



STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE



REGULASIEKOERANT No. 1154

As 'n Nuusblad by die Poskantoor Geregistreer

PRYS 10c PRICE
OORSEE 15c OVERSEAS
POSVRY — POST FREE

REGULATION GAZETTE No. 1154

Registered at the Post Office as a Newspaper

Vol. 49.]

KAAPSTAD, 11 JULIE 1969.
CAPE TOWN, 11TH JULY, 1969.

[No. 2486.

PROKLAMASIE

VAN DIE STAATSPRESIDENT VAN DIE
REPUBLIEK VAN SUID-AFRIKA

No. R.188, 1969]

**REGULASIES BETREFFENDE GROND IN
BANTOEGBIEDE**

KRAGTIENS die bevoegdheid my verleen by artikel 25 (1) van die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927), gelees met artikels 21 (1) en 48 (1) van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), verklaar ek hierby dat die regulasies in die Bylae van hierdie Proklamasie vervat, vanaf die datum van afkondiging hiervan van krag en regsgeldig is in alle Bantoegebiede.

GEGEE onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Agtiende dag van Junie Eenduisend negenhonderd nege-en-sestig.

J. J. FOUCHÉ,
Staatspresident.

Op las van die Staatspresident-in-rade,
M. C. BOTHA.

BYLAE

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PROCLAMATION

BY THE STATE PRESIDENT OF THE
REPUBLIC OF SOUTH AFRICA

No. R.188, 1969.]

BANTU AREAS LAND REGULATIONS

UNDER and by virtue of the powers vested in me by section 25 (1) of the Bantu Administration Act, 1927 (Act No. 38 of 1927), read with section 21 (1) and 48 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), I hereby declare that the regulations contained in the Schedule to this Proclamation shall, from the date of publication hereof, take effect and have the force of law in all Bantu areas.

GIVEN under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighteenth day of June, One thousand Nine hundred and Sixty-nine.

J. J. FOUCHÉ,
State President.

By Order of the State President-in-Council,
M. C. BOTHA.

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Definisies

1. In hierdie Proklamasie, tensy strydig met die sinsverband beteken—

- „Aanhangsel” ’n aanhangsel van hierdie regulasies;
- „afgesonderde gebiede” die afgesonderde Bantoegebiede soos in die Bantoe-trust Wet omskryf;
- „Bantoe” ’n Bantoe soos in die Bantoe-trust Wet omskryf;
- „Bantoe-administrasie Wet” die Bantoe-administrasie Wet, 1927 (Wet No. 38 van 1927);
- „Bantoe Belasting Wet” die Bantoe Belasting en Ontwikkeling Wet, 1925 (Wet No. 41 van 1925);
- „Bantoegebiede” die gebiede genoem in artikel 25 (1) van die Bantoe-administrasie Wet, gelees met artikel 21 (1) van die Bantoe-trust Wet, maar uitgesonderd enige sodanige gebied geleë in die Bantoe-woongebied Sebokeng of in die Transkei soos in die Transkeise Grondwet beskryf, of wat ingevolge enige wetsbepaling tot ’n besproeiingskema verklaar is of as dorp bepaal en afgesonderd is;
- „Bantoesakekommissaris” die Bantoesakekommissaris kragtens artikel 2 van die Bantoe-administrasie Wet aangestel, met regsbevoegdheid, met inbegrip van ’n Addisionele en ’n Assistent-Bantoesakekommissaris;

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Definitions

1. In this Proclamation, unless inconsistent with the context—

- “Annexure” means an annexure to these regulations;
- “allotment” includes any Trust land held for any purpose under a permission to occupy;
- “arable allotment” means land, other than an arable lot, lawfully held by a Bantu for growing crops or fruit or both;
- “arable lot” means land lawfully held by or set aside for grant to a Bantu under quitrent title for growing crops or fruit or both;
- “Bantu” means a Bantu as defined in the Bantu Trust Act;
- “Bantu Administration Act” means the Bantu Administration Act, 1927 (Act No. 38 of 1927);
- “Bantu Affairs Commissioner” means the Bantu Affairs Commissioner appointed in terms of section 2 of the Bantu Administration Act, having jurisdiction and includes an Additional and an Assistant Bantu Affairs Commissioner;
- “Bantu areas” means the areas referred to in section 25 (1) of the Bantu Administration Act, read with section 21 (1) of the Bantu Trust Act, but excluding any such area situated in the Bantu residential area of Sebokeng or in the Transkei as described in the Transkei Constitution Act or which has been declared or defined and set aside in terms of any law as an irrigation scheme or township;

„Bantoetrust Wet” die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936);

„besitter” met betrekking tot grond—

- (i) die persoon wat die geregistreerde besitter van sodanige grond is; of
- (ii) as sodanige persoon oorlede is, die eksekuteur van sy boedel, of as sodanige oorledene ’n Bantoe was, die persoon wat aangestel is om sy boedel te administreer, of as geen sodanige administrateur aangestel is nie, die persoon wat ingevolge hierdie regulasies of enige ander wet geregtig is om sodanige oorlede Bantoe se grond te erf, of om sodanige grond op sy naam te laat registreer; of
- (iii) as sodanige persoon se boedel gesekwestreer is, die trustee van sy boedel; of
- (iv) as sodanige persoon andersins regsbevoegd is, sy regsvertegenwoordiger; en het

„besit” ’n ooreenstemmende betekenis;

„bewerkbare erf” grond wettiglik in die besit van of opsygesit vir toekenning aan ’n Bantoe kragtens erfpagtitel, om gesaaides of vrugte of albei op te kweek;

„bewerkbare perseel” grond, uitgesonderd ’n bewerkbare erf, wat in die wettige besit van ’n Bantoe is om gesaaides en vrugte of albei op te kweek;

„dorp” ’n dorp soos in Proklamasie No. R.293 van 1962, omskryf;

„eienaar” met betrekking tot grond, die persoon op wie se naam sodanige grond in eiendomsreg in enige aktekantoor geregistreer is;

„erfpagtitel” die titelakte met betrekking tot grond wat in ’n Bantoegebied vir individuele besit of erfpagvoorwaardes toegeken is, en wat in die vorm en onderhewig aan die voorwaardes in hierdie regulasies voorgeskryf, uitgereik is of geag word uitgereik te wees;

„formele kennisgewing” ’n kennisgewing in artikel 66 bedoel wat soos daarin voorgeskryf, beteken word;

„geregistreerde besitter” die persoon of liggaam op wie se naam enige grond wat in ’n erfpagtitel of vergunning tot okkupasie beskryf word, geregistreer is;

„grondaktekantoor” ’n registrasiekantoor vir grondaktes;

„handelserf” grond wat in die besit van enige persoon onderhewig aan erfpagvoorwaardes is, vir die doel om enige besigheid, handel of beroep daarop vir gewin te dryf of te beoefen, of ten opsigte waarvan ’n lisensie benodig word;

„handelsperseel” grond wat in die besit van enige persoon kragtens ’n vergunning tot okkupasie is, vir die doel om enige besigheid, handel of beroep daarop vir gewin te dryf of te beoefen, of ten opsigte waarvan ’n lisensie benodig word;

„Hoofbantoesakekommissaris” die Hoofbantoesakekommissaris kragtens artikel 2 van die Bantoe-administrasie Wet aangestel, met regsbevoegdheid en ook ’n Assistent-Hoofbantoesakekommissaris;

„hoofman” ’n hoofman kragtens artikel 2 van die Bantoe-administrasie Wet aangestel, en ook enige kaptein se plaasvervanger wat deur ’n kaptein in die provinsie Natal aangestel is, en enige onderhoofman of persoon wat deur die Bantoesakekommissaris aangewys is om namens die Trust beheer en toesig uit te oefen oor enige Bantoegebied wat nie binne die regsgebied van ’n kaptein geleë is nie;

„Hoofstuk” ’n hoofstuk van hierdie regulasies;

„kaptein” ’n kaptein of onderkaptein wat kragtens artikel 2 van die Bantoe-administrasie Wet aangestel of erken is, en ook enige persoon wat in die plek van sodanige kaptein of onderkaptein waarneem;

„Bantu Authorities Act” means the Bantu Authorities Act, 1951 (Act No. 68 of 1951);

„Bantu Taxation Act” means the Bantu Taxation and Development Act, 1925 (Act No. 41 of 1925);

„Bantu Trust Act” means the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936);

„betterment area” means a betterment area as defined in the Betterment Areas Proclamation No. R196 of 1967;

„Chapter” means a chapter of these regulations;

„chief” means a chief or sub-chief appointed or recognized in terms of section 2 of the Bantu Administration Act and includes any person acting in the place of such chief or sub-chief;

„Chief Bantu Affairs Commissioner” means the Chief Bantu Affairs Commissioner appointed in terms of section 2 of the Bantu Administration Act, having jurisdiction and includes an Assistant Chief Bantu Affairs Commissioner;

„church allotment” means land held for church, school or mission purposes by any person, church or missionary body under permission to occupy;

„church lot” means land owned under title deed by any person, church or missionary body for church, school or mission purposes;

„commonage” means that portion of any area of Trust land which has not been demarcated and beacons as a site or specially reserved for specific purposes other than the grazing of stock, or which has not been set aside as a public place and which is not a street, road or other public thoroughfare;

„farming lot” means any area of land other than an arable or residential lot held by a Bantu under conditions of quitrent tenure for arable and residential purposes;

„formal notice” means a notice referred to, and served in the manner prescribed in section 66;

„headman” means a headman appointed in terms of section 2 of the Bantu Administration Act, and includes any chief’s deputy appointed by a chief in the Province of Natal and any sub-headman or person designated by the Bantu Affairs Commissioner to exercise control and supervision on behalf of the Trust over any Bantu area not subject to the jurisdiction of a chief;

„holder” in relation to land means—

- (i) the person who is the registered holder of such land; or
- (ii) if such person is deceased, the executor of his estate or, in the case of such deceased person having been a Bantu, the person appointed to administer his estate or if such an administrator has not been appointed, the person entitled in terms of these regulations or of any other law to succeed to such deceased Bantu’s land or to have such land registered in his name; or
- (iii) if the estate of such person has been sequestered the trustee of his estate; or
- (iv) if such person is otherwise under legal disability, his legal representative; and

„hold” or „held” has a corresponding meaning;

„Minister” means the Minister of Bantu Administration and Development;

„minor” means a person under the age of twenty-one years;

„kerkerf” grond wat in die eiendomsbesit van enige persoon, kerk of sendinggenootskap kragtens ’n titelakte vir kerk-, skool- of sendingdoeleindes is; „kerkperseel” grond wat vir kerk-, skool- of sendingdoeleindes deur enige persoon, kerk- of sendinggenootskap kragtens ’n vergunning tot okkupasie besit word;

„landbouhoewe” enige ander stuk grond as ’n bewerkbare of woonerf wat onderhewig aan erfpagvoorwaardes in die besit van ’n Bantoe vir boerdery en woondoeleindes is;

„landmeter-generaal” met betrekking tot ’n Bantoegebied, die landmeter-generaal van die provinsie waarin sodanige Bantoegebied geleë is;

„meent” dié gedeelte van enige Trustgrondgebied wat nie as ’n perseel aangewys en afgebaken is of uitdruklik vir ander spesifieke doeleindes as weiding uitgehou is nie, of wat nie as ’n openbare plek opsygesit is nie en wat nie ’n straat, pad of ander openbare deurgang is nie;

„minderjarige” iemand wat onder die ouderdom van een-en-twintig jaar is;

„Minister” die Minister van Bantoe-administrasie en -ontwikkeling;

„onvoordelige okkupasie” of „versuim om voordelig te okkupeer”—

(a) in die geval van ’n kerk- of skoolerf of -perseel, versuim aan die kant van die eienaar of besitter om binne ’n tydperk van twaalf maande vanaf die datum van die betrokke titelakte of vergunning tot okkupasie, die perseel te omhein of om geskikte geboue daarop op te rig, of as die eienaar of besitter gedurende enige tydperk van twaalf agtereenvolgende maande in gebreke bly om die perseel vir die doel waarvoor dit toegeken of toegewys was, te gebruik;

(b) in die geval van ’n bewerkbare erf of perseel, versuim om sodanige grond te verbou of om gesaaides daarop of op enige gedeelte daarvan te kweek, of in die geval van ’n woonerf of -perseel, versuim om sodanige grond vir woondoeleindes te okkupeer—

(i) deur die besitter persoonlik of deur enige lid van sy onmiddellike huishouding; of

(ii) deur enige persoon in besit van ’n geldige skriftelike magtiging kragtens artikel 20 (1) verleen; of

(iii) deur die weduwee of oorlewende deelgenoot van ’n oorlede besitter wat kragtens hierdie regulasies okkupasieregte besit; of

(iv) in die geval van ’n bewerkbare erf of perseel, deur enige persoon onder die persoonlike toesig van die besitter of enige lid van sy onmiddellike huishouding of indien sodanige besitter regsonbevoeg is, deur of onder toesig van sy voog ten bate van sodanige besitter;

„ooggestelde gebiede” die gebiede genoem in artikel 2 van die Bantotruster Wet;

„opgemete baken” ’n baken wat op grond in enige Bantoegebied of op die grens van sodanige gebied deur ’n landmeter soos in die Opmetingswet, 1927 (Wet No. 9 van 1927) omskryf, ingevolge die opmeting of heropmeting van sodanige grond kragtens bedoelde Wet geplaas is;

„perseel” ook enige Trustgrond wat vir enige doel kragtens ’n vergunning tot okkupasie besit word;

„registrateur” ook die registrateur van grondaktes of ’n assistent-registrateur van grondaktes kragtens artikel 41 deur die Hoofbantoesaakkommissaris aangestel;

„mission reserve” means any of the mission reserves in the Province of Natal included in Annexure 33;

„non-beneficial occupation” or „failure beneficially to occupy” means—

(a) in the case of a church or school lot or allotment, failure by the owner or holder, within a period of twelve months from the date on the relative title deed or permission to occupy, to fence the site and to erect suitable buildings thereon or the failure by such owner or holder for any period of twelve consecutive months to use the site for the purpose for which it was granted or allotted;

(b) in the case of an arable lot or allotment, failure to cultivate such land or to grow crops thereon, or on any portion thereof or, in the case of a residential lot or allotment failure to occupy such land for residential purposes—

(i) personally by the holder or any member of his immediate household; or

(ii) by any person holding current written authority issued in terms of section 20 (1); or

(iii) if the holder is deceased, by his widow or surviving partner enjoying rights of occupation in terms of these regulations; or

(iv) in the case of an arable lot or allotment, by any person under the personal supervision of the holder or any member of his immediate household or, if such holder is under legal disability, by or under the supervision of his legal guardian for the benefit of such holder;

„owner” in relation to land means the person in whose name such land is registered in any deeds office in freehold;

„permission to occupy” means permission in writing granted or deemed to have been granted in the prescribed form to any person to occupy a specified area of Trust land for a specified purpose;

„prescribed” means prescribed or deemed to have been prescribed in these regulations;

„quitrent title” means the title deed relating to land granted in a Bantu area on individual tenure on quitrent conditions, and which is issued or deemed to have been issued in the form and subject to the conditions prescribed in these regulations;

„registrar” includes the registrar of land titles or an assistant registrar of land titles appointed in terms of section 41 by the Chief Bantu Affairs Commissioner;

„registered” means registered in the relative deeds registry or, in accordance with the provisions of these regulations, in a registry of land titles or, in the case of land held under a permission to occupy, in an allotments register;

„registered holder” means the person or body in whose name any land described in a quitrent title or permission to occupy is registered;

„released areas” means the areas referred to in section 2 of the Bantu Trust Act;

„residential allotment” means land, other than a residential lot, lawfully held by a Bantu for residential purposes;

„registreer” of „geregistreer” in die betrokke akte-kantoor of ooreenkomstig die bepalings van hierdie regulasies in ’n grondaktekantoor, of in die geval van grond kragtens ’n vergunning tot okkupasie besit, in ’n perseleregister geregistreer;

„Sekretaris” die Sekretaris van Bantoe-administrasie en -ontwikkeling of enige ander beamppte wat wettiglik namens sodanige Sekretaris optree;

„sendingreserwe” enige sendingreserwe in die provinsie Natal wat by Aanhangsel 33 ingesluit is;

„stam- of gemeenskapsowerheid” die stam- of gemeenskapsowerheid, kragtens die Wet op Bantoeowerhede ingestel, met regsbevoegdheid;

„terrein” enige stuk Trustgrond in die wettige besit van enige persoon of wat in enige persoon of liggaam se eiendoms- of huurbesit of besit is kragtens spesiale vergunning deur bevoegde gesag verleen;

„Transkeise Grondwet” die Transkeise Grondwet, 1963 (Wet No. 48 van 1963);

„Trust” die Suid-Afrikaanse Bantoe-trust, ingestel by artikel 4 van die Bantoe-trust Wet;

„Trustgrond” alle grond wat ingevolge enige wet of op enige ander wyse oorgegaan het op of verkry is deur die Trust;

„verbeteringsgebied” ’n verbeteringsgebied soos in die Proklamasie op Verbeteringsgebiede, No. R.196 van 1967, omskryf;

„vergunning tot okkupasie” skriftelike vergunning in die voorgeskrewe vorm, wat aan enige persoon verleen is of geag word verleen te wees, om ’n bepaalde stuk Trustgrond vir ’n gespesifiseerde doel te okkupeer;

„voorgeskrif” in hierdie regulasies voorgeskryf of geag daarin voorgeskryf te wees;

„Wet op Bantoe-owerhede” die Wet op Bantoe-owerhede, 1951 (Wet No. 68 van 1951);

„woonerf” grond wat wettiglik besit word deur of uitgehou is vir toekenning aan ’n Bantoe kragtens erfpagtitel vir woondoeleindes;

„woonperseel” ander grond as ’n woonerf, wat wettiglik deur ’n Bantoe vir woondoeleindes besit word.

HOOFSTUK 1

INLEIDEND

Toepassing van hierdie Regulasies

2. (1) Niks wat in hierdie regulasies vervat is word vertolk as sou dit afbreuk doen aan, of op enige wyse die regte, onvatbaarheid, bevoegdhede en volmagte beperk of raak nie wat ingevolge artikel 1 van die Bantoe-administrasie Wet en artikel 4 (3) van die Bantoe-trust Wet, by die Staatspresident as onderskeidelik Opperhoof van al die Bantoes in die Republiek van Suid-Afrika en as Trustee van die Trust, berus.

(2) Vir doeleindes van die toepassing binne die Bantoe-gebiede van enige tersaaklike bepalings van die Bantoe-trust Wet, word hierdie regulasies, ondanks enige andersluidende wetsbepaling, geag regulasies kragtens genoemde Bantoe-trust Wet uitgevaardig te wees: Met dien verstande dat niks wat hierin vervat is vertolk word as sou dit die geldigheid van enige van die bepalings van hierdie regulasies raak nie.

(3) Wanneer ook al ingevolge die bepalings van hierdie regulasies enige bevoegdheid, verpligting of funksie wat by die Staatspresident in sy hoedanigheid as Trustee van die Trust, of by die Minister kragtens die Bantoe-trust Wet berus, deur bedoelde Minister of enige bepaalde beamppte van sy departement uitgeoefen of verrig moet word, word sodanige bepaling, ondanks andersluidende bepalings in

„residential lot” means land lawfully held by or set aside for grant to a Bantu under quitrent title for residential purposes;

„scheduled areas” means the scheduled Bantu areas as defined in the Bantu Trust Act;

„Secretary” means the Secretary for Bantu Administration and Development or any other officer lawfully acting on behalf of such Secretary;

„site” means any area of Trust land lawfully held by any person or body under title, lease or special permission granted by competent authority;

„surveyed beacon” means a beacon placed on land in any Bantu area or on the boundary of such area by a land surveyor as defined in the Land Survey Act, 1927 (Act No. 9 of 1927), after a survey or resurvey of such land in terms of the said Act;

„surveyor-general” means, when used in relation to a Bantu area, the surveyor-general of the province in which such Bantu area is situated;

„township” means a township as defined in Proclamation No. R 293 of 1962;

„trading allotment” means land held by any person under permission to occupy for the purpose of carrying on any business, trade or calling for which a licence is required or for profit;

„trading lot” means land held by any person under conditions of quitrent tenure for the purpose of carrying on any business, trade or calling for which a licence is required or for profit;

„Transkei Constitution Act” means the Transkei Constitution Act, 1963 (Act No. 48 of 1963);

„tribal or community authority” means the tribal or community authority established in terms of the Bantu Authorities Act, having jurisdiction;

„Trust” means the South African Bantu Trust constituted under section 4 of the Bantu Trust Act;

„Trust land” means all land which in terms of any law or in any other manner has vested in or been acquired by the Trust.

CHAPTER 1

INTRODUCTORY

Application of these Regulations

2. (1) Nothing in these regulations contained shall be construed as derogating from or in any way limiting or affecting the rights, immunities, powers and authorities which are in terms of section 1 of the Bantu Administration Act and section 4 (3) of the Bantu Trust Act vested in the State President as Supreme Chief of all Bantu in the Republic of South Africa and as Trustee of the Trust respectively.

(2) For the purposes of the application within the Bantu areas of any relevant provisions of the Bantu Trust Act these regulations shall, notwithstanding anything to the contrary in any law contained, be deemed to be regulations published under the said Bantu Trust Act: Provided that nothing herein contained shall be construed as affecting the validity of any of the provisions of these regulations.

(3) Whenever in terms of any provision in these regulations any power, duty or function which is vested in the State President, in his capacity as Trustee of the Trust, or in the Minister, in terms of the Bantu Trust Act is to be exercised or performed by the said Minister or any specified officer of his Department it shall, notwithstanding

genoemde Wet, geag 'n regsgeldige oordrag te wees deur die Trustee aan genoemde Minister of beampte, of deur genoemde Minister aan genoemde beampte, na gelang van die geval, van die bevoegdheid, verpligting of funksie in sodanige bepaling bedoel.

Toepassing van Ander Wetsbepalings

3. (1) Die bepalinge van die Opmetingswet, 1927 (Wet No. 9 van 1927) en enige regulasies wat daarkragtens uitgevaardig is, is behalwe insoverre hulle teenstrydig is met die bepalinge van hierdie Proklamasie, van toepassing op alle grond wat in enigiemand se besit is of wat vir toekenning ingevolge 'n erfpagtitel kragtens hierdie regulasies opgemeet word: Met dien verstande dat by die toepassing van genoemde Wet en regulasies op grond wat in enige grondaktekantoor geregistreer is, word die uitdrukking „hof” en „registrasiekantoor” geag onderskeidelik 'n „Bantoesakekommissarishof” en 'n „grondaktekantoor” in te sluit.

(2) Ondanks enigiets in enige ander wet vervat, is geen hereregte en geen gelde wat kragtens die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937) bepaal is, betaalbaar ten opsigte van enigiets wat kragtens hierdie regulasies in 'n grondaktekantoor gedoen word nie.

Herroepings

4. (1) Behoudens die bepalinge van subartikels (2) tot (4), word die wetgewing wat in Aanhangsel 1 vermeld word, hierby herroep.

(2) Uitgesonderd soos in hierdie regulasies andersins bepaal, word enige reël, kennisgewing, bevel, instruksie, verbod, magtiging, goedkeuring, toestemming, vrystelling, sertifikaat, titel, toekenning of dokument wat gemaak, uitgereik, gegee of toegeken is, en enige ander stappe wat kragtens enige wetgewing wat by hierdie regulasies herroep is, gedoen is, geag kragtens die ooreenstemmende bepalinge van hierdie regulasies gemaak, uitgereik, gegee, toegeken of gedoen te gewees het, en elke sodanige toekenning van grond aan enige persoon in eiendomsbesit word by ontstentenis van enige sodanige ooreenstemmende bepaling, geag wettiglik toegeken te gewees het.

(3) Die beskrywing van die grense van enige distrik, stamgebied of lokasie wat in enige wetgewing vervat is wat ingevolge subartikel (1) herroep is, of in enige kennisgewing wat kragtens enige sodanige wetgewing uitgevaardig is, is ondanks die herroeping van sodanige wetgewing van krag en regsgeldig totdat dit vervang word by kennisgewing wat kragtens artikel 2 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944) of artikel 5 (1) (a) van die Bantoe-administrasie Wet, na gelang van die geval, uitgevaardig is.

(4) In die provinsie Natal gaan elke sendingreserweraad wat wettiglik kragtens enige regulasie wat by hierdie regulasies herroep is, saamgestel is, voort om vir die onverstreke duur van die ampstermyn van sy gekose lede te funksioneer en sy pligte te vervul, en sodanige lede ontvang die behoorlik goedgekeurde toelaes ten opsigte van hul bywoning van sodanige raad se vergaderings as sou vermelde regulasies nie herroep gewees het nie.

HOOFSTUK 2

EIENDOMSBSIT

TRUSTGROND

Beheer van Trustgrond

5. Alle Trustgrond is, behalwe soos uitdruklik andersins bepaal word, onder die beheer van die Bantoesakekommissaris van die distrik of gebied, na gelang van die geval, waarin dit geleë is.

ing anything in the said Act contained, be deemed that such provision constitutes due delegation by the Trustee to the said Minister or officer, or by the said Minister to the said officer, as the case may be, of the power, duty or function referred to in such provision.

Application of Other Laws

3. (1) The provisions of the Land Survey Act, 1927 (Act No. 9 of 1927) and any regulations published thereunder shall, except in so far as they may be inconsistent with the provisions of this Proclamation, apply to all land held or surveyed for grant under quitrent title in terms of these regulations: Provided that in the application of the said Act and regulations to land registered in any registry of land titles the terms "court" and "deeds registry" shall be deemed to include a court of Bantu Affairs Commissioner and a registry of land titles respectively.

(2) Notwithstanding anything in any other law no transfer duty and no fee prescribed in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937) shall be payable in respect of anything done in terms of these regulations in any registry of land titles.

Repeals

4. (1) Subject to the provisions of subsections (2) to (4) the laws referred to in Annexure 1 are hereby repealed.

(2) Except as is otherwise provided in these regulations any rule, notice, order, instruction, prohibition, authority, approval, permission, exemption, certificate, title, grant or document made, issued, given or granted and any other action taken under any provision of any law repealed by these regulations shall be deemed to have been made, issued, given, granted or taken under the corresponding provision of these regulations, and every such grant of land made in freehold to any person shall, in the absence of any such corresponding provision, be deemed to have been lawfully made.

(3) The definition of the boundaries of any district, tribal area or location contained in any law repealed by subsection (1), or in any notice issued in terms of any such law shall, notwithstanding the repeal of such law, continue to be of force and effect until superseded by notice issued in terms of section 2 of the Magistrate's Court Act, 1944 (Act No. 32 of 1944), or section 5 (1) (a) of the Bantu Administration Act, as the case may be.

(4) In the Province of Natal every mission reserve board duly constituted in terms of any regulation repealed by these regulations, shall for the unexpired portion of the term of office of its elected members continue to function and perform its duties, and such members may be paid the duly authorized allowances for attending the meetings of such board, as if the said regulations had not been repealed.

CHAPTER 2

FREEHOLD TENURE

TRUST LAND

Control of Trust Land

5. All Trust land shall, except as may otherwise specially be provided, be under the control of the Bantu Affairs Commissioner of the district or area, as the case may be, in which it is situated.

Okkupasie van Grond deur die Trust Verkry

6. (1) Niemand gaan voort om enige gedeelte grond wat na die inwerkingtreding van hierdie regulasies deur die Trust verkry word, te okkupeer nie, behalwe met die skriftelike toestemming van die Bantoesakekommissaris onderhewig aan sodanige bedinge en voorwaardes as wat sodanige Bantoesakekommissaris in sodanige toestemming spesifiseer.

(2) Die Bantoesakekommissaris kan by formele kennisgewing enige persoon wat voortgaan om enige Trustgrond strydig met die bepalings van subartikel (1) te okkupeer, of wat versuim om aan enige bedinge of voorwaardes te voldoen wat in enige toestemming kragtens genoemde subartikel verleen gespesifiseer is, beveel om sodanige grond binne die tydperk in sodanige kennisgewing bepaal, te ontruim.

KERKERWE*Bestaande Toekennings van Grond vir Kerk-, Skool- of Sendingdoeleindes*

7. (1) Ondanks die bepalings van enige ander wet of enigiets in enige titelbewys, eiendomsertifikaat of ander dokument vervat, word die grond inbegrepe by enige kerkerf wat in 'n Bantoegebied geleë is en wat ingevolge enige wetgewing wat by hierdie regulasies herroep is of enige ander wet, toegeken is uit hoofde van 'n toekenningsakte van vroeër as 31 Augustus 1936, geag die eiendom van die Trust te gewees het ten tye van sodanige toekenning en kragtens artikel 18 van die Bantotruster Wet gelees met hierdie regulasies, toegeken te gewees het.

(2) Behoudens sodanige wysigings as wat van tyd tot tyd aangebring is op en geregistreer is teen die betrokke titelbewys of ander dokument ingevolge waarvan enige kerkerf wat voor die inwerkingtreding van hierdie regulasies toegeken is besit word, bly sodanige titel of dokument van volle krag en regsgeldig as sou die vorm daarvan en die voorwaardes daarin gespesifiseer in hierdie regulasies voorgeskryf gewees het: Met dien verstande dat by die toepassing van hierdie subartikel elke verwysing in sodanige titel of dokument wat kragtens enige wet uitgelê word as 'n verwysing na die Staat of die Staatspresident, geag 'n verwysing na onderskeidelik die Trust en die Minister te wees.

(3) Die registrateur van aktes skrap ten opsigte van enige kerkerf wat vir skooldoeleindes asmede vir kerk- of sendingdoeleindes toegeken is, by voorlegging aan hom van sertifikate wat deur onderskeidelik die Sekretaris en die behoorlik gemagtigde verteenwoordiger van die eienaar van sodanige erf onderteken is en waarin gesertifiseer word dat dit nie meer vir skooldoeleindes gebruik word nie, alle verwysings in die betrokke titelbewys na skooldoeleindes en laat hy die nodige wysigings in sy registers aanbring: Met dien verstande dat indien sodanige titelbewys nie beskikbaar is nie die registrateur afsien van die voorlegging daarvan by vertoning aan hom van 'n sertifikaat deur genoemde gemagtigde verteenwoordiger onderteken, waarin hy die rede waarom sodanige titel nie beskikbaar is nie, verstrek.

Nuwe Toekennings

8. (1) Elke toekenning van 'n kerkerf wat na die datum van inwerkingtreding van hierdie regulasies kragtens artikel 18 van die Bantotruster Wet gedoen word, word toegeken—

- (a) slegs vir kerk- of sendingdoeleindes;
- (b) ingevolge 'n toekenningsakte onderhewig aan die voorwaardes in Aanhangsel 2 gespesifiseer;
- (c) onderworpe aan betaling aan die Trust van 'n redelike waardering vir die grond en enige verbeterings daarop, soos deur die Sekretaris, wie se beslissing afdoende is, bepaal word.

Occupation of Land Acquired by the Trust

6. (1) No person shall remain in occupation of any portion of land acquired by the Trust after the commencement of these regulations except with the permission in writing of the Bantu Affairs Commissioner, and on such terms and conditions as such Bantu Affairs Commissioner may specify in such permission.

(2) The Bantu Affairs Commissioner may by formal notice order any person who remains in occupation of any Trust land contrary to the provisions of subsection (1) or who fails to comply with any of the terms or conditions specified in any permission issued in terms of the said subsection, to remove from such land within a period stated in such notice.

CHURCH LOTS*Existing Grants of Land for Church, School or Mission Purposes*

7. (1) Notwithstanding the provisions of any other law or anything contained in any title deed, certificate of ownership or other document, the land comprising any church lot situate in a Bantu area, granted in terms of any law repealed by these regulations or of any other law by virtue of a deed of grant dated prior to 31st August, 1936, shall be deemed to have been the property of the Trust at the time of such grant, and to have been granted in terms of section 18 of the Bantu Trust Act read with these regulations.

(2) Subject to such amendments as may from time to time have been made to and registered against the relative title deed or other document in terms of which any church lot granted prior to the commencement of these regulations is owned, such title or document shall continue to be of full force and effect as if its form and the conditions specified therein had been prescribed in these regulations: Provided that in the application of this subsection every reference in such title or document which is in terms of any law construed as a reference to the State or the State President shall be deemed to be a reference to the Trust and the Minister respectively.

(3) The registrar of deeds shall, in respect of any church lot granted for school purposes in addition to church or mission purposes, on the production to him of certificates signed by the Secretary and the duly authorized representative of the owner of such lot respectively, certifying that such lot is no longer being used for school purposes, delete in the relevant title deed all references to school purposes and cause the necessary amendments to be effected in his registers: Provided that if such title deed is not available the registrar shall dispense with its production on production to him of a certificate signed by the said authorized representative setting out the reason why such title is not available.

New Grants

8. (1) Every grant of a church lot made after the commencement of these regulations in terms of section 18 of the Bantu Trust Act, shall be made—

- (a) for church or mission purposes only;
- (b) by deed of grant subject to the conditions specified in Annexure 2;
- (c) subject to the payment to the Trust of a fair valuation for the land and any improvements thereon, to be assessed by the Secretary, whose decision shall be final.

(2) Elke sodanige toekenning word gedoen en die toekenningsakte onderteken deur die Sekretaris op gesag van die Minister.

Afstanddoening van Kerkerf

9. (1) Wanneer ook al die eienaar van enige kerkerf afstand daarvan wil doen, gee hy minstens drie maande kennis van sy voorneme in dié opsig aan die Bantoesake-kommissaris wat sodanige afstanddoening, behoudens sodanige vereistes as wat hy in enige geval kan stel, kan aanvaar, en by verstryking van genoemde tydperk van drie maande val die grond terug aan die Trust.

(2) Sodanige eienaar kan binne drie maande na die datum waarop sodanige grond ingevolge subartikel (1) terugval, of binne sodanige verdere tydperk as wat die Bantoesakekommissaris na goeddunke op aansoek van die eienaar kan goedkeur, enige verbeterings verwyder wat aan hom op sodanige erf behoort en wat hy sonder beskadiging van die grond kan verwyder. As sodanige verbeterings nie aldus verwyder word nie, gaan die eiendomsreg daarin op die Trust oor sonder betaling van vergoeding.

HOOFTUK 3

MEENT

Voorbehoud van Regte ten opsigte van die Meent

10. (1) Behoudens bestaande mineraalregte, as daar is, bly alle regte op enige mineraal, metaal of edelgesteente van watter aard ook al, en op enige olie in of op enige meent, wat by die Trust berus of vir die Trust voorbehou is, aldus berus of voorbehou, asook die reg van toegang tot enige myne of werke wat vir myn- of prospekter-doeleindes deur enige persoon onderneem word wat wetlik daartoe in dié opsig gemagtig is. Die grond is onderhewig aan sodanige verdere regte as wat die Staat, die Trust of die publiek tans of hierna mag besit of geregtig mag wees om te verkry, ingevolge enige wetsbepaling betreffende die prospekter na, delf, myn of ontginning van enige mineraal, metaal, edelgesteente van watter aard ook al en enige olie in of op sodanige meent; voorts word die reg voorbehou ten bate van die Trust, om sonder vergoeding soveel van sodanige meent te okkupeer of om die okkupasie daarvan te magtig en om soveel water op sodanige meent te gebruik of die gebruik daarvan te magtig as wat nodig mag wees vir die prospekter na, of myn van enige mineraal, metaal, edelgesteente of olie in of op sodanige meent.

(2) Behoudens andersluidende bepalinge in subartikel (1), is die meent van enige Bantoegebied beskikbaar vir gebruik deur die wettige inwoners van sodanige gebied onderhewig aan—

- (a) sodanige voorwaardes, beperkings en verbodsbepalinge, met inbegrip van die betaling van sodanige gelde en vorderings, as daar is, as wat reeds gehef of gemaak is, of wat hierna gehef of gemaak kan word in of kragtens hierdie regulasies of enige ander wet;
- (b) die reg van die Minister of enige ander persoon of liggaam wat uitdruklik daartoe gemagtig is by hierdie regulasies of enige ander wet, om te eniger tyd—
 - (i) sonder vergoeding enige gedeelte of gedeeltes van enige meent te herneem wat benodig word vir woon-, landbou-, begraafplaas-, handels-, industriële, opvoedkundige, ontspannings-, godsdienstige of enige openbare doeleindes of om gerieflike uitspannings vir die gebruik van reisigers daar te stel;
 - (ii) ten bate van die publiek paaie, spoorlyne, tremlyne, damme, dipbakke, waterleidings, afleivore en watervore te bou of aan te lê of

(2) Every such grant shall be made and the deed of grant signed by the Secretary under the authority of the Minister.

Surrender of Church Lot

9. (1) Whenever the owner of any church lot shall desire to surrender it he shall give not less than three months' notice of his intention to do so to the Bantu Affairs Commissioner who may accept such surrender, subject to such requirements as he may prescribe in any case, and upon the expiration of the said period of three months, the land shall revert to the Trust.

(2) Such owner may within three months from the date of reversion of the land under subsection (1), or within such further period as the Bantu Affairs Commissioner may in his discretion approve on application to him by the owner, remove any improvements belonging to him on such lot and which can be taken away without damage to the land. Should such improvements not be so removed they shall become the property of the Trust without payment of compensation.

CHAPTER 3

COMMONAGE

Reservation of Rights in respect of Commonage

10. (1) Subject to existing mineral rights, if any, all rights to every mineral, metal or precious stone of whatever nature, and to any oil in or on any commonage are expressly reserved to the Trust, together with the right of access to any mines or works undertaken for mining or prospecting purposes by any person duly authorized in that behalf. The land is subject to such further rights as the State, the Trust or the public now may, or may hereafter have or be entitled to obtain under and by virtue of any law relating to the prospecting, digging, mining or exploration of any mineral, metal or precious stone of whatever nature, and any oil in or on such commonage. Further, the right is reserved to the Trust without compensation to occupy or to authorize the occupation of so much of such commonage and to use or authorize the use of so much water thereon as may be required for the prospecting for or mining of any mineral, metal, precious stone or oil in or on such commonage.

(2) Except as is otherwise provided in subsection (1) the commonage of any particular Bantu area shall be available for the use of the lawful residents of such area subject to—

- (a) such conditions, limitations and prohibitions, including the payment of such fees and charges, if any, as have been or may in the future be imposed or levied by or under these regulations or any other law;
- (b) the right, at all times, of the Minister or, if specially authorized thereto by these regulations or any other law, any other person or body—
 - (i) to resume without compensation any portion or portions of any commonage required for residential, agricultural, burial, trading, industrial, educational, recreational, religious or any public purposes or to establish convenient outspans for the use of travellers;
 - (ii) for the benefit of the public to make, or permit to be made by any person or body, roads, railways, tramlines, dams, dipping tanks, ac-

toe te laat dat hulle gebou of aangelê word, en om telegraaf-, telefoon- of elektriese krag- of pyplyne onder, op of oor enige meent aan te bring of aan te lê of toe te laat dat hulle aangebring of aangelê word;

- (iii) om sonder vergoeding water uit enige stroom te neem of om materiaal van die meent te verwyder vir enige van die doeleindes in hierdie artikel bedoel of vir enige ander wettige doel, en behoudens sodanige voorwaardes as wat die Minister spesifiseer, om vir enige van sodanige doeleindes toe te laat dat sodanige materiaal of water geneem word of kosteloos of onderhewig aan die betaling van sodanige gelde aan die Trust as wat die Minister gelas: Met dien verstande dat enige Bantoe wat grond in sodanige Bantoegebied besit, kan, met die voorafverkreë toestemming van die kaptein of hoofman, of as daar nie 'n kaptein of hoofman is nie, van die Bantoesakekommissaris, gratis op die betrokke meent klip uitbreek, sand uithaal, soosie uitspit, gras sny, watervore grawe of stene maak vir sy eie gebruik maar nie vir verkoop of beskikking andersins nie: Voorts met dien verstande dat as sodanige werk na die mening van die Bantoesakekommissaris die belange of gerief van die Trust of van persone wat in die omgewing woon, ernstig benadeel of moontlik erosie van die grond kan veroorsaak, kan hy die verantwoordelike persoon gelas om sodanige werk te staak en om enige uitgraving wat hy gemaak het geheel en al of gedeeltelik binne 'n bepaalde tydperk toe te gooi.

(3) Ondanks die bepalings van subartikel (2)—

- (a) mag geen pad of deurgang wat tans oor die meent bestaan, of hierna wettiglik daarop aangelê of gemaak word, deur ander as die bevoegde gesag verlé of gesluit word nie;
- (b) niemand wat nie behoorlik daartoe gemagtig is by of kragtens die bepalings van hierdie regulasies of enige ander wet mag—
- (i) enige gebou of woonhuis op die meent oprig, tot stand bring of okkupeer of laat oprig, tot stand bring of okkupeer nie;
- (ii) enige gedeelte van sodanige meent inkamp, opbreek, omploeg, bewerk, okkupeer of gebruik of enige ongemagtigde persoon noop of aanspoor of voorgee dat hy hom magtig om dit in te kamp, op te breek, om te ploeg, te bewerk, okkupeer of gebruik nie of om dit vir 'n ander doel as die begrawing van vullis of 'n dooie liggaam te gebruik;
- (iii) op sodanige meent gaan woon of dit vir watter doel ook al okkupeer of, behoudens die bepalings van artikel 62 (1), daarop kampeer nie;
- (iv) op enige meent enige heining, baken of ander bousel oprig of laat oprig nie;
- (v) die meent of enige gedeelte daarvan vir 'n ander doel as vir beweiding deur vee gebruik nie.

Tydlike Verblyf op die Meent

11. (1) Die Bantoesakekommissaris kan permitte uitreik om die tydelike verblyf op 'n aangewese stuk grond op die meent deur persone wie se beroep hul aanwesigheid aldaar vereis, te magtig.

(2) Elke sodanige permit moet duidelik die bedinge en voorwaardes uiteensit waaraan sodanige tydelike verblyf onderhewig is, die aantal vee, as daar is, wat laat wei mag word, die huur of ander vorderings, as daar is, wat betaal-

queducts, drains and waterfurrows and to conduct or permit to be conducted telegraph, telephone, pipe- or powerlines under, on or over any commonage;

- (iii) without compensation, to take out water from streams or to take materials from the commonage for any of the purposes mentioned in this section or for any other lawful purpose, and subject to such conditions as the Minister may specify, to permit such materials or water to be taken for any such purpose either free of charge or subject to the payment to the Trust of such fees as the Minister may direct: Provided that any Bantu who is the holder of land in such Bantu area may with the prior permission of the chief or headman or, if there be no chief or headman, of the Bantu Affairs Commissioner, free of charge, quarry stone, gather sand, cut sods or grass, dig waterfurrows or make bricks on the commonage concerned, for his own use but not for sale or disposal otherwise: Provided further that the Bantu Affairs Commissioner may in his discretion at any time order such Bantu to desist from any such work and to fill in within a specified time the whole or part of any excavation made.

(3) Notwithstanding the provisions of subsection (2)—

- (a) no road or thoroughfare at present passing or hereafter lawfully made over any commonage shall be altered or closed except by competent authority;
- (b) no person shall, unless duly authorized thereto by or under the provisions of these regulations or any other law—
- (i) erect, establish or occupy or cause to be erected, established or occupied any building or homestead on any commonage;
- (ii) enclose, break up, plough, cultivate, occupy or use or cause or instigate or purport to authorize any unauthorized person to enclose, break up, plough, cultivate, occupy or use any portion of such commonage other than for burying refuse or a dead body;
- (iii) take up his abode or occupy land on such commonage for any purpose whatsoever or, subject to the provisions of section 62 (1), encamp thereon;
- (iv) erect or cause to be erected on any commonage any fence, beacon or other structure;
- (v) use the commonage or any portion thereof for any purpose other than the depasturing of stock.

Temporary Residence on Commonage

11. (1) The Bantu Affairs Commissioner may issue permits authorizing temporary residence on a specified portion of commonage land by persons whose occupation requires their presence there.

(2) Every such permit shall clearly define the terms and conditions of such temporary residence, the number of stock, if any, which may be depastured, the rent or

baar is asook die geldigheidstermyn daarvan. Sodanige termyn is hoogstens twaalf maande, maar dit kan van tyd tot tyd vir 'n dergelike termyn, na goeddunke van die Bantoesakekommissaris, verleng word.

(3) Enige sodanige permit kan te eniger tyd deur die Bantoesakekommissaris ingetrek word sonder om 'n rede aan te voer, waarna die betrokke persoon onverwyld of binne sodanige tydperk as wat die Bantoesakekommissaris op aansoek goedkeur, sodanige meent verlaat.

(4) Alle permitte kragtens hierdie artikel uitgereik word in 'n register wat deur die Bantoesakekommissaris vir dié doel in stand gehou word, aangeteken.

HOOFSTUK 4

ERFPAGBESIT VAN GROND

Grond Waarop die Bepalings van Hierdie Hoofstuk van Toepassing is

12. (1) Ondanks andersluidende wetsbepalings is die bepaling van hierdie Hoofstuk, behoudens die bepaling van hierdie regulasies, van toepassing op alle grond in 'n Bantoegebied wat in besit is van of toegeken word aan 'n Bantoe vir afsonderlike besit onderhewig aan erfpagvoorwaardes, asook op enige grond aldus besit ingevolge 'n vervangende grondbrief of erfpagtitel wat kragtens artikel 7 van genoemde Bantoe-administrasie Wet uitgereik is.

(2) Vir doeleindes van subartikel (1) word enige grond in die Umtwalumisendingreserwe No. 8310, wat in afsonderlike besit van 'n Bantoe is ingevolge 'n toekennings- of transportakte wat voor die inwerkingtreding van hierdie regulasies geregistreer is, ondanks enigiets in enige ander wet of in sodanige titelakte vervat, geag 'n landbouhoewe te wees wat toegeken is aan sodanige Bantoe en in sy besit is onderhewig aan erfpagvoorwaardes: Met dien verstande dat—

- (a) niks in hierdie regulasies vervat, vertolk word as sou dit op sodanige besitter of sy regsopvolgers enige verpligting plaas of magtiging tot die op-
legging van sodanige verpligting verleen, om erfpagten opsigte van sodanige grond te betaal nie of as sou dit die bepaling van artikel 23 (2) van die Bantoe-administrasie Wet, daarop van toepassing maak nie;
- (b) voorwaarde 8 van die toepaslike voorwaardes in hierdie regulasies voorgeskryf, uit alle erfpagtitels wat hierna ten opsigte van sodanige grond geregistreer of uitgereik word, geskrap word.

Bestaande Toekennings en Erfpagtitels

13. (1) Ondanks enige ander wetsbepaling of enigiets in enige titelakte vervat—

- (a) word alle grond in enige Bantoegebied wat toegeken is of geag toegeken te gewees het kragtens enige wetsbepaling wat by hierdie regulasies herroep is of kragtens enige ander wetsbepaling, aan enigiemand onderhewig aan erfpagvoorwaardes ingevolge 'n toekenningsakte onder 'n vroeër datum as 31 Augustus 1936, geag die eiendom van die Trust te gewees het ten tye van sodanige toekenning;
- (b) elke bewerkbare of woonerf of landbouhoewe wat by die inwerkingtreding van hierdie regulasies in besit is van iemand ingevolge 'n vervangende grondbrief wat kragtens artikel 7 van die Bantoe-administrasie Wet, of 'n toekennings- of transportakte wat kragtens enige ander wetsbepaling uitgereik is, word geag toegeken te gewees het en in sy besit te wees ingevolge 'n erfpagtitel wesenlik in die vorm en onderhewig aan die algemene en spesiale voorwaardes in onderskeidelik Aanhangsels 3, 4 en 5 voorgeskryf;

other charges payable if any, and the period of its validity. Such period shall not exceed 12 months but may be extended for a similar period from time to time in the discretion of the Bantu Affairs Commissioner.

(3) Any such permit may at any time be cancelled by the Bantu Affairs Commissioner without reason assigned, whereupon the person concerned shall forthwith or within such period as the Bantu Affairs Commissioner may on application approve, remove from such commonage.

(4) All permits issued under this section shall be recorded in a register to be kept by the Bantu Affairs Commissioner for the purpose.

CHAPTER 4

QUITRENT TENURE OF LAND

Land to which the Provisions of this Chapter Apply

12. (1) Notwithstanding anything to the contrary in any other law contained, the provisions of this Chapter shall, subject to the provisions of these regulations, apply to all land in any Bantu area which is held or granted in individual tenure subject to quitrent conditions, including any land so held under a substituted deed of grant or quitrent title issued under section 7 of the Bantu Administration Act.

(2) For the purposes of subsection (1) any land in the Umtwalumi Mission Reserve No. 8310, held by a Bantu in individual tenure by virtue of a deed of grant or transfer registered prior to the commencement of these regulations shall, notwithstanding anything contained in any other law or in such title deed, be deemed to have been granted to and to be held by such Bantu under quitrent conditions as a farming lot: Provided that—

- (a) nothing in these regulations contained shall be construed as imposing or authorizing the imposition on any such holder or his successors in title of any liability to pay quitrent in respect of such land or as making the provisions of section 23 (2) of the Bantu Administration Act applicable thereto;
- (b) condition 8 of the relevant conditions prescribed in these regulations shall be deleted from any quitrent title registered or issued in respect of such land.

Existing Grants and Quitrent Titles

13. (1) Notwithstanding the provisions of any other law or anything contained in any title deed—

- (a) all land in any Bantu area granted or deemed to have been granted in terms of any law repealed by these regulations or in terms of any other law to any person under conditions of quitrent tenure by virtue of a deed of grant dated prior to 31 August 1936, shall be deemed to have been the property of the Trust at the time of such grant;
- (b) every arable, residential or farming lot held at the commencement of these regulations under a substituted deed of grant issued in terms of section 7 of the Bantu Administration Act or a deed of grant or transfer issued in terms of any other provision of law, shall be deemed to have been granted and to be held under quitrent title substantially in the form and subject to the general and special conditions prescribed in Annexures 3, 4 and 5 respectively;

- (c) elke handelserf wat kragtens enige wet toegeken is en wat by die inwerkingtreding van hierdie regulasies of te eniger tyd daarna in die besit is van of deur 'n Bantoe verkry word, word geag toegeken te gewees het of verkry en besit te wees ingevolge 'n erfpagtitel wesenlik in die vorm en onderhewig aan die algemene en spesiale voorwaardes in onderskeidelik Aanhangsels 3, 4 en 6 voorgeskryf;
- (d) behoudens die bepalings in die voorafgaande paragraaf vervat, word elke toekenning van 'n handelserf wat voor die inwerkingtreding van hierdie regulasie gemaak is, geag kragtens artikel 18 van die Bantoe-trust Wet gemaak te gewees het, en die titelakte ingevolge waarvan sodanige erf besit word bly van krag en regsgeldig as sou die vorm waarin dit uitgereik is en die voorwaardes daarin vervat in hierdie regulasies voorgeskryf wees: Met dien verstande dat by die toepassing van hierdie paragraaf word elke verwysing in sodanige titelakte wat ingevolge enige wetsbepaling vertolk word as sou dit 'n verwysing wees na die Staat of die Staatspresident, geag 'n verwysing na onderskeidelik die Trust en die Minister te wees.

