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GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

No. 1205.

16 July 1993

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

No. 110 of 1993: Abolition of Racially Based Land Measures Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1205.

16 Julie 1993

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

No. 110 van 1993: Wysigingswet op die Afskaffing van Rasgebaseerde Grondreëlings, 1993.

[Words in bold type in square brackets indicate omissions from existing enactments.

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

To amend the Abolition of Racially Based Land Measures Act, 1991, so as to regulate a specific matter in connection with nominee owners; to change the name of the Advisory Commission on Land Allocation; to insert certain definitions in Chapter VI of the Act; to regulate the application of Chapter VI of the Act; to further regulate the chairmanship of the Commission; to make provision that certain experts be appointed to advise the Commission; to regulate the objects of the Commission anew; to regulate the functions, powers and duties of the Commission anew; to further regulate the performance of the administrative work of the Commission; and to make provision that certain orders of the Commission shall bind the State under certain circumstances; and to provide for matters connected therewith.

(Afrikaans text signed by the Acting State President.)
(Assented to 28 June 1993.)

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

Amendment of section 48 of Act 108 of 1991, as amended by section 1 of Act 133 of 1992

1. (1) Section 48 of the Abolition of Racially Based Land Measures Act, 1991 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (8) of the following subsection:

“(8) If a nominee owner—

- (a) refuses or omits to make an affidavit or a solemn affirmation referred to in subsection (4); **[or]** 10
(b) cannot be found to make such an affidavit or solemn affirmation; or
(c) dies after the conclusion of a transaction referred to in subsection (2),

the principal may within **[six]** 30 months after the commencement of this section apply to a court for an order authorizing the transfer of the property concerned to him: Provided that if paragraph (c) is applicable, 15
such period shall only commence after compliance with any testamentary disposition or the law regarding intestate succession, as the case may be.”.

(2) Subsection (1) shall be deemed to have come into operation on 30 June 1991. 20

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.

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

WET

Tot wysiging van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991, ten einde 'n bepaalde aangeleentheid met betrekking tot genomineerde eienaars te reël; die benaming van die Adviserende Kommissie op Grondtoewysing te verander; sekere omskrywings in Hoofstuk VI van die Wet in te voeg; die toepassing van Hoofstuk VI van die Wet te reël; die voorsitterskap van die Kommissie verder te reël; voorsiening te maak dat sekere kundige persone aangestel word om die Kommissie van advies te dien; die oogmerke van die Kommissie opnuut te reël; die werksaamhede, bevoegdhede en pligte van die Kommissie opnuut te reël; die verrigting van die administratiewe werk van die Kommissie verder te reël; en voorsiening te maak dat sekere bevels van die Kommissie die Staat in sekere omstandighede bind; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 28 Junie 1993.)

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

Wysiging van artikel 48 van Wet 108 van 1991, soos gewysig deur artikel 1 van Wet 133 van 1992

- 5 1. (1) Artikel 48 van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:
- 10 “(8) Indien 'n genomineerde eienaar—
- (a) weier of versuim om 'n beëdigde verklaring of plegtige verklaring bedoel in subartikel (4) af te lê; **[of]**
- (b) nie opgespoor kan word om sodanige beëdigde of plegtige verklaring af te lê nie; of
- (c) na die sluiting van 'n transaksie in subartikel (2) bedoel, te sterwe kom,
- 15 kan die prinsipaal binne **[ses]** 30 maande na die inwerkingtreding van hierdie artikel by 'n hof aansoek doen om 'n bevel vir die oordrag van die betrokke eiendom aan hom: Met dien verstande dat indien paragraaf (c) van toepassing is, sodanige tydperk slegs 'n aanvang neem na voldoening aan 'n testamentêre beskikking of die reg betreffende intestate erfopvolging, na gelang van die geval.”
- 20 (2) Subartikel (1) word geag op 30 Junie 1991 in werking te getree het.

Substitution of heading to Chapter VI of Act 108 of 1991

2. The following heading is hereby substituted for the heading to Chapter VI of the principal Act:

“**[Advisory]** Commission on Land Allocation”.

