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GOVERNMENT GAZETTE

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No. 13309

STATE PRESIDENT'S OFFICE

No. 1344.

19 June 1991

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

No. 84 of 1991: Removal of Restrictions Amendment Act (House of Assembly), 1991

KANTOOR VAN DIE STAATSPRESIDENT

No. 1344.

19 Junie 1991

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

No. 84 van 1991: Wysigingswet op Opheffing van Beperkings (Volksraad), 1991

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Removal of Restrictions Act, 1967 (in so far as it is applied as a law on own affairs of the White population group), so as to make further provision with reference to the alteration, suspension or removal of certain restrictions or obligations in respect of land; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 5 June 1991.)*

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

Definition

1. In this Act, unless the context otherwise indicates, "the principal Act" means the Removal of Restrictions Act, 1967 (Act No. 84 of 1967), in so far as and to the extent to which the provisions of Part IV of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), have by Proclamations Nos. R36, R37, R38 and 203 of 1989, respectively, been declared to be applicable to the said Act.

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

2. (1) Section 2 of the principal Act is hereby amended—

(a) by the insertion after subsection (1A) of the following subsection:

"(1B) In the application of subsection (1), no restriction or obligation which is binding on the owner of land by virtue of a provision of a townplanning scheme shall be altered, suspended or removed on the application of a person referred to in section 3 unless the application is directly connected with an application by that person for the alteration, suspension or removal of a restriction or obligation which is binding on that owner by virtue of a restrictive condition or servitude registered against the title deed of the land in question."; and

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

"(3) When a restriction or obligation which is binding on the owner of any land by virtue of a townplanning scheme, is altered in terms of subsection (1), the provisions of any law on townplanning or the establishment of townships which is in force in the province in which the land is situate and which relates to the payment of a development contribution, or a contribution in respect of engineering services, open spaces or parks, as contemplated in that law, shall apply as if such alteration were an alteration of the townplanning scheme in terms of that law."

ALGEMENE VERDUIDELIKENDE NOTA:

_____ Woorde met 'n volstreep daaronder, dui invoegings in
bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Opheffing van Beperkings, 1967 (vir sover dit as 'n wet oor die sake van die Blanke bevolkingsgroep toegepas word), ten einde verdere voorsiening te maak met betrekking tot die wysiging, opskorting of opheffing van sekere beperkings of verpligtings ten opsigte van grond; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 5 Junie 1991.)

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

Omskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken “die Hoofwet”
5 die Wet op Opheffing van Beperkings, 1967 (Wet No. 84 van 1967), vir sover en in die mate waarin die bepalings van Deel IV van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), by onderskeidelik Proklamasie Nos. R36, R37, R38 en 203 van 1989 op genoemde Wet van toepassing verklaar is.

- 10 **Wysiging van artikel 2 van Wet 84 van 1967, soos gewysig deur artikel 61 van Wet 70 van 1968, artikel 7 van Wet 96 van 1969 en artikel 2 van Wet 18 van 1984**

2. (1) Artikel 2 van die Hoofwet word hierby gewysig—

- (a) deur na subartikel (1A) die volgende subartikel in te voeg:

15 “(1B) By die toepassing van subartikel (1) word 'n beperking of
verpligting wat vir die eienaar van grond bindend is uit hoofde van
'n bepaling van 'n dorpsaanlegskema, nie op aansoek van 'n
persoon bedoel in artikel 3 gewysig, opgeskort of opgehef nie
tensy die aansoek direk verband hou met 'n aansoek deur daardie
20 persoon vir die wysiging, opskorting of opheffing van 'n beperking
of verpligting wat vir daardie eienaar bindend is uit hoofde van 'n
beperkende voorwaarde of serwituut wat teen die titelbewys van
die betrokke grond geregistreer is.”; en

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

25 “(3) Indien 'n beperking of verpligting wat uit hoofde van 'n
dorpsaanlegskema vir die eienaar van grond bindend is, ingevolge
subartikel (1) gewysig word, is die bepalings van 'n wet op die
aanleg van dorpe of die stigting van dorpe wat van krag is in die
provinsie waarin die grond geleë is en wat betrekking het op die
betaling van 'n ontwikkelingsbydrae, of 'n bydrae ten opsigte van
30 ingenieursdienste, oop ruimtes of parke, soos in daardie wet
beoog, van toepassing asof sodanige wysiging 'n wysiging van die
dorpsaanlegskema ingevolge daardie wet is.”.

Act No. 84, 1991

REMOVAL OF RESTRICTIONS AMENDMENT ACT
(HOUSE OF ASSEMBLY), 1991

(2) An application lodged in terms of section 3(2) or (3) of the principal Act before the commencement of this Act, and any steps in connection with such an application, shall be proceeded with, disposed of and given effect to, as the case may be, as if this Act had not been passed.

Short title and commencement

5

3. This Act shall be called the Removal of Restrictions Amendment Act (House of Assembly), 1991, and shall come into operation in a province concerned on a date determined by the State President, after consultation with the Administrator of that province, by proclamation in the *Gazette*:

WYSIGINGSWET OP OPHEFFING VAN BEPERKINGS
(VOLKSRAAD), 1991.

Wet No. 84, 1991

(2) 'n Aansoek wat voor die inwerkingtreding van hierdie Wet ingevolge artikel 3(2) of (3) van die Hoofwet ingedien is, en enige stappe in verband met so 'n aansoek, word voortgesit, afgehandel en gevolg aan gegee, na gelang van die geval, asof hierdie Wet nie aangeneem is nie.

5 Kort titel en inwerkingtreding

3. Hierdie Wet heet die Wysigingswet op Opheffing van Beperkings (Volksraad), 1991, en tree in 'n betrokke provinsie in werking op 'n datum wat die Staatspresident na oorlegpleging met die Administrateur van daardie provinsie by proklamasie in die *Staatskoerant* bepaal.

ANNEXURE A

BYLAE A

rotea



1 ons Protea



1/10 Protea

1/10 ons Protea



silwer Protea

R1 silwer Protea



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