

BUITENGEWONE



EXTRAORDINARY

Staatskoerant

VAN DIE UNIE VAN SUID-AFRIKA

THE UNION OF SOUTH AFRICA

Government Gazette

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PROKLAMASIE.

VAN SY EKSELLENSIE DIE EDELE ERNEST GEORGE JANSEN, DOKTOR IN DIE REGTE, GOEWERNEUR-GENERAAL VAN DIE UNIE VAN SUID-AFRIKA.

No. 70, 1956.]

[27 April 1956.]

TOEPASSING VAN DIE REGULASIES UITGEVAARDIG Kragtens ARTIKEL TWEE VAN DIE WET OP BEHUISING (NOODMAGTE), 1945 (WET NO. 45 VAN 1945), VANAF 1 MEI 1956 OP DIE PROVINSIE NATAL.

Kragtens die bevoegdheid my verleen by artikel twee van die Wet op Behuising (Noodmagte), 1945 (Wet No. 45 van 1945), verklaar ek hierby dat die regulasies gepubliseer by Proklamasie No. 288 van 1947, soos gewysig by Proklamasies Nos. 303 van 1947, 245 van 1951, 203 van 1952 en 86 van 1955 vanaf 1 Mei 1956 op die Provinsie Natal van toepassing is.

GOD BEHOEDE DIE KONINGIN!

GEGEE onder my Hand en Grootseël te Kaapstad op hede die Drie-en-twintigste dag van April, Eenduisend Negehoonderd Ses-en-vyftig.

E. G. JANSEN,
Goewerneur-generaal.

Op las van Sy Eksellensie die Goewerneur-generaal-in-rade.
J. F. NAUDÉ.

KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermmentskennisgewing word ter algemene inligting gepubliseer:—

No. 765.]

[27 April 1956.]

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wet, wat hierby ter algemene inligting gepubliseer word:—

BLADSY

No. 21 van 1956: Nedersettingswet, 1956 2

PROCLAMATION.

BY HIS EXCELLENCY THE HONOURABLE ERNEST GEORGE JANSEN, DOCTOR OF LAWS, GOVERNOR-GENERAL OF THE UNION OF SOUTH AFRICA.

No. 70, 1956.]

[27th April, 1956.]

APPLICATION OF THE REGULATIONS MADE UNDER SECTION TWO OF THE HOUSING (EMERGENCY POWERS) ACT, 1945 (ACT NO. 45 OF 1945), IN THE PROVINCE OF NATAL AS FROM 1ST MAY, 1956.

UNDER the powers vested in me by section two of the Housing (Emergency Powers) Act, 1945 (Act No. 45 of 1945), I hereby declare that the regulations published under Proclamation No. 288 of 1947, as amended by Proclamations Nos. 303 of 1947, 245 of 1951, 203 of 1952 and 86 of 1955 shall be applicable in the Province of Natal as from 1st May, 1956.

GOD SAVE THE QUEEN!

GIVEN under my Hand and Great Seal at Cape Town on this Twenty-third day of April, One Thousand Nine Hundred and Fifty-six.

E. G. JANSEN,
Governor-General.

By Command of His Excellency the Governor-General-in-Council.
J. F. NAUDÉ.

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 765.]

[27th April, 1956.]

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Act, which is hereby published for general information:—

PAGE

No. 21 of 1956: Land Settlement Act, 1956 3

No. 21, 1956.]

WET

Tot samevatting van die wetsbepalings op die toekenning van Staatsgrond vir nedersettingsdoeleindes, met inbegrip van grond wat vir sodanige doeleindes verkry is, die verbetering van en beskikking oor sodanige grond en ander bykomstige aangeleenthede.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 24 April 1956.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Woordomskrywing 1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

- (i) „beherende belang” ’n beherende belang soos in artikel *elf* van die „Aziaten (Grond en Bezigheid) Wijzigings Wet (Transvaal), 1919” (Wet No. 37 van 1919), omskryf; (ii)
- (ii) „hierdie Wet” ook die regulasies; (xv)
- (iii) „hoeve” enige grond wat ingevolge hierdie Wet toegeken of verhuur is, en ook sodanige grond ten opsigte waarvan kragtens hierdie Wet die opsie om te koop uitgeoefen is of ’n grondbrief of transportakte uitgereik is; (iii)
- (iv) „huurder” iemand aan wie kragtens hierdie Wet ’n hoeve toegeken, verhuur, verkoop of uitgegee is, en, behoudens die bepalinge van hierdie Wet, ook die kurator by insolvensie van so iemand of die regsvertegenwoordiger van so iemand wat oorlede is of krank-sinnig geword het of ’n wettige regsverkrygende of onderhuurder van so iemand; (v)
- (v) „huurkontrak” ook die besitreg van ’n hoeve nadat die opsie om te koop uitgeoefen is, maar voordat ’n grondbrief of transportakte ten opsigte daarvan uitgereik is; (iv)
- (vi) „koop”, met betrekking tot grond, ook deur ruiling of ten dele deur aankoop en ten dele deur ruiling verkry; (xii)
- (vii) „minerale” ook mineraalprodukte, mineraalolies, metale en edelgesteentes; (vii)
- (viii) „Minister” die Minister van Lande; (viii)
- (ix) „nie-blanke” iemand wat nie ’n blanke is nie, en ook ’n nie-blanke maatskappy; (ix)
- (x) „nie-blanke maatskappy” ’n maatskappy waarin ’n beherende belang deur of ten behoeve of in belang van ’n nie-blanke gehou word; (x)
- (xi) „plaaslike raad” ’n kragtens artikel *sewe* aangestelde plaaslike landraad; (vi)
- (xii) „raad” die kragtens artikel *twee* ingestelde Sentrale Landraad; (i)
- (xiii) „regulasie” ’n kragtens hierdie Wet uitgevaardigde regulasie; (xiii)
- (xiv) „taksateur” ’n kragtens artikel *sewentien* aangestelde taksateur; (xvi)
- (xv) „voorgeskrif” by regulasie voorgeskryf; (xi)
- (xvi) „woon” persoonlik ’n deur die Minister goedgekeurde bewoonbare huis okkupeer; (xiv)

Instelling van
Sentrale
Landraad.

2. (1) Daar is ’n sentrale landraad vir die Unie wat bestaan uit ’n voorsitter deur die Goewerneur-generaal aangestel te word, die voorsitters van die onderskeie plaaslike rade, en een ander lid deur die Goewerneur-generaal aangestel te word.

(2) Niemand wat ’n lid van die Senaat of die Volksraad of ’n provinsiale raad is, kan lid van die raad wees nie.

(3) ’n Staat wat die naam aangee van elke persoon deur die Goewerneur-generaal in die raad aangestel, moet in beide Huise van die Parlement ter Tafel gelê word binne veertien dae na die datum van aanstelling van daardie persoon, as die Parlement dan in sitting is, of, as die Parlement dan nie in sitting is nie, binne veertien dae na die aanvang van sy eersvolgende sitting.

No. 21, 1956.]

ACT

To consolidate the law relating to the allotment for settlement purposes of State-owned land, including land acquired for such purposes, the improvement and disposal of such land and other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 24th April, 1956.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.
- (i) "board" means the central land board established under section *two*; (xii)
 - (ii) "controlling interest" means a controlling interest as defined in section *eleven* of the Asiatics (Land and Trading) Amendment Act (Transvaal), 1919 (Act No. 37 of 1919); (i)
 - (iii) "holding" means any land allotted or leased under this Act, and includes any such land in relation to which the option of purchase has been exercised or a deed of grant or deed of transfer has been issued under this Act; (iii)
 - (iv) "lease" includes the tenure of a holding after the option of purchase has been exercised, but prior to the issue of a deed of grant or deed of transfer in respect thereof; (v)
 - (v) "lessee" means a person to whom a holding has been allotted, leased, sold or granted under this Act, and includes, subject to the provisions of this Act, the trustee in insolvency of such a person or the legal representative of such a person who has died or become of unsound mind or any lawful assignee or sub-lessee of such a person; (iv)
 - (vi) "local board" means a local land board appointed under section *seven*; (xi)
 - (vii) "minerals" includes mineral products, mineral oils, metals and precious stones; (vii)
 - (viii) "Minister" means the Minister of Lands; (viii)
 - (ix) "non-European" means a person who is not a white person and includes any non-European company; (ix)
 - (x) "non-European company" means any company wherein a controlling interest is held by or on behalf or in the interest of a non-European; (x)
 - (xi) "prescribed" means prescribed by regulation; (xv)
 - (xii) "purchase", in relation to land, includes acquire by exchange or partly by purchase and partly by exchange; (vi)
 - (xiii) "regulation" means a regulation made under this Act; (xiii)
 - (xiv) "reside" means be in personal occupation of a habitable house approved by the Minister; (xvi)
 - (xv) "this Act" includes the regulations; (ii)
 - (xvi) "valuator" means a valuator appointed under section *seventeen*; (xiv)

2. (1) There shall be a central land board for the Union, which shall consist of a chairman to be appointed by the Governor-General, the chairmen of the respective local boards, and one other member to be appointed by the Governor-General. Establishment of central land board.

(2) No person who is a member of the Senate or the House of Assembly or a provincial council shall be a member of the board.

(3) A statement giving the name of any person appointed to the board by the Governor-General shall be laid upon the Tables of both Houses of Parliament within fourteen days after the date of appointment of that person, if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

(4) Indien beide bedoelde Huise binne dertig dae na die datum waarop so 'n staat aldus ter Tafel gelê is, besluite neem waarby die betrokke aanstelling afgekeur word, moet dit gekanselleer word, maar sonder afbreuk aan enigiets wat reeds ingevolge daarvan gedoen is of aan die bevoegdheid van die Goewerneur-generaal om iemand anders in die plek van die persoon wie se aanstelling aldus afgekeur is, aan te stel.

(5) 'n Verwysing in enige wet met betrekking tot nedersetting, na 'n raad of 'n landraad, en 'n verwysing in enige wet na die sentrale landraad ingestel deur artikel drie van die „Kroongrond Nederzetting Wet, 1912” (Wet No. 12 van 1912), word as 'n verwysing na die ingevolge hierdie artikel ingestelde raad uitgelê.

Ampsdur van lede van raad.

3. (1) Die voorsitter en die ander deur die Goewerneur-generaal daartoe aangestelde lid van die raad beklee hul amp, behoudens die bepalinge van sub-artikel (4) van artikel twee en sub-artikel (2) van hierdie artikel, vir 'n tydperk van drie jaar, maar tree in elke geval af op die tweede dag van Julie in die jaar waarin daardie tydperk verstryk.

(2) Indien die setel van die voorsitter of die as sodanig deur die Goewerneur-generaal aangestelde lid van die raad weens dood, bedanking of 'n ander rede voor die verstryking van sy ampstermyn deur tydsverloop vakant word, beklee die persoon wat aangestel word om die vakature te vul, die amp totdat daardie tydperk verstryk.

Kworum en prosedure by vergaderings van raad.

4. (1) Vier raadslede is 'n kworum vir 'n vergadering van die raad.

(2) Die beslissing van 'n meerderheid van die by 'n raadsvergadering aanwesige lede maak 'n besluit van die raad uit: Met dien verstande dat by 'n staking van stemme oor enige aangeleentheid op so 'n vergadering, die voorsitter benewens sy beraadslagende stem 'n beslissende stem het.