Insertion of sections 88A and 88B in Act 108 of 1991

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3. The following sections are hereby inserted in Chapter VI of the principal Act before section 89:

“Definitions

88A. In this Chapter, unless the context otherwise indicates—

- | | | |
|-------|--|----|
| (i) | ‘Commission’ means the Commission on Land Allocation established by section 89; (iv) | 10 |
| (ii) | ‘development body’ means— | |
| | (a) the Development and Housing Board established by section 2 of the Development and Housing Act, 1985 (Act No. 103 of 1985); | 15 |
| | (b) the Development Board established by section 3 of the Development Act (House of Representatives), 1987 (Act No. 3 of 1987); | |
| | (c) the Housing Development Board established by section 2 of the Housing Development Act (House of Delegates), 1987 (Act No. 4 of 1987); | 20 |
| | (d) a development corporation established under section 5(1)(a) of the Promotion of the Economic Development of National States Act, 1968 (Act No. 46 of 1968), or an institution established by or under any other law with objects similar to those of a development corporation established under the said section 5(1)(a); (v) | 25 |
| (iii) | ‘land of a development body’ means land referred to in section 88B(3); (ii) | |
| (iv) | ‘land of a local authority’ means land referred to in section 88B(1)(d); (iii) | 30 |
| (v) | ‘local authority’ means— | |
| | (a) any institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 (Act No. 32 of 1961); | 35 |
| | (b) any joint or single local authority established under paragraph (a) of section 15 of the Interim Measures for Local Government Act, 1991 (Act No. 128 of 1991); | |
| | (c) a local government body established in terms of the provisions of section 30(2)(a) of the Black Administration Act, 1927 (Act No. 38 of 1927), as that section was before it was repealed by section 8(1) of this Act; (vi) | 40 |
| (vi) | ‘State land’ means land belonging to the State, and for the purposes of this Chapter includes land which is registered in the name of a Minister or an Administrator, or the control and supervision of which vest in a Minister or an Administrator in terms of any other law, but not land which is kept in trust by an Administrator for a local authority; (vii) | 45 |
| (vii) | ‘the Minister’ means the Minister of Regional and Land Affairs. (i) | 50 |

Vervanging van opskrif by Hoofstuk VI van Wet 108 van 1991

2. Die opskrif by Hoofstuk VI van die Hoofwet word hierby deur die volgende opskrif vervang:

“[Adviserende] Kommissie op Grondtoewysing”.

5 Invoeging van artikels 88A en 88B in Wet 108 van 1991

3. Die volgende artikels word hierby in Hoofstuk VI van die Hoofwet voor artikel 89 ingevoeg:

“Woordomskrywing

- 10 **88A.** In hierdie Hoofstuk, tensy uit die samehang anders blyk,
beteken—
- (i) ‘die Minister’ die Minister van Streek- en Grondsake; (vii)
- (ii) ‘grond van ’n ontwikkelingsliggaam’ grond bedoel in artikel 88B(3); (iii)
- 15 (iii) ‘grond van ’n plaaslike owerheid’ grond bedoel in artikel 88B(1)(d); (iv)
- (iv) ‘Kommissie’ die Kommissie op Grondtoewysing ingestel by artikel 89; (i)
- (v) ‘ontwikkelingsliggaam’—
- 20 (a) die Raad op Ontwikkeling en Behuising ingestel by artikel 2 van die Wet op Ontwikkeling en Behuising, 1985 (Wet No. 103 van 1985);
- (b) die Ontwikkelingsraad ingestel by artikel 3 van die Ontwikkelingswet (Raad van Verteenwoordigers), 1987 (Wet No. 3 van 1987);
- 25 (c) die Raad op Behuisingsontwikkeling ingestel by artikel 2 van die Wet op Behuisingsontwikkeling (Raad van Afgevaardigdes), 1987 (Wet No. 4 van 1987);
- (d) ’n ontwikkelingskorporasie ingestel kragtens artikel 5(1)(a) van die Wet op die Bevordering van die Ekonomiese Ontwikkeling van Nasionale State, 1968 (Wet No. 46 van 1968), of ’n instelling wat by of kragtens enige ander wet ingestel is met oogmerke soortgelyk aan dié van ’n ontwikkelingskorporasie kragtens genoemde artikel 5(1)(a) ingestel; (ii)
- 30 (vi) ‘plaaslike owerheid’—
- (a) ’n instelling of liggaam beoog in artikel 84(1)(f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);
- (b) ’n gesamentlike of enkele plaaslike owerheid ingestel kragtens paragraaf (a) van artikel 15 van die Wet op Tussentydse Maatreëls vir Plaaslike Regering, 1991 (Wet No. 128 van 1991);
- 40 (c) ’n plaaslike bestuursliggaam ingestel ingevolge die bepaling van artikel 30(2)(a) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927), soos daardie artikel was voordat dit deur artikel 8(1) van hierdie Wet herroep is; (v)
- 45 (vii) ‘Staatsgrond’ grond wat aan die Staat behoort en sluit dit vir die doeleindes van hierdie Hoofstuk grond in wat in die naam van ’n Minister of Administrateur geregistreer is, of waarvan die beheer en toesig ingevolge enige ander wet by ’n Minister of Administrateur berus, maar nie grond wat deur ’n Administrateur in trust vir ’n plaaslike owerheid gehou word nie. (vi)
- 50

