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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys

Overseas 30c Oorsee

POST FREE—POSVRY

VOL. 144]

CAPE TOWN, 29 JUNE 1977

[No. 5611

KAAPSTAD, 29 JUNIE 1977

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1161.

29 June 1977.

No. 1161.

29 Junie 1977.

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

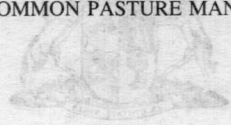
Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 82 of 1977: Common Pasture Management Act, 1977.

No. 82 van 1977: Wet op die Beheer van Gemeenskaplike Weiveld, 1977.

Act No. 82, 1977

COMMON PASTURE MANAGEMENT ACT, 1977.



GOVERNMENT GAZETTE

REPUBLIC OF SOUTH AFRICA

ACT

To provide for the reservation and the use of particular State land as common pasture; for the establishment of pasture management committees to control and manage such pasture; and for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 7 June 1977.)

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

Definitions.

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

- (i) "agricultural unit" means land designated by the Minister as a particular agricultural unit under section 3; (vii)
- (ii) "committee" means any pasture management committee established under section 4; (vi)
- (iii) "committee of management" means any committee of management established or deemed to have been established under the regulations made in terms of section 78 (1) (d) of the Land Settlement Act, 1956 (Act No. 21 of 1956), and which continue to apply in terms of section 51 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966); (i)
- (iv) "common pasture" means State land reserved by the Minister as a common pasture under section 2; (iv)
- (v) "Department" means the Department of Agricultural Credit and Land Tenure; (ii)
- (vi) "Minister" means the Minister of Agriculture; (viii)
- (vii) "owner", in relation to land referred to in section 3 means—
 - (a) the person in whose name such land is registered and also any successor in title of such person;
 - (b) in the case of State land leased under a lease which contains an option in favour of the lessee to purchase the land so leased, the lessee who has exercised his option to purchase such land;
 - (c) in the case of State land which has been purchased by any person but which has not yet been registered in his name, such purchaser; (iii)
- (viii) "regulation" means any regulation made under section 15; (ix)
- (ix) "Secretary" means the Secretary for Agricultural Credit and Land Tenure; (x)
- (x) "this Act" includes the regulations made thereunder.

(v)

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WET

Om voorsiening te maak vir die aanwysing en die gebruik van bepaalde Staatsgrond as gemeenskaplike weiveld; vir die instelling van weidingsbeheerkomitees om sodanige weiveld te beheer en te bestuur; en vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Junie 1977.)*

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

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

- (i) „beheerkomitee” ’n beheerkomitee wat ingestel is of beskou word ingestel te gewees het kragtens die regulasies wat ingevolge artikel 78 (1) (d) van die Nedersettingswet, 1956 (Wet No. 21 van 1956), uitgevaardig is, en wat ingevolge artikel 51 (1) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), van toepassing bly; (iii)
- (ii) „Departement” die Departement van Landboukrediet en Grondbesit; (v)
- (iii) „eienaar”, met betrekking tot grond in artikel 3 bedoel—
 - (a) die persoon in wie se naam daardie grond geregistreer is, en enige regsopvolger van so ’n persoon;
 - (b) in die geval van Staatsgrond verhuur kragtens ’n huurkontrak wat ’n opsie ten gunste van die huurder bevat om die aldus verhuurde grond aan te koop, die huurder wat sy opsie uitgeoefen het om die grond aan te koop;
 - (c) in die geval van Staatsgrond wat deur iemand gekoop is maar wat nog nie in sy naam geregistreer is nie, daardie koper; (vii)
- (iv) „gemeenskaplike weiveld” Staatsgrond wat kragtens artikel 2 deur die Minister as gemeenskaplike weiveld aangewys is; (iv)
- (v) „hierdie Wet” ook die regulasies daarkragtens uitgevaardig; (x)
- (vi) „komitee” ’n weidingsbeheerkomitee wat kragtens artikel 4 ingestel is; (ii)
- (vii) „landbou-eenheid” grond wat kragtens artikel 3 deur die Minister as ’n bepaalde landbou-eenheid aangewys is; (i)
- (viii) „Minister” die Minister van Landbou; (vi)
- (ix) „regulasie” ’n regulasie wat kragtens artikel 15 uitgevaardig is; (viii)
- (x) „Sekretaris” die Sekretaris van Landboukrediet en Grondbesit. (ix)

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COMMON PASTURE MANAGEMENT ACT, 1977.

Withdrawal of State land from committees of management, and reservation of State land as common pasture, by Minister.

2. (1) The Minister may, by notice in the *Gazette*, and with effect from a date mentioned in the notice—

- (a) withdraw partly or wholly, subject to the provisions of subsections (2) and (3), any State land set apart under section 22 (2) of the Land Settlement Act, 1956 (Act No. 21 of 1956), or any other law as common pasture, and controlled at the commencement of this Act by any committee of management, from such control;
- (b) withdraw partly or wholly, any other State land controlled at the commencement of this Act by any committee of management as common pasture, from such control;
- (c) reserve as common pasture State land referred to in paragraph (b) as well as any other defined State land, whether surveyed or not, which in the opinion of the Minister is suitable for such purpose;
- (d) at any time add any additional defined piece or pieces of State land to any common pasture so reserved; and
- (e) subject to the provisions of subsection (2), at any time withdraw partly or wholly any land which forms part of any common pasture, from the reservation thereof as such pasture.

