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STATE PRESIDENT'S OFFICE

No. 1286.

20 July 1993

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

No. 119 of 1993: Distribution and Transfer of Certain State Land Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1286.

20 Julie 1993

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

No. 119 van 1993: Wet op die Verdeling en Oordrag van Sekere Staatsgrond, 1993.

ACT

To regulate the distribution and transfer of certain land belonging to the State and designated by the Minister as land to be dealt with in accordance with the provisions of this Act; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 9 July 1993.)*

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

Definitions

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

- (i) “applicant” means a person by whom, or on behalf of whom, an application has been submitted to a commissioner in terms of section 9; 5
- (ii) “commissioner” means the land distribution commissioner concerned appointed under section 3; (iv)
- (iii) “designated land” means the land designated by the Minister under section 2 to be dealt with in terms of this Act; (i) 10
- (iv) “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);
 - (b) the Development Board established by section 3 of the Development Act (House of Representatives), 1987 (Act No. 3 of 1987); 15
 - (c) the Housing Development Board established by section 2 of the Housing Development Act (House of Delegates), 1987 (Act No. 4 of 1987);
 - (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); (vi) 20
- (v) “Director-General” means the Director-General of Regional and Land Affairs; (iii) 25
- (vi) “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);
 - (b) any joint or single local authority established under section 15(a) of the Interim Measures for Local Government Act, 1991 (Act No. 128 of 1991); 30
 - (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 the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991); (vii) 35
- (vii) “Minister” means the Minister of Regional and Land Affairs. (v)

Application of Act

2. (1) This Act shall apply to land belonging to the State (including land registered in the name of a Minister or Administrator), and land belonging to a local authority or development body, and designated by the Minister by notice in the *Gazette* as land to be dealt with in accordance with the provisions of this Act: Provided that land belonging to a local authority or development body may only 40

WET

Om die verdeling en oordrag van sekere grond wat aan die Staat behoort en deur die Minister aangewys word as grond waarmee ooreenkomstig die bepalings van hierdie Wet gehandel moet word, te reël; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 Julie 1993.)*

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

Woordomskeywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 (i) “aangewese grond” die grond deur die Minister kragtens artikel 2 aangewys om ingevolge hierdie Wet mee gehandel te word; (iii)
 - (ii) “applikant” ’n persoon deur wie, of namens wie, ’n aansoek ingevolge artikel 9 by ’n kommissaris ingedien is; (i)
 - 10 (iii) “Direkteur-generaal” die Direkteur-generaal van Streek- en Grondsake; (v)
 - (iv) “kommissaris” die betrokke grondverdelingskommissaris wat kragtens artikel 3 aangestel is; (ii)
 - (v) “Minister” die Minister van Streek- en Grondsake; (vii)
 - 15 (vi) “ontwikkelingsliggaam”—
 - (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);
 - 20 (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 die een of ander wet ingestel is met oogmerke soortgelyk aan die van ’n ontwikkelingskorporasie kragtens genoemde artikel 5(1)(a) ingestel; (iv)
 - 25 (vii) “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);
 - 30 (b) ’n gesamentlike of enkele plaaslike owerheid ingestel kragtens artikel 15(a) van die Wet op Tussentydse Maatreëls vir Plaaslike Regering, 1991 (Wet No. 128 van 1991);
 - 35 (c) ’n plaaslike bestuursliggaam ingestel ingevolge die bepalings 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 die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991 (Wet No. 108 van 1991), herroep is. (vi)

Toepassing van Wet

- 40 2. (1) Hierdie Wet is van toepassing op grond wat aan die Staat behoort (met inbegrip van grond wat in die naam van ’n Minister of Administrateur geregistreer is), en grond wat aan ’n plaaslike owerheid of ontwikkelingsliggaam behoort, en wat deur die Minister by kennisgewing in die *Staatskoerant* aangewys is as grond waarmee ooreenkomstig die bepalings van hierdie Wet
- 45 gehandel moet word: Met dien verstande dat grond wat aan ’n plaaslike owerheid of ontwikkelingsliggaam behoort slegs deur die Minister aldus

be so designated by the Minister if it is "land of a local authority" or "land of a development body" as defined in section 88A of the Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991).

(2) Land may be designated by the Minister under subsection (1) if that land is to be transferred to a number of persons or to a group of persons, whether in terms of the provisions of any other law or not, and—

- (a) the identity of those persons in the opinion of the Minister is not readily ascertainable;
- (b) the land is to be distributed among those persons, or the share or portion to which those persons are entitled is to be determined, and such distribution or determination cannot take place without the intervention of a commissioner;
- (c) the Minister deems it necessary, for any reason mentioned in the notice referred to in subsection (1), that the land concerned shall be so designated.

(3) The identity of the persons to whom such land shall be transferred shall be mentioned in the notice referred to in subsection (1), or if the identity of the persons contemplated in subsection (2)(a) has to be determined in accordance with the provisions of this Act, the notice concerned shall define such persons sufficiently in order so to determine the identity of those persons.

(4) The compensation (if any) which is payable in respect of such land, share or portion shall also be mentioned in the notice referred to in subsection (1).

Appointment of land distribution commissioner

3. (1) The Minister may, subject to the provisions of subsection (3) and on the conditions determined by him, appoint a land distribution commissioner in respect of one or more pieces of designated land to deal with that land in accordance with the provisions of this Act.

(2) Any such commissioner shall be a judge of the Supreme Court of South Africa or a magistrate, or a person who has held office as such a judge or such a magistrate, or an advocate or attorney who has for an uninterrupted period of at least five years practised as such.

(3) A commissioner who is not in the full-time service of the State shall in respect of his service as a commissioner be paid such remuneration and allowances as the Minister, with the concurrence of the Minister of State Expenditure, may from time to time determine.

(4) If a commissioner for any reason vacates his office or is unable to perform his duties—

- (a) another commissioner shall be appointed in terms of this section in respect of the designated land concerned;
- (b) anything done in terms of this Act by the commissioner who has vacated his office, or who is unable to perform his duties, shall be deemed to have been done by the commissioner referred to in paragraph (a); and
- (c) any proceedings commenced with in terms of this Act by the commissioner who has vacated his office, or who is unable to perform his duties, shall be proceeded with by the commissioner referred to in paragraph (a) as if those proceedings were commenced with by him.

Functions of commissioner

4. (1) The commissioner concerned shall, in accordance with the provisions of this Act—

- (a) determine the identity of the persons to whom the designated land, or an undivided share in or defined portion of such land, is to be transferred;
- (b) distribute the designated land among the persons concerned, or determine the share or portion of such land to which every person concerned is entitled;
- (c) perform the other functions which he shall or may perform in terms of this Act.

(2) A commissioner shall act as chairman at all meetings held in terms of the provisions of this Act.

aangewys kan word indien dit "grond van 'n plaaslike owerheid" of "grond van 'n ontwikkelingsliggaam" is soos in artikel 88A van die Wet op die Afskaffing van Rasgebaseerde Grondreëlings, 1991 (Wet No. 108 van 1991), omskryf.