(2) Wanneer dit ook al van die registrateur van grondaktes vereis word om enige transaksie te registreer met betrekking tot enige bewerkbare of woonerf of landbouhoeve, of handelserf in die besit van of deur 'n Bantoe verkry ingevolge 'n titelakte of erfpagtitel wat in 'n ander vorm is as dié in hierdie regulasies voorgeskryf, of wanneer ook al die persoon in wettige besit van sodanige titel om 'n afskrif daarvan aansoek doen, of die Hoofbantoesakekommissaris aldus gelas, berei die registrateur van grondaktes gratis 'n erfpagtitel, wesenlik in die vorm en onderhewig aan die toepaslike voorwaardes in subartikel (1) (b) of (c) bedoel, na gelang van die geval, ten opsigte van sodanige erf of hoeve voor, ter bevestiging van die voorafgaande toekenning of oordrag daarvan aan die persoon wat op daardie datum as die besitter geregistreer is, en vir dieselfde doeleindes as wat in die bestaande titelakte met betrekking daartoe gespesifiseer is: Met dien verstande dat—

- (i) vir doeleindes van hierdie subartikel word 'n fotokopie van die geregistreerde kaart van 'n bepaalde erf of hoeve, onderhewig aan sertifisering deur die registrateur of iemand deur hom daartoe aangewys, geag die oorspronklike kaart van sodanige erf of hoeve te wees;
- (ii) sodanige erfpagtitel deur die Hoofbantoesakekommissaris namens die Sekretaris onderteken kan word, en dat 'n endossement wesenlik in die vorm in Aanhangsel 7 voorgeskryf, daarop aangebring moet word alvorens dit vir registrasie ingedien word.

(3) By ontvangs van die erfpagtitel, behoortlik ingevolge subartikel (2) onderteken, en die toepaslike dokumente, kanselleer die registrateur die geregistreerde akte gratis, en indien beskikbaar, ook die eienaar se afskrif daarvan, en registreer hy die erfpagtitel wat in die plek daarvan uitgereik is, en bring op die oorspronklike en die besitter se afskrif daarvan, by wyse van 'n endossement, besonderhede aan van enige bestaande verband, serwituut of ander beswaring wat ten opsigte van die grond beskryf in sodanige erfpagtitel geregistreer is, wat daarna vir alle doeleindes as die enigste wettige titel ten opsigte van sodanige grond geld.

Opmeting van Nuwe Bewerkbare en Woonerwe

14. (1) Ondanks enigiets in enige ander wet of in die voorwaardes van enige titelakte of erfpagtitel vervat, kan die Minister na goeddunke, van tyd tot tyd, na oorlegpleging met die stam- of gemeenskapsowerheid en die Bantoe-inwoners wat grond in enige verbeterings-

- (c) every trading lot granted in terms of any law and which is at the commencement of these regulations or at any time thereafter held or acquired by a Bantu, shall be deemed to have been granted or to be acquired and held under quitrent title substantially in the form and subject to the general and special conditions prescribed in Annexures 3, 4 and 6 respectively;

- (d) subject to the provisions of the preceding paragraph every grant of a trading lot made before the commencement of these regulations shall be deemed to have been made in terms of section 18 of the Bantu Trust Act, and the title deed in terms of which such lot is held shall continue to be of full force and effect as if the form in which it was issued and the conditions specified therein had been prescribed in these regulations: Provided that in the application of this paragraph every reference in such title deed which is, in terms of any law, construed as a reference to the State or the State President, shall be deemed to be a reference to the Trust and the Minister respectively.

(2) Whenever the registrar of land titles is required to register any transaction relating to any arable, residential, farming or trading lot held or acquired by a Bantu under a title deed or quitrent title not in the form prescribed in these regulations, or whenever the lawful holder of such title applies for a copy thereof, or the Chief Bantu Affairs Commissioner so directs, the registrar of land titles shall, free of charge and substantially in the form and subject to the relevant conditions referred to in subsection (1) (b) or (c), as the case may be, prepare a quitrent title in respect of such lot confirming the prior grant or transfer thereof to the person who on that date is registered as the holder, and for the same purpose as that specified in the existing title thereto: Provided that—

- (i) for the purpose of this subsection a photographic copy of the registered diagram relating to a particular lot shall, if certified by the registrar of land titles or any person designated by him, be deemed to be the original diagram of such lot;
- (ii) such quitrent title may be signed by the Chief Bantu Affairs Commissioner on behalf of the Secretary, and shall, prior to lodgment for registration, be endorsed substantially in the form prescribed in Annexure 7.

(3) On receipt of the quitrent title duly signed in terms of subsection (2) and the relevant documents, the registrar shall, free of charge, cancel the registered copy and the holder's copy, if available, of the original deed of grant, and register the quitrent title issued in its stead, endorsing on the original and holder's copy thereof details of any existing mortgage bond, servitude or other charge registered in respect of the land described in such quitrent title, which shall thereupon for all purposes be valid as the only lawful title to such land.

Survey of New Arable and Residential Lots

14. (1) Notwithstanding anything in any other law or in the conditions of any title deed or quitrent title, the Minister may in his discretion, from time to time, after consultation with the tribal or community authority and the Bantu residents in lawful occupation of land in any

gebied wettig okkupeer, die opmeting, ten laste van Trustfondse, van sodanige bewerkbare of woonerwe in sodanige gebied as wat hy dienstig ag, magtig.

(2) Die grootte van enige erf wat kragtens subartikel (1) opgemeet word, word deur die Minister bepaal maar oorskry nie sonder sy uitdruklike goedkeuring vier morg in die geval van 'n bewerkbare erf, of 'n halwe morg in die geval van 'n woonerf nie.

(3) Grond wat kragtens hierdie artikel opgemeet is word ingevolge 'n erfpagtitel aan sodanige persone toegeken as wat die Minister goedkeur: Met dien verstande dat geen sodanige toekenning gemaak word aan enige persoon alvorens hy die opmetingskoste wat deur die Trust aangegaan is, terugbetaal het of, onderhewig aan sodanige bedinge en voorwaardes as wat die Sekretaris goedkeur, 'n ooreenkoms aangegaan het om die volle bedrag van sodanige koste of sodanige pro rata-gedeelte daarvan as wat die Minister bepaal, terug te betaal.

Vorm en Voorwaardes Betreffende Nuwe Toekennings

15. (1) Die toekenning van grond aan 'n Bantoe kragtens artikel 18 van die Bantoe-trust Wet, onderhewig aan voorwaardes van erfpagbesit, word deur die Sekretaris met die magtiging van die Minister gemaak, wesenlik in die vorm en onderhewig aan die algemene voorwaardes in onderskeidelik Aanhangsels 3 en 4 voorgeskryf.

(2) Elke toekenning in subartikel (1) bedoel word, benewens die in genoemde subartikel bedoelde algemene voorwaardes, onderhewig gemaak aan die spesiale voorwaardes wat voorgeskryf is—

(a) in Aanhangsel 5 in die geval van 'n bewerkbare of woonerf of 'n landbouhoewe; of

(b) in Aanhangsel 6 in die geval van 'n handelserf.

(3) Wanneer ook al enige toekenning van grond kragtens artikel 7 (1) van die Bantoe-administrasie Wet herroep word, kan die Minister aan die besitter of aan die persoon wat ooreenkomstig die bepalings van artikel 8 van genoemde Wet verklaar word daarop geregtig te wees, 'n erfpagtitel uitreik wat, ondanks enigiets wat in artikel 7 (2) van genoemde Wet vervat is, in die vorm en onderhewig is aan die algemene en sodanige van die spesiale voorwaardes in hierdie artikel voorgeskryf, as wat toepaslik is ten opsigte van die doel waarvoor sodanige grond gebruik mag word: Met dien verstande dat enige geldende serwituut, verband of ander beswaring wat teen die aldus vervangde titelakte geregistreer was, gratis teen sodanige erfpagtitel geregistreer word.

(4) Ondanks enigiets in hierdie artikel vervat kan die Minister in enige bepaalde geval of ten opsigte van enige klas van besitters, of enige klas besigheid, bedryf of beroep, die dryf of beoefening waarvan op sodanige grond gemagtig is, of van enige ander doel waarvoor sodanige grond deur die besitter gebruik mag word, sodanige grond toeken of 'n erfpagtitel uitreik ter vervanging van enige herroepe titel, onderhewig aan sodanige voorwaardes, hetsy bykomend tot of ter vervanging van enige voorwaardes in hierdie artikel bedoel, as wat hy dienstig ag.

(5) Die erfpagtitel wat uitgereik word ten opsigte van enige toekenning van grond in hierdie artikel bedoel, word in die grondaktekantoor wat ten opsigte van die betrokke gebied ingestel is, geregistreer.

Opgemete Bakens

16. (1) Die Bantoesakekommissaris of sy gemagtigde plaasvervanger neem nadat die opmeting van enige ander erf as 'n suberf wat kragtens hierdie regulasies gemagtig is, voltooi is, die bakens van sodanige erf van die betrokke opmeter oor, en daarna word alle regte wat tevore deur enigiemand in of oor die grond inbegrepe by sodanige erf, kragtens enige wetsbepaling, titel, sertifikaat of vergunning besit is, geag te verval het.

betterment area, authorize the survey of such arable or residential lots in such area, as a charge against Trust funds, as he may deem fit.

(2) The extent of any lot surveyed in terms of subsection (1) shall be determined by the Minister but shall not without his special approval exceed four morgen in the case of an arable lot, or half a morgen in the case of a residential lot.

(3) Land surveyed in terms of this section shall be granted under quitrent title to such persons as the Minister may approve: Provided that no such grant of land shall be made to any person until he shall have repaid or, on such terms and conditions as may be approved by the Secretary, have entered into an agreement to repay the whole or such pro rata share of the costs of survey paid by the Trust as the Minister may determine.

Form and Conditions of New Grants

15. (1) The grant to a Bantu of land in terms of section 18 of the Bantu Trust Act under conditions of quitrent tenure shall be made by the Secretary under the authority of the Minister, substantially in the form and subject to the general conditions prescribed in Annexures 3 and 4 respectively.

(2) Every grant referred to in subsection (1) shall in addition to the general conditions referred to in the said subsection, be made subject to the special conditions prescribed—

(a) in Annexure 5, in the case of an arable, residential or farming lot; or

(b) in Annexure 6, in the case of a trading lot.

(3) Whenever in terms of section 7 (1) of the Bantu Administration Act, any grant of land is revoked, the Minister may issue to the holder or such person as may in accordance with the provisions of section 8 of the said Act be adjudged to be entitled thereto, a quitrent title which shall, notwithstanding anything in the said section 7 (2) contained, be in the form and subject to the general and such of the special conditions prescribed in this section as may be relevant to the purpose for which such land may be used: Provided that any servitude, mortgage bond or other charge registered against the title deed so substituted shall be registered free of charge against such quitrent title.

(4) Notwithstanding anything in this section contained the Minister may in any particular case or in respect of any class of holder or any class of business, trade or calling authorized to be carried on on the land or any other purpose for which such land may be used by the holder, grant such land or issue a quitrent title in substitution for any revoked title subject to such conditions, whether additional to or in substitution for any conditions referred to in this section, as he may deem fit.

(5) The quitrent title issued in respect of any grant of land referred to in this section shall be registered in the registry of land titles established for the area concerned.

Surveyed Beacons

16. (1) The Bantu Affairs Commissioner or his authorized deputy shall upon completion of the survey of any lot, not being a sub-lot, authorized in terms of these regulations, take over from the surveyor concerned the beacons to such lot, whereupon all rights previously held by any person under the provisions of any law, title, certificate or permission, in or over the land comprising such lot, shall be deemed to have lapsed.

(2) Die besitter se aanspreeklikheid ingevolge die Proklamasie op die Beskerming van Werke No. R.199 van 1967 of die voorwaardes in die erfpagtitel ten opsigte van die betrokke grond vervat, vir die instandhouding of herstel van enige baken of die heroprigting op sy regte plek en in ooreenstemming met die vereistes van die landmeter-generaal van enige baken wat verskuif of vernietig is, is van krag vanaf die datum van registrasie van sodanige grond op sodanige besitter se naam, ongeag of hy die beskadiging, verlies of verskuiwing van sodanige baken veroorsaak het; en sodanige aanspreeklikheid rus in die geval van enige baken wat aan twee of meer erwe gemeen is, op die besitters, gesamentlik en afsonderlik, van al sodanige erwe.

(3) Niks in subartikel (2) vervat word uitgelê as sou dit—

- (a) op die Trust of die Staat enige aanspreeklikheid plaas ten opsigte van enige baken wat gemeen is aan grond wat kragtens erfpagtitel deur enigiemand besit word, en aangrensende Trust- of Staatsgrond nie;
- (b) enige besitter wat enige onkoste gedra het wat verbonde is aan die instandhouding, vervanging of heroprigting van 'n baken wat aan twee of meer erwe gemeen is en ten opsigte waarvan hy kragtens genoemde subartikel aangespreek kan word, belet om van die besitters van sodanige ander erf of erwe die bedrag wat sy pro rata-deel van sodanige onkoste te bowe gaan, op die besitters van sodanige ander erwe te verhaal nie: Met dien verstande dat hy, alvorens hy sodanige onkoste aangegaan het sodanige besitter of besitters van sy voorneme om sodanige baken te herstel of dit te vervang of weer op te rig in kennis gestel het.

Erfpag

17. (1) Die jaarlikse erfpag ten opsigte van enige bewerkbare of woonerf of onderverdeling van 'n erf, is betaalbaar teen die tarief in Aanhangsel 8 bepaal, en is aan die Bantoesakekommissaris deur of namens die geregistreerde besitter van sodanige erf of onderverdeling jaarliks op die eerste dag van Januarie verskuldig en betaalbaar: Met dien verstande dat indien enige erfpagtitel waarkragtens enige sodanige erf deur die besitter onmiddellik voor die inwerkingtreding van hierdie regulasies besit is, bepaal dat erfpag op enige ander datum as die eerste dag van Januarie betaalbaar is, betaal die besitter van sodanige grond, ten opsigte van die jaar 1970, 'n pro rata-gedeelte van sodanige jaarlikse erfpag ten opsigte van sodanige erf vir die tydperk wat loop vanaf sodanige datum tot die een-en-dertigste dag van Desember 1970: Voorts met dien verstande dat, behoudens die bepalinge van artikel 23 (3), die begunstigde aan wie enige erf na die inwerkingtreding van hierdie regulasies toegeken word, aanspreeklik is om, ten opsigte van die tydperk wat loop vanaf die eerste dag van die maand waarin die betrokke erfpagtitel geregistreer is tot die laaste dag van dieselfde jaar, slegs 'n pro rata-gedeelte van die jaarlikse erfpag wat ten opsigte van sodanige perseel betaalbaar is, betaal.

(2) Die Hoofbantoesakekommissaris kan gelas dat enige geregistreerde besitter geheel en al of gedeeltelik vrygestel word van erfpag deur hom ingevolge subartikel (1) verskuldig, vir die duur van sy aanhouding in 'n inrigting vir swaksinniges of persone wat aan melaatsheid of tering ly, mits hy oortuig is dat die afhanklikes van sodanige besitter in behoeftige omstandighede verkeer.

18. (1) Die bedrag van die erfpag wat jaarliks vooruit-betaalbaar is deur die geregistreerde besitter van ander grond as dié in artikel 17 (1) bedoel, wat onderhewig is aan erfpagvoorwaardes, en die datum waarop sodanige

(2) The holder's liability in terms of the Protection of Works Proclamation No. R.199 of 1967, or the conditions contained in the quitrent title to the land concerned, for the maintenance or repair of any beacon, or the replacement in its proper position and in conformity with the requirements of the surveyor-general of any beacon which has been displaced or destroyed, shall take effect from the date of registration of such land in such holder's name, whether or not he was responsible for the damage or loss or displacement of such beacon; and such liability shall, in the case of any beacon common to two or more lots, devolve jointly and severally upon the holders of all such lots.

(3) Nothing in subsection (2) contained shall be construed as—

- (a) imposing on the Trust or the State any liability in connection with any beacon which may be common to land held by any person under quitrent title and adjoining Trust or State-owned land;
- (b) preventing any holder who has borne any cost in connection with the maintenance, replacement or re-building of a beacon common to two or more lots for which he is in terms of the said subsection liable, from recovering from the holders of such other lot or lots the amount expended by him in excess of his pro rata share of such cost: Provided that he shall, prior to incurring such cost, have given notice in writing to such holder or holders, of his intention to effect repairs to or to replace or rebuild such beacon.

Quitrent

17. (1) The annual quitrent payable on any arable or residential lot or sub-lot shall be at the rates specified in Annexure 8, and shall be due and payable to the Bantu Affairs Commissioner by or on behalf of the registered holder of such lot or sub-lot annually in advance on the first day of January: Provided that if any quitrent title in terms of which any such lot was held immediately prior to the commencement of these regulations, specified for the payment of quitrent on a date other than the first day of January, the holder of such land shall, in respect of the year 1970, pay a pro rata portion of such annual quitrent for such lot in respect of the period from the date so specified to the thirty-first day of December 1970: And provided further that, subject to the provisions of section 23 (3), a grantee of any lot granted after the commencement of these regulations shall, in respect of the period from the first day of the month in which the quitrent title in question was registered, to the last day of the same year, be liable to pay only a pro rata portion of the annual quitrent payable in respect of such lot.

(2) The Chief Bantu Affairs Commissioner may direct that any registered holder be exempted from the payment of the whole or any portion of the quitrent due by him in terms of subsection (1), in respect of any period during which such holder is detained in an institution for mentally defective persons or persons suffering from leprosy or tuberculosis, if he is satisfied that the dependants of such holder have been left in indigent circumstances.

18. (1) The amount of the quitrent payable annually in advance by the registered holder of land held under conditions of quitrent tenure, other than land referred to in section 17 (1), and the date on which such quitrent shall

erfpag verskuldig en betaalbaar is, word deur die Minister bepaal en in die betrokke erfpagtitel of titelakte gespesifiseer: Met dien verstande dat—

- (i) die bedrag van die erfpag aldus ten opsigte van 'n handelserf bepaal, minstens twee rand per jaar behoort; en
 - (ii) ten opsigte van enige grond wat aldus by die inwerkingtreding van hierdie regulasies in iemand se besit is, word die bedrag van enige erfpag wat ten opsigte daarvan betaalbaar is en die datum waarop dit ooreenkomstig die betrokke erfpagtitel of titelakte verskuldig is, geag bepaal te gewees het en, behoudens die bepalings van subartikel (3), kragtens hierdie regulasies betaalbaar te wees.
- (2) Die bedrag van enige erfpag by subartikel (1) ingestel, is op die datum waarop dit verskuldig is, deur of namens die geregistreerde besitter aan die Bantoesake-kommissaris betaalbaar.

(3) Ondanks andersluidende wetsbepalings kan die Sekretaris, op aansoek van die besitter van enige handelserf wat ingevolge die bepalings van die Bantoe-trust Wet of van hierdie regulasies in sy besit is, of geag word in sy besit te wees, die erfpag wat ten opsigte daarvan betaalbaar is, aflos teen betaling aan die Trust deur sodanige besitter van 'n bedrag gelyk aan twintig maal sodanige erfpag; en by voorlegging aan hom van 'n sertifikaat deur die Sekretaris onderteken waarin hy sy goedkeuring van sodanige aflossing te kenne gee, endosseer die registrateur van aktes of van grondaktes, na gelang van die geval, die betrokke titelakte of erfpagtitel dienoreenkomstig, en bring hy die vereiste aantekeninge in sy registers aan: Met dien verstande dat vir doeleindes van hierdie subartikel word enige erfpag wat kragtens enige ander wetsbepalings afgelos is, geag kragtens hierdie regulasies afgelos te gewees het.

Bewoning van Bewerkbare Erwe

19. (1) Niemand mag 'n bewerkbare erf bewoon of dit vir woondoeleindes okkupeer nie sonder die skriftelike goedkeuring van die Bantoesakekommissaris, wat verleen kan word na oorlegpleging met die stam- of gemeenskapsowerheid met regsbevoegdheid, of as geen sodanige owerheid ingestel is nie, met die hoofman en Bantoe-inwoners van die gebied waarin sodanige grond geleë is, op 'n openbare vergadering vir dié doel belê.

(2) Die Bantoesakekommissaris kan, na sodanige in subartikel (1) bedoelde oorlegpleging, 'n formele kennisgewing beteken aan enigiemand wat enige erf strydig met die bepalings van subartikel (1) bewoon of okkupeer, waarin hy gelas word om binne 'n tydperk in sodanige kennisgewing gespesifiseer en wat so bepaal word dat dit hom 'n redelike geleentheid gun om daaraan te voldoen, sy onwettige okkupasie te staak en, indien die Bantoesakekommissaris dit nodig ag, die gebou of woning aldus geokkupeer, te verwyder of te sloop.

Transaksies met Betrekking tot Erfpaggrond

20. (1) Behoudens die bepalings van hierdie regulasies of enige ander wet, word grond wat ooreenkomstig erfpagbesit in enigiemand se besit is, nie—

- (a) oorgedra, verhipotekeer, verhuur, onderverhuur of andersins oor beskik aan 'n Bantoe nie, behalwe met die goedkeuring van die Hoofbantoesakekommissaris;
- (b) onderverdeel of deur meer as een persoon besit nie, of oorgedra, verhipotekeer, verhuur, onderverhuur of andersins oor beskik aan 'n ander persoon as 'n Bantoe nie, behalwe met die goedkeuring van die Minister;

be due and payable, shall be determined by the Minister and specified in the relevant quitrent title or title deed: Provided that—

- (i) the amount of the quitrent so determined shall not in the case of a trading lot be less than two rand per annum; and
- (ii) in respect of any land so held at the commencement of these regulations the amount of any quitrent payable thereon and the due date of payment thereof, specified in the relevant quitrent title or title deed, shall be deemed to have been determined, and, subject to the provisions of subsection (3), to be payable in terms of these regulations.

(2) The amount of any quitrent under subsection (1) shall be payable on due date by or on behalf of the registered holder to the Bantu Affairs Commissioner.

(3) Notwithstanding anything to the contrary contained in any law, the Secretary may, upon application by the holder of any trading lot held or deemed to be held under the provisions of the Bantu Trust Act or of these regulations, redeem the quitrent payable thereon upon payment by such holder to the Trust of an amount equal to 20 times the annual quitrent upon such lot; and the registrar of deeds or of land titles, as the case may be, shall, upon production to him of a certificate under the hand of the Secretary to the effect that he has approved such redemption, endorse the relative title deed or quitrent title accordingly, and make all necessary entries in his registers: Provided that for the purposes of this subsection any quitrent redeemed in terms of the provisions of any other law shall be deemed to have been redeemed in terms of these regulations.

Residence on Arable Lots

19. (1) No person shall reside upon, or occupy for residential purposes any arable lot without the written approval of the Bantu Affairs Commissioner, which may be granted after consultation with the tribal or community authority having jurisdiction or, if no such authority has been established, with the headman and Bantu residents of the area in which such land is situated, at a meeting convened for the purpose.

(2) The Bantu Affairs Commissioner may, after such consultation as is referred to in subsection (1), give formal notice to any person residing upon or occupying any lot in contravention of the provisions of subsection (1), ordering him within a period to be specified in such notice, and which shall be so fixed as to afford a reasonable opportunity of compliance, to desist from his illegal occupation and, should the Bantu Affairs Commissioner consider it necessary, to remove or demolish the building or homestead so occupied.

Transactions in Quitrent Land

20. (1) Save as is otherwise provided in these regulations or in any other law, land held under quitrent tenure by any person shall not—

- (a) be transferred, mortgaged, leased, sub-let or otherwise disposed of to a Bantu, without the approval of the Chief Bantu Affairs Commissioner;
- (b) be sub-divided or held by more than one person, or be transferred, mortgaged, leased, sub-let or otherwise disposed of to a person who is not a Bantu, without the approval of the Minister;

wat na goëddunke, maar behoudens die bepalinge van subartikel (4), enige aansoek om sodanige goedkeuring kan toestaan of van die hand wys, of sodanige voorwaardes as wat hy dienstig ag, voorskryf ten opsigte van enige goedkeuring deur hom verleen: Met dien verstande dat enige besitter van 'n bewerkbare of woonerf of sy weduwee of oorlewende deelgenoot wat ingevolge die bepalinge van hierdie regulasies daarop geregtig is om enige sodanige erf te okkupeer, en wat weens afwesigheid uit die Bantoegebied waarin sodanige erf geleë is, sodanige erf nie voordelig kan okkupeer nie, kan onderhewig aan die voorafverkreë skriftelike toestemming van die Bantoesakekommissaris sodanige erf onder die toesig van 'n goedgekeurde verteenwoordiger vir 'n bepaalde tydperk plaas, wat in die eerste geval hoogstens twee jaar beloop, maar wat na goëddunke van die Bantoesakekommissaris vir 'n verdere termyn van hoogstens twee jaar verleng kan word op aansoek van sodanige besitter of weduwee of deelgenoot en by verstrekking van aanneemlike redes.

(2) Geen transaksie waarop die bepalinge van subartikel (1) van toepassing is, is enigins van krag of regsgeldig nie tensy die strekking en bedinge en enige toepaslike geldende voorwaardes ten opsigte daarvan op skrif gestel is en, in die geval van grond wat deur 'n Bantoe kragtens erfpagtitel besit word, dit in die vorm en soos in hierdie regulasies voorgeskryf verly word; en geen reg, titel of belang in of op sodanige grond gaan op enigiemand of van een persoon op 'n ander oor ingevolge enige sodanige transaksie nie totdat dit in 'n aktekantoor of grondaktekantoor geregistreer is.

(3) Wanneer ook al enige transaksie betreffende grond of die besitter se regte daarin onderhewig is aan goedkeuring ingevolge subartikel (1), weier die registrateur van aktes en die registrateur van grondaktes om sodanige transaksie te registreer, alvorens dit ooreenkomstig bedoelde subartikel goedgekeur is.

(4) Goedkeuring kragtens subartikel (1) word nie verleen nie ten opsigte van—

- (a) enige transaksie betreffende enige erf of die onderverdeling daarvan, ten opsigte waarvan enige erfpag op die datum waarop die betrokke aansoek by die Bantoesakekommissaris ingedien word, verskuldig is;
- (b) enige transaksie met betrekking tot grond wat op naam van 'n regsonbevoegde Bantoe geregistreer is, tensy die Bantoesakekommissaris sertifiseer dat die verlening van enige ander goedkeuring as goedkeuring vir die verhipotekering van sodanige grond, sodanige Bantoe ten voordele strek;
- (c) die oordrag—
 - (i) van enige erf aan 'n Bantoevrou onder ander omstandighede as dié waarvoor daar uitdruklik in hierdie regulasies bepaal word;
 - (ii) van enige bewerkbare of woonerf of landbouhoeve aan 'n ander persoon as 'n Bantoe, of aan 'n Bantoe wat asdan die geregistreerde besitter is van 'n erf wat vir dieselfde doel as dié waarvoor die grond wat hy trag om te verkry, toegeken was, tensy sodanige Bantoe die erfpagtitel ten opsigte van die erf aldus besit, inlewer en instem om die erf wat uit hoofde van sodanige titel in sy besit is aan die Trust af te staan of, in die geval van 'n bewerkbare erf of landbouhoeve, die Hoofbantoesakekommissaris sertifiseer dat die bewerkbare grond in sodanige Bantoe se besit ontoereikend is vir sy redelike behoeftes;
 - (iii) van enige perseel aan meer as een persoon in onverdeelde aandeel;
 - (iv) van 'n oorlede Bantoebesitter se grond aan enigiemand bedoel in 'n onderwingshandeling deur sodanige besitter verly en wat die Bantoe-

who may in his discretion but subject to the provisions of subsection (4), grant or refuse any application for such approval or prescribe such conditions in respect of any approval granted by him as he may deem fit: Provided that any holder of an arable or residential lot and any deceased holder's widow or surviving partner entitled to occupy any such lot in terms of these regulations who, owing to absence from the Bantu area in which such lot is situated, is unable beneficially to occupy such lot, may, with the written permission first had and obtained of the Bantu Affairs Commissioner, leave such lot in charge of some approved representative for a specified period which shall not, in the first instance, exceed two years but which may be extended for a further period not exceeding two years in the discretion of the Bantu Affairs Commissioner, on the application of such holder or widow or partner on reasonable cause shown.

(2) No transaction to which the provisions of subsection (1) apply shall be of any force or effect unless its purport and terms and any conditions which may be applicable, shall have been reduced to writing which shall, in the case of land held under quitrent title by a Bantu, be executed in the form and manner prescribed in these regulations; and no right, title or interest in or to such land shall pass to any person or from one person to another in consequence of any such transaction until it shall have been registered in a registry of deeds or of land titles.

(3) Whenever any transaction relating to land or the holder's rights therein is subject to approval in terms of subsection (1), the registrar of deeds and the registrar of land titles shall refuse to register such transaction unless it shall have been approved as in the said subsection provided.

(4) Approval in terms of subsection (1) shall not be granted in respect of—

- (a) any transaction relating to or sub-division of any lot in respect of which any quitrent is outstanding on the date on which the relative application is lodged with the Bantu Affairs Commissioner;
- (b) any transaction relating to land registered in the name of a Bantu under legal disability, unless the Bantu Affairs Commissioner certifies that the granting of the approval sought, other than approval to hypothecate such land, would be in the interests of such Bantu;
- (c) the transfer—
 - (i) to a Bantu woman of any lot in circumstances other than those elsewhere in these regulations specifically provided for;
 - (ii) of any arable, residential or farming lot to a person other than a Bantu or to a Bantu who is then the registered holder of another lot granted for the same purpose as that for which the land sought to be acquired was granted, unless such Bantu shall have produced the quitrent title to the lot so held and shall have agreed to surrender the lot held under such title to the Trust, or, in the case of an arable or farming lot, the Chief Bantu Affairs Commissioner shall have certified that the arable land held by such Bantu is not sufficient for his reasonable requirements;
 - (iii) of any lot to more than one person in undivided shares;
 - (iv) of a deceased Bantu holder's land to any person named in any deed of disherison executed

sakekommissaris sertifiseer as geldende te gewees het ten tye van sodanige besitter se oorlyde;

- (d) die verkoop van 'n bewerkbare of woonerf of landbouhoeve op skuld, of by uitwinning vir skuld wat nie ingevolge 'n verband wat behoort teen sodanige erf of hoeve geregistreer is, gesekeur is nie;
- (e) enige skenking van grond, tensy die begiftigde in die leeftyd van die skenker sodanige skenking skriftelik aanvaar het, in die vorm in hierdie regulasies voorgeskryf;
- (f) die registrasie ten opsigte van enige ander erf of hoeve as 'n handelserf, van 'n verband ten gunste van 'n ander persoon of liggaam as wat die Minister by kennisgewing in die *Staatskoerant* verklaar het as deur hom goedgekeur te wees om voorskotte aan Bantoebesitters te maak vir sodanige doeleindes en op sodanige wyse en onderhewig aan sodanige voorwaardes as wat hy in sodanige kennisgewing bepaal;
- (g) die verhipotekering deur die besitter—
 - (i) van enige bewerkbare erf wat nie in 'n verbeteringsgebied geleë is nie;
 - (ii) van enige woonerf;
 - (iii) van enige ander grond as 'n handelserf, wat op naam van 'n persoon wat oorlede is, geregistreer is;
 - (iv) van enige grond wat verkry is deur, of in die besit is van 'n regsonbevoegde persoon, tensy sodanige verhipotekering betrekking het op die stelling van sodanige persoon in die plek van die skuldenaar ingevolge enige verband wat reeds geregistreer was ten opsigte van sodanige grond toe dit deur sodanige persoon verkry is, of wat by die inwerkingtreding van hierdie regulasies aldus geregistreer was:

Met dien verstande dat niks hierin vervat uitgelê word as sou dit die regte of verpligtinge raak nie van onderskeidelik die verbandgewer en die verbandnemer of hul regsopvolgers, ingevolge 'n verband wat by die inwerkingtreding van hierdie regulasies ten opsigte van enige grond wat kragtens 'n erfpagtitel besit word, behoortlik geregistreer was.

- (h) die onderverdeling van—
 - (i) enige erf of hoeve wat onderhewig is aan 'n behoortlik geregisteerde verband;
 - (ii) enige erf of hoeve in bewerkbare ondererwe wat kleiner is as drie morg;
 - (iii) enige erf in sub-woonerwe wat kleiner is as 'n halwe morg;
 - (iv) enige handelserf, tensy die doel van sodanige onderverdeling die onteining deur die Trust van enige gedeelte van sodanige erf is.

21. (1) Wanneer ook al grond wat ingevolge 'n erfpagtitel in 'n Bantoe se besit is—

- (a) deur die geregsbode uitgewin word, voltooi hy 'n verklaring wesenlik in die vorm in Aanhangsel 9 voorgeskryf;
- (b) andersins as by uitwinning verkoop word, of deur die besitter daarvan geskenk word, voltooi die deelnemers aan die ooreenkoms of die skenker en die begiftigde, na gelang van die geval, 'n verklaring wesenlik in die vorm in Aanhangsel 10 voorgeskryf;
- (c) ingevolge 'n ooreenkoms, vir ander grond verruil word, voltooi die deelnemers aan sodanige ooreenkoms 'n verklaring wesenlik in die vorm in Aanhangsel 11 voorgeskryf.

(2) Wanneer ook al die Bantoe geregisteerde besitter oorlede is, en die persoon wat daarop geregtig is om sodanige besitter se grond te erf of om dit op sy naam te laat registreer, bepaal is—

by such holder and which is certified by the Bantu Affairs Commissioner to be operative at the time of such holder's death;

- (d) the sale of any arable, residential or farming lot on credit, or in execution for a debt which is not secured by a mortgage bond duly registered against such lot;
- (e) any donation of land, unless the donee shall during the lifetime of the donor have accepted such donation in writing in the form prescribed in these regulations;
- (f) the registration against any lot, other than a trading lot, of a mortgage bond in favour of any person or body other than the Trust or such other body as the Minister may by notice in the *Gazette* declare to have been approved by him for advancing moneys to Bantu holders, for such purposes and in such manner and on such terms as he may prescribe in such notice;
- (g) the hypothecation by the holder—
 - (i) of any arable lot which is situate outside a betterment area;
 - (ii) of any residential lot;
 - (iii) of any land, other than a trading lot, which is registered in the name of a person who is deceased;
 - (iv) of any land which is acquired or held by a person under legal disability unless such hypothecation relates to the substitution of such person as the debtor under a bond already registered against the title to the land at the time it is acquired by such person, or which is so registered at the commencement of these regulations:

Provided that nothing herein contained shall be construed as affecting the rights or obligations of the mortgagor and mortgagee respectively, or their successors in title, under a mortgage bond duly registered at the commencement of these regulations against any land held under quitrent title.

- (h) the sub-division of—
 - (i) any lot which is subject to a duly registered mortgage bond;
 - (ii) any lot into arable sub-lots of less than three morgen in extent;
 - (iii) any lot into residential sub-lots less than half a morgen in extent;
 - (iv) any trading lot, unless such subdivision is for the purpose of appropriation by the Trust of any portion of such lot.

21. (1) Whenever land which is held by a Bantu under quitrent title—

- (a) is sold in execution by the messenger of the court, he shall complete a declaration substantially in the form prescribed in Annexure 9;
- (b) is sold otherwise than in execution, or is donated by the holder thereof, the parties to such sale or the donor and donee, as the case may be, shall complete a declaration substantially in the form prescribed in Annexure 10;
- (c) is by agreement exchanged for other land, the parties to such agreement shall complete a declaration substantially in the form prescribed in Annexure 11.

(2) Whenever the Bantu registered holder has died and the person entitled to succeed to such holder's land, or to have it registered in his name, has been determined—

- (a) in die geval van 'n geskil tussen twee of meer aanspraakmakers, deur 'n regsbevoegde hof of deur die Bantoesakekommissaris by 'n ondersoek betreffende sodanige geskil; of
- (b) ingeval daar slegs een aanspraakmaker is, deur die Bantoesakekommissaris aan die hand van beëdigde verklarings deur sodanige aanspraakmaker en minstens een ander persoon; of
- (c) in enige ander as 'n in paragraaf (a) of (b) bedoelde geval, deur die Bantoesakekommissaris ooreenkomstig die bepalinge van artikels 35 en 36,

voltooi die Bantoesakekommissaris, behoudens die bepalinge van artikels 37 tot en met 40, 'n verklaring wesenlik in die vorm in Aanhangsel 12 voorgeskryf.

(3) Elke verklaring in subartikels (1) en (2) bedoel, word vir doeleindes van hierdie regulasies geag 'n aansoek te wees vir toestemming tot die oordrag van die grond daarin bedoel, en word dit, behalwe in die geval van grond wat kragtens 'n erfpagtitel besit word wat in 'n ander vorm is as dié wat in hierdie regulasies voorgeskryf is, vergesel van 'n behoorlik voltooide aanhangsel van erfpagtitel in tweevoud, wesenlik in die vorm voorgeskryf in Aanhangsel 13, vir ondertekening deur die Hoofbantoesakekommissaris op 'n datum deur hom ingevoeg.

(4) Wanneer ook al die besitter van grond voornemens is om dit te onderverdeel of te verhuur of verhipotekeer, of andersins as by verkoop of skenking daarvoor te beskik, of as die huurder van sodanige grond voornemens is om dit te onderverhuur, voltooi sodanige besitter of huurder, na gelang van die geval, 'n skriftelike aansoek wat in die geval van grond wat in die besit van 'n Bantoe is, wesenlik in die vorm is soos in Aanhangsel 14 voorgeskryf, en waarin besonderhede verstrek word van die onderverdeling of transaksie ten opsigte waarvan goedkeuring verlang word.

(5) Die besitter van enige bewerkbare of woonerf of landbouhoewe waarvan die Minister kragtens artikel 20 (1) die onderverdeling goedgekeur het, kan op eie onkoste en ooreenkomstig sodanige toestemming, ondererwe van sodanige erf of hoewe laat opmeet en kan hy daarna, by verklaring wesenlik in die vorm in Aanhangsel 15 voorgeskryf, by die Bantoesakekommissaris aansoek doen om die kansellasië van die erfpagtitel van sodanige erf of hoewe, en die uitreiking op naam van die geregistreerde besitter daarvan, van erfpagtitels ten opsigte van die aldus opgemete ondererwe.

(6) Elke aansoek in subartikel (4) bedoel, word gestaaf—

- (a) in die geval van 'n huurooreenkoms of onderverhuur, deur die oorspronklike en een gewaarmerkte afskrif van die voorgenome huur- of onderverhuursooreenkoms;
- (b) in die geval van registrasie van 'n verband, deur die oorspronklike en 'n gewaarmerkte afskrif van sodanige verbandakte en die besitter se toestemming tot registrasie, in tweevoud, wesenlik in die vorm in Aanhangsel 16 voorgeskryf;
- (c) in die geval van vervanging van die skuldenaar ten opsigte van 'n bestaande verband, deur toestemming tot vervanging, in tweevoud, wesenlik in die vorm in Aanhangsel 17 voorgeskryf;
- (d) in die geval van enige ander ooreenkoms met betrekking tot sodanige grond en wat nie hierbo gespesifiseer is nie, deur die oorspronklike ooreenkoms en 'n gewaarmerkte afskrif daarvan behoorlik deur die deelnemers aan sodanige ooreenkoms, in die teenwoordigheid van die Bantoesakekommissaris onderteken en bevestig;

en elke aansoek in subregulasie (5) bedoel word gestaaf deur die Minister se toestemming tot onderverdeling en die betrokke onderverdelingskaarte, behoorlik deur die landmeter-generaal goedgekeur.

- (a) in the case of a dispute between two or more claimants, by a court of competent jurisdiction or by the Bantu Affairs Commissioner at an inquiry into such dispute; or
- (b) in the case of there being only one claimant, by the Bantu Affairs Commissioner on the sworn statements of such claimant and at least one other person; or
- (c) in any case not referred to in paragraph (a) or (b), by the Bantu Affairs Commissioner in the manner provided in sections 35 and 36,

the Bantu Affairs Commissioner shall, subject to the provisions of sections 37 to 40, inclusive, complete a declaration substantially in the form prescribed in Annexure 12.

(3) Every declaration referred to in subsections (1) and (2) shall for the purposes of these regulations be deemed to be an application for approval to transfer the land referred to therein, and shall, except in the case of land held under a quitrent title which is not in the form prescribed in these regulations, be accompanied by a duly completed annexure to quitrent title, in duplicate, substantially in the form prescribed in Annexure 13, for signature by the Chief Bantu Affairs Commissioner on a date to be inserted by him.

(4) Whenever the holder of land shall desire to subdivide, lease, hypothecate or dispose of such land otherwise than by sale or donation, or whenever the lessee of such land shall desire to sub-let it, such holder or lessee, as the case may be, shall complete an application in writing, which shall, in the case of land held by a Bantu, be substantially in the form prescribed in Annexure 14, giving details of the subdivision or transaction in respect of which approval is sought.

(5) The holder of any arable, residential or farming lot the subdivision of which has been authorized by the Minister in terms of section 20 (1), may at his own expense, and in accordance with such approval, cause sublots of such lot to be surveyed, and may thereafter, by declaration substantially in the form prescribed in Annexure 15, apply to the Bantu Affairs Commissioner for the cancellation of the quitrent title to such lot and the issue in the name of the registered holder of such lot of quitrent titles to the sub-lots so surveyed.

(6) Every application referred to in subsection (4) shall be supported—

- (a) in the case of a lease or sub-lease, by the original and one certified copy of the proposed agreement of lease or sub-lease;
- (b) in the case of the registration of a mortgage bond, by the original and a certified copy of such bond and the holder's consent to registration, in duplicate, substantially in the form prescribed in Annexure 16;
- (c) in the case of substitution of the debtor under an existing bond, by a consent to substitution, in duplicate, substantially in the form prescribed in Annexure 17;
- (d) in the case of any other agreement relating to such land and not hereinbefore specified, by the original and a certified copy of such agreement duly signed and confirmed by the parties thereto before a Bantu Affairs Commissioner;

and every application referred to in subsection (5) shall be supported by the Minister's authority for subdivision and the relative subdivisional diagrams duly approved by the surveyor-general.

22. (1) Elke aansoek om goedkeuring kragtens artikels 20 (1) (a) en (b) word, tensy dit in 'n besonder geval anders bepaal word in hierdie regulasies of in enige ander wet—

(a) deur en in teenwoordigheid van sodanige persoon of persone geteken as wat op die betrokke voorgeskrewe vorm aangedui word: Met dien verstande dat—

(i) in enige geval waarin vereis word dat sodanige vorm deur 'n geregistreerde besitter onderteken word, kan dit, as sodanige besitter oorlede of regsonbevoeg is, deur 'n besitter geteken word;

(ii) as die besitter of enige ander persoon wat ingevolge hierdie regulasies sodanige vorm moet teken of gemagtig is om dit te teken, regsonbevoeg is, dit deur sodanige persoon se wettige voog onderteken word:

Voorts met dien verstande dat as 'n persoon enige sodanige vorm in 'n verteenwoordigende hoedanigheid onderteken, hy dié feit daarin moet vermeld asook die hoedanigheid waarin hy optree, en indien dit deur die Bantoesakekommissaris vereis word, stawende bewys van sy gesag om aldus op te tree, lewer;

(b) in tweevoud ingedien word by die Bantoesakekommissaris met regsmag in die gebied waarin die betrokke grond geleë is, saam met die tersaaklike erfpagtitel en sodanige ander stawende dokumente as wat kragtens hierdie regulasies ter ondersteuning van sodanige aansoek voorgelê moet word.

(2) Die Bantoesakekommissaris vergewis homself daarvan dat die applikant nie ingevolge hierdie regulasies of enige ander wetsbepaling onbevoeg is om as die besitter van die tersaaklike grond geregistreer te word of om die betrokke regte daarin te verkry nie, bereken die voorgeskrewe kantoorgelde en vorder dit in van die persoon wat daarvoor aanspreeklik is, voltooi 'n indieningsvorm wesenlik in die vorm in Aanhangsel 18 voorgeskryf, en heg sodanige ander vorms daarby aan as wat benodig is met betrekking tot goedkeuring van die aansoek en enige registrasiehandelinge wat uit sodanige goedkeuring voortvloei, en versend sodanige aansoek en stawende stukke aan die registrateur.

(3) Die registrateur vergewis homself daarvan dat alle stawende stukke 'n juiste weergawe van bestaande regte en verpligtinge ten opsigte van die betrokke grond inhou, teken sy bevindings en opmerkings op die betrokke indieningsvorm aan, en stuur die aansoek aan die Hoofbantoesakekommissaris vir afhandeling, of in die geval van 'n aansoek om ministeriële goedkeuring, vir deursending tesame met sy kommentaar aan die Sekretaris.

(4) Die registrateur, Hoofbantoesakekommissaris of die Sekretaris kan te eniger tyd voordat enige transaksie geregistreer word, die betrokke aansoek na die Bantoesakekommissaris terugverwys onder opdragte insake enigiets betreffende sodanige aansoek.

23. (1) Die Minister, onder die Sekretaris se handtekening, of die Hoofbantoesakekommissaris, na gelang van die geval, endosseer sy beslissing ten opsigte van enige aansoek aan hom ingevolge artikel 22 (3) vir goedkeuring voorgelê, op die oorspronklike en die afskrif van die betrokke aansoekvorm of verklaring aan, en in die geval waar hy die oordrag van grond goedkeur, voltooi en teken hy ook die tersaaklike erfpagtitelaanhangsel of, in die geval waar hy die uitreik van erfpagtitels ten opsigte van onderverdelings van enige erf of hoewe goedkeur, magtig hy die registrateur om die bestaande erfpagtitel ten opsigte van sodanige erf of hoewe, as dit voorgelê is, en sy kantoorafskrif daarvan, te kanselleer, en onderteken hy die erfpagtitels ten opsigte van sodanige onderverdelings, waarna hy die stukke aan die registrateur terugbesorg.

22. (1) Every application for approval in terms of sections 20 (1) (a) and (b) shall, unless in any particular case it is otherwise provided in these regulations or in any other law—

(a) be signed by and before such person or persons as may be indicated on the relative prescribed form: Provided that—

(i) in any case in which a registered holder is required to sign any such form, it may, in the event of such holder being deceased or under legal disability, be signed by a holder;

(ii) if the holder or any other person required or authorized in terms of this section to sign such form is under legal disability, it shall be signed by such holder or person's lawful guardian:

Provided further that any person signing any such form in a representative capacity shall disclose thereon such fact, and the capacity in which he is acting and shall, whenever required to do so by the Bantu Affairs Commissioner, produce proof of his authority so to act;

(b) be lodged in duplicate with the Bantu Affairs Commissioner having jurisdiction over the area in which the land in question is situate, together with the relative quitrent title and such other supporting documents as are in terms of these regulations required to be produced in support of such application.

(2) The Bantu Affairs Commissioner shall satisfy himself that an applicant is not disqualified in terms of these regulations or of any other law from being registered as the holder of the land in question or from acquiring the rights concerned therein, assess and collect from the person liable therefor the prescribed fees of office, complete a lodgment form substantially in the form prescribed in Annexure 18, and attach thereto such other forms as may be necessary in connection with the approval of the application and any act of registration arising from such approval, and transmit such application with supporting documents to the registrar.

(3) The registrar shall ensure that all supporting documents correctly reflect existing rights and obligations in respect of the land concerned, note his findings and comments on the relative lodgment form and transmit the application to the Chief Bantu Affairs Commissioner for disposal by him, or, in the case of an application for the Minister's approval, for transmission, with his comments, to the Secretary.

(4) The registrar, Chief Bantu Affairs Commissioner or Secretary may at any stage prior to the registration of any transaction refer the relative application to the Bantu Affairs Commissioner with directions as to anything arising from such application.

23. (1) The Minister, under the hand of the Secretary, or the Chief Bantu Affairs Commissioner, as the case may be, shall endorse his decision on any application submitted to him in terms of section 22 (3) for approval, on the original and copy of the relative form of application or declaration and shall, in addition, in the case of approval by him of an application to transfer land, complete and sign the relative Annexure to Quitrent Title or, in the case of approval of the issue of quitrent titles to sub-divisions of any lot, authorize the registrar to cancel the existing quitrent title to such lot, if it is produced, and the registry copy thereof, sign the quitrent titles to the such sub-divisions, and return the documents to the registrar.

(2) Die registrateur teken die oorspronklike van enige vorm wat ingevolge subartikel (1) geëndosseer is, aan, en liasseer dit, en registreer enige erfpagtitel wat uitgereik is of sodanige ander transaksie as wat goedgekeur mag wees, en versend die afskrif van sodanige vorm tesame met die besittersafskrifte van die stawende stukke aan die Bantoesakekommissaris vir afhandeling.

(3) Ondanks andersluidende bepalings in hierdie regulasies vervat, is die erfpagtitels wat kragtens subartikel (1) ten opsigte van ondererwe uitgereik is, wesenlik in die vorm en onderhewig aan die voorwaardes in artikel 15 gespesifiseer ten opsigte van bewerkbare of woonerwe, na gelang van die geval, as sou sodanige uitreiking ten opsigte van 'n toekenning van sodanige ondererwe aan die geregistreerde besitter van die betrokke erf wees: Met dien verstande dat sodanige geregistreerde houer en sy regsopvolgers nie die erfpag ten opsigte van sodanige ondererwe ten laste gelê kan word wat reeds betaal was ten opsigte van die erf voordat dit onderverdeel is nie.

Opskorting van Regte

24. (1) Die Minister kan wanneer ook al hy dit na goeddunke dienstig ag, by formele kennisgewing deur die Bantoesakekommissaris onderteken, die opskorting gelas vir 'n tydperk in sodanige kennisgewing bepaal, welke tydperk van tyd tot tyd op dergelike wyse verleng kan word, van al die of enigeen van die regte van enige persoon in of op grond wat kragtens erfpagtitel besit word, en by verstryking van 'n tydperk van drie maande vanaf die datum van sodanige kennisgewing word besonderhede van sodanige bevel gratis op die betrokke erfpagtitel en in die toepaslike registers deur die registrateur van grondaktes aangeteken, en daarna hou sodanige persoon ten opsigte van sodanige grond op om enige sodanige regte in sodanige kennisgewing bedoel uit te oefen, en kan die Bantoesakekommissaris of 'n beamppte deur hom aangestel, in toepaslike gevalle, sodanige grond betree en dit gebruik of in besit neem.