(3) Reëls met betrekking tot die hou van vergaderings, die prosedure aldaar, die aanstelling van plaasvervangers vir die voorsitter en ander lede, en enige ander aangeleentheid in verband met die raad, waarvoor geen besondere voorsiening in hierdie Wet vervat is nie, is soos voorgeskryf.

Werkzaamhede van raad.

5. (1) Die werkzaamhede van die raad is om die Minister van advies te dien in verband met alle aangeleenthede wat volgens hierdie Wet deur die raad oorweeg moet word of waaromtrent die raad volgens hierdie Wet aan die Minister advies moet gee of verslag of aanbevelings moet doen, en met betrekking tot enige ander aangeleentheid wat die Minister na die raad mag verwys.

(2) Verder word aan die raad oorgedra en is hy belas met al die werkzaamhede wat deur of ingevolge enige wet opgedra is aan 'n landraad aangestel kragtens die „Crown Land Disposal Ordinance, 1903” (Ordonnansie No. 57 van 1903), van Transvaal, of die „Agricultural Development Act, 1904” (Wet No. 44 van 1904), van Natal.

(3) Die raad kan met goedkeuring van die Minister enige van sy werkzaamhede aan 'n plaaslike raad opdra.

Besoldiging en toelaes van lede van raad.

6. Behoudens die voorwaardes en beperkings wat voorgeskryf mag word, word daar aan 'n raadslid wat nie 'n amptenaar in die Staatsdiens is nie 'n maandelikse salaris betaal teen 'n skaal van hoogstens eenduisend sewehonderd en vyftig pond per jaar in die geval van die voorsitter, en eenduisend vyfhonderd pond per jaar in die geval van enige ander lid, tesame met sodanige toelaes tot dekking van reis- en verblyfkooste terwyl hy met die sake van die raad besig is, as wat voorgeskryf mag word.

Instelling van plaaslike landrade.

7. (1) Die Goewerneur-generaal stel 'n plaaslike landraad aan ten opsigte van elk van die volgende gebiede, te wete—

- (a) die provinsie Natal;
- (b) die provinsie Oranje-Vrystaat;
- (c) die gebied bestaande uit die distrikte Bloemhof, Brits, Christiana, Delareyville, Klerksdorp, Lichtenburg, Marico, Rustenburg, Ventersdorp en Wolmaransstad, en die plase Moadowns No. 1, Leeuwpan No. 18, Ireton No. 19, Pahtiki No. 20, en Bospan No. 21, distrik Randfontein, in die provinsie Transvaal, en daardie gedeelte van die provinsie die Kaap die Goeie Hoop wat noord van die Oranje-rivier lê;
- (d) daardie gedeelte van die provinsie die Kaap die Goeie Hoop wat nie in die in paragraaf (c) beskrewe gebied inbegrepe is nie; en
- (e) daardie gedeelte van die provinsie Transvaal wat nie in die aldus beskrewe gebied inbegrepe is nie.

(4) If within thirty days after the date upon which any such statement has been so laid upon the said Tables, both Houses pass resolutions disapproving of the appointment in question, it shall be cancelled, but without prejudice to anything already done in pursuance thereof or to the power of the Governor-General to appoint some other person in the stead of the person whose appointment has been so disapproved.

(5) Any reference in any law relating to land settlement, to a board or a land board, and any reference in any law to the central land board established under section *three* of the Land Settlement Act, 1912 (Act No. 12 of 1912), shall be construed as a reference to the board established under this section.

3. (1) The chairman and the other member of the board appointed as such by the Governor-General shall, subject to the provisions of sub-section (4) of section *two* and sub-section (2) of this section, hold office for a period of three years, but shall in every case retire on the second day of July in the year in which such period terminates.

Tenure of Office
of members of
board.

(2) If by reason of death, resignation or any other cause, the office of the chairman or the member of the board appointed as such by the Governor-General, becomes vacant before the expiration of his period of office by effluxion of time, the person appointed to fill the vacancy shall hold office until the expiration of that period.

4. (1) Four members of the board shall form a quorum for a meeting thereof.

Quorum and
procedure at
meetings of
board.

(2) The decision of a majority of the members of the board present at a meeting thereof, shall be a decision of the board: Provided that in the event of an equality of votes on any matter at such a meeting, the chairman shall have a casting vote in addition to his deliberative vote.

(3) Rules as to the holding of meetings, the procedure thereat, the appointment of alternates for the chairman and other members, and any other matter connected with the board for which no specific provision is made in this Act, shall be as prescribed.

5. (1) The functions of the board shall be to advise the Minister in regard to all matters which in terms of this Act are required to be considered by the board or in relation to which it is in terms of this Act required to advise, report or make recommendations to the Minister, and in regard to any other matters which the Minister may refer to the board.

Functions of
board.

(2) There shall further be transferred to and vested in the board all the functions which by or under any law are vested in a land board appointed under the Crown Land Disposal Ordinance, 1903 (Ordinance No. 57 of 1903), of the Transvaal, or the Agricultural Development Act, 1904 (Act No. 44 of 1904), of Natal.

(3) The board may with the approval of the Minister delegate any of its functions to a local board.

6. Subject to such conditions and limitations as may be prescribed, there shall be paid to a member of the board, who is not an officer in the public service, a monthly salary at a rate not exceeding, in the case of the chairman, one thousand seven hundred and fifty pounds per annum and, in the case of any other member, one thousand five hundred pounds per annum, together with such allowances to cover travelling and subsistence expenses while engaged on the business of the board, as may be prescribed.

Remuneration
and allowances of
members of board.

7. (1) The Governor-General shall appoint a local landboard in respect of each of the following areas, namely—

Establishment of
local land boards.

- (a) the province of Natal;
- (b) the province of the Orange Free State;
- (c) the area comprising the districts of Bloemhof, Brits, Christiana, Delareyville, Klerksdorp, Lichtenburg, Marico, Rustenburg, Ventersdorp and Wolmaransstad, and the farms Moadowns No. 1 Leeuwpan No. 18, Ireton No. 19, Pahtiki No. 20 and Bospan No. 21, district of Randfontein, in the province of the Transvaal, and that portion of the province of the Cape of Good Hope north of the Orange River;
- (d) that portion of the province of the Cape of Good Hope which is not included in the area described in paragraph (c); and
- (e) that portion of the province of the Transvaal which is not included in the area so described.

(2) Die Goewerneur-generaal kan van tyd tot tyd by proklamasie in die *Staatskoerant* 'n gedeelte van die gebied van 'n plaaslike raad, soos in sub-artikel (1) omskryf, uit daardie gebied uitsluit, en daardie gedeelte in die gebied van 'n ander plaaslike raad insluit.

(3) (a) 'n Plaaslike raad bestaan uit hoogstens vyf lede, wat persone met 'n deeglike kennis van grondwaardes, boerdery en landboustoestande in die gebied van daardie plaaslike raad moet wees.

(b) Die Goewerneur-generaal kan van tyd tot tyd na omstandighede vereis een van die lede van 'n plaaslike raad aanwys as die voorsitter daarvan, en 'n aldus aangewese persoon beklee die amp totdat hy sy setel as lid van daardie plaaslike raad ontruim.

(4) Die bepalings van sub-artikels (2), (3) en (4) van artikel twee is *mutatis mutandis* van toepassing met betrekking tot 'n plaaslike raad.

Ampsduur van lede van plaaslike rade.

8. Die bepalings van artikel drie is *mutatis mutandis* van toepassing met betrekking tot 'n plaaslike raad.

Kworum en prosedure by vergaderings van plaaslike rade.

9. (1) Drie lede van 'n plaaslike raad wat uit vyf lede bestaan, of twee lede van so 'n raad wat uit minder as vyf lede bestaan, is 'n kworum vir 'n vergadering van daardie plaaslike raad.

(2) Die bepalings van sub-artikels (2) en (3) van artikel vier is *mutatis mutandis* van toepassing met betrekking tot 'n plaaslike raad.

Werksaamhede van plaaslike rade.

10. Die werksaamhede van 'n plaaslike raad is om die raad van advies te dien en aan hom verslag en aanbevelings te doen in verband met enige aangeleentheid wat by besluit van die raad en met goedkeuring van die Minister vir advies, verslag of aanbeveling na bedoelde plaaslike raad verwys mag word, hetsy algemeen of in die besonder, en om die werksaamhede van die raad te verrig wat by so 'n besluit en met sodanige goedkeuring algemeen of spesiaal deur die raad aan hom opgedra mag word.

Besoldiging en toelaes van lede van plaaslike rade.

11. Behoudens die voorwaardes en beperkings wat voorgeskryf mag word, word daar aan 'n lid van 'n plaaslike raad, wat nie 'n amptenaar in die Staatsdiens of 'n lid van die raad is nie, 'n maandelikse salaris betaal teen 'n skaal van hoogstens seshonderd pond per jaar in die geval van 'n plaaslike raad ingevolge paragraaf (a) of (b) van sub-artikel (1) van artikel sewe aangestel, en sewehonderd-en-vyftig pond per jaar in die geval van enige ander plaaslike raad, tesame met sodanige toelaes tot dekking van reis- en verblyfkoste terwyl hy met die sake van die betrokke plaaslike raad besig is, as wat voorgeskryf mag word.

Omstandighede waaronder 'n lid van raad of plaaslike raad sy amp ontruim.

12. 'n Lid van die raad of 'n plaaslike raad ontruim sy amp—

(a) indien hy insolvent raak of met sy skuldeisers 'n reëling tref;

(b) indien hy kranksinnig word of weens 'n misdryf veroordeel en met gevangenisstraf sonder die keuse van 'n boete gestraf word;

(c) indien hy sonder verlof van die raad of die betrokke plaaslike raad van vier agtereenvolgende gewone vergaderings van bedoelde raad afwesig bly, en sodanige verlof word nie vir meer as ses maande in een jaar toegestaan nie.

(d) by die voorlegging aan die Goewerneur-generaal deur beide Huise van die Parlement in een sitting van 'n adres waarby sy afdanking versoek word, of indien hy kragtens artikel dertien of veertien deur die Goewerneur-generaal afgedank word; of

(e) indien hy 'n amptenaar in die Staatsdiens is en ophou om so 'n amptenaar te wees.

Skorsing van lede van raad of 'n plaaslike raad.

13. (1) Die Goewerneur-generaal kan 'n lid van die raad of 'n plaaslike raad op grond van onbevoegdheid of wangedrag uit sy amp skors.

(2) Waar 'n lid aldus geskors word, moet 'n volledige verklaring omtrent die oorsaak van die skorsing in beide Huise van die Parlement deur die Minister ter Tafel gelê word binne veertien dae na die datum waarop die skorsing van krag geword het, as die Parlement dan in sitting is, of, as die Parlement dan nie in sitting is nie, binne veertien dae na die aanvang van sy eersvolgende sitting.

(3) Die Goewerneur-generaal kan 'n lid wat kragtens sub-artikel (1) geskors is, uit sy amp afdank tensy daar binne

(2) The Governor-General may from time to time by proclamation in the *Gazette* exclude from the area of a local board, as defined in sub-section (1), any portion of that area, and include that portion in the area of any other local board.