(2) Grond kan deur die Minister kragtens subartikel (1) aangewys word indien daardie grond, hetsy ingevolge die bepalings van die een of ander Wet al dan nie, aan 'n aantal persone of aan 'n groep persone oorgedra moet word en—

- (a) die identiteit van daardie persone na oordeel van die Minister nie gereedelik vasgestel kan word nie;
 - (b) die grond onder daardie persone verdeel moet word, of die aandeel of gedeelte waarop daardie persone geregtig is, vasgestel moet word, en sodanige verdeling of vasstelling nie sonder die tussenkoms van 'n kommissaris kan geskied nie;
 - (c) die Minister dit om 'n rede vermeld in die kennisgewing bedoel in subartikel (1) nodig ag dat die betrokke grond aldus aangewys word.
- (3) Die identiteit van die persone aan wie sodanige grond oorgedra moet word, moet in die kennisgewing bedoel in subartikel (1) vermeld word, of indien die identiteit van die persone beoog in subartikel (2)(a) ooreenkomstig die bepalings van hierdie Wet vasgestel moet word, moet die betrokke kennisgewing sodanige persone voldoende omskryf ten einde daardie persone se identiteit aldus vas te stel.

(4) Die vergoeding (indien daar is) wat betaalbaar is ten opsigte van sodanige grond, aandeel of gedeelte moet ook in die kennisgewing bedoel in subartikel (1) vermeld word.

Aanstelling van grondverdelingskommissaris

3. (1) Die Minister kan, behoudens die bepalings van subartikel (3) en op die voorwaardes wat hy bepaal, ten opsigte van een of meer stukke aangewese grond 'n grondverdelingskommissaris aanstel om met daardie grond ooreenkomstig die bepalings van hierdie Wet te handel.

(2) Enige sodanige kommissaris moet 'n regter van die Hooggeregshof van Suid-Afrika of 'n landdros, of 'n persoon wat die amp van so 'n regter of so 'n landdros beklee het, of 'n advokaat of prokureur wat vir 'n ononderbroke tydperk van minstens vyf jaar as sodanig gepraktiseer het, wees.

(3) 'n Kommissaris wat nie in die heeltidse diens van die Staat is nie, word ten opsigte van sy diens as kommissaris sodanige besoldiging en toelaes betaal as wat die Minister van tyd tot tyd met die instemming van die Minister van Staatsbesteding bepaal.

(4) Indien 'n kommissaris om die een of ander rede sy amp ontruim of nie in staat is om sy pligte te verrig nie—

- (a) word 'n ander kommissaris ingevolge hierdie artikel aangestel ten opsigte van die betrokke aangewese grond;
- (b) word enigiets wat ingevolge hierdie Wet gedoen is deur die kommissaris wat sy amp ontruim het, of wat nie in staat is om sy pligte te verrig nie, geag deur die kommissaris bedoel in paragraaf (a) gedoen te wees; en
- (c) word enige verrigtinge wat ingevolge hierdie Wet begin is deur die kommissaris wat sy amp ontruim het, of wat nie in staat is om sy pligte te verrig nie, voortgesit deur die kommissaris bedoel in paragraaf (a) asof daardie verrigtinge deur hom begin is.

Werksaamhede van kommissaris

4. (1) Die betrokke kommissaris moet, ooreenkomstig die bepalings van hierdie Wet—

- (a) die identiteit van die persone aan wie die aangewese grond, of 'n onverdeelde aandeel in of bepaalde gedeelte van sodanige grond, oorgedra moet word, vasstel;
- (b) die aangewese grond tussen die betrokke persone verdeel, of die aandeel of gedeelte van sodanige grond waarop elke betrokke persoon geregtig is, vasstel;
- (c) die ander werksaamhede verrig wat hy ingevolge hierdie Wet moet of kan verrig.

(2) 'n Kommissaris tree as voorsitter op by alle vergaderings wat ingevolge die bepalings van hierdie Wet gehou word.

Convening of meeting of persons concerned

5. (1) The commissioner shall convene a meeting of the persons to whom designated land will probably be transferred and at such meeting the commissioner shall explain to the persons attending the meeting concerned—

- (a) that it is contemplated to distribute the designated land concerned in terms of the provisions of this Act, or that the share or portion to be transferred to each of a number or group of persons is to be determined; 5
- (b) that a list will be compiled in terms of the provisions of this Act in which the persons concerned will be identified and in which the distribution of the designated land or the determination of the share or portion of each of those persons will be set out; 10
- (c) the procedures that will be followed at the compilation of the list referred to in paragraph (a);
- (d) the conditions applicable at the transfer of the designated land concerned; 15
- (e) any other relevant provision of this Act.

(2) If the persons to whom the designated land concerned is to be transferred have already been mentioned in the notice referred to in section 2(1), the list referred to in subsection (1)(b) shall only be compiled in order to distribute the designated land among the persons so mentioned or to determine the share or portion of each such person. 20

(3) The commissioner shall determine the place and time for the holding of a meeting contemplated in subsection (1), and shall cause to be published in a newspaper circulating in the district in which the designated land concerned is situated, a notice— 25

- (a) explaining the intention with the designated land concerned;
- (b) calling upon the persons who have an interest in such land to attend the meeting at the place and time mentioned in the notice; and
- (c) briefly explaining the purpose of the meeting.

(4) As soon as it is practicable after the date upon which the notice referred to in subsection (3) has appeared in the newspaper, the commissioner shall— 30

- (a) send a copy of the notice by registered post to every person who has an interest in such distribution and whose name and address are known to the commissioner;
- (b) if he is of the opinion that any further notice will be necessary to ensure that the persons concerned will receive adequate notice, give such further notice as he may deem necessary in the circumstances, and which may include— 35
 - (i) a further notice in a newspaper, or a notice in a magazine or on the radio or television; 40
 - (ii) a notice in the *Gazette*;
 - (iii) the sending of further copies of the notice referred to in subsection (3), whether by registered post or not;
 - (iv) an oral notice;
 - (v) the display of a notice at a suitable place on the designated land; 45
 - (vi) the display of a notice on a public building.

(5) (a) The commissioner shall, where the designated land is occupied by persons other than those contemplated in section 2(3), convene a meeting of such other persons at which he shall inform the persons attending such meeting of the designation and intended distribution of such land. 50

(b) The commissioner shall inform such other persons concerning the consequences that such designation may have on their further occupation of the land.

(c) The provisions of subsections (3) and (4) shall *mutatis mutandis* apply in relation to the notice to such other persons of such meeting. 55