Application of Chapter**88B.** (1) This Chapter shall apply to—

- (a) State land and land of a development body which, except in the case of land referred to in paragraph (b), has been acquired under, or to promote the objects of, any law repealed by this Act and which has not been alienated or which has not been developed or utilized for public purposes; 5
- (b) State land and land of a development body which has been acquired under, or to promote the objects of, the Community Development Act, 1966 (Act No. 3 of 1966), and which has not been alienated or which has not been developed or utilized for public purposes; 10
- (c) State land, excluding land referred to in paragraphs (a) and (b), which has not been developed or utilized by the State for public purposes; 15
- (d) land of a local authority which has been acquired under, or to promote the objects of, any law repealed by this Act or the Community Development Act, 1966, and which has been declared by the Minister by notice in the *Gazette* to be land to which section 92 shall apply; 20
- (e) any State land or land which may be acquired by the State and which may be developed for agricultural or residential purposes; 25
- (f) land referred to the Commission by the Minister in order to investigate the disposal, acquisition or development of that land for a purpose mentioned in the referral, and to promote the objects of this Chapter. 25

(2) (a) The Minister is charged with the administration of this Chapter and may in order to give effect to an order or recommendation of the Commission, whether in general or in a particular case, cause the land concerned, or an undivided share in or a defined portion of such land, to be divided (if necessary), and cause it to be transferred to the person or persons concerned in accordance with the provisions of any other law. 30

(b) In order to give effect to the provisions of paragraph (a), the Minister may make regulations regarding the procedures and guidelines which have to be applied during such division. 35

(3) The Minister may by notice in the *Gazette* declare that land belonging to such development body is land as contemplated in subsection (1)(a) or (b) and that the provisions of this Chapter shall apply to such land.” 40

Substitution of section 89 of Act 108 of 1991

4. The following section is hereby substituted for section 89 of the principal Act:

“Establishment of Commission on Land Allocation

89. There is hereby established a commission to be known as the **[Advisory] Commission on Land Allocation [(in this Chapter referred to as the Commission)]**.” 45

Amendment of section 90 of Act 108 of 1991

5. Section 90 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) a chairman, who shall be a judge of the Supreme Court of South Africa;” 50