(2) Die Minister kan te eniger tyd by formele kennisgewing deur die Bantoesakekommissaris onderteken, enige opskorting van regte kragtens hierdie artikel intrek, waarop die opgeskorte regte aan die besitter teruggegee word: Met dien verstande dat die Minister kan gelas dat sodanige bykomende voorwaardes as wat hy dienstig ag om te stel, vir 'n onbepaalde of gespesifiseerde tydperk ten opsigte van die betrokke grond geld, en sodanige kansellasië of voorwaardes word gratis ten opsigte van die tersaaklike erfpagtitel en in die toepaslike registers geregistreer.

(3) Enige inkorting van die regte van 'n besitter as gevolg van enige bevel uitgereik of voorwaardes opgelê kragtens hierdie artikel, is onderhewig aan die betaling van sodanige vergoeding of ander herstel, as daar is, as wat deur die Sekretaris, wie se beslissing afdoende is, bepaal mag word.

Onteiening van Grond of Beëindiging van Regte

25. (1) Die Minister kan na goeddunke op grond van enige van die redes of vir enige van die doeleindes bedoel in voorwaarde 9 van die toekenningsvoorwaardes in Aanhangel 5 of 6 gespesifiseer, maar behoudens die toekenning of toewysing van ander grond of die betaling van vergoeding soos in artikel 30 bepaal, enige grond wat kragtens 'n erfpagtitel besit word, onteien of, behoudens die betaling van vergoeding, enige reg in of op sodanige grond beëindig.

(2) Minstens drie maande voordat die Minister sodanige grond onteien of enige reg in of op sodanige grond kragtens subartikel (1) beëindig, gee hy kennis aan die geregistreerde besitter van sodanige grond of in die geval van die beëindiging van enige reg, aan die besitter van sodanige reg en aan elke persoon wat blykens die erfpagtitel ten opsigte van die grond belang daarby het, by

(2) The registrar shall note and file the original of any form endorsed as in subsection (1) provided, register any quitrent title issued or such other transaction as may have been approved, and transmit the copy of such form, together with the holder's copies of the supporting documents, to the Bantu Affairs Commissioner for disposal.

(3) Notwithstanding anything to the contrary in these regulations contained the quitrent titles issued in terms of subsection (1) in respect of sub-lots shall be substantially in the form and subject to the conditions specified in section 15 in respect of arable or residential lots, as the case may be, as if such issue were in respect of a grant of such sub-lots to the registered holder of the lot in question: Provided that such registered holder or his successors in title shall not be liable to pay any quitrent on any such sub-lots for any period in respect of which the quitrent on the lot had, prior to its sub-division, been paid.

Suspension of Rights

24. (1) The Minister may, whenever in his discretion he deems it necessary, by formal notice under the hand of the Bantu Affairs Commissioner, order the suspension for a period to be specified in such notice, which period may from time to time in like manner be extended, of all or any of the rights of any person in or over any land held under quitrent title, and at the expiration of three months from the date of such notice particulars of such order shall be noted by the registrar of land titles, free of charge, on the relative quitrent title and in the appropriate registers, whereupon such person shall in respect of such land cease to exercise any such rights as are specified in such notice, and the Bantu Affairs Commissioner or any officer appointed by him may, in appropriate cases, enter upon and use or take possession of such land.

(2) The Minister may, at any time, by formal notice under the hand of the Bantu Affairs Commissioner, cancel any suspension of rights under this section, whereupon the suspended rights shall be restored to the holder: Provided that the Minister may direct that such additional conditions as he may deem fit to impose shall, for an indefinite or specified period, attach to the land in question, which cancellation or conditions shall be registered free of charge against the quitrent title concerned and in the appropriate registers.

(3) Any diminution of the rights of a holder in consequence of any order made or any conditions imposed in terms of this section shall be subject to the payment of such compensation or other relief, if any, as may be determined by the Secretary, whose decision shall be final.

Appropriation of Land or Termination of Rights

25. (1) The Minister may, in his discretion, for any of the reasons or purposes referred to in condition 9 of the conditions of grant specified in Annexure 5 or 6, but subject to the granting or allotment of other land or payment of compensation as provided in section 30, appropriate any land held under quitrent title or, subject to payment of compensation, terminate any right in or over such land.

(2) Not less than three months before the Minister appropriates any land or terminates any right in or over such land in terms of subsection (1), he shall give the holder of such land or, in the case of the termination of any right, to the holder of such right and to every person who is shown upon the quitrent title to the land to have any interest therein, formal notice under the hand of the

formele kennisgewing deur die Bantoesakekommissaris onderteken waarin hy sy voorneme te kenne gee om sodanige grond te onteien, of die reg beskryf wat hy voornemens is om te beëindig, na gelang van die geval, en waarin hy die betrokke grond beskryf asook die grond, as daar is, wat hy voornemens is om in die plek daarvan toe te ken of toe te wys, of ander vergoeding daarvoor.

(3) Na verstryking van 'n tydperk van drie maande vanaf die datum van die betekening van die formele kennisgewing in subartikel (2) bedoel, word die oorspronklike kennisgewing en die tersaaklike onteieningsbevel of die bevel van beëindiging van regte en die erfpagtitel, as dit beskikbaar is, aan die Hoofbantoesakekommissaris gestuur, wat indien hy nie daarvan oortuig is dat die bepalings van hierdie regulasies ten opsigte van sodanige bevel nagekom is nie, sodanige nakoming kan gelas, of andersins by endossement op sodanige bevel die registrasie daarvan op die erfpagtitel ooreenkomstig die bepalings van artikel 31, kan magtig: Met dien verstande dat wanneer ook al magtig vir die registrasie van sodanige bevel deur die Hoofbantoesakekommissaris ooreenkomstig die bepalings hierin vervat, weerhou is, kan dit nadat uitvoering gegee is aan enige opdragte in dié opsig deur hom gegee, weer vir goedkeuring aan hom voorgelê word.

Kansellasië van Regte

26. (1) Die Minister kan op enige van die gronde in voorwaarde 10 van die voorwaardes in Aanhangsel 5 of 6 vervat, die kansellasië gelas van enigeen of al die regte van enige persoon in of op grond wat kragtens erfpagtitel besit word: Met dien verstande dat sodanige regte nie bloot omrede die onvoordelige okkupasie van enige bewerkbare of woonerf tydens die gangbaarheid van enige geldige toestemming kragtens artikel 20 (1) verleen, gekanselleer word nie, tensy in die geval van 'n bewerkbare erf, sodanige erf nie vir 'n tydperk wat twee agtereenvolgende jare te bo gaan, bewerk is nie.

(2) Behoudens die bepalings van artikel 27, of in die geval van grond die afstanddoening waarvan kragtens artikel 28 aanvaar is, of tensy die Minister na goeddunke met betrekking tot 'n besondere geval andersins gelas, word geen bevel vir die kansellasië van regte ingevolge subartikel (1) gegee nie, alvorens 'n formele kennisgewing wat deur die Bantoesakekommissaris onderteken is, aan die besitter beteken is soos voorgeskryf.

(3) Die kennisgewing in subartikel (2) bedoel, word aan die geregistreerde besitter gerig, en verwittig hom van die voorneme om sy regte op sekere gespesifiseerde grond te kanselleer, die redes vir die voorgenome kansellasië, en roep hom op om voor die Bantoesakekommissaris op 'n bepaalde dag, tyd en plek te verskyn om die erfpagtitel voor te lê en gronde aan te voer waarom die kansellasië nie moet plaasvind nie.

(4) Op die bepaalde tyd, plek en datum gaan die Bantoesakekommissaris voort om ooreenkomstig die bepalings van artikel 69 administratief ondersoek in te stel na die voorgenome kansellasië van regte, en kan hy die verrigtinge van tyd tot tyd uitstel totdat dit afgehandel is: Met dien verstande dat die afwesigheid van die besitter by enige sodanige verrigtinge geensins enige bevel van kansellasië van regte in of op die grond in die betrokke kennisgewing bedoel, ongeldig maak nie.

(5) Na afloop van die verrigtinge in subartikel (4) bedoel, teken die Bantoesakekommissaris sy bevindings ten opsigte van enige aangeleentheid in geskil, aan op die oorkonde van sodanige verrigtinge, en stuur hy aan die Hoofbantoesakekommissaris, vir deursending aan die Minister—

- (a) die oorkonde van sodanige verrigtinge;
- (b) die betrokke erfpagtitel, of as sodanige titel nie aan hom voorgelê is nie, moet hy 'n sertifikaat op sodanige formele kennisgewing aanbring, soos in artikel 65 bepaal;

Bantu Affairs Commissioner, stating his intention to appropriate such land, or describing the right which he proposes to terminate, as the case may be, and setting out a description of the land concerned and the land, if any, which it is proposed to grant or allot in place thereof, or other compensation therefor.

(3) Upon the expiration of a period of three months from the date of service of the formal notice referred to in subsection (2), the original of such notice and the relevant order of appropriation or termination of rights and the quitrent title, if it is available, shall be transmitted to the Chief Bantu Affairs Commissioner who shall, if he is not satisfied that the provisions of these regulations relating to such orders have been complied with, direct compliance with any such provisions, or otherwise by endorsement on such order, authorize its registration against the quitrent title to the land concerned in the manner provided in section 31: Provided that whenever authority for the registration of such order has been withheld by the Chief Bantu Affairs Commissioner as herein provided it may, after any directions given by him have been complied with, again be submitted to him for approval of registration.

Cancellation of Rights

26. (1) The Minister may, on any of the grounds set out in condition 10 of the conditions of grant contained in Annexure 5 or 6, order the cancellation of any or all the rights of any person in and to land held under quitrent title: Provided that such rights shall not be cancelled solely on the ground of non-beneficial occupation of any arable or residential lot during the currency of any valid permission granted in terms of section 20 (1) unless, in the case of an arable lot, such lot is not cultivated for any period in excess of two consecutive years.

(2) Except as provided in section 27 or in the case of land the surrender of which has been accepted in terms of section 28, or unless the Minister, in his discretion, directs otherwise in a particular case, no order for the cancellation of rights in terms of subsection (1) shall be made unless formal notice under the hand of the Bantu Affairs Commissioner has been served in the prescribed manner on the holder concerned.

(3) The notice referred to in subsection (2) shall be directed to the registered holder informing him of the intention to cancel his rights to certain specified land, and the reason for the intended cancellation, and shall call on him to appear before the Bantu Affairs Commissioner on a stated date, time and place to produce the quitrent title to the land and to show cause why cancellation should not take place.

(4) At the time and place and on the date specified, the Bantu Affairs Commissioner shall proceed to inquire administratively in accordance with the provisions of section 69, into the proposed cancellation of rights, and may from time to time postpone such inquiry until it shall have been concluded: Provided that the absence of the holder at any such proceedings shall in no way invalidate any order of cancellation of rights in or to land specified in the relevant notice.

(5) At the conclusion of the inquiry referred to in subsection (4), the Bantu Affairs Commissioner shall endorse his findings on any matter in issue on the written record of such inquiry, and shall forward to the Chief Bantu Affairs Commissioner for transmission to the Minister—

- (a) the record of such inquiry;
- (b) the relevant quitrent title or, if such title has not been produced to him, a certificate endorsed on such formal notice, as provided in section 65;

- (c) 'n gesertifiseerde staat van enige erfpag, gelde of ander vorderings wat aan die Trust ten opsigte van sodanige grond verskuldig is;
 - (d) 'n verklaring wat onderteken is deur die houer van enige verband wat ten opsigte van sodanige grond by wete van die Bantoesakekommissaris geregistreer is, en wat die bedrag, as daar is, wat nog ten opsigte van sodanige verband verskuldig is, aandui;
 - (e) in die geval van 'n bewerkbare of woonerf, 'n verslag oor die geskiktheid van sodanige erf om vir die doeleindes waarvoor dit uitgebou is, hertoegeken te word.
- (6) Elke kanselleringsbevel wat deur die Minister kragtens hierdie artikel gegee word, is op skrif en kan deur die Sekretaris namens die Minister geteken word, en word soos in artikel 31 bepaal ten opsigte van die betrokke erfpagtitel geregistreer.

27. (1) Die Bantoesakekommissaris kan, met die magtiging van die Minister te eniger tyd 'n formele kennisgewing wesenslik in die vorm in Aanhangsel 19 voorgeskryf, uitreik ten opsigte van enige erf waarop ten tye van die uitreik van sodanige kennisgewing die jaarlikse paaielemente ter vereffening van die opmetingskoste betreffende sodanige erf of die jaarlikse erfpag wat ten opsigte daarvan betaalbaar is, vir twee jaar of langer agterstallig is.

(2) As daar nie binne een maand vanaf die datum van 'n in subartikel (1) bedoelde kennisgewing, of binne sodanige langer tydperk as wat die Bantoesakekommissaris op aansoek van die besitter kan toelaat, blyke van betaling van die bedrag in sodanige kennisgewing gespesifiseer aan die Bantoesakekommissaris verstrek word nie, sertifiseer hy die oorspronklike van sodanige kennisgewing dienooreenkomstig, en by nakoming van die bepalings van artikel 26 (5) (c) tot (e), dien hy dit by die Hoofbantoesakekommissaris in, wat ondanks andersluidende bepalings hierin of in enige ander wet vervat, die kansellering kan beveel van die geregistreerde besitter se regte in of op enige grond in sodanige kennisgewing bedoel.

(3) 'n Kanselleringsbevel ingevolge subartikel (2) uitgereik is op skrif en word geregistreer ten opsigte van die tersaaklike erfpagtitel soos in artikel 31 bepaal.

Afstanddoening van Grond

28. (1) Wanneer ook al die besitter van grond of iemand wat ingevolge artikel 8 van die Bantoe-administrasie Wet verklaar as geregig daarop te wees om as besitter van enige grond geregistreer te word, of as sodanige persoon oorlede is, die verteenwoordiger van sy boedel of sodanige persoon se erfgenaam, voornemens is om van sodanige grond of sy regte daarin afstand te doen, rig hy 'n skriftelike aansoek in dier voege aan die Bantoesakekommissaris en lê hy terselfdertyd die betrokke erfpagtitel voor en betaal hy enige verskuldigde paaielemente ten opsigte van die opmetingskoste en enige belastinge waaraan sodanige grond wettiglik onderhewig is en wat op die datum van die aansoek verskuldig is, tesame met die skriftelike instemming van die houer van enige verband wat ten opsigte van genoemde grond geregistreer is, aan sodanige Bantoesakekommissaris voor.

(2) Die Bantoesakekommissaris stuur die dokumente in subartikel (1) bedoel aan die Hoofbantoesakekommissaris asook 'n sertifikaat ten effekte dat gelde wat ingevolge vermeldde subartikel verskuldig is, vereffen is, en in die geval van 'n bewerkbare of woonerf, 'n verslag oor die geskiktheid van sodanige erf om vir die doel waarvoor dit uitgehou is, hertoegeken te word.

(3) Die Hoofbantoesakekommissaris kan na goeddunke enige aansoek in subartikel (1) bedoel, toestaan of van die hand wys, en hy teken sy beslissing op die betrokke aansoekvorm aan ten einde dit gratis te laat registreer ten opsigte van die erfpagtitel wat betrekking het

- (c) a certified statement of all quitrent, fees or other charges due to the Trust in respect of the land;
- (d) a statement signed by the holder of any mortgage bond which is to the knowledge of the Bantu Affairs Commissioner registered against the quitrent title, setting out the amount, if any, still due under such bond;

- (e) in the case of an arable or residential lot, a report on the suitability of such lot to be regranted for the purpose for which it was set aside.

(6) Every order of cancellation made by the Minister in terms of this section shall be in writing, and may be signed by the Secretary on behalf of the Minister, and shall be registered against the relevant quitrent title in the manner provided in section 31.

27. (1) The Bantu Affairs Commissioner, on the authority of the Minister may at any time, issue a formal notice substantially in the form prescribed in Annexure 19 in respect of any lot on which at the time of the issue of such notice the annual instalments in repayment of the costs of survey of such lot or the annual quitrent payable thereon is outstanding for two or more years.

(2) If within one month of the date of any notice referred to in subsection (1), or within such longer period as the Bantu Affairs Commissioner may on the application of the holder allow, proof of payment of the amount specified in such notice has not been furnished to such Bantu Affairs Commissioner, he shall certify the original of such notice accordingly and, after compliance with the provisions of section 26 (5) (c) to (e), submit it to the Chief Bantu Affairs Commissioner who may, notwithstanding anything to the contrary in these regulations or in any other law, order the cancellation of the registered holder's rights in and to any land referred to in such notice.

(3) An order of cancellation made in terms of subsection (2) shall be in writing, and shall be registered against the relative quitrent title in the manner provided in section 31.

Surrender of Land

28. (1) Whenever the holder of land or such person as may, under section 8 of the Bantu Administration Act, have been adjudged to be entitled to be registered as the holder of any land or, in the event of such person being deceased, the representative of his estate, or such person's heir, shall desire to surrender such land or his rights therein, he shall apply in writing to do so to the Bantu Affairs Commissioner, at the same time tendering the relative quitrent title and any unpaid instalments of the cost of survey and any taxes lawfully imposed in respect of such land and due on the date of the application, together with the consent in writing of the holder of any mortgage bond registered against the said land, to such Bantu Affairs Commissioner.

(2) The Bantu Affairs Commissioner shall transmit to the Chief Bantu Affairs Commissioner the documents referred to in subsection (1), together with a certificate that the moneys payable in terms of the said subsection have been paid and, in the case of an arable or residential lot, a report on the suitability of such lot to be regranted for the purpose for which it was set aside.

(3) The Chief Bantu Affairs Commissioner may, in his discretion, grant or refuse any application referred to in subsection (1), and shall endorse his decision on the relevant application form, for registration, free of charge,

op die erf waarvan daar met sy goedkeuring afstand gedoen is: Met dien verstande dat die Hoofbantoesaak-kommissaris nie enige sodanige aansoek ten opsigte van slegs 'n gedeelte van 'n erf toestaan nie, tensy sodanige gedeelte ingevolge 'n afsonderlike erfpagtitel besit word.

Versuim of Weiering om Toekenning te Aanvaar

29. Wanneer ook al enige persoon wat ingevolge artikel 8 van die Bantoe-administrasie Wet aangewys is as geregtig daarop te wees om as besitter van enige grond geregistreer te word, om watter rede ook al versuim of weier om as besitter van sodanige grond geregistreer te word, binne 'n jaar vanaf die datum van uitreiking van die sertifikaat deur die Kommissaris in genoemde artikel 8 bedoel, of vanaf die datum van die bevinding van die raad ingevolge die bepalings van bedoelde artikel 8 aangestel, kan die Minister verklaar dat sodanige persoon die regte verbeur het wat aan hom toegeken is ingevolge die sertifikaat wat daarna geag word te vervel het, en die grond daarin bedoel val aan die Trust terug.

Vergoeding

30. (1) Aan enige besitter wie se grond onteien is of wie se regte daarin ingevolge die bepalings van artikel 25 beëindig is, word—

- (a) in die geval van 'n woonerf, as hy dit verlang, 'n woonerf of -perseel in 'n gebied wat vir woondoeleindes opsy gesit is, toegeken of toegewys, of elders in 'n Bantoegebied as geen of nie genoeg grond in sodanige gebied vir woondoeleindes afgesonder is nie, en word daarbenewens sodanige geldelike vergoeding uit Trustfondse aan hom betaal as wat die Bantoesaakkommissaris bepaal; of
- (b) in die geval van enige ander erf as 'n woonerf—
 - (i) as hy dit verlang, ander grond in 'n Bantoegebied as vergoeding toeken, en wel van 'n grootte en met 'n ligging volgens beslissing van die Bantoesaakkommissaris indien sodanige grond, na die mening van die Bantoesaakkommissaris, beskikbaar is;
 - (ii) as daar nie genoeg grond beskikbaar is om hom ten volle te vergoed nie, en as hy dit verlang, sodanige gedeelte van grond in 'n Bantoegebied toegeken as wat die Bantoesaakkommissaris besluit, en daarbenewens sodanige geldelike vergoeding uit Trustfondse as wat die Bantoesaakkommissaris bepaal;
 - (iii) as daar na die mening van die Bantoesaakkommissaris geen ander grond in 'n Bantoegebied beskikbaar is om as vergoeding aangebied te word nie, sodanige geldelike vergoeding uit Trustfondse betaal as wat die Bantoesaakkommissaris bepaal.

(2) Enige persoon in subartikel (1) bedoel wat ontevrede is met die aard of die bedrag van vergoeding deur die Bantoesaakkommissaris bepaal, kan soos voorgeskryf, teen sodanige bepaling appelleer.

(3) Wanneer ook al grond onteien word of die regte van enige persoon daarop ooreenkomstig artikel 25 beëindig word, wend die Bantoesaakkommissaris enige gelde wat ingevolge hierdie artikel as vergoeding ten opsigte van sodanige onteiening of beëindiging van regte betaalbaar is, aan vir die vereffening, in die volgende voorkeurorde, te wete van die verskuldigde erfpag, die gelde of ander vorderings aan die Trust verskuldig en wat ten opsigte van sodanige grond uitstaande is, die betaling van die opeisbare bedrag ingevolge enige verband wat ten opsigte van sodanige erfpagtitel of enige ander grond in die besit van die persoon aan wie sodanige vergoeding betaalbaar is, geregistreer is, en die saldo van sodanige

against the quitrent title of any lot the surrender of which has been accepted by him: Provided that the Chief Bantu Affairs Commissioner shall not approve any such application for the surrender of a portion only of any lot unless such portion is held under separate quitrent title.

Failure or Refusal to Take Award

29. Whenever any person who under section 8 of the Bantu Administration Act, has been adjudged to be entitled to be registered as the holder of any land, for any cause fails or refuses to be registered as the holder of such land within a period of one year from the date of the issue of the certificate by the Commissioner referred to in the said section 8, or from the date of the finding of the board appointed under the provisions of the said section 8, the Minister may declare that such person has forfeited the rights conferred by the certificate, which shall thereupon be deemed to have lapsed, and the land specified therein shall revert to the Trust.

Compensation

30. (1) Any holder whose land has been appropriated or whose rights therein have been terminated under the provisions of section 25—

- (a) shall, if he so desire, in the case of a residential lot, be granted or allotted a residential lot or allotment in an area set aside for residential purposes or elsewhere in a Bantu area if no or insufficient land has been set aside in such area for residential purposes, and shall, in addition, be paid such compensation in money from Trust funds as the Bantu Affairs Commissioner shall assess; or
- (b) shall, in the case of any lot other than a residential lot—
 - (i) if he so desire, be granted other land in a Bantu area, as compensation, of an extent and situation as the Bantu Affairs Commissioner may decide, if in the opinion of such Bantu Affairs Commissioner such land is available; or
 - (ii) if there is not sufficient land available fully to compensate him, and if he so desire, be granted such portion of land in a Bantu area as the Bantu Affairs Commissioner may decide, and, in addition, such compensation in money from Trust funds as the Bantu Affairs Commissioner shall assess;
 - (iii) if there is, in the opinion of the Bantu Affairs Commissioner, no other land available in a Bantu area to offer as compensation, be paid such compensation in money from Trust funds as the Bantu Affairs Commissioner shall assess.

(2) Any person referred to in subsection (1) who is dissatisfied with the nature or amount of compensation assessed by the Bantu Affairs Commissioner may, in the prescribed manner, appeal against such assessment.

(3) Whenever land is appropriated or any rights held therein by any person are terminated in the manner provided in section 25, the Bantu Affairs Commissioner shall apply any monies due in terms of this section as compensation in respect of such appropriation or termination of rights, to the payment, in the following order of preference, of the quitrent due, the fees or other charges due to the Trust and which are outstanding in respect of such land, the payment of the amount due on any mortgage bond registered against the quitrent title to such or

vergoeding, as daar is, word daarna aan sodanige persoon oorbetal: Met dien verstande dat as geen vergoeding betaalbaar is nie, of as dit ontoereikend is om al die gelde of enige gedeelte daarvan wat in hierdie subartikel gespesifiseer word te vereffen, word enige erfpag, gelde of vorderings wat dan nog ten opsigte van sodanige grond uitstaande is, gereken as 'n las teen die vergoedende grond, en as sou sodanige las ten opsigte van sodanige grond opgehoop het; en as enige opeisbare bedrag ten opsigte van enige verband hierin bedoel, nie vereffen is nie, word sodanige verband as waarborg vir sodanige onbetaalde bedrag gratis ten opsigte van die erfpagtitel wat met betrekking tot sodanige vergoedende grond uitgereik is, geregistreer.

(4) Ondanks andersluidende wetsbepalings is geen seëlregte of gelde betaalbaar nie ten opsigte van enige erfpagtitel of vergunning tot okkupasie wat aan 'n Bantoe uitgereik word ten opsigte van vergoedende grond aan hom ingevolge hierdie artikel toegeken of toegewys.

Terugvalling van Grond

31. (1) Die registrateur van grondaktes registreer elke sertifikaat gratis waarin die afstanddoening van erfpaggrond aanvaar word, en elke bevel ten opsigte van die onteining van sodanige grond of die beëindiging of kansellering van regte van 'n besitter daarin, wat kragtens hierdie regulasies of enige ander wetsbepaling uitgereik of gedoen is, en bring 'n endossement weselik in die vorm in Aanhangsel 20 of 21 voorgeskryf, na gelang van die geval, aan op die besitter se afskrif van die betrokke erfpagtitel, as dit beskikbaar is, en op die registrasiekantoorafskrif daarvan.

(2) Die aanbring van 'n endossement kragtens subartikel (1) op enige erfpagtitel word geag 'n oordrag deur die geregistreerde besitter aan die Trust te wees van al sodanige regte as wat in sodanige endossement gespesifiseer word, en enige sodanige grond waarvan afstand gedoen is of wat onteien is of ten opsigte waarvan al die besitter se regte beëindig of gekanselleer is val vervolgens terug aan en berus by die Trust, onthef van enige voorwaardes maar onderhewig aan enige verband of servituut wat ten opsigte van sodanige erfpagtitel geregistreer is, en die reg van sodanige besitter om ingevolge artikel 34 enige verbeterings op sodanige grond te verwyder: Met dien verstande dat vir doeleindes van die registrasie in 'n grondaktekantoor word enige grond wat soos in hierdie artikel bepaal, by die Trust berus, behalwe grond ten opsigte waarvan die erfpagtitel ingevolge artikel 32 gekanselleer is, ondanks enigiets in hierdie regulasies of in enige ander wetsbepaling vervat, geag in die besit van 'n Bantoe te wees.

(3) Die registrateur van grondaktes verstrek aan die betrokke Bantoesakekommissaris 'n sertifikaat waarin besonderhede vervat is van enige besondere regte op enige grond, welke regte aan die Trust oorgedra is of van enige grond wat kragtens hierdie artikel teruggeval het aan en by die Trust berus, en sodanige sertifikaat is afdoende magtiging aan die Bantoesakekommissaris of enige persoon wat skriftelik daartoe deur hom gemagtig is, om enige sodanige grond in sodanige sertifikaat beskryf en wat by die Trust berus, te betree en dit namens die Trust in besit te neem, of om sodanige stappe te doen as wat nodig mag wees om enige persoon te verhoed om sodanige grond te gebruik of te okkupeer of andersins daaroor te beskik, of om enige sodanige regte as wat op die Trust oorgegaan het, uit te oefen.

Kansellering van Erfpagtitel

32. (1) Die Minister kan na goedgekeurde die kansellering gelas van die erfpagtitel ten opsigte van enige grond wat ingevolge artikel 31 aan die Trust teruggeval het, of wat by nakoming van die bepaling van bedoelde artikel aan

any other land held by the person entitled to such compensation, and the balance, if any, of such compensation shall thereupon be paid to such person: Provided that if no compensation is payable or, if it is inadequate to pay all or any of the monies specified in this subsection, any quitrent, fees or charges still outstanding in respect of such land shall constitute a charge against the compensatory land as if such charge had accrued in respect of such land; and if any amount due under any mortgage bond referred to herein, remains unpaid, such bond shall in securement of such unpaid amount be registered free of charge against the quitrent title issued in respect of such compensatory land.

(4) Notwithstanding the provisions of any other law no stamp duty or fee shall be payable on any quitrent title or permission to occupy issued to a Bantu in respect of compensatory land granted or allotted to him in terms of this section.

Reversion of Land

31. (1) The registrar of land titles shall, free of charge, register every certificate of acceptance of surrender of land held under quitrent title, or order of appropriation of such land or of the termination or cancellation of rights therein of a holder, issued or made in terms of these regulations or of any other law, and shall make an endorsement substantially in the form prescribed in Annexure 20 or 21, as the case may be, on the holder's copy of the relevant quitrent title, if available, and on the registry copy thereof.

(2) The endorsement of any quitrent title in terms of subsection (1) shall be deemed to be a transfer from the registered holder to the Trust of all such rights as are specified in such endorsement, and any such land which has been surrendered or appropriated or in respect of which all the holder's rights have been terminated or cancelled, shall thereupon revert to and vest in the Trust, free of any conditions but subject to any mortgage bond or servitude registered against such quitrent title and the right of such holder in terms of section 34 to remove any improvements on such land: Provided that for the purposes of registration in a registry of land titles any land which has vested in the Trust in the manner provided in this section, other than land in respect of which the quitrent title has in terms of section 32 been cancelled, shall, notwithstanding anything contained in these regulations or in any other law, be deemed to be held by a Bantu.

(3) The registrar of land titles shall furnish the Bantu Affairs Commissioner concerned with a certificate showing details of any particular rights in any land which have been transferred to the Trust or of any land which has reverted to and vested in the Trust in terms of this section, and such certificate shall be sufficient authority for the Bantu Affairs Commissioner or any person authorized thereto in writing by him to enter upon and take possession on behalf of the Trust of any such land described in such certificate, which has vested in the Trust, or to take such steps as may be necessary to prevent any person from using or occupying or otherwise dealing with such land, or from exercising any such rights as may have been transferred to the Trust.

Cancellation of Quitrent Title

32. (1) The Minister may, in his discretion, order the cancellation of the quitrent title to any land which in terms of section 31 has reverted to or which will upon compliance with the provisions of the said section revert

die Trust sal terugval: Met dien verstande dat as die skuldenaar ingevolge 'n verband wat ten opsigte van 'n handelself geregistreer is dit nie vermag om sekerheid tot tevredenheid van die houer van sodanige verband met betrekking tot die vereffening deur hom van die bedrag wat asdan ten opsigte van sodanige verband opeisbaar is, te stel nie, word die erfpagtitel ten opsigte van sodanige erf nie sonder die instemming van sodanige verbandhouer gekanselleer nie tensy die Trust sodanige bedrag aan sodanige verbandhouer betaal het.

(2) Elke bevel wat kragtens subartikel (1) uitgereik word met betrekking tot enige bewerkbare erf wat aan 'n geregistreerde verband of serwituut onderhewig is, word geag magtiging te verleen vir die betaling uit Trustfondse aan die houer van enige sodanige verband van enige bedrag wat daarkragtens opeisbaar is, of aan die besitter van die heersende erf van 'n bedrag deur die Sekretaris bepaal, wie se beslissing afdoende is, ter vergoeding vir sy verlies, as daar is.

(3) Enige bedrag wat die Trust ingevolge hierdie artikel betaal, is by lasbrief vir die uitwinning van die eiendom van die persoon wat die laaste as besitter van die betrokke grond geregistreer was, verhaalbaar, as sou dit in die geval waar sodanige persoon 'n Bantoe is, 'n belasting wees wat deur hom ingevolge die bepalings van die Bantoe Belasting Wet verskuldig is, of in die geval waar sodanige persoon nie 'n Bantoe is nie, as sou sodanige lasbrief uitgereik wees ingevolge 'n uitspraak van 'n landdroshof teen sodanige persoon ten opsigte van die bedrag aldus betaal.

(4) Elke bevel wat kragtens subartikel (1) gegee word, word op skrif gestel en gratis deur die registrateur van grondaktes geregistreer, wat terselfdertyd op die besitter se afskrif van die betrokke erfpagtitel en kaart as hulle beskikbaar is, en op die registrasiekantoorafskrifte daarvan 'n endossement aanbring, wesenlik in die vorm in Aanhangsel 22 voorgeskryf, en aan die registrateur van aktes en die landmeter-generaal 'n sertifikaat verstrekk waarin hy hulle van sodanige kansellasië verwittig en besonderhede van die betrokke grond opgee, en sodanige sertifikaat is afdoende magtiging aan genoemde registrateur van aktes en landmeter-generaal om enige endossement met betrekking tot sodanige grond wat deur hom ingevolge artikel 42 (2) op die betrokke Trusttitelakte of geregistreerde kaart aangebring is, te kanselleer.

Hertoekening van Grond

33. (1) Behalwe in die geval van grond wat kragtens artikel 25 onteien is, is alle grond wat ingevolge 'n erfpagtitel besit word en wat aan die Trust teruggeval het, maar uitgesonderd grond ten opsigte waarvan die Minister kragtens artikel 32 die kansellering van die betrokke erfpagtitel beveel het, weer beskikbaar vir toekenning aan 'n persoon wat nie ingevolge hierdie regulasies onbevoeg is om sodanige grond te besit nie.

(2) Die bepalings van artikel 15 is *mutatis mutandis* van toepassing op enige toekenning wat ingevolge subartikel (1) gedoen is, en by registrasie van sodanige toekenning in die grondaktekantoor, bring die registrateur gratis op die registrasiekantoorafskrif en, as dit beskikbaar is, op die besitter se afskrif van enige erfpagtitel betreffende enige vorige toekenning van sodanige grond, 'n endossement aan wesenlik in die vorm in Aanhangsel 23 voorgeskryf waarna sodanige erfpagtitel nietig is.

(3) Ondanks enigiets in hierdie regulasies vervat, word grond nie kragtens hierdie regulasie toegeken aan enige persoon alvorens hy—

(a) aan die Bantoesakekommissaris die gelde in Aanhangsel 25 voorgeskryf en enige erfpag wat ten opsigte van sodanige grond verskuldig en uitstaande is op die datum waarop dit aan die Trust teruggeval het, betaal het nie;

to the Trust: Provided that if the debtor under a mortgage bond registered against any trading lot is unable to furnish security to the satisfaction of the holder of such bond for the payment by him of the amount then due under such bond, the quitrent title to such lot shall not be cancelled without the consent of the bondholder, unless the Trust has paid such amount to such bondholder.

(2) Every order made in terms of subsection (1) in respect of any arable lot which is subject to a registered mortgage bond or servitude, shall be deemed to convey authority for the payment out of Trust funds to the holder of any such bond, of any unpaid amount due thereunder, or to the holder of the dominant lot of an amount determined by the Secretary, whose decision shall be final, as compensation for his loss, if any.

(3) Any payment made by the Trust in terms of this section shall be recoverable by warrant of execution against the property of the person last registered as the holder of the land in question as if, in the case of such person being a Bantu, it were a tax due by him under the provisions of the Bantu Taxation Act or, in the event of such person not being a Bantu, as if such warrant were issued pursuant to a judgment by a magistrate's court against such person for the amount so paid.

(4) Every order made in terms of subsection (1) shall be in writing, and shall be registered free of charge by the registrar of land titles who shall, at the same time, make on the holder's copy of the relevant quitrent title and diagram, if available, and on the registry copies thereof, an endorsement substantially in the form prescribed in Annexure 22, and furnish the registrar of deeds and surveyor-general with a certificate informing them of such cancellation, and showing details of the relevant land, which certificate shall be sufficient authority for the said registrar of deeds and surveyor-general to cancel any endorsement relating to such land, made by him in terms of section 42 (2) against the relative Trust title deed or registered diagram.

Re-grant of Land

33. (1) Except in the case of land which has been appropriated in terms of section 25, all land held under quitrent title which has reverted to the Trust, other than land in respect of which the Minister has, in terms of section 32, ordered the cancellation of the relative quitrent title, shall again be available for grant to a person who is not disqualified in terms of these regulations from being the holder of such land.

(2) The provisions of section 15 shall *mutatis mutandis* apply to any grant of land made in terms of subsection (1), and upon the registration of such grant in the registry of land titles the registrar shall, free of charge, make on the registry copy and, if available, on the owner's copy of any quitrent title relating to any previous grant of such land, an endorsement substantially in the form prescribed in Annexure 23, whereupon such quitrent title shall become void.

(3) Notwithstanding anything contained in these regulations, land shall not be granted to any person in terms of this section unless he shall have—

(a) paid to the Bantu Affairs Commissioner the fee prescribed in Annexure 25 and any quitrent due and outstanding in respect of such land on the date it reverted to the Trust;

- (b) skriftelik instem om aanspreeklikheid vir enige uitstaande opmetings- of heropmetingskoste ten opsigte van bedoelde grond te aanvaar, asook om die toekenning onderhewig aan enige gespesifiseerde serwituut wat asdan ten opsigte van sodanige grond geregistreer is, te aanvaar en om in die plek van die skuldenaar ingevolge enige verband wat asdan aldus geregistreer is, gestel te word:

Met dien verstande dat in die geval van 'n hertoekenning van grond aan 'n persoon wat die geregistreerde besitter daarvan was ten tye toe dit aan die Trust teruggeval het, is die bepalings van paragraaf (b) van hierdie subartikel nie van toepassing nie, en die aanspreeklikheid van sodanige persoon ingevolge enige verband of ten opsigte van enige opmetingskoste in genoemde paragraaf bedoel, word geag nie deur sodanige terugvalling onderbreek of geraak te gewees het nie.

Verbeterings

34. (1) Wanneer ook al die Hoofbantoesakekommissaris ingevolge hierdie regulasies afstanddoening ten opsigte van enige bewerkbare of woonerf aanvaar het, of die Minister die besitter se regte op sodanige erf gekanselleer het of dit onteien het, kan die besitter op die datum van sodanige afstanddoening, kansellasië of onteiening, behoudens die bepalings van subartikel (2), binne drie maande vanaf genoemde datum of sodanige verdere tydperk as wat die Bantoesakekommissaris na goeddunke kan goedkeur, enige verbeterings verwyder wat die eiendom van die geregistreerde besitter van sodanige erf is en wat sonder beskadiging van die grond verwyder kan word. As sodanige verbeterings nie aldus verwyder word nie word dit die eiendom van die Trust sonder betaling van vergoeding.

(2) Niemand kan sonder die voorafverkreë skriftelike toestemming van die Hoofbantoesakekommissaris enige verbeterings verwyder van grond in subartikel (1) bedoel, in verband waarmee daar enige bedrag aan die Trust ten opsigte van erfpag, gelde of ander vorderings verskuldig is nie, of in die geval van enige sodanige grond wat aan 'n verband onderhewig is, alvorens sodanige verband gekanselleer is nie.

Vererwing van Erfpaggrond

35. (1) Erfopvolging ten opsigte van grond in enige Bantoegebied wat in die afsonderlike besit van 'n Bantoe op erfpagvoorwaardes is, word behoudens die bepalings van hierdie regulasies, ooreenkomstig die toepaslike Erfopvolgingstabel bepaal wat in Aanhangsel 22 vervat is, en wat vir doeleindes van artikel 23 (2) van die Bantoeadministrasie Wet geag word ingevolge artikel 23 (10) van bedoelde Wet voorgeskryf te wees.

(2) As daar geen erfgenaam is wat bevoeg en gewillig is om oordrag van die grond ingevolge hierdie regulasie en bedoelde Erfopvolgingstabel te neem nie, val sodanige grond terug aan die Trust: Met dien verstande dat die Minister na goeddunke die oordrag daarvan, ondanks enige andersluidende bepaling in hierdie regulasies vervat, aan 'n vroulike familielid van die oorlede geregistreerde besitter of enige afstammeling van enige sodanige vroulike lid kan goedkeur, of sodanige grond laat verkoop en die opbrengs onder die vroulike familieledes van die oorledene of hul afstammelinge laat verdeel.

36. (1) Indien, binne 'n tydperk van ses maande na die dood van die geregistreerde eienaar die Bantoesakekommissaris na behoorlike ondersoek nie daartoe in staat is om te bepaal watter manlike persoon, as daar is, daarop geregtig is om sodanige grond ingevolge hierdie regulasies te erf nie, roep hy by kennisgewing wat by sy kantoor en by of op die betrokke grond opgeplak is, enige persoon op wat aanspraak maak op die reg van ver-

- (b) furnished his consent in writing, accepting liability for any outstanding costs of survey or re-survey of the land in question, and agreeing to accept the grant subject to any specified servitude then registered in respect of such land, and to be substituted as debtor under any existing mortgage bond so registered:

Provided that, in the case of the re-grant of land to a person who was the registered holder thereof at the time it reverted to the Trust, the provisions of paragraph (b) of this subsection shall not apply, and the liability of such person under any bond or for any costs of survey referred to in the said paragraph, shall be deemed not to have been interrupted or affected by such reversion.

Improvements

34. (1) Whenever in terms of these regulations the Chief Bantu Affairs Commissioner has accepted the surrender of an arable or residential lot, or the Minister has cancelled the holder's rights to or appropriated such lot, the holder on the date of such surrender, cancellation or appropriation may, subject to the provisions of subsection (2), within three months of the said date or within such additional time as the Bantu Affairs Commissioner may in his discretion approve, remove any improvements belonging to the registered holder on such lot and which can be taken away without damage to the land. Should such improvements not be so removed they shall become the property of the Trust without payment of compensation.

(2) No person may, without the approval in writing of the Chief Bantu Affairs Commissioner first had and obtained, remove any improvements from land referred to in subsection (1) in respect of which there is any unpaid amount still due to the Trust as quitrent, fees or other charges or, in the case of any such land which is subject to a mortgage bond, until such bond shall have been cancelled.

Devolution of Quitrent Land

35. (1) Succession to land held by a Bantu in individual tenure on quitrent conditions in any Bantu area shall, subject to the provisions of these regulations, be regulated in terms of the relevant Table of Succession contained in Annexure 24, which, for the purposes of section 23 (2) of the Bantu Administration Act, shall be deemed to have been prescribed under section 23 (10) of the said Act.

(2) If there be no heir competent and willing to accept transfer of the land under the provisions of these regulations and the said Table of Succession, such land shall revert to the Trust: Provided that the Minister may in his discretion authorize its transfer, notwithstanding anything to the contrary in these regulations, to a female member of the family of the deceased registered holder or any descendant of any such female, or may cause such land to be sold and the proceeds of such sale to be divided amongst the female members of the deceased's family or their descendants.

36. (1) If, within a period of not less than six months after the death of the registered holder, the Bantu Affairs Commissioner has, after due inquiry, been unable to determine which male person, if any, is entitled to succeed to such holder's land in accordance with these regulations he shall, by notice posted at his office and at or on the land in question, call upon any person claiming to be

erwing van sodanige grond kragtens die toepaslike Erfopvolgingstabel, om sy eis ten opsigte daarvan by sodanige Bantoesakekommissaris binne drie maande vanaf die datum van sodanige kennisgewing in te dien.

(2) Indien die Bantoesakekommissaris na verloop van minstens twee jaar na die dood van die geregistreerde besitter, op redelike gronde daarvan oortuig is dat die manlike persoon wat daarop geregtig is om sodanige oorlede besitter se grond ooreenkomstig hierdie regulasies te erf, uit die distrik of gebied verdwyn het of daaruit afwesig is en sy verblyfplek elders onbekend is, roep sodanige Bantoesakekommissaris by kennisgewing wat by sy kantoor en by of op die betrokke grond opgeplak is, sodanige persoon op om sy eis ten opsigte daarvan by bedoelde Bantoesakekommissaris binne drie maande vanaf die datum van sodanige kennisgewing in te dien.

(3) Indien daar binne die tydperk in subartikel (1) of (2) bedoel geen sodanige eis of eise ingedien word nie, of indien enige ingedien word en hulle na behoorlike ondersoek deur die Bantoesakekommissaris verwerp is, kan die Hoofbantoesakekommissaris die oordrag van die grond aan die volgende persoon goedkeur wat ooreenkomstig die voorrangorde in bedoelde Erfopvolgingstabel bepaal, daarop geregtig is.

37. (1) Wanneer die geregistreerde besitter te sterwe kom, en hy deur enige weduwee of deelgenoot oorlewe word wat te alle tye die enigste persoon was met wie hy in die huwelik getree het of met wie hy 'n gebruikelike verbinding aangegaan het, of indien sy nie sodanige enigste persoon is nie, dan die deelgenoot van die eersterangse huis, is sodanige weduwee of deelgenoot daarop geregtig om, tot dat sy weer trou of 'n ander gebruikelike verbinding aangaan en tydens haar inwoning by haar oorlede eggenoot of deelgenoot se kraal of sodanige ander kraal as wat deur haar oorlede eggenoot of deelgenoot se familiebetrekkinge goedgekeur word, sodanige grond te gebruik en te okkupeer onderhewig aan die verpligtinge wat uit die titelvoorwaardes of enige behoorlik geregistreerde verband spruit, en tydens sodanige gebruik en okkupasie bly sodanige grond op naam van die oorledene geregistreer.

(2) Enige weduwee of oorlewende deelgenoot wat ingevolge die bepalinge van hierdie artikel op die gebruik en okkupasie van grond geregtig is, word geag haar regte ten opsigte van sodanige grond te verbeur het as sy nie binne drie maande na die datum van betekening aan haar persoonlik van 'n formele kennisgewing wat deur die Bantoesakekommissaris onderteken is en waarin van haar vereis word dat sy haar aanvaarding van sodanige regte te kenne gee, aan sodanige vereiste voldoen het nie.

38. (1) Indien die erfgenaam ingevolge die toepaslike Erfopvolgingstabel, op die datum waarop hy geregtig is om grond wat op naam van die oorledene geregistreer is te erf, reeds in afsonderlike besit is van grond in 'n Bantoegebied wat na die mening van die Hoofbantoesakekommissaris aan sy behoeftes voldoen, kies hy binne drie maande nadat die Bantoesakekommissaris dit van hom vereis, en behoudens die bepalinge van artikel 37, of hy in besit van die grond asdan in sy besit wil bly, en of hy besit wil neem van die grond wat hy geregtig is om te erf; en die Hoofbantoesakekommissaris magtig die oordrag van die grond wat die erfgenaam nie kies nie, aan die volgende persoon wat ooreenkomstig die voorrangorde in bedoelde Erfopvolgingstabel die oorledene se erfgenaam is, en wat nie in afsonderlike besit van grond in 'n Bantoegebied is nie en ook nie onbevoeg is om sodanige grond te besit nie.

(2) Die bepalinge van artikel 36 is *mutatis mutandis* van toepassing op vererwing ingevolge hierdie artikel, met dien verstande dat die tydperke van ses maande en twee jaar daarin gespesifiseer, vanaf die datum waarop die erfgenaam sy keuse uitoefen en nie die datum van afsterwe van die oorledene nie, gereken word.

entitled to succeed to such land in terms of the relevant Table of Succession, to lodge his claim thereto with such Bantu Affairs Commissioner within three months from the date of such notice.

(2) If, after the lapse of a period of not less than two years from the death of the registered holder, the Bantu Affairs Commissioner is satisfied upon reasonable grounds that the male person entitled to succeed to such deceased holder's land in accordance with these regulations has either absconded from the district or area or is absent therefrom and his whereabouts is unknown, such Bantu Affairs Commissioner shall, by notice posted at this office and at or on the land in question, call upon such person to lodge his claim thereto with the said Bantu Affairs Commissioner within three months from the date of such notice.

(3) If, within the period prescribed in subsection (1) or (2), no such claim or claims be lodged, or if any be lodged, and, after due inquiry, be disallowed by the Bantu Affairs Commissioner, the Chief Bantu Affairs Commissioner may authorize the transfer of the land to the person next entitled thereto in accordance with the order of precedence laid down in the said Table of Succession.

37. (1) When a registered holder dies leaving surviving him any widow or partner who was at all times the sole person with whom he had contracted either a marriage or a customary union or who, if not such sole person, was partner of the principal house, such widow or partner shall, until her re-marriage or entry into another customary union, be entitled, during her residence at the kraal of her late husband or partner, or at such other kraal as may be approved by her late husband's or partner's relatives, to the use and occupation of his land, subject to the obligations imposed by the conditions of title and any duly registered mortgage bond, and during such use and occupation such land shall remain registered in the name of the deceased.

(2) Any widow or surviving partner entitled under the provisions of this section to the use and occupation of land, shall be held to have forfeited her rights to such land, if, within three months of the personal service upon her of a formal notice signed by the Bantu Affairs Commissioner, calling upon her to notify her acceptance of such rights, she has failed to notify such acceptance.

38. (1) Should the heir under the relevant Table of Succession, at the date when he becomes entitled to succeed to the land registered in the name of the deceased, be already in possession of land in a Bantu area held in individual tenure, which in the opinion of the Chief Bantu Affairs Commissioner is sufficient for his requirements, he shall within three months after being called upon by the Bantu Affairs Commissioner so to do, elect, subject to the provisions of section 37, whether he will remain in possession of the land at the time held by him or take possession of the land to which he has become entitled to succeed; and the Chief Bantu Affairs Commissioner shall authorize the transfer of the land which the heir does not select to the person next entitled to succeed to the deceased in accordance with the said Table of Succession, who shall not be in possession of land in a Bantu area held in individual tenure and who shall not be ineligible to hold such land.

(2) The provision of section 36 shall apply *mutatis mutandis*, to succession in accordance with this section, provided that the date from which the periods of six months and two years therein specified shall be reckoned, shall be the date of election by the heir and not the date of the death of the deceased.

39. Iemand wat ingevolge die bepalings van hierdie regulasies daarop geregtig is om grond te erf, kan regtens afstand doen van sy regte ten opsigte van sodanige grond wat vervolgens deur die volgende persoon wat ingevolge hierdie regulasies daarop geregtig is, geërf word: Met dien verstande dat wanneer ook al die persoon wat sodanige grond regtens kan erf 'n minderjarige is, word sodanige afstanddoening deur sodanige minderjarige se voog gedoen en is dit slegs regsgeldig indien—

- (a) getuienis onder eed of deur middel van 'n plegtige verklaring aan die Bantoesakekommissaris ter ondersteuning van sodanige afstanddoening en sodanige verdere inligting in verband daarmee as wat die Bantoesakekommissaris vereis, verstrek is; en
- (b) die Bantoesakekommissaris daarvan oortuig is dat dit in die belang van die minderjarige sou wees om die afstanddoening te aanvaar; en
- (c) die goedkeuring van die Hoofbantoesakekommissaris verkry is.