Compilation of list by persons concerned

6. (1) The commissioner shall, at the meeting referred to in section 5(1)—

- (a) inform the persons attending such meeting that the persons to whom

Belê van vergadering van betrokke persone

5. (1) Die kommissaris belê 'n vergadering van die persone aan wie aangewese grond waarskynlik oorgedra gaan word en by sodanige vergadering verduidelik die kommissaris aan die persone wat by die betrokke vergadering aanwesig is—
- 5 (a) dat daar beoog word om die betrokke aangewese grond ingevolge die bepalings van hierdie Wet te verdeel, of dat die aandeel of gedeelte wat aan elk van 'n aantal of groep persone oorgedra moet word, vasgestel moet word;
- 10 (b) dat 'n lys ingevolge die bepalings van hierdie Wet opgestel gaan word waarin die betrokke persone geïdentifiseer word en waarin die verdeling van die aangewese grond of die vasstelling van die aandeel of gedeelte van elk van daardie persone uiteengesit word;
- (c) die prosedures wat by die samestelling van die lys bedoel in paragraaf (b) gevolg gaan word;
- 15 (d) die voorwaardes van toepassing by die oordrag van die betrokke aangewese grond;
- (e) enige ander tersaaklike bepaling van hierdie Wet.
- (2) Indien die persone aan wie die betrokke aangewese grond oorgedra gaan word reeds in die kennisgewing bedoel in artikel 2(1) vermeld word, word die lys
- 20 bedoel in subartikel (1)(b) slegs opgestel ten einde die aangewese grond tussen die aldus vermelde persone te verdeel of die aandeel of gedeelte van elke sodanige persoon vas te stel.
- (3) Die kommissaris bepaal die plek en tyd vir die hou van 'n vergadering beoog in subartikel (1), en laat in 'n nuusblad in omloop in die distrik waarin die
- 25 betrokke aangewese grond geleë is, 'n kennisgewing publiseer—
- (a) waarin die oogmerk met die betrokke aangewese grond verduidelik word;
- (b) waarby die persone wat 'n belang in sodanige grond het, aangesê word om die vergadering op die plek en tyd in die kennisgewing vermeld, by
- 30 te woon; en
- (c) waarin die doel van die vergadering kortliks verduidelik word.
- (4) So gou doenlik na die datum waarop die kennisgewing bedoel in subartikel (3) in die nuusblad verskyn het, moet die kommissaris—
- 35 (a) 'n afskrif van die kennisgewing per geregistreerde pos stuur aan elke persoon wat 'n belang by sodanige verdeling het en wie se naam en adres aan die kommissaris bekend is;
- (b) indien hy van mening is dat 'n verdere kennisgewing nodig is om te verseker dat die betrokke persone voldoende kennis ontvang, sodanige verdere kennis gee as wat hy in die omstandighede nodig ag, wat kan insluit—
- 40 (i) 'n verdere kennisgewing in 'n nuusblad, of 'n kennisgewing in 'n tydskrif of oor die radio of televisie;
- (ii) 'n kennisgewing in die *Staatiskoerant*;
- 45 (iii) die stuur van verdere afskrifte van die kennisgewing bedoel in subartikel (3), hetsy per geregistreerde pos, al dan nie;
- (iv) mondelinge kennisgewing;
- (v) die vertoon van 'n kennisgewing op 'n geskikte plek op die aangewese grond;
- (vi) die vertoon van 'n kennisgewing op 'n openbare gebou.
- 50 (5) (a) Die kommissaris moet, waar die aangewese grond geokkupeer word deur ander persone as dié beoog in artikel 2(3), 'n vergadering van sodanige ander persone belê waarby hy die persone aanwesig by sodanige vergadering van die aanwysing en beoogde verdeling van sodanige grond in kennis stel.
- (b) Die kommissaris moet sodanige ander persone inlig aangaande die gevolge
- 55 wat daardie aanwysing op hulle verdere okkupasie van die grond kan hê.
- (c) Die bepalings van subartikels (3) en (4) is *mutatis mutandis* van toepassing met betrekking tot die gee van kennis van sodanige vergadering aan sodanige ander persone.

Samestelling van lys deur betrokke persone

- 60 6. (1) Die kommissaris moet, by die vergadering bedoel in artikel 5(1)—
- (a) die persone aanwesig by sodanige vergadering daarvan verwittig dat

such land shall be transferred, may compile a list as contemplated in section 5(1)(b), and request the persons concerned to compile such list for submission on the date referred to in paragraph (b); and

- (b) adjourn the meeting concerned to a date which shall not be earlier than 30 days after the date of the meeting concerned.

(2) If the persons present at the meeting referred to in subsection (1)(b) have not compiled and submitted such list, the commissioner may adjourn the meeting as often as in his opinion is necessary until such list has been compiled and is submitted.

Objections to list compiled by persons concerned

7. (1) If a list is furnished in terms of section 6 the commissioner shall cause to be published in a newspaper circulating in the district in which the designated land concerned is situated, a notice—

- (a) making it known that a list has been compiled in terms of section 6 in respect of the designated land concerned and that such list will be open for inspection during the period of 30 days, or such longer period as the commissioner may in his discretion determine, following the day upon which the notice has appeared in the newspaper, and at such times and at such place in the district concerned as shall be mentioned in the notice; and

- (b) calling upon any person who wishes to object to the contents of such list, to furnish his objection and the grounds therefor, supported by sworn or solemnly affirmed declarations and such documents as he may be able to submit, to the commissioner within a period of 30 days after the expiration of the period referred to in paragraph (a).

(2) The provisions of section 5(4) shall *mutatis mutandis* apply in relation to a notice mentioned in subsection (1).

(3) (a) An objection referred to in subsection (1)(b) shall be in writing and shall set out clearly and concisely the facts upon which such objection is based, and a declaration referred to in that subsection shall also be in writing.

(b) Notwithstanding the provisions of paragraph (a), an objection or a declaration may, with the leave of the commissioner, be made orally.

(c) An objection or a declaration which is made orally shall be reduced to writing by the commissioner or a person designated by the commissioner.

(4) The Director-General shall, upon the request of any person who desires to object or make a declaration in terms of this section, reduce such objection or declaration to writing or cause it to be reduced to writing.

(5) The commissioner may—

- (a) conduct such investigation in connection with any objection submitted to him in terms of this section as he may deem necessary in order to be able to make a finding on the validity of such objection;

- (b) at his discretion refuse to hear any oral evidence of any person or of any particular person at such an investigation unless such evidence is given under oath or solemn affirmation, which may be administered by the commissioner.

(6) (a) The commissioner may after the investigation contemplated in subsection (5) refuse such objection or, if the commissioner is satisfied that an objection raised in terms of this section is valid, convene a meeting at which the persons who participated in the compilation of the list concerned shall be present, and at such meeting the commissioner shall request those persons to alter the list with due regard to the objection concerned.

(b) The provisions of section 5(3) and (4) shall *mutatis mutandis* apply to a meeting referred to in paragraph (a).

Commissioner to compile list in certain circumstances

8. If—

- (a) the persons concerned could for any reason not compile a list in terms of section 6, or after a reasonable period has elapsed could not submit such a list; or

die persone aan wie sodanige grond oorgedra moet word, 'n lys soos beoog in artikel 5(1)(b) kan saamstel en die betrokke persone versoek om sodanige lys saam te stel vir voorlegging op die datum in paragraaf (b) bedoel; en

5 (b) die betrokke vergadering verdaag tot 'n datum nie vroeër nie as 30 dae na die datum van die betrokke vergadering.

(2) Indien die persone aanwesig by die vergadering bedoel in subartikel (1)(b) nie sodanige lys saamgestel en voorgelê het nie, kan die kommissaris die vergadering so gereeld verdaag as wat na sy oordeel nodig is totdat so 'n lys
10 saamgestel is en voorgelê word.

Besware teen lys saamgestel deur betrokke persone

7. (1) Indien 'n lys ingevolge artikel 6 verstrekk word, laat die kommissaris in 'n nuusblad in omloop in die distrik waarin die betrokke aangewese grond geleë is, 'n kennisgewing publiseer—

15 (a) waarin dit bekend gemaak word dat 'n lys ingevolge artikel 6 saamgestel is ten opsigte van die betrokke aangewese grond en dat sodanige lys gedurende die tydperk van 30 dae, of sodanige langer tydperk as wat die kommissaris na goeddunke kan bepaal, wat volg op die dag waarop die kennisgewing in die nuusblad verskyn het, en op die tye en
20 die plek in die betrokke distrik wat in die kennisgewing vermeld word, ter insae sal lê; en

(b) waarby enige persoon wat teen die inhoud van sodanige lys beswaar wil maak, aangesê word om sy beswaar en die gronde daarvoor, gestaaf deur beëdigde of plegtig bevestigde verklarings en sodanige stukke as
25 'n tydperk van 30 dae na die verstryking van die tydperk in paragraaf (a) bedoel.