Toepassing van Hoofstuk**88B. (1)** Hierdie Hoofstuk is van toepassing op—

- 5 (a) Staatsgrond en grond van 'n ontwikkelingsliggaam wat, behalwe in die geval van grond bedoel in paragraaf (b), verkry is kragtens of ter bevordering van die oogmerke van 'n wet wat deur hierdie Wet herroep is en wat nie vervreem is of wat nie vir openbare doeleindes ontwikkel is of gebruik word nie;
- 10 (b) Staatsgrond en grond van 'n ontwikkelingsliggaam wat verkry is kragtens of ter bevordering van die oogmerke van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), en wat nie vervreem is of wat nie vir openbare doeleindes ontwikkel is of gebruik word nie;
- 15 (c) Staatsgrond, uitgesonderd die grond bedoel in paragraawe (a) en (b), wat nie deur die Staat vir openbare doeleindes ontwikkel is of gebruik word nie;
- 20 (d) grond van 'n plaaslike owerheid wat verkry is kragtens of ter bevordering van die oogmerke van 'n wet wat deur hierdie Wet herroep is of die Wet op Gemeenskapsontwikkeling, 1966, en wat deur die Minister by kennisgewing in die *Staatskoerant* verklaar is grond te wees waarop artikel 92 van toepassing is;
- 25 (e) enige Staatsgrond of grond wat deur die Staat verkry kan word en wat vir landbou- of woondoeleindes ontwikkel kan word;
- (f) grond wat deur die Minister na die Kommissie verwys word ten einde ondersoek in te stel na die beskikking, verkryging of ontwikkeling van daardie grond vir 'n doeleinde in die verwysing vermeld, en ter bevordering van die oogmerke van hierdie Hoofstuk.
- 30 (2) (a) Die Minister is belas met die uitvoering van hierdie Hoofstuk en kan ten einde aan 'n bevel of aanbeveling van die Kommissie gevolg te gee, hetsy in die algemeen of in 'n bepaalde geval, die betrokke grond, of 'n onverdeelde aandeel in of 'n bepaalde gedeelte van sodanige grond, laat verdeel (indien nodig), en ooreenkomstig die bepalinge van enige ander wet aan die betrokke persoon of persone laat oordra.
- 35 (b) Ten einde aan die bepalinge van paragraaf (a) gevolg te gee, kan die Minister regulasies uitvaardig betreffende die prosedures en riglyne wat tydens sodanige verdeling toegepas moet word.
- 40 (3) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat grond wat aan sodanige ontwikkelingsliggaam behoort, grond soos beoog in subartikel (1)(a) of (b) is en dat die bepalinge van hierdie Hoofstuk op sodanige grond van toepassing is.”.

Vervanging van artikel 89 van Wet 108 van 1991

4. Artikel 89 van die Hoofwet word hierby deur die volgende artikel vervang:

“Instelling van Kommissie op Grondtoewysing

- 45 **89.** Daar word hierby 'n kommissie met die naam die **[Adviserende]** Kommissie op Grondtoewysing **[(in hierdie Hoofstuk die Kommissie genoem)]** ingestel.”.

Wysiging van artikel 90 van Wet 108 van 1991

5. Artikel 90 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

- “(a) 'n voorsitter, wat 'n regter van die Hooggeregshof van Suid-Afrika is;”.

Insertion of section 90A in Act 108 of 1991

6. The following section is hereby inserted in the principal Act after section 90:

“Appointment of persons to advise Commission

90A. (1) The chairman may from time to time appoint a person or persons who have particular knowledge or specific expertise to advise the Commission regarding any matter connected with the functions of the Commission. 5

(2) A person referred to in subsection (1) who is not in the full-time service of the State may, from moneys appropriated by Parliament for such purpose, be paid such remuneration and allowances in respect of the services performed by him with regard to the functions of the Commission as may be determined by the Minister with the concurrence of the Minister of State Expenditure.”. 10

Substitution of section 91 of Act 108 of 1991

7. The following section is hereby substituted for section 91 of the principal Act: 15

“Objects of Commission

91. The objects of the Commission are—

- (a) to identify land referred to in section 88B(1)(a), (b), (c) or (d) to which the provisions of this Chapter shall apply;
- (b) to consider an application in relation to the disposal of land referred to in paragraph (a); 20
- (c) to determine whether any person was prejudiced by the acquisition of land referred to in section 88B(1)(a), (b) or (d);
- (d) to make orders or recommendations on the manner in and conditions on which any prejudice referred to in paragraph (c) may be rectified by causing land referred to in section 88B(1)(a), (b), (c) or (d) to be transferred, subject to the provisions of any other law, to such person; 25
- (e) to make recommendations in general to the Minister or an Administrator regarding the disposal, acquisition or development of land referred to in section 88B(1) and in order to give effect to the provisions of this Chapter.”. 30

Substitution of section 92 of Act 108 of 1991

8. The following section is hereby substituted for section 92 of the principal Act:

“Functions, powers and duties of Commission

35

92. (1) The Commission may, in order to achieve its objects, in its discretion institute an investigation into the claim of any person to land referred to in section 88B(1), and may—

- (a) with due regard to any prejudice referred to in paragraph (c) of section 91— 40
 - (i) make an order regarding the disposal of land referred to in section 88B(1)(a);
 - (ii) make a recommendation regarding the disposal of land referred to in section 88B(1)(b);
 - (iii) make an order regarding the disposal of land referred to in section 88B(1)(c); 45
 - (iv) make a recommendation regarding the disposal of land referred to in section 88B(1)(d);
- (b) make a recommendation regarding the land referred to in section 88B(1)(e) or (f) in order to dispose of that land, or to acquire or develop it, for the purposes mentioned in that section, or in the referral referred to in paragraph (f) of that section; 50