(2) (a) The Minister shall by the notice referred to in subsection (1) reserve as common pasture for purposes of this Act, the land referred to in paragraph (a) of the said subsection (1) except in so far as in the opinion of the Minister it is necessary for reservation for public purposes.

(b) The Minister shall not deal with the land referred to in paragraph (a) of this subsection under paragraph (e) of subsection (1) except with the consent of at least three-fourths of the owners of the agricultural units to which such land has been allotted under section 3 (1) (c).

(3) Whenever land is withdrawn from the control of any committee of management in terms of subsection (1) (a) or (b), the provisions of the first proviso to section 51 (1) of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), shall no longer apply in respect of any provision of any law referred to in that proviso which upon such withdrawal applies to, or in respect of, such land.

Designation of agricultural units, and allotment of common pasture thereto, by Minister.

3. (1) The Minister may in such manner as he may deem fit, and by such notice to the owner concerned as he may deem sufficient—

- (a) subject to the provisions of paragraph (a) of subsection (2), designate one or more pieces of land as a particular agricultural unit;
- (b) subject to the provisions of paragraph (b) of subsection (2), at any time thereafter withdraw any portion or the whole of such land from any such designation;
- (c) subject to the provisions of this Act, allot any particular common pasture for use by the owner concerned to an agricultural unit.

(2) (a) If any lessee, as defined in section 1, and any owner referred to in section 22 (2), of the Land Settlement Act, 1956 (Act No. 21 of 1956), is at the commencement of this Act entitled to the use of any pasture referred to in section 2 (2), the Minister shall in the manner prescribed by regulation designate in respect of that pasture the holding of that lessee or owner, as the case may be, as an agricultural unit: Provided that the Minister need not designate as agricultural units those holdings or portions thereof which in his opinion are not being used for agricultural purposes, or those holdings in respect of

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2. (1) Die Minister kan by kennisgewing in die *Staatskoerant*, met ingang van 'n datum in die kennisgewing vermeld—
- (a) Staatsgrond wat kragtens artikel 22 (2) van die Nedersettingswet, 1956 (Wet No. 21 van 1956), of die een of ander wet as gemeenskaplike weiveld afgesonder is en by die inwerkingtreding van hierdie Wet deur 'n beheerkomitee beheer word, gedeeltelik of in die geheel, behoudens die bepalings van subartikels (2) en (3), aan sodanige beheer onttrek;
- (b) enige ander Staatsgrond wat by die inwerkingtreding van hierdie Wet as gemeenskaplike weiveld deur 'n beheerkomitee beheer word, gedeeltelik of in die geheel, aan sodanige beheer onttrek;
- (c) Staatsgrond bedoel in paragraaf (b) asook enige ander omskrewe Staatsgrond, hetsy opgemeet al dan nie, wat na die oordeel van die Minister vir so 'n doel geskik is, as gemeenskaplike weiveld aanwys;
- (d) te eniger tyd 'n verdere omskrewe stuk of stukke Staatsgrond by enige aldus aangewese gemeenskaplike weiveld toevoeg; en
- (e) behoudens die bepalings van subartikel (2), te eniger tyd grond wat deel vorm van gemeenskaplike weiveld, gedeeltelik of in die geheel aan die aanwysing daarvan as so 'n weiveld onttrek.
- (2) (a) Die Minister moet by die kennisgewing bedoel in subartikel (1) die grond bedoel in paragraaf (a) van die genoemde subartikel (1), behalwe vir sover dit na die oordeel van die Minister vir afsondering vir openbare doeleindes nodig is, vanaf die datum waarop sodanige grond aan bedoelde beheer onttrek word, as gemeenskaplike weiveld vir die doeleindes van hierdie Wet aanwys.
- (b) Die Minister mag nie met die grond bedoel in paragraaf (a) van hierdie subartikel kragtens paragraaf (e) van subartikel (1) handel nie behalwe met die toestemming van minstens drie vierdes van die eenaars van die landbou-eenhede waaraan daardie grond kragtens artikel 3 (1) (c) toegewys is.
- (3) Wanneer grond ingevolge subartikel (1) (a) of (b) aan die beheer van 'n beheerkomitee onttrek word, is die bepalings van die eerste voorbehoudsbepaling by artikel 51 (1) van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), nie meer ten opsigte van enige bepaling van 'n wet in daardie voorbehoudsbepaling bedoel, wat by sodanige onttrekking van toepassing is op of ten opsigte van sodanige grond, van toepassing nie.
3. (1) Die Minister kan op die wyse wat hy geskik ag, en by die kennisgewing aan die betrokke eienaar wat hy voldoende ag—
- (a) behoudens die bepalings van paragraaf (a) van subartikel (2), een of meer stukke grond as 'n bepaalde landbou-eenheid aanwys;
- (b) behoudens die bepalings van paragraaf (b) van subartikel (2), te eniger tyd daarna 'n gedeelte of die geheel van sodanige grond van so 'n aanwysing onttrek;
- (c) behoudens die bepalings van hierdie Wet, 'n bepaalde gemeenskaplike weiveld vir gebruik deur die betrokke eienaar aan 'n landbou-eenheid toewys.
- (2) (a) Indien 'n huurder, soos omskryf in artikel 1, en 'n eienaar bedoel in artikel 22 (2), van die Nedersettingswet, 1956 (Wet No. 21 van 1956), by die inwerkingtreding van hierdie Wet geregtig is op die gebruik van weiveld bedoel in artikel 2 (2), moet die Minister op die wyse by regulasie voorgeskryf die hoewe van daardie huurder of eienaar, na gelang van die geval, as 'n landbou-eenheid ten opsigte van daardie weiveld aanwys: Met dien verstande dat die Minister daardie hoewes of gedeeltes daarvan wat na sy oordeel nie vir landboudoeleindes gebruik word nie, of daardie hoewes ten opsigte waarvan die bedoelde huurders of eenaars