(2) Die bepalinge van artikel 5(4) is *mutatis mutandis* van toepassing met betrekking tot 'n kennisgewing in subartikel (1) bedoel.

30 (3) (a) 'n Beswaar bedoel in subartikel (1)(b) moet op skrif wees en moet die feite waarop sodanige beswaar gegrond is duidelik en bondig uiteensit, en 'n verklaring bedoel in daardie subartikel moet ook op skrif wees.

(b) Ondanks die bepalinge van paragraaf (a) kan 'n beswaar of 'n verklaring, met toestemming van die kommissaris, mondeling gemaak of afgelê word.

35 (c) 'n Beswaar of 'n verklaring wat mondeling gemaak of afgelê is, word deur die kommissaris of iemand deur die kommissaris aangewys, op skrif gestel.

(4) Die Direkteur-generaal moet op versoek van 'n persoon wat ingevolge hierdie artikel beswaar wil maak of 'n verklaring wil aflê, sodanige beswaar of verklaring op skrif stel of op skrif laat stel.

40 (5) Die kommissaris kan—

(a) in verband met 'n beswaar wat ingevolge hierdie artikel by hom ingedien is, die ondersoek instel wat hy nodig ag ten einde tot 'n bevinding te kan geraak oor die geldigheid van sodanige beswaar;

45 (b) na goeddunke weier om enige mondelinge getuieis van enige persoon of van 'n bepaalde persoon by sodanige ondersoek aan te hoor tensy sodanige getuieis onder eed of plegtige bevestiging, wat deur die kommissaris afgeneem kan word, gelewer word.

(6) (a) Die kommissaris kan na die ondersoek beoog in subartikel (5) sodanige beswaar van die hand wys of, indien die kommissaris oortuig is dat 'n beswaar
50 geopper ingevolge hierdie artikel geldig is, 'n vergadering belê waarby die persone wat deelgeneem het aan die samestelling van die betrokke lys aanwesig is, en tydens sodanige vergadering versoek die kommissaris daardie persone om die lys, met inagneming van die betrokke beswaar, te verander.

(b) Die bepalinge van artikel 5(3) en (4) is *mutatis mutandis* op 'n vergadering
55 bedoel in paragraaf (a) van toepassing.

Kommissaris moet lys onder sekere omstandighede saamstel

8. Indien—

60 (a) die betrokke persone om die een of ander rede nie 'n lys ingevolge artikel 6 kan saamstel nie, of na verloop van 'n redelike tyd nie so 'n lys kan voorlê nie; of

(b) in the opinion of the commissioner such list was compiled but has not been altered in terms of section 7(6) to accommodate an objection, the commissioner shall, subject and with due regard to the provisions of sections 9 to 12, compile the list concerned.

Application for distribution and transfer of land

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9. (1) The commissioner concerned shall in cases where section 8 is applicable cause to be published in a newspaper circulating in the district in which the designated land concerned is situated, a notice calling upon every person contemplated in section 2(3) who claims to have acquired a right to the transfer in terms of this Act of such land, or of a piece of, an undivided share in or a defined portion of such land, and to be registered as an owner in respect of such land, to submit to the commissioner, within the period of 30 days, or such longer period as the commissioner may in his discretion determine, following the day upon which the notice has appeared in the newspaper, an application for the distribution of or the determination of his share or portion of the designated land concerned, and the transfer of that land, share or portion to him, in terms of the provisions of this Act, supported by sworn or solemnly affirmed declarations by the persons alleging those facts, and by such documents as the applicant may be able to submit, including any title deed in respect of the land concerned that he may have in his possession.

(2) As soon as it is practicable after the date upon which the notice referred to in subsection (1) has appeared in the newspaper, the commissioner shall—

- (a) send a copy of the notice by registered post to every person referred to in that subsection whose name and address are known to the commissioner;
- (b) if he is of the opinion that any further notice will be necessary to ensure that the persons concerned will receive adequate notice, give such further notice as he may deem necessary in the circumstances, and which may include—
 - (i) a further notice in a newspaper, or a notice in a magazine or on the radio or television;
 - (ii) a notice in the *Gazette*;
 - (iii) the sending of further copies of the notice referred to in subsection (1), whether by registered post or not;
 - (iv) an oral notice;
 - (v) the display of a notice at a suitable place on the designated land;
 - (vi) the display of a notice on a public building.

(3) (a) An application in terms of subsection (1) shall be in writing and shall set out clearly and concisely the facts upon which that application is based, and a declaration referred to in that subsection shall be in writing.

(b) Notwithstanding the provisions of paragraph (a), an application may, with the leave of the commissioner, be made orally.

(c) An application or a declaration which is made orally shall be reduced to writing by the commissioner or a person designated by the commissioner.

(4) The Director-General shall, upon the request of any person who desires to apply or make a declaration in terms of subsection (1), reduce such application or such declaration to writing or cause it to be reduced to writing.

(5) (a) If the commissioner has reason to suspect that any person who is subject to some or other form of legal disability and who can claim such a right as is referred to in subsection (1), has not submitted an application as contemplated in that subsection and that no such application has been submitted on his behalf, the commissioner may, if he deems it necessary in a particular case, take such steps as he may deem expedient in order to cause such an application to be submitted by or on behalf of the person concerned.

(b) The commissioner may receive any claim submitted in terms of paragraph (a) also after the expiration of the period referred to in subsection (1).

(c) If the commissioner is unable to cause an application to be submitted by or on behalf of the person concerned, he shall record the facts on which his claim to such right is based.

(b) sodanige lys volgens die oordeel van die kommissaris saamgestel is maar nie ingevolge artikel 7(6) verander is om 'n beswaar in ag te neem nie, stel die kommissaris, behoudens en met inagneming van die bepalings van artikels 9 tot 12, die betrokke lys saam.

5 Aansoek om verdeling en oordrag van grond

9. (1) Die betrokke kommissaris laat in die gevalle waar artikel 8 van toepassing is 'n kennisgewing in 'n nuusblad in omloop in die distrik waarin die betrokke aangewese grond geleë is, publiseer waarby elke persoon beoog in artikel 2(3) wat daarop aanspraak maak dat hy ingevolge hierdie Wet 'n reg verkry het op die oordrag van sodanige grond, of van 'n stuk van, 'n onverdeelde aandeel in of 'n bepaalde gedeelte van sodanige grond, en om as 'n eienaar ten opsigte van daardie grond geregistreer te word, aangesê word om binne die tydperk van 30 dae, of sodanige langer tydperk as wat die kommissaris na goëddunke kan bepaal, wat volg op die dag waarop die kennisgewing in die nuusblad verskyn het, aansoek om die verdeling van, of die vasstelling van sy aandeel in of gedeelte van die betrokke aangewese grond, en die oordrag van daardie grond, aandeel of gedeelte aan hom, ingevolge die bepalings van hierdie Wet by die kommissaris in te dien, gestaaf deur beëdigde of plegtig bevestigde verklarings van die persone wat daardie feite beweer, en deur die stukke wat die applikant in staat is om voor te lê, met inbegrip van enige titelbewys ten opsigte van die betrokke grond wat hy in sy besit het.