40. (1) Indien enige Bantoe verlang om die persoon wat na sodanige Bantoe se dood daarop geregtig sal wees om ingevolge hierdie regulasies sy grond te erf, weens ernstige wangedrag of onbevoegdheid om die grond te bewerk of om dit te beheer of op ander billike gronde te onterf, daag die Bantoesakekommissaris op aansoek van sodanige Bantoe by formele kennisgewing die persoon wat onterf staan te word om voor hom te verskyn, en in teenwoordigheid van sodanige persoon, of in sy afwesigheid ingeval hy versuim of weier of nie daartoe in staat is om vanweë kranksinigheid of ander billike redes op die dag en tyd wat in die kennisgewing genoem is te verskyn nie, stel hy ondersoek in na al die omstandighede en kan hy sodanige persoon as onterf verklaar. Behoudens die bepalings van subartikel (2) is iemand wat aldus onterf is, nie daarop geregtig om sodanige grond te erf nie wat by oorlyde van die besitter daarvan op die volgende persoon wat ingevolge hierdie regulasies daarop geregtig is, oorgaan.

(2) Te eniger tyd voordat 'n Bantoe wie se erfgenaam ooreenkomstig subartikel (1) onterf is, te sterwe kom, kan die Bantoesakekommissaris by vertoë deur sodanige Bantoe of die onterfde persoon die ondersoek heropen, en as hy oortuig is dat die gronde waarop sodanige onderwing berus het nie meer bestaan nie, kan hy sodanige onderwing nietig verklaar.

(3) Notule word van alle verrigtinge ingevolge hierdie artikel gehou en enige persoon wat by enige onderwingsverklaring of die nietigverklaring daarvan belang het is bevoeg om teen enige sodanige beslissing van die Bantoesakekommissaris by die Hoofbantoesakekommissaris binne 14 dae na sodanige verklaring of nietigverklaring, appél aan te teken. Die beslissing van die Hoofbantoesakekommissaris is afdoende.

REGISTRASIE VAN GROND

Grondaktekantore

41. (1) In die kantoor van elke Hoofbantoesakekommissaris is daar 'n grondaktekantoor waarin alle dokumente geregistreer word wat betrekking het op onroerende goed wat toegeken is aan of in besit is van 'n Bantoe ingevolge erfpagtitel in enige Bantoegebied in die onderskeie regsgebiede van sodanige Hoofbantoesakekommissarisse, en wat in die geval van die Hoofbantoesakekommissariskantore te King William's Town en Pietermaritzburg 'n voortsetting is van die registrasiekantore wat in hul onderskeie kantore ingestel is kragtens enige wetsbepaling wat by hierdie regulasies herroep is.

(2) 'n Beampte wat skriftelik deur die Hoofbantoesakekommissaris as registrateur aangestel is, is in beheer van die grondaktekantoor en oefen ten opsigte van sodanige

39. It shall be lawful for any person entitled to succeed to land under the provisions of these regulations, to renounce his right to such land which shall thereupon devolve upon the person next entitled thereto under these regulations: Provided that, whenever the person entitled to succeed to such land is a minor, such renunciation shall be made by the guardian of such minor and shall be effective only if—

- (a) evidence on oath or by way of solemn declaration has been given to the Bantu Affairs Commissioner in support of such renunciation, and that such further information relative thereto as the Bantu Affairs Commissioner may require, has been furnished; and
- (b) the Bantu Affairs Commissioner is satisfied that it would be in the interest of the minor that the renunciation should be accepted; and
- (c) the approval of the Chief Bantu Affairs Commissioner has been obtained.

40. (1) If any Bantu shall desire to disinherit the person who would on the death of such Bantu be entitled to succeed to his land under these regulations, by reason of gross misconduct or incapacity to deal with or manage the land, or insanity, or for any other just cause, the Bantu Affairs Commissioner shall, on the application of such Bantu, by formal notice summon before him the person whom it is proposed to disinherit, and, in the presence of such person or in his absence in case he should neglect, refuse or be unable by reason of insanity to appear at the time and place mentioned in the summons, shall inquire into all the circumstances and may declare such person disinherited. Subject to the provisions of subsection (2), any person so disinherited shall not be entitled to succeed to such land which shall upon the death of the holder thereof, devolve upon the person next entitled thereto under the provisions of these regulations.

(2) At any time prior to the death of a Bantu whose heir has been disinherited as in subsection (1) provided, the Bantu Affairs Commissioner, upon representations to him either by such Bantu or by the person disinherited, may re-open the inquiry and, in the event of his being satisfied that the grounds for such disinheritance no longer exist, may rescind such disinheritance.

(3) A record shall be kept of all proceedings under this section, and it shall be competent for any person interested in any declaration of disinheritance or the rescission thereof, to appeal to the Chief Bantu Affairs Commissioner against any such decision of a Bantu Affairs Commissioner within a period of fourteen days from the date of such declaration or rescission. The decision of the Chief Bantu Affairs Commissioner shall be final.

LAND REGISTRATION

Registries of Land Titles

41. (1) There shall be a registry of land titles in the office of every Chief Bantu Affairs Commissioner, in which shall be registered all documents relating to immovable property granted to or held by Bantu under quiritent title in any Bantu area situate in the respective areas of jurisdiction of such Chief Bantu Affairs Commissioners, and which shall, in the case of the Chief Bantu Affairs Commissioners offices at King William's Town and Pietermaritzburg, be a continuation of the deeds registries established in their respective offices in terms of any law repealed by these regulations.

(2) An officer appointed in writing by the Chief Bantu Affairs Commissioner as registrar shall be in charge of the registry of land titles and shall exercise in respect of

registrasiekantoor al sodanige bevoegdhede uit en verrig al sodanige pligte as wat registrateurs van aktes ingevolge enige wetsbepaling met betrekking tot die registrasie van titelaktes opgelê word, vir sover sodanige wetsbepaling toepaslik is, of wat ingevolge hierdie regulasie op hom oorgaan: Met dien verstande dat waar sodanige wetsbepalings strydig is met die bepalinge van hierdie regulasies met betrekking tot enige aangeleentheid waarvoor hierin spesiaal voorsiening gemaak word, die bepalinge van hierdie regulasies geld.

(3) Die Hoofbantoesakekommissaris kan een of meer beamptes as assistent-registrateurs van grondaktes aanstel wat onderworpe aan die beheer en lasgewing van die registrateur oor die bevoegdheid en gesag beskik om enige handeling of enigiets te verrig wat die registrateur regtens vermag.

(4) Vir doeleindes van hierdie artikel en van artikels 42 tot en met 46, word alle grond in die eiendomsbesit van 'n Bantoe, en wat by die inwerkingtreding van hierdie regulasies in 'n in subartikel (1) bedoelde registrasiekantoor geregistreer was by voortsetting aldus geregistreer as sou dit grond wees wat kragtens arfpagtitel besit word.

Registrateur se Bevoegdhede en Pligte

42. (1) Die registrateur van grondaktes moet behoudens die bepalinge van hierdie regulasies—

- (a) alle rekords in die grondaktekantoor ten opsigte waarvan hy aangestel is onder sy beheer neem en bewaar;
- (b) alle titelaktes en ander dokumente wat aan hom vir registrasie voorgelê word, ondersoek en na ondersoek enige sodanige titel of ander dokument afwys as hierdie regulasies nie die registrasie daarvan veroorloof nie of as daar 'n ander geldige beswaar teen die registrasie daarvan bestaan;
- (c) toekenningsaktes ten opsigte van toekennings van grond in 'n Bantoegebied aan enige Bantoe ingevolge erfpagvoorwaardes registreer;
- (d) die transport registreer van enige sodanige grond wat in sodanige grondaktekantoor geregistreer is;
- (e) verbandaktes registreer en enige sessie van verbande aldus geregistreer, asook die kansellasië van sodanige verbande of sessies;
- (f) serwitute registreer en die wysiging of opheffing van enige geregistreerde serwituut aanteken;
- (g) aantekeninge hou van alle kennisgewings, opgawes, state of hofbevele wat by hom ingevolge enige wetsbepaling ingedien word;
- (h) opgawes of ander inligting verstrek wat ingevolge hierdie regulasies van hom vereis word; en
- (i) sodanige registers hou en sodanige inskrywings daarin aanbring en sodanige ander werksaamhede verrig as wat die Sekretaris mag voorskryf en wat nodig is om aan die bepalinge van hierdie regulasies gevolg te gee en om 'n doeltreffende registrasiestelsel in stand te hou.

(2) Die registrateur van grondaktes verwittig die betrokke registrateur van aktes van elke toekenning van grond ingevolge 'n erfpagtitel wat kragtens artikel 15 (5) deur hom geregistreer is, en sodanige registrateur van aktes teken sodanige toekenning aan op die toepaslike Trusttitelakte, welke aantekening as beletsel geld teen die registrasie deur sodanige registrateur van aktes van enige transaksie ten opsigte van die grond in sodanige erfpagtitel beskryf.

43. Die registrateur van grondaktes beskik oor die bevoegdheid om—

- (a) lewering van bewys by wyse van 'n beëdigde verklaring of andersins te vorder, van enige feit wat gestaaf moet word betreffende enige aangeleentheid of saak waarvan die verrigting of uitvoering in sy registrasiekantoor verlang word;

such registry all such powers and perform all such duties as may be imposed on registrars of deeds by any law relating to the registration of title deeds in so far as such law may be applicable or as may devolve upon him in terms of these regulations: Provided that in the event of any conflict between the provisions of such law and these regulations in regard to any matter specially provided for herein, the provisions of these regulations shall prevail.

(3) The Chief Bantu Affairs Commissioner may appoint one or more officers as assistant registrars of land titles who shall, subject to the control and directions of the registrar, have power and authority to do any act or thing which may lawfully be done by the registrar.

(4) For the purposes of this section and of sections 42 to 46, inclusive, all land owned by a Bantu in freehold and which is at the commencement of these regulations registered in any deeds registry referred to in subsection (1) shall continue to be so registered as if it were land held under quitrent title.

Registrar's Powers and Duties

42. (1) The registrar of land titles shall, subject to the provisions of these regulations—

- (a) take charge of and preserve all records in the registry of land titles in respect of which he is appointed;
- (b) examine all titles or other documents submitted to him for registration, and after examination reject any such title or other document the registration of which is not permitted under these regulations or to the registration of which any other valid objection exists;
- (c) register deeds of grant relating to grants of land in a Bantu area to any Bantu under quitrent conditions;
- (d) register transfers of any such land as may be registered in such registry of land titles;
- (e) register mortgage bonds and any cession of bonds so registered or cancellation of such bonds or cessions thereof;
- (f) register servitudes and record the modification or extinction of any registered servitude;
- (g) record all notices, returns, statements or orders of the court lodged with him in terms of any law;
- (h) furnish returns or other information required of him in terms of these regulations; and
- (i) keep such registers, make such entries therein and discharge such other duties as may be prescribed by the Secretary, and as may be necessary to give effect to the provisions of these regulations and for the maintenance of an efficient system of registration.

(2) The registrar of land titles shall notify the registrar of deeds concerned, of every grant of land made under quitrent title registered by him in terms of section 15 (5), and such registrar of deeds shall endorse the fact of such grant against the records of the relative Trust title deed, which endorsement shall constitute a bar against registration by such registrar of deeds of any transaction in respect of the land described in such quitrent title.

43. The registrar of land titles shall have power—

- (a) to require the production of proof upon affidavit or otherwise of any fact necessary to be established in connection with any matter or thing sought to be performed or effected in his registry of land titles;

- (b) behoudens die bedinge in hierdie regulasies voorgeskryf, gewaarmerkte afskrifte van titels of ander dokumente wat in sy kantoor geregistreer of bewaar word, uit te reik;
- (c) as enige akte of ander dokument wat by hom ingedien is na sy mening onleesbaar of onbruikbaar geword het, te eis dat 'n gewaarmerkte afskrif daarvan verkry word om dit te vervang;
- (d) wanneer ook al dit na sy mening noodsaaklik of wenslik is om in enige titelakte of ander dokument wat in sy registrasiekantoor geregistreer of in bewaring is, 'n fout reg te stel met die naam of beskrywing van enige persoon of eiendom wat daarin genoem word, of in die voorwaardes met betrekking tot sodanige eiendom sodanige fout reg te stel: Met dien verstande dat—
 - (i) elke persoon wat blykens die titel of dokument belang het by die regstelling skriftelik daartoe ingestem het;
 - (ii) as enige sodanige persoon sy toestemming weerhou sodanige regstelling op gesag van die Hoofbantoesakekommissaris gedoen kan word;
 - (iii) as die fout gemeen is aan meer as een akte of ander dokument, met inbegrip van enige wat in sy registrasiekantoor geregistreer is, word die fout in al sodanige aktes of dokumente reggestel;
 - (iv) geen sodanige regstelling wat 'n oordrag van enige regte sou meebring gedoen word nie.

Kantoorgelde

44. (1) Die kantoorgelde wat gevorder word en die dienste ten opsigte waarvan aanspreeklikheid vir sodanige gelde opgehef kan word met betrekking tot enige handeling, aangeleentheid of saak wat in 'n grondaktekantoor gedoen moet of kan word, is soos in onderskeidelik Dele A en B van Aanhangsel 25 gespesifiseer.

(2) Alle gelde wat kragtens subartikel (1) betaalbaar is word aan die Bantoesakekommissaris ten bate van die Trust betaal, en sodanige storting word by uitreiking van 'n kwitansie erken.

(3) Gelde wat ingevolge hierdie artikel aan die Trust gekrediteer is, is nie sonder die skriftelike magtiging van die registrateur van grondaktes terugbetaalbaar nie.

Belasting- of Ander Klaring

45. Behoudens die bepalings van artikel 3 (2) of enige andersluidende bepaling in hierdie regulasies of in enige ander wet vervat, kan die registrateur van grondaktes ten opsigte van enige grond wat ingevolge enige wet aan die betaling van enige belasting, heffing, vordering, gelde of regte onderhewig is, of ten opsigte van enige handeling, aangeleentheid of saak waarvan die uitvoering of registrasie aan die betaling van enige kantoorgelde onderhewig is, weier om sodanige handeling, aangeleentheid of saak te verrig of te registreer alvorens hy daarvan oortuig is dat sodanige belasting, heffing, vordering, gelde of regte, of sodanige kantoorgelde betaal is of dat vrystelling of ander kwytstelling van die verpligting deur bevoegde gesag wettiglik verleen is.

Afskrifte

46. (1) Die registrateur kan na goedgevonden by betaling van die gelde in Aanhangsel 25 voorgeskryf, 'n gewaarmerkte afskrif van enige erfpagtitel, verband of ander dokument wat in sy registrasiekantoor geregistreer is, uitreik, as hy op grond van 'n beëdigde verklaring wesenlik in die vorm in Aanhangsel 26 voorgeskryf, daarvan oortuig is dat die oorspronklike of enige afskrif daarvan wat aan die houer of eienaar van sodanige titel, verband

- (b) to issue, under conditions prescribed in these regulations, certified copies of titles or other documents registered or filed in his registry;
- (c) if in his opinion any deed or other document submitted to him has become illegible or unserviceable, to require that a certified copy thereof be obtained to take its place;
- (d) whenever it is in his opinion necessary or desirable to rectify any title or other document, registered or filed in his registry, an error in the name or the description of any person or property mentioned therein or in the conditions affecting any such property, to rectify such error: Provided that—
 - (i) every person appearing from the title or document to be interested in the rectification, has consented thereto in writing;
 - (ii) if any such person refuses to consent thereto, the rectification may be made on the authority of the Chief Bantu Affairs Commissioner;
 - (iii) if the error is common to two or more deeds or other documents, including any registered in his registry, the error shall be rectified in all those deeds or other documents;
 - (iv) no such rectification shall be made if it would have the effect of transferring any right.

Fees of Office

44. (1) The fees of office to be charged, and the services in respect of which exemption from the payment of such fees may be allowed, in respect of any specified act, matter or thing required or permitted to be done in a registry of land titles, shall be as specified in Parts A and B respectively, of Annexure 25.

(2) All fees payable in terms of subsection (1) shall be paid to the Bantu Affairs Commissioner as a credit to the Trust and such payment shall be acknowledged by the issue of a receipt.

(3) No fees of office credited to the Trust in terms of this section shall be refunded to any person except on the authority in writing of the registrar of land titles.

Tax or Other Clearance

45. Subject to the provisions of section 3 (2), or any provision to the contrary in these regulations or in any other law, the registrar of land titles may, in respect of any land which is in terms of any law subject to the payment of any tax, rate, charge, fee or duty, or in respect of any act, matter or thing the performance or registration of which is subject to the payment of any fees of office, refuse to perform or register such act, matter or thing relating to such land until he is satisfied that such tax, rate, charge, fee or duty, or such fees of office have been paid or that exemption or other discharge from payment has been lawfully granted by competent authority.

Copies

46. (1) The registrar may in his discretion, upon payment of the fee prescribed in Annexure 25, issue a certified copy of any quitrent title, bond or other document registered in his registry, upon being satisfied by affidavit substantially in the form prescribed in Annexure 26, that the original or any copy thereof issued to the holder or owner of such title, bond or other document, is lost or

of ander dokument uitgereik is, verlore geraak het of vernietig is en dat dit, nadat deeglik daarna gesoek is, nie gevind kan word nie en dat dit nie verpand is nie, of indien sodanige oorspronklike of afskrif na sy mening in 'n onbruikbare toestand is.

(2) Wanneer die registrateur ook al ingevolge subartikel (1) 'n afskrif van enige erfpagtitel, verband of ander dokument uitgereik het, word die oorspronklike en enige afskrif daarvan wat vantevore uitgereik was, nietig en word dit ingeval dit onbruikbaar bevind is, deur die Bantoesakekommissaris vernietig.

(3) Niks in hierdie artikel vervat word uitgelê as sou dit die registrateur verbied om gratis 'n afskrif uit te reik nie van enige titel, verband of ander dokument wat vir amptelike doeleindes benodig word, of as hy ingevolge enige ander wet daartoe gemagtig of verplig word.

HOOFTUK 5

OKKUPASIE VAN GROND KRAGTENS VERGUNNING TOT OKKUPASIE

Vorm en Voorwaardes van Vergunning tot Okkupasie

47. (1) Ondanks enige ander wetsbepaling word—

(a) elke skriftelike vergunning wat voor die inwerking-treding van hierdie regulasies ingevolge enige wetsbepaling verleen is of geag word verleen te gewees het om enige gespesifiseerde stuk Trustgrond in enige Bantoegebied te okkupeer vir bewerkings-, woon-, kerk-, skool- of handelsdoeleindes, ondanks enigiets in sodanige wetsbepaling of vergunning vervat, geag verleen te gewees het kragtens artikel 18 van die Bantoe-trust Wet gelees met hierdie regulasies, ingevolge 'n vergunning tot okkupasie wesenlik in die vorm in Aanhangsel 27 voorgeskryf en—

- (i) in die geval van 'n bewerkbare of woonperseel, onderhewig te wees aan die algemene en spesiale voorwaardes in onderskeidelik Aanhangsels 28 en 29 voorgeskryf;
- (ii) in die geval van 'n kerkperseel, onderhewig te wees aan die algemene en spesiale voorwaardes in onderskeidelik Aanhangsels 28 en 30 voorgeskryf;
- (iii) in die geval van 'n handelsperseel, onderhewig te wees aan die algemene en spesiale voorwaardes in onderskeidelik Aanhangsels 28 en 31 voorgeskryf;
- (iv) in die geval van 'n skoolperseel, onderhewig te wees aan die algemene en spesiale voorwaardes in onderskeidelik Aanhangsels 28 en 32 voorgeskryf;

Met dien verstande dat enige huur wat ingevolge sodanige voorafgaande wetsbepaling of skriftelike vergunning betaalbaar is en die wyse waarop die bedrag van sodanige huur bereken is, word behoudens andersluidende bepalinge in hierdie regulasies of in enige ander wet vervat, by voortsetting aldus bereken, en is dit verskuldig en betaalbaar op die datum en teen die koers daarin gespesifiseer;

(b) die vorm en voorwaardes in enige skriftelike vergunning wat voor die inwerking-treding van hierdie regulasies verleen is om Trustgrond vir enige ander doeleindes as dié in paragraaf (a) bedoel te okkupeer, word geag in hierdie regulasies voorgeskryf te wees: Met dien verstande dat die Minister te eniger tyd na goeëdunde kan gelas dat sodanige vergunning ingetrek word en dat daar in die plek daarvan 'n vergunning tot okkupasie in die vorm voorgeskryf in, en onderhewig aan sodanige voor-

destroyed and cannot despite diligent search be found, and that it has not been pledged as security for debt, or if such original or copy is in his opinion in an unserviceable condition.

(2) Whenever the registrar has in terms of subsection (1) issued a copy of any quitrent title, bond or other document, the original or any previously issued copy of such title, bond or other document shall become void and shall, in the case of its having been found to be unserviceable, be destroyed by the Bantu Affairs Commissioner.

(3) Nothing in this section contained shall be construed as preventing the registrar from issuing a free copy of any title, bond or other document required for official purposes or whenever he is authorized or required to do so in terms of any other law.

CHAPTER 5

OCCUPATION OF LAND UNDER PERMISSION TO OCCUPY

Form and Conditions of Permission to Occupy

47. (1) Notwithstanding the provisions of any other law—

(a) every permission in writing granted or deemed to have been granted in terms of any law, prior to the commencement of these regulations, to occupy any specified piece of Trust land in any Bantu area for arable, residential, church, school or trading purposes, shall, notwithstanding anything contained in such law or written permission, be deemed to have been granted in terms of section 18 of the Bantu Trust Act, read with these regulations, under permission to occupy substantially in the form prescribed in Annexure 27 and—

- (i) in the case of an arable or residential allotment, to be subject to the general and special conditions prescribed in Annexures 28 and 29 respectively;
- (ii) in the case of a church allotment, to be subject to the general and special conditions prescribed in Annexures 28 and 30 respectively;
- (iii) in the case of a trading allotment, to be subject to the general and special conditions prescribed in Annexures 28 and 31 respectively;
- (iv) in the case of a school allotment, to be subject to the general and special conditions prescribed in Annexures 28 and 32 respectively;

Provided that any rental payable in terms of any such prior law or permission in writing and the manner of assessment of the amount of such rental, shall, except where otherwise provided in these regulations or in any other law, continue to be assessed in the manner and to be due and payable on the date and at the rate therein specified;

(b) the form and conditions specified in any permission granted in writing prior to the commencement of these regulations, to occupy Trust land for any purpose other than that referred to in paragraph (a) shall be deemed to be prescribed in these regulations: Provided that the Minister may at any time in his discretion direct the withdrawal of any such permission and the issue in lieu thereof of a permission to occupy in the form specified in, and subject to such conditions as he may impose in

waardes as wat hy ingevolge subartikel (2) (b) kan stel, uitgereik word, waarna sodanige voorafgaande vergunning nietig is en die nodige aantekeninge in die perseleregister en op sodanige voorafgaande vergunning by voorlegging daarvan aan die Bantoesakekommissaris aangebring word;

- (c) iedereen wat 'n bewerkbare of woonperseel okkupeer ingevolge ander wettiglik verleende goedkeuring as skriftelike vergunning of wie se okkupasie van sodanige perseel ingevolge enige wetsbepaling wat by hierdie regulasies herroep is, geag is wettig te gewees het, word geag sodanige grond kragtens 'n vergunning tot okkupasie te okkupeer wat wesenlik in die vorm voorgeskryf in Aanhangsel 27 is, en wat aan die algemene en spesiale voorwaardes in onderskeidelik Aanhangsels 28 en 29 voorgeskryf, onderhewig is.

(2) Elke vergunning tot okkupasie wat na die inwerkingtreding van hierdie regulasies ingevolge enige wetsbepaling uitgereik word ten opsigte van die okkupasie van grond vir—

- (a) enige van die doeleindes in subartikel (1) (a) bedoel, is wesenlik in die vorm in Aanhangsel 27 voorgeskryf en onderhewig aan die algemene en spesiale voorwaardes in die toepaslike subparagraaf van genoemde subartikel bedoel: Met dien verstande dat in die geval van 'n bewerkbare of woonperseel dit nie 'n vereiste is dat enige voorwaardes waaraan sodanige vergunning by die uitreik daarvan onderhewig is daarin gespesifiseer hoef te word nie;

- (b) enige ander doel, is wesenlik in die vorm in Aanhangsel 27 voorgeskryf en onderhewig aan sodanige van die algemene en spesiale voorwaardes in Aanhangsels 28 tot 32 gespesifiseer as wat na die Minister se mening toepaslik is of wenslik is om ten opsigte van sodanige vergunning te bepaal: Met dien verstande dat die Minister in 'n besondere geval of ten opsigte van die verlening van vergunning om grond vir bepaalde doeleindes te okkupeer, of aan persone van 'n bepaalde ras of klas, na goeddunke sodanige bykomende voorwaardes kan stel of die voorgeskrewe voorwaardes so wysig of verander as wat hy dienstig ag.

(3) Behoudens die bepalings van hierdie regulasies, word elke vergunning om grond te okkupeer vir—

- (a) bewerkings- of woondoeleindes, deur die Bantoesakekommissaris verleen;
- (b) enige ander doeleindes, deur die Sekretaris op gesag van die Minister verleen, maar slegs na oorlegpleging met die stam- of gemeenskapsowerheid, of as daar nie een ingestel is nie, met die kaptein of hoofman, as daar is, met regsbevoegdheid ten opsigte van die gebied waarin sodanige grond geleë is;

en elke sodanige vergunning is in die voorgeskrewe vorm en word deur die betrokke Bantoesakekommissaris in sy perseleregister geregistreer.

(4) Ondanks enige bepaling in hierdie regulasies of in enige ander wet vervat, word aan geen ander persoon, genootskap of liggaam as die betrokke sendingliggaam wat in die oorspronklike toekenningsakte genoem word wat ten opsigte van eenige van die sendingreserwes in Aanhangsel 33 bedoel uitgereik is, 'n kerkperseel in sodanige sendingreserwe of in enige gedeelte daarvan wat nie 'n dorp is, toegewys nie.

(5) Niemand okkupeer enige Trustgrond in enige Bantoegebied nie tensy hy behoorlik daartoe gemagtig is of by of kragtens hierdie regulasies of enige ander wet geag word aldus gemagtig te wees

terms of subsection (2) (b), whereupon such prior permission shall become void and the necessary entries shall be made in the allotments register and on such prior permission when it is produced to the Bantu Affairs Commissioner;

- (c) every person occupying an arable or residential allotment under lawfully granted authority, not being permission in writing, or whose occupation of such allotment was deemed to be lawful in terms of any law repealed by these regulations, shall be deemed to be occupying such land by virtue of a permission to occupy substantially in the form prescribed in Annexure 27 and subject to the general and special conditions prescribed in Annexures 28 and 29 respectively.

(2) Every permission to occupy issued after the commencement of these regulations in terms of any law, for the occupation of land for—

- (a) any of the purposes referred to in subsection (1) (a), shall be substantially in the form prescribed in Annexure 27 and subject to the general and special conditions referred to in the relevant subparagraph of the said subsection: Provided that in the case of an arable or residential allotment it shall not be necessary to specify on any such permission any of the conditions subject to which it is issued;

- (b) any other purpose, shall be substantially in the form prescribed in Annexure 27 and subject to such of the general and special conditions specified in Annexures 28 to 32 as may in the opinion of the Minister be relevant to or desirable to impose in respect of such permission: Provided that the Minister may in any particular case or in respect of grants of permission to occupy land for particular purposes or to persons of a particular race or category, in his discretion, impose such additional conditions or alter or vary the prescribed conditions in such manner as he may deem fit.

(3) Subject to the provisions of these regulations, every grant of permission to occupy land for—

- (a) arable or residential purposes, shall be made by the Bantu Affairs Commissioner;
- (b) any other purpose shall be made by the Secretary under the authority of the Minister but only after consultation with the tribal or community authority, or if one has not been established, the chief or headman if any, having jurisdiction over the area in which such land is situate;

and every such permission shall be in the prescribed form and be registered by the Bantu Affairs Commissioner concerned in his allotments register.

(4) Notwithstanding anything in these regulations or in any other law contained no person, society or body, other than the relevant missionary body named in the original deed of grant issued in respect of any of the mission reserves referred to in Annexure 33, shall be allotted any church allotment within such mission reserve or any part thereof which is not a township.

(5) No person shall occupy any Trust land within a Bantu area unless he has been or is deemed to have been duly authorized to do so under or by these regulations or any other law.

Bewerkbare en Woongebiede

48. (1) Die Minister kan wanneer ook al hy dit wenslik ag, gelas dat enige Bantoesakekommissaris ondersoek instel na die verspreiding van bewerkbare en woonpersele op Trustgrond in enige gespesifiseerde gebied of in 'n gedeelte daarvan, en kan hy sodanige Bantoesakekommissaris gelas om in sodanige gebied of gedeelte daarvan grondgebiede waarin slegs bewerkbare persele, en ander grondgebiede waarin slegs woonpersele toegewys mag word, te bepaal. Voorts kan die Minister, as hy dit nodig ag, sodanige Bantoesakekommissaris gelas om 'n register saam te stel en in stand te laat hou van persone wat in wettige okkupasie van woon- en bewerkbare persele in enige gebied is ten opsigte waarvan ondersoek ingevolge hierdie artikel ingestel is.

(2) By die instelling van 'n ondersoek uit hoofde van subartikel (1) kan die Bantoesakekommissaris—

- (a) hom op enige stam- of gemeenskapsowerheid, kaptein, hoofman of Bantoe-inwoner beroep om alle besonderhede of inligting te verstrek wat met betrekking tot sodanige ondersoek of vir die samestelling van 'n register benodig word;
- (b) die grootte van grond wettiglik geokkupeer vir bewerkings- of woondoeleindes, inperk of uitbrei;
- (c) in enige grondgebied vir woondoeleindes genoegsame grond vir die opvoedkundige, godsdienstige, ontspannings- en ander behoeftes van die inwoners opneem.

(3) Na die bepaling ten opsigte van Trustgrond in 'n besondere gebied, van afsonderlike bewerkbare en woongebiede ooreenkomstig die bepalings van subartikel (1)—

(a) moet die Bantoesakekommissaris—

- (i) die grens van elke sodanige grondgebied laat affaken behalwe langs enige gedeeltes daarvan wat deur 'n permanente natuurlike kenmerk gevorm word, of wat weens die aard van die terrein onbereikbaar is, of waarop 'n heining reeds is;
- (ii) sodanige grens aan die kaptein of hoofman, as daar is, en aan die inwoners van die betrokke gebied toon op 'n vergadering wat vir dié doel belê word;
- (iii) beskrywings van sodanige grondgebiede by die kantore van die betrokke Bantoesakekommissaris en Hoofbantoesakekommissaris indien vir bewaring;

(b) word die reg wat enige Bantoe vantevore gehad het om grond buite die bepaalde grondgebied te okkupeer met ingang van sodanige bepaling geag gekanselleer te wees, en die betrokke Bantoe ontruim sodanige grond binne 30 dae na die betekening aan hom van 'n formele kennisgewing wat deur die Bantoesakekommissaris onderteken is en waarin hy van die beëindiging van sy regte verwittig word, waarna hy sodanige grond nie weer ploeg, bewerk, gebruik of andersins okkupeer nie tensy die Bantoesakekommissaris 'n verlenging van sodanige tydperk van 30 dae skriftelik magtig: Met dien verstande dat aan enige Bantoe wie se regte ingevolge hierdie bepaling beëindig is en wat dit verlang, ander grond, waarvan die grootte en ligging deur die Bantoesakekommissaris bepaal word, toegewys word as dit in die aldus bepaalde grondgebiede beskikbaar is;

(c) word geen bewerkbare of woonperseel in sodanige Trustgebied aan enigiemand toegewys nie behalwe in die bepaalde grondgebiede, en as enige sodanige toewysing strydig met hierdie verbodsbepaling gedoen word, word dit geag dat geen regte daarvolgens op sodanige persoon oorgegaan het nie.

(4) Enige Bantoe wie se okkupasieregte ooreenkomstig hierdie artikel beëindig is kan binne 3 maande na die

Arable and Residential Areas

48. (1) The Minister may, whenever he deems it desirable, order an inquiry by any Bantu Affairs Commissioner into the distribution of arable and residential allotments in any specified area of Trust land or any portion thereof, and may direct such Bantu Affairs Commissioner to define in such area or portion thereof areas within which only arable allotments, and other areas within which only residential allotments may be allotted. The Minister may, in addition, if he deems it necessary, direct the Bantu Affairs Commissioner to frame and have a register kept of persons in lawful occupation of residential and arable allotments in any area which has formed the subject of an inquiry under this section.

(2) In conducting any inquiry under subsection (1) the Bantu Affairs Commissioner may—

- (a) call on any tribal or community authority, chief, headman or Bantu resident to furnish any particulars or information necessary in connection with such inquiry or for the framing of a register;
- (b) reduce or increase, as he may deem necessary, the extent of land lawfully occupied for arable or residential purposes;
- (c) include in any area set aside for residential purposes sufficient land for the educational, religious, recreational and other requirements of the residents.

(3) When, for any particular area of Trust land, separate arable and residential areas have been defined as in subsection (1) provided—

(a) the Bantu Affairs Commissioner shall—

- (i) cause the boundaries of each such area to be marked by beacons except along any portions thereof which are formed by a permanent natural feature or which are inaccessible because of the nature of the terrain or which are fenced;
- (ii) point out such boundaries to the chief or headman, if any, and the residents of the area concerned at a meeting called for this purpose;
- (iii) cause descriptions of such areas to be filed of record in the offices of the Chief Bantu Affairs Commissioner and Bantu Affairs Commissioner concerned;

(b) the right which any Bantu previously had to occupy any land outside the defined areas shall, as from the date of such definition be deemed to have been cancelled and the Bantu concerned shall, within 30 days of the service on him of a formal notice under the hand of the Bantu Affairs Commissioner informing him of the termination of his rights, remove from such land and refrain from ploughing, cultivating, using or otherwise occupying it, unless the Bantu Affairs Commissioner shall have authorized in writing an extension of such period of 30 days: Provided that any Bantu whose rights are terminated in accordance with this provision shall, if he so desire, be entitled to the allotment of other land, if it is available, within the area so defined, of an area and situation as may be determined by the Bantu Affairs Commissioner;

(c) no arable or residential allotment shall be allotted in such area of Trust land to any person otherwise than within the defined areas, and if any such allotment is made in contravention of this prohibition it shall be deemed not to confer any rights on such person.

(4) Any Bantu whose rights of occupation have been terminated as in this section provided may, within a period

datum waarop die tydperk van 30 dae in subartikel 3 (a) bedoel of enige verlenging daarvan wat kragtens bedoelde subartikel verleë is, ten einde loop, enige ander verbeterings as groeiende bome, wat hy op die betrokke grond aangebring het of wat andersins aan hom behoort, verwyder, mits sodanige verwydering sonder beskadiging van die grond geskied; en enige verbeterings nie aldus verwyder nie word die eiendom van die Trust sonder betaling van vergoeding: Met dien verstande dat die Minister na goeë dunks die betaling van sodanige vergoeding uit Trustfondse in 'n besondere geval kan goedkeur as wat hy dienstig ag: Voorts met dien verstande dat niks hierin vervat inbreuk maak op die reg wat 'n Bantoe mag hê om enige sodanige grond te betree ten einde enige gesaaides te bewerk of te oes wat hy voor die betekening aan hom van die formele kennisgewing betreffende die beëindiging van sy regte aangeplant het nie.

(5) Enige grondgebied wat behoortlik ingevolge enige wetsbepaling wat by hierdie regulasies herroep is, vir bewerkbare of woongebied afgesonder is, word geag ingevolge hierdie artikel afgesonder te gewees het.

Bewerkbare en Woonpersele

49. (1) Die Bantoesakekommissaris kan indien grond na sy mening vir die doel beskikbaar is, en na oorlegging met die stam- of gemeenskapsowerheid met regsbevoegdheid, of as een nog nie ingestel is nie, die kaptein of hoofman, as daar is, van die betrokke Bantoegebied, een of meer gespesifiseerde gedeeltes Trustgrond as 'n bewerkbare of woonperseel in die grondgebied in sodanige Bantoegebied wat ingevolge hierdie regulasie of enige ander wet vir onderskeidelik woon- en bewerkingsdoeleindes afgesonder is of as geen sodanige grondgebied aldus bepaal is nie, op die meent van sodanige Bantoegebied, toewys aan—

- (a) enige Bantoe wat by die inwerkingtreding van hierdie regulasies enige Trustgrond wettiglik maar ongeregistreerd vir bewerkings- of woondoeleindes geokkupeer het;
- (b) enige Bantoe woonagtig op Trustgrond of wat deur hom vir inwoning op sodanige grond goedgekeur is, en wat die manlike hoof van 'n Bantoe familie of die weduwee-hoof van enige sodanige familie is, en wat nie as gevolg van sodanige toewysing die besitter sou word van meer as een stuk grond nie, hetsy in dieselfde of in enige ander Bantoegebied, of vir woon- of vir bewerkingsdoeleindes, na gelang van die geval, tensy in die geval van 'n Bantoe wat met meer as een gebruikelike verbindingsdeelgenoot saamwoon, die Hoofbantoesakekommissaris die toewysing, hetsy by uitsondering of oor die algemeen, van 'n bewerkbare of 'n woonperseel, of beide, aan sodanige Bantoe ten opsigte van meer as een of al sy of hulle poligame huishoudings gemagtig het;
- (c) enige kerk of sendinggenootskap vir okkupasie deur 'n Bantoe predikant, -prediker of -evangelis in sy diens: Met dien verstande dat sodanige perseel—
 - (i) slegs toegewys word aan sodanige predikant of prediker of evangelis wat in beheer is van 'n kerk op 'n kerkerf of -perseel in sodanige gebied ten opsigte waarvan 'n titelakte of vergunning tot okkupasie uitgereik is en bestaan;
 - (ii) nie die okkupeerder aanspreeklik maak vir plaaslike belasting ingevolge die Bantoe Belasting Wet nie, indien en solank hy vir sodanige belasting of vir erfpag ten opsigte van enige hut of woning of grond in enige ander Bantoegebied aanspreeklik is;
 - (iii) ondanks enigiets in Aanhangsel 29 of elders in hierdie regulasies vervat, deur die toegewe-

of three months from the date of expiration of the period of 30 days referred to in subsection (3) (b) or any extension thereof granted in terms of the said subsection, remove any improvements, save and except growing trees, which he has effected on the land in question or otherwise belonging to him, and which can be removed without damage to the land, failing which they shall become the property of the Trust without payment of compensation: Provided that the Minister in his discretion may approve of the payment from Trust funds of such compensation in any particular case as he may deem expedient: And provided further that nothing herein contained shall affect the right which any Bantu may have to re-enter upon any such land for the purpose of tending or harvesting any standing crops planted by him thereon prior to the date on which formal notice of the termination of his rights to such land was served on him.

(5) Any areas duly set aside as arable or residential areas in terms of any law repealed by these regulations shall be deemed to have been set aside in terms of this section.

Arable and Residential Allotments

49. (1) The Bantu Affairs Commissioner may, if land is in his opinion available for the purpose, and after consultation with the tribal or community authority having jurisdiction or if one has not been established, the chief or headman, if any, of the Bantu area concerned, allot one or more specified portions of Trust land as an arable or residential allotment within the area in such Bantu area set aside in terms of these regulations or of any other law for residential or arable purposes respectively, or if no such area has been so set aside, on the commonage of such Bantu area to—

- (a) any Bantu who was at the commencement of these regulations in the lawful but unregistered occupation of any Trust land for arable or residential purposes;
- (b) any Bantu residing on Trust land or approved by him for residence on such land, who is the male head of a Bantu family, or the widowed female head of any such family, and who would not in consequence of such allotment become the holder of more than one piece of land, whether in the same or any other Bantu area, for either residential or arable purposes, as the case may be, unless in the case of a Bantu living in customary union with more than one woman the Chief Bantu Affairs Commissioner has either specially or generally authorized the allotment of an arable or a residential allotment, or both, to such Bantu in respect of more than one or all of his or their polygamous households;
- (c) any church or missionary society for occupation by a Bantu minister, preacher or evangelist in its employ: Provided that such allotment shall—
 - (i) be allotted only in respect of such minister, preacher or evangelist in charge of a church on a church lot or allotment in such area and for which a title deed or permission to occupy has been issued and is in existence;
 - (ii) not render the occupier liable for local tax in terms of the Bantu Taxation Act if, and for so long as he is liable for such tax or for quitrent in respect of any hut or dwelling or land in any other Bantu area;
 - (iii) notwithstanding anything in Annexure 29 or elsewhere in these regulations contained, be

sene wat dit asdan okkupeer of gebruik, on-
verwyld ontruim word as die Minister so ge-
las, of by beëindiging van sy diens by so-
danige kerk, of by sy oorpasing uit die gebied
wat deur sodanige kerk bedien word of sodra
die kerk nie meer die besitter van die betrokke
kerkterrein is nie:

Met dien verstande dat by ontstentenis van ak-
koord na sodanige oorlegpleging die Hoofbanto-
esakekommissaris na goeddunke die Bantoesa-
kekommissaris kan gelas om sodanige grond aan so-
danige persoon toe te wys vir die doeleindes en
van 'n grootte soos skriftelik deur hom goedge-
keur, waarna sodanige Bantoesakekommissaris al
sodanige stappe doen as wat nodig mag wees om
sodanige toewysing te maak.

(2) Die grootte van grond wat ingevolge hierdie artikel
toegewys word, oorskry nie sonder die goedkeuring van
die Hoofbantoesakekommissaris 'n grootte van ongeveer
'n half morg in die geval van 'n woonperseel of vier morg
in die geval van 'n bewerkbare perseel nie, en afsonder-
like gedeeltes wat nie aan mekaar grens nie kan as een
bewerkbare perseel toegewys word indien die gesamentlike
grootte van sodanige gedeeltes hoogstens vier morg is.

(3) Enige vergunning tot okkupasie wat uitgereik word
ten opsigte van enige grond wat ingevolge hierdie artikel
toegewys is, spesifiseer die ligging en grootte van die be-
trokke grond, en die oorspronklike van sodanige vergun-
ning word onverwyld gratis aan die begunstigde persoon
of liggaam besorg.

*Betaling van huurgelde deur sekere besitters van bewerk-
bare en woonpersele*

50. (1) Jaarliks op die eerste dag van Januarie is daar
'n huurgeld verskuldig en vooruitbetaalbaar deur elke
Bantoe wat op daardie datum die besitter is van—

- (a) 'n bewerkbare perseel geleë in enige afgesonderde
gebied in die distrik Glen Grey, en wat R1.50 ten
opsigte van enige sodanige perseel van hoogstens
vyf morg beloop, en 30c ten opsigte van elke addi-
sionele morg van die totale grootte van sodanige
perseel soos bepaal deur die Bantoesakekommissa-
ris wie se bepaling afdoende is;
- (b) 'n ander woonperseel as een wat by die inwerking-
trekking van hierdie regulasies in enige sendingre-
serwe kragtens 'n dokument wat as 'n okkupasie-
titel bekend staan, gehou is, wat R2.00 beloop ten
opsigte van elke hut of ander woning wat op so-
danige ander perseel is.

Met dien verstande dat—

- (i) enige huurgelde wat gehef is ingevolge enige wets-
bepaling wat by hierdie regulasies herroep is, en
wat nog verskuldig is, invorderbaar is as sou dit
'n huurgeld wees wat kragtens hierdie regulasies
gehef is;
 - (ii) indien enige wetsbepaling wat by hierdie regulasies
herroep is enige ander datum as die eerste dag van
Januarie bepaal het as die datum waarop huurgel-
de daarkragtens gehef, verskuldig en betaalbaar is,
is die besitter nie vir die huurgeld ten opsigte van
enige gedeelte van die jaar 1970 ingevolge beide
hierdie regulasies en sodanige herroepe wetsbepa-
ling, aanspreeklik nie.
- (2) Ondanks die bepalinge van enige ander wet is die
huurgelde wat ingevolge subartikel (1) verskuldig is ten
opsigte van—
- (a) enige bewerkbare perseel in die distrik Glen Grey
betaalbaar en val dit toe aan die Glen Grey-
streeksoewerheid of sodanige ander owerheid as
wat regtens aangewys word om dit te ontvang;
 - (b) enige hut of woning op grond in enige sendingre-
serwe, aan die Bantoesakekommissaris ten bate

vacated by the allottee then occupying or using
it, forthwith upon the Minister so directing or
upon the termination of his employment with
the church concerned, or on his being trans-
ferred out of the area served by such church
or upon the church ceasing to be the holder
of the church site concerned;

Provided that in the absence of agreement after such con-
sultation the Chief Bantu Affairs Commissioner may in his
discretion direct the Bantu Affairs Commissioner to allot
such land to such person for the purpose and of an area
as he may in writing approve, whereupon such Bantu
Affairs Commissioner shall take all such steps as may be
necessary to make such allotment.

(2) The extent of land allotted in terms of this section
shall not, without the approval of the Chief Bantu Affairs
Commissioner, exceed one-half morgen approximately in
the case of a residential allotment, or four morgen ap-
proximately in the case of an arable allotment, and
separate portions of land not contiguous with each other
may be allotted as one arable allotment if the total area
of such portions does not exceed four morgen.

(3) Any permission to occupy issued in respect of any
land allotted in terms of this section shall specify the
situation and extent of the land covered by it and the
original of such permission shall forthwith be delivered
free of charge to the person or body in whose favour it
is issued.

*Payment of Rental by Certain Holders of Arable or
Residential Allotments*

50. (1) On the first day of January in each year there
shall be due and payable in advance by every Bantu who
on that date is the holder—

- (a) of an arable allotment situate in any scheduled
area in the district of Glen Grey, a rental of R1.50
for any extent of such allotment not exceeding
five morgen, and 30c for every additional morgen
in excess of five morgen of the total area of such
allotment as assessed by the Bantu Affairs Com-
missioner, whose decision shall be final;
- (b) of a residential allotment in any mission reserve,
other than an allotment which at the commence-
ment of these regulations was held under a written
document known as a title of occupation, a rental
of R2.00 for every hut or other dwelling on such
allotment on that date:

Provided that—

- (i) any unpaid rental due in terms of any law
repealed by these regulations shall continue to be
collectible as if it were a rental imposed by these
regulations;
 - (ii) if any law repealed by these regulations stipu-
lated any date other than the first day of January
as the date on which any rental imposed under
such law was due and payable the holder shall
not be liable to pay rental in respect of any por-
tion of the year 1970 under both these regulations
and such repealed law.
- (2) Notwithstanding anything in any other law the
rental due in terms of subsection (1) in respect of—
- (a) any arable allotment in the District of Glen Grey
shall be payable and accrue to the Glen Grey
Regional Authority or such other authority as
may lawfully be appointed to receive the same;
 - (b) any hut or dwelling on land in any mission re-
serve, shall be payable to the Bantu Affairs Com-

van die Trust betaalbaar, behoudens die reg van die betrokke sendingliggaam in Aanhangsel 33 bedoel, om 'n bedrag van hoogstens die helfte van sodanige huur wat inderdaad ten opsigte van die besondere sendingreserwe in enige jaar ingevorder is, op die Trust te verhaal ten opsigte van die gelde wat in sodanige reserwe bestee is aan sodanige werksaamhede as wat daar met die voorafgaande toestemming van die Minister in sodanige reserwe deur of namens sodanige liggaam ten voordele van die Bantoes daarin woonagtig, onderneem is.

(3) Elke bepaling van huurgelde wat kragtens hierdie artikel gedoen word, word in sodanige vorm as wat die Sekretaris goedkeur, aangeteken, en sodanige huurgelde word, behoudens die bepalings van hierdie artikel opge-eis en verrek deur die Glen Grey-streeks- of ander owerheid of die Bantoesakekommissaris, na gelang van die geval, as sou dit 'n belasting wees wat ingevolge die Bantoe Belasting Wet opgelê is.

(4) 'n Besitter wat vir enige huurgeld ingevolge hierdie artikel aangespreek kan word, is nie aanspreeklik om plaaslike belasting ingevolge artikel 2 van die Bantoe Belasting Wet te betaal nie.

(5) Die Bantoesakekommissaris kan enige Bantoe van enige huurgelde wat ingevolge hierdie artikel gehef is, vrystel, mits hy homself daarvan vergewis dat sodanige Bantoe—

- (a) behoeftig is en vanweë ouderdom, chroniese siekte of ander genoegsame oorsaak nie kan werk nie;
- (b) as gevolg van sy gereelde bywoning aan 'n opvoedkundige inrigting wat van staatsweë goedgekeur is, geen verdienste het waarmee hy die huur kan betaal nie;

en enige Bantoe aldus vrygestel word deur die Bantoesakekommissaris van 'n sertifikaat te dien effekte voorsien wat wesenlik in die vorm is wat kragtens die Bantoe Belasting Wet voorgeskryf is.

Afwesigheid van Besitter van Bewerkbare of Woonperseel

51. (1) Enige besitter van 'n bewerkbare of woonperseel kan by afwesigheid uit die Bantoegebied waarin sodanige perseel geleë is met die voorafverkreë skriftelike toestemming van die Bantoesakekommissaris sodanige perseel onder die toesig van iemand plaas wat deur sodanige Bantoesakekommissaris goedgekeur is, vir 'n tydperk wat in die eerste geval hoogstens twee jaar beloop, maar wat op aansoek van sodanige besitter eweneens verleng kan word.

(2) Indien die besitter vir langer as 'n jaar afwesig is sonder dat hy sodanige reëling in subartikel (1) bedoel, getref het, of as hy nie binne 'n jaar na die verstryking van enige aldus goedgekeurde tydperk na sodanige bewerkbare of woonperseel wat in sy besit is terugkeer en dit okkupeer nie, word dit veronderstel dat hy dit nie meer vir die doel waarvoor dit aan hom toegewys is, gebruik of benodig nie.

Ongemagtigde Okkupasie of Gebruik van 'n Bewerkbare of Woonperseel

52. (1) Iemand wat nie ingevolge artikel 51 daartoe gemagtig is om in beheer van 'n bewerkbare of woonperseel te wees nie, ploeg, braak, omhein of bewerk nie enige sodanige perseel wat nie wettiglik ingevolge hierdie regulasies in sy besit is nie, of okkupeer of gebruik dit nie vir enige doel hoegenaamd nie.

(2) Tensy behoorlik daartoe ingevolge die bepalings van hierdie regulasie gemagtig, bly iemand wie se regte in of op enige perseel beëindig of gekanselleer is, nie aan op sodanige perseel of gaan hy nie voort om dit te bewerk of te gebruik of te okkupeer nie.

missioner as a credit to the Trust, subject to the right of the relevant missionary body referred to in Annexure 33 to claim reimbursement, not exceeding one-half of such rental actually collected in respect of the particular mission reserve in any one year, of moneys expended by such body in such reserve during that year on such work as may, with the prior approval of the Minister, have been undertaken by or on behalf of such body for the benefit of Bantu resident in such reserve.