(3) (a) A local board shall consist of not more than five members, being persons having a thorough knowledge of land values, farming and agricultural conditions in the area of that local board.

(b) The Governor-General may from time to time as occasion arises designate one of the members of a local board as the chairman thereof, and any person so designated shall hold office until he vacates his seat as a member of such local board.

(4) The provisions of sub-sections (2), (3) and (4) of section two shall *mutatis mutandis* apply with reference to a local board.

8. The provisions of section three shall *mutatis mutandis* apply with reference to a local board.

Tenure of office of members of local boards.

9. (1) Three members of a local board consisting of five members, or two members of such a board consisting of less than five members, shall form a quorum for a meeting of that local board.

Quorum and procedure at meetings of local boards.

(2) The provisions of sub-sections (2) and (3) of section four shall *mutatis mutandis* apply with reference to a local board.

10. The functions of a local board shall be to advise, report and make recommendations to the board in regard to any matter which may by resolution of the board and with the approval of the Minister be referred to such local board either generally or specially for its advice, report or recommendation, and to perform such functions of the board as may by such a resolution and with such approval be delegated to it either generally or specially by the board.

Functions of local boards.

11. Subject to such conditions and limitations as may be prescribed, there shall be paid to a member of a local board, who is not an officer in the public service or a member of the board, a monthly salary at a rate not exceeding, in the case of a local board appointed under paragraph (a) or (b) of sub-section (1) of section seven, six hundred pounds per annum and, in the case of any other local board, seven hundred and fifty pounds per annum, together with such allowances to cover travelling and subsistence expenses while engaged on the business of the local board concerned, as may be prescribed.

Remuneration and allowances of members of local boards.

12. A member of the board or a local board shall vacate his office—

(a) if he becomes insolvent or makes an arrangement with his creditors;

(b) if he becomes of unsound mind or is convicted of an offence and sentenced to imprisonment without the option of a fine;

(c) if he absents himself from four consecutive ordinary meetings of the board or the local board concerned without the leave of such board, which leave shall not be granted for more than six months in one year;

(d) upon presentation of an address to the Governor-General by both Houses of Parliament in one session praying for his removal, or if he is removed by the Governor-General under section thirteen or fourteen; or

(e) if being an officer in the public service, he ceases to be such an officer.

Circumstances in which members of board or local board vacate office.

13. (1) The Governor-General may suspend any member of the board or a local board from his office for incapacity or misbehaviour.

Suspension of members of the board or a local board.

(2) Where a member is so suspended a full statement as to the cause of suspension shall be laid upon the Tables of both Houses of Parliament by the Minister within fourteen days after the date upon which the suspension took effect, if Parliament is then in session or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

(3) The Governor-General may remove from his office any member who has been suspended under sub-section (1), unless within fourteen days after the date upon which the statement

veertien dae na die datum waarop die verklaring omtrent die oorsaak van sy skorsing volgens voorskrif van sub-artikel (2) in beide Huise van die Parlement ter Tafel gelê is, aan die Goewerneur-generaal 'n adres deur beide bedoelde Huise voorgelê word waarby versoek word dat die betrokke lid in sy amp aanbly.

Omkoopery en korrupsie met betrekking tot lede van raad of 'n plaaslike raad.

14. (1) 'n Lid van die raad of 'n plaaslike raad wat regstreeks of onregstreeks enige vergoeding of beloning van iemand ontvang ten opsigte van of in verband met enige aangeleentheid wat deur bedoelde raad behandel word, is aan 'n misdryf skuldig en by veroordeling strafbaar met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van minstens een jaar en hoogstens vyf jaar.

(2) So 'n lid wat, behalwe in 'n verslag aan die Minister, openbaar maak hoe hy of 'n ander lid gestem het in verband met 'n aangeleentheid bedoel in sub-artikel (1) van artikel vyf of artikel tien, watter ook al van toepassing is, of wat sy sienswyse of die van 'n ander lid daaromtrent was, is aan 'n misdryf skuldig en kan deur die Goewerneur-generaal uit sy amp ontslaan word.

(3) Iemand wat ten opsigte van of in verband met 'n aangeleentheid in sub-artikel (1) bedoel, enige vergoeding of beloning aan so 'n lid gee of aanbied met die doel om hom op korrupte wyse te beïnvloed of te beweeg om in stryd met sy plig ingevolge hierdie Wet te handel, is aan 'n misdryf skuldig en by veroordeling strafbaar met die strawwe in daardie sub-artikel genoem.

Verbod op deelname aan verrigtings van raad of plaaslike raad in sekere omstandighede.

15. (1) Geen lid van die raad mag op 'n raadsvergadering in verband met enige aangeleentheid wat deur die raad behandel word, aan die bespreking deelneem of stem, of die sienswyse of stem van so 'n ander lid probeer beïnvloed nie, indien eersbedoelde lid, of, met sy wete, iemand wat in die derde graad van bloed- of aanverwantskap aan hom verwant is, enige belang, hetsy geldelik of andersins, en hetsy as 'n vennoot, skuldeiser, skuldenaar of andersins, by daardie saak het.

(2) So 'n lid wat die bepalinge van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by veroordeling strafbaar met 'n boete van hoogstens honderd pond of, by wanbetaling, met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens ses maande, en ontruim bowendien sy setel in die raad.

(3) Die bepalinge van hierdie artikel is *mutatis mutandis* van toepassing met betrekking tot 'n plaaslike raad.

Aanstelling en werksaamhede van komitees van beheer vir digtere nedersettingsgebiede.

16. (1) Die Minister kan vir enige gebied wat vir digtere nedersetting bestem is of aangewend word, 'n komitee van beheer aanstel, wat uit 'n voorsitter, wat 'n amptenaar in die Staatsdiens is, en nie minder as twee of meer as vier ander lede bestaan nie.

(2) So 'n komitee moet die Minister adviseer in verband met die algemene ontwikkeling van die gebied waarvoor hy aangestel is, die verbeterings wat voor toekenning daarop aangebring moet word, die opleiding van in artikel *nege-en-twintig* bedoelde proefhuurders, en, behoudens die bepalinge van sub-artikel (3), enige ander aangeleentheid rakende die uitvoering van hierdie Wet wat die Minister na bedoelde komitee mag verwys.

(3) By die verlening van advies of die maak van aanbevelings oor enige aangeleentheid wat die Minister na hom verwys, neem so 'n komitee die plek in van die raad, maar so 'n komitee verrig geen werksaamheid nie wat aan die raad opgedra is ingevolge—

(a) sub-artikel (2) van artikel *drie-en-twintig*, artikel *sewe-en-twintig*, sub-artikel (1) of paragraaf (b) van sub-artikel (4) van artikel *twee-en-veertig* of artikel *drie-en-vyftig* of *vier-en-vyftig*; of

(b) sub-artikel (1), paragraaf (e) van sub-artikel (3) of sub-artikel (4) van artikel *twee-en-twintig* vir sover dit met die waardering of toekenningspryse van hoewes te doen het.

(4) Daar kan aan 'n lid van so 'n komitee wat nie 'n amptenaar in die Staatsdiens is nie, besoldiging en toelaes betaal word, wat nie meer is nie as wat ingevolge hierdie Wet ten opsigte van lede van die raad voorgeskryf word.

Aanstelling van taksateurs.

17. (1) Die Minister stel van tyd tot tyd taksateurs aan om grond vir die doeleindes van hierdie Wet te inspekteer en te waardeer, en kan 'n aldus aangestelde persoon na goeë dundke afdank.

(2) Die gelde en reiskoste van so 'n taksateur is soos voorgeskryf, en word deur die Minister betaal uit geld wat die Parlement vir die doel bewillig, behalwe in die geval van 'n waar-

as to the cause of his suspension has been laid upon the Tables of both Houses of Parliament as required under sub-section (2), there is presented to the Governor-General an address by both such Houses praying that the member concerned be retained in his office.

14. (1) A member of the board or a local board who directly or indirectly receives any fee or reward from any person in respect of or in connection with any matter whatsoever dealt with by such board, shall be guilty of an offence and liable on conviction to imprisonment with or without compulsory labour for a period of not less than one year and not more than five years.

Bribery and corruption in relation to members of the board or a local board.

(2) Any such member who, except in a report to the Minister, discloses the vote or opinion of himself or any other such member on any matter referred to in sub-section (1) of section five, or section ten, whichever is applicable, shall be guilty of an offence and may be removed from his office by the Governor-General.

(3) Any person who, in respect of or in connection with any matter referred to in sub-section (1), gives or offers any fee or reward to any such member for the purpose of corruptly influencing him in or inducing him to act in conflict with his duty under this Act, shall be guilty of an offence and liable on conviction to the penalties mentioned in that sub-section.

15. (1) No member of the board shall at a meeting thereof take part in the discussion of or vote or endeavour to influence the opinion or vote of any other such member upon any matter which is being dealt with by the board, if such firstmentioned member has, or any person related to him in the third degree of affinity or consanguinity has, to his knowledge, any interest, pecuniary or otherwise, in such matter, whether as a partner, creditor, debtor or otherwise.

Prohibition on participation in proceedings of board or a local board in certain circumstances.

(2) Any such member who contravenes the provisions of sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment with or without compulsory labour for a period not exceeding six months, and shall moreover vacate his seat on the board.

(3) The provisions of this section shall *mutatis mutandis* apply with reference to a local board.

16. (1) The Minister may appoint in respect of any area intended or used for closer settlement, a committee of control consisting of a chairman, who shall be an officer in the public service, and not less than two or more than four other members.

Appointment and functions of committees of control for closer settlement areas.

(2) Any such committee shall advise the Minister in regard to the general development of the area in respect of which it is appointed, the improvements to be effected thereon before allotment, the training of probationary lessees referred to in section twenty-nine, and, subject to the provisions of sub-section (3), any other matter connected with the administration of this Act which the Minister may refer to such committee.

(3) In advising or making recommendations on any matter referred to it by the Minister, any such committee shall take the place of the board, but no such committee shall exercise any of the functions entrusted to the board under—

(a) sub-section (2) of section twenty-three, section twenty-seven, sub-section (1) or paragraph (b) of sub-section (4) of section forty-two, or section fifty-three or fifty-four; or

(b) sub-section (1), paragraph (e) of sub-section (3) or sub-section (4) of section twenty-two in as far as it concerns the valuation or allotment price of holdings.

(4) There may be paid to a member of any such committee, not being an officer in the public service, remuneration and allowances not exceeding those prescribed under this Act in respect of members of the board.

17. (1) The Minister shall from time to time appoint valuers to inspect and value land for the purposes of this Act, and may in his discretion remove any person so appointed.

Appointment of valuers.

(2) The fees and travelling expenses of any such valuator shall be as prescribed and shall be payable by the Minister out of moneys appropriated by Parliament for the purpose, except in respect of a valuation made under section twenty, in which

dasië ingevolge artikel *twintig* gedoen, waar bedoelde gelde en koste betaalbaar is deur die persoon ingevolge wie se aansoek daardie waardasië plaasvind.

(3) 'n Taksateur tree as agent van die Minister op wanneer hy vir die doeleindes van hierdie Wet grond inspekteer en waardeer.

(4) Die bepalings van artikel *veertien* is *mutatis mutandis* van toepassing op 'n kragtens hierdie artikel aangestelde taksateur.