(2) So gou doenlik na die datum waarop die kennisgewing bedoel in subartikel (1) in die nuusblad verskyn het, moet die kommissaris—

- (a) 'n afskrif van die kennisgewing per geregistreerde pos stuur aan elke persoon in daardie subartikel bedoel wie se naam en adres aan die kommissaris bekend is;
- (b) indien hy van mening is dat 'n verdere kennisgewing nodig is om te verseker dat die betrokke persone voldoende kennis ontvang, sodanige verdere kennis gee as wat hy in die omstandighede nodig ag, en wat kan insluit—
 - (i) 'n verdere kennisgewing in 'n nuusblad, of 'n kennisgewing in 'n tydskrif, of oor die radio of televisie;
 - (ii) 'n kennisgewing in die *Staatukoerant*;
 - (iii) die stuur van verdere afskrifte van die kennisgewing bedoel in subartikel (1), hetsy per geregistreerde pos, al dan nie;
 - (iv) mondelinge kennisgewing;
 - (v) die vertoon van 'n kennisgewing op 'n geskikte plek op die aangewese grond;
 - (vi) die vertoon van 'n kennisgewing op 'n openbare gebou.

(3) (a) 'n Aansoek ingevolge subartikel (1) moet op skrif wees en moet die feite waarop daardie aansoek gegrond is duidelik en bondig uiteensit, en 'n verklaring in daardie subartikel bedoel, moet ook op skrif wees.

(b) Ondanks die bepalings van paragraaf (a) kan 'n aansoek of 'n verklaring, met toestemming van die kommissaris, mondeling gedoen of afgelê word.

(c) 'n Aansoek of 'n verklaring wat aldus mondeling gedoen of afgelê word, word deur die kommissaris of iemand deur die kommissaris aangewys, op skrif gestel.

(4) Die Direkteur-generaal moet, op versoek van 'n persoon wat ingevolge subartikel (1) aansoek wil doen of 'n verklaring wil aflê, sodanige aansoek of sodanige verklaring op skrif stel of op skrif laat stel.

(5) (a) Indien die kommissaris rede het om te vermoed dat 'n persoon wat aan die een of ander vorm van handelingsonbevoegdheid onderworpe is en wat op 'n reg aanspraak kan maak soos in subartikel (1) bedoel, nie 'n aansoek ingedien het soos in daardie subartikel beoog nie en dat so 'n aansoek nie namens hom ingedien is nie, kan die kommissaris, indien hy dit in 'n besondere geval nodig ag, die stappe doen wat hy dienstig ag ten einde so 'n aansoek deur of namens die betrokke persoon te laat indien.

(b) Die kommissaris kan 'n aansoek wat ingevolge paragraaf (a) ingedien word, ook na verstryking van die tydperk bedoel in subartikel (1) ontvang.

(c) Indien die kommissaris nie in staat is om 'n aansoek deur of namens die betrokke persoon te laat indien nie, moet die kommissaris 'n aantekening maak van die feite waarop daardie persoon se aanspraak op bedoelde reg berus.

(d) The record contemplated in paragraph (c) shall for the purposes of this Act be deemed to be an application submitted to the commissioner on behalf of the person concerned in terms of this subsection.

(6) (a) The commissioner may allow an application in terms of subsection (1) to be submitted after the expiry of the period referred to in the said subsection if the reasons why the application was not submitted within the period mentioned in subsection (1) are presented to the commissioner. 5

(b) The commissioner shall, on receipt of an application submitted in terms of paragraph (a), make such application known in any manner the commissioner deems fit, and shall in such publication call upon any person who wishes to object to the granting of the application so received to submit his objections to the commissioner in the manner prescribed by section 10(1)(b), within 30 days of the commissioner's publication of such application. 10

(c) The application referred to in paragraph (a) shall for the purposes of this Act be deemed to be an application submitted to the commissioner in terms of subsection (1). 15

Objections to applications

10. (1) After the expiration of the period referred to in section 9(1), and after the provisions of section 9(5) have been complied with, the commissioner shall cause to be published in a newspaper circulating in the district in which the designated land concerned is situated, a notice— 20

(a) making it known that the claims submitted to the commissioner in terms of section 9 will be open for inspection during the period of 30 days following the day upon which the notice has appeared in the newspaper, and at such times and such place in the district concerned as shall be mentioned in the notice; and 25

(b) calling upon any person who wishes to object to the granting of any application, to furnish his objection and the grounds therefor, supported by sworn or solemnly affirmed declarations and such documents as he may be able to submit, to the commissioner within a period of 30 days after the expiration of the period referred to in paragraph (a). 30

(2) The provisions of—

(a) section 9(2) shall *mutatis mutandis* apply in relation to a notice referred to in subsection (1);

(b) section 9(3) and (4) shall *mutatis mutandis* apply in relation to an objection and the declarations referred to in subsection (1)(b). 35

Investigation by commissioner

11. The commissioner may—

(a) conduct such investigation in connection with any application submitted to him in terms of section 9 as he may deem necessary in order to be able to make a finding on the claim of any applicant to the designated land concerned or to a piece of, an undivided share in or a defined portion of such land, or on the distribution of such land or the determination of a share in that land, or on the validity of any objection furnished to the commissioner in terms of section 10; 40 45

(b) at his discretion refuse to hear any oral evidence of any person or of any particular person at such an investigation unless such evidence is given under oath or solemn affirmation, which may be administered by the commissioner.

Finding by commissioner

12. (1) The commissioner shall, after the provisions of sections 9 and 10 have been complied with, consider each application submitted to him in terms of section 9 and, with due regard to all the circumstances, including any objections lodged in terms of section 10 and the result of any investigation conducted by the commissioner under section 11, make such finding as in his opinion is justified with reference to the claim of the applicant concerned. 55

(d) Die aantekening in paragraaf (c) bedoel, word by die toepassing van hierdie Wet geag 'n aansoek te wees wat namens die betrokke persoon ingevolge hierdie subartikel by die kommissaris ingedien is.

5 (6) (a) Die kommissaris kan toelaat dat 'n aansoek ingevolge subartikel (1) na die verstryking van die tydperk bedoel in genoemde subartikel ingedien word indien die redes waarom die aansoek nie binne die tydperk vermeld in subartikel (1) ingedien is nie, aan die kommissaris verstrekk word.

10 (b) Die kommissaris moet, by ontvangs van 'n aansoek ingevolge paragraaf (a) ingedien, so 'n aansoek op enige wyse wat die kommissaris goed ag, bekend maak, en in die bekendmaking enige persoon wat teen die toestaan van die aansoek aldus ontvang beswaar wil maak, aansê om binne 30 dae vanaf die bekendmaking deur die kommissaris van so 'n aansoek sy besware op die wyse in artikel 10(1)(b) voorgeskryf aan die kommissaris voor te lê.

15 (c) Die aansoek bedoel in paragraaf (a) word by die toepassing van hierdie Wet geag 'n aansoek te wees wat ingevolge subartikel (1) by die kommissaris ingedien is.