Onttrekking van Staatsgrond van beheerkomitees, en aanwysing van Staatsgrond as gemeenskaplike weiveld, deur Minister.

Aanwysing van landbou-eenhede, en toewysing van gemeenskaplike weiveld daaraan, deur Minister.

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Establishment and
objects of pasture
management
committees.

Functions and
powers of a
committee.

which the said lessees or owners notified the Minister in writing that they do not intend using the common pasture concerned.

(b) The Minister shall not deal with the agricultural units referred to in paragraph (a) of this subsection under paragraph (b) of subsection (1) except after consultation with the committee concerned.

(3) The owner of an agricultural unit may use any common pasture which has been allotted by the Minister to such agricultural unit, in accordance with the provisions of this Act.

4. (1) The Minister may by notice in the *Gazette*, and with effect from a date mentioned in the notice, establish, under a name mentioned in the notice, a pasture management committee, which shall be a body corporate, in respect of any particular common pasture.

(2) The objects of a committee shall be to control and manage in accordance with the provisions of this Act, for the benefit and on behalf of the owners of the agricultural units in question, the common pasture in respect of which it has been established.

5. (1) For the purposes of achieving the objects for which any committee has been established, such committee may, in addition to any other powers conferred upon it by this Act—

(a) subject to the provisions of subsection (4), acquire, hire, let, sell or otherwise dispose of any movable or immovable property;

(b) construct dipping tanks, erect fences, and maintain them;

(c) erect at any place approved by the Minister, any building or structure which is necessary in connection with the performance of the functions or the exercising of the powers of the committee, and equip, maintain or alter such building or structure;

(d) subject to the provisions of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), raise moneys by way of loan from the State for the construction of soil conservation works or the performance of any act so as to comply with a direction contemplated in the Soil Conservation Act, 1969 (Act No. 76 of 1969), the construction of any water work contemplated in the Water Act, 1956 (Act No. 54 of 1956), or the erection of fences;

(e) with the approval of the Minister, determine the kind and number of stock which the owner of any agricultural unit may graze on the common pasture concerned;

(f) with due regard to the carrying capacity of the common pasture concerned, allow any owner of any agricultural unit, on payment of a grazing fee approved by the Minister, to keep more stock on such pasture than he is allowed to keep thereon under paragraph (e);

(g) allow any owner of any agricultural unit, subject to such conditions as the committee may deem necessary, to transfer temporarily and in writing his grazing rights to any other owner of any relevant agricultural unit; and

(h) with the approval of the Minister take any other steps which are necessary for achieving its objects.

(2) A committee shall, in respect of the common pasture under its control, be vested with all the rights conferred and obligations imposed upon the owner of a holding by or under the Fencing Act, 1963 (Act No. 31 of 1963).

(3) In the application of any provision of the Weeds Act, 1937 (Act No. 42 of 1937), the Soil Conservation Act, 1969 (Act No. 76 of 1969), or the Agricultural Pests Act, 1973 (Act No. 3 of 1973), to or in respect of, land which forms part of any common pasture, the committee concerned shall be deemed to be the owner of such land.

(4) In the application of the provisions of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), in respect of any

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die Minister by skriftelike kennisgewing meegedeel het dat hulle nie van voornemens is om van die betrokke gemeenskaplike weiveld gebruik te maak nie, nie as landbou-eenhede hoof aan te wys nie.

(b) Die Minister mag nie met die landbou-eenhede bedoel in paragraaf (a) van hierdie subartikel kragtens paragraaf (b) van subartikel (1) handel behalwe na raadpleging met die betrokke komitee nie.

(3) Die eienaar van 'n landbou-eenheid kan 'n gemeenskaplike weiveld wat deur die Minister aan daardie landbou-eenheid toegewys is ooreenkomstig die bepalings van hierdie Wet gebruik.

4. (1) Die Minister kan by kennisgewing in die *Staatskoerant*, en met ingang van 'n datum in die kennisgewing vermeld, 'n weidingsbeheerkomitee, wat met regs persoonlikheid bekleed is, ten opsigte van 'n bepaalde gemeenskaplike weiveld instel onder 'n naam wat in die kennisgewing vermeld word.

Instelling en
oogmerke van
weidingsbeheer-
komitees.

(2) Die oogmerke van 'n komitee is om die gemeenskaplike weiveld ten opsigte waarvan hy ingestel is, ooreenkomstig die bepalings van hierdie Wet tot voordeel en ten behoeve van die eienaars van die betrokke landbou-eenhede te beheer en te bestuur.