Verkryging van grond vir nedersettingsdoeleindes.

18. (1) Die Minister kan—

- (a) uit gelde wat die Parlement vir die doel bewillig, grond koop wat hy vir nedersettingsdoeleindes geskik ag;
- (b) met goedkeuring van die Goewerneur-generaal, Staatsgrond verruil vir ander grond wat hy vir sodanige doeleindes geskik ag, en ten opsigte van aldus verruilde grond 'n grondbrief uitreik;
- (c) op aansoek deur 'n persoon in artikel *ses-en-twintig* beskryf, of 'n huurder, en onderworpe aan die bepalings van artikel *twintig*, grond ten behoeve van daardie persoon of huurder koop.

(2) Die Goewerneur-generaal kan, onderworpe aan die bepalings van artikel *een-en-twintig*, grond (uitgesonderd grond in 'n gebied wat 'n afgesonderde natuurellegebied of 'n oopgestelde gebied binne die bedoeling van die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), is, en waarvan die Suid-Afrikaanse Naturelletrust, of 'n natuurel, soos in daardie wet omskryf, die geregistreerde eienaar, soos aldus omskryf, is) of 'n serwituut oor sodanige grond in 'n kragtens artikel *agt-en-negentig* van die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), omskrewre Staatsbesproeiingsgebied vir nedersettingsdoeleindes ingevolge hierdie Wet of 'n ander wet op nedersetting onteien.

(3) Grond kragtens sub-artikel (1) verkry, word getransporeer aan en geregistreer in die naam van die Regering, en in die geval van grond kragtens paragraaf (c) van daardie sub-artikel verkry, word die applikant ten behoeve van wie die grond verkry word, nie uit hoofde van sy bydrae tot die koopprys 'n mede-eienaar van die grond nie, en in die transport daarvan word nie van bedoelde bydrae melding gemaak nie.

(4) Ondanks enige bepaling van hierdie Wet, kan die Minister, met goedkeuring vooraf van beide Huisse van die Parlement, grond wat ingevolge sub-artikel (1) deur hom verkry is, of enige gedeelte van sodanige grond, by openbare veiling of tender verkoop of verhuur.

(5) 'n Verslag tesame met 'n lys van grond gedurende enige kalenderjaar kragtens sub-artikel (1) verkry, moet deur die Minister in beide Huisse van die Parlement ter Tafel gelê word binne een maand na die aanvang van die eerste gewone sitting van die Parlement gedurende die daaropvolgende kalenderjaar.

Verwysing na raad van sekere voorstelle om grond te verkry.

19. (1) Enige voorstel om kragtens sub-artikel (1) van artikel *agtien* grond te verkry, moet tesame met 'n verslag van 'n taksateur ten opsigte van daardie grond verkry, na die raad verwys word vir 'n aanbeveling oor die vraag of die grond verkry behoort te word.

(2) Indien die raad aanbeveel dat bedoelde grond verkry word, moet hy die bedinge en voorwaardes vermeld waarop die grond verkry behoort te word, met inbegrip van die maksimum prys wat daarvoor betaal moet word en enige spesiale voorwaardes waarop dit vir toewysing aangebied moet word, of in die geval van grond kragtens paragraaf (c) van sub-artikel (1) van artikel *agtien* verkry te word, onder huurkontrak toegeken moet word aan die applikant op wie se aansoek dit verkry staan te word.

(3) Die koopprys wat vir aldus verkreë grond betaal word, mag nie die prys wat die raad aanbeveel, te bowe gaan nie.

Voorwaardes van verkryging van grond ten behoeve van applikant wat deel van koopprys betaal.

20. (1) 'n In artikel *ses-en-twintig* beskrewre persoon wat verlang dat grond verkry en ingevolge hierdie artikel aan hom toegeken word, of 'n huurder wat verlang dat grond verkry en by sy hoewe gevoeg word, kan by die Sekretaris van Lande of 'n ander deur die Minister aangewese amptenaar 'n skriftelike aansoek indien waarby versoek word dat grond wat deur middel van 'n plan of andersins in die aansoek beskryf word, vir nedersettingsdoeleindes ten behoeve van hom deur die Minister verkry word.

(2) 'n Aansoek ingevolge sub-artikel (1) moet in die voorgeskrewe vorm wees en vergesel gaan van 'n opsie deur die eienaar van die betrokke grond ten gunste van die Minister verleen, om die grond te koop, tesame met 'n verklaring van die koopprys wat verlang word en 'n verklaring ten effekte dat die

case such fees and expenses shall be payable by the person in pursuance of whose application such valuation is made.

(3) A valuator shall, when making inspections and valuations of land for the purposes of this Act, act as the agent of the Minister.

(4) The provisions of section *fourteen* shall *mutatis mutandis* apply in relation to any valuator appointed under this section.

18. (1) The Minister may—

Acquisition of land for settlement purposes.

- (a) out of moneys appropriated by Parliament for the purpose, purchase any land which he considers suitable for settlement purposes;
- (b) with the approval of the Governor-General exchange any State-owned land for other land which he considers suitable for such purposes, and issue a deed of grant in respect of any land so exchanged;
- (c) on application by any such person as is described in section *twenty-six* or any lessee, and subject to the provisions of section *twenty*, purchase any land on behalf of such person or lessee.

(2) The Governor-General may, subject to the provisions of section *twenty-one*, expropriate for purposes of settlement under this Act or any other law relating to land settlement, any land (other than land in an area which is a scheduled native area or a released area in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), of which the South African Native Trust or a native as defined in that Act is the registered owner as so defined), or any servitude over such land in a Government irrigation area defined under section *ninety-eight* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912).

(3) Any land acquired under sub-section (1) shall be transferred to and registered in the name of the Government, and in the case of land acquired under paragraph (c) of that sub-section, the applicant on whose behalf the land is acquired shall not by virtue of his contribution towards the purchase price become a joint owner of such land, nor shall any reference be made in the deed of transfer to such contribution.

(4) Notwithstanding anything contained in this Act, the Minister may with the prior approval of both Houses of Parliament, sell or lease by public auction or tender any land which may have been acquired by him under sub-section (1), or any portion of any such land.

(5) A report together with a schedule of the lands acquired under sub-section (1) during any calendar year, shall be laid upon the Tables of both Houses of Parliament by the Minister within one month after the commencement of the first ordinary session of Parliament during the next ensuing calendar year.

19. (1) Every proposal to acquire land under sub-section (1) of section *eighteen*, shall, together with any report obtained from a valuator in respect of such land, be referred to the board for a recommendation as to whether such land should be acquired.

Reference to board of certain proposals to acquire land.

(2) If the board recommends the acquisition of any such land, it shall specify the terms and conditions on which the land should be acquired, including the maximum price to be paid therefor and any special conditions upon which it should be offered for allotment or, in the case of land to be acquired under paragraph (c) of sub-section (1) of section *eighteen*, allotted on lease to the applicant at whose instance it is to be acquired.

(3) The purchase price paid for any land so acquired shall not in any case exceed the price recommended by the board.

20. (1) Any such person as is described in section *twenty-six* who desires that land be acquired and allotted to him under this section, or any lessee who desires that land be acquired and added to his holding, may in writing lodge with the Secretary for Lands or any other officer designated by the Minister, an application requesting that the land described by plan or otherwise in the application be acquired on his behalf by the Minister for settlement purposes.

Conditions of acquisition of land on behalf of applicant paying part of purchase price.

(2) An application under sub-section (1) shall be in the form prescribed and shall be accompanied by an option to purchase the land in question granted by the owner of the land in favour of the Minister, together with a statement of the purchase price required and a statement to the effect that the applicant is

applikant bereid is om onverwyld minstens een-tiende van daardie koopprys by te dra: Met dien verstande dat die Minister van so 'n opsie kan afsien in die geval van grond wat andersins as by private ooreenkoms verkry moet word.

(3) (a) Die Minister kan verlang dat 'n applikant beëdigde verklarings onderskeidelik deur hom en die verkoper afgelê, moet verstrek waarin die koopprys wat vir die grond betaal is of moet word, vermeld word, asook dat geen ander teenprestasie as daardie koopprys en sodanige addisionele teenprestasie, as daar is, wat die Minister mag goedgekeur het, ten opsigte van die koop van die grond, van die applikant aan die verkoper of van die verkoper aan die applikant oorgegaan het of sal oorgeaan nie.

(b) Enige onderneming deur 'n applikant om aan 'n verkoper 'n teenprestasie benewens bedoelde koopprys te betaal, is nietig, tensy die Minister die betaling van daardie addisionele teenprestasie op aanbeveling van die raad goedgekeur het.

(c) Iemand wat in 'n beëdigde verklaring ingevolge hierdie sub-artikel deur die Minister verlang, 'n valse verklaring doen met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe volgens wet vir die misdaad van meened bepaal.

(4) Na oorweging van so 'n aansoek en van die beëdigde verklarings, as daar is, ingevolge sub-artikel (3) verstrek, kan die Minister die magistraat van die distrik waarin die grond geleë is, magtig om die verslag van 'n taksateur daaromtrent te verkry, mits die applikant by bedoelde magistraat 'n bedrag stort wat voldoende is om die taksateur se gelde en reiskoste teen die voorgeskrewe tariewe te dek.

(5) 'n Taksateur wat ingevolge hierdie artikel in verband met grond verslag moet doen, moet in sy verslag besonderhede verstrek aangaande—

- (a) die waarde van die grond;
- (b) die geskiktheid daarvan vir nedersettingsdoeleindes;
- (c) die aard en waarde van enige verbeterings daarop;
- (d) die aard en omvang van die bestaande watervoorraad daarop, en of 'n voldoende watervoorraad vir nedersettingsdoeleindes waarskynlik geredelik verkrygbaar sal wees al dan nie.

(6) Die magistraat moet by ontvangs daarvan so 'n verslag en enige ander stukke wat op die betrokke aansoek betrekking het, aan die Sekretaris van Lande of 'n ander deur die Minister aangewese amptenaar stuur, tesame met sy aanbeveling oor die aansoek.

(7) Wanneer die raad na oorweging van al die stukke in verband met 'n aansoek ingevolge hierdie artikel, die aankoop aanbeveel het van die grond waarop die aansoek betrekking het, en, in die geval van 'n aansoek deur 'n huurder, gesertifiseer het dat die toevoeging van bedoelde grond tot die betrokke hoewe nodig is sodat die hoewe aan daardie huurder 'n redelikerwys toereikende bestaan kan bied, kan die Minister daardie grond aankoop uit geld wat die Parlement vir die aankoop van grond vir nedersettingsdoeleindes bewillig het, mits die applikant by die Minister 'n bedrag gestort het van minstens een-tiende van die koopprys wat die Minister vir daardie grond moet betaal, of tot bevrediging van die Minister bewys verstrek het dat minstens een-tiende van bedoelde koopprys deur die applikant aan die verkoper betaal is.