Besware teen aansoeke

20 10. (1) Na die verstryking van die tydperk bedoel in artikel 9(1), en nadat die bepalings van artikel 9(5) nagekom is, laat die kommissaris in 'n nuusblad in omloop in die distrik waarin die betrokke aangewese grond geleë is, 'n kennisgewing publiseer—

25 (a) waarin dit bekend gemaak word dat die aansoeke wat ingevolge artikel 9 by die kommissaris ingedien is, gedurende die tydperk van 30 dae wat volg op die dag waarop die kennisgewing in die nuusblad verskyn het, en op die tye en die plek in die betrokke distrik wat in die kennisgewing vermeld word, ter insae sal lê; en

30 (b) waarby enige persoon wat teen die toestaan van 'n aansoek beswaar wil maak, aangesê word om sy beswaar en die gronde daarvoor, gestaaf deur beëdigde of plegtig bevestigde verklarings en sodanige stukke as wat hy in staat is om voor te lê, aan die kommissaris te verstrekk binne 'n tydperk van 30 dae na die verstryking van die tydperk bedoel in paragraaf (a).

(2) Die bepalings van—

35 (a) artikel 9(2) is *mutatis mutandis* van toepassing met betrekking tot 'n kennisgewing in subartikel (1) bedoel;

(b) artikel 9(3) en (4) is *mutatis mutandis* van toepassing met betrekking tot 'n beswaar en die verklarings in subartikel (1)(b) bedoel.

Ondersoek deur kommissaris

11. Die kommissaris kan—

40 (a) in verband met 'n aansoek wat ingevolge artikel 9 by hom ingedien is, die ondersoek instel wat hy nodig ag ten einde tot 'n bevinding te kan geraak oor die aanspraak van enige applikant op die betrokke aangewese grond, of 'n stuk van, 'n onverdeelde aandeel in of 'n bepaalde gedeelte van sodanige grond, of oor die verdeling van
45 sodanige grond of die vasstelling van 'n aandeel in daardie grond, of oor die geldigheid van 'n beswaar wat ingevolge artikel 10 aan die kommissaris verstrekk is;

50 (b) na goeëdunke weier om enige mondelinge getuienis van enige persoon of van 'n bepaalde persoon by so 'n ondersoek aan te hoor tensy dié getuienis onder eed of plegtige bevestiging, wat deur die kommissaris afgeneem kan word, gelewer word.

Bevinding van kommissaris

55 12. (1) Die kommissaris moet, nadat die bepalings van artikels 9 en 10 nagekom is, elke aansoek oorweeg wat ingevolge artikel 9 by hom ingedien is en, met inagneming van al die omstandighede, met inbegrip van besware wat ingevolge artikel 10 ingedien is en die uitslag van enige ondersoek wat die kommissaris kragtens artikel 11 ingestel het, die bevinding maak wat na sy oordeel geregtigdig is met betrekking tot die aanspraak van die betrokke applikant.

(2) The commissioner shall advise the applicant concerned of his finding under subsection (1) by written notice, which shall be handed to the applicant or sent to him by registered post, and shall in such notice inform the applicant—

- (a) that, if he is not satisfied with the finding, he may within 30 days from a date mentioned in the notice, or within such further period as the commissioner may determine on good cause shown, in writing request the commissioner to reconsider the finding on grounds which shall be set out fully in the request; 5
- (b) if, according to the finding, the applicant is entitled to the transfer of the land concerned, or a piece of, an undivided share in or a defined portion of such land, that such finding may yet be amended, set aside or substituted under subsection (5)(b). 10

(3) If any applicant requests the commissioner to reconsider a finding as contemplated in subsection (2)(a)—

- (a) the commissioner may, if he is of the opinion that reconsideration of the finding on the grounds set out in the request will serve no useful purpose, refuse the request by written notice, which shall be handed to the applicant or sent to him by registered post; 15
- (b) the commissioner shall, if he does not refuse the request under paragraph (a)— 20
 - (i) convene a meeting at a place in the district in which the designated land concerned is situated, for the hearing by him of such further evidence or such representations as the applicant who made the request or any other applicant whose rights, as determined by the commissioner under subsection (1), may be affected if the finding to which the request relates is amended, set aside or substituted under subsection (5)(a), may wish to submit or make to the commissioner; 25
 - (ii) inform the applicant who made the request and every such other applicant as is referred to in subparagraph (i), of the date (which shall be a date not earlier than 30 days after the date of the written notice referred to in this subparagraph), time, place and purpose of the meeting by written notice, which shall be handed to him or sent to him by registered post together with, in the case of a notice to any such other applicant, a copy of the written request concerned; 30
 - (iii) afford each applicant concerned at his request, a reasonable opportunity to inspect the relevant documents in the possession of the commissioner and indicated by the applicant, or to make copies thereof or extracts therefrom, before the day of the meeting. 35

(4) (a) At the meeting the commissioner shall, at the request of any applicant referred to in subsection (3) who is present at the meeting or, in the case of an applicant so referred to who is not present at the meeting, at the request of any person authorized in writing by such applicant as his representative and who is present at the meeting, afford the applicant concerned or such person, as the case may be, a reasonable opportunity to submit any further relevant evidence or make representations to the commissioner. 40 45

(b) The commissioner may at his discretion refuse to hear any such evidence of any person or of any particular person unless it is given under oath or solemn affirmation, which may be administered by the commissioner.

(5) The commissioner may, with due regard to the further evidence and representations (if any) submitted or made to him in terms of subsection (4)— 50

- (a) confirm, amend, set aside or substitute by another finding, the finding in respect of which the request has been made;
- (b) in so far as it may be necessary as a result of an amendment, setting aside or substitution under paragraph (a), amend, set aside or substitute by another finding, any other finding made by him under subsection (1) and in respect of which a notice has in terms of subsection (3)(b)(ii) been furnished to the applicant concerned. 55