5. (1) Ten einde die oogmerke te bereik waarvoor 'n komitee ingestel is, kan so 'n komitee, benewens enige ander bevoegdhede by hierdie Wet aan hom verleen—

Werksaamhede en
bevoegdhede van
'n komitee.

(a) behoudens die bepalings van subartikel (4), roerende of onroerende goed verkry, huur, verhuur, verkoop of andersins van die hand sit;

(b) dipbakke bou, heinings oprig, en hulle in stand hou;

(c) 'n gebou of struktuur wat in verband met die uitvoering van die werksaamhede of die uitoefening van die bevoegdhede van die komitee nodig is, oprig op 'n plek wat deur die Minister goedgekeur is, en so 'n gebou of struktuur toerus, in stand hou of verander;

(d) behoudens die bepalings van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), 'n lening by die Staat aangaan vir die oprigting van grondbewaringswerke of die verrigting van 'n handeling ter voldoening aan 'n voorskrif soos in die Grondbewaringswet, 1969 (Wet No. 76 van 1969), bedoel, die bou van 'n waterwerk soos in die Waterwet, 1956 (Wet No. 54 van 1956), bedoel, of die oprigting van heinings;

(e) met die goedkeuring van die Minister, die soort en aantal vee bepaal wat die eienaar van 'n landbou-eenheid op die betrokke gemeenskaplike weiveld kan laat wei;

(f) met inagneming van die drakrag van die betrokke gemeenskaplike weiveld, 'n eienaar van 'n landbou-eenheid toelaat om, teen betaling van 'n weidingsfooi wat deur die Minister goedgekeur is, meer vee op daardie weiveld aan te hou as wat hy kragtens paragraaf (e) toegelaat is om daarop aan te hou;

(g) 'n eienaar van 'n landbou-eenheid toelaat om, onderworpe aan die voorwaardes wat die komitee nodig ag, sy weiregte skriftelik aan 'n ander eienaar van 'n toepaslike landbou-eenheid tydelik oor te dra; en

(h) met die goedkeuring van die Minister enige ander stappe doen wat nodig is om sy oogmerke te bereik.

(2) 'n Komitee is met betrekking tot die gemeenskaplike weiveld onder sy beheer, bekleed met al die regte en verpligtinge wat by of kragtens die Omheiningswet, 1963 (Wet No. 31 van 1963), aan die eienaar van 'n hoewe verleen of opgelê word.

(3) By die toepassing van 'n bepaling van die Wet op Onkruid, 1937 (Wet No. 42 van 1937), die Grondbewaringswet, 1969 (Wet No. 76 van 1969), of die Wet op Landbouplae, 1973 (Wet No. 3 van 1973), op of ten opsigte van grond wat deel uitmaak van 'n gemeenskaplike weiveld, word die betrokke komitee geag 'n eienaar van daardie grond te wees.

(4) By die toepassing van die bepalings van die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), ten opsigte van

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application for a loan by any committee, such committee shall in relation to the common pasture in question, be deemed to be a person complying with the requirements with which any applicant for a loan is required to comply in terms of the said provisions.

(5) A committee shall not, without the prior approval of the Minister, let, sell, or in any other manner dispose of its immovable property, or grant to any person any real right thereon.

Constitution of a committee.

6. (1) A committee shall consist of either five or seven members, as may be determined by the Minister, of whom—

(a) in the case of a committee consisting of five members, the Minister shall appoint two and, in the case of a committee consisting of seven members, the Minister shall appoint three; and

(b) the remaining three or four, as the case may be, shall, in accordance with the provisions of the regulations, be elected by the owners of the agricultural units in question from among their number.

(2) If the said owners for any reason fail to elect the members referred to in subsection (1) (b) the Minister may appoint those members from among the owners concerned.

Period of office and remuneration of members of a committee.

7. (1) Any member of a committee shall be appointed or elected under section 6, as the case may be, for the period, but not exceeding three years, determined by the Minister in respect of the member concerned at the time of the appointment concerned or, in the case of an elected member, at the time when the Minister is notified of his election, and may, when his period of office has expired, again be appointed or, as the case may be, elected.

(2) A member of a committee shall receive no remuneration or allowances in respect of his services as such member: Provided that a committee may in any particular case in its discretion repay any member for any actual expenditure incurred in connection with any particular function assigned to such member by the committee.

Vacation of office by members of a committee, and filling of casual vacancies.

8. (1) Any member of a committee shall vacate his office if—

(a) his estate is sequestrated, or he compromises with his creditors;

(b) he is according to the law detained as a mentally ill person;

(c) he is convicted of any offence and is sentenced to imprisonment without the option of a fine;

(d) he, by writing under his hand addressed and delivered to the Secretary, resigns from his office as a member;

(e) he has absented himself from two consecutive meetings of such committee without the leave of the chairman of the committee concerned; or

(f) he is removed from his office in terms of subsection (2).

(2) Any member of a committee may at any time be removed from his office by the Minister by notice in writing addressed and delivered to him, if the Minister is of the opinion that good reasons for the removal from office of such member, exist.