(3) A record shall be maintained in such form as the Secretary may approve of every determination of rental made in terms of this section, and such rental shall, subject to the provisions of this section, be collectible and be accounted for by the Glen Grey Regional or other Authority or the Bantu Affairs Commissioner, as the case may be, as if it were a tax imposed under the Bantu Taxation Act.

(4) A holder who is liable to pay any rental in terms of this section shall not be liable to pay local tax in terms of section 2 of the Bantu Taxation Act.

(5) The Bantu Affairs Commissioner may exempt any Bantu from the payment of any rental imposed in terms of this section if he is satisfied that such Bantu is—

- (a) indigent and prevented from working by reason of age, chronic disease or other sufficient cause;
- (b) in consequence of his regular attendance at an educational institution approved by the State, precluded from earning wages to pay such rent;

and any Bantu so exempted shall be furnished by the Bantu Affairs Commissioner with a certificate to that effect substantially in the form prescribed under the Bantu Taxation Act.

Absence of Holder of Arable or Residential Allotment

51. (1) Any holder of an arable or residential allotment absenting himself from the Bantu area in which such allotment is situate may with the written permission of the Bantu Affairs Commissioner, first obtained, leave such allotment in charge of some person approved by such Bantu Affairs Commissioner for a period, in the first instance, not exceeding two years, which may be similarly extended on the application of such holder.

(2) If the holder absents himself for more than one year without any such arrangement as is referred to in subsection (1) or if he does not within one year after the expiration of any term so authorized return to and occupy the arable or residential allotment held by him he shall be presumed no longer to be using or requiring it for the purpose for which it was granted to him.

Unauthorized Occupation or Use of Arable or Residential Allotment

52. (1) No person who is not authorized in terms of section 51 to be in charge of an arable or residential allotment shall plough, break up, enclose, cultivate or otherwise occupy or use for any purpose whatever any such allotment of which he is not the lawful holder in terms of these regulations.

(2) Unless duly authorized thereto under the provisions of these regulations no person shall remain upon or continue to cultivate or use or occupy any allotment after his rights in or to such allotment have been terminated or cancelled.

Beskikking oor Bewerkbare en Woonpersele van 'n Geregistreerde Besitter wat oorlede is

53. (1) By oorlyde van 'n geregistreerde besitter van 'n bewerkbare of woonperseel val sodanige perseel, behoudens die bepalings van subartikel (2) aan die meent terug en word dit beskikbaar vir hertoewysing ooreenkomstig die bepalings van subartikel (3).

(2) Enige Bantoe-vrou wat uit hoofde van haar huwelik of gebruklike verbinding met die geregistreerde besitter van 'n bewerkbare of woonperseel sodanige perseel saam met sodanige besitter by sy afsterwe geokkupeer het kan, onderhewig aan die verpligtinge wat sodanige besitter ingevolge hierdie regulasies ten opsigte van sodanige grond opgelê is, voortgaan om sodanige perseel te okkupeer totdat sy te sterwe kom of weer trou of 'n ander gebruklike verbinding aangaan, en tydens sodanige okkupasie bly die perseel op naam van die oorledene geregistreer: Met dien verstande dat sodanige okkupasiereg—

- (a) as daar meer as een sodanige oorlewende vroulike deelgenoot is, op die een van hoogste rang ingevolge Bantoreg en -gebruik, oorgaan;
- (b) nie oor meer as een woon- en een bewerkbare perseel ten opsigte van enige bepaalde een van sodanige vroulike deelgenote strek nie;
- (c) verval as sodanige weduwee of deelgenoot dit ontruim of as sy versuim om sodanige perseel of die betrokke bewerkbare perseel vir enige tydperk van onderskeidelik ses en twaalf agtereenvolgende maande na die dood van die geregistreerde besitter, voordelig te okkupeer.

(3) Die Bantoesakekommissaris kan te eniger tyd maar minstens drie maande na die datum waarop die perseel kragtens subartikel (1) aan die Trust terugval, aansoek aanvra vir die hertoewysing daarvan aan die erfgenaam van die oorlede geregistreerde besitter of as daar geen erfgenaam is wat bevoeg en gewillig is om hertoewysing te aanvaar nie, aan enige ander persoon wat nie ingevolge hierdie regulasies onbevoeg is om in besit van sodanige perseel te wees nie, en by goedkeuring van enige sodanige aansoek—

- (a) wys die Bantoesakekommissaris die betrokke grond toe aan die bevoegde senior erfgenaam van die oorlede geregistreerde houer, ooreenkomstig die voorrangorde in die toepaslike Erfopvolgings-tabel aangedui, of as sodanige Tabelle ontoepaslik is, die bevoegde senior erfgenaam ooreenkomstig toepaslike Bantoreg en -gebruik: Met dien verstande dat enige sodanige erfgenaam wat versuim om aldus aansoek om sodanige perseel te doen of wat onbevoeg is om dit te besit of nie gewillig is om die toewysing aan hom van die betrokke grond te aanvaar nie, of wat na die mening van die Bantoesakekommissaris uit die gebied waarin sodanige perseel geleë is, verdwyn het, word geag afstand te gedoen het van die reg op toewysing aan hom van sodanige perseel en enige aansoek wat asdan deur of namens hom gedoen word kan deur die Bantoesakekommissaris verwerp word; of
- (b) as die grond nie ingevolge hierdie subartikel aan enige manlike erfgenaam van die oorlede geregistreerde besitter toegewys word nie wys die Bantoesakekommissaris dit na goeddunke, maar behoudens die bepalings van artikel 49 aan enige ander applikant toe.

(4) By aanvraging van aansoek kragtens subartikel (3) gelas die Bantoesakekommissaris by formele kennisgewing wat gerig is aan die kaptein of hoofman van die gebied waarin die perseel geleë is, of as daar nie een is nie, aan sodanige ander persoon as wat hy bepaal, om op 'n openbare vergadering van die inwoners van sodanige gebied deur hom belê, aan te kondig dat op 'n gespesifiseerde datum, wat minstens twee maande na die datum van sodanige kennisgewing moet wees, en op 'n

Disposal of Deceased Registered Holder's Arable and Residential Allotments

53. (1) Upon the death of the registered holder of an arable or residential allotment such allotment shall, subject to the provisions of subsection (2), revert to the commonage and become available for re-allotment in accordance with the provisions of subsection (3).

(2) Any Bantu woman who, by virtue of her marriage to or customary union with the registered holder of an arable or residential allotment, occupied such allotment with such holder at the time of his death, may subject to the obligations imposed on such holder in respect of such land by or under these regulations, continue in occupation of such allotment until her death or remarriage or entry into another customary union, during which time the allotment shall remain registered in the name of the deceased: Provided that such right of occupation shall—

- (a) if there be more than one such surviving female partner devolve upon the most senior of them according to Bantu law and custom;
- (b) not extend to more than one residential and one arable allotment in respect of any one of such female partners;
- (c) lapse upon such surviving widow or partner's removal from the residential allotment in question or her failure beneficially to occupy such allotment or the arable allotment in question for any period of six and twelve consecutive months respectively, after the death of the registered holder.

(3) The Bantu Affairs Commissioner may at any time but not sooner than three months after the date on which an allotment has reverted to the Trust in terms of subsection (1), call for applications for its re-allotment to any heir of the deceased registered holder or, if there be none eligible or willing to accept allotment, to any other person who is not disqualified in terms of these regulations from holding such allotment, and in granting any such application the Bantu Affairs Commissioner shall—

- (a) allot the land in question to the senior qualifying heir of the deceased registered holder, determined in accordance with the order of precedence laid down in the relevant Table of Succession, or if no such Table is applicable, the senior qualifying heir of the deceased according to the Bantu law and custom applicable: Provided that any such heir who fails to so apply for such allotment or who is disqualified from holding it or unwilling to accept allotment to him of the land in question, or who is, in the opinion of the Bantu Affairs Commissioner, an absconder from the area in which such allotment is situate, shall be deemed to have renounced his claim to have the land allotted to him and any application made at that time by or on behalf of such heir for such land may be rejected by the Bantu Affairs Commissioner; or
- (b) if the land is not in terms of this subsection allotted to any male heir of the deceased registered holder, allot it to any other applicant in the discretion of the Bantu Affairs Commissioner, but subject to the provisions of section 49.

(4) When calling for applications in terms of subsection (3) the Bantu Affairs Commissioner shall by formal notice addressed to the chief or headman of the area in which the allotment in question is situate, or if there be none, to such other person as he may decide, direct him to announce to the residents of such area at a public meeting called by him for that purpose that on a specified date, not being earlier than two months after the date of

plek en tyd daarin bepaal, aansoek by die Bantoesake-kommissaris ingedien kan word vir die hertoewysing van sodanige persele as wat in sodanige kennisgewing vermeld word.

(5) Geen testamentêre beskikking oor enige reg van 'n Bantoe in of op enige bewerkbare of woonperseel in lewe deur hom besit is enigszins van krag of regsgeldig nie, en enige sodanige bepaling in enige testamentêre dokument wat deur enigiemand verly is, is nietig.

(6) Vir die toepassing van hierdie artikel word enigiemand wat kragtens hierdie regulasies geag word enige bewerkbare of woonperseel ingevolge 'n vergunning tot okkupasie in die voorgeskrewe vorm te okkupeer, geag die geregistreerde besitter van sodanige perseel te wees: Met dien verstande dat sodanige perseel nie ingevolge hierdie artikel hertoegewys word tensy dit ooreenkomstig hierdie regulasies met bakens afgebaken is en 'n vergunning tot okkupasie in die voorgeskrewe vorm op naam van die persoon aan wie die perseel hertoegewys is, uitgereik is nie, waarna die regte van enige vorige besitter op enige grond wat nie by die perseel soos aldus afgebaken, ingesluit is nie, geag word te verval het.

Afbakening van Persele

54. (1) Die Bantoesakekommissaris of sy gemagtigde verteenwoordiger—

- (a) baken enige stuk Trustgrond af wat ingevolge hierdie regulasies vir enige doel afgesonder of toegeken is, en kan te eniger tyd enige stuk grond afbaken wat kragtens enige wetsbepaling by hierdie regulasies herroep of by enige ander wetsbepaling afgesonder of besit is, maar wat nie afgebaken is nie;
- (b) kan na goeddunke te eniger tyd grond weer afbaken wat voorheen ingevolge hierdie regulasies of enige ander wetsbepaling afgebaken is, indien een of meer van die bakens wat die limiete van sodanige grond aandui, weggeraak het of vernietig is of as die regte posisie daarvan nie bepaal kan word nie of in geskil is; en daarna geld die regte van enige persoon om die betrokke grond te okkupeer slegs ten opsigte van die grond aldus afgebaken;
- (c) bakens, penne of ander aanwysers van 'n vaste en duursame aard onder sy toesig laat oprig om die limiete van die afgebakende grond aan te dui, en daarna word alle regte van iemand anders as die persoon in besit van sodanige grond soos aldus afgebaken, geag te verval het.

(2) Wanneer ook al die Bantoesakekommissaris dit vereis verrig die okkupeerder van enige Trustgrond self die werk verbonde aan, of is hy behulpzaam met die oprigting, vervanging of herstel van bakens, penne of ander aanwysers om die limiete van die perseel in sy besit aan te dui, hetsy hulle voorheen in opdrag van die Trust of ingevolge die bepalings van hierdie artikel opgerig is.

Perseleregister

55. (1) In die kantoor van elke Bantoesakekommissaris wat regsbevoegdheid oor enige Trustgrond het, is daar 'n perseleregister wat 'n voortsetting is van enige landeregister wat deur hom kragtens enige wet wat by hierdie regulasies herroep is, in stand gehou is.

(2) Die perseleregister is in 'n vorm soos deur die Sekretaris goedgekeur en bevat besonderhede van alle vergunnings tot okkupasie wat ten opsigte van die okkupasie van enige Trustgrond in die regsgebied van die betrokke Bantoesakekommissaris vir enige doel in sodanige vergunning gespesifiseer, uitgereik is, en van elke oordrag, kansellasië of beëindiging van regte in of op enige

such notice, and at a place and time therein specified, applications will be received by the Bantu Affairs Commissioner for the re-allotment of such allotments as are referred to in such notice.

(5) No testamentary disposition of any right of a Bantu in or to any arable or residential allotment held by him in his lifetime shall be of any force or effect, and any such provision in any testamentary instrument executed by any person shall be void.

(6) For the purposes of this section every person who is in terms of these regulations deemed to be occupying any arable or residential allotment by virtue of a permission to occupy in the prescribed form, shall be deemed to be the registered holder of such allotment: Provided that no such allotment shall be re-allotted in terms of this section unless it has been demarcated and beaconed as in these regulations provided, and a permission to occupy issued in the prescribed form in favour of the person to whom the land is re-allotted, whereupon the rights of any previous holder to any land not included in the allotment as so demarcated shall be deemed to have lapsed.

Demarcation of Allotments

54. (1) The Bantu Affairs Commissioner or his authorized representative—

- (a) shall demarcate any portion of Trust land which is set aside or allotted for any purpose in terms of these regulations, and may at any time demarcate any portion of land which was lawfully set aside or occupied in terms of any law repealed by these regulations, or any other law, but which was not beaconed;
- (b) may, in his discretion, at any time again demarcate any land previously demarcated in terms of these regulations or of any other law if one, or more than one, of the beacons indicating the limits of such land has been lost or destroyed or its position cannot be determined or is in dispute, whereupon the rights of any person to occupy the land in question shall extend to the land so demarcated only;
- (c) shall cause to be erected under his supervision beacons, pegs or other indicators of a substantial and durable nature, to indicate the limits of the land so demarcated, whereupon all rights to such land previously enjoyed by any person other than the holder of the land so demarcated shall be deemed to have lapsed.

(2) The occupier of any Trust land shall, whenever he is required to do so by the Bantu Affairs Commissioner, erect, replace or repair, to the satisfaction of such Bantu Affairs Commissioner or assist in the erection, replacement or repair of beacons, pegs or other indicators defining the limits of the allotment held by him, whether previously erected at the instance of the Trust or under the provisions of this section.

Allotments Register

55. (1) There shall be an allotments register in the office of every Bantu Affairs Commissioner in whose area of jurisdiction any Trust land is situate, which shall be a continuation of any land register maintained by him in terms of any law repealed by these regulations.

(2) The allotments register shall be in such form as the Secretary may approve and contain particulars of all permissions to occupy issued in respect of the occupation of any Trust land in the area of the Bantu Affairs Commissioner concerned, for any purpose specified in such permission, and of every transfer, cancellation, or termina-

sodanige grond of die afstanddoening of terugvallig aan die Trust van sodanige regte, en ook in die geval van bewerkbare of woonpersele, van tydelike reëlings vir die gebruik of okkupasie van sodanige persele: Met dien verstande dat dit afdoende nakoming van hierdie bepaling is—

- (a) in die geval van 'n vergunning wat verleen is of geag verleen te gewees het onderhewig aan die voorwaardes in enige Aanhangsel vervat, as die nommer van die betrokke Aanhangsel in sodanige register ter aanduiding van die toepaslike voorwaardes aangeteken word;
- (b) in die geval van grond wat onderhewig is aan spesiale voorwaardes wat nie in enige Aanhangsel vervat is nie, as sodanige voorwaardes in sodanige register aangeteken word by verwysing na enige ander aantekening of lêer wat deur sodanige Bantoesakekommissaris bygehou word;
- (c) in die geval van enige stuk grond wat op 'n algemene sketsplan van die grondgebied waarin dit geleë is aangedui word, as sodanige grond volgens die nommer daaraan op sodanige algemene plan toegewys, beskryf word;
- (d) in die geval van enige wysiging van die register ooreenkomstig die uitslag van enige geding voor 'n bevoegde hof of van enige verrigtinge, ondersoek of appèl wat ingevolge hierdie regulasies gehou of verhoor is, as dit by aanhaling van die verwysingsnommer van sodanige geding, verrigtinge, ondersoek of appèl daarin aangeteken word.

(3) Alle aantekeninge in die perseleregister word deur of op las van die Bantoesakekommissaris aangebring en 'n afskrif van enige vergunning tot okkupasie waarvan besonderhede in sodanige register aangeteken staan, kan deur sodanige Bantoesakekommissaris aan die okkupeerder of ander betrokke persoon teen betaling van gelde in Aanhangsel 25 voorgeskryf ten bate van die Trust uitgereik word: Met dien verstande dat sodanige afskrif wesenlik in die vorm is soos in hierdie regulasies voorgeskryf of geag word voorgeskryf te wees, en wat, behalwe in die geval van enige sodanige vergunning ten opsigte van 'n bewerkbare of woonperseel, die voorwaardes spesifiseer waaraan sodanige toewysing onderhewig is, en wat, indien dit vir amptelike doeleindes benodig word, gratis uitgereik kan word.

(4) Afsonderlike dele van die perseleregister kan ten opsigte van verskillende grondgebiede in dieselfde distrik of gebied, of van verskillende rasse of klasse okkupeerders, of van vergunnings wat vir verskillende doeleindes verleen is, in stand gehou word.

(5) Enige register wat ingevolge enige wetsbepaling wat by hierdie regulasies herroep is, bygehou is om skriftelike vergunnings vir die okkupasie van Trustgrond in aan te teken, word behoudens uitdruklike bepalings hierin vervat, geag kragtens hierdie artikel saamgestel en bygehou te gewees het.

(6) 'n Uittreksel uit enige perseleregister wat ingevolge hierdie regulasies bygehou is, en wat behoorlik deur die Bantoesakekommissaris as korrek gesertifiseer is, word in alle geregshoue of in enige administratiewe verrigtinge of ondersoek wat kragtens hierdie regulasies ingestel is, as *prima facie*-getuienis toegelaat ten opsigte van die besonderhede daarin vervat.

Transaksies met Betrekking tot Regte op Persele

56. (1) Behoudens soos andersins uitdruklik bepaal word, word die regte van 'n besitter in of op enige—

(a) bewerkbare of woonperseel nie—

- (i) aan enigiemand verhipotekeer nie of aan 'n ander persoon as 'n Bantoe oorgedra, verhuur of onderverhuur nie, en sodanige perseel word ook nie onderverdeel of deur meer as een persoon besit nie;

tion of rights in or to any such land or the surrender or reversion of such rights to the Trust and, in addition, in the case of arable or residential allotments, of temporary arrangements for the use or occupation of such allotments: Provided that it shall be sufficient compliance with this provision—

- (a) in the case of any permission granted or deemed to have been granted subject to the conditions prescribed in any Annexure, if the relative Annexure number is recorded in such register in reference to the conditions applicable;
- (b) in the case of land occupied under special conditions not contained in any Annexure, if such conditions are recorded in such register by reference to any other record or file maintained in the office of such Bantu Affairs Commissioner;
- (c) in the case of any piece of land indicated on a general sketch plan of the area wherein it is situate, if such land is described by the number allotted thereto on such general plan;
- (d) in the case of any amendment of the register following on the result of an action in a competent court or of any proceedings or inquiry held or appeal heard in terms of these regulations, if the result of such action, proceedings, inquiry or appeal is recorded in the register by entering its reference number therein.

(3) All entries in the allotments register shall be signed by or under the authority of the Bantu Affairs Commissioner and a copy of any permission to occupy, details of which are recorded in such register may be issued by such Bantu Affairs Commissioner to the occupier or other person concerned upon payment of the fee prescribed in Annexure 25 which shall accrue to the Trust: Provided that any such copy shall be substantially in the form prescribed or deemed prescribed in these regulations and, except in the case of any such permission relating to an arable or residential allotment, specify the conditions subject to which such land is then held, and may, whenever required for official purposes, be issued free of charge.

(4) Separate sections of the allotments register may be maintained for different areas in the same district or area, or for different races or classes of occupiers or for permissions granted for different purposes.

(5) Any register maintained in terms of any law repealed by these regulations for the purpose of recording permissions in writing authorizing the occupation of Trust land shall, except as herein specially provided, be deemed to have been compiled and maintained in terms of this section.

(6) An extract from any allotments register maintained in terms of this regulation, duly certified by the Bantu Affairs Commissioner as correct, shall in all courts of law or in any administrative proceedings or inquiry held in terms of any law be admitted as *prima facie* evidence of the particulars set forth therein.

Transactions in Rights to Allotments

56. (1) Except as may otherwise be specially provided, the rights of a holder in or to any—

(a) arable or residential allotment shall not—

- (i) be hypothecated to any person, or transferred, leased or sub-let to a person who is not a Bantu, nor shall such allotment be subdivided or held by more than one person;

- (ii) oorgedra, verhuur, onderverhuur of andersins aan 'n Bantoe oor beskik nie sonder die goedkeuring van die Bantoesakekommissaris;
- (b) kerk-, skool- of handelsperseel of 'n ander perseel wat vir enige doel besit word, wat nie in hierdie subartikel gespesifiseer is nie, word nie—
 - (i) oorgedra, verhipotekeer, verhuur, onderverhuur of andersins oor beskik aan 'n ander persoon as 'n Bantoe sonder die Minister se goedkeuring nie, en word sodanige perseel of grond ook nie onderverdeel of deur meer as een persoon besit nie;
 - (ii) oorgedra, verhipotekeer, verhuur, onderverhuur of andersins aan 'n Bantoe oor beskik sonder die goedkeuring van die Sekretaris of sy gemagtigde verteenwoordiger nie.
- (2) Iedere aansoek om goedkeuring ingevolge hierdie artikel word skriftelik aan die Bantoesakekommissaris gerig, en bevat besonderhede van die betrokke perseel, die strekking en bedinge van die transaksie asook enige voorwaardes wat ten opsigte daarvan geld, en sodanige aansoek word in teenwoordigheid van 'n Bantoesakekommissaris deur die besitter en die ander betrokke partye wat Bantoes is, bevestig, en saam met die besitter se afskrif van die vergunning tot okkupasie en die gelde in Aanhangsel 25 voorgeskryf, ten bate van die Trust, ingedien.
- (3) Die Minister, die Sekretaris of die Bantoesakekommissaris, na gelang van die geval, kan na goeddunke maar behoudens die bepalinge van subartikel (5), 'n aansoek om sy toestemming ingevolge subartikel (1) toestaan of van die hand wys en stel hy sodanige voorwaardes betreffende enige goedkeuring wat hy verleen as wat hy dienstig ag.
- (4) 'n Reg in of op grond of 'n belang daarby gaan nie van die persoon wat dit kragtens 'n vergunning tot okkupasie besit of van 'n ander persoon oor op enigiemand anders ingevolge enige transaksie in subartikel (2) bedoel nie, alvorens sodanige transaksie ooreenkomstig hierdie artikel goedgekeur is en in die perseeleregister geregistreer is.
- (5) Goedkeuring kragtens subartikel (1) word nie verleen nie ten opsigte van—
 - (a) enige transaksie met betrekking tot grond ten opsigte waarvan—
 - (i) die partye nie 'n vergunning tot okkupasie in die voorgeskrewe vorm voorlê nie; of
 - (ii) enige huur, belasting, gelde of ander vordering wat die Staat of die Trust toekom uitstaande is; of
 - (iii) die besitter 'n regsonbevoegde persoon is tensy die Bantoesakekommissaris sertifiseer dat die verlening van die aangevraagde goedkeuring sodanige besitter ten voordele strek;
 - (b) die oordrag van die besitter se regte in of op 'n bewerkbare of woonperseel—
 - (i) aan 'n vroulike Bantoe wat nie die weduweehoof van 'n Bantoesesin is nie, of aan 'n Bantoe wat reeds die besitter is van 'n ander perseel wat vir dieselfde doeleindes as dié waarvoor die perseel wat hy voornemens is om te bekom gebruik mag word tensy in die geval van 'n bewerkbare perseel die Bantoesakekommissaris homself daarvan vergewis en die betrokke vergunning tot okkupasie endosseer ten effekte dat die bewerkbare grond in sodanige Bantoe se besit ontoereikend is vir sy redelike behoeftes;
 - (ii) aan 'n Bantoe wat andersins ingevolge hierdie regulasies onbevoeg is om sodanige perseel te besit;
 - (c) die verkoop van die besitter se regte in of op 'n bewerkbare of woonperseel op skuld, of die oor-

- (ii) be transferred, leased, sub-let or otherwise disposed of to a Bantu without the approval of the Bantu Affairs Commissioner;
- (b) church, school or trading allotment or any other allotment held for any purpose not specified in this subsection shall not—
 - (i) be transferred, hypothecated, leased, sub-let or otherwise disposed of to a person who is not a Bantu without the approval of the Minister, nor shall such allotment or land be subdivided or held by more than one person;
 - (ii) be transferred, hypothecated, leased or sub-let or otherwise disposed of to a Bantu without the approval of the Secretary or his authorised representative.
- (2) Every application for approval in terms of this section shall be in writing directed to the Bantu Affairs Commissioner setting forth details of the allotment concerned, the purport and terms of, and any conditions which may be applicable to the transaction, and such application shall be attested before a Bantu Affairs Commissioner by the holder and every other party to such transaction who is a Bantu, and be accompanied by the holder's copy of the permission to occupy and the fee prescribed in Annexure 25, which shall be credited to the Trust.
- (3) The Minister, Secretary or Bantu Affairs Commissioner, as the case may be, may in his discretion, but subject to the provisions of subsection (5), grant or refuse any application for his approval in terms of subsection (1), and may prescribe such conditions in respect of any such approval granted by him as he may deem fit.
- (4) No right or interest in or to land shall pass from one person to another or from the holder under a permission to occupy to any other person in consequence of any transaction referred to in subsection (2) until such transaction shall have been approved as in this section provided and registered in the allotments register.
- (5) Approval in terms of subsection (1) shall not be granted in respect of—
 - (a) any transaction relating to land in respect of which—
 - (i) a permission to occupy, in the prescribed form, is not produced by the parties; or
 - (ii) any rent, tax, fee or other charge due to the State or the Trust is outstanding; or
 - (iii) the holder is a person under legal disability, unless the Bantu Affairs Commissioner certifies that the granting of the approval sought would be in the interest of such holder;
 - (b) the transfer of the holder's rights in or to an arable or residential allotment—
 - (i) to a Bantu woman who is not the widowed head of a Bantu family, or to a Bantu who is then the holder of another allotment held by him for the same purpose as that for which the land sought to be acquired was allotted, unless, in the case of any such holder of an arable allotment, the Bantu Affairs Commissioner satisfies himself and endorses the relevant permission to occupy to the effect that the arable land held by such Bantu is not sufficient for his reasonable requirements;
 - (ii) to a Bantu who is otherwise disqualified in terms of these regulations from becoming the holder of such allotment;
 - (c) the sale of the holder's rights in or to any arable or residential allotment on credit, or the transfer

drag van sodanige regte ingevolge 'n skenking aan 'n ander persoon as die een wat asdan die manlike erfgenaam ingevolge Bantoreg en -gebruik van die besitter sou wees as hy oorlede was: Met dien verstande dat sodanige skenking aan enige sodanige erfgenaam nie van krag of regsgeldig is nie tensy die begiftigde in die leeftyd van die skenker sodanige skenking by wyse van 'n skriftelike verklaring wat deur albei in die teenwoordigheid van die Bantoesakekommissaris onderteken is, aanvaar het, en oordrag van die betrokke vergunning tot okkupasie op sy naam geskied het.

(6) Die Bantoesakekommissaris by wie enige aansoek in subartikel (2) bedoel, ingedien word, kan alvorens hy sy toestemming verleen of die aansoek vir oorweging aan die Sekretaris of Minister voorlê, sodanige verdere getuïenis as wat hy na goëddunke nodig ag, aanvra om homself daarvan te vergewis dat die bakens van die perseel staande en reg geplaas is, en kan hy vir hierdie doel opdrag gee dat die betrokke perseel asook sodanige aanliggende persele as wat hy gelas, weer afgebaken word.

Toekenning van Regte aan Ander Persone as die Besitter

57. (1) Die Minister kan te eniger tyd, ondanks andersluidende bepalings of voorwaardes in hierdie regulasies of in enige vergunning tot okkupasie vervat, na drie maande kennis ingevolge 'n formele kennisgewing deur die Bantoesakekommissaris onderteken, en wat gerig is aan die besitter van enige perseel wat kragtens 'n vergunning tot okkupasie in sy besit is of geag word in sy besit te wees—

- (a) enige persoon of liggaam magtig om ten bate van die Staat, die Trust, enige statutêre liggaam of die publiek paaie, spoorweë, tremlyne, damme, waterleidings, afleivore en watervore te bou of aan te lê of om telegraaf-, telefoon- of elektriese krag- of enige pylyne oor of op of onder die perseel aan te bring of aan te lê;
- (b) aan die Trust of enige persoon of liggaam die reg van toegang verleen oor of onder sodanige perseel tot enige myn of werke wettiglik vir myn- of prospekterdoeleindes onderneem, en die okkupasie van soveel van die perseel te magtig asook die gebruik van soveel water daarop as wat vir sodanige prospekter- of myndoeleindes nodig mag wees.

(2) Die toekenning kragtens subartikel (1) van enige reg, toestemming of magtiging is onderhewig aan die betaling van sodanige som geld as vergoeding aan die besitter as wat die Bantoesakekommissaris bepaal, onderhewig aan die reg om op die voorgeskrewe wyse by die Sekretaris, wie se beslissing afdoende is, appèl aan te teken.

Opskorting of Beëindiging van Regte

58. (1) Die Minister kan wanneer ook al hy na goëddunke dit nodig ag, vir 'n bepaalde tydperk wat van tyd tot tyd verleng kan word, die opskorting gelas van enigeen of al die regte wat enigiemand het om grond waarop hierdie Hoofstuk van toepassing is te gebruik of te okkuper, of hy kan na goëddunke wanneer ook al hy dit dienstig ag om dit in belang van die Staat of die Trust of in die algemene openbare belang te doen, enigeen of al sodanige regte in of op enige bewerkbare of woonperseel beëindig.

(2) Wanneer ook al die Minister, ingevolge hierdie regulasies of enige voorwaarde waaraan die okkupasie van grond onderhewig is of geag word onderhewig te wees, die opskorting of beëindiging van enigeen of al die regte van enige persoon in of op sodanige grond gelas, laat hy 'n formele kennisgewing wat deur die Bantoesakekommissaris onderteken is aan sodanige persoon beteken, waarin besonderhede verstrek word van die betrokke grond, die regte wat beëindig of opgeskort is, die duur van sodanige opskorting en die datum, wat minstens drie maande na

of such rights by way of donation to any person other than the one who, if such holder were then deceased, would be his male heir according to Bantu law and custom: Provided that no such donation to any such heir shall be of any force or effect unless the donee shall during the lifetime of the donor have accepted such donation in writing in a declaration signed before the Bantu Affairs Commissioner by the donor and donee, and have taken transfer of the relevant permission to occupy into his name.

(6) The Bantu Affairs Commissioner with whom any application referred to in subsection (2) is lodged may before granting his approval or transmitting the application for consideration by the Secretary or the Minister, call for such evidence as he may deem necessary to satisfy himself that the beacons of the allotment are in existence and correctly placed, for which purpose he may direct that the allotment concerned, together with such other contiguous allotments as he may direct, be demarcated again.

Grant of Rights in Allotments to Persons Other than the Holder

57. (1) The Minister may at any time, and notwithstanding anything to the contrary in these regulations or in any permission to occupy, on three months' formal notice under the hand of the Bantu Affairs Commissioner to holder of any allotment held or deemed to be held under a permission to occupy—

- (a) for the benefit of the State or the Trust or any statutory body or the public, permit any person or body to make roads, railways, tramlines, dams, aqueducts, drains or water-furrows or to conduct or lay telephone, telegraph, electric power- or any pipe-line over or under such allotment;
- (b) grant to the said Trust or to any person or body the right of way over or under such allotment to any mine or works lawfully undertaken for mining or prospecting purposes, and authorize the occupation of so much of the allotment and the use of so much water thereon as may be required for such prospecting or mining.

(2) The grant of any right, permission or authority in terms of subsection (1) shall be subject to the payment to the holder of such sum of money in compensation as may be determined by the Bantu Affairs Commissioner subject to a right of appeal in the prescribed manner to the Secretary whose decision shall be final.

Suspension or Termination of Rights

58. (1) The Minister may, whenever in his discretion he deems it necessary, order the suspension for a specified period, which may be extended from time to time, of any or all of the rights of any person to use or occupy any land to which the provisions of this Chapter apply, or he may, in his discretion, whenever he deems it expedient in the interest of the State or the Trust or in the general public interest to do so, terminate any or all such rights in or to any arable or residential allotment.

(2) Whenever in terms of these regulations or of any condition subject to which land is, or is deemed to be occupied, the Minister orders the suspension or termination of any or all of the rights of any person in or to such land he shall cause formal notice under the hand of the Bantu Affairs Commissioner to be given to such person specifying the land concerned, the rights terminated or suspended, the duration of any such suspension and the date, not being earlier than three months from

die datum van sodanige kennisgewing moet wees, waarop sodanige opskorting of beëindiging van krag is; en vanaf die datum van inwerkingtreding van sodanige bevel word die regte wat in sodanige kennisgewing gespesifiseer is, geag opgeskort of beëindig te wees, na gelang van die geval, en kan die Bantoesakekommissaris of enigiemand behoorlik daartoe deur hom gemagtig die betrokke grond betree, en dit gebruik of in sy besit neem en sodanige stappe doen as wat nodig mag wees om te verhoed dat enigiemand enige regte wat aldus opgeskort of beëindig is, uitoefen.

(3) Die Minister kan na goeë dunske te eniger tyd by formele kennisgewing deur die Bantoesakekommissaris onderteken enige bevel wat ingevolge hierdie artikel gegee is, kanselleer of wysig, en kan hy gelas dat sodanige bykomende voorwaardes as wat hy dienstig ag om vir 'n onbepaalde of gespesifiseerde tydperk op te lê, moet geld ten opsigte van die uitoefening van sodanige regte as wat aan enige persoon teruggegee word, en daarna en tydens die geldigheid van sodanige bevel word sodanige regte nie anders as in ooreenstemming met sodanige voorwaardes uitoefen nie.

(4) Die Bantoesakekommissaris teken besonderhede van enige bevel betreffende grond wat ingevolge 'n vergunning tot okkupasie besit word, of die kansellasië of wysiging van sodanige bevel wat kragtens hierdie artikel gelas is, in sy perseleregister aan: Met dien verstande dat as alle regte van 'n besitter in of op enige perseel ingevolge sodanige bevel beëindig is, kanselleer die Bantoesakekommissaris ook die betrokke vergunning tot okkupasie en teken hy sodanige kansellasië in bedoelde register aan.

(5) Enige inkorting van die regte van enige besitter ingevolge 'n bevel of voorwaardes wat kragtens hierdie artikel gegee of opgelê is, is onderhewig aan die betaling van sodanige vergoeding, as daar is, of ander herstel as wat deur die Bantoesakekommissaris bepaal word: Met dien verstande dat indien al die regte van die besitter in of op 'n perseel beëindig is of as 'n aansoek om afstand te doen van enige perseel ten opsigte waarvan 'n bevel kragtens hierdie artikel gegee is, toegestaan word, word aan die besitter van sodanige perseel—

(a) in die geval van 'n woonperseel, as hy dit verlang, ander grond in 'n grondgebied wat vir woondoel-eindes afgesonder is of elders in 'n Bantoegebied as grond nie aldus afgesonder is nie, toegewys, en daarbenewens sodanige geldelike vergoeding uit Trustfondse as wat die Bantoesakekommissaris bepaal;

(b) in die geval van enige ander perseel as 'n woonperseel—

(i) ander grond in 'n Bantoegebied toegewys as vergoeding as hy dit verlang, en wel van 'n grootte en ligging volgens beslissing van die Bantoesakekommissaris indien sodanige grond na die mening van sodanige Bantoesakekommissaris beskikbaar is; of

(ii) as daar na die mening van die Bantoesakekommissaris nie genoeg grond beskikbaar is om hom te vergoed nie, grond van sodanige grootte as wat die Bantoesakekommissaris besluit, in 'n Bantoegebied toegewys, as hy dit verlang, en daarbenewens sodanige geldelike vergoeding uit Trustfondse as wat die Bantoesakekommissaris bepaal;

(iii) as daar na die mening van die Bantoesakekommissaris geen ander grond in 'n Bantoegebied beskikbaar is om as vergoeding aangebied te word nie, sodanige geldelike vergoeding uit Trustfondse betaal as wat die Bantoesakekommissaris bepaal.

(6) Iemand wat ontevrede is met die aard of bedrag van die vergoeding wat ingevolge hierdie artikel aan hom toegeken is kan soos voorgeskryf teen die Bantoesakekommissaris se beslissing appelleer.

the date of such notice, on which such suspension or termination takes effect; and from the date on which such order takes effect the rights specified in such notice shall be deemed to have been suspended or terminated, as the case may be, and the Bantu Affairs Commissioner or any person duly authorized thereto by him may enter upon and use or take possession of the land concerned or take such steps as may be necessary to prevent the exercise by any person in respect of such land of any right which has been so suspended or terminated.

(3) The Minister may in his discretion at any time by formal notice under the hand of the Bantu Affairs Commissioner cancel or amend any order made in terms of this section and may direct that such additional conditions as he may deem fit to impose, shall for an indefinite or specified period attach to the exercise of such rights as are restored to any person, whereupon such rights shall not, whilst the order is in force, be exercised except in compliance with such conditions.

(4) The Bantu Affairs Commissioner shall in respect of any land held under a permission to occupy, note any order or its cancellation or amendment in terms of this section in his allotments register: Provided that if all the rights of a holder in or to any allotment have in terms of any such order been terminated the Bantu Affairs Commissioner shall, in addition, cancel the relevant permission to occupy and note such cancellation in the said register.

(5) Any diminution of the rights of any holder in consequence of any order made or any conditions imposed in terms of this section shall be subject to the payment of such compensation, if any, or other relief as may be determined by the Bantu Affairs Commissioner: Provided that whenever in terms of such order all the rights of the holder in or to an allotment are terminated or if an application is granted for the surrender of any allotment in respect of which any other order is made in terms of this section, the holder of such allotment shall—

(a) in the case of a residential allotment, if he so desire, be allotted other land in an area set aside for residential purposes or elsewhere in a Bantu area if no land has been so set aside, and shall, in addition be paid such compensation in money out of Trust funds as the Bantu Affairs Commissioner shall assess;

(b) in the case of any allotment other than a residential allotment—

(i) if he so desire, be allotted other land in a Bantu area, as compensation, of an extent and situation as may be determined by the Bantu Affairs Commissioner, if in the opinion of such Bantu Affairs Commissioner such land is available; or

(ii) if there is not, in the opinion of the Bantu Affairs Commissioner sufficient land available fully to compensate him, and if he so desire, be allotted such area of land in a Bantu area as the Bantu Affairs Commissioner may decide, and, in addition, such compensation in money out of Trust funds as the Bantu Affairs Commissioner shall assess; or

(iii) if there is, in the opinion of the Bantu Affairs Commissioner, no other land available in a Bantu area to offer as compensation, be paid such compensation in money out of Trust funds, as the Bantu Affairs Commissioner shall assess.

(6) Any person who is dissatisfied with the nature or amount of compensation awarded to him in terms of this section may in the prescribed manner appeal against the Bantu Affairs Commissioner's decision.

Afstanddoening van Regte op Perseel

59. (1) Wanneer ook al die besitter van 'n perseel begerig is om van sy regte in of op sodanige perseel afstand te doen, doen hy by die Bantoesakekommissaris skriftelik aansoek daarom, en heg hy die betrokke vergunning tot okkupasie, as dit aan hom uitgereik was, daarby aan en bied hy die bedrag van enige belastinge, gelde of ander vorderings aan wat ten opsigte van sodanige grond of sy okkupasie daarvan verskuldig en opeisbaar is.

(2) Die Bantoesakekommissaris kan enige aansoek wat ooreenkomstig subartikel (1) ingedien is van die hand wys, of dit onvoorwaardelik of onderhewig aan sodanige voorwaardes as wat hy dienstig ag om te stel, toestaan, en teken sy beslissing aan op sodanige aansoek en in die perseleregister, asook in die geval van aanvaarding van afstanddoening, op die toepaslike vergunning tot okkupasie, as dit voorgelê is.

(3) Die regte en verpligtinge van die besitter met betrekking tot 'n perseel hou op om te bestaan by kansellering van die betrokke vergunning tot okkupasie deur die Bantoesakekommissaris nadat hy die afstanddoening van sodanige perseel onvoorwaardelik aanvaar het of in geval van voorwaardelike aanvaarding, by voldoening aan sodanige voorwaardes.

(4) Behoudens die bepalings van artikel 60 (6) kan die Trust nie aangespreek word vir geldelike of ander vergoeding ten opsigte van enige verlies wat deur die besitter van 'n perseel wat afgestaan is gely word met betrekking tot die grond of enige verbeterings daarop nie.

Kansellasië van Vergunning tot Okkupasie

60. (1) Behoudens die bepalings van artikel 59 kan enige vergunning tot okkupasie op enige van die gronde vir kansellasië wat in enige voorwaarde in sodanige vergunning vervat is of geag word vervat te wees, gekanselleer word—

- (a) in die geval van 'n bewerkbare of woonperseel, op lasgewing van die Bantoesakekommissaris;
- (b) in die geval van enige ander perseel, op lasgewing van die Minister wat onder die handtekening van die Sekretaris oorgedra is.

(2) 'n Bevel ingevolge subartikel (1) word nie gegee tensy 'n formele kennisgewing aan die besitter beteken is waarin hy verwittig word van die voorneme om die vergunning tot okkupasie met betrekking tot die perseel daarin gespesifiseer te kanselleer en die gronde daarvoor en waarin hy opgeroep word om voor die Bantoesakekommissaris op 'n bepaalde datum, tyd en plek te verskyn om sodanige vergunning, as een aan hom uitgereik is, voor te lê en ook redes aan te voer waarom sodanige bevel nie gegee behoort te word nie.

(3) Op die gespesifiseerde tyd, plek en datum ondersoek die Bantoesakekommissaris die aangeleentheid administratief ooreenkomstig die bepalings van artikel 69: Met dien verstande dat die afwesigheid van die besitter nie die geldigheid van sodanige verrigtinge of enige bevel wat gegee word, raak nie.

(4) Na afloop van die ondersoek endosseer die Bantoesakekommissaris sy bevindings met betrekking tot enige geskilpunt op die oorkonde van sodanige ondersoek en in die geval van 'n bewerkbare of woonperseel gee hy sodanige bevel as wat hy dienstig ag, of in die geval van enige ander perseel, lê hy die oorkonde voor saam met die betrokke vergunning tot okkupasie, indien dit beskikbaar is, vir ooreweging deur die Minister wat sodanige nadere inligting of getuienis kan aanvra of sodanige bevel kan gee as wat hy dienstig ag.

(5) Die oorkonde van verrigtinge wat kragtens hierdie artikel plaasvind word in die kantoor van die Bantoesakekommissaris bewaar en elke bevel vir kansellasië wat gegee is word in die perseleregister geregistreer en op die

Surrender of Rights in Allotments

59. (1) Whenever the holder of an allotment shall desire to surrender his rights in and to such allotment he shall apply in writing to do so to the Bantu Affairs Commissioner, at the same time tendering the relevant permission to occupy, if any was issued to him, and any taxes, fees or other dues or charges then due in respect of such land or his occupation of it.

(2) The Bantu Affairs Commissioner may refuse any application made in terms of subsection (1) or he may grant it unconditionally or subject to such conditions as he may deem fit to impose, and shall note his decision on such written application and in the allotments register and, in the case of acceptance of surrender, on the relevant permission to occupy, if produced.

(3) The rights and liabilities of the holder relating to an allotment shall cease upon the cancellation by the Bantu Affairs Commissioner of the relevant permission to occupy following the unconditional acceptance of the surrender of such allotment or, in the case of conditional acceptance, upon compliance with such conditions.

(4) Subject to the provisions of section 60 (6) the Trust shall not be liable to pay any compensation or in any other way make good any loss incurred by the holder in respect of any land comprising a surrendered allotment or any improvements thereon.

Cancellation of Permission to Occupy

60. (1) Subject to the provisions of section 59 any permission to occupy may, on any of the grounds for its cancellation set out in any condition contained or deemed to be contained in such permission, be cancelled—

- (a) in the case of any arable or residential allotment, on the order of the Bantu Affairs Commissioner;
- (b) in the case of any other allotment, on the order of the Minister, conveyed under the hand of the Secretary.

(2) No order in terms of subsection (1) shall be made unless formal notice has been given to the holder informing him of the intention to cancel the permission to occupy issued in respect of the allotment specified in such notice and the reason for the intended cancellation, and calling on him to appear before the Bantu Affairs Commissioner on a stated date, time and place to produce such permission, if any was issued to him, and to show cause why the order should not be made.

(3) At the time and place and on the date specified the Bantu Affairs Commissioner shall informally inquire into the matter administratively in accordance with the provisions of section 69: Provided that the absence of the holder shall not in any way invalidate the proceedings or any order made.

(4) At the conclusion of the inquiry the Bantu Affairs Commissioner shall endorse his findings on any matter in issue on the written record of such inquiry and in the case of an arable or residential allotment, make such order as he deems fit or, in the case of any other allotment, transmit the record of inquiry with the relevant permission to occupy, if available, for consideration by the Minister, who may call for such further information or evidence or make such order as he may deem fit.

(5) The record of any proceedings held in terms of this section shall be filed in the office of the Bantu Affairs Commissioner and every order of cancellation made, be registered in the allotments register and endorsed on the

betrokke vergunning tot okkupasie, as dit voorgelê word, geëndosseer, en daarna word enige sodanige vergunning geag gekanselleer te wees en die regte van die besitter in of op bedoelde perseel beëindig te wees.

(6) Geen vergoeding of ander herstel is betaalbaar of word verleen ten opsigte van enige verlies wat sy ontstaan in 'n bevel ingevolge hierdie artikel het nie: Met dien verstande dat die Minister in die geval van 'n bevel met betrekking tot 'n ander perseel as 'n bewerkbare of woonperseel, na goeddunke, die betaling van 'n bedrag soos deur die Sekretaris bepaal en wie se beslissing afdoende is, kan goedkeur as vergoeding ten opsigte van verbeterings van 'n beduidende aard wat asdan op die perseel is en aan die voormalige besitter behoort het.

Terugvalling van Persele aan die Meent

61. By kansellatie van enige vergunning tot okkupasie val die grond wat daarin bedoel word terug aan die meent: Met dien verstande dat die besitter, behoudens andersluidende bepalinge in sodanige vergunning of in hierdie regulasies vervat, binne drie maande na sodanige kansellatie of sodanige nadere uitstel as wat die Bantoesakekommissaris na goeddunke goedkeur, die verbeterings wat daarop is en aan hom behoort en wat sonder beskadiging van die grond verwyder kan word, kan verwyder. As sodanige verbeterings nie aldus verwyder word nie, word hulle die eiendom van die Trust sonder betaling van vergoeding.

HOOFTUK 6

Voorskotte aan Bantoes uit Trustfonds

ALGEMEEN EN AANVULLEND

62. (1) Behoudens die bepalinge van hierdie regulasies kan die Sekretaris op aansoek van enige Bantoe voorskotte namens die Trust aan hom maak uit gelde wat vir daardie doel uit Trustfondse beskikbaar gestel is, vir die aankoop van eiendomsgrond geleë in enige oopgestelde of afgesonderde gebied of van grond wat in 'n Bantoegebied ingevolge 'n erfpagtitel besit word of vir die verbetering, herwinning, bewaring of ontwikkeling ooreenkomstig die bepalinge van die Proklamasie op Verbeteringsgebiede, No. R.196 van 1967, van enige grond wat aldus in 'n Bantoegebied besit word, of vir die aflossing van enige verbande daarop.

(2) Elke aansoek om 'n voorskot kragtens hierdie artikel is wesenlik in die vorm in Aanhangsel 34 voorgeskryf, en word by die Bantoesakekommissaris ingedien om saam met sy verslag aan die Sekretaris versend te word.

(3) 'n Voorskot ingevolge hierdie artikel kan vir 'n termyn van hoogstens 20 jaar toegestaan word en—

- (a) oorskry nie 60 persent van die billike landbou- of veeteeltwaarde van sodanige grond en die verbeterings daarop nie, wat bepaal word soos deur die Minister goedgekeur;
- (b) word deur 'n eerste verband wat behoorlik teen die titelakte of erfpagtitel ten opsigte van sodanige grond geregistreer is, gedek;
- (c) dra rente teen 'n rentekoers van 4 persent per jaar;
- (d) word sesmaandeliks met rente aan die Trust terugbetaal, in gelyke paaiemente wat so bereken word dat alle verpligtinge ingevolge sodanige verband binne die leningstermyn gedelf word:

Met dien verstande dat sodanige verbandgewer te eniger tyd sodanige verband kan aflos, of sodanige bedrag in mindering van die hoofsom afbetaal as wat minstens R10 meer is as die sesmaandelikse paaiement.

relevant permission to occupy, if any is produced, whereupon any such permission shall be deemed to have been cancelled and the rights of the holder in or to the allotment in question to have terminated.

(6) No compensation or other relief shall be payable or given in respect of any loss arising from any order made in terms of this section: Provided that the Minister may in the case of any such order made in respect of any allotment other than an arable or residential allotment, in his discretion, authorize the payment of an amount to be determined by the Secretary, whose decision shall be final, as compensation for improvements of a substantial nature then on the allotment and which belonged to the person who was holder thereof.

Reversion of Allotments to Commonage

61. Upon the cancellation of any permission to occupy, the land referred to in such permission shall revert to the commonage: Provided that the holder may, subject to any provision to the contrary contained in such permission or in these regulations, within three months of such cancellation or within such further period as the Bantu Affairs Commissioner may in his discretion approve, remove any improvements thereon belonging to him and which can be taken away without damage to the land. Should such improvements not be so removed they shall become the property of the Trust without payment of compensation.

CHAPTER 6

GENERAL AND SUPPLEMENTARY

Advances to Bantu from Trust Funds

62. (1) Subject to the provisions of these regulations the Secretary may, on the application of any Bantu and from moneys made available for that purpose from Trust funds make advances on behalf of the Trust to any such Bantu for the purchase of land in freehold in any released or scheduled area or of land held in any Bantu area under quitrent title, or for the improvement, reclamation, conservation or development in accordance with the provisions of the Betterment Areas Proclamation, No. R.196 of 1967, of any land so owned or held in any Bantu area, or for the redemption of any mortgage bond thereon.

