Wysigingswet, 1928.	Die geheel.
Wet No. 4 van 1931.	Wet tot Spesiale Onderstand aan Boere, 1931.	Die geheel.
Wet No. 22 van 1932.	Oorstroming Noodlenigingswet, 1932	Die geheel.
Wet No. 25 van 1932.	Finansiële Reëlingswet, 1932 ..	Artikel 13.
Wet No. 29 van 1933.	Finansiële Reëlingswet, 1933 ..	Artikel 5.
Wet No. 55 van 1934.	Wysigingswet op Spesiale Onderstand aan Boere, 1934.	Die geheel.
Wet No. 64 van 1934.	Finansiewet, 1934	Artikels 3, 11 en 15.
Wet No. 37 van 1935.	Wet tot Invordering van Staatsvoorskotte, 1935.	Die geheel.
Wet No. 48 van 1935.	Boere-Bystandswet, 1935	Die geheel.
Wet No. 35 van 1936.	Finansiewet, 1936	Artikels 5, 8, 9 en 15.
Wet No. 50 van 1937.	Finansiewet, 1937	Artikels 12 en 22.
Wet No. 17 van 1938.	Finansiewet, 1938	Artikel 24.
Wet No. 41 van 1942.	Finansiewet, 1942	Artikel 20.
Wet No. 37 van 1943.	Finansiewet, 1943	Artikel 17.
Wet No. 46 van 1944.	Finansiewet, 1944	Artikel 24.
Wet No. 45 van 1946.	Grondbewaringswet, 1946	Artikels 29 (*a*) en (*b*), 30 en 33 (*a*) en artikel 33 (*b*) vir sover dit op kortings op voorskotte betrekking het.
Wet No. 57 van 1946.	Finansiewet, 1946	Artikel 28.
Wet No. 48 van 1947.	Finansiewet, 1947	Artikel 26.
Wet No. 50 van 1952.	Finansiewet, 1952	Artikel 2 vir sover dit in die Republiek van toepassing is, en artikel 12.
Wet No. 21 van 1956.	Nedersettingswet, 1956	Die geheel.
Wet No. 81 van 1957.	Finansiewet, 1957	Artikel 12.
Wet No. 13 van 1959.	Wysigingswet op Nedersetting, 1959	Die geheel.
Wet No. 62 van 1959.	Boere-Bystandswysigingswet, 1959 ..	Die geheel.
Wet No. 80 van 1959.	Finansiewet, 1959	Artikels 7 en 8.
Wet No. 16 van 1960.	Wysigingswet op Boerebystand, 1960	Die geheel behalwe artikel 17.
Wet No. 28 van 1960.	Wysigingswet op Nedersettings, 1960.	Die geheel.
Wet No. 64 van 1960.	Finansiewet, 1960	Artikel 8.
Wet No. 76 van 1961.	Finansiewet, 1961	Artikel 7.

Schedule.

No. and year of law.	Short title.	Extent of repeal.
Act No. 16 of 1924.	Drought Distress Relief Act, 1924	The whole.
Act No. 25 of 1927.	Drought and Flood Distress Relief Act, 1927.	The whole.
Act No. 9 of 1928.	Drought Distress Relief (Amendment) Act, 1928.	The whole.
Act No. 4 of 1931.	Farmers' Special Relief Act, 1931 ..	The whole.
Act No. 22 of 1932.	Flood Distress Relief Act, 1932 ..	The whole.
Act No. 25 of 1932.	Financial Adjustments Act, 1932 ..	Section 13.
Act No. 29 of 1933.	Financial Adjustments Act, 1933 ..	Section 5.
Act No. 55 of 1934.	Farmers' Special Relief Amendment Act, 1934.	The whole.
Act No. 64 of 1934.	Finance Act, 1934	Sections 3, 11 and 15.
Act No. 37 of 1935.	State Advances Recoveries Act, 1935	The whole.
Act No. 48 of 1935.	Farmers' Assistance Act, 1935 ..	The whole.
Act No. 35 of 1936.	Finance Act, 1936	Sections 5, 8, 9 and 15.
Act No. 50 of 1937.	Finance Act, 1937	Sections 12 and 22.
Act No. 17 of 1938.	Finance Act, 1938	Section 24.
Act No. 41 of 1942.	Finance Act, 1942	Section 20.
Act No. 37 of 1943.	Finance Act, 1943	Section 17.
Act No. 46 of 1944.	Finance Act, 1944	Section 24
Act No. 45 of 1946.	Soil Conservation Act, 1946 ..	Sections 29 (*a*) and (*b*), 30 and 33 (*a*), and section 33 (*b*) in so far as it relates to rebates on advances.
Act No. 57 of 1946.	Finance Act, 1946	Section 28.
Act No. 48 of 1947.	Finance Act, 1947	Section 26.
Act No. 50 of 1952.	Finance Act, 1952	Section 2 in so far as it applies in the Republic, and section 12.
Act No. 21 of 1956.	Land Settlement Act, 1956 ..	The whole.
Act No. 81 of 1957.	Finance Act, 1957	Section 12.
Act No. 13 of 1959.	Land Settlement Amendment Act, 1959.	The whole.
Act No. 62 of 1959.	Farmers' Assistance Amendment Act, 1959.	The whole.
Act No. 80 of 1959.	Finance Act, 1959	Sections 7 and 8.
Act No. 16 of 1960.	Farmers' Assistance Amendment Act, 1960.	The whole, except section 17.
Act No. 28 of 1960.	Land Settlement Amendment Act, 1960.	The whole.
Act No. 64 of 1960.	Finance Act, 1960	Section 8.
Act No. 76 of 1961.	Finance Act, 1961	Section 7.

No. en jaar van Wet.	Kort titel.	In hoeverre herroep.
Wet No. 69 van 1962.	Wet op Statebondsbetrekkinge, 1962	Artikels 67 en 68.
Wet No. 66 van 1963.	Wysigingswet op Nedersetting, 1963	Die geheel.
Wet No. 33 van 1964.	Wysigingswet op Bystand aan Boere, 1964.	Die geheel.
Wet No. 68 van 1964.	Wysigingswet op Nedersetting, 1964	Die geheel.
Wet No. 55 van 1965.	Onteieningswet, 1965	Artikel 29.

No. and year of law.	Short title.	Extent of repeal.
Act No. 69 of 1962.	Commonwealth Relations Act, 1962	Sections 67 and 68.
Act No. 66 of 1963.	Land Settlement Amendment Act, 1963.	The whole.
Act No. 33 of 1964.	Farmers' Assistance Amendment Act, 1964.	The whole.
Act No. 68 of 1964.	Land Settlement Amendment Act, 1964.	The whole.
Act No. 55 of 1965.	Expropriation Act, 1965	Section 29.

INHOUD.

Departement van die Eerste Minister.

GOEWERMENTSKENNISGEWING.

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