Invoeging van artikel 90A in Wet 108 van 1991

6. Die volgende artikel word hierby in die Hoofwet na artikel 90 ingevoeg:

“Aanstelling van persone om Kommissie van advies te dien

5 **90A.** (1) Die voorsitter kan van tyd tot tyd 'n persoon of persone wat oor besondere kennis of bepaalde kundigheid beskik, aanstel om die Kommissie van advies te dien betreffende enige aangeleentheid wat met die werksaamhede van die Kommissie in verband staan.

10 (2) Aan 'n persoon bedoel in subartikel (1) wat nie in die heeltydse diens van die Staat is nie, kan uit geld deur die Parlement vir dié doel bewillig die besoldiging en toelaes ten opsigte van die dienste deur hom in verband met die werksaamhede van die Kommissie gelewer, betaal word wat die Minister met die instemming van die Minister van Staatsbesteding bepaal.”

Vervanging van artikel 91 van Wet 108 van 1991

15 7. Artikel 91 van die Hoofwet word hierby deur die volgende artikel vervang:

“Oogmerke van Kommissie

91. Die oogmerke van die Kommissie is om—

- 20 (a) grond bedoel in artikel 88B(1)(a), (b), (c) of (d) waarop die bepaling van hierdie Hoofstuk van toepassing is, te identifiseer;
- (b) aansoeke met betrekking tot die beskikking oor grond bedoel in paragraaf (a) te oorweeg;
- 25 (c) te bepaal of enige persoon benadeel is deur die verkryging van grond in artikel 88B(1)(a), (b) of (d) bedoel;
- (d) bevele te maak of aanbevelings te doen oor die wyse en die voorwaardes waarop enige benadeling bedoel in paragraaf (c) reggestel kan word deur grond bedoel in artikel 88B(1)(a), (b), (c) of (d) aan sodanige persoon, behoudens die bepaling van enige ander wet, te laat oordra;
- 30 (e) in die algemeen aanbevelings aan die Minister of 'n Administrateur te doen betreffende die beskikking oor, of die verkryging of ontwikkeling van, grond bedoel in artikel 88B(1) en ten einde aan die bepaling van hierdie Hoofstuk gevolg te gee.”

Vervanging van artikel 92 van Wet 108 van 1991

8. Artikel 92 van die Hoofwet word hierby deur die volgende artikel vervang:

35 “Werksaamhede, bevoegdhede en pligte van Kommissie

92. (1) Die Kommissie kan, ten einde sy oogmerke te bereik, na goeddunke ondersoek instel na die aanspraak van 'n persoon op grond bedoel in artikel 88B(1), en kan—

- 40 (a) met inagneming van die benadeling bedoel in paragraaf (c) van artikel 91—
- (i) 'n bevel maak betreffende die beskikking oor grond in artikel 88B(1)(a) bedoel;
- (ii) 'n aanbeveling doen betreffende die beskikking oor grond in artikel 88B(1)(b) bedoel;
- 45 (iii) 'n bevel maak betreffende die beskikking oor grond in artikel 88B(1)(c) bedoel;
- (iv) 'n aanbeveling doen betreffende die beskikking oor grond in artikel 88B(1)(d) bedoel;
- 50 (b) 'n aanbeveling doen betreffende grond in artikel 88B(1)(e) of (f) bedoel ten einde oor daardie grond te beskik, of dit te verkry of te ontwikkel, vir die doeleindes in daardie artikel, of in die verwysing bedoel in paragraaf (f) van daardie artikel, vermeld;

(c) make any recommendation regarding any matter connected with an order or a recommendation referred to in paragraphs (a) and (b).

(2) An order regarding land referred to in subsection (1)(a)(iii) may only be made with the concurrence of the Minister or Administrator concerned under whose control such land is.

(3) The procedures in connection with and closing dates of applications by persons who claim land referred to in section 88B(1), and the procedures at investigations in terms of this Act, shall be as determined by the Commission.

(4) (a) An order or a recommendation of the Commission shall contain sufficient particulars in order to enable the Minister to properly carry out such order or recommendation.