(2) Every application for an advance in terms of this section shall be substantially in the form prescribed in Annexure 34 and be submitted to the Bantu Affairs Commissioner for transmission with his report to the Secretary.

(3) An advance made in terms of this section may be made for any period not exceeding 20 years and shall—

- (a) not exceed 60 per cent of the fair agricultural or pastoral valuation of the land in question and any improvement thereon, determined in such manner as the Minister may approve;
- (b) be secured by a first mortgage bond duly registered against the title deed or quitrent title of such land;
- (c) carry interest at the rate of 4 per cent per annum;
- (d) be repaid to the Trust, with interest, in equal half-yearly instalments assessed on such basis as fully to redeem all indebtedness under such bond within the period for which such advance was granted:

Provided that the mortgagor may at any time redeem such bond or pay such sum in reduction of the principal debt as exceeds such half-yearly instalment by not less than R10.

(4) Indien 'n applikant in hierdie artikel bedoel binne drie maande nadat hy daarvan in kennis gestel is dat sy aansoek toegestaan is, versuim om die dokumente met betrekking tot verhipotekering te verly of om sodanige dokumente behoorlik onderteken, tesame met die titelakte of erfpagtitel ten opsigte van die betrokke grond by die betrokke Bantoesakekommissaris in te dien, kan die Sekretaris onder die handtekening van die Bantoesakekommissaris sy goedkeuring ten opsigte van die voorskot intrek, waarna die applikant geag word afstand te gedoen het van enige aanspraak op die terugbetaling van enige gelde deur hom betaal of enige onkoste deur hom met betrekking tot sodanige aansoek aangegaan.

Teenwoordigheid in Bantoegebiede van Ander Persone as Bantoes

63. (1) Niemand, uitgesonderd 'n Asiaat, is slegs omrede die bepalings van artikel 24 (1) van die Bantotruster Wet verbied om op enige openbare pad te reis of om enige strandoord, badplaas of ander erkende vakansieoord wat in enige Bantoegebied geleë is, te besoek nie: Met dien verstande dat indien die Bantoesakekommissaris rede het om te glo dat sodanige besoeker homself sleg gedra terwyl hy op sodanige grond is of leerstellinge onder die Bantoebevolking versprei wat die vrede, orde of goeie regering ondermyn kan hy by skriftelike kennisgewing wat aan sodanige besoeker besorg word, hom gelas om sodanige grond te verlaat en nie daarheen terug te keer nie vir sodanige tydperk as wat hy in sodanige bevel spesifiseer.

(2) Die volgende klasse van persone is vrygestel van die bepalings van artikel 24 (1) van die Bantotruster Wet vir sover bedoelde artikel beperkings of 'n verbod op die teenwoordigheid van enigiemand op grond in 'n Bantoegebied plaas—

- (a) enige Senator, Volksraadslid, Lid van die Provinsiale Raad of lid van die Bantoesakekommissie;
- (b) enigiemand, uitgesonderd 'n Asiaat, wat in diens is van die Staat, die Poskantoor, die Suid-Afrikaanse Spoorweg- en Haweadministrasie, enige Provinsiale Administrasie of die Trust of 'n ander statutêre liggaam kragtens enige wet wat met betrekking tot Bantoe-administrasie ingestel is, wat weens die aard van sy werk verplig is om op sodanige grond te woon of te wees, asook enigiemand wat sodanige werknemer in die uitvoering van sy pligte vergesel;
- (c) enigiemand wat gelisensieer is om enige beroep, besigheid of bedryf op sodanige grond uit te oefen of te dryf vir solank hy aldus gelisensieer is;
- (d) enige predikant, evangelis of onderwyser, uitgesonderd 'n Asiaat, wat 'n Suid-Afrikaanse burger by geboorte of registrasie of naturalisasie ingevolge die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), is en wat in diens is van 'n godsdienstige sekte of genootskap wat die eienaar is van 'n kerkerf of 'n kerk perseel besit in 'n Bantoegebied;
- (e) enige lid van die gesin van enige sodanige persoon in hierdie subartikel bedoel wat van hom afhanklik is:

Met dien verstande dat die Minister ten opsigte van enige aldus vrygestelde persoon, by lasgewing wat onder die handtekening van die Sekretaris oorgedra is, sodanige vrystelling kan intrek sonder om 'n rede te verstrek.

Teenwoordigheid van Ongemagtigde Bantoes in, en hul Verwydering uit Bantoegebiede

64. (1) Niemand mag op Trustgrond in enige Bantoegebied 'n Bantoebesoeker wat nie in sodanige gebied gedomicilieer is, huisves vir 'n langer tydperk as drie maande nie, tensy hy die teenwoordigheid van sodanige besoeker

(4) If any applicant referred to in this section fails within three months after he has been notified that the advance applied for has been authorized, to execute any documents necessary to complete the security, or to lodge such completed documents and the title deed or quitrent title to the land in question with the Bantu Affairs Commissioner concerned, the Secretary may, under the hand of the Bantu Affairs Commissioner, withdraw his approval of the advance, whereupon the applicant shall be deemed to have renounced all claim to the refund of any fees paid or other expenditure incurred by him in connection with such application.

Presence in Bantu Areas of Persons other than Bantu

63. (1) No person other than an Asiatic, shall by reason only of the provisions of section 24 (1) of the Bantu Trust Act be prevented from travelling upon any public road or from visiting any seaside camp, watering place or other recognized holiday resort situate in any Bantu area: Provided that if the Bantu Affairs Commissioner has reason to believe that any such visitor misconducts or misbehaves himself while upon such land or disseminates amongst the Bantu population doctrines which are subversive of peace, order or good government, he may by formal notice, order such visitor to remove from such land and not to return thereto for such period as he may specify in such order.

(2) The following classes of persons shall be exempt from the operation of section 24 (1) of the Bantu Trust Act in so far as the said section limits or prohibits the presence of any person on land in any Bantu area—

- (a) any Senator, Member of Parliament, Member of a Provincial Council or member of the Bantu Affairs Commission;
- (b) any person, other than an Asiatic, in the employ of the State, the Post Office, the South African Railways and Harbours Administration, any Provincial Administration or the Trust or other statutory body established under any law relating to Bantu administration, the nature of whose employment requires him to reside or be upon any such land, and any person accompanying such employee whilst acting in the course of his duties;
- (c) any person who is licensed to carry on any profession, business, trade or calling on such land for so long as he continues to be so licensed;
- (d) any minister, evangelist or teacher, other than an Asiatic, who is a South African citizen by birth, registration or naturalization in terms of the South African Citizenship Act, 1949 (Act No. 44 of 1949), and who is employed by any religious denomination or society which is the owner or holder of a church lot or allotment in any Bantu area;
- (e) any member of the family of any such person as is referred to in this subsection who is dependent upon him:

Provided that the Minister may, in respect of any person so exempted, by direction conveyed in writing under the hand of the Secretary, withdraw such exemption without reason assigned.

Presence of Unauthorized Bantu in Bantu Areas

64. (1) No person shall on Trust land in any Bantu area accommodate a Bantu visitor who is not domiciled in such area, for any period in excess of three months, unless he shall have reported the presence of such visitor

aan die kaptein of hoofman van sodanige gebied, of as daar nie een is nie, aan die Bantoesakekommissaris onverwyld na verstryking van sodanige tydperk van drie maande gerapporteer het: Met dien verstande dat niks hierin vervat van toepassing is op die huisvesting van werknemers van die Staat of die Trust of enige statutêre liggaam of kerk, wat in sodanige gebied werksaam is, of van werknemers van enige kontrakteur wat besig is om enige behoorlik gemagtigde werk of onderneming te verrig in of uit te voer nie.

(2) 'n Bantoe mag nie sy intrek neem of homself metterwoon vestig op Trustgrond nie tensy hy die skriftelike toestemming van die Bantoesakekommissaris daartoe verkry het, wat in oorleg met die betrokke kaptein of hoofman, as daar is, toegestaan word. Vir doeleindes van enige vervolging ten opsigte van 'n oortreding van hierdie artikel word veronderstel dat 'n Bantoe wat vir enige tydperk van 12 maande in enige Bantoegebied woonagtig was, sy intrek geneem het of hom self metterwoon in sodanige gebied gevestig het.

(3) Dit is die plig van die betrokke kaptein of hoofman om enige oortreding van hierdie artikel onverwyld aan die Bantoesakekommissaris te rapporteer.

(4) Ondanks andersluidende bepalings in hierdie regulasies of in enige ander wetsbepaling vervat, kan die Bantoesakekommissaris regtens, as hy sodanige optrede nodig ag in belang van administrasie of van vrede en goeie orde, met die voorafverkreë goedkeuring van die Hoofbantoesakekommissaris, by formele kennisgewing wat aan enige Bantoebesoeker of -werknemer of enige ander in subartikel (2) of (3) bedoelde Bantoe besorg is, en ongeag die duur of doel van sy teenwoordigheid in die betrokke Bantoegebied, hom gelas, sonder om 'n rede te verstrek, om onverwyld enigen of al die Trustgrondgebiede in sodanige kennisgewing gespesifiseer, te verlaat.

Oorlegging van Dokumente

65. (1) Wanneer ook al die Bantoesakekommissaris of, na sy mening, die Hoofbantoesakekommissaris of die registrator van aktes of van grondaktes die oorlegging vereis of moontlik kan vereis, van die eienaar se afskrif van enige titelakte of die besitter se afskrif van enige erfpagtitel of vergunning tot okkupasie of okkupasiesertifikaat of ander dokument in verband met enige ondersoek, aansoek, transaksie, bevel, beslissing of ander aangeleentheid wat betrekking het op grond in sodanige titel, vergunning, sertifikaat of dokument beskryf of bedoel, of op die regte van enige persoon op sodanige grond, kan hy by formele kennisgewing die oorlegging van sodanige titel, vergunning, sertifikaat of dokument deur die eienaar, besitter of enige ander persoon wat dit na sy mening waarskynlik in sy besit het, eis.

(2) Iedereen aan wie 'n formele kennisgewing ingevolge subartikel (1) gerig is, lewer op die datum, tyd en plek in sodanige kennisgewing gespesifiseer, die titelakte, erfpagtitel, vergunning tot okkupasie, okkupasiesertifikaat of ander dokument daarin beskryf, by die Bantoesakekommissaris in, of as hy dit om watter rede ook al nie vermag nie, verskyn hy self voor sodanige Bantoesakekommissaris wat, indien hy na behoorlike ondersoek daarvan oortuig is dat sodanige titel, vergunning, sertifikaat of dokument verlore gegaan het of vernietig is, endosseer hy die oorspronklike kennisgewing dienooreenkomstig: Met dien verstande dat die Bantoesakekommissaris na goeddunke kan inwillig dat die persoon aan wie sodanige kennisgewing gerig is, sodanige titel, vergunning, sertifikaat of dokument aan hom oorlê of verskyning voor hom maak op 'n vroeëre datum as dié in sodanige kennisgewing gespesifiseer, of aan sodanige persoon, op sy versoek, uitstel verleen om aan sodanige kennisgewing te kan voldoen.

to the chief or headman of such area or, if there is none, to the Bantu Affairs Commissioner, forthwith upon the expiration of the said period of three months: Provided that nothing herein contained shall apply to the accommodation of employees of the State or the Trust or any statutory body or church, who are employed in such area or to the employees of any contractor engaged in carrying out any duly authorized work or undertaking.

(2) No Bantu shall move into or take up permanent residence on any Trust land unless he has obtained permission in writing to do so from the Bantu Affairs Commissioner given after consultation with the chief or headman concerned, if any. For the purposes of any prosecution for a contravention of this section a Bantu who has resided in any Bantu area for any period in excess of 12 months shall be presumed to have taken up permanent residence in such area.

(3) It shall be the duty of the chief or headman concerned to report any contravention of this section forthwith to the Bantu Affairs Commissioner.

(4) Notwithstanding anything in these regulations or in any other law contained it shall be lawful for the Bantu Affairs Commissioner if he deems such action necessary in the interests of administration or of peace and good order, with the approval of the Chief Bantu Affairs Commissioner first had, by formal notice on any Bantu referred to in this section to direct him, without reason assigned and regardless of the period or purpose of his presence in the Bantu area concerned, to remove forthwith from any or all Trust land within any area specified in such notice.

Production of Documents

65. (1) Whenever the Bantu Affairs Commissioner himself requires, or is of the opinion that the Chief Bantu Affairs Commissioner or the registrar of deeds or of land titles requires or may require the production of the owner's copy of any title deed or the holder's copy of any quitrent title or permission to occupy or certificate of occupation or any other document in connection with any inquiry, application, transaction, order, decision or any other matter relating to land described or referred to in such title, permission, certificate or other document or to the rights of any person in such land, he may by formal notice demand delivery to him of such title, permission, certificate or document from the owner, holder or any other person who, in his opinion, is likely to be in possession thereof.

(2) Every person to whom a formal notice in terms of subsection (1) is directed shall on the date and at the time and place specified in such notice deliver to the Bantu Affairs Commissioner the title deed, quitrent title, permission to occupy, certificate of occupation or other document described therein or, if he is unable for any reason to do so, appear personally before the Bantu Affairs Commissioner who shall, if he is satisfied after due inquiry that such title, permission, certificate or document is lost or has been destroyed, endorse the original of such notice accordingly: Provided that the Bantu Affairs Commissioner may in his discretion permit the person to whom any such notice is directed to produce such title, permission, certificate or document to or to appear before him on any date prior to that specified in such notice or, on the application of such person, allow him an extension of time within which to comply with such notice.

(3) Indien by die keurdatum wat in enige formele kennisgewing in hierdie artikel bedoel gespesifiseer is, of binne die tydperk van enige uitstel kragtens subartikel (2) verleen, die persoon aan wie sodanige kennisgewing gerig is versuim het of weier om aan enige eis daarin vervat te voldoen, of in gebreke bly om sy verskynning ingevolge bedoelde subartikel te maak, endosseer die Bantoesakekommissaris die oorspronklike van sodanige kennisgewing dienooreenkomstig: Met dien verstande dat sodanige endossement geensins die strafregtelike aanspreeklikheid van enige persoon ten opsigte van sy versuim om aan sodanige eis te voldoen, raak nie.

(4) 'n Kennisgewing wat soos in subartikel (2) of (3) bepaal, ge-endosseer is, kan elke keer wanneer dit van iemand ingevolge hierdie regulasie vereis word om enige titelakte, erfpagtitel, vergunning tot okkupasie, okkupasiesertifikaat of ander dokument oor te lê, in die plek van sodanige titel, vergunning, sertifikaat of dokument oorgelê word, en sodanige kennisgewing is afdoende magtig aan die registrateur van aktes of van grondaktes of vir die Bantoesakekommissaris om behoudens die betaling van die voorskrewe gelde, as daar is, 'n afskrif van sodanige titel of dokument wat in sy registrasiekantoor of kantoor geregistreer is, na gelang van die geval, uit te reik, waarop die titel, vergunning, sertifikaat of dokument wat oorgelê moes word, nietig is en by oorlegging daarvan dienooreenkomstig ge-endosseer word.

Formele en Ander Kennisgewings

66. (1) Wanneer ook al daar in hierdie regulasies bepaal word dat formele kennisgewing aan enige persoon beteken word betreffende enige feit, aangeleentheid of saak en die vorm of inhoud van sodanige kennisgewing nie in die betrokke regulasie voorgeskryf word nie, berei die Bantoesakekommissaris 'n kennisgewing voor wat hy onderteken en aan sodanige persoon rig en waarin hy sodanige besonderhede verstrek as wat redelikerwys nodig is om sodanige aangeleentheid, feit of saak aan sodanige persoon oor te dra, en waarin hy opgeroep word, as dit van hom vereis word om hom op enigiets in sodanige kennisgewing vervat, te verantwoord, of om 'n dokument oor te lê, dat hy op 'n gespesifiseerde plek, datum en tyd verskyn en enige dokument daarin beskryf, oorlê, en ook sodanige getuies roep, as daar is, as wat hy voornemens is om te roep.

(2) Enige formele of ander kennisgewing in hierdie regulasies bedoel kan deur die Bantoesakekommissaris enige lid van die Suid-Afrikaanse Polisie, enige kaptein of hoofman of enige persoon skriftelik daartoe deur die Bantoesakekommissaris gemagtig, beteken word, en die oorspronklike daarvan word, alvorens dit aan die Bantoesakekommissaris terugbesorg word, deur die persoon wat dit beteken het ge-endosseer om die tyd, datum en wyse van betekening aan te dui, waarna dit bloot by oorleg daarvan in enige geregtelike of administratiewe verrigtinge *prima facie*-bewys is van elke bewering in sodanige endossement vervat.

(3) Dit word veronderstel dat die inhoud van enige kennisgewing in hierdie artikel bedoel onder die aandag van die persoon of persone aan wie dit gerig is, gekom het as die endossement wat ingevolge subartikel (2) daarop aangebring is aandui dat 'n afskrif daarvan—

- (a) aan sodanige persoon self afgelewer is of aan sy agent of verteenwoordiger, of aan iemand wat oënskynlik by sy woning woonagtig is of by sy werks- of besigheidsplek in diens is, en wat oënskynlik ouer as 16 jaar is; of
- (b) aan enige buitendeur van sy laaste bekende woning in die regsgebied van die Bantoesakekommissaris wat sodanige kennisgewing geteken het, geheg word; of

(3) If by the return date specified in any formal notice referred to in this section or within any extension of time allowed in terms of subsection (2), the person to whom such notice is directed has failed or refused to comply with any demand contained therein or fails to appear as in the said subsection provided, the Bantu Affairs Commissioner shall endorse the original of such notice accordingly: Provided that such endorsement shall in no way affect the criminal liability of any person for failing to comply with such demand.

(4) A notice endorsed as in subsection (2) or (3) provided may, whenever any person is required in terms of these regulations to submit any title deed, quitrent title, permission to occupy, certificate of occupation or other document referred to in such notice be submitted in lieu of such title, permission, certificate or document and such notice shall be sufficient authority for the registrar of deeds or of land titles or the Bantu Affairs Commissioner subject to the payment of the prescribed fees, if any, to issue a copy of such title or document which is registered in his registry or office, as the case may be, whereupon the title, permission, certificate or document required to have been produced shall become void and shall on production be endorsed accordingly.

Formal and Other Notices

66. (1) Whenever in these regulations provision is made for giving formal notice to any person of any fact, matter or thing, and the form or content of such notification is not prescribed in the relevant regulation, the Bantu Affairs Commissioner shall prepare and sign a notice directed to such person containing such details as may be reasonably necessary to convey such matter, fact or thing to such person and calling upon him, if he is required to appear in answer to anything contained in such notice or to produce any document, to appear at a place and time and on a date specified and to produce any document described therein, together with such witnesses, if any, as he may wish to call.

(2) Any formal or other notice referred to in these regulations may be served by the Bantu Affairs Commissioner, any member of the South African Police, any chief or headman or any person authorized thereto in writing by the Bantu Affairs Commissioner, and the original thereof shall, before it is returned to the Bantu Affairs Commissioner, be endorsed by the person effecting service to indicate the time, date and manner of such service, whereupon it shall on its mere production in any judicial or administrative proceedings be *prima facie* proof of every statement contained in such endorsement.

(3) The contents of any notice referred to in this section shall be presumed to have come to the knowledge of the person or persons to whom it is directed if the endorsement made thereon in terms of subsection (2) indicates that a copy of such notice—

- (a) was delivered to such person personally or to his agent or representative or to someone apparently residing at his place of residence or working at his place of employment or business, and who is apparently over 16 years of age; or
- (b) was affixed to any outer door of his last known place of residence within the area of jurisdiction of the Bantu Affairs Commissioner by whom such notice was signed; or

- (c) in die geval van 'n kennisgewing met betrekking tot grond of enige regte daarop, en as die verblyfplek van sodanige persoon nie geredelik vasgestel kan word nie, vir dertig dae op die aanplakbord by die kantoor van die Bantoesakekommissaris met regsbevoegdheid oor sodanige grond, aangebring is.

Grondgeskille

67. (1) Die Bantoesakekommissaris is bevoeg om ondersoek in te stel na en om geskille met betrekking tot die okkupasie van Trustgrond, asook geskille betreffende weidings-, oorpas- of ander regte in en op enige meent, administratief te besleg: Met dien verstande dat in enige gebied in die regsgebied van enige stam- of gemeenskapsowerheid, of as een nog nie ingestel is nie, van enige kaptein, enige sodanige geskil waarin Bantoes betrokke is deur sodanige owerheid of kaptein ondersoek en administratief besleg kan word, onderhewig aan die reg om soos voorgeskryf appèl by sodanige Bantoesakekommissaris aan te teken.

(2) Die Bantoesakekommissaris teken in toepaslike gevalle die uitslag van sodanige verrigtinge aan in die perseleregister teenoor die inskrywing wat op die tersaaklike grond betrekking het.

(3) Enige party wat ontevrede voel oor enige beslissing wat die Bantoesakekommissaris ingevolge hierdie artikel vel, kan op die voorgeskrewe wyse, by die Hoofbantoesakekommissaris appelleer.

Appèlle

68. (1) Iemand wat hom veronreg voel deur enige beslissing wat teen hom kragtens hierdie regulasies gegee is, behalwe as die betrokke regulasie bepaal dat sodanige beslissing afdoende is of as dit in die loop van geregtelike proses gegee is, kan daarteen appelleer deur by die Bantoesakekommissaris binne 30 dae vanaf die datum van sodanige beslissing 'n informele verklaring in te dien of af te lê, wat deur sodanige persoon onderteken is en waarin besonderhede van die beslissing waarteen geappelleer word, verstrek word asook die redes vir appèl en enige verhoë wat hy verlang in rekening gebring moet word by die beslegting van die appèl.

(2) Die Bantoesakekommissaris moet ten opsigte van 'n beslissing wat deur 'n ander persoon as hy self gegee is met betrekking tot 'n aangeleentheid waaroor hy bevoeg is om te besleg, die appèl afhandel, en ten opsigte van 'n ander beslissing waarteen geappelleer is, die betrokke stukke met sy kommentaar aan die Hoofbantoesakekommissaris vir afhandeling of vir deursending aan die Sekretaris stuur.

(3) Afhandeling van 'n appèl geskied by bevel ter bekragtiging, wysiging of tersydestelling van die gewraakte beslissing of die vervanging daarvan deur sodanige beslissing as wat geag word regverdig te wees, waarna al sodanige stappe ingevolge hierdie regulasies gedoen word as wat nodig mag wees om gevolg aan sodanige beslissing te gee.

(4) Enige verrigtinge kragtens hierdie artikel is van 'n administratiewe aard.

Administratiewe Verrigtinge

69. (1) In enige administratiewe verrigtinge wat kragtens hierdie regulasies gehou word kan die Bantoesakekommissaris by formele kennisgewing enige persoon wat hy nodig ag, dagvaar om sy opwagting in sodanige verrigtinge voor hom te maak en kan hy enige persoon wat sy opwagting by sodanige verrigtinge maak onder eed of plegtige afirmasie stel, of na goeddunke skriftelike verklarings toelaat, of onbeëdigde verklarings van enige

- (c) in the case of a notice relating to land or rights therein, and if the whereabouts of such person cannot readily be ascertained, was for 30 days affixed to the notice board at the office of the Bantu Affairs Commissioner having jurisdiction over such land.

Land Disputes

67. (1) The Bantu Affairs Commissioner shall have power to investigate and settle administratively, disputes in connection with the occupation of any Trust land as well as disputes in connection with grazing rights, rights of way or any other rights in and to any commonage: Provided that in any area under the jurisdiction of any tribal or community authority or, if one has not been established, of any chief, any such dispute between Bantu may be investigated and settled administratively by such authority or chief subject to a right of appeal in the prescribed manner to such Bantu Affairs Commissioner.

(2) The Bantu Affairs Commissioner shall, in appropriate cases, note the outcome of such proceedings in the allotments register against the entry relating to the land in question.

(3) Any party who is dissatisfied with any decision of the Bantu Affairs Commissioner, given in terms of this section may, in the prescribed manner, appeal to the Chief Bantu Affairs Commissioner.

Appeals

68. (1) Any person aggrieved by any decision given against him in terms of these regulations, unless the relevant regulation specifies that such decision shall be final or unless it was given in the course of judicial proceedings, may appeal against such decision by lodging with or making before the Bantu Affairs Commissioner within 30 days from the date on which such decision was given an informal statement in writing signed by such person and setting out particulars of the decision appealed against, the reasons for appeal and any representations he wishes to be taken into account in the determination of the appeal.

(2) The Bantu Affairs Commissioner shall in respect of an appeal against a decision given by some person other than himself in relation to any matter which he is competent to adjudge, dispose of the appeal, and in respect of any other decision appealed against forward the relevant papers together with his comments to the Chief Bantu Affairs Commissioner for disposal by him or for transmission to the Secretary.

(3) Disposal of an appeal shall be by order confirming, varying or setting aside the decision appealed against or substituting such decision as may be considered just whereupon all such steps as may be necessary shall be taken in terms of these regulations to give effect to such decision.

(4) Any proceedings in terms of this section shall be of an administrative nature.

Administrative Proceedings

69. (1) In any administrative proceedings held in terms of these regulations the Bantu Affairs Commissioner may by formal notice summon any person whom he may deem necessary, to appear before him at such proceedings, and may administer an oath or solemn affirmation to any person appearing at such proceedings, or, in his discretion, admit written statements or take down un-

persoon afneem, en oor die algemeen die partye by enige geskil sodanige regte en voorregte, uitgesonderd regsverteenwoordiging, toelaat as wat hy noodsaaklik of wenslik ag om tot 'n regverdige beslissing te geraak.

(2) Verrigtinge in subartikel (1) bedoel is nie onderworpe aan die prosesreëls in enige hof nie, en 'n beslissing, bevel of lasgewing wat met betrekking tot, tydens of na afloop van sodanige verrigtinge gevel of gegee of uitgereik is, is nie aan appel of hersiening onderworpe nie, behalwe soos andersins in hierdie regulasies bepaal word.

(3) Die Bantoesakekommissaris wat by administratiewe verrigtinge wat kragtens hierdie regulasies gehou word, voorsit, hou notules van sodanige verrigtinge wat weggebeë word, en enige sertifikaat waarin voorgegee word dat dit deur die amptelike bewaarder van sodanige notules onderteken is en waarin besonderhede verstrekkend word van die persoon of partye wat by sodanige verrigtinge betrokke was, die aard van die geskilpunt, die beslissing wat gegee is asook die uitslag van enige verrigtinge op appel of by hersiening na aanleiding van sodanige beslissing, is in enige geregtelike of administratiewe verrigtinge toelaatbaar as getuienis en geld as *prima facie*-bewys van enigiets in sodanige sertifikaat opgegee.

Suipplekke en Watervoorrade

70. Niemand mag op enige wyse die toegang tot 'n openbare suipplek in 'n Bantoegebied versper of enigeen verhinder of poog om te verhinder om water te skep of om vee by sodanige suipplek te laat suip, of die water by of in sodanige suipplek bevuil of besmet of die werking van enige windmeule, waterpomp of -pyp, dam of wateropgaartenk of ander toebehoorsel wat in sodanige Bantoegebied vir huishoudelike of ander watervoorrade aangebring of opgerig is of in stand gehou word, belemmer nie.

Misdrywe en Strafbepalings

71. Enigiemand wat—

- (a) artikel 10 (3) (b), 34 (2), 47 (5), 49 (1) (c) (iii), 52 (1), 52 (2), 64 (1), 64 (2) of 70 oortree of versuim om aan die bepalings daarvan te voldoen;
- (b) versuim om aan enige bevel wat kragtens artikel 10 (2) (iii), 19 (2) of 65 (2) gegee is, te voldoen;
- (c) versuim om aan enige bevel om Trustgrond te verlaat wat kragtens artikel 6 (2), 11 (3), 63 (1) of 64 (4) gegee is, te voldoen, of wat nadat hy aan sodanige bevel voldoen het, onwettiglik na sodanige grond terugkeer;
- (d) sonder dat hy behoorlik daartoe gemagtig is, en ten opsigte van grond waarvan hy die besitter is of was, enigeen of al die regte van 'n besitter uitoefen nadat sodanige regte kragtens hierdie regulasies opgehou het om te bestaan of beëindig, gekanselleer of opgeskort is, of nadat die betrokke grond onteien is of andersins aan die Trust of die meent teruggeval het;

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R100 of gevangenisstraf vir 'n tydperk van hoogstens 90 dae.

Veronderstellings

72. (1) In enige geval as 'n persoon van 'n oortreding van enige van die bepalings van hierdie regulasies aangekla word rus die bewyslas op die beskuldigde om te bewys dat hy wettig gemagtig vir enige optrede of versuim ten opsigte waarvan hy aangekla is, gehad het.

(2) Wanneer ook al in enige geregtelike of administratiewe verrigtinge dit gaan oor die wettigheid ingevolge hierdie regulasies van die okkupasie van Trustgrond deur

sworn statements from any person, and generally allow the parties to any dispute such rights and privileges, excluding legal representation, as may to him seem necessary or desirable in order to arrive at a just decision.

(2) The proceedings referred to in subsection (1) shall not be subject to the rules governing judicial proceedings, nor shall any decision, order or directive made, given, or issued in connection with or during or after the conclusion of such proceedings be subject to appeal or review, save as is provided in these regulations.

(3) The Bantu Affairs Commissioner presiding over administrative proceedings held in terms of these regulations shall keep a written record of such proceedings, which shall be filed of record, and any certificate purporting to be signed by the person having the official custody of such record and setting out details of the person or parties concerned in any such proceedings, the nature of the matter in issue and the decision given, including the result of any appeal or review proceedings following on such decision, shall be admissible in evidence in any judicial or administrative proceedings as *prima facie* proof of any matter stated in such certificate.

Watering Places and Water Supplies

70. No person shall in any manner obstruct the approaches to any public watering place within any Bantu area, or prevent or attempt to prevent any person from drawing water from or watering stock at such watering place, or foul or defile the water at or in such watering place or interfere with the operation of any windmill, water-pump, waterpipe, dam or water storage tank or other appurtenance installed or constructed and maintained in such Bantu area for domestic or other water supplies.

Offences and Penalties

71. Any person who—

- (a) contravenes or fails to comply with the provisions of section 10 (3) (b), 34 (2), 47 (5), 49 (1) (c) (iii), 52 (1), 52 (2), 64 (1), 64 (2) or 70;
- (b) fails to comply with any order made in terms of section 10 (2) (iii), 19 (2) or 65 (2);
- (c) fails to comply with any order to remove from Trust land, issued in terms of section 6 (2), 11 (3), 63 (1) or 64 (4), or who, having complied with such order, unlawfully returns to such land;
- (d) without having been duly authorized thereto, exercises in respect of any land of which he is or was the holder, any or all of the rights of a holder in or to such land after such rights have in terms of these regulations ceased or been terminated, cancelled or suspended, or the land in question has been appropriated or has otherwise reverted to the Trust or the commonage;

shall be guilty of an offence and liable on conviction to a fine not exceeding R100 or to imprisonment for a period not exceeding 90 days.

Presumptions

72. (1) In any case where a person is charged with a contravention of any of the provisions of these regulations the burden of proving that he had lawful authority for the act or omission in respect of which he is charged shall rest upon the accused.

(2) Whenever in any judicial or administrative proceedings the legality in terms of these regulations, of the occupation of Trust land by any person who is unable to

'n persoon wat nie daartoe in staat is om enige vergunning tot okkupasie of ander wettiglik verleende skriftelike toestemming te toon wat sodanige okkupasie magtig nie, word veronderstel dat sodanige okkupasie onwettig is, tensy die teendeel bewys word.

Bykomende Bevoegdhede van die Hof

73. By skuldigbevinding van enigiemand kragtens die bepalinge van hierdie regulasies kan die hof bo en behalwe enige vonnis deur hom opgelê—

- (a) as sodanige skuldigbevinding ten opsigte van die okkupasie, omploeg of bewerking van grond op die meent is, of van enige ander grond wat onwettiglik deur sodanige persoon geokkupeer word, gelas dat—
- (i) sodanige persoon sodanige grond onverwyld of binne sodanige tydperk as wat die hof bepaal, verlaat of sodanige onwettige okkupasie staak, by versuim waarvan sodanige persoon summier deur enige lid van die Suid-Afrikaanse Polisie verwyder kan word.
- (ii) enige oes of gesaaides op sodanige grond aan die Trust verbeurd verklaar waarna sodanige oes of gesaaides die Trust toeval sonder betaling van vergoeding;
- (iii) sodanige persoon binne 'n tydperk deur die hof bepaal enige ongemagtigde geboue, bou-sels of versperrings wat op sodanige grond is, moet sloop en verwyder of enige beskadiging aan sodanige grond moet herstel, en as hy versuim om dit te doen kan die Trust self sodanige sloping of verwydering of herstel ten behoeve van sodanige persoon doen. Enige onkoste wat deur die Trust ten opsigte van sodanige sloping, verwydering of herstel aangegaan word is op sodanige persoon verhaalbaar by uitwinningslasbrief wat deur die Bantoesakekommissaris onder sy handtekening uitgereik word en ten uitvoer gelê word as sou dit ingevolge 'n uitspraak van 'n landdroshof uitgereik gewees het;
- (b) as sodanige skuldigbevinding betrekking het op versuim om aan enige lasgewing tot verlating wat ingevolge hierdie regulasies gegee is, gelas dat sodanige persoon summier deur enige lid van die Suid-Afrikaanse Polisie verwyder word.

AANHANGSEL 1

REGULASIES BETREFFENDE TRUSTGROND IN BANTOEGEBIEDE

Herroepe wetgewing

A. Toepaslik slegs op die distrik Glen Grey:

<i>Aard, No. en Jaar</i>	<i>Soos gewysig by</i>	<i>Titel of Onderwerp</i>
<i>Kaapse Wet</i>		
No. 25 van 1894	Proklamasies Nos. 43 van 1940 en 11 van 1956	Glen Grey Wet
No. 15 van 1899 } No. 14 van 1905 } No. 36 van 1909 }	—	Wette tot wysiging van die Glen Grey Wet
<i>Proklamasie</i>		
No. 299 van 1894 (Kaap)	—	Afkondiging van die Glen Grey Wet
No. 257 van 1937	—	Kwytskelding ten opsigte van erfpag
No. 43 van 1940	Proklamasies Nos. 273 van 1943, 126 van 1944, 262 van 1947, 199 van 1951, 248 van 1954, 11 van 1956, 377 van 1957 en 351 van 1964	Beheer oor Grond

produce any permission to occupy or other lawfully issued permission in writing authorizing such occupation, is in question, it shall be presumed that such occupation was unlawful unless the contrary is proved.

Additional Powers of Court

73. Upon the conviction of any person in terms of the provisions of these regulations the court may, in addition to any other penalty imposed by it—

- (a) where such conviction was for occupying, ploughing or cultivating land on the commonage or any other land of which such person was not in lawful occupation, order—
- (i) such person to remove from such land or to desist from such unlawful occupation forthwith or within such period as may be specified by the court, failing which such person may be summarily removed by any member of the South African Police;
- (ii) that any crops planted or growing upon such land shall be forfeited to the Trust, whereupon such crops shall become the property of the Trust without payment of compensation;
- (iii) such person to demolish and remove any unauthorized buildings, structures or obstructions on such land or to repair any damage done to such land, within a period specified by the court, failing which the Trust may itself carry out such demolition, removal or repair on behalf of such person. Any expenditure incurred by the Trust in such demolition, removal or repair shall be recoverable from such person by warrant of execution issued under the hand of the Bantu Affairs Commissioner and executed as if it were issued pursuant to a judgment of a magistrate's court;
- (b) where such conviction was for failing to comply with any order for removal issued under these regulations, order that such person be summarily removed by any member of the South African Police.

ANNEXURE 1

BANTU AREAS LAND REGULATIONS

Repealed Legislation

A. Applicable in the District of Glen Grey only:

<i>Nature, No. and Year</i>	<i>As amended by</i>	<i>Title or subject matter</i>
<i>Cape Act</i>		
No. 25 of 1894	Proclamations Nos. 43 of 1940 and 11 of 1956	Glen Grey Act
No. 15 of 1899 } No. 14 of 1905 } No. 36 of 1909 }	—	Acts to amend the Glen Grey Act
<i>Proclamation</i>		
No. 299 of 1894 (Cape)	—	Promulgation of Glen Grey Act
No. 257 of 1937	—	Remission of quitrent
No. 43 of 1940	Proclamations Nos. 273 of 1943, 126 of 1944, 262 of 1947, 199 of 1951, 248 of 1954, 11 of 1956, 377 of 1957 and 351 of 1964	Control of Land

<i>Aard, No. en Jaar</i>	<i>Soos gewysig by</i>	<i>Titel of Onderwerp</i>	<i>Nature, No. and year</i>	<i>As amended by</i>	<i>Title or Subject Matter</i>
<i>Goewermmentskennisgewing</i>			<i>Government Notice</i>		
No. 1023 van 1940	—	Delegeer van Magte Proklamasie No. 43 van 1940	No. 1023 of 1940	—	Delegation of powers: Proclamation No. 43 of 1940
B. Toepaslik slegs op Sendingreserwes in Natal:			B. Applicable in Mission Reserves in Natal only:		
<i>Aard, No. en Jaar</i>	<i>Soos gewysig by</i>	<i>Titel of Onderwerp</i>	<i>Nature, No. and Year</i>	<i>As amended by</i>	<i>Title or Subject Matter</i>
<i>Natalse Wet</i>			<i>Natal Act</i>		
No. 49 van 1903	Natalse Wette Nos. 40 van 1905, en 30 van 1906, en Proklamasies Nos. 148 van 1936, 56 van 1940 en 41 van 1944	Behoer oor sending-reserwes	No. 49 of 1903	Natal Acts Nos. 40 of 1905 and 30 of 1906, and Proclamations Nos. 148 of 1936, 56 of 1940 and 41 of 1944	Control of Mission Reserves
<i>Goewermmentskennisgewing</i>			<i>Government Notice</i>		
No. 621 van 1919	Goewermmentskennisgewings Nos. 120 van 1936, 384 van 1939, 371 van 1944 en 2107 van 1944	Regulasies kragtens Wet No. 49 van 1903	No. 621 of 1919	Government Notices Nos. 120 of 1936, 384 of 1939, 371 of 1944 and 2107 of 1944	Regulations under Act No. 49 of 1903
No. 754 van 1939	Goewermmentskennisgewings Nos. 855 van 1946 en 1405 van 1953	Reëls: Sending-reserwerade	No. 754 of 1939	Government Notices Nos. 855 of 1946 and 1405 of 1953	Rules: Mission Reserve Boards
No. R2080 van 1967	—	Herpublikasie van sekere Proklamasies	No. R2080 of 1967	—	Republication of Certain Proclamations
C. Toepaslik op die registrasie van aktes en op grond kragtens erfpag- of ander titel besit			C. Applicable to deeds registration and land held under quitrent or other title:		
<i>Aard, No. en Jaar</i>	<i>Soos gewysig by</i>	<i>Onderwerp</i>	<i>Nature, No. and Year</i>	<i>As amended by</i>	<i>Subject Matter</i>
<i>Proklamasie</i>			<i>Proclamation</i>		
No. 118 van 1931	—	Vervangende grond-briewe	No. 118 of 1931	—	Substituted deeds of grant
No. 119 van 1931	Proklamasie No. 194 van 1942	King William's Town: Aktekantoor	No. 119 of 1931	Proclamation No. 194 of 1942	King William's Town: Deeds Registry
No. 13 van 1933	—	Verbod op bewoning van sekere toekennings	No. 13 of 1933	—	Prohibition of residence on certain allotments
No. 66 van 1936	Proklamasies Nos. 160 van 1938 en 253 van 1940	Onderverdeling van sekere groot toekennings	No. 66 of 1936	Proclamations Nos. 160 of 1938 and 253 of 1940	Sub-division of certain large allotments
No. 127 van 1936	Proklamasie No. 253 van 1940	Bepaling van besitreg in opgemete grond	No. 127 of 1936	Proclamation No. 253 of 1940	Investigation into ownership of surveyed allotments
No. 128 van 1937	—	Registrasie van Trustgrond	No. 128 of 1937	—	Registration of Trust land
No. 253 van 1940	Proklamasie No. 59 van 1956	Wysiging van regulasies met betrekking tot afsonderlike besit	No. 253 of 1940	Proclamation No. 59 of 1956	Amendment of regulations relating to individual tenure
No. 299 van 1948	—	Geldigmaking van handelinge in Akte-kantoor	No. 299 of 1948	—	Validation of acts in Deeds Registry
No. 68 van 1951	—	Pietermaritzburg: Instelling van Akte-kantoor	No. 68 of 1951	—	Pietermaritzburg: Establishment of Deeds Registry
No. 69 van 1951	—	Toekenning van grond: Umtwalumi	No. 69 of 1951	—	Grants of land: Umtwalumi
No. 96 van 1958	—	Toekenning van handelspersele onderhewig aan erfpagvoorwaardes	No. 96 of 1958	—	Grants of trading sites under quitrent tenure
No. 219 van 1960	—	Oordrag of onderverhuur van persele en afskrifte van dokumente	No. 219 of 1960	—	Transfer or sub-lease of sites and copies of documents
No. 59 van 1962	—	Wysiging van titel-aktes: Kerk-/skool-persele	No. 59 of 1962	—	Amendment of title deeds: Church/school sites
<i>Goewermmentskennisgewing</i>			<i>Government Notice</i>		
No. 2257 van 1928	Goewermmentskennisgewings Nos. 946 van 1932, 1753 van 1948 en 835 van 1962	Erfopvolgingstabelle (Ciskei)	No. 2257 of 1928	Government Notices Nos. 946 of 1932, 1753 of 1948 and 835 of 1962	Tables of Succession (Ciskei)

D. Algemene Regulasies betreffende die beheer oor Trustgrond:

<i>Aard, No. en Jaar</i>	<i>Soos gewysig of toegepas by</i>	<i>Waar toepaslik</i>
<i>Proklamasie</i>		
No. 302 van 1928	Proklamasies Nos. 110 van 1931, 398 van 1931, 43 van 1935, 93 van 1935, 199 van 1936, 216 van 1937, 90 van 1938, 43 van 1940, 12 van 1945, 33 van 1949, 45 van 1949, 13 van 1957 en 249 van 1954	Kaap: Onopgemete distrikte
No. 117 van 1931	Proklamasies Nos. 411 van 1931, 150 van 1932, 12 van 1933, 42 van 1935, 93 van 1935, 199 van 1936, 256 van 1937, 253 van 1940, 126 van 1944, 340 van 1947, 153 van 1949 en 249 van 1954	Kaap: Opgemete distrikte
No. 123 van 1931	Proklamasies Nos. 160 van 1932, 234 van 1938, 69 van 1940, 365 van 1948, 33 van 1949, 69 van 1951, 9 van 1961 en 20 van 1961	Natal: Afgesonderde gebiede
No. 186 van 1941	Proklamasie No. 228 van 1948	Oranje-Vrystaat: Witzieshoek
No. 12 van 1945	Proklamasies Nos. 2 van 1946, 342 van 1947, 208 van 1948, 33 van 1949, 175 van 1955, 275 van 1956, 13 van 1957, 257 van 1957, 399 van 1960 en 24 van 1961	Kaap en Natal: Sekere Trustgrond
No. 13 van 1945	Proklamasies Nos. 2 van 1946, 342 van 1947, 33 van 1949, 208 van 1948, 174 van 1955, 149 van 1956, 399 van 1960 en 24 van 1961	Transvaal en Thabanchu: Sekere Trustgrond
No. 137 van 1951	—	Distrik Nqutu—Natal
No. 124 van 1952	—	Distrik Nqutu—Natal
No. 236 van 1957	Proklamasie No. 17 van 1961	Alle Bantoegebiede
No. 58 van 1960	—	Alle Bantoegebiede
<i>Goewerments-kennisgewing</i>		
No. 918 van 1932	—	Kaap: Delegasie van Magte: Proklamasie No. 117 van 1931.

E. Regulasies ingevolge die Bantoe-trust Wet afgekondig:

Slegs regulasies Nos. 5 tot 7, 45 tot 47, 59 tot 63, 106 tot 107, 120 tot 122bis, en 123 tot 134 van die regulasies afgekondig by Goewermentskennisgewing No. 494 van 1937 en Bylaes Nos. NL 12 en NL 19 tot NL 23 by genoemde regulasies.

AANHANGSEL 2

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Voorwaardes van Toekenning van Kerkerwe

- Die grond mag nie oorgedra, verhipotekeer, verhuur, onderverhuur, of andersins oor beskik of vir ander doeleindes as kerk- of sendingdoeleindes gebruik word nie behalwe met die skriftelike goedkeuring van die Minister van Bantoe-administrasie en -ontwikkeling, en sodanige grond mag ook nie onderdeel of kragtens geregistreerde eiendomsreg in die besit van meer as een persoon wees nie.
- Die eienaar is verplig om die bakens waardeur die grense van die grond bepaal word te bewaar en in stand te hou.
- Alle paaie en deurgange wat op of oor die grond is of bestaan, moet vry en onbelemmerd bly tensy hul op bevoegde gesag gesluit of verander word.

D. General Regulations for the control of Trust land

<i>Nature, No. and Year</i>	<i>As amended or applied by</i>	<i>Where applicable</i>
<i>Proclamation</i>		
No. 302 of 1928	Proclamations Nos. 110 of 1931, 398 of 1931, 43 of 1935, 93 of 1935, 199 of 1936, 216 of 1937, 90 of 1938, 43 of 1940, 12 of 1945, 33 of 1949, 45 of 1949, 13 of 1957 and 249 of 1954	Cape: Unsurveyed Districts
No. 117 of 1931	Proclamations Nos. 411 of 1931, 150 of 1932, 12 of 1933, 42 of 1935, 93 of 1935, 199 of 1936, 256 of 1937, 253 of 1940, 126 of 1944, 340 of 1947, 153 of 1949 and 249 of 1954	Cape: Surveyed Districts
No. 123 of 1931	Proclamations Nos. 160 of 1932, 234 of 1938, 69 of 1940, 365 of 1948, 33 of 1949, 69 of 1951, 9 of 1961 and 20 of 1961	Natal: Scheduled Areas
No. 186 of 1941	Proclamation No. 228 of 1948	Orange Free State: Witzieshoek
No. 12 of 1945	Proclamations Nos. 2 of 1946, 342 of 1947, 208 of 1948, 33 of 1949, 175 of 1955, 275 of 1956, 13 of 1957, 257 of 1957, 399 of 1960 and 24 of 1961	Cape and Natal: Certain Trust land
No. 13 of 1945	Proclamations Nos. 2 of 1946, 342 of 1947, 33 of 1949, 208 of 1948, 174 of 1955, 149 of 1956, 399 of 1960 and 24 of 1961	Transvaal and Thabanchu: Certain Trust land
No. 137 of 1951	—	District of Nqutu—Natal
No. 124 of 1952	—	District of Nqutu—Natal
No. 236 of 1957	Proclamation No. 17 of 1961	All Bantu Areas
No. 58 of 1960	—	All Bantu Areas
<i>Government Notice</i>		
No. 918 of 1932	—	Cape: Delegation of Powers: Proclamation No. 117 of 1931.

E. Regulations published under the Bantu Trust Act:

Regulations Nos. 5 to 7, 45 to 47, 59 to 63, 106 to 107, 120 to 122bis, 123 to 134 of the regulations published under Government Notice No. 494 of 1937 and Schedules Nos. NL 12 and NL 19 to NL 23 to the said regulations, only.

ANNEXURE 2

BANTU AREAS LAND REGULATIONS

Conditions Of Grant Of Church Lots

- The land shall not be transferred, mortgaged, leased, sub-let or otherwise disposed of or used for any other purpose than church or mission purposes without the written approval of the Minister of Bantu Administration and Development, nor shall such land be sub-divided or held under registered title by more than one person.
- The owner shall preserve and maintain the beacons by which the land is defined.
- All roads and thoroughfares being or existing on the land shall remain free and uninterrupted unless closed or altered by competent authority.

4. Genoemde Minister kan te alle tye na drie maande skrifte-
like kennis aan die eienaar ten bate van die Staat, die Suid-Afri-
kaanse Bantoetrust of die publiek, enige persoon magtig om
paaie, spoorweë, tremlyne, damme, waterleidings, afleivore en
watervore te bou of aan te lê of om te graaf-, telefoon- of elek-
triese krag- of enige pyplyne oor of onder die grond aan te bring
of aan te lê, onderhewig aan die betaling van sodanige vergoe-
ding aan die eienaar ten opsigte van die skade of verlies aldus
veroorzaak as wat deur die Sekretaris van Bantoe-administrasie
en -ontwikkeling, wie se bepaling afdoende is, bepaal mag word.

5. Behoudens bestaande mineraalregte, as daar is, bly alle
regte op enige mineraal, metaal of edelgesteente van watter aard
ook al, en op enige olie in of op die grond wat by genoemde
Trust berus of vir sodanige Trust voorbehou is, aldus berus of
voorbehou, asook die reg van toegang tot enige myne of werke
wat onderneem word vir myn- of prospekterdoeleindes deur
enige persoon wat behoorlik daartoe in die opsig gemagtig is.

6. Die grond is onderhewig aan sodanige verdere regte as
wat die Staat, genoemde Trust of die publiek nou of hierna mag
besit of geregtig mag wees om te verkry ingevolge enige wets-
bepaling betreffende die prospekter na, delf, myn of ontginning
van enige mineraal, metaal of edelgesteente van watter aard
ook al en enige olie in of op die grond welke regte geensins
deur hierdie toekenning van die grond benadeel of op enige
wyse daardeur geraak word nie.

7. Die reg word vir genoemde Trust voorbehou om soveel van
die grond te okkupeer of die okkupasie daarvan te magtig, en
om soveel water op sodanige grond te gebruik of die gebruik
daarvan te magtig, as wat nodig mag wees vir die prospekter
na of myn van enige mineraal, metaal, edelgesteente of olie
teen betaling van sodanige som geld as vergoeding as wat be-
paal mag word deur genoemde Sekretaris, wie se bepaling afdoen-
de is.

8. Bantoes wat wettige weidingsregte in die omgewing van die
grond het kan nie vir skadevergoeding ten opsigte van die
oorloop van vee aangespreek word nie tensy die grond behoor-
lik omhein is.

9. Die grond of enige gedeelte daarvan kan deur genoemde
Trust onteien word wanneer ook al na die mening van genoemde
Minister sodanige grond of enige gedeelte daarvan benodig word
ten bate van die Staat, genoemde Trust of die publiek of vir
enige van die doeleindes in voorwaarde 7 van hierdie voorwaar-
des gespesifiseer.