(8) Sodra die aankoop afgehandel en transport van die grond op naam van die Regering verkry is, word daardie grond, onderworpe aan die bepalings van hierdie Wet, onder huurkontrak aan die applikant toegeken, of, in die geval van grond aangekoop op aansoek van 'n huurder van 'n bestaande hoewe, by daardie hoewe gevoeg, teen 'n koopprys gelyk aan die som van—

- (a) die koopprys deur die Minister betaal;
- (b) die transportkoste en die opmetingskoste, as daar is;
- (c) ander uitgawes in verband met die aankoop, transport en toekenning van die grond deur die Minister aangegaan; en
- (d) rente vir 'n tydperk van twee jaar teen die koers van vier persent per jaar op die verskil tussen die som van die bedrae in paragrawe (a), (b) en (c) genoem en die bydrae wat die applikant tot die koopprys betaal het.

(9) By die toekenning van grond aan 'n applikant ingevolge hierdie artikel, word geag dat daardie applikant die opsie om bedoelde grond te koop uitgeoefen het met ingang van die datum waarop die grond aan die Regering getranspoteer was.

prepared forthwith to contribute not less than one-tenth of such purchase price: Provided that the Minister may dispense with such option if the land is to be acquired otherwise than by private treaty.

- (3) (a) The Minister may require an applicant to furnish affidavits by himself and the seller respectively stating the purchase price paid or to be paid for the land and declaring that no consideration, other than such purchase price and such additional consideration, if any, as may have been approved by the Minister, has passed or will pass from the applicant to the seller or from the seller to the applicant in respect of the purchase of the land.
 - (b) Any undertaking by an applicant to pay any consideration to a seller in addition to the said purchase price shall be void, unless the payment of such additional consideration has been approved by the Minister on the recommendation of the board.
 - (c) Any person who in an affidavit required by the Minister under this sub-section, makes any false statement knowing it to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.
- (4) After consideration of any such application and of the affidavits, if any, furnished under sub-section (3), the Minister may authorize the magistrate of the district in which the land is situated to obtain the report of a valuator thereon, subject to the applicant depositing with such magistrate an amount sufficient to cover the valuator's fees and travelling expenses at the rates prescribed.
- (5) A valuator who is required to report on any land under this section shall in his report furnish particulars as to—
- (a) the value of the land;
 - (b) the suitability thereof for settlement purposes;
 - (c) the nature and value of any improvements thereon;
 - (d) the nature and extent of the existing water supply thereon and whether or not an adequate water supply for settlement purposes is likely to be readily obtainable.
- (6) The magistrate shall upon receipt of any such report, submit it and any other documents relating to the application in question, to the Secretary for Lands or other officer designated by the Minister, together with his recommendation on the application.
- (7) Whenever after consideration of all the documents in connection with an application under this section, the board has recommended the purchase of the land to which the application relates, and, in the case of an application by a lessee, has certified that the inclusion of such land in the holding in question is necessary in order that the holding may afford a reasonably adequate subsistence to that lessee, the Minister may purchase such land out of moneys appropriated by Parliament for the purchase of land for settlement purposes, provided the applicant has deposited with the Minister an amount not less than one-tenth of the purchase price to be paid by the Minister for such land, or has furnished proof to the satisfaction of the Minister that not less than one-tenth of such purchase price has been paid to the seller by the applicant.
- (8) As soon as the purchase has been completed and transfer of the land to the Government has been obtained, such land shall, subject to the provisions of this Act, be allotted upon lease to the applicant or, in the case of land purchased in pursuance of an application by a lessee of an existing holding, added to that holding, at a purchase price equal to the aggregate amount of—
- (a) the purchase price paid by the Minister;
 - (b) the costs of transfer and the survey fees, if any;
 - (c) other expenditure incurred by the Minister in connection with the purchase, transfer and allotment of the land; and
 - (d) interest for a period of two years at the rate of four per cent per annum on the difference between the aggregate of the amounts mentioned in paragraphs (a), (b) and (c) and the contribution paid by the applicant towards the purchase price.
- (9) Upon the allotment of land to an applicant under this section, such applicant shall be deemed to have exercised the option to purchase that land as from the date upon which transfer of the land to the Government was obtained.

(10) Die bedrag deur 'n applikant tot die koopprys van sodanige grond bygedra, word geag 'n betaling deur hom op die koopprys te gewees het, en die paaieimente en rente daarna deur hom betaalbaar, word op die koopprys min die bedrag aldus bygedra, bereken.

(11) Waar grond ingevolge hierdie artikel op aansoek van 'n huurder van 'n bestaande hoewe aangekoop is—

- (a) word die grond geag in die huurkontrak van die oorspronklike hoewe ingesluit te wees, en word daardie kontrak geëndosseer soos in sub-artikel (7) van artikel *nege-en-dertig* bepaal;
- (b) word die koopprys, soos ingevolge sub-artikel (8) bepaal, min die bedrag deur bedoelde huurder tot daardie koopprys bygedra, vanaf die datum waarop die grond aan die Regering getranspoteer was, by die koopprys van bedoelde oorspronklike hoewe gevoeg; en
- (c) word die paaieimente van die koopprys of paaieimente van die rente, al na die geval, wat ten opsigte van die koopprys van die oorspronklike hoewe betaalbaar is, vanaf die datum van die byvoeging dienooreenkomstig verhoog.

(12) Indien die huurkontrak van 'n hoewe wat ingevolge hierdie artikel toegeken is, of van 'n bestaande hoewe waarby ingevolge hierdie artikel aangekoopte grond gevoeg is, kragtens hierdie Wet gekanselleer word weens oortreding van die bepalinge daarvan of die voorwaardes van die huurkontrak, of versuim om daaraan te voldoen, of indien van so 'n huurkontrak afstand gedoen en die afstanddoening deur die Minister aanvaar word, of indien so 'n huurkontrak kragtens artikel *agt-en-vyftig* of *nege-en-vyftig* beëindig word, word die bedrag bygedra tot die koopprys van die aldus toegekende hoewe of van die grond aldus by bedoelde bestaande hoewe gevoeg, na gelang van die geval, aan die Staat verbeur.

Prosedure in verband met onteiening van grond of serwitute, en bepaling van vergoeding.

21. (1) (a) Minstens drie maande voordat grond of 'n serwitut oor grond kragtens sub-artikel (2) van van artikel *agtien* onteien word, moet die Minister deur die pos aan die eienaar van die grond en aan elke persoon wat luidens die titelbewys daarvan 'n belang in die grond het, en wie se verblyfplek hy gereedelik kan uitvind, 'n kennisgewing stuur waarin die grond of serwitut wat volgens voorstel onteien sal word en die vergoeding daarvoor aangebied, duidelik en op volledige wyse vermeld word.
- (b) Indien die verblyfplek van so 'n eienaar of ander persoon nie gereedelik vasgestel kan word nie, moet die Minister die kennisgewing laat afkondig in drie opeenvolgende gewone uitgawes van die *Staatskoerant* en een maal per week gedurende drie opeenvolgende weke in 'n nuusblad in omloop in die distrik waarin die betrokke grond geleë is, sodat die laaste afkondiging in elke geval nie minder as drie maande voor die datum waarop die onteiening plaasvind, val nie.
- (c) Die bedrag by wyse van vergoeding ingevolge hierdie sub-artikel aangebied, mag nie die bedrag wat die raad aanbeveel het, oorskry nie.
- (2) (a) Indien die eienaar van die betrokke grond binne drie maande na die datum van 'n in sub-artikel (1) bedoelde kennisgewing, die Minister in kennis stel dat hy 'n bepaalde gedeelte van daardie grond wil behou, kan die Goewerneur-generaal—
- (i) onderworpe aan die voorwaardes wat hy bepaal, daardie of 'n ander gedeelte van bedoelde grond van die onteiening uitsluit, indien die ligging daarvan volgens sy oordeel nie die aanleg, werking of instandhouding van die besproeiingswerke in verband waarmee die betrokke besproeiingsgebied omskryf was, sal belemmer nie, of die doeleindes waarvoor die grond nodig is, sal benadeel nie;
 - (ii) in plaas van die eienaar toe te laat om 'n deel van bedoelde grond te behou, of daarbenewens, op aanbeveling van die raad, en onderworpe aan die bepalinge van hierdie Wet en van enige ander toepaslike wetsbepalinge op nedersetting, aan hom 'n hoewe laat toeken op enige nedersetting wat op die betrokke grond of elders gestig is of staan te word, al is daardie hoewe nie volgens voorskrif van hierdie Wet vir toekenning aangebied nie.
- (b) Die Minister kan met toestemming van 'n eienaar van grond waarvan enige gedeelte volgens voorskrif van hierdie artikel van onteiening uitgesluit is, op naam

(10) The amount contributed by an applicant towards the purchase price of any such land shall be deemed to have been a payment by him on account of purchase price, and the instalments and interest thereafter payable by him shall be calculated on the purchase price less the amount so contributed.

(11) Where any land has been purchased under this section on the application of a lessee of an existing holding—

- (a) the land shall be deemed to be included in the lease of the original holding and that lease shall be endorsed as provided in sub-section (7) of section *thirty-nine*;
- (b) the purchase price as determined in terms of sub-section (8), less the amount contributed towards that purchase price by such lessee, shall be added to the purchase price of such original holding as from the date of transfer of the land to the Government; and
- (c) the instalments of purchase price or instalments of interest (as the case may be) payable in respect of the purchase price of the original holding shall as from the date of the addition be increased accordingly.

(12) If the lease of a holding allotted under this section, or of an existing holding to which any land purchased under this section has been added, is cancelled in terms of this Act for any breach of or non-compliance with the provisions thereof or the conditions of the lease, or if any such lease is surrendered and the surrender is accepted by the Minister, or if any such lease is terminated under section *fifty-eight* or *fifty-nine*, the amount contributed towards the purchase price of the holding so allotted or the land so added to such existing holding, as the case may be, shall be forfeited to the State.

21. (1) (a) Not less than three months before any land or servitude over land is expropriated under sub-section (2) of section *eighteen*, the Minister shall transmit by post to the owner of the land and to every other person who is shown upon the title deed thereof to have any interest in such land and whose whereabouts he can readily ascertain, a notice setting forth clearly and fully the land or servitude proposed to be expropriated and the compensation offered therefor.
- (b) If the whereabouts of any such owner or other person is not readily ascertainable, the Minister shall cause the notice to be published in three consecutive ordinary issues of the *Gazette* and once a week during three consecutive weeks in a newspaper circulating in the district in which the land in question is situated, so that the last publication in either case is not less than three months before the date on which the expropriation takes place.
- (c) The amount offered by way of compensation under this sub-section shall not exceed the amount recommended by the board.
- (2) (a) If within three months after the date of any notice referred to in sub-section (1), the owner of the land in question notifies the Minister that he desires to retain a specified portion of such land, the Governor-General may—
- (i) subject to such conditions as he may determine exclude from the expropriation that or any other portion of such land; if the situation thereof will not in his opinion interfere with the construction, operation or maintenance of the irrigation works in connection with which the irrigation area affected was defined, or prejudice the purposes for which the land is required;
 - (ii) in lieu of or in addition to permitting such owner to retain a portion of such land, cause to be allotted to him, on the recommendation of the board, and subject to the provisions of this Act and of any other law relating to land settlement which may be applicable, a holding on any settlement established or to be established on the land in question or elsewhere, notwithstanding that such holding has not been offered for allotment as prescribed by this Act.
- (b) The Minister may with the consent of an owner of land whereof any portion has been excluded from expropriation as provided in this sub-section, take

Procedure in connection with expropriation of land or servitudes and determination of compensation.

van die Regering transport neem van die hele oppervlakte van die grond, met inbegrip van bedoelde gedeelte, wat die onderwerp van die onteining is, en daarna 'n grondbrief of 'n transportakte van bedoelde gedeelte ten gunste van daardie eienaar laat uitreik of passeer, en geen herereg of gelde is deur daardie eienaar ten opsigte van so 'n grondbrief of transportakte betaalbaar nie.