(b) If sufficient particulars as contemplated in paragraph (a) are not mentioned in such order or recommendation, the Minister may refer the order or recommendation back to the Commission in order to obtain such particulars.

(5) (a) Land referred to in section 88B(1)(a), (b) or (d) shall only be alienated by the State or a development body or a local authority with the concurrence of the Commission.

(b) The Commission may direct a Director-General of a department referred to in section 6(1) of the Public Service Act, 1984 (Act No. 111 of 1984), or the Chief Executive Officer of a development body not to utilize or develop a defined piece of land referred to in paragraph (a) for the period during which the Commission is carrying out an investigation for the purposes of this Chapter in respect of that land.

(c) A direction referred to in paragraph (b) shall only be valid for the period agreed upon by the Commission and the Director-General or Chief Executive Officer, as the case may be.

(6) The provisions of sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 (Act No. 8 of 1947), shall apply *mutatis mutandis* to the Commission.”.

Substitution of section 95 of Act 108 of 1991

9. The following section is hereby substituted for section 95 of the principal Act:

“Remuneration and allowances of members of Commission

95. (1) A member of the Commission, excluding the chairman, who is not in the full-time service of the State may, from moneys appropriated by Parliament for such purpose, be paid such remuneration and allowances in respect of the services performed by him with regard to the functions of the Commission as may be determined by the Minister **[of Finance]** with the concurrence of the Minister of State Expenditure.

(2) The chairman shall, in addition to his salary and any allowance, including any allowance for reimbursement of travelling and subsistence expenses which may be payable to him in his capacity as a judge, be entitled to such allowance, if any, in respect of the performance of his functions as chairman as the State President may determine.”.

Substitution of section 96 of Act 108 of 1991

10. The following section is hereby substituted for section 96 of the principal Act:

(c) 'n aanbeveling doen betreffende enige aangeleentheid wat met 'n bevel of aanbeveling in paragrafe (a) en (b) bedoel in verband staan.

(2) 'n Bevel betreffende grond bedoel in subartikel (1)(a)(iii) kan slegs met die instemming van die betrokke Minister of Administrateur onder wie se beheer sodanige grond is, gemaak word.

(3) Die prosedures by en sluitingsdatums van aansoeke van persone wat op grond bedoel in artikel 88B(1) aanspraak maak, en die prosedures by ondersoek ingevolge hierdie Wet, word deur die Kommissie bepaal.

(4) (a) 'n Bevel of aanbeveling van die Kommissie moet voldoende besonderhede bevat ten einde die Minister in staat te stel om behoorlik aan sodanige bevel of aanbeveling gevolg te gee.

(b) Indien voldoende besonderhede soos beoog in paragraaf (a) nie in sodanige bevel of aanbeveling vermeld word nie, kan die Minister die betrokke bevel of aanbeveling na die Kommissie terugverwys ten einde sodanige besonderhede te bekom.

(5) (a) Grond bedoel in artikel 88B(1)(a), (b) of (d) kan slegs met die instemming van die Kommissie deur die Staat of 'n ontwikkelingsliggaam of 'n plaaslike owerheid vervreem word.

(b) Die Kommissie kan die Direkteur-generaal van 'n departement bedoel in artikel 6(1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), of die Hoof- uitvoerende Beampte van 'n ontwikkelingsliggaam gelas om 'n bepaalde stuk grond bedoel in paragraaf (a) nie te gebruik of te ontwikkel nie, vir die tydperk waartydens die Kommissie 'n ondersoek vir die doeleindes van hierdie Hoofstuk ten opsigte van daardie grond doen.

(c) 'n Lasgewing bedoel in paragraaf (b) is slegs geldig vir die tydperk waaroor die Kommissie en die betrokke Direkteur-generaal of Hoof- uitvoerende Beampte, na gelang van die geval, ooreenkom.

(6) Die bepalinge van artikels 2, 3, 4, 5 en 6 van die Kommissiewet, 1947 (Wet No. 8 van 1947), is *mutatis mutandis* op die Kommissie van toepassing."