10. Hierdie toekenning kan gekanselleer word—

(a) as die eienaar—

- (i) afstand doen van die grond;
- (ii) die grond op bedrieglike wyse of onder valse voor-
wendsels verkry het;
- (iii) versuim om enige van die voorwaardes na te kom
wat hierin vervat is;
- (iv) versuim om binne twaalf maande na die datum hier-
van geskikte geboue op die perseel op te rig en om
dit tot tevredenheid van genoemde Minister voordelig
te okkupeer;

(b) wanneer bewys tot tevredenheid van genoemde Minister
gelewer word—

- (i) dat die grond nie meer vir die doel waarvoor dit toe-
geken is gebruik word nie of dat dit vir 'n ongema-
tigde doel gebruik word; of
- (ii) dat die eienaar of sy plaaslike verteenwoordiger se
optrede sodanig is dat dit tot nadeel strek van of
strydig is met behoorlike trou aan die Staat; of
- (iii) dat die eienaar sodanige verteenwoordiger nie na be-
hoore beheer nie.

11. As die grond ingevolge voorwaarde 9 onteien word of
hierdie toekenning ingevolge voorwaarde 10 gekanselleer word,
berus die grond by genoemde Trust, en die eienaar se reg om
verbeterings wat daarop is te verwyder of op vergoeding, as
daar is, ten opsigte van die grond of sodanige verbeterings word
ooreenkomstig sodanige wetgewing as wat dan toepaslik is ten
opsigte van sodanige onteiening of kansellasië, bepaal.

‡BA 700-701

AANHANGSEL 3

SUID-AFRIKAANSE BANTOETRUST

ERFPAGTITEL

Kragtens die Regulasies Betreffende Grond in Bantoegebiede Uitgereik

*..... Erf. No.

Gebied

Distrik

‡BA 700: Bewerkbare en woonerwe en landbouhoewe

BA 701: Handelserf

*Voeg in bewerkbare, woon- of handels of landbouhoewe

4. The said Minister may at all times on three months notice
in writing to the owner for the benefit of the State, the South
African Bantu Trust or the public, permit any person to make
roads, railways, tramlines, dams, aqueducts, drains or water-
furrows or to conduct or lay telegraph, telephone, electric power
or any pipe-line over or under the land subject to the payment
of such compensation to the owner for the damage or loss
thereby caused as may be determined by the Secretary for Bantu
Administration and Development whose determination shall be
final.

5. Subject to existing mineral rights, if any, all rights to every
mineral, metal or precious stone of whatever nature and to any
oil in or on the land, which are vested in or reserved to the said
Trust shall remain so vested or reserved together with the right
of access to any mines or works undertaken for mining or
prospecting purposes by any person duly authorized in that
behalf.

6. The land is subject to such further rights as the State, the
said Trust or the public now may, or may hereafter have or be
entitled to obtain under and by virtue of any law relating to the
prospecting, digging, mining or exploration of any mineral, metal
or precious stone of whatever nature and any oil in or on the
land, which rights shall not be impaired or in any way affected
by this grant of the land.

7. The right is reserved to the said Trust to occupy or to
authorize the occupation of so much of the land and to use or to
authorize the use of so much water on such land as may be
required for the prospecting for or mining of any mineral, metal,
precious stone, or oil, on payment of such sum of money in
compensation as may be determined by the said Secretary whose
determination shall be final.

8. The Bantu having legal grazing rights in the vicinity of
the land shall not be liable for damage for any trespass by stock
on the land unless it is properly fenced.

9. The land or any portion thereof may be appropriated by
the said Trust whenever in the opinion of the said Minister such
land or any portion thereof is required for the benefit of the
State, the said Trust or the public or any of the purposes
specified in condition 7 of these conditions.

10. This grant may be cancelled

(a) if the owner —

- (i) surrenders the land;
- (ii) has obtained the land by fraud or misrepresentation;
- (iii) fails to comply with any of the conditions contained
herein;
- (iv) fails, within a period of twelve months from the date
hereof, to erect suitable buildings on the land and
beneficially to occupy such land to the satisfaction of
the said Minister;

(b) upon proof to the satisfaction of the said Minister that

- (i) the land is no longer being used for the purpose for
which it was granted or that it is being used for any
unauthorized purpose;
- (ii) that the owner or its local representative has acted
in any manner prejudicial to the interests of or
inconsistent with due allegiance to the State;
- (iii) that the owner fails to exercise due control over its
local representative.

11. If the land is appropriated in terms of condition 9 or this
grant is cancelled in terms of condition 10 the land shall vest in
the said Trust and the owner's rights to remove any improvements
thereon or to compensation, if any, in respect of the land or such
improvements shall be determined in accordance with the law
applicable at the time of such appropriation or cancellation.

‡BA 700-701

ANNEXURE 3

SOUTH AFRICAN BANTU TRUST

QUITRENT TITLE

Issued In Terms Of The Bantu Areas Land Regulations

*.....Lot No.....

Area

District of

‡BA 700: Arable, residential and farming lot

BA 701: Trading lot

*Insert Arable, Residential, farming or trading

Nademaal, kragtens wetsbepalings betreffende die administrasie, beheer en beskikking oor grond wat die eiendom is van die Suid-Afrikaanse Bantoe-trust, hierna die Trust genoem, die Minister van Bantoe-administrasie en -ontwikkeling, hierna die Minister genoem, handelende kragtens die magte en bevoegdhede behoortlik aan hom oorgedra ingevolge genoemde wetsbepalings deur die Staatspresident as Trustee van die Trust, bevoeg is om sodanige grond aan enige persoon toe te ken:

So is dit dat hierby betuig word dat die Minister die toekening, sessie en oordrag deur die Trust [†]bevestig/goedgekeur het aan....., hierna tesame met sy regsopvolgers die besitter genoem, van sekere stuk opgemete grond synde *..... erf No..... geleë in in die distrik groot voorgestel en beskryf in die aangehegte kaart, hierna die grond genoem, met volle bevoegdheide en gesag om dit voortaan ewigdurend te besit vir *..... doeleindes, onderworpe, egter, aan die voorbehoude, voorwaardes en regulasies gespesifiseer of bedoel in bygaande Bylae.

Aldus gedoen en geteken deur my te op hede die dag van 19..... behoortlik daartoe gemagtig ingevolge die bepaling van die Regulasies betreffende Grond in Bantoegebiede.

Sekretaris van
Bantoe-administrasie en -ontwikkeling

BYLAE

† Skrap ontoepaslike woorde

AANHANGSEL 4

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Algemene Voorwaardes: Erfpagtitels

1. (1) Die grond word besit vir die doeleindes en onderhewig aan die voorwaardes hierin gespesifiseer, en die regte, magte, voorregte, pligte, verpligtinge of aanspreeklikhede van die besitter en van enige ander persoon wat wettiglik enige regte in of op die grond verkry word bepaal en uitgeoefen ooreenkomstig sodanige voorwaardes en sodanige reëls, regulasies en wetsbepalings, hierna die regulasies genoem, as wat reeds van krag is of in die toekoms bepaal mag word in die Bantoegebied waarin sodanige grond geleë is.

(2) Die Bantoesakekommissaris of enige persoon skriftelik deur hom daartoe gemagtig, kan te alle redelike tye die grond betree en inspekteer ten einde nakoming van die regulasies en enige toepaslike voorwaardes deur die besitter te verseker.

2. Die grond mag nie—

- (a) oorgedra, verhipotekeer, verhuur, onderverhuur of andersins van die hand gesit word nie aan 'n Bantoe, of gebruik word vir ander doeleindes as dié hierbo gespesifiseer, behalwe met die goedkeuring van die Hoofbantoesakekommissaris;
- (b) onderverdeel of kragtens geregistreerde eiendomsreg of vergunning tot okkupasie in besit van meer as een persoon wees nie, of oorgedra, verhipotekeer, verhuur, onderverhuur of andersins van die hand gesit word nie aan 'n ander persoon as 'n Bantoe, sonder die goedkeuring van die Minister.

3. (1) Die grond is nie onderhewig aan uitwinning nie ten opsigte van enige ander skuld as 'n opeisbare skuld ingevolge 'n behoortlik geregistreerde verband, of wat verskuldig is aan die Trust of enige ander statutêre liggaam aan wie administratiewe beheer oor die grond toegesê is.

(2) Ingeval die grond uitgewin word mag dit nie deur 'n ander persoon as 'n Bantoe verkry word nie.

4. Die besitter is verplig om die bakens waardeur die grense van die grond bepaal word te bewaar en in stand te hou, en is aanspreeklik vir die koste verbonde aan die herstel of heroprigting op sy regte plek van enige bakens wat vervalde geraak het of wat beskadig of vernietig is of wat verlore geraak het.

5. Alle paaie en deurgange wat op of oor die grond bestaan moet vry en onbelemmerd bly tensy hul op bevoegde gesag gesluit of verander word.

6. Die Minister kan te alle tye, ooreenkomstig die regulasies, ten voordele van die Staat, die Trust of die publiek enige persoon magtig om paaie, spoorweë, tremlyne, damme, waterleidings, afleivore of watervore te bou of aan te lê of om telegraaf-, telefoon- of elektriese kraglyne of enige pylyne oor of onder die grond aan te bring of aan te lê, onderhewig aan die betaling van sodanige vergoeding aan die besitter ten opsigte van die skade of verlies aldus veroorsaak, as wat die Sekretaris van Bantoe-administrasie en -ontwikkeling, wie se bepaling afdoende is, mag bepaal.

Whereas in terms of the laws relating to the administration, control and disposal of land the property of the South African Bantu Trust, hereinafter referred to as "the Trust", the Minister of Bantu Administration and Development, hereinafter referred to as "the Minister", acting under and by virtue of the powers and functions duly delegated to him in terms of the said laws by the State President as Trustee of the Trust, may grant such land to any person:

This is therefore to witness that the Minister has [†]confirmed/ approved the grant, cession and transfer from the Trust to hereinafter with his successors in title referred to as "the holder", certain piece of surveyed land being *..... Lot No. situate in in the District of measuring represented and described in the annexed diagram, and hereinafter referred to as "the land", with full power and authority to possess the same in perpetuity for *..... purposes, subject, however, to the reservations, conditions and regulations specified or referred to in the Schedule hereto.

Thus done and signed by me at on this day of 19....., duly authorized thereto under the provisions of the Bantu Areas Land Regulations.

Secretary for Bantu Administration and Development.

SCHEDULE

† Delete inapplicable words

ANNEXURE 4

BANTU AREAS LAND REGULATIONS

General Conditions: *Quitrent Title*

1. (1) The land shall be held for the purposes and subject to the conditions herein specified, and the rights, powers, privileges, duties, obligations or liabilities of the holder or any other person lawfully acquiring any rights in or over such land shall be determined and exercised in accordance with such conditions and with any rules, regulations and laws, hereinafter referred to as "the regulations", as are already or may in the future be in force in the Bantu area in which such land is situate.

(2) The Bantu Affairs Commissioner or any person authorized by him in writing may at all reasonable times enter upon and inspect the land for the purpose of ensuring compliance by the holder with the regulations and the conditions herein specified.

2. The land shall not —

- (a) be transferred, mortgaged, leased, sub-let or otherwise disposed of to a Bantu, or used for purposes other than those specified above, without the approval of the Chief Bantu Affairs Commissioner;
- (b) be sub-divided or held under registered title or permission to occupy by more than one person or be transferred, mortgaged, leased, sub-let or otherwise disposed of to a person other than a Bantu, without the approval of the Minister.

3. (1) The land shall not be liable to execution for any debt other than a debt secured under a duly registered mortgage bond or a debt due to the Trust or other statutory body which has been granted administrative control of the land.

(2) Should the land be sold in execution it shall not be acquired by a person other than a Bantu.

4. The holder shall preserve and maintain the beacons by which the land is defined and shall be liable for the cost of repairing or rebuilding in its proper position any beacon which becomes dilapidated, damaged, demolished or lost.

5. All roads and thoroughfares being or existing on the land shall remain free and uninterrupted unless closed or altered by competent authority.

6. The Minister may at all times in accordance with the regulations for the benefit of the State, the Trust or the public authorize any person to make roads, railways, tramlines, dams, aqueducts, drains or water-furrows or to conduct or lay telegraph, telephone, electric power or any pipe-lines over or under the land, on payment of such compensation to the holder for the damage and loss so caused as may be determined by the Secretary for Bantu Administration and Development whose determination shall be final.

7. (1) Behoudens bestaande mineraalregte, as daar is, bly alle regte op enige mineraal, metaal of edelgesteente van watter aard ook al, en op enige olie in of op die grond, wat berus by of voorbehou is vir die Trust, aldus berus of voorbehou, asook die reg van toegang tot enige myne of werke onderneem vir myn- of prospekterdoeleindes deur enige persoon wat behoortlik daartoe in die opsig gemagtig is.

(2) Die grond is onderhewig aan sodanige verdere regte as wat die Staat, die Trust of die publiek nou of hierna mag besit of geregtig mag wees om te verkry ingevolge enige wetsbepaling betreffende die prospekter na, delf, myn of ontginning van enige mineraal, metaal of edelgesteente van watter aard ook al en enige olie in of op die grond welke regte geensins deur toekenning van die grond benadeel of op enige wyse daardeur geraak word nie.

(3) Die reg word vir genoemde Trust voorbehou om soveel van die grond te okkupeer of die okkupasie daarvan te magtig en om soveel water op sodanige grond te gebruik of die gebruik daarvan te magtig as wat nodig mag wees vir die prospekter na of myn van enige mineraal, metaal, edelgesteente of olie teen betaling van sodanige som geld as vergoeding as wat bepaal word deur genoemde Sekretaris wie se bepaling afdoende is.

AANHANGSEL 5

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Spesiale Voorwaardes: Bewerkbare en Woonerwe en Landbouhoewes

8. Die besitter moet op die vervaldatum aan die Bantoesakekommissaris of 'n ander behoorlik daartoe gemagtigde persoon of liggaam die erfpag, huur, gelde of vorderings betaal wat van tyd tot tyd ten opsigte van die grond in die regulasies bepaal word.

9. Die grond of enige gedeelte daarvan kan ooreenkomstig die regulasies onteien word of ingeeën of al die regte van die besitter in of op sodanige grond kan opgehef of beëindig word wanneer ook al na die mening van die Minister—

(a) sodanige grond—

(i) verkeerdelik toegeken is;

(ii) so geleë is of so gebruik of bewerk word dat dit gronderosie veroorsaak of waarskynlik kan veroorsaak;

(iii) wat vir bewerkbare of woondoeleindes gebruik word, buite enige gebied of gebiede geleë is wat vir sodanige doeleindes afgesonder is;

(b) sodanige grond of enige gedeelte daarvan benodig word—

(i) ten voordele van die Staat, die Trust of die publiek;

(ii) vir enige van die doeleindes in voorwaarde 6 of 7 van hierdie voorwaardes gespesifiseer;

(iii) vir die voorkoming van gronderosie of waaisandvorming, of vir die herwinning van grond wat deur sodanige erosie of vorming geraak is;

(iv) vir die beskerming van opvanggebiede of die bewaring van waterbronne of watervoorrade.

10. Die regte van die besitter in of op die grond kan ooreenkomstig die regulasies gekanselleer word indien die besitter—

(a) afstand doen van die grond;

(b) dit op bedrieglike wyse of onder valse voorwendsels verkry het;

(c) versuim om enigeen van die voorwaardes hierin vervat na te kom;

(d) ingevolge die regulasies versuim het om die grond vooridelik te okkupeer;

(e) versuim om vir twee agtereenvolgende jare die erfpag, huur, gelde of vorderings te betaal wat regtens bepaal of betaalbaar is ten opsigte van sodanige grond;

(f) nie meer die grond vir die doel waarvoor dit toegeken is, benodig of gebruik nie;

(g) meer as een maal skuldig bevind is aan die misdaad van diefstal of veediefstal, of aan enige oortreding van enige wet met betrekking tot die kweek, besit, van die hand sit van, of transaksies in gewoontevormende middele, en by sodanige tweede of daaropvolgende skuldigbevinding 'n gevangenisstraf van minstens twaalf maande opgelê is.

11. As die grond onteien of die besitter se regte daarop opgehef of beëindig word ingevolge voorwaarde 9, of sodanige regte ingevolge voorwaarde 10 gekanselleer word, berus die grond by die Trust, en die eienaar se reg om verbeterings wat daarop is te verwyder of op vergoeding, as daar is, ten opsigte van die grond of sodanige verbeterings, word ooreenkomstig die regulasies bepaal.

AANHANGSEL 6

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Spesiale Voorwaardes: Handelserwe

8. Die besitter moet jaarliks aan die Trust op die eerste dag van Januarie 'n ewigdurende erfpag van vooruit betaal.

7. (1) Subject to existing mineral rights, if any, all rights to every mineral, metal or precious stone of whatever nature and to any oil in or on the land which are vested in or reserved to the Trust shall remain so vested or reserved together with the right of access to any mines or works undertaken for mining or prospecting purposes by any person duly authorized in that behalf.

(2) The land is subject to such further rights as the State, the Trust or the public now may, or may hereafter have or be entitled to obtain under and by virtue of any law relating to the prospecting, digging, mining or exploration of any mineral, metal or precious stone of whatever nature and any oil in or on the land which rights shall not be impaired or in any way affected by the grant of the land.

(3) The right is reserved to the Trust to occupy or to authorize the occupation of so much of the land and to use or to authorize the use of so much water on such land as may be required for the prospecting for or mining of any mineral, metal, precious stone or oil, on payment of such sum of money in compensation as may be determined by the said Secretary whose determination shall be final.

ANNEXURE 5

BANTU AREAS LAND REGULATIONS

Special Conditions: Arable, Residential And Farming Lots

8. The holder shall on due date pay to the Bantu Affairs Commissioner or other duly authorized person or body the quitrent, fees or charges prescribed from time to time in the regulations in respect of the land.

9. The land or any portion thereof may, in the manner provided in the regulations, be appropriated or all or any of the rights of the holder in or to such land suspended or terminated, whenever in the opinion of the Minister—

(a) such land—

(i) has been granted or allotted in error;

(ii) is so situate or is being so used or cultivated as to cause or is likely to cause erosion of the soil;

(iii) which is used for arable or residential purposes, is situate outside any area or areas lawfully defined or set aside for such purpose;

(b) such land or any portion thereof is required for—

(i) the benefit of the State, the Trust or the public;

(ii) any of the purposes specified in condition 6 or 7 of these conditions;

(iii) the prevention of soil erosion or sand drift, or the reclamation of land affected by such erosion or drift;

(iv) the protection of catchment areas or the conservation of water sources or resources.

10. The rights of the holder in and to the land may in accordance with the regulations be cancelled if the holder—

(a) surrenders the land;

(b) has obtained the land by fraud or misrepresentation;

(c) fails to comply with any of the conditions contained herein;

(d) has failed in terms of the regulations beneficially to occupy such land;

(e) fails for two consecutive years to pay the quitrent, rent, fees or charges lawfully prescribed or payable in respect of such land;

(f) no longer uses or requires the land for the purpose for which it was granted;

(g) has been convicted more than once of the crime of theft or theft of stock, or any contravention of any law relating to the cultivation, possession of or dealing in habit-forming drugs, and on such second or subsequent conviction has been sentenced to imprisonment for a period of not less than twelve months.

11. If the land is appropriated or the holder's rights therein are suspended or terminated in terms of condition 9 or such rights are cancelled in terms of condition 10 the land shall vest in the Trust and the holder's rights to remove any improvements thereon or to compensation, if any, in respect of the land or such improvements shall be determined in accordance with the regulations.

ANNEXURE 6

BANTU AREAS LAND REGULATIONS

Special Conditions: Trading Lots

8. The holder shall pay annually in advance to the Trust on the first day of January a perpetual quitrent of

9. Die grond of enige gedeelte daarvan kan, ooreenkomstig die regulasies, onteien word of enigeneen of al die regte van die besitter in of op sodanige grond kan ophef of beëindig word wanneer ook al na die mening van die Minister—

- (a) sodanige grond verkeerdlik toegeken is;
- (b) sodanige grond of enige gedeelte daarvan benodig word—
 - (i) ten voordele van die Staat, die Trust of die publiek;
 - (ii) vir enige van die doeleindes in voorwaarde 6 of 7 van hierdie voorwaardes vervat.

10. Die regte van die besitter in of op die grond kan ooreenkomstig die regulasies gekanselleer word—

- (a) indien die besitter—
 - (i) afstand doen van die grond;
 - (ii) die grond op bedrieglike wyse of onder valse voorwendsels verkry het;
 - (iii) versuim om enigeneen van die voorwaardes hierin vervat na te kom of versuim om vir twee agtereenvolgende jare die erfpag, lisensiegelde of enige ander gelde te betaal ten opsigte van die grond of enige besigheid wat daarop gedryf word;
- (b) by skuldige bevinding van die besitter of enigeneen van sy werknemers aan 'n oortreding van die drankwette of enige wetsbepaling met betrekking tot die kweek, besit, van die hand sit van, of transaksies in gewoontevormende middele, of aan 'n misdryf ten opsigte waarvan gevangenisstraf sonder die keuse van 'n boete opgelê is;
- (c) wanneer bewys tot tevredenheid van die Minister gelewer word—
 - (i) dat die grond nie meer vir doeleindes van bona fide-handel gebruik word nie of dat dit vir 'n ongemagtigde doel gebruik word; of
 - (ii) dat die besitter of enigeneen van sy werknemers se optrede sodanig is dat dit tot nadeel strek van, of strydig is met behoorlike trou aan die Staat.

11. As die grond onteien word of die besitter se regte daarop ophef of beëindig word ingevolge voorwaarde 9, of sodanige regte ingevolge voorwaarde 10 gekanselleer word, berus die grond by die Trust, en die eienaar se reg om verbeterings wat daarop is te verwyder of op vergoeding, as daar is, ten opsigte van die grond of sodanige verbeterings, word ooreenkomstig die regulasies bepaal.

12. Bantoes wat wettige weidingsregte in die omgewing van die grond het, kan nie vir skadevergoeding ten opsigte van die oorloop van vee aangespreek word nie, tensy die grond behoorlik omhein is.

AANHANGSEL 7

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Vorm van Endossement op Vervangende Erfpagtitel

Hierdie Erfpagtitel is deur my kragtens artikel 13 (2) van die Regulasies betreffende Grond in Bantoegebiede uitgereik, ter vervanging van die oorspronklike Toekenningsakte van 19....., ten gunste van

Plek
Datum
Hoofbantoesakekommissaris

AANHANGSEL 8

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Erfpagtariewe

In die Distrik Glen Grey:

Op bewerkbare erwe:	
Vir enige grootte van hoogstens vyf morg	R1.50
Vir elke addisionele morg wat vyf morg te bowe gaan	30c
Op woonerwe:	
Vir enige grootte van hoogstens 'n halwe morg	25c
Vir enige grootte wat 'n halwe morg oorskry	50c
In enige ander distrik:	
Op bewerkbare erwe:	
Vir enige grootte van hoogstens twee morg	R1.00
Vir enige grootte wat twee morg oorskry maar hoogstens vyf morg behoel	R1.50
Vir elke addisionele morg wat vyf morg te bowe gaan	30c
Op woonerwe:	
Vir enige grootte van hoogstens 'n halwe morg	25c
Vir enige grootte wat 'n halwe morg oorskry maar van hoogstens een morg	40c
Vir enige grootte wat een morg oorskry	50c

9. The land or any portion thereof may in the manner provided in the regulations be appropriated or any or all of the rights of the holder in or to such land suspended or terminated whenever in the opinion of the Minister—

- (a) such land has been granted or transferred in error;
- (b) such land or any portion thereof is required for—
 - (i) the benefit of the State, the Trust, or the public;
 - (ii) any of the purposes specified in condition 6 or 7 of these conditions.

10. The rights of the holder in and to the land may in accordance with the regulations be cancelled—

- (a) if the holder—
 - (i) surrenders the land;
 - (ii) has obtained the land by fraud or misrepresentation;
 - (iii) fails to comply with any of the conditions contained herein or fails for two consecutive years to pay the quitrent, licence fees or any other dues in respect of the land or the business conducted thereon;
- (b) upon the conviction of the holder or any of his employees of any contravention of the liquor laws, or any laws relating to the cultivation, possession, disposal of or dealing in habit-forming drugs, or of any offence for which a sentence of imprisonment without the option of fine is imposed;
- (c) upon proof to the satisfaction of the Minister that—
 - (i) the land is no longer being used for the purposes of bona fide trade, or that it is being used for any unauthorized purpose; or
 - (ii) the holder or any of his employees is acting in any manner prejudicial to the interests of or inconsistent with due allegiance to the State.

11. If the land is appropriated or the holder's rights therein are suspended or terminated in terms of condition 9 or such rights are cancelled in terms of condition 10 the land shall vest in the Trust and the holder's rights to remove any improvements thereon or to compensation, if any, in respect of the land or such improvement shall be determined in accordance with the regulations.

12. The Bantu having legal grazing rights in the vicinity of the land shall not be liable for damage for any trespass by stock on the land unless it is properly fenced.

ANNEXURE 7

BANTU AREAS LAND REGULATIONS

Form of Endorsement on Quitrent Title Issued in Substitution

This Quitrent Title was issued by me in terms of section 13 (2) of the Bantu Areas Land Regulations, in substitution for the original Deed of Grant dated 19..... in favour of

.....
Date:
Place:
Chief Bantu Affairs Commissioner

ANNEXURE 8

BANTU AREAS LAND REGULATIONS

Quitrent Rates

In the District of Glen Grey:

On arable lots:	
For any extent not exceeding five morgen	R1.50
For every additional morgen in excess of five morgen	30c
On residential lots:	
For any extent not exceeding half a morgen	25c
For any extent exceeding half a morgen	50c

In Any Other District:

On arable lots:	
For any extent not exceeding two morgen	R1.00
For any extent exceeding two morgen but not exceeding five morgen	R1.50
For every additional morgen in excess of five morgen	30c
On residential lots:	
For any extent not exceeding half a morgen	25c
For any extent exceeding half a morgen but not exceeding one morgen	40c
For any extent exceeding one morgen	50c

AANHANGSEL 9

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Verklaring Insaake Uitwinningsverkoop van Grond

Die Bantoesakekommissaris,

1. Ek, in my hoedanigheid van behoorlik aangestelde geregsbode van die-hof te
sertifiseer hierby dat—

- (a) op ingevolge 'n lasbrief vir eksekusie in siviele saak No. in die saak van Eiser, en Verweerder, het ek beslag gelê op sekere stuk erfpaggrond synde erf No. groot in in die distrik tans geregistreer op naam van kragtens erfpagtitel No. van (Aanhangsel);
- (b) Op het ek genoemde grond verkoop aan wat in omstreeks die jaar gebore is, Geslag, Persoonsnommer, 'n Bantoe soos omskryf in die Bantoe-trust en -grond Wet, No. 18 van 1936, teen 'n bedrag van R..... aan my in kontant betaal op; en
- (c) dat sodanige koop onderhewig gemaak is aan die goedkeuring van die Hoofbantoesakekommissaris.

2. Ek heg ondervermelde dokumente hierby aan:—

- (i) Erfpagtitel No. (tesame met Aanhangsel en kaart;
- (ii) gewaarmerkte kopie van die lasbrief vir eksekusie;
- (iii) sertifikaat ten opsigte van uitstaande erfpag en ander opeisbare vorderings aan die Trust verskuldig;
- (iv) verband No.;
- (v) toestemming tot kansellasië van die verband/vervanging van die skuldenaar ten opsigte van die verband;
- (vi) ander (spesifiseer)

3. Ek doen aansoek om goedkeuring van die verkoping en registrasie van die oordrag van die grond wat hierin beskryf is, op naam van

Datum

Plek

Geregsbode

BA 702

AANHANGSEL 10

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Verklaring Insaake Verkoop of Skenking van Grond

Die Bantoesakekommissaris,

Ek, Pers. No. die geregistreerde besitter kragtens erfpagtitel No. van van sekere stuk grond synde erf No. groot geleë in in die distrik verklaar hierby dat ek op hierdie dag genoemde grond *verkoop/geskenk het aan Pers. No. 'n Bantoe, teen 'n bedrag van R..... die ontvangs van welke bedrag ek hierby erken/uit oorwegings van liefde en toegeneetheid jeens genoemde begiftigde, onderhewig aan die goedkeuring, wat ek hierby om aansoek doen, van die Hoofbantoesakekommissaris.

Getuie Datum Handtekening van Besitter

In my teenwoordigheid onderteken te op hede die dag van 19.....

Bantoesakekommissaris

Ek, Pers. No. 'n Bantoe soos omskryf in die Bantoe-trust en -grond Wet, No. 18 van 1936, *bevestig hierby die bovermelde koopvooreenkomst/neem die skenking van die grond aan onderhewig aan die Hoofbantoesakekommissaris se goedkeuring, en verklaar dat ek nie kragtens die Regulasies betreffende Grond in Bantoegebiede onbevoeg is om die grond te verkry of dit te besit nie.

Getuie

Datum

Handtekening van *Koper/Begiftigde

ANNEXURE 9

BANTU AREAS LAND REGULATIONS

Declaration Re Sale of Land in Execution

The Bantu Affairs Commissioner,

1. I, in my capacity as duly appointed Messenger of the Court at
certify that—

- (a) On, in pursuance of a writ of execution in civil case No. in the matter of Plaintiff and Defendant,
I attached certain piece of quitrent land being lot No. in extent in in the District of presently registered in the name of under quitrent title No. dated (Annexure);
- (b) On I sold the said land to who was born in or about the year, Sex, Identity No., a Bantu as defined in the Bantu Trust and Land Act, No. 18 of 1936, for the sum of R..... paid to me in cash on; and
- (c) that the said sale was made subject to the approval of the Chief Bantu Affairs Commissioner.

2. I attach the following documents:—

- (i) Quitrent Title No. (with Annexure and diagram;
- (ii) certified copy of writ of execution;
- (iii) certificate of outstanding quitrent and other charges due to the Trust;
- (iv) mortgage bond No.;
- (v) agreement for cancellation of the bond/substitution of debtor under the bond;
- (vi) other (specify):—

3. I apply for approval of the sale and registration of the transfer of the land herein described in the name of

Date:

Place:

Messenger of the Court

BA 702

ANNEXURE 10

BANTU AREAS LAND REGULATIONS

Declaration Re Sale or Donation of Land

The Bantu Affairs Commissioner,

I Identity No., the registered holder under quitrent title No. dated of certain piece of land being lot No. in extent situate in in the district of hereby declare that I have this day *sold/donated the said land to Identity No., a Bantu,* for the sum of R..... the receipt of which sum I do hereby acknowledge/in consideration of my love and affection for the said donee, subject to the approval of the Chief Bantu Affairs Commissioner for which I hereby apply.

Witness

Date

Signature of Holder

Signed before me at this day of 19.....

Bantu Affairs Commissioner

I Identity No., born in or about the year, a Bantu as defined in the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), hereby *confirm the agreement of sale set out above/accept the donation of the land subject to the approval of the Chief Bantu Affairs Commissioner and declare that I am not disqualified in terms of the Bantu Areas Land Regulations from acquiring or holding the said land.

Witness

Date

Signature of *Purchaser/Donor

In my teenwoordigheid onderteken te op hede
die dag van 19.....

Bantoesakekommissaris

*Skrap ontoepaslike woorde.

AANHANGSEL 11

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Verklaring Insaake Ruiloordrag van Grond

Die Bantoesakekommissaris,

BESKRYWING VAN EIENDOMME

A. 'n Sekere stuk grond synde erf No.
groot geleë in in die distrik
geregistreer op naam van Ras
Geslag Ouderdom jaar, ingevolge
erfpagtitel No. van (Titelaanhangsel No.),
hierna „Erf A” genoem; en

B. 'n Sekere stuk grond synde erf No.
groot geleë in in die distrik
geregistreer op naam van Ras
Geslag Ouderdom jaar, ingevolge erfpagtitel
No. van (Titelaanhangsel No.),
hierna „Erf B” genoem;

1. Ek, in my hoedanigheid van
stem hierby in tot die oordrag van Erf A hierbo beskryf aan
as teenprestasie vir die gelyktydige oordrag aan
van Erf B hierbo beskryf en

Getuie Datum Deklarant

In my teenwoordigheid onderteken te op hede die
dag van 19.....

Datum.....

Plek.....

Bantoesakekommissaris

2. Ek in my hoedanigheid van
stem hierby in tot die oordrag van Erf B hierbo beskryf, aan
as teenprestasie vir die gelyktydige oordrag
aan van Erf A hierbo beskryf en

Getuie Datum Deklarant

In my teenwoordigheid geteken te op hede die
dag van 19.....

Bantoesakekommissaris

Datum.....

Plek.....

AANHANGSEL 12

BA 703

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Verklaring Insaake Vererwing van Grond

In die Boedel van wyle wat op
te oorlede is, en in lewe die geregistreerde besitter
was ingevolge erfpagtitel No. van (Titel-
aansangsel No.) van sekere stuk grond synde
erf No. groot in in die
distrik.....

1. Ek heg aan*

† gebore gedurende of omstreeks die jaar..... Geslag.....

Pers. No. 'n Bantoe soos omskryf in die Bantoe-
trust en -grond Wet, No. 18 van 1936, wat †.....

die §.....
van die oorledene se grond hierbo beskryf.

Datum.....

Plek.....

Bantoesakekommissaris

*Voeg in „gewaarmerkte afskrif van uitspraak van
deur die hof te ten gunste
van” of „oorkonde van ondersoek en bevinding van
ten gunste van”.

†Voeg in naam van opvolger in titel.

‡Voeg in „deur die Hof toegewys is as” of „by die ondersoek
bevind is te wees”.

§Voeg in „erfgenaam” of „wetties eersvolgende erfopvolger ten
opsigte”.

Signed before me at this day
of 19.....

Bantu Affairs Commissioner

*Delete inapplicable words.

ANNEXURE 11

BANTU AREAS LAND REGULATIONS

Declaration Re Exchange Transfer Of Land

The Bantu Affairs Commissioner,

DESCRIPTION OF PROPERTIES

A: A certain piece of land being Lot No.
in extent situate in in the district
of registered in the name of Race
No. Sex Age years, under quitrent title
No. dated (Title Annexure No.),
hereinafter referred to as “Lot A”; and

B: A certain piece of land being Lot No.
in extent situate in in the district
of registered in the name of Race
No. Sex Age years, under quitrent title
No. dated (Title Annexure No.),
hereinafter referred to as “Lot B”.

1. I in my capacity as hereby
agree to the transfer of Lot A above described to
in consideration of the simultaneous transfer to of
Lot B above described and

Witness Date Declarer

Signed before me at this
day of 19.....

Bantu Affairs Commissioner

Date:

Place:

2. I in my capacity as hereby
agree to the transfer of Lot B above described, to
in consideration of the simultaneous transfer
to of Lot A above described and

Witness Date Declarer

Signed before me at this
day of 19.....

Bantu Affairs Commissioner

Date:

Place:

ANNEXURE 12

BA 703

BANTU AREAS LAND REGULATIONS

Declaration Re Succession To Land

In the Estate of the late
who died on at in his lifetime
registered holder under quitrent title No. dated
(Title Annexure No.) of certain piece of land being
..... lot No. in extent
in in the district of

1. I attach*
† born in or about the year
Sex Identity No., a Bantu as defined
in the Bantu Trust and Land Act, 1936 (Act. No. 18 of 1936),
who †..... to be §.....
to the deceased's land above described.

Date:

Place:

Bantu Affairs Commissioner

*Insert “certified copy of judgment dated by the
Court at in favour of” or “record
of enquiry and finding dated in favour of” or
“Affidavits in support of the claim by”.

†Insert name of successor in title.

‡Insert “was adjudged by the Court” or “was found at the
enquiry” or “is hereby declared by me”.

§Insert “heir” or “person next entitled according to law to
succeed”.

AANHANGSEL 13

BA 704

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Titelaanhangsel No. by Erfpagtitel No.

Ten opsigte van erf No.

in in die distrik

Nademaal ek oortuig is dat Pers. No.
 'n Bantoe soos omskryf in die Bantoe-trust en -grond Wet, No. 18 van 1936, gebore gedurende of omstreeks die jaar
 uit hoofde van*

en onderhewig aan my goedkeuring, daarop geregtig is om as besitter geregistreer te word van 'n sekere stuk grond synde erf No. in die distrik en meer breedvoerig beskryf in erfpagtitel No. van in die plek van op wie se naam genoemde grond tans geregistreer is:

So is dit dat hierby betuig word dat ek die oordrag goedkeur en ingevolge die bevoegdhede my verleen by die Regulasies betreffende Grond in Bantoegebiede hierby al die regte, titel en belange in of op genoemde grond oordra van genoemde aan genoemde wat dit voortaan besit, tesame met sy erfgename, eksekuteurs, administrateurs of regsverkrygendes, onderhewig aan al sodanige voorwaardes, pligte en verpligtinge as wat tans wetlik van toepassing is of wat in die toekoms van toepassing gemaak mag word op die grond of op die geregistreerde besitter daarvan.

Gedateer te op hede die dag van 19.....

Hoofbantoesakekommissaris

*Voeg in wyse van verkryging

Geregistreer hede die

onder verwysingsnommer

Registrateur van Grondaktes

AANHANGSEL 14

BA 705

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Aansoek om Goedkeuring om Grond in 'n Bantoegebied te Onderverdeel, Verhuur, Onderverhuur, Verhipotekeer of andersins daaroor te Beskik

Die Bantoesakekommissaris,

Ek, synde die* van sekere stuk grond synde erf No. groot geleë in in die distrik geregistreer op my naam/op naam van kragtens erfpagtitel No. van wat taangeheg is/verlore is doen hierby aansoek om die goedkeuring van die †Minister van Bantoe-administrasie en -ontwikkeling/Hoofbantoesakekommissaris vir die† van genoemde grond aan Ras Geslag Ouderdom jaar, om§

Getuies: 1.

2.

Handtekening van Applikant

In my teenwoordigheid onderteken te op hede die dag van 19.....

Bantoesakekommissaris

*Meld in watter hoedanigheid aansoek gedoen word bv. besitter, oorlede besitter se erfgename ensovoorts.

†Skrap ontoepaslike woorde.

‡Meld aard van transaksie.

§Voeg in besonderhede van verlange goedkeuring.

ANNEXURE 13

BA 704

BANTU AREAS LAND REGULATIONS

Title Annexure No. to Quitrent Title No.

In Respect of Lot No.

In In the District of

Whereas I am satisfied that Identity No. a Bantu as defined in the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), who was born in or about the year is by virtue of

and subject to my approval, entitled to be registered as the holder of a certain piece of quitrent land being lot No. in the district of and more fully described in Quitrent Title No. dated in the place of in whose name the said land is now registered:

This is therefore to witness that I approve of the transfer of, and do hereby, by virtue of the powers vested in me by the Bantu Areas Land Regulations, transfer all the right, title and interest in and to the said land from the said to the said who shall henceforth with his heirs, executors, administrators or assigns hold it subject to all such conditions, duties and obligations as are now or may in the future be lawfully applicable in respect of the said land or the registered holder thereof.

Dated at this day of 19.....

Chief Bantu Affairs Commissioner

*Insert manner of acquisition

Registered this

under Reference No.

Registrar of Land Titles

ANNEXURE 14

BA 705

BANTU AREAS LAND REGULATIONS

Application for Approval to Sub-Divide, Lease, Sub-Lease, Hypothecate or Otherwise to Dispose of Land in a Bantu Area

The Bantu Affairs Commissioner,

I being the * of certain land being Lot No. in extent situate in in the district of registered in my name/in the name of under quitrent title No. dated †which is attached/lost hereby apply for the approval of the †Minister of Bantu Administration and Development/Chief Bantu Affairs Commissioner to † the said land to Race Sex Age years, for §

Witnesses: 1.

2.

Signature of Applicant

Signed before me at on this day of 19.....

Bantu Affairs Commissioner

*State capacity in which application is made e.g. holder, deceased holder's heir etc.

†Delete inapplicable words.

‡State nature of transaction.

§Insert details of authority sought.

AANHANGSEL 15

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Verklaring Insaake Onderverdeling van Erfpaggrond

Die Bantoesakekommissaris,

Ek, die geregistreerde besitter kragtens erfpagtitel No. van van sekere stuk erfpaggrond synde erf No. groot geleë in die distrik verklaar hierby dat genoemde erf nie verhipotekeer is nie en dat die onderverdelings daarvan op my koste opgemeet is.

Ek heg aan—

- (i) die erfpagtitel en kaart;
- (ii) ministeriële goedkeuring ten opsigte van onderverdeling;
- (iii) onderverdelingskaarte.

Ek stem in tot die kansellasië van die bestaande erfpagtitel hierin beskryf, en versoek dat 'n erfpagtitel ten opsigte van elke onderverdeling van die erf op my naam uitgereik word ooreenkomstig die bepalinge van die Regulasies betreffende Grond in Bantoegebiede.

Getuie:

Datum:

Plek:

Handtekening van Besitter

In my teenwoordigheid onderteken te op hede die dag van 19.....

Bantoesakekommissaris

AANHANGSEL 16

BA 706

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Toestemming tot Registrasie van Verband

Die Bantoesakekommissaris,

Ek, die besitter kragtens aangehegte erfpagtitel No. van sekere stuk grond, synde geleë in in die distrik groot stem hierby in tot die registrasie oor vermelde grond van die aangehegte verband van ten gunste van vir die bedrag van R..... en behoorlik deur my onderteken, en nadat die goedkeuring van vooraf verkry is.

Verbandgewer

Geteken voor my te op hede die dag van 19..... in teenwoordigheid van die ondergetekende getuies.

Getuies 1.
2.

Bantoesakekommissaris

AANHANGSEL 17

BA 707

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Toestemming tot Vervanging van Skuldenaar ten Opsigte van Verband

Bantoesakekommissaris,

Nademaal ek die wettige houer is van verband No. van gepasseer deur vir die bedrag van waarby verhipotekeer is as 'n eerste verband sekere stuk grond, synde geleë in in die distrik groot in my besit kragtens erfpagtitel No. van;

ANNEXURE 15

BANTU AREAS LAND REGULATIONS

Declaration Re Sub-Division of Quitrent Land

The Bantu Affairs Commissioner,

I the registered holder under quitrent title No. dated of certain piece of quitrent land being lot No. in extent situate in the district of hereby declare that the said lot is not mortgaged and that the survey of sub-divisions thereof was undertaken at my expense.

I attach—

- (i) the quitrent title and diagram;
- (ii) Ministerial approval for sub-division;
- (iii) sub-divisional diagrams.

I agree to the cancellation of the existing quitrent title, herein described, and request that a quitrent title in respect of each sub-lot be issued in my name in accordance with the Bantu Areas Land Regulations.

Witness:

Date:

Place:

Signature of Holder

Signed before me at on this day of 19.....

Bantu Affairs Commissioner

ANNEXURE 16

BA 706

BANTU AREAS LAND REGULATIONS

Consent to Registration of Mortgage Bond

The Bantu Affairs Commissioner,

I Identity No. the holder under attached quitrent title No. of certain piece of land being situate in in the district of in extent hereby consent to the registration over the said land of the attached mortgage bond dated in favour of for the amount of R..... and duly signed by me, the approval of the having been first had and obtained.

Mortgagor

Signed before me at on this day of 19..... in the presence of the subscribing witnesses.

Witnesses: 1.
2.

Bantu Affairs Commissioner

ANNEXURE 17

BA 707

BANTU AREAS LAND REGULATIONS

Consent to Substitution of Debtor in Respect of Mortgage Bond

The Bantu Affairs Commissioner,

Whereas I am the legal holder of mortgage bond No. dated passed by for the sum of whereby was hypothecated as a first mortgage certain piece of land being situate in in the district of in extent held under quitrent title No. dated

En nademaal daar nog verskuldig is, ingevolge genoemde verband die bedrag van R.....;

En nademaal genoemde die grond hierin beskryf oorgemaak het aan wat gereed en bereid is om die verpligting van genoemde ingevolge genoemde verband oor te neem en om as skuldenaar in die plek van genoemde oordraggewer ingevolge genoemde verband gestel te word;

So is dit dat ek instem tot die vervanging van genoemde as skuldenaar ingevolge die verband en dat, vanaf die datum van registrasie van die voorgestelde oordrag die oordraggewer onthef word van enige verpligting ingevolge genoemde verband.

Verbandhouer

Geteken voor my te op hede die dag van 19..... in teenwoordigheid van ondergetekende getuies.

Getuies 1.
2.

Bantoesakekommissaris

En ek, die voorgestelde oordragnemer hierbo genoem, nadat ek die bovermelde instemming van die wettige houer van die verband gelees het, stem hierby in om oordrag van die grond te neem onderworpe aan sodanige verband en om in die plek van die oordraggewer as skuldenaar gestel te word en aanvaar hierby volle aanspreeklikheid vir die skulde ingevolge genoemde verband.

Voorgestelde Oordragnemer

Geteken voor my te op hede die dag van 19..... in teenwoordigheid van ondergetekende getuies.

Getuies 1.
2.

Bantoesakekommissaris

AANHANGSEL 18

BA 708

REGULASIES MET BETREKKING TOT GROND IN BANTOEGEBIEDE

Indieningsvorm: Grondtransaksies

Die Registrateur van Grondaktes,

..... -erf No. geleë te
Aansoek om

1. In bovermelde verband heg ek die volgende dokumente aan

2. Die volgende kantoorgelde naamlik is betaal ten opsigte waarvan kwitansie No. van uitgereik is.

3. Ek sertifiseer dat—

- (i) erfpag ten opsigte van die grond opbetaal is tot 31/12/.....;
- (ii) geen ander belasting, heffings of gelde aan die Trust betaalbaar ten opsigte van die grond uitstaande is nie;
- (iii) die applikant nie aan enige diskwalifikasie ingevolge die Regulasies betreffende Grond in Bantoegebiede onderhewig is nie.

4. Die aansoek* word aanbeveel en die ondervermelde voltooide konsep word aangeheg/word nie aanbeveel nie omrede.....

Datum.....

Plek.....

Bantoesakekommissaris

Die Hoofbantoesakekommissaris,

Voorgelê: *Dokumente in orde/defektief ten opsigte van

Datum.....

Plek.....

Registrateur van Grondaktes

Die Registrateur van Grondaktes,

And whereas there still remains due and owing under the said bond the amount of R.....;

And whereas the said has disposed of the land herein described to who is willing and ready to take over the liability of the said under the said bond and to be substituted for the transferor under the said bond;

Now, therefore, I consent to the substitution of the said as debtor under the bond and that from the date of registration of the proposed transfer, the transferor shall be released from any obligation under the said bond.

Mortgagee

Signed before me at on this day of 19....., in the presence of the subscribing witnesses.

Witnesses: 1.
2.

Bantu Affairs Commissioner

And I the proposed transferee aforesaid, having read the above consent of the legal holder of the bond do hereby consent to accept transfer of the land subject to such bond and to be substituted for the transferor as debtor thereunder and hereby assume full liability for indebtedness under the said bond.

Proposed Transferee

Signed before me at on this day of 19..... in the presence of the subscribing witnesses.

Witnesses: 1.
2.

Bantu Affairs Commissioner

ANNEXURE 18

BA 708

BANTU AREAS LAND REGULATIONS

Lodgment Form: Land Transactions

The Registrar of Land Titles,

..... Lot No. situate in
Application for

1. In the above matter I attach the following documents:

2. The following fees of office viz. have been paid for which receipt No. dated was issued.

3. I certify that—

- (i) quitrent on the land has been paid to 31/12/.....;
- (ii) no other taxes, charges or fees payable to the Trust in respect of the land are outstanding;
- (iii) The applicant is not subject to disqualification in terms of the Bantu Areas Land Regulations.

4. The application* is recommended and the following completed draft is attached/is not recommended because

Bantu Affairs Commissioner

Date:

Place:

The Chief Bantu Affairs Commissioner,

Submitted: Documents* in order/defective in respect of

Date:

Place:

Registrar of Land Titles

The Registrar of Land Titles,

Teruggestuur, tesame met aanhangsels, *ge-endoseer/onder-
teken vir registrasie en beskikking daaroor.

Datum.....
Plek..... Hoofbantoesakekommissaris
Die Bantoesakekommissaris,

Ter afhandeling teruggestuur. Geliewe ontvangs van onderver-
melde dokumente wat aangeheg is te erken.....

Datum.....
Plek..... Registrateur van Grondaktes

* Skrap ontoepaslike woorde.

AANHANGSEL 19

BA 709

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Kennisgewing Insaake Uitstaande Erfpag

Aan.....
.....

1. Volgens die rekords wat in hierdie kantoor bygehou word
ten opsigte van 'n sekere erf wat kragtens erfpagtitel besit word,
synde erf No. in die
lokasie/ geregistreer op naam van
(hieronder die besitter genoem) is erfpag wat per jaar
ten opsigte van genoemde erf beloop nog nie betaal nie vir die
jare tot

2. Kragtens artikel van die Regulasies betreffende
Grond in Bantoegebiede is ek van voorneme om by die Hoof-
bantoesakekommissaris aansoek te doen om 'n bevel vir die
kansellering van die besitter se regte in en op genoemde erf, tensy
u binne een maand vanaf die datum hiervan hierdie kennisgewing
tesame met 'n betalingsbewys vir die volle bedrag van R.....
ten opsigte van genoemde erf beloop nog nie betaal nie vir die

3. 'n Kanselleringbevel ten opsigte van die besitter se regte
onthef nie die besitter of sy boedel ingevolge genoemde Regula-
sies betreffende Grond in Bantoegebiede, van die verpligting om
gelde wat op die datum van sodanige bevel verskuldig is inge-
volge enige verband wat teen die grond vermeld in paragraaf 1
geregistreer is, te betaal nie.

Datum.....
..... Bantoesakekommissaris

AANHANGSEL 20

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Vorm van Endossement. Terugvalling van Grond aan die Trust

Die grond hierin beskryf het hierdie dag teruggeval aan die
Trust ingevolge die registrasie deur my onder verwysing.....
..... van *.....

Datum
Plek
..... Registrateur van Grondaktes

*Voeg in „'n onteieningsbevel/'n bevel ter beëindiging/kansellering
van alle regte van die besitter in/'n sertifikaat van aanvaarding
van afstanddoening van sodanige grond" na gelang van die geval.

AANHANGSEL 21

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Vorm van Endossement: Beëindiging/Intrekking van Sekere Regte van Besitter

Die reg om deur die besitter
van die grond hierin beskryf, is op hierdie dag oorgedra aan
die Trust kragtens die registrasie deur my onder verwysing
..... van 'n bevel vir die *beëindiging/intrekking van
sodanige reg.

Datum
Plek
..... Registrateur van Grondaktes

*Skrap ontoepaslike woord

Returned, with annexures, *endorsed/signed for registration and
disposal.