- (2) Die kommissaris verwittig die betrokke applikant van sy bevinding kragtens subartikel (1) by skriftelike kennisgewing, wat aan die applikant oorhandig of per geregistreerde pos gestuur word, en moet die applikant in sodanige kennisgewing meedeel—
- 5 (a) dat, indien hy nie met die bevinding tevrede is nie, hy binne 30 dae vanaf 'n datum in die kennisgewing vermeld, of binne die verdere tydperk wat die kommissaris by die aanvoer van goeie gronde bepaal, die kommissaris skriftelik kan versoek om die bevinding te heroorweeg op gronde wat volledig in die versoek uiteengesit moet word;
- 10 (b) indien die applikant volgens die bevinding daarop geregtig is dat die betrokke grond, of 'n stuk van, 'n onverdeelde aandeel in of 'n bepaalde gedeelte van sodanige grond aan hom oorgedra word, dat sodanige bevinding nog kragtens subartikel (5)(b) gewysig, tersyde gestel of vervang kan word.
- 15 (3) Indien 'n applikant die kommissaris versoek, soos in subartikel (2)(a) beoog, om 'n bevinding te heroorweeg—
- (a) kan die kommissaris, indien hy van oordeel is dat heroorweging van die bevinding op die gronde in die versoek uiteengesit geen nuttige doel sal dien nie, die versoek van die hand wys by skriftelike kennisgewing, wat
- 20 aan die applikant oorhandig of per geregistreerde pos gestuur word;
- (b) moet die kommissaris, indien hy die versoek nie kragtens paragraaf (a) van die hand wys nie—
- (i) 'n vergadering op 'n plek in die distrik waarin die betrokke aangewese grond geleë is, belê vir die aanhoor deur hom van die
- 25 verdere getuienis of die vertoë wat die applikant wat die versoek gerig het of enige ander applikant wie se regte, soos deur die kommissaris kragtens subartikel (1) bepaal, geraak kan word indien die bevinding waarop die versoek betrekking het, kragtens subartikel (5)(a) gewysig, tersyde gestel of vervang word, aan die kommissaris wil voorlê of tot hom wil rig;
- 30 (ii) die datum (wat 'n datum moet wees nie vroeër nie as 30 dae na die datum van die skriftelike kennisgewing in hierdie subparagraaf bedoel), tyd, plek en doel van die vergadering aan die applikant wat die versoek gerig het en aan elke ander applikant bedoel in subparagraaf (i) meedeel by skriftelike kennisgewing, wat aan
- 35 hom oorhandig of per geregistreerde pos gestuur word tesame met, in die geval van 'n kennisgewing aan so 'n ander applikant, 'n afskrif van die betrokke skriftelike versoek;
- (iii) elke betrokke applikant op sy versoek 'n redelike geleentheid gee
- 40 om voor die dag van die vergadering die tersaaklike stukke wat in die kommissaris se besit is en deur die applikant aangedui word, in te sien of afskrifte daarvan of uittreksels daaruit te maak.
- (4) (a) By die vergadering moet die kommissaris, op versoek van 'n applikant in subartikel (3) bedoel wat by die vergadering aanwesig is of, in die geval van
- 45 'n aldus bedoelde applikant wat nie by die vergadering aanwesig is nie, op versoek van 'n persoon wat skriftelik deur sodanige applikant as sy verteenwoordiger gemagtig is en wat by die vergadering aanwesig is, aan die betrokke applikant of sodanige persoon, na gelang van die geval, 'n redelike geleentheid gee om verdere tersaaklike getuienis aan die kommissaris voor te lê of vertoë tot
- 50 hom te rig.
- (b) Die kommissaris kan na goëddunke weier om sodanige getuienis van enige persoon of van 'n bepaalde persoon aan te hoor tensy dit onder eed of plegtige bevestiging, wat deur die kommissaris afgeneem kan word, gelewer word.
- (5) Die kommissaris kan, met inagneming van die verdere getuienis en vertoë
- 55 (indien daar is) wat ingevolge subartikel (4) aan hom voorgelê of tot hom gerig is—
- (a) die bevinding ten opsigte waarvan die versoek gerig is, bevestig, wysig, tersyde stel of deur 'n ander bevinding vervang;
- (b) vir sover dit nodig is as gevolg van 'n wysiging, tersydestelling of
- 60 vervanging kragtens paragraaf (a), enige ander bevinding wat hy kragtens subartikel (1) gemaak het en ten opsigte waarvan 'n kennisgewing ingevolge subartikel (3)(b)(ii) aan die betrokke applikant besorg is, wysig, tersyde stel of deur 'n ander bevinding vervang.

(6) If the commissioner has confirmed, amended, set aside or substituted a finding under subsection (5), he shall advise the applicant concerned thereof by written notice, which shall be handed to that applicant or sent to him by registered post.

Commissioner to furnish list to Director-General

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13. The commissioner shall—

- (a) if the persons concerned compiled a list as contemplated in section 6, and no objection was made against such list or an objection was made but such objection was refused in terms of section 7(6), transmit such list to the Director-General; or
- (b) if the commissioner concerned compiled a list in terms of section 8, transmit such list to the Director-General.

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Records to be submitted to Director-General

14. The commissioner shall keep minutes or cause minutes to be kept of all meetings at which he presided and shall transmit such minutes as well as all applications, declarations, notices and other documents in his possession together with the list referred to in section 13(a) or (b) to the Director-General.

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Duties of Director-General

15. (1) The Director-General shall, as soon as it is practicable after he has received the documents referred to in section 14—

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- (a) cause the designated land to be surveyed in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), in order to give effect to the list referred to in section 13(a) or (b); and
- (b) take the steps necessary in order to ensure that the designated land concerned will be distributed and transferred to the persons specified in such list, or that the share or portion of every such person be determined and such land be transferred.

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(2) In surveying the land concerned the surveyor shall consult the commissioner concerned.

(3) No transfer of land shall take place in terms of this Act unless—

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- (a) the compensation (if any) which is payable in respect of that land, share or portion has been paid or arrangements for the payment thereof have been made to the satisfaction of the Director-General;
- (b) all other conditions subject to which such land, share or portion shall be transferred, have been complied with; and
- (c) all expenditure and costs connected with the transfer of that land, share or portion have, subject to the provisions of this Act, been paid.

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(4) The Director-General shall by written notice handed to each person liable to pay an amount referred to in subsection (3)(a) or (c), or sent to him by registered post, require such person to pay that amount within three months from the date mentioned in the notice, or to make arrangements to the satisfaction of the Director-General within that period for the payment thereof.

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(5) If the person concerned fails to pay any amount, or to make the arrangements, referred to in subsection (4), within the period referred to in that subsection, the Director-General shall sell the land, undivided share or defined portion concerned in such manner and on such conditions as the Minister may determine, but subject to the provisions of subsection (6), and transfer it to the purchaser concerned.

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(6) Land, or an undivided share in or a defined portion of land, referred to in subsection (5) shall be sold and be transferred subject to any right which is registered against the land concerned, or against an undivided share in or a defined portion of that land.

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(7) The proceeds of a sale in terms of subsection (5) shall be paid to the Director-General and shall be distributed by him as provided in this section.

(8) The amounts referred to in subsection (3) as well as any expenditure

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(6) Indien die kommissaris 'n bevinding kragtens subartikel (5) bevestig, gewysig, tersyde gestel of vervang het, moet hy die betrokke applikant daarvan verwittig by skriftelike kennisgewing, wat aan daardie applikant oorhandig of per geregistreerde pos gestuur word.

5 Kommissaris moet lys aan Direkteur-generaal verstrek

13. Die kommissaris moet—

- 10 (a) indien die betrokke persone 'n lys saamgestel het soos in artikel 6 beoog, en geen beswaar teen sodanige lys gemaak is nie of beswaar gemaak is maar sodanige beswaar ingevolge artikel 7(6) van die hand gewys is, sodanige lys aan die Direkteur-generaal deurgee; of
- (b) indien die betrokke kommissaris 'n lys ingevolge artikel 8 saamgestel het, sodanige lys aan die Direkteur-generaal deurgee.

Stukke moet by Direkteur-generaal ingedien word

- 15 14. Die kommissaris moet die verrigtinge van alle vergaderings waarby hy as voorsitter optree notuleer of laat notuleer en sodanige notules asook alle aansoeke, verklarings, kennisgewings en ander dokumente in sy besit tesame met die lys bedoel in artikel 13(a) of (b) aan die Direkteur-generaal deurgee.

Pligte van Direkteur-generaal

- 20 15. (1) Die Direkteur-generaal moet so spoedig moontlik nadat hy die stukke bedoel in artikel 14 ontvang het—

- (a) die aangewese grond laat opmeet ingevolge die Opmetingswet, 1927 (Wet No. 9 van 1927), ten einde aan die lys bedoel in artikel 13(a) of (b) gevolg te gee; en
- 25 (b) die nodige stappe doen ten einde te verseker dat die betrokke aangewese grond verdeel word en aan die persone vermeld op sodanige lys oorgedra word, of dat die aandeel of gedeelte van elke sodanige persoon vasgestel en sodanige grond oorgedra word.
- (2) By die opmeting van die betrokke grond moet die landmeter met die betrokke kommissaris oorleg pleeg.
- 30 (3) Geen oordrag van grond vind ingevolge hierdie Wet plaas nie tensy—
- (a) die vergoeding (indien daar is) wat ten opsigte van daardie grond, aandeel of gedeelte betaalbaar is, betaal is of reëlins vir die betaling daarvan tot tevredenheid van die Direkteur-generaal getref is;
- 35 (b) alle ander voorwaardes onderworpe waaraan sodanige grond, aandeel of gedeelte oorgedra sal word, nagekom is; en
- (c) alle ander uitgawes of kostes wat verband hou met die oordrag van daardie grond, aandeel of gedeelte, behoudens die bepalinge van hierdie Wet betaal is.