35 Vervanging van artikel 95 van Wet 108 van 1991

9. Artikel 95 van die Hoofwet word hierby deur die volgende artikel vervang:

"Besoldiging en toelaes van lede van Kommissie

95. (1) Aan 'n lid van die Kommissie, uitgesonderd die voorsitter, wat nie in die heeltydse diens van die Staat is nie, kan uit geld deur die Parlement vir dié doel bewillig die besoldiging en toelaes ten opsigte van die dienste deur hom in verband met die werksaamhede van die Kommissie gelewer, betaal word wat die Minister **[van Finansies]** met die instemming van die Minister van Staatsbesteding bepaal.

(2) Die voorsitter is, benewens sy salaris en enige toelae, met inbegrip van enige toelae ter vergoeding van reis- en verblyfkoste, wat in sy hoedanigheid van regter aan hom betaalbaar mag wees, ten opsigte van die verrigting van sy werksaamhede as voorsitter geregtig op die toelae, as daar is, wat die Staatspresident bepaal."

50 Vervanging van artikel 96 van Wet 108 van 1991

10. Artikel 96 van die Hoofwet word hierby deur die volgende artikel vervang:

“Performance of administrative work of Commission

96. (1) The administrative work incidental to the performance of the functions of the Commission shall be performed by officers appointed in terms of the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), **[under the control of a Minister designated by the State President]** and designated by the Minister. 5

(2) The officers referred to in subsection (1) shall perform their duties under the control and supervision of the chairman.”.

Insertion of section 96A in Act 108 of 1991

11. The following section is hereby inserted after section 96 of the principal Act: 10

“Order of Commission binds State

96A. An order of the Commission made in terms of the provisions of section 92(1)(a) binds the State, provided that the relevant compensation (if any) in respect of the land concerned made known by the Minister by notice in the *Gazette*, has been paid or arrangements for the payment thereof have been made to the satisfaction of the Minister.”. 15

Saving

12. (1) Notwithstanding the substitution of paragraph (a) of section 91 of the principal Act by section 7 of this Act a recommendation of the Commission regarding the identification of land made in terms of paragraph (a) of section 91 shall remain in force, unless the State President refers the recommendation concerned back to the Commission in order to deal with that land in accordance with the provisions of the principal Act as amended by this Act. 20

(2) If a recommendation regarding land is referred back to the Commission in terms of subsection (1) the Commission shall investigate the disposal of such land and the Commission may make a new order or recommendation concerning that land. 25

Short title

13. This Act shall be called the Abolition of Racially Based Land Measures Amendment Act, 1993. 30

“Verrigting van administratiewe werk van Kommissie

5 **96.** (1) Die administratiewe werk verbonde aan die verrigting van die werksaamhede van die Kommissie word verrig deur beamptes aangestel ingevolge die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), **[onder die beheer van 'n Minister deur die Staatspresident]** en deur die Minister aangewys.

(2) Die beamptes in subartikel (1) bedoel, verrig hul pligte onder die beheer en toesig van die voorsitter.”.

Invoeging van artikel 96A in Wet 108 van 1991

10 **11.** Die volgende artikel word hierby in die Hoofwet na artikel 96 ingevoeg:

“Bevel van Kommissie bind Staat

15 **96A.** 'n Bevel van die Kommissie gemaak ingevolge die bepalings van artikel 92(1)(a) bind die Staat mits die toepaslike vergoeding (indien daar is) ten opsigte van die betrokke grond wat deur die Minister by kennisgewing in die *Staatskoerant* bekend gemaak is, betaal is of reëlins vir die betaling daarvan tot tevredenheid van die Minister getref is.”.

Voorbehoud

20 **12.** (1) Ondanks die vervanging van paragraaf (a) van artikel 91 van die Hoofwet deur artikel 7 van hierdie Wet bly 'n aanbeveling van die Kommissie aangaande die identifisering van grond gemaak ingevolge paragraaf (a) van artikel 91 van die Hoofwet van krag, tensy die Staatspresident die betrokke aanbeveling na die Kommissie terugverwys ten einde die betrokke grond te hanteer ooreenkomstig die bepalings van die Hoofwet soos deur hierdie Wet
25 gewysig.

(2) Indien 'n aanbeveling aangaande grond ingevolge subartikel (1) na die Kommissie terugverwys word, stel die Kommissie ondersoek in na die beskikking oor sodanige grond en kan die Kommissie opnuut 'n bevel maak of 'n aanbeveling doen oor daardie grond.

30 Kort titel

13. Hierdie Wet heet die Wysigingswet op die Afskaffing van Rasgebaseerde Grondreelings, 1993.