(3) Any casual vacancy on any committee caused by the death or the vacation of office, of any member, shall, with due regard to the provisions of section 6, be filled for the unexpired portion of the period of office of the member who has died, or as the case may be, has vacated his office.

Chairman and vice-chairman of a committee.

9. (1) The Minister shall designate any member of a committee as chairman, and any other member as vice-chairman, of such committee.

(2) Whenever the chairman of any committee is absent, or unable to perform his functions as chairman, the vice-chairman shall act as chairman, and while so acting, he shall be vested with all the powers conferred and duties imposed upon the chairman under this Act.

(3) If both the chairman and the vice-chairman are absent from any meeting of a committee, the members present shall elect a

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enige aansoek om 'n lening deur 'n komitee, so 'n komitee, met betrekking tot die betrokke gemeenskaplike weiveld, geag word 'n persoon te wees wat aan die vereistes voldoen waaraan 'n aansoeker om 'n lening ingevolge bedoelde bepalinge moet voldoen.

(5) 'n Komitee kan nie, sonder die voorafverkreë goedkeuring van die Minister, enige van sy onroerende goed verhuur, verkoop, op 'n ander wyse van die hand sit, of 'n saaklike reg daarop aan iemand verleen nie.

6. (1) 'n Komitee bestaan uit òf vyf òf sewe lede, soos deur die Minister bepaal, van wie— Samestelling van 'n komitee.

(a) in die geval van 'n komitee bestaande uit vyf lede, die Minister twee aanstel, en, in die geval van 'n komitee bestaande uit sewe lede, die Minister drie aanstel; en

(b) die oorblywende drie of vier, na gelang van die geval, deur die eienaars van die betrokke landbou-eenhede ooreenkomstig die bepalinge van die regulasies uit hul geledere verkies word.

(2) Indien die bedoelde eienaars om die een of ander rede in gebreke bly om die lede in subartikel (1) (b) bedoel, te verkies, kan die Minister daardie lede uit die geledere van die betrokke eienaars aanstel.

7. (1) 'n Lid van 'n komitee word kragtens artikel 6 aangestel of verkies, na gelang van die geval, vir die tydperk van hoogstens drie jaar wat die Minister ten tyde van die betrokke aanstelling of, in die geval van 'n verkose lid, wanneer die Minister van sy verkiesing in kennis gestel word, ten opsigte van die betrokke lid bepaal, en kan, wanneer sy ampstermyn verstryk het, weer aangestel of, na gelang van die geval, verkies word. Ampstermyn en vergoeding van lede van 'n komitee.

(2) 'n Lid van 'n komitee ontvang geen besoldiging of toelaes ten opsigte van sy dienste as so 'n lid nie: Met dien verstande dat 'n komitee in 'n bepaalde geval na goeddunke 'n lid kan vergoed vir werklike uitgawes aangegaan in verband met 'n bepaalde werksaamheid wat deur die komitee aan so 'n lid opgedra is.

8. (1) 'n Lid van 'n komitee ontruim sy amp indien— Ontruiming van amp deur lede van 'n komitee, en vul van toevallige vakatures.

(a) sy boedel gesekwestreer word, of hy met sy skuldeisers 'n skikking aangaan;

(b) hy volgens die reg as 'n geestesongestelde aangehou word;

(c) hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;

(d) hy, deur 'n bedankingsbrief deur hom onderteken en aan die Sekretaris gerig en afgelewer, uit sy amp as lid bedank;

(e) hy sonder verlof van die voorsitter van die betrokke komitee van twee agtereenvolgende vergaderings van daardie komitee afwesig was; of

(f) hy ingevolge subartikel (2) van sy amp onthef word.

(2) 'n Lid van 'n komitee kan te eniger tyd deur die Minister van sy amp onthef word deur 'n skriftelike kennisgewing aan hom gerig en afgelewer, indien die Minister van oordeel is dat daar gegronde redes vir die ampsontheffing van daardie lid bestaan.

(3) 'n Toevallige vakature in 'n komitee wat deur die dood of die ampsontruiming van 'n lid ontstaan, word, met inagneming van die bepalinge van artikel 6, gevul vir die onverstreke gedeelte van die ampstermyn van die lid wat oorlede is of, na gelang van die geval, sy amp ontruim het.

9. (1) Die Minister wys 'n lid van 'n komitee as voorsitter, en 'n ander lid as ondervoorsitter, van die komitee aan. Voorsitter en ondervoorsitter van 'n komitee.

(2) Wanneer die voorsitter van 'n komitee afwesig is, of nie in staat is om sy werksaamhede as voorsitter te verrig nie, neem die ondervoorsitter as voorsitter waar, en terwyl hy aldus waarneem, is hy bekleed met al die bevoegdhede en pligte waarmee die voorsitter kragtens hierdie Wet bekleed is.

(3) Indien sowel die voorsitter as die ondervoorsitter van 'n vergadering van 'n komitee afwesig is, kies die aanwesige lede 'n

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Meetings of
committees
and
quorum.

chairman from among them to act as chairman at such meeting, and such acting chairman shall, subject to the provisions of the rules of procedure of the committee referred to in section 10 (5) (if any) be vested with all the said powers conferred and the said duties imposed upon the chairman concerned.

10. (1) Any meeting of a committee shall be held at the time and place determined by the chairman of such committee: Provided that a special meeting shall be convened by the chairman on a reasoned request in writing by at least two members of such committee.