- (4) Die Direkteur-generaal moet elke persoon wat verplig is om 'n bedrag 40 bedoel in subartikel (3)(a) of (c) te betaal, by skriftelike kennisgewing, wat aan elke sodanige persoon oorhandig of per geregistreerde pos gestuur word, aansê om daardie bedrag binne drie maande vanaf 'n datum in die kennisgewing vermeld, te betaal of binne daardie tydperk reëlins tot tevredenheid van die Direkteur-generaal te tref vir die betaling daarvan.

- 45 (5) Indien die betrokke persoon versuim om binne die tydperk bedoel in subartikel (4) 'n bedrag bedoel in daardie subartikel te betaal of reëlins te tref, moet die Direkteur-generaal die betrokke grond, onverdeelde aandeel of bepaalde gedeelte op die wyse en op die voorwaardes wat die Minister bepaal, maar behoudens die bepalinge van subartikel (6), verkoop en dit aan die 50 betrokke koper oordra.

(6) Grond, of 'n onverdeelde aandeel in of 'n bepaalde gedeelte van grond, bedoel in subartikel (5) word verkoop en oorgedra onderworpe aan enige reg wat op die datum van oordrag teen die betrokke grond, of teen 'n onverdeelde aandeel in of 'n bepaalde gedeelte van daardie grond, geregistreer is.

- 55 (7) Die opbrengs van 'n verkoop ingevolge subartikel (5) word aan die Direkteur-generaal betaal en word deur hom verdeel volgens voorskrif van hierdie artikel.

(8) Van sodanige opbrengs word die bedrae bedoel in subartikel (3) afgetrek

incurred by the Director-General in connection with the sale shall be deducted from such proceeds.

(9) After the deductions under subsection (8) have been made, the balance of the proceeds shall be paid to the persons mentioned in the list referred to in section 13(a) or (b). 5

(10) A transfer of land, or a share in or portion of land, in terms of this section is exempted from the payment of stamp duty and of registration and other fees.

Delegation

16. (1) The Director-General may, subject to such conditions as he may deem necessary— 10

(a) delegate to an officer employed by the Department of Regional and Land Affairs any power conferred upon him in terms of this Act; or

(b) authorize an officer employed by the Department of Regional and Land Affairs to perform any duty assigned to him in terms of this Act.

(2) Any person to whom any power has been so delegated or who has been authorized to perform any duty shall exercise that power or perform that duty subject to the directions of the Director-General, and the Director-General may at any time revoke such delegation or authorization. 15

(3) Any delegation under subsection (1) shall not prevent the Director-General from exercising that power or performing that duty himself. 20

Expenditure

17. All expenditure in connection with the performance of the functions of a commissioner shall, subject to the provisions of this Act, be defrayed by the Director-General from money appropriated by Parliament for this purpose.

Certain laws no bar to subdivision and transfer under this Act 25

18. Notwithstanding anything to the contrary regarding the subdivision and registration of land in any other law contained, the surveyor-general may approve a diagram or plan of any subdivision of land in terms of this Act, and the registrar of deeds may register the transfer of any land, or of any piece of or any undivided share in or any defined portion of land, in terms of this Act. 30

Application of Act in self-governing territories

19. The State President may, after consultation with the cabinet of a self-governing territory referred to in section 29 of the Self-governing Territories Constitution Act, 1971 (Act No. 21 of 1971), and by proclamation in the *Gazette*—

(a) declare that this Act shall apply in the self-governing territory concerned to the extent indicated in that proclamation; 35

(b) amend this Act in order to regulate its application in that territory;

(c) repeal or amend any law, or part thereof, that is in force in such territory in order to regulate any matter which, in his opinion, requires to be regulated in consequence of such application. 40

Short title

20. This Act shall be called the Distribution and Transfer of Certain State Land Act, 1993.

asook enige uitgawes deur die Direkteur-generaal in verband met die verkoop aangegaan.

- (9) Nadat die aftrekkings kragtens subartikel (8) gedoen is, word die balans van die opbrengs aan die betrokke persone vermeld op die lys bedoel in artikel 13(a) of (b) betaal.

(10) 'n Oordrag van grond, of 'n aandeel in of 'n gedeelte van grond, ingevolge hierdie artikel is vrygestel van die betaling van seëlregte en van registrasie- en ander gelde.

Delegering

- 10 16. (1) Die Direkteur-generaal kan, onderworpe aan die voorwaardes wat hy nodig ag—

(a) 'n bevoegdheid ingevolge hierdie Wet aan hom verleen, aan 'n beampte in diens van die Departement van Streek- en Grondsake deleger; of

- 15 (b) 'n beampte in diens van die Departement van Streek- en Grondsake magtig om enige plig ingevolge hierdie Wet aan hom opgedra, te verrig.

- (2) Iemand aan wie 'n bevoegdheid aldus gedelegeer is of wat gemagtig is om 'n plig te verrig, oefen daardie bevoegdheid uit en verrig daardie plig onderworpe aan die voorskrifte van die Direkteur-generaal, en die Direkteur-generaal kan te eniger tyd sodanige delegasie of magtiging intrek.

(3) 'n Delegering kragtens subartikel (1) verhoed nie die Direkteur-generaal om daardie bevoegdheid of plig self uit te oefen of te verrig nie.

Uitgawes

- 25 17. Alle uitgawes in verband met die verrigting van die werksaamhede van 'n kommissaris word, behoudens die bepalings van hierdie Wet, deur die Direkteur-generaal gedelg uit geld deur die Parlement vir dié doel bewillig.

Sekere wetsbepalings belet nie onderverdeling en oordrag ingevolge hierdie Wet nie

- 30 18. Ondanks andersluidende bepalings van die een of ander wet betreffende die onderverdeling of registrasie van grond kan die landmeter-generaal 'n kaart of plan van 'n onderverdeling van grond ingevolge hierdie Wet goedkeur, en die registrateur van aktes kan die oordrag van enige grond, of van 'n stuk van of 'n onderverdeelde aandeel in of 'n bepaalde gedeelte van grond, ingevolge hierdie 35 Wet registreer.

Toepassing van Wet in selfregerende gebiede

19. Die Staatspresident kan, na oorlegpleging met die kabinet van 'n selfregerende gebied bedoel in artikel 29 van die Grondwet van die Selfregerende Gebiede, 1971 (Wet No. 21 van 1971), by proklamasie in die Staats- 40 koerant—

(a) verklaar dat hierdie Wet in die betrokke selfregerende gebied van toepassing is in die mate in daardie proklamasie aangedui;

(b) hierdie Wet wysig ten einde die toepassing daarvan in daardie gebied te reël;

- 45 (c) enige wet, of deel daarvan, wat in sodanige gebied van krag is, herroep of wysig ten einde 'n aangeleentheid te reël wat na sy oordeel as gevolg van so 'n toepassing gereël moet word.

Kort titel

20. Hierdie Wet heet die Wet op die Verdeling en Oordrag van Sekere 50 Staatsgrond, 1993.