(3) (a) Indien 'n eienaar van grond of die houër van 'n serwituut oor grond weier om die vergoeding deur die Minister aangebied ten opsigte van daardie grond wat kragtens hierdie artikel onteien staan te word, aan te neem, is elke party geregtig om die bedrag van die vergoeding deur die waterhof ingestel ingevolge die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), te laat vasstel *mutatis mutandis* ooreenkomstig die bepalings van sub-artikel (3) van artikel agt-en-negentig van daardie Wet.

(b) Vir die doeleindes van 'n vasstelling ingevolge hierdie sub-artikel, word die ledetal van die waterhof vermeerder deur die keuse van 'n addisionele assessor uit die waterhof se lys van assessors in die betrokke distrik, en in geval van 'n staking van stemme oor enige vraag wat die waterhof moet beslis, het die president daarvan 'n beslissende stem.

(4) Die bepalings van hierdie artikel word nie so uitgelê dat dit die Regering 'n verpligting oplê om grond wat vir nedersettingsdoeleindes onteien is, uitsluitlik vir daardie doeleindes aan te wend nie, of om aan 'n eienaar wie se grond onteien is, 'n hoewe toe te ken nie, of so dat dit aan 'n eienaar 'n reg op uitsluiting van enige gedeelte van sy grond van onteining verleen nie.

(5) By die toepassing van hierdie artikel beteken „eienaar” met betrekking tot grond, die persoon wat in 'n registrasiekantoor van aktes of 'n ander registrasiekantoor as die eienaar van daardie grond geregistreer is, en ook die regsvertegenwoordiger van so 'n eienaar wat oorlede is of insolvent geword het of minderjarig of kranksinnig of andersins onbevoeg is, en die likwidateur van 'n maatskappy wat so 'n eienaar van grond is.

Verdeling, opmeting en waardering van grond vir nedersettingsdoeleindes.

22. (1) Die Minister kan, behoudens die bepalings van sub-artikel (2), na oorweging van 'n verslag van die raad, grond wat kragtens paragraaf (a) of (b) van sub-artikel (1) van artikel agtien verkry is, of ander Staatsgrond wat volgens die raad se oordeel geskik is om ooreenkomstig hierdie Wet daarvoor te beskik, in hoewes laat verdeel en elk van daardie hoewes vir toekenning ingevolge hierdie Wet laat opmeet en waardeer.

(2) Die Minister kan 'n opgemete stuk grond in sub-artikel (1) bedoel, van verdeling in hoewes uitsluit en as gemeenskaplike weiveld vir die gebruik van huurders van hoewes afsonder, en kan enige gedeelte van daardie grond, hetsy in hoewes verdeel al dan nie, wat hy vir afsondering vir openbare doeleindes geskik ag, van toekenning uithou.

(3) (a) Elke hoewe bestem vir toekenning moet so opgemeet word dat die waardasie of toekenningsprys daarvan na opmeting minstens gelyk sal wees aan die kosprys daarvan, met inbegrip van transportkoste, as daar is, tesame met die koste van verdeling, opmeting en waardering, asook 'n proporsionele gedeelte van die waarde van daardie gedeelte van die verkreeë grond wat in beslag geneem is deur paaie, reserverings vir openbare doeleindes uitsluitlik in belang van die betrokke nedersetting en gemeenskaplike weiveld, en, behoudens die bepalings van paragrafe (b), (c) en (d), die koste van verbeterings wat voor toekenning deur die Regering op elke hoewe en op gemeenskaplike weiveld aangebring is.

(b) Waar vir water geboor of verbeterings aangebring word op 'n groep hoewes voor toekenning, kan die Minister die koste van die boorwerkzaamhede bereken volgens die dan geldende tarief in verband met die boor vir water deur middel van Regeringsboormasjiene op private plase, en die koste van die verbeterings onder die betrokke hoewes laat verdeel op die wyse wat die raad aanbeveel.

(c) Die Minister kan op aanbeveling van die raad gelas dat die koste in verband met die boor vir water wat voor toekenning van 'n hoewe deur die Regering daarop uitgevoer is, en wat volgens die raad se oordeel misluk of slegs gedeeltelik geslaag het, nie by die toekenningsprys van daardie hoewe ingereken word nie, of dat slegs 'n gedeelte van bedoelde koste by daardie prys ingereken word.

transfer into the name of the Government of the whole area of the land, inclusive of such portion, which is the subject of the expropriation, and thereafter cause a deed of grant or a deed of transfer of such portion to be issued or passed in favour of such owner, and no transfer duty or fee shall be payable by such owner in respect of that deed of grant or deed of transfer.

- (3) (a) If an owner of land or the holder of a servitude over land refuses to accept the compensation offered by the Minister in respect of such land to be expropriated under this section, either party shall be entitled to have the amount of the compensation determined by the water court established under the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), *mutatis mutandis* in accordance with the provisions of sub-section (3) of section *ninety-eight* of that Act.
- (b) For the purpose of any determination under this sub-section, the membership of the water court shall be increased by the selection of an additional assessor from the list of water court assessors of the district in question, and in the event of an equality of votes on any question to be decided by the water court, the president thereof shall have a casting vote.
- (4) The provisions of this section shall not be construed as imposing on the Government any obligation to use land expropriated for settlement purposes exclusively for such purposes, or to allot any holding to an owner whose land has been expropriated, or as conferring upon an owner a right to have any portion of his land excluded from expropriation.
- (5) For the purposes of this section, "owner", in relation to land, means the person registered in any deeds or other registration office as the owner of that land, and includes the legal representative of such an owner who has died or become insolvent or is a minor or of unsound mind or otherwise under disability, and the liquidator of a company which is such an owner of land.

22. (1) The Minister may, subject to the provisions of sub-section (2), after consideration of a report by the board, cause any land acquired under paragraph (a) or (b) of sub-section (1) of section *eighteen* or any other State-owned land which in the opinion of the board is suitable for disposal under this Act, to be divided into holdings, and cause each holding to be surveyed and valued for allotment under this Act.

Division, survey and valuation of land for settlement purposes.

(2) The Minister may exclude from division into holdings and set apart any surveyed area of land referred to in sub-section (1) as common pasturage for the use of lessees of holdings, and may reserve from allotment any portion of such land, whether divided into holdings or not, which he considers suitable for reservation for public purposes.

- (3) (a) Every holding intended for allotment shall be so surveyed that its valuation or allotment price after survey will be at least equal to its cost price, including transfer costs, if any, together with the cost of division, survey and valuation, as also a proportionate share of the value of that part of the land acquired which has been absorbed by roads, reserves for public purposes made solely in the interests of the settlement affected, and common pasturage areas and, subject to the provisions of paragraphs (b), (c) and (d), the cost of any improvements effected before allotment by the Government on each holding and on common pasturage areas.
- (b) Where water-boring operations are undertaken or improvements are effected on any group of holdings before allotment, the Minister may cause the cost of such operations, calculated in accordance with the tariff then applicable to water-boring operations conducted with Government drills on privately owned farms, and the cost of such improvements to be apportioned amongst the holdings in question in such manner as may be recommended by the board.
- (c) The Minister may, on the recommendation of the board, direct that the cost of water-boring operations which have been carried out by the Government on any holding before allotment thereof, and which in the opinion of the board have been unsuccessful or only partly successful, shall not be included in the allotment price of such holding, or that only a part of such cost be included in the said price.

- (d) Ondanks enigiets in hierdie artikel vervat, kan die Minister op aanbeveling van die raad die toekenningsprys van 'n hoewe vasstel op 'n bedrag wat minder is as die koste van daardie hoewe aan die Regering, met inbegrip van uitgawes deur die Regering in verband met daardie hoewe aangegaan, hetsy in verband met verbeterings of andersins.
- (e) By die toepassing van hierdie artikel, word die kosprys van grond wat op die sestiende dag van Oktober 1912 in besit van die Regering was of daarna in ruil deur die Regering verkry is, geag 'n bedrag te wees wat die Minister na oorweging van 'n verslag van die raad vasstel as die bedrag wat in die ope mark vir die grond betaal sou gewees het indien dit aangekoop was.

(4) Die Minister kan met toestemming van minstens drie-vierdes van die huurders van hoewes ten opsigte waarvan grond vir gemeenskaplike weiveld afgesonder is, daardie grond laat opmeet en in persele laat verdeel en gelas dat elke perseel by 'n hoewe gevoeg word en deur die huurder van daardie hoewe gehou word op dieselfde bedinge en voorwaardes as wat ten opsigte van die hoewe geld, of op die bedinge en voorwaardes wat die Minister na oorweging van 'n verslag van die raad bepaal.

Aanbod van
toewysing van
hoewes.

23. (1) Wanneer grond volgens voorskrif van artikel *twee-en-twintig* in hoewes verdeel, opgemeet en gewaardeer is, moet die Minister by kennisgewing in die *Staatskoerant* en een of meer nuusblaaië sommige van of al daardie hoewes vir toekenning op die hieronder bepaalde wyse aanbied: Met dien verstande dat die Minister—

- (a) op aanbeveling van die raad, en met goedkeuring vooraf van beide Huise van die Parlement, 'n hoewe kan toeken aan enigiemand wat aan die vereistes van artikel *ses-en-twintig* voldoen, al is daardie hoewe nie volgens voorskrif van hierdie sub-artikel vir toekenning aangebied nie;
 - (b) op aanbeveling van die raad, enige gedeelte van grond wat kragtens paragraaf (a) of (b) van sub-artikel (1) van artikel *agtien* verkry is, aan die huurder van 'n bestaande hoewe kan toeken, indien die raad 'n sertifikaat verstrek het ten effekte dat bedoelde gedeelte nie vir toekenning as 'n afsonderlike hoewe geskik is nie.
- (2) (a) 'n Aanbod van 'n hoewe vir toekenning ingevolge sub-artikel (1) kan, op aanbeveling van die raad, gedoen word op voorwaarde dat die suksesvolle applikant vir daardie hoewe by toekenning en as 'n voorwaarde daarvan, aan die Minister 'n bedrag moet betaal wat hy vasstel, maar hoogstens een-vyfde van die koopprys soos vermeld in die kennisgewing wat die aanbod van daardie hoewe vir toekenning bevat.
- (b) Die aanvangsdatum van die huurkontrak van 'n hoewe wat onderworpe aan die in paragraaf (a) bedoelde voorwaarde toegeken is, is die datum waarop die kennisgewing van toekenning uit die Minister se kantoor versend is, en vanaf daardie datum word geag dat die huurder die opsie om die hoewe teen die in die *Staatskoerant* bekendgemaakte prys te koop, uitgeoefen het: Met dien verstande dat rente vir 'n tydperk van twee jaar teen die koers van vier persent per jaar op die onbetaalde saldo van die koopprys by bedoelde saldo gevoeg moet word.
- (c) Die bepaling van sub-artikel (12) van artikel *twintig* is *mutatis mutandis* van toepassing op 'n huurkontrak van 'n hoewe wat onderworpe aan die in paragraaf (a) van hierdie sub-artikel bedoelde voorwaarde toegeken word.