Date:
Place:

.....
Chief Bantu Affairs Commissioner
The Bantu Affairs Commissioner,

Returned for disposal. Kindly acknowledge receipt of the
following documents which are attached:

Date:
Place:

.....
Registrar of Land Titles

*Delete inapplicable words

ANNEXURE 19

BA 709

BANTU AREAS LAND REGULATIONS

Notice Re Outstanding Quitrent

To
.....

1. According to the records maintained in this office in respect
of certain lot held under quitrent title, being
lot No. in the Location/
..... registered in the name of
(hereinafter referred to as the holder) the quitrent of
per annum on the said lot has not been paid for the years
..... to

2. In terms of section 27 of the Bantu Areas Land Regulations,
it is my intention to apply to the Chief Bantu Affairs Com-
missioner for an order cancelling the holder's rights in and to the
said lot unless you produce to me within one month from the
date hereof, this notice together with proof of payment in full
of the sum of R..... in respect of outstanding
quitrent.

3. An order for the cancellation of the holder's rights will not
in terms of the said Bantu Areas Land Regulations relieve the
holder or his estate from liability for monies due on the date
of such order under any mortgage bond registered against the
land referred to in paragraph 1.

Date:
.....
Bantu Affairs Commissioner

ANNEXURE 20

BANTU AREAS LAND REGULATIONS

Form of Endorsement: Reversion of Land to the Trust

The land herein described has this day reverted to the Trust
by virtue of the registration by me under reference
of *.....

Date:
Place:

.....
Registrar of Land Titles

*Insert: "an order appropriating/terminating/cancelling all the
rights of the holder in/a certificate accepting the surrender of/
such land" as the case may be.

ANNEXURE 21

BANTU AREAS LAND REGULATIONS

Form of Endorsement: Termination/Cancellation of Certain Rights of Holder

The right to of the holder of the
land herein described has this day been transferred to the Trust
by virtue of the registration by me under reference
of an order *terminating/cancelling such right.

Date:
Place:

.....
Registrar of Land Titles

*Delete inapplicable word

AANHANGSEL 22

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Vorm van Endossement: Intrekking van Erfpagtitel

Erfpagtitel gekanselleer ooreenkomstig ministeriële bevel van wat hierdie dag deur my geregistreer is onder verwysing

Datum

Plek

Registrateur van Grondaktes

AANHANGSEL 23

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Vorm van Endossement: Verval van Erfpagtitel

Erfpagtitel het by registrasie deur my op hierdie dag van die herkenning van die grond kragtens erfpagtitel verval.

Datum

Plek

Registrateur van Grondaktes

AANHANGSEL 24

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Erfopvolgingstabelle

TABEL A

VAN TOEPASSING TEN OPSIGTE VAN DIE VERERWING VAN GROND GELEË IN DIE PROVINSIE DIE KAAP DIE GOEIE HOOP.

In hierdie Tabel beteken manlike afstammeling 'n afstammeling deur tussenkoms slegs van manspersone: Met dien verstande dat as die oorlede geregistreerde besitter 'n vrouspersoon was word dit erken as sou sy self 'n eersterangse huis daarstel. In sodanige geval is slegs paragrawe 1 en 2 van die Tabel van toepassing.

1. Die oorledene se oudste seun van die eersterangse huis of, as hy dood is, sodanige oudste seun se manlike senior afstammeling.

2. As daar geen manlike afstammeling van die oorledene se oudste seun is nie, die oorledene se volgende seun van die eersterangse huis of sy manlike senior afstammeling, ensovoorts, onderskeidelik deur die oorledene se seuns of hul manlike senior afstammelinge, en deur die oorledene se onderskeie huise in hul rangorde ooreenkomstig Bantoegebruik.

3. As daar geen seun of manlike afstammeling van enige seun van die oorledene is nie, die vader van die oorledene.

4. As die vader van die oorledene dood is, die oorledene se oudste broer van dieselfde huis of sy manlike senior afstammeling, ensovoorts, onderskeidelik deur die broers van daardie huis of hul manlike senior afstammelinge ooreenkomstig Bantoegebruik.

5. As daar geen broer van die oorledene van dieselfde huis of manlike afstammeling van enige sodanige broer is nie, die oorledene se oudste broer van die aanverwante huis van hoër rang of die daaropvolgende rang, na gelang van die geval, of sy manlike senior afstammeling ensovoorts, onderskeidelik deur die broers van sodanige aanverwante huis en hul manlik senior afstammelinge ooreenkomstig Bantoegebruik, en daarna onderskeidelik deur die broers van die oorblywende huise in rangorde ooreenkomstig Bantoegebruik, en hul manlike senior afstammelinge.

6. As daar geen broer van die oorledene of manlike afstammeling van enige broer van enige huis is nie, die grootvader van vaderskant van die oorledene.

7. As die grootvader van vaderskant van die oorledene dood is, die oorledene se oudste oom van vaderskant in dieselfde huis as die oorledene se vader, of sodanige oom se manlike senior afstammeling ensovoorts, onderskeidelik deur die ooms van vaderskant van daardie huis en hul manlike senior afstammelinge ooreenkomstig Bantoegebruik.

8. As daar van vaderskant geen oom van die oorledene of manlike afstammeling van enige oom van vaderskant van die huis waartoe die oorledene se vader behoort het, die oorledene se oudste oom van vaderskant van die aanverwante huis van hoër of daaropvolgende rang, na gelang van die geval, ooreenkomstig Bantoegebruik of sy manlike senior afstammeling, ensovoorts, onderskeidelik deur die oorledene se ooms van vaderskant van sodanige aanverwante huis en hul manlike senior afstammelinge, en daarna onderskeidelik deur die oorledene se ooms van vaderskant van die oorblywende huise in rangorde ooreenkomstig Bantoegebruik of hul manlike senior afstammelinge.

ANNEXURE 22

BANTU AREAS LAND REGULATIONS

Form of Endorsement: Cancellation of Quitrent Title

Quitrent Title cancelled in terms of Ministerial order dated registered by me this day under reference

Date:

Place:

Registrar of Land Titles

ANNEXURE 23

BANTU AREAS LAND REGULATIONS

Form of Endorsement: Lapsing of Quitrent Title

Quitrent Title lapsed on registration by me on this day of a regnant of the land under quitrent title

Date:

Place:

Registrar of Land Titles

ANNEXURE 24

BANTU AREAS LAND REGULATIONS

Tables of Succession

TABLE A

APPLICABLE IN RESPECT OF SUCCESSION TO LAND SITUATE IN THE PROVINCE OF THE CAPE OF GOOD HOPE.

In this Table male descent shall mean descent through males only: Provided that when the deceased registered holder was a female, it shall be recognized that she herself constituted a principal house. In such case paragraphs 1 and 2 of the Table only shall apply.

1. The deceased's eldest son of the principal house or, if he be dead, such eldest son's senior male descendant, according to Bantu custom.

2. If there is no male descendant of the deceased's eldest son the deceased's next son of the principal house or his senior male descendant, and so on through the deceased's sons or their senior male descendants respectively and through the deceased's several houses in their order according to Bantu custom.

3. If there be no son or male descendant of any son of the deceased, the father of the deceased.

4. If the father of the deceased be dead, the deceased's eldest brother of the same house or his senior male descendant, and so on through the brothers of that house or their senior male descendants respectively according to Bantu custom.

5. If there be no brother of the deceased of the same house or male descendant of any such brother, the deceased's eldest brother of the allied house of higher rank or next rank, as the case may be, or his senior male descendant and so on through the brothers of such allied house and their senior male descendants respectively according to Bantu custom, and thereafter through the brothers of the remaining houses in order of rank according to Bantu custom and their senior male descendants respectively.

6. If there be no brother of the deceased or male descendant of any brother of any house, the paternal grandfather of the deceased.

7. If the paternal grandfather of the deceased be dead, the deceased's eldest paternal uncle in the same house as the deceased's father or such paternal uncle's senior male descendant and so on through the paternal uncles of that house and their senior male descendants respectively according to Bantu custom.

8. If there be no paternal uncle of the deceased or male descendant of any paternal uncle of the house to which deceased's father belonged, the deceased's eldest paternal uncle of the allied house of higher rank or next rank, as the case may be, according to Bantu custom or his senior male descendant and so on through the deceased's paternal uncles of such allied house and their senior male descendants respectively, and thereafter through the deceased's paternal uncles of the remaining houses in order of rank according to Bantu custom or their senior male descendants respectively.

TABEL B

VAN TOEPASSING TEN OPSIGTE VAN DIE VERERWING VAN GROND GELEË IN DIE PROVINSIE NATAL.

Die voorrangorde van erfename word, behoudens die bepalings van Hoofstuk 4, ooreenkomstig die bepalings van Hoofstuk 12 van die Natsale Wetboek van Bantoereg (Proklamasie No. R.195 van 1967) bepaal, en as sou, in die geval van 'n oorlede geregistreerde besitter wat 'n kraalhoof was, die betrokke grond kraaleiendom was, of in die geval van enige ander oorlede geregistreerde eienaar, die grond die persoonlike eiendom van die oorledene was en ingevolge Bantoereg beredder moet word: Met dien verstande dat niks hierin of in gemelde Hoofstuk 12 vertolk word as sou dit—

- (i) enige besitter magtig om oor enige sodanige grond of enige regte daarin by testament te beskik nie;
- (ii) die reg van erfopvolging ten opsigte van 'n oorlede geregistreerde besitter se grond uitbrei na of deur enige manlike voorouer van sodanige oorledene verder as sy grootvader, of indien sodanige oorledene 'n vrouspersoon was, na enige van haar vroulike afstammelinge behalwe op die wyse en onder die omstandighede in genoemde Hoofstuk 4 bepaal;
- (iii) die vereistes in hierdie regulasies gestel ten opsigte van enige onderwingsdaad ophef nie.

AANHANGSEL 25

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Gelde aan die Trust Betaalbaar ten opsigte van Registrasie of die Uitreik van 'n Afskrif

Diens	Gelde R c
Oordrag van grond aan 'n ander persoon as die erfgenaam ...	1.00
Hertoekenning of hertoewysing van grond ...	1.00
Verband, vervanging of bevryding, kansellasië of sessië van verband ...	1.00
Grondhuur of kansellasië van huurooreenkoms ...	50
Naamsverandering—per titel, verband of ander dokument ...	20
Gewaarmerkte afskrif van—	
titel met inbegrip van kaart ...	1.00
verband of ander dokument ...	50
kaart ...	25
vergunning tot okkupasie ...	1.00

Vrystelling van Registrasiekantoor gelde

Toekenning van grond wat nie voorheen kragtens erfpagtitel besit was nie.

Oordrag van grond aan erfgenaam van oorlede besitter.
Kansellasië van titel en terugvalling van grond aan Trust.
Vervanging van titelakte deur erfpagtitel: Uitreik en registrasie daarvan en endossemente daarop aangebring.

AANHANGSEL 26

BA 710

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Aansoek om Afskrif van 'n Titellakte, Verband of Dokument

Ek, die ondergetekende, ter staving van my aansoek om 'n gewaarmerkte afskrif van verklaar hierby *plegtig/onder eed dat ek die wettige houer is van genoemde wat—

1. *(a) verlore geraak het en ondanks sorgvuldige nasporing nie gevind kan word nie;
- (b) vernietig is in die ondervermelde omstandighede
- (c) onbruikbaar geword het, en ek lê die beskikbare deel daarvan hierby voor; en
- (d) nie verpand is nie en nie deur enigeen as sekuriteit ten opsigte van skuld of andersins gehou word nie.

Getuie Applikant

*Geteken en bevestig/beëdig voor my te op hede die dag van 19..., en die verklaar—

*Skrap ontoepaslike woorde.

TABLE B

APPLICABLE IN RESPECT OF SUCCESSION TO LAND SITUATE IN THE PROVINCE OF NATAL.

The order of precedence of heirs shall, subject to the provisions of Chapter 4, be determined in accordance with the provisions of Chapter 12 of the Natal Code of Bantu Law (Proclamation No. R.195 of 1967), and as if, in the case of a deceased registered holder who was a kraalhead, the land in question constituted kraal property or, in the case of any other deceased registered holder, the land was the personal property of the deceased and falls to be administered under Bantu Law: Provided that nothing herein or in the said Chapter 12 contained shall be construed as—

- (i) authorising any holder to devise any such land or any rights therein, by will;
- (ii) extending the right of succession to the land of a deceased registered holder to or through any male, ascendant of such deceased beyond his grandfather, or, in the case of such deceased having been a female, to any female descendant of hers otherwise than in the manner and circumstances provided in the said Chapter 4;
- (iii) overriding the requirements prescribed in these regulations, with regard to any act of disherison.

ANNEXURE 25

BANTU AREAS LAND REGULATIONS

Fees Payable to the Trust for Registration or Issue of a Copy

Service	Fee R.c.
Transfer of land to person other than heir ...	1.00
Re-allotment or re-grant of land ...	1.00
Mortgage bond, substitution under or release, cancellation or cession of bond ...	1.00
Lease of land or cancellation of lease ...	50
Change of name—per title, bond or other document ...	20
Certified copy of—	
title including diagram ...	1.00
mortgage bond or other document ...	50
diagram ...	25
permission to occupy ...	1.00

Exemptions from payment of registry fees:

Grant of land not previously held under quitrent title.
Transfer of land to heir of deceased holder.
Cancellation of title and reversion of land to the Trust.
Substitution of title deed by quitrent title: Issue and Registration of and Endorsements made thereon.

ANNEXURE 26

BA 710

BANTU AREAS LAND REGULATIONS

Application for Copy of Title Deed, Bond or Document

I, the undersigned, in support of my application for a certified copy of

hereby *affirm/make oath and say that I was the lawful holder of the said which—

1. *(a) has been lost and despite diligent search cannot be found; or
- (b) has been destroyed in the following circumstances
-; or
- (c) has become unserviceable and I produce the available portions thereof; and
- (d) has not been pledged and is not detained by anyone as security for debt or otherwise.

Witness Applicant

Signed and *affirmed/sworn to before me at this day of 19.....

*Delete inapplicable words.

der het erken dat hy/sy vertrouwd is met die inhoud van hierdie beëdigde verklaring en dit begryp.

Datum

Plek

Kommissaris van Ede

Gebied

Hoedanigheid

Die Registrateur van Grondaktes,

.....

Aangestuurd en aanbeveel/nie aanbeveel nie omrede

Die gelde wat R..... beloop is betaal onder kwitansie No. van en erfpag ten opsigte van die grond is verleen tot 31/12/.....

Datum

Plek

Bantoesakekommissaris

Gewaarmerkte afskrif uitgereik op en aan die Bantoesakekommissaris, versend.

Datum

Plek

Registrateur van Grondaktes

AANHANGSEL 27

†BA 711-14

Folio No.

Vergunning tot Okkupasie

Ingevolge die Regulasies betreffende grond in Bantoegebiede uitgereik

Vergunning word hierby verleen aan:

..... Persoonsnommer Ras
Geslag Ouderdom (hierna die besitter genoem).

Om 'n Perseel te Okkupeer

synde groot
(by benadering) geleë in in die distrik/
gebied (hierna die perseel genoem).

Vir Doeleindes van

Die regte, magte, voorregte, pligte en verpligtinge van die besitter en van enige ander persoon wat wettiglik enige regte in of op die perseel verkry, word bepaal en uitgeoefen ooreenkomstig sodanige algemene en spesiale voorwaardes en sodanige reëls, regulasies en wetsbepalings as wat reeds van krag is of in die toekoms bepaal mag word in die gebied waarin die perseel geleë is.

*Behoudens enige wysigings aan genoemde voorwaardes, reëls, regulasies of wette word hierdie vergunning uitgereik onderhewig aan die voorwaardes in die Bylae hierby uiteengesit.

Datum

Plek

Ampstitel

Geregistreer: Perseleregister No. folio

Paraaf en Datum

*BYLAE

†BA 711: Bewerkbare en woonperseel

BA 712: Kerkperseel

BA 713: Handelsperseel

BA 714: Skoolperseel

*Skrap in die geval van bewerkbare of woonpersele.

the deponent having acknowledged that he knows and understands the contents of this affidavit.

Date:

Place:

Commissioner of Oaths

Area

Capacity

The Registrar of Land Titles,

.....

Forwarded and recommended/not recommended because

The fee of R..... has been paid per receipt No. dated and quitrent on the land has been paid to 31/12

Date:

Place:

Bantu Affairs Commissioner

Certified copy issued on and forwarded to the Bantu Affairs Commissioner,

Date:

Place:

Registrar of Land Titles

ANNEXURE 27

†BA 711-14

Folio No.

Permission to Occupy

Issued Under the Bantu Areas Land Regulations

Permission is Hereby Granted to:

..... Identity No.
Race Sex Age
(hereinafter referred to as "the holder"),

To Occupy a Allotment:

being in extent
(approximately) situate in in the
district/area of
(hereinafter referred to as "the allotment"),

For the Purpose of

The rights, powers, privileges, duties and obligations of the holder and of any other person lawfully acquiring any rights in or over the allotment shall be determined and exercised in accordance with such general and special conditions and with such rules, regulations or laws as are already or may in the future be prescribed or be in force in the area in which the allotment is situate.

*Subject to the amendment of the said conditions, rules, regulations or laws, this permission is issued subject to the conditions set out in the Schedule hereto.

Date:

Place:

Designation

Registered: Allotments Register No. folio

Initials and Date

*SCHEDULE

†BA 711: Arable and Residential Allotment.

BA 712: Church Allotment

BA 713: Trading Allotment

BA 714: School Allotment

*Omit in the case of arable and residential allotments.

AANHANGSEL 28

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Algemene Voorwaardes betreffende die Okkupasie van alle persele wat ingevolge 'n Vergunning tot Okkupasie besit word of geag word aldus besit te wees

1. Die perseel mag nie sonder voorafverkreë skriftelike toestemming wat deur die Bantoesakekommissaris onderteken is, vir enige ander doeleindes gebruik word nie as dié waarvoor die okkupasie daarvan goedgekeur is.

2. Die Bantoesakekommissaris of enige persoon wat behoorlik skriftelik daartoe deur hom gemagtig is, kan te alle redelike tye die perseel en enige geboue daarop betree en inspekteer ten einde nakoming van die regulasies en enige toepaslike voorwaardes deur die besitter te verseker of om die grense van die perseel te bepaal of te herbepaal.

3. Die regte van die besitter in of op die perseel of enige verbeterings daarop mag nie oorgedra, verhipotekeer, gesedeer, verhuur, onderverhuur of op enige ander wyse vervoer word nie behalwe ooreenkomstig sodanige voorafgaande goedkeuring en op sodanige wyse as wat wettiglik voorgeskryf is of mag word.

4. Vergunning wat verleen is om die perseel te okkupeer dra nie enige eiendomsreg ten opsigte daarvan oor nie.

5. Die regte van die besitter in of op die perseel is nie onderhewig aan uitwinning nie ten opsigte van enige ander skuld as 'n opeisbare skuld ingevolge 'n behoorlik geregistreerde verband of wat verskuldig is aan die Suid-Afrikaanse Bantotrust of 'n ander statutêre liggaam aan wie die administratiewe beheer van die grond toegesê is.

6. Die besitter is verplig om die bakens waardeur die grense van die perseel bepaal word te bewaar en in stand te hou, en is aanspreeklik vir die koste verbonde aan die herstel of heroprigting van enige sodanige vervalte of beskadigde bakens, en vir die heroprigting, op sodanige plek as wat deur die Bantoesakekommissaris aangedui word, van enige sodanige bakens wat vernietig of verkeerd geplaas is of wat verlore geraak het.

7. Alle paaie en deurgange wat op of oor die perseel is of bestaan moet vry en onbelemmerd bly tensy hul op bevoegde gesag gesluit of verander word.

8. Hierdie vergunning gee aan die houer in geen ander geval as die waarvoor uitdruklik bepaal is in die Regulasies betreffende Grond in Bantoegebiede of in enige ander wet wat op die betrokke grond van toepassing is, die reg om die Suid-Afrikaanse Bantotrust vir vergoeding ten opsigte van enige verbeterings wat op sodanige perseel is, aan te spreek nie; en sodanige verbeterings word, behoudens andersluidende bepalings in genoemde Regulasies of in hierdie voorwaardes, by beëindiging van die besitter se regte in of op die perseel, of die kansellering van hierdie vergunning tot okkupasie, die eiendom van genoemde Trust sonder betaling van vergoeding.

AANHANGSEL 29

REGULASIES BETREFFENDE GROND IN BANTOEGEBIEDE

Spesiale Voorwaardes betreffende die Okkupasie van alle Bewerkbare en Woonpersele wat ingevolge 'n Vergunning tot Okkupasie besit word of geag word aldus besit te wees

9. Enigeen of al die regte van die besitter in of op die perseel kan onder die omstandighede in die Regulasies betreffende Grond in Bantoegebiede beskryf, deur die Minister van Bantoe-administrasie beëindig of opgeskort word of sodanige regte kan deur hom beëindig word, wanneer ook al na sy mening—

(a) sodanige regte verkeerdlik toegeken is;

(b) die perseel so geleë is of so gebruik of bewerk word dat dit gronderosie veroorsaak of waarskynlik kan veroorsaak;

(c) dat die perseel buite enige gebied of gebiede geleë is wat vir die doeleindes waarvoor sodanige perseel toegestaan is wettiglik omskryf of afgesonder is;

(d) die grond inbegrepe by die perseel of enige gedeelte daarvan ten voordele van die Staat, die Suid-Afrikaanse Bantotrust of die publiek benodig word of nodig is vir die voorkoming van gronderosie of waaisandvorming of vir die herwinning van grond wat deur sodanige erosie of vorming geraak is, of vir die beskerming van opvanggebiede of die bewaring van waterbronne of watervoorrade.

10. Hierdie vergunning tot okkupasie kan ooreenkomstig die bepalings van die Regulasies betreffende Grond in Bantoegebiede, gekanselleer word as die besitter—

(a) afstand doen van die perseel;

(b) dit op bedrieglike wyse of onder valse voorwendsels verkry het;

(c) versuim om enige van die voorwaardes van sodanige vergunning na te kom;

ANNEXURE 28

BANTU AREAS LAND REGULATIONS

General Conditions Relating to the Occupation of all Allotments Held Under a Permission to Occupy or Deemed to be so Held

1. The allotment shall not, without prior permission in writing under the hand of the Bantu Affairs Commissioner, be used for any purpose other than that for which its occupation is authorized.

2. The Bantu Affairs Commissioner or any person duly authorized by him in writing may at all reasonable times enter upon and inspect the allotment and any buildings thereon for the purpose of ensuring compliance by the holder with the regulations and any conditions applicable or for determining or re-determining the boundaries of the allotment.

3. The rights of the holder in or to the allotment or any improvements thereon shall not be transferred, mortgaged, ceded, leased, sub-let or otherwise disposed of except in accordance with such prior approval in writing and in such manner as is or may be lawfully prescribed.

4. Permission granted to occupy the allotment shall not convey ownership therein.

5. The rights of the holder in or to the allotment shall not be liable to execution for any debt other than a debt due under a duly registered mortgage bond or a debt due to the South African Bantu Trust or other statutory body which has been granted administrative control of the land.

6. The holder shall preserve and maintain the beacons by which the allotment is defined and shall be liable for the cost of repairing or rebuilding any such beacon which has become dilapidated or damaged, and for replacing, in such position as the Bantu Affairs Commissioner directs, any such beacon which has been demolished or lost or misplaced.

7. All roads and thoroughfares being or existing on or over the allotment shall remain free and uninterrupted unless closed or altered by competent authority.

8. This permission shall in no case not specially provided for in the Bantu Areas Land Regulations or in any other law applicable to the land in question, entitle the holder to compensation from the South African Bantu Trust for any improvements on such land; and such improvements shall, except as in the said Regulations or in these conditions otherwise provided, upon the termination of the holder's rights in or to the allotment, or the cancellation of this permission to occupy, become the property of the said Trust without payment of compensation.

ANNEXURE 29

BANTU AREAS LAND REGULATIONS

Special Conditions Relating to the Occupation of all Arable and Residential Allotments Held Under a Permission to Occupy or Deemed to be so Held

9. Any or all of the rights of the holder in or to the allotment may in the circumstances specified in the Bantu Areas Land Regulations be terminated or suspended by the Minister of Bantu Administration and Development or such rights may be terminated by him whenever in his opinion—

(a) such rights were granted in error;

(b) the allotment is so situated or is being so used or cultivated as to cause or is likely to cause erosion of the soil;

(c) the allotment is situated outside any area or areas lawfully defined or set aside for the purpose for which such allotment was granted;

(d) the land comprising the allotment or any portion thereof is required for the benefit of the State, the South African Bantu Trust or the public or for the prevention of soil erosion or sand drift or the reclamation of land affected by such erosion or drift, or for the protection of catchment areas or the conservation of water sources or resources.

10. This permission to occupy may in the manner provided in the Bantu Areas Land Regulations be cancelled if the holder—

(a) surrenders the allotment;

(b) has obtained it by fraud or misrepresentation;

(c) fails to comply with any of the conditions of such permission;

- (d) ingevolge genoemde Regulasies versuim het om die perseel voordelig te okkupeer;
- (e) versuim om vir twee agtereenvolgende jare die plaaslike belasting, huur, gelde of ander vorderings te betaal wat regtens bepaal of betaalbaar is ten opsigte van sy okkupasie van sodanige perseel;
- (f) nie meer die perseel vir die doel waarvoor dit toegeken is gebruik of benodig nie;
- (g) meer as een maal skuldig bevind is aan die misdaad van diefstal of vee-diefstal, of aan enige oortreding van enige wet met betrekking tot die kweek, besit, van die hand sit van of transaksies in gewoontevormende middele, en by sodanige tweede of daaropvolgende skuldigbevinding 'n gevangenisstraf van minstens twaalf maande opgelê is.

AANHANGSEL 30

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Spesiale Voorwaardes betreffende die Okkupasie van alle Kerkpersele wat ingevolge 'n Vergunning tot Okkupasie besit word

9. Enigeen of al die regte van die besitter in of op die perseel kan in die omstandighede in die Regulasies betreffende Grond in Bantoegebiede beskryf, deur die Minister van Bantoe-administrasie en -ontwikkeling, opgeskort word, of sodanige regte kan deur hom beëindig word, wanneer ook al na sy mening —

- (a) sodanige regte verkeerdelik toegeken was;
- (b) die grond inbegrepe by die perseel of enige gedeelte daarvan ten voordele van die Staat, die Suid-Afrikaanse Bantoe-trust of die publiek benodig word.

10. Hierdie vergunning tot okkupasie kan ooreenkomstig die bepalings van die Regulasies betreffende Grond in Bantoegebiede gekanselleer word—

- (a) as die besitter—
 - (i) afstand doen van die perseel;
 - (ii) dit op bedrieglike wyse of onder valse voorwendsels verkry het;
 - (iii) versuim om enige van die voorwaardes van sodanige vergunning na te kom;
 - (iv) versuim om binne twaalf maande na die datum van hierdie vergunning geskikte geboue op die perseel op te rig en sodanige perseel tot tevredenheid van genoemde Minister voordelig te okkupeer;
- (b) wanneer bewys tot tevredenheid van genoemde Minister gelewer word dat die perseel nie meer vir die doel waarvoor dit toegeken is gebruik word nie, of dat dit vir 'n ongemagtigde doel gebruik word, of dat die besitter of sy plaaslike verteenwoordiger se optrede sodanig is dat dit tot nadeel strek van of strydig is met behoorlike trou aan die Staat, of dat die besitter sodanige verteenwoordiger nie na behore beheer nie.

11. Die perseel moet op koste van die besitter behoorlik omhein word binne ses maande vanaf die datum van hierdie vergunning anders kan Bantoes wat wettige weidingsregte in die omgewing van die perseel het, nie aangespreek word nie vir skadevergoeding ten opsigte van vee wat op die perseel oorloop.

AANHANGSEL 31

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Spesiale Voorwaardes betreffende die Okkupasie van alle Handelspersele wat ingevolge 'n Vergunning tot Okkupasie besit word

9. Enigeen of al die regte van die besitter in of op die perseel kan onder die omstandighede in die Regulasies betreffende Grond in Bantoegebiede beskryf, deur die Minister van Bantoe-administrasie en -ontwikkeling opgeskort word, of sodanige regte kan deur hom beëindig word wanneer ook al na sy mening—

- (a) sodanige regte verkeerdelik toegeken was;
- (b) die grond inbegrepe by die perseel of enige gedeelte daarvan ten voordele van die Staat, die Suid-Afrikaanse Bantoe-trust of die publiek benodig word.

10. Hierdie vergunning tot okkupasie kan ooreenkomstig die bepalings van die Regulasies betreffende Grond in Bantoegebiede gekanselleer word—

- (a) as die besitter—
 - (i) afstand doen van die perseel;
 - (ii) dit op bedrieglike wyse of onder valse voorwendsels verkry het;
 - (iii) versuim om enige van die voorwaardes van sodanige vergunning na te kom;
 - (iv) versuim om vir twee agtereenvolgende jare die huur, lisensiegelde of enige ander gelde betaalbaar ten opsigte van sy okkupasie van die perseel of die saak wat gedryf word;

- (d) has failed in terms of the said Land Regulations beneficially to occupy the allotment;
- (e) fails for two consecutive years to pay the local tax, rent, fees or other charges lawfully prescribed or payable in respect of his occupation of such allotment;
- (f) no longer uses or requires the allotment for the purpose for which it was granted;
- (g) has been convicted more than once of the crime of theft or the theft of stock, or any contravention of any law relating to the cultivation, possession of or dealing in habit-forming drugs, and on such second or subsequent conviction has been sentenced to imprisonment for a period of not less than twelve months.

ANNEXURE 30

BANTU AREAS LAND REGULATIONS

Special Conditions Relating to the Occupation of all Church Allotments Held Under a Permission to Occupy

9. Any or all of the rights of the holder in or to the allotment may in the circumstances specified in the Bantu Areas Land Regulations, be suspended by the Minister of Bantu Administration and Development or such rights may be terminated by him whenever in his opinion—

- (a) such rights were granted in error;
- (b) the land comprising the allotment or any portion thereof is required for the benefit of the State, the South African Bantu Trust or the public.

10. This permission to occupy may in the manner provided in the Bantu Areas Land Regulations be cancelled—

- (a) if the holder—
 - (i) surrenders the allotment;
 - (ii) has obtained it by fraud or misrepresentation;
 - (iii) fails to comply with any of the conditions of such permission;
 - (iv) fails within a period of twelve months from the date of such permission to erect suitable buildings on the allotment and beneficially to occupy such allotment to the satisfaction of the said Minister;
- (b) upon proof to the satisfaction of the said Minister that the allotment is no longer being used for the purpose for which its occupation was authorised, or that it is being used for an unauthorised purpose, or that the holder or his local representative has acted in a manner prejudicial to the interests of or inconsistent with due allegiance to the State or that the holder fails to exercise due control over such representative.

11. The allotment shall be suitably fenced at the holder's expense within a period of six months from the date of this permission and Bantu having legal grazing rights in the vicinity of the allotment shall not be liable for damage for any trespass by stock on the allotment unless it is so properly fenced.

ANNEXURE 31

BANTU AREAS LAND REGULATIONS

Special Conditions Relating to the Occupation of all Trading Allotments Held Under a Permission to Occupy

9. Any or all of the rights of the holder in or to the allotment may in the circumstances specified in the Bantu Areas Land Regulations be suspended by the Minister of Bantu Administration and Development or such rights may be terminated by him whenever in his opinion—

- (a) such rights were granted in error;
- (b) the land comprising such allotment or any portion thereof is required for the benefit of the State, the South African Bantu Trust or the public.

10. This permission to occupy may in the manner provided in the Bantu Areas Land Regulations, be cancelled—

- (a) if the holder—
 - (i) surrenders the allotment;
 - (ii) has obtained it by fraud or misrepresentation;
 - (iii) fails to comply with any of the conditions of such permission;
 - (iv) fails for two consecutive years to pay the rent, licence fees or any other moneys due in respect of his occupation of the allotment or any business conducted thereon;

- (b) by skuldbevinding van die besitter of enigeen van sy werknemers aan 'n oortreding van die drankwette, of enige wette met betrekking tot die kweek, besit, van die hand sit van, of transaksies in gewoontevormende middele of aan 'n misdryf ten opsigte waarvan gevangenisstraf sonder die keuse van 'n boete opgelê is;
- (c) wanneer bewys tot tevredenheid van genoemde Minister gelewer word—
- dat die perseel nie meer vir doeleindes van *bona fide*-handel gebruik word nie of dat dit vir 'n ongemagtigde doel gebruik word; of
 - dat die besitter of enigeen van sy werknemers se optrede sodanig is dat dit tot nadeel strek van, of strydig is met behoorlike trou aan die Staat.
11. Geen ander besigheid/hede as die volgende mag op die perseel gevoer word nie:

12. Enige besigheid op die perseel moet deur die besitter self gedryf word, by ontstentenis waarvan die persoon wat vir hierdie doel aangestel word die skriftelike goedkeuring van die Bantoesakekommissaris moet verkry.

13. Die besitter en sy werknemers moet in hul omgang en besigheidsomhandelinge met die Bantoesakekommissaris se vereistes van die Minister van Bantoe-administrasie en -ontwikkeling soos deur die Bantoesakekommissaris oorgedra, nakom.

14. Die besitter en sodanige van sy werknemers as wat nodig mag wees om hom daartoe in staat te stel om sy gemagtigde handelsaktiwiteite te volvoer, en hul *bona fide*-huishoudings mag op die perseel inwoon, maar hierdie toegewing kan te eniger tyd met 'n maand skriftelike kennis deur die Bantoesakekommissaris onderteken, beëindig word sonder om 'n rede aan te voer.

15. Huurgelde van R..... ten opsigte van die tydperk wat op 31 Maart 19..... eindig is verskuldig en onmiddellik betaalbaar, en daarna is R..... per jaar jaarliks vooruitbetaalbaar aan die Bantoesakekommissaris op die eerste dag van April vir die voorreg om die perseel te okkupeer.

16. Bantoes wat wettige weidingsregte in die omgewing van die perseel het kan nie vir skadevergoeding ten opsigte van die oorloop van vee op die perseel aangespreek word nie tensy dit behoorlik omhein is.

17. (1) Die besitter moet, ten opsigte van enige geboue wat op die perseel opgerig is deur of wat aan die Suid-Afrikaanse Trust behoort—

- alvorens hy sodanige geboue okkupeer hul teen brand verseker vir 'n bedrag wat skriftelik aan hom deur die Bantoesakekommissaris bekendgestel is en die polis aan vermelde Trust seëer;
- die eerste premie ten opsigte van sodanige polis betaal en stiptelik op die vervaldatum enige hernieuwingspremies ten opsigte daarvan vereffen en bewys van nakoming van hierdie voorwaarde aan die Bantoesakekommissaris verstrek;
- sodanige geboue in stand hou tot tevredenheid van die Bantoesakekommissaris wat te alle redelike tye enige sodanige gebou kan betree en inspekteer.

(2) Geen gebou wat aan genoemde Trust behoort en wat op die perseel opgerig is mag afgebreek word nie en daar mag nie aan sodanige gebou verbou of aangebou word nie of deur die besitter of deur enige ander persoon tensy die Bantoesakekommissaris se skriftelike toestemming vooraf verkry is nie.

AANHANGSEL 32

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Spesiale Voorwaardes betreffende die Okkupasie van alle Skoolpersele wat ingevolge 'n Vergunning tot Okkupasie besit word

9. Enigeen of al die regte van die besitter in of op die perseel kan onder die omstandighede in die Regulasies betreffende Grond in Bantoegebiede beskryf, deur die Minister van Bantoe-administrasie en -ontwikkeling opgeskort word, of sodanige regte kan deur hom beëindig word wanneer ook al na sy mening—

- sodanige regte verkeerdelik toegeken was;
- die grond inbegrepe by die perseel of enige gedeelte daarvan ten voordele van die Staat, die Suid-Afrikaanse Bantoe-trust of die publiek benodig word.

10. Hierdie vergunning tot okkupasie kan ooreenkomstig die bepalings van die Regulasies betreffende Grond in Bantoegebiede gekanselleer word—

- as die besitter—
- (i) afstand doen van die perseel;

(b) upon the conviction of the holder or any person in his employ of any contravention of the liquor laws, or any laws relating to the cultivation, possession, disposal of or dealing in habit-forming drugs, or of any offence for which a sentence of imprisonment without the option of a fine is imposed;

(c) upon proof to the satisfaction of the said Minister that—

- the allotment is no longer being used for the purpose of bona fide trade, or that it is being used for any unauthorised purpose; or
- the holder or any person in his employ is acting in any manner prejudicial to the interest of or inconsistent with due allegiance to the State.

11. The following business/es only shall be conducted on the allotment

12. Trading activities on the allotment shall be personally conducted by the holder failing which the person appointed or authorised to do so shall be approved by the Bantu Affairs Commissioner in writing.

13. The holder and his employees shall in their intercourse and conduct of business with the Bantu, conform to the instructions and requirements of the Minister of Bantu Administration and Development as notified through the Bantu Affairs Commissioner.

14. The holder and such of his employees as may be necessary to enable him to conduct his authorised trading activities and their bona fide households may reside on the allotment, but this privilege may at any time be withdrawn on one month's notice in writing under the hand of the Bantu Affairs Commissioner, without reason assigned.

15. A rental of R..... for the period ending 31 March 19..... shall be due and payable forthwith, and thereafter a rental of R..... per annum shall be due and payable in advance to the Bantu Affairs Commissioner on the 1st day of April in each year for the privilege of occupying the allotment. The South African Bantu Trust reserves the right to review the said rental after every cycle of three years.

16. The Bantu having legal grazing rights in the vicinity of the allotment shall not be liable for damage for any trespass by stock on the allotment unless it is properly fenced.

17. (1) The holder shall, in respect of any buildings on the allotment erected by or belonging to the South African Bantu Trust—

- before entering into occupation of such buildings insure them against fire for a sum notified in writing to such holder by the Bantu Affairs Commissioner and cede the policy to the said Trust;
- pay the initial premium on such policy and promptly on due date pay any renewal premium thereon and furnish proof of compliance with this condition to the Bantu Affairs Commissioner;
- maintain such buildings to the satisfaction of the Bantu Affairs Commissioner who shall at all reasonable times have the right to enter and inspect any such building.

(2) No building the property of the said Trust situated on the allotment shall be demolished and no alterations or additions to any such building shall be undertaken by the holder or any other person without the prior consent in writing of the Bantu Affairs Commissioner.

ANNEXURE 32

BANTU AREAS LAND REGULATIONS

Special Conditions Relating to the Occupation of all School Allotments Held Under a Permission to Occupy

9. Any or all of the rights of the holder in or to the allotment may in the circumstances specified in the Bantu Areas Land Regulations be suspended by the Minister of Bantu Administration and Development, or such rights may be terminated by him whenever in his opinion—

- such rights were granted in error;
- the land comprising the allotment or any portion thereof is required for the benefit of the State, the South African Bantu Trust or the public.

10. This permission to occupy may in the manner provided in the Bantu Areas Land Regulations be cancelled—

- if the holder—
- (i) surrenders the allotment;

- (ii) versuim om enige van die voorwaardes van sodanige vergunning na te kom: Met dien verstande dat die verhuur deur die besitter of enige liggaam wat wetlik vir doeleindes van beheer oor die skool saamgestel is, van geboue vir enige funksie wat na skoolure gehou word, behalwe enige vergadering van 'n politieke aard, geag word nie teenstrydig met sodanige voorwaardes te wees nie;
- (iii) versuim om binne twaalf maande na die datum van hierdie vergunning geskikte geboue op die perseel op te rig en om dit tot tevredenheid van genoemde Minister voordelig te okkupeer;
- (b) wanneer bewys tot tevredenheid van genoemde Minister gelewer word dat die perseel nie meer vir die doel waarvoor dit toegeken is gebruik word nie, of dat dit vir 'n ongemagtigde doel gebruik word, of dat die besitter of sy plaaslike verteenwoordiger se optrede sodanig is dat dit tot nadeel strek van of strydig is met behoorlike trou aan die Staat, of dat die besitter sodanige verteenwoordiger nie na behore beheer nie.
11. Te eniger tyd binne die ses maande eersvolgend op die datum waarop die perseel terugval aan die meent ingevolge die Regulasies betreffende Grond in Bantoegebiede het genoemde Trust eerste keuse om enige geboue of ander verbeterings op die perseel wat deur die besitter opgerig is of andersins aan hom behoort, te koop teen 'n ooreengekome prys. Wanneer genoemde Trust die besitter in kennis gestel het dat hy nie sodanige keuse gaan uitoefen nie of by verstryking van genoemde tydperk van ses maande kan genoemde besitter sodanige geboue en ander verbeterings verwyder binne drie maande vanaf die datum van sodanige in kennisstelling of verstryking van die tydperk van ses maande, na gelang van die geval, by ontstentenis waarvan hulle oorgaan op genoemde Trust sonder betaling van vergoeding.
12. Die besitter moet, ten opsigte van enige geboue wat op die perseel opgerig is deur of wat aan die Suid-Afrikaanse Bantoe Trust behoort—
- (a) onverwyld nadat dit by skriftelike kennisgewing deur die Bantoesakekommissaris van hom vereis word, sodanige geboue teen brand verseker vir sodanige bedrag as wat in sodanige kennisgewing gespesifiseer word, die eerste premie op sodanige polis betaal en stiptelik op die vervaldatum enige hernieuwingspremies ten opsigte daarvan betaal en bewys van sodanige betaling aan die Bantoesakekommissaris voorleë;
- (b) sodanige geboue tot tevredenheid van die Bantoesakekommissaris in stand hou;
- (c) te alle redelike tye toestemming verleen aan enige beampte van die Departement van Bantoe-onderwys om enige sodanige gebou te betree en te inspekteer;
- (d) nie, sonder die voorafverkreë skriftelike instemming van die Bantoesakekommissaris enige sodanige gebou of 'n gedeelte daarvan afbreek, of self daaraan te bou of dit te verbou nie of 'n ander toelaat om dit te verbou nie.
13. Die perseel moet op koste van die besitter behoorlik omhein word binne ses maande vanaf die datum van hierdie vergunning anders kan Bantoes wat wettige weidingsregte in die omgewing van die perseel het, nie aangespreek word vir skadevergoeding ten opsigte van vee wat op die perseel oorloop nie.

AANHANGSEL 33

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

<i>Sendinggenootskap genoem in oorspronklike akte van toekenning</i>	<i>Naam van Sendingreserwe</i>
1. American Board of Commissioners for Foreign Missions in Natal	Amahlongwa Amanzimtote Charlottedale (Umvoti) Ifafa Imfumi Inanda Isidumbeni Itafamasi Mapumulo Table Mountain Umsundusi Umtwalumi
2. Hanovarian Missionary Society	Ehlanzeni Emmaus Etembeni
3. Norwegian Mission in Natal	Umpumulo
4. Wesleyan Missionary Society	Indaleni
5. Roman Catholic Missions	St. Michael's

- (ii) fails to comply with any of the conditions of such permission: Provided that the lease by the holder or any body lawfully constituted for the control of the school, of buildings for functions after school hours, excluding meetings of a political nature, shall be deemed not to be contrary to such conditions;
- (iii) fails within a period of twelve months from the date of this permission to erect suitable buildings on the allotment and beneficially to occupy it to the satisfaction of the said Minister;
- (b) upon proof to the satisfaction of the said Minister that the allotment is no longer being used for the purpose for which its occupation was authorised or that it is being used for an unauthorised purpose, or that the holder or his local representative has acted in a manner prejudicial to the interests of or inconsistent with due allegiance to the State, or that the holder fails to exercise due control over such representative.

11. At all times during the period of six months immediately following the date upon which the allotment reverts to the commonage in terms of the Bantu Areas Land Regulations the said Trust shall have the prior right to purchase, at a price to be agreed upon, any buildings or other improvements thereon erected by or otherwise belonging to the holder. Should the Trust notify the holder that it is not exercising the said right or upon the expiration of the said period of six months such buildings and other improvements may be removed by the holder within three months from the date of such notification or expiration of the period of six months, as the case may be, failing which they will become the property of the said Trust without payment of compensation.

12. The holder shall in respect of any buildings on the allotment erected by or belonging to the South African Bantu Trust—

- (a) forthwith upon being required by notice in writing under the hand of the Bantu Affairs Commissioner to do so, insure such buildings against fire for such sum as may be specified in such notice, pay the initial premium on such policy and promptly on due date pay any renewal premium thereon and furnish proof of such payment to the Bantu Affairs Commissioner;
- (b) maintain such buildings to the satisfaction of the Bantu Affairs Commissioner;
- (c) grant permission at all reasonable times to any officer of the Department of Bantu Education to enter upon and inspect any such building;
- (d) not, without the prior consent in writing of the Bantu Affairs Commissioner, demolish any such building or any part of it or himself undertake or permit any alterations or additions to be made to any such building.

13. The site shall be suitably fenced at the expense of the holder within six months from the date of this permission and the Bantu having legal grazing rights in the vicinity of the allotment shall not be liable for damage for any trespass by stock on the allotment unless it is so fenced.

ANNEXURE 33

BANTU AREAS LAND REGULATIONS

<i>Missionary Body Named in Original Deed of Grant</i>	<i>Name of Mission Reserve</i>
1. American Board of Commissioners for Foreign Missions in Natal	Amahlongwa Amanzimtote Charlottedale (Umvoti) Ifafa Imfumi Inanda Isidumbeni Itafamasi Mapumulo Table Mountain Umsundusi Umtwalumi
2. Hanovarian Missionary Society	Ehlanzeni Emmaus Etembeni
3. Norwegian Mission in Natal	Umpumulo
4. Wesleyan Missionary Society	Indaleni
5. Roman Catholic Missions	St. Michael's

AANHANGSEL 34

REGULASIES BETREFFENDE GROND IN BANTOEGBIEDIE

Aansoek deur 'n Bantoe vir 'n Lening van die Suid-Afrikaanse Bantoe-trust

Naam van applikant(e) Ras Geslag Ouderdom Persoonsnommer

Ek/Ons hierbo vermeld, woonagtig te doen aansoek ingevolge die Regulasies betreffende Grond in Bantoe-gebiede om 'n lening van rand (R.....) van die Suid-Afrikaanse Bantoe-trust teen die sekuriteit van 'n eerste-verband ten opsigte van die eiendom, en vir die doeleindes hierna uiteengesit:—

1. Doeleindes waarvoor die verlangde bedrag benodig word en gebruik sal word
2. Volle besonderhede van die eiendom as sekuriteit aangebied:—
 - (a) Hoe word die eiendom in die *titelakte/erfpagtitel beskryf
 - (b) Distrik waar geleë
 - (c) Grootte en of bepaalde of onbepaalde gedeelte
 - (d) Geregistreerde eienaar se naam
 - (e) Beskrywing van verbeterings wat op die eiendom is
 - (f) Bestaande serwitute (geregistreer of ongeregistreer)
 - (g) Ander geldende beswarings (bv. *fidei commissum*, pre-empieregte, ensovoorts)
 - (h) Eienaar van mineraalregte
 - (i) Is die eiendom, of enige gedeelte daarvan, verhuur? Verstrekk volle besonderhede
3. Volle besonderhede van verbande of beswarings ten opsigte van die eiendom:—
 - (a) Bedrag verskuldig en rentekoers
 - (b) Verbandnemer
 - (c) Delgingsvoorwaardes
 - (d) Datum van verband
 - (e) Of dit opgeroep is, al dan nie. Indien wel verstrekk redes
4. Wanneer en hoe is die eiendom verkry? Indien aangekoop bedrag betaal

Ek/Ons, die ondergetekende verklaar hierby dat bostaande in elke besonderheid waar en juis is* en stem in dat die bepalinge van die Verbeteringsgebiede Proklamasie No. R.196 van 1967 op die grond hierin beskryf toegepas word.

Getuie	Datum	Applikant
.....		
Bevestig en geteken deur die Applikant(e) in my teenwoordigheid te op hede diedag van 19.....		
Datum		
Plek		

Bantoesakekommissaris

*Skrap ontoepaslike woorde.

ANNEXURE 34

BANTU AREAS LAND REGULATIONS

Application by a Bantu for a Loan from the South African Bantu Trust

<i>Name of Applicant(s)</i>	<i>Race</i>	<i>Sex</i>	<i>Age</i>	<i>Id. No.</i>
.....				
.....				

I/We, the above named, residing at hereby apply in terms of the Bantu Areas Land Regulations for a loan of rand (R.....) from the South African Bantu Trust on security of a first mortgage bond over the property, and for the purposes set out hereunder:—

1. Purposes for which the amount applied for is required and will be utilised
2. Full particulars of property offered as security:—
 - (a) How property is described in the *title deed/quitrent title:
 - (b) District where situate
 - (c) Extent and whether defined or undefined portion
 - (d) Registered owner's name
 - (e) Description of improvements on the property
 - (f) Existing servitudes (registered or otherwise)
 - (g) Other restrictions applicable (e.g. *fidei commissum*, right of pre-emption etc.)
 - (h) Owner of mineral rights
 - (i) Is the property, or any portion thereof, let? Give full details
3. Full particulars of bonds or charges on the property:
 - (a) Amount owing and rate of interest
 - (b) Mortgagee
 - (c) Conditions of repayment
 - (d) Date of bond
 - (e) Whether called up or not. If called up give reasons
4. When and how was property acquired? If purchased, at what price

I/We the undersigned, do hereby declare the foregoing to be true and correct in every particular*/and consent to the application of the provisions of the Betterment Areas Proclamation No. R.196 of 1967, to the land herein described.

.....		
Witness	Date	Applicant
Confirmed and signed by the applicant(s) before me at on this day of 19.....		
Date:		
Place:		

Bantu Affairs Commissioner

*Delete inapplicable words.

Die Sekretaris van Bantoe-administrasie en -ontwikkeling,

PRETORIA.

Ek, die ondergetekende, in my hoedanigheid van
..... sertifiseer hierby dat ek die werklike
huidige waarde van die eiendom hierbo beskryf, met insluiting
van die verbeterings daarop, stel op rand
(R.....).

Hierdie bedrag is soos volg bereken:.....
.....

Datum

Plek

.....
Waardeerder

The Secretary for Bantu Administration
and Development,

PRETORIA.

I, the undersigned, in my capacity as

.....
do hereby certify that I consider the true present value of the
property above described, inclusive of improvements thereon,
to be

..... rand (R.....).
This amount is arrived at as follows:

.....
Date:

Place:

.....
Valuator

INHOUD

No.	PROKLAMASIE.	BLADSY
R.188	Regulasies betreffende Grond in Bantoe-gebiede	1

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