(2) The majority of the members of a committee shall form a quorum for a meeting of such committee.

(3) The decision of a majority of the members of a committee present at any meeting of the committee, shall be the decision of the committee: Provided that in the event of an equality of votes the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

(4) No decision of a committee or act performed under the authority of the committee shall be invalid by reason only of any vacancy in the committee, or by reason only of the fact that any person, other than a member referred to in section 11 in the circumstances mentioned therein, who is not lawfully entitled to sit as a member of the committee, sat at the time when the decision concerned was taken or the act concerned was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the committee who were present at the time and entitled to sit as members.

(5) The procedure at any meeting of a committee shall be prescribed by regulation, and may, if not so prescribed, be determined by the committee for itself.

Prohibition of
presence at, or
participation in,
proceedings of
a committee
in certain
circumstances.

11. (1) No member of any committee shall be present or vote at any meeting thereof, or take part in the discussions, or endeavour to influence the opinion or vote of any other member, in connection with any matter which is dealt with by the committee and in which such first-mentioned member, any person related to him in the third degree of affinity or consanguinity or his partner, has a direct or indirect financial interest, other than a matter in which such member has such financial interest only in his capacity as owner of any agricultural unit or as a member of the committee.

(2) Any member who contravenes the provisions of subsection (1), shall be guilty of an offence and be liable on conviction to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

Employees of a
committee.

12. Any committee may employ such employees as it may deem necessary for the achievement of its objects, and may determine their duties and wages, allowances or other remuneration and generally their other conditions of service.

Funds and other
financial matters
of a committee.

13. (1) The funds of a committee shall consist of—

- (a) moneys derived from any transaction referred to in section 5 (1) (a);
- (b) loans raised in terms of section 5 (1) (d);
- (c) moneys collected under section 5 (1) (f);
- (d) moneys collected from an owner in terms of the regulations;
- (e) subsidies or grants paid or made to the committee in terms of section 6 of the Soil Conservation Act, 1969 (Act No. 76 of 1969);
- (f) interest and dividends derived from investments; and
- (g) moneys received from any other source.

(2) A committee shall utilize the moneys referred to in subsection (1) for defraying the expenditure which such committee is required to incur in the performance of its functions and the exercising of its powers under this Act: Provided that moneys not required by a committee for running expenses, may be invested by

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voorsitter uit hul geledere om op daardie vergadering as voorsitter waar te neem, en so 'n waarnemende voorsitter is, behoudens die bepalings van die komitee se reëls van prosedure bedoel in artikel 10 (5) (indien enige) beklee met al die bedoelde bevoegdhede en pligte van die betrokke voorsitter.

10. (1) 'n Vergadering van 'n komitee word gehou op die tyd en plek wat die voorsitter van daardie komitee bepaal: Met dien verstande dat 'n spesiale vergadering op skriftelike en gemotiveerde versoek van minstens twee lede van daardie komitee deur die voorsitter belê moet word.

Vergaderings van
komitees, en
kworum.

(2) Die meerderheid van die lede van 'n komitee maak 'n kworum vir 'n vergadering van daardie komitee uit.

(3) Die besluit van 'n meerderheid van die lede van 'n komitee wat op 'n vergadering van die komitee aanwesig is, is die besluit van die komitee: Met dien verstande dat by 'n staking van stemme die persoon wat op die vergadering voorsit 'n beslissende stem benewens sy beraadslagende stem het.

(4) Geen besluit van 'n komitee of handeling op gesag van die komitee verrig, is ongeldig nie bloot vanweë 'n vakature in die komitee, of omdat iemand, uitgesonderd 'n lid bedoel in artikel 11 onder die omstandighede daarin vermeld, wat regtens nie sitting as lid van die komitee kon neem nie, sitting as lid geneem het toe die betrokke besluit geneem of die betrokke handeling gemagtig is, indien die besluit geneem of die handeling gemagtig is deur die vereiste meerderheid van die lede van die komitee wat toe aanwesig was en geregtig was om as lede sitting te neem.

(5) Die prosedure op 'n vergadering van 'n komitee is soos by regulasie voorgeskryf, of kan, indien nie aldus voorgeskryf nie, deur die komitee vir homself bepaal word.

11. (1) Geen lid van 'n komitee mag op 'n vergadering daarvan aanwesig wees of stem, of aan die besprekings deelneem, of die sienswyse of stem van 'n ander lid probeer beïnvloed nie, in verband met 'n aangeleentheid wat deur die komitee behandel word en waarby eersgenoemde lid, iemand wat in die derde graad van bloed- of aanverwantskap aan hom verwant is of sy vennoot, 'n regstreekse of onregstreekse geldelike belang het, uitgesonderd 'n aangeleentheid waarby so 'n lid slegs in sy hoedanigheid van eienaar van 'n landbou-eenheid of as lid van die komitee 'n sodanige geldelike belang het.

Verbod op aan-
wesigheid by,
of deelname aan,
verrigtinge van
'n komitee deur
'n lid onder
sekere
omstandighede.

(2) 'n Lid wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vierhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sowel daardie boete as daardie gevangenisstraf.

12. 'n Komitee kan die werknemers wat hy vir die bereiking van sy oogmerke nodig ag, in diens neem, en kan hul pligte en lone, toelaes of ander besoldiging en hul ander diensvoorwaardes in die algemeen bepaal.

Werknemers van
'n komitee.

13. (1) Die fondse van 'n komitee bestaan uit—

- (a) gelde uit enige transaksie in artikel 5 (1) (a) bedoel, verkry;
- (b) lenings ingevolge artikel 5 (1) (d) aangegaan;
- (c) gelde wat kragtens artikel 5 (1) (f) ingevorder word;
- (d) gelde wat ingevolge die regulasies van 'n eienaar ingevorder word;
- (e) subsidies of toekennings wat aan die komitee ingevolge artikel 6 van die Grondbewaringswet, 1969 (Wet No. 76 van 1969), betaal of gedoen is;
- (f) rente en dividende uit beleggings verkry; en
- (g) gelde uit enige ander bron verkry.

Fondse en ander
geldelike aan-
geleenthede van
'n komitee.

(2) 'n Komitee wend die gelde in subartikel (1) bedoel aan ter bestryding van die uitgawes wat so 'n komitee by die uitvoering van sy werksaamhede en die uitoefening van sy bevoegdhede kragtens hierdie Wet moet aangaan: Met dien verstande dat gelde wat 'n komitee nie vir lopende uitgawes nodig het nie deur so 'n

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such committee in accordance with directions contained in the regulations.

(3) A committee shall open an account with any commercial bank registered as such in terms of the Banks Act, 1965 (Act No. 23 of 1965), and shall deposit in such account all moneys which by virtue of the provisions of this Act, become available to the committee.

(4) A committee shall keep a proper record of all its financial transactions in accordance with directions issued from time to time by the Secretary in respect of committees in general, or such committee (if any) and shall within sixty days after the end of each financial year (which shall terminate on 31 March) prepare and submit to the Secretary, accounts of its revenue and expenditure for such year, and a balance sheet of its assets and liabilities as at 31 March.

(5) The books, statements of account and balance sheet of a committee shall be audited annually by an officer of the Department designated for that purpose by the Secretary.

Dissolution of a
committee or
committee of
management.

14. (1) Whenever the Minister deems it necessary, he may by notice in the *Gazette* dissolve any committee or committee of management with effect from a date mentioned in such notice.

(2) The assets, rights, liabilities and other obligations of a committee or committee of management dissolved in terms of subsection (1), shall on the relevant date pass to the State, and the Minister may, in consultation with the Minister of Finance and notwithstanding any provisions to the contrary contained in any other law, dispose of such assets or rights, in such manner as he may deem necessary, and shall meet such liabilities and obligations: Provided that whenever any committee of management is so dissolved and simultaneously therewith a committee is established which, either wholly or in part, performs the same functions as such committee of management, the assets, rights, liabilities and other obligations of the committee of management in question shall become the assets, rights, liabilities and other obligations of the committee in question.

Regulations.

15. (1) The Minister may make regulations relating to—

(a) the manner of election of members of any committee referred to in section 6 (1) (b);

(b) the control, management and use of common pasture, including—

(i) the construction and maintenance of dipping tanks, the moneys payable in connection with the use thereof, and the persons responsible for the payment thereof;

(ii) the branding and marking of stock kept thereon;

(iii) the prohibition of the keeping of dangerous and undesirable animals thereon, and the definition of such animals;

(iv) the prevention and treatment of stock diseases in respect of stock kept thereon, and the exclusion of stock which in the opinion of the committee concerned may spread such diseases;

(v) the destruction of carcasses of animals;

(vi) the impounding of animals trespassing thereon;

(vii) the planting, care and protection, and the destruction, chopping or cutting off of grass, trees, shrubs or any other plants or crop, and the sale thereof;

(viii) the burning of grass and the eradication of noxious weeds;

(ix) the hunting of game thereon; and

(x) the annual moneys which any committee may collect from the owners of the agricultural units concerned;

(c) the investing of moneys not required by any committee for running expenses;

(d) any matter which may or is required to be prescribed under this Act;

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komitee belê mag word ooreenkomstig die voorskrifte vervat in die regulasies.

(3) 'n Komitee moet 'n rekening by 'n handelsbank wat as sodanig geregistreer is ingevolge die Bankwet, 1965 (Wet No. 23 van 1965), open en moet in daardie rekening alle gelde stort wat uit hoofde van die bepalings van hierdie Wet tot beskikking van die komitee kom.

(4) 'n Komitee moet behoorlik boekhou van al sy geldelike transaksies ooreenkomstig voorskrifte wat die Sekretaris van tyd tot tyd met betrekking tot komitees in die algemeen, of daardie komitee, uitgereik het (indien enige) en moet binne sestig dae na die einde van elke boekjaar (wat op 31 Maart eindig) rekenings van sy inkomste en uitgawes gedurende daardie jaar, en 'n balansstaat van sy bates en laste op 31 Maart, opstel en aan die Sekretaris voorlê.

(5) Die boeke, rekenings en balansstaat van 'n komitee moet jaarliks deur 'n beamppte van die Departement wat deur die Sekretaris vir daardie doel aangewys is, geouditeer word.

14. (1) Wanneer die Minister dit nodig ag, kan hy by kennisgewing in die *Staatskoerant* 'n komitee of 'n beheerkomitee met ingang van 'n datum in die kennisgewing vermeld, ontbind. Ontbinding van 'n komitee of beheerkomitee.

(2) Die bates, regte, laste en ander verpligtinge van 'n komitee of beheerkomitee wat ingevolge subartikel (1) ontbind is, gaan op die betrokke datum oor op die Staat, en die Minister kan, in oorleg met die Minister van Finansies, en ondanks andersluidende bepalings van die een of ander wet, oor sodanige bates of regte op die wyse wat hy dienstig ag, beskik, en moet sodanige laste en verpligtinge nakom: Met dien verstande dat wanneer 'n beheerkomitee aldus ontbind word en gelyktydig daarmee 'n komitee ingestel word wat, hetsy in die geheel of gedeeltelik, dieselfde werksaamhede verrig as daardie beheerkomitee, word die bates, regte, laste en ander verpligtinge van die betrokke beheerkomitee die bates, regte, laste en ander verpligtinge van die betrokke komitee.

15. (1) Die Minister kan regulasies uitvaardig betreffende— Regulasies.

- (a) die wyse van verkiesing van lede van 'n komitee bedoel in artikel 6 (1) (b);
- (b) die beheer, bestuur en gebruik van gemeenskaplike weiveld, met inbegrip van—
 - (i) die bou en instandhouding van dipbakke, die gelde betaalbaar in verband met die gebruik daarvan, en die persone wat vir die betaling daarvan aanspreeklik is;
 - (ii) die brandmerk en merk van die vee daarop aangehou;
 - (iii) die verbod op die aanhou van gevaarlike en ongewenste diere daarop, en die omskrywing van sodanige diere;
 - (iv) die voorkoming en behandeling van veesiektes ten opsigte van vee daarop aangehou, en die uitsluiting van vee wat na die oordeel van die betrokke komitee sulke siektes kan versprei;
 - (v) die vernietiging van karkasse van diere;
 - (vi) die skut van diere wat daarop oortree;
 - (vii) die plant, versorging en beskerming, en die vernietiging, afkap of afsny van gras, bome, struie of enige ander plante of gewasse, en die verkoop daarvan;
 - (viii) die brand van gras en die uitroeiing van skadelike onkruid;
 - (ix) die jag van wild daarop; en
 - (x) die jaarlikse gelde wat 'n komitee van die eienaars van die betrokke landbou-eenhede kan invorder;
- (c) die belegging van gelde wat 'n komitee nie vir lopende uitgawes nodig het nie;
- (d) enige aangeleentheid wat kragtens hierdie Wet voorgeskryf kan of moet word;

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(e) generally, any matter which the Minister deems necessary or expedient in connection with the control, management or use of common pasture or the achievement of the objects of this Act.

(2) Different regulations may be made in respect of different owners or committees or common pasture or portions of common pasture.

(3) Regulations made under this section, may in respect of any contravention thereof or failure to comply therewith, prescribe a penalty not exceeding a fine of fifty rand or imprisonment for a period of three months, or both such fine and such imprisonment.

(4) Notwithstanding any provisions to the contrary contained in any law, a regulation may provide that any fine or estreated bail moneys collected in respect of any contravention thereof, shall be paid over to any committee or committees designated in the regulations.

Delegation of
Minister's powers.

16. (1) The Minister may delegate to any officer in the Department the powers conferred upon him by section 5.

(2) The Minister may at any time revoke any delegation under subsection (1), and no delegation of any power shall prevent the exercise of that power by the Minister himself.

Short title.

17. This Act shall be called the Common Pasture Management Act, 1977.

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(e) in die algemeen enige aangeleentheid wat die Minister in verband met die beheer, bestuur of gebruik van gemeenskaplike weiveld, of die bereiking van die oogmerke van hierdie Wet, nodig of dienstig ag.

(2) Verskillende regulasies kan ten opsigte van verskillende eienaars of komitees of gemeenskaplike weiveld of gedeeltes van gemeenskaplike weiveld uitgevaardig word.

(3) Regulasies kragtens hierdie artikel uitgevaardig, kan ten opsigte van enige oortreding daarvan of versuim om daaraan te voldoen 'n straf voorskryf wat 'n boete van vyftig rand of gevangenisstraf vir 'n tydperk van drie maande, of daardie boete sowel as daardie gevangenisstraf, nie te bowe gaan nie.

(4) Ondanks andersluidende bepalinge van die een of ander wet, kan 'n regulasie voorsiening daarvoor maak dat enige boete of verbeurdverklarede borgtoggelde wat ingevorder is ten opsigte van 'n oortreding daarvan, oorbetaal moet word aan 'n komitee of komitees in die regulasies aangedui.

16. (1) Die Minister kan die bevoegdhede wat by artikel 5 aan hom verleen word, skriftelik aan 'n beampte in die Departement deleger.

Delegering van
Minister se
bevoegdhede.

(2) Die Minister kan te eniger tyd 'n delegering kragtens subartikel (1) skriftelik intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van sodanige bevoegdheid deur die Minister self nie.

17. Hierdie Wet heet die Wet op die Beheer van Gemeenskaplike Weiveld, 1977.

Kort titel.