(3) Elke sodanige kennisgewing in die *Staatskoerant* moet besonderhede bevat omtrent die ligging, omvang en beskrywing van elke hoewe wat vir toekenning aangebied word, en enige spesiale voorwaardes waarop elke hoewe aldus aangebied word, en moet die uiteindelijke koopprys van elk van daardie hoewes vermeld, asook die huurgeld betaalbaar totdat die aankoop soos hieronder bepaal, geskied het.

(4) Behalwe vir sover in hierdie Wet spesiaal anders bepaal word, word geen hoewe toegeken nie voor die verstryking van 'n tydperk van ses weke vanaf die datum waarop die aanbod van die hoewe vir toekenning die eerste maal in die *Staatskoerant* afgekondig was.

- (d) Notwithstanding anything contained in this section, the Minister may, on the recommendation of the board, fix the allotment price of any holding at an amount which is less than the cost of such holding to the Government, including any expenditure incurred by the Government in connection with such holding, whether in respect of improvements or otherwise.
- (e) For the purposes of this section, the cost price of any land held by the Government on the sixteenth day of October, 1912, or subsequently acquired by the Government by exchange, shall be deemed to be an amount determined by the Minister after consideration of a report by the board, as the amount which would have been paid in open market for such land if it had been purchased.

(4) The Minister may with the consent of at least three-fourths of the lessees of holdings for which an area has been set apart for common pasturage, cause such area to be surveyed and divided into lots and direct that each of the lots be attached to a holding and be held by the lessee of such holding on the same terms and conditions as are applicable in respect of the holding or on such terms and conditions as may be determined by the Minister after consideration of a report by the board.

23. (1) Whenever land has been divided into holdings, surveyed and valued as provided in section *twenty-two*, the Minister shall by notice in the *Gazette* and one or more newspapers, offer some or all of those holdings for allotment in the manner hereinafter prescribed: Provided that the Minister may—

Offer of
allotment of
holdings.

- (a) on the recommendation of the board, and with the prior approval of both Houses of Parliament, allot a holding to any person who complies with the requirements of section *twenty-six*, notwithstanding the fact that such holding has not been offered for allotment as provided in this sub-section;
 - (b) on the recommendation of the board, allot any portion of any land acquired under paragraph (a) or (b) of sub-section (1) of section *eighteen*, to the lessee of any existing holding, if the board has given a certificate to the effect that such portion is not suitable for allotment as a separate holding.
- (2) (a) An offer of a holding for allotment under sub-section (1) may, on the recommendation of the board, be made subject to the condition that the successful applicant for such holding shall on allotment and as a condition thereof, pay to the Minister such an amount as he may determine, not exceeding one-fifth of the purchase price as specified in the notice containing the offer of allotment of that holding.
- (b) The date of commencement of the lease of a holding allotted subject to the condition mentioned in paragraph (a), shall be the date when the notice of allotment was despatched from the office of the Minister, and as from that date the lessee shall be deemed to have exercised the option to purchase the holding at the price notified in the *Gazette*: Provided that interest for a period of two years at the rate of four per cent. per annum on the unpaid balance of the purchase price shall be added to such balance.
- (c) The provisions of sub-section (12) of section *twenty* shall *mutatis mutandis* apply with reference to a lease of a holding allotted subject to the condition mentioned in paragraph (a) of this sub-section.

(3) Every such notice in the *Gazette* shall contain particulars of the situation, extent and description of each holding offered for allotment, and any special conditions upon which each holding is so offered, and shall specify the ultimate purchase price of each such holding and the rent payable until purchase is completed in the manner hereinafter prescribed.

(4) Save as is otherwise specially provided in this Act, no holding shall be allotted until after the expiration of a period of six weeks from the date upon which the offer of the holding for allotment was first published in the *Gazette*.

Aanbod van
toekennings aan
oorsese applikante.

24. (1) (a) Die Minister kan by kennisgewing in die *Staatskoerant* en een of meer oorsese nuusblaaië, hoewes vir toekenning aan oorsese applikante aanbied.
(b) Die bepalings van sub-artikel (3) van artikel *drie-en-twintig* is van toepassing op so 'n kennisgewing in die *Staatskoerant*.
- (2) (a) 'n Aanbod van 'n hoewe kragtens sub-artikel (1), kan beskikbaar verklaar word vir 'n onbepaalde tydperk, of vir 'n vasgestelde tydperk van minstens drie maande in die kennisgewing vermeld, en so 'n aanbod wat vir 'n onbepaalde tydperk beskikbaar verklaar is, kan te eniger tyd daarna vir so 'n vasgestelde tydperk beskikbaar verklaar word.
(b) Die tydperk, as daar is, waarvoor so 'n aanbod beskikbaar verklaar is, kan te eniger tyd by kennisgewing in die *Staatskoerant* en een of meer oorsese nuusblaaië verleng word.

Aansoeke om
hoewes.

25. (1) 'n Aansoek om toekenning van 'n hoewe moet skriftelik geskied, sover moontlik in die voorgeskrewe vorm, en moet gerig word—

- (a) in die geval van 'n applikant in Suid-Afrika, aan die Minister;
(b) in die geval van 'n applikant in die Verenigde Koninkryk, aan die Hoë Kommissaris van die Unie in die Verenigde Koninkryk; en
(c) in die geval van 'n ander oorsese applikant, aan 'n persoon deur die Goewerneur-generaal aangewys om sulke aansoeke te ontvang.

(2) Bedoelde Hoë Kommissaris kan met betrekking tot aansoeke kragtens paragraaf (b) van sub-artikel (1) aan hom gerig, al die werksaamhede verrig wat deur sub-artikel (5) van hierdie artikel en artikel *sewe-en-twintig* aan die raad verleen word.

(3) Daar moet aan elke sodanige aansoek 'n verklaring deur die applikant in die vorm uiteengesit in die Eerste Bylae aangeheg word, en so 'n verklaring moet, in die geval van 'n applikant van buite die Unie, binne een maand na sy aankoms in die Unie hernuwe word.

(4) (a) 'n Applikant wat in 'n by sub-artikel (3) vereiste verklaring 'n bewering maak wat in 'n wesentlike opsig vals is, met die wete dat dit vals is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe volgens wet vir die misdaad van meened voorgeskryf.

(b) Waar 'n applikant aan wie 'n hoewe toegeken is, weens 'n misdryf ingevolge paragraaf (a) skuldig bevind word, kan die Minister te eniger tyd binne vyf jaar na die datum waarop die betrokke valse verklaring gemaak was, die huurkontrak van daardie hoewe kanselleer, en geen vergoeding is in so 'n geval ten opsigte van verbeterings deur die applikant op die hoewe aangebring, aan hom betaalbaar nie.

(5) (a) Die Minister kan verlang dat 'n applikant om toekenning van 'n hoewe, te eniger tyd voor die toekenning van 'n hoewe aan daardie applikant voor die raad verskyn, en 'n verklaring aflê dat sy aansoek in ooreenstemming met die bepalings van hierdie Wet is en dat hy in staat is om die hoewe op voordelige wyse te ontwikkel en te bewerk, en om die voorwaardes van enige huurkontrak wat deur hom verly moet word, ingeval 'n toekenning aan hom geskied, uit te voer.

(b) 'n Lid van die raad word hierby gemagtig om so 'n verklaring af te neem, en die bepalings van sub-artikel (4) is *mutatis mutandis* met betrekking tot so 'n verklaring van toepassing.

(6) 'n Opgawe aantonende die aantal aansoeke om toekenning van hoewes wat ontvang is, die name en adresse van applikante aan wie hoewes toegeken is, en die ligging van daardie hoewes, en van applikante wat afgewys is of aan wie toekennings nie gemaak is nie, moet deur die Minister in beide Huise van die Parlement ter Tafel gelê word binne een maand na die aanvang van elke gewone sitting van die Parlement.

Kwalifikasies van
applikante om
hoewes.

26. Behalwe vir sover hierdie Wet anders bepaal, word geen aansoek om toekenning van 'n hoewe deur die Minister oorweeg nie, tensy die applikant—

- (a) minstens agtien jaar oud en van goeie karakter is;
(b) kwalifikasies besit wat voldoende is vir die nuttige gebruik van die grond wat die onderwerp van die aansoek uitmaak;

24. (1) (a) The Minister may by notice in the *Gazette* and one or more oversea newspapers, offer holdings for allotment to applicants from oversea. Offer of allotments to oversea applicants.
- (b) The provisions of sub-section (3) of section *twenty-three* shall apply with reference to any such notice in the *Gazette*.
- (2) (a) An offer of a holding under sub-section (1) may be declared to be available for an indefinite period or for a fixed period, not being less than three months, specified in the relevant notice, and any such offer which has been declared to be available for an indefinite period may at any time thereafter be declared to be available for such a fixed period.
- (b) The period, if any, for which any such offer has been declared to be available, may at any time be extended by notice in the *Gazette* and one or more oversea newspapers.
25. (1) An application for the allotment of a holding shall be made in writing as nearly as may be in the form prescribed, and shall be addressed— Applications for holdings.
- (a) in the case of an applicant in South Africa, to the Minister;
- (b) in the case of an applicant in the United Kingdom, to the High Commissioner for the Union in the United Kingdom; and
- (c) in the case of any other oversea applicant, to a person appointed by the Governor-General to receive such applications.
- (2) The said High Commissioner may, in relation to applications addressed to him in terms of paragraph (b) of sub-section (1) exercise all the functions vested in the board by sub-section (5) of this section and section *twenty-seven*.
- (3) There shall be attached to every such application a declaration by the applicant in the form set out in the First Schedule, which declaration shall, in the case of an applicant from outside the Union, be renewed within one month after his arrival in the Union.
- (4) (a) An applicant who in any declaration required under sub-section (3) makes a statement which is false in any material particular, knowing the same to be false, shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the crime of perjury.
- (b) Where an applicant to whom a holding has been allotted is convicted of an offence under paragraph (a), the Minister may at any time within five years after the date on which the false statement in question was made, cancel the lease of that holding, and no compensation shall in that event be payable to the applicant in respect of improvements effected by him on the holding.
- (5) (a) The Minister may require an applicant for the allotment of a holding to appear before the board at any time prior to the allotment of a holding to such applicant, and to make a declaration that his application is in conformity with the provisions of this Act and that he is able to develop and work the holding beneficially and carry out the conditions of any lease to be executed by him in the event of an allotment to him being made.
- (b) Any member of the board is hereby empowered to take such a declaration, and the provisions of sub-section (4) shall *mutatis mutandis* apply with reference to any such declaration.
- (6) A statement showing the number of applications received for the allotment of holdings, the names and addresses of applicants to whom holdings have been allotted and the situations of those holdings, and of applicants who have been refused or to whom allotments have not been made, shall be laid upon the Tables of both Houses of Parliament by the Minister within one month after the commencement of each ordinary session of Parliament.
26. Save as otherwise provided in this Act, no application for the allotment of a holding shall be entertained by the Minister unless the applicant— Qualifications of applicants for holdings.
- (a) is at least eighteen years of age and of good character;
- (b) possesses qualifications sufficient for utilizing the land which is the subject of the application;

- (c) te goeder trou voornemens is om die betrokke hoewe persoonlik te okkupeer en dit op voordelige wyse te ontwikkel en te bewerk;
- (d) voldoende kapitaal besit om daardie hoewe op voordelige wyse te ontwikkel en te bewerk, of in 'n besondere geval, soveel kapitaal besit as wat die Minister na oorweging van 'n verslag van die raad redelik en billik ag; en
- (e) verklaar dat hy bedoelde hoewe uitsluitlik vir sy eie voordeel en dié van lede van sy gesin, as daar is, sal ontwikkel en bewerk.

Oorweging van
aansoeke om
hoewes deur raad.

27. (1) Elke aansoek om die toekenning van 'n hoewe moet so gou moontlik na verstryking van die in sub-artikel (4) van artikel *drie-en-twintig* bedoelde tydperk, verwys word na die raad, wat die Minister daaromtrent moet adviseer, en, as daar meer as een applikant vir dieselfde hoewe is, moet aanbeveel aan watter van die applikante, indien wel, die hoewe toegeken moet word, en of 'n ander hoewe aan enige van die ander applikante toegeken moet word al dan nie.

(2) Die raad kan by loting beslis watter applikant vir toekenning van 'n hoewe aanbeveel moet word, of watter hoewe hy vir toekenning aan enige applikant moet aanbeveel.

(3) Die raad is nie verplig om aan te beveel dat hoewes aan enige van die betrokke applikante toegeken word nie.

Bevoegdhede van
Minister met
betrekking tot
toekenning van
hoewes.

28. (1) Alle toekennings van hoewes word deur die Minister gedoen, en hy moet sover moontlik voorkeur verleen aan applikante wat nie grondeienaars is nie.

(2) Die Minister is nie verplig om 'n hoewe toe te ken aan 'n applikant wat die raad aanbeveel het, of om aan enige applikant die hoewe toe te ken waarvan die toekenning aan daardie applikant deur die raad aanbeveel is nie.

Verlening van
tydelike okku-
pasierereg en
toekenning van
hoewes sonder
voorafgaande aan-
bod in sekere
gebiede.

29. (1) (a) Ondanks andersluidende bepalinge van hierdie Wet, kan die Minister, in oorleg met die raad, 'n tydelike okkupasiereg, vir 'n tydperk van hoogstens vyf jaar, ten opsigte van 'n hoewe op Staatsgrond verleen aan enige persoon (hieronder 'n proefhuurder genoem) wat volgens die Minister se oordeel waarskynlik wanneer hy opgelei is, geskik sal wees om 'n huurder ingevolge hierdie Wet te word, en kan, waar hy so 'n reg vir 'n tydperk van minder as vyf jaar verleen het, op aanbeveling van die gepaste kragtens artikel *sestien* aangestelde komitee van beheer, daardie tydperk verleng sodat dit verval op 'n datum nie later nie as vyf jaar na die datum waarop bedoelde reg 'n aanvang geneem het.

(b) So 'n reg word verleen op die voorwaardes, hetsy wat betref 'n aandeel in opbringste of andersins, wat die Minister in elke geval bepaal.

(2) Die Minister kan op aanbeveling van die raad 'n hoewe in 'n gebied vir digtere nedersetting toeken aan 'n proefhuurder wat tot sy bevrediging 'n opleidingskursus voltooi het en andersins geskik is om 'n huurder te word, hetsy so 'n hoewe volgens voorskrif van hierdie Wet vir toekenning aangebied is al dan nie.

(3) Die Minister kan, uit gelde wat die Parlement vir die doel bewillig het—

(a) grond bestem om deur proefhuurders geokkupeer te word, skoonmaak, gelykmaak, omploeg en beplant, paaie maak om daardie grond te bedien en enige ander verbeterings daarop aanbring wat hy nodig ag om proefhuurders in die landbou op te lei en op geskikte wyse te huisves, en vir okkupasie, ontwikkeling en bewerking van hoewes deur proefhuurders;

(b) vee, gereedskap, toerusting, saad en ander goed koop en in stand hou wat hy vir die opleiding van proefhuurders en die okkupasie, ontwikkeling en bewerking van hoewes deur proefhuurders nodig ag;

(c) aan proefhuurders onderhoudstoelaes betaal, hetsy by wyse van loon of as lenings, en aan enige van hulle voorskotte vir die betaling van lone van arbeiders toestaan, en wel teen die skale en vir die tydperke en onderworpe aan die voorwaardes wat die Minister na oorlegpleging met die Tesourie bepaal;

(d) geboue oprig en toerus wat die Minister nodig ag vir die opberging, hantering, gradering, vervaardiging of behandeling van produkte wat deur proef- en ander huurders verbou is;

(e) die maatreëls neem en die uitgawes, hetsy aan geboue, toerusting of andersins, aangaan wat die Minister

- (c) intends in good faith to occupy the holding in question personally and to develop and work it beneficially;
- (d) possesses sufficient capital to develop and work such holding beneficially or, in any special case, possesses such amount of capital as may be deemed fair and reasonable by the Minister after consideration of a report by the board; and
- (e) declares that he will develop and work such holding exclusively for the benefit of himself and the members of his family, if any.

27. (1) Every application for the allotment of a holding shall as soon as possible after the expiration of the period mentioned in sub-section (4) of section *twenty-three*, be referred to the board, which shall advise the Minister thereon, and, if there is more than one applicant for the same holding, recommend to which, if any, of those applicants the holding should be allotted and whether or not another holding should be allotted to any of the other applicants.

Consideration of applications for holdings by board.

(2) The board may determine by lot which applicant it will recommend as an allottee of any holding or which holding it will recommend for allotment to any applicant.

(3) It shall not be obligatory upon the board to recommend that holdings be allotted to any of the applicants concerned.

28. (1) All allotments of holdings shall be made by the Minister, who shall as far as possible give preference to applicants who are not owners of land.

Powers of Minister in regard to allotment of holdings.

(2) The Minister shall not be obliged to allot a holding to any applicant recommended by the board or to allot to any applicant the holding recommended for allotment to that applicant by the board.

29. (1) (a) Notwithstanding anything to the contrary contained in this Act, the Minister may, in consultation with the board, grant a right of temporary occupation, for a period not exceeding five years, in respect of a holding on State-owned land to any person (hereinafter referred to as a probationary lessee) who in the opinion of the Minister is likely to be suitable, when trained, to become a lessee under this Act, and may, where he has granted such a right for a period of less than five years, on the recommendation of the appropriate committee of control appointed under section *sixteen* extend that period so as to expire on a date not later than five years after the date upon which such right commenced.

Grant of rights of temporary occupation and allotment of holdings without prior offer in certain areas.

(b) Any such right shall be granted on such conditions, whether as to produce sharing or otherwise, as the Minister may in each case determine.

(2) The Minister may, on the recommendation of the board, allot a holding in any closer settlement area to any probationary lessee who has to his satisfaction completed a course of training and is otherwise suitable as an allottee, whether or not such holding has been offered for allotment as provided in this Act.

(3) The Minister may, out of moneys appropriated by Parliament for the purpose—

- (a) clear, level, plough and plant land intended for occupation by probationary lessees, make roads to serve such land, and carry out any other improvements thereon which he may deem necessary for the agricultural training and suitable accommodation of probationary lessees, and the occupation, development and working of holdings by such probationary lessees;
- (b) purchase and maintain stock, implements, equipment, seed and other things which he may consider necessary for the training of such probationary lessees, and the occupation, development and working of holdings by such probationary lessees;
- (c) pay maintenance allowances to such probationary lessees, either by way of wages or as loans, and make advances to any of them for the payment of labour, at rates and for periods and subject to conditions which may be determined by the Minister after consultation with the Treasury;
- (d) erect and equip buildings which the Minister may consider necessary for the storage, handling, grading, manufacture or treatment of the produce grown by probationary and other lessees;
- (e) take such measures and incur such expenditure, whether on buildings, equipment or otherwise, as

na oorlegpleging met die Minister van Gesondheid raadsaam ag om die gesondheid en liggaamlike wel-syn van proef- en ander huurders en hul afhanklikes te verseker;

(f) persone in diens neem om die behoorlike opleiding van proefhuurders te verseker en aan enige van die bepalings van hierdie sub-artikel gevolg te gee, en wel vir die tydperk en teen die skale van besoldiging wat die Minister na oorlegpleging met die Tesourie bepaal.

(4) Die Minister kan regulasies uitvaardig betreffende—

(a) die beginsels en metodes wat gevolg moet word by die keuse, nadat aansoeke by kennisgewing in die *Staatskoerant* en die vernaamste nuusblaaie aangevra is, van persone aan wie okkupasieregte as proefhuurders verleen moet word, en die vorm waarin en voorwaardes waarop sodanige regte verleen moet word;

(b) die bestuur en beheer van hoewes wat deur proefhuurders geokkupeer word;

(c) die oordrag aan en uitoefening deur amptenare of ander persone van dissiplinêre en ander funksies in verband met die opleiding van proefhuurders;

(d) die omstandighede waaronder proefhuurders aangesê kan word om hul hoewes te ontruim, en die wyse waarop ontruiming afgedwing kan word,

en in die algemeen betreffende enige aangeleentheid wat volgens die Minister se oordeel nodig is om voorgeskryf te word ten einde aan die oogmerke van hierdie artikel gevolg te gee.

(5) Verskillende regulasies kan kragtens sub-artikel (4) ten opsigte van verskillende gebiede uitgevaardig word.

(6) Die Minister lê, binne een maand na die aanvang van elke gewone sitting van die Parlement, in beide Huise van die Parlement ter Tafel—

(a) 'n staat aantoonende die name en adresse van persone aan wie kragtens sub-artikel (1) tydelike okkupasieregte verleen is, en die hoewes ten opsigte waarvan bedoelde regte verleen is;

(b) 'n staat aantoonende die name en adresse van proefhuurders aan wie kragtens sub-artikel (2) hoewes toegeken is, en die ligging van bedoelde hoewes;

(c) 'n opgawe van die gebiede waarop die bepalings van hierdie artikel toegepas is, tesame met—

(i) 'n opgawe van die uitgawes ingevolge elke paragraaf van sub-artikel (3) ten opsigte van elke betrokke gebied aangegaan; en

(ii) 'n lys van die persone kragtens paragraaf (f) van daardie sub-artikel in diens geneem en hul skale van besoldiging.

Metode en
uitwerking van
toekenning.

30. (1) 'n Toekenning van 'n hoeë word skriftelik per geregistreerde pos aan die betrokke applikant meegedeel by sy adres soos in sy aansoek vermeld.

(2) Die toekenning word geag gemaak te gewees het vanaf die datum waarop die meedeling daaromtrent uit die Minister se kantoor of, in die geval van 'n oorsese applikant, uit die kantoor van die Hoë Kommissaris van die Unie in die Verenigde Koninkryk afgestuur was, en vanaf daardie datum is die persoon aan wie die toekenning geskied het, ten opsigte van die betrokke hoeë onderhewig aan al die bepalings van hierdie Wet asof 'n huurkontrak daarkragtens aan hom uitgereik was.

Ultreiking van
huurkontrak met
opsie om te koop.

31. (1) So gou moontlik nadat 'n hoeë aan iemand toegeken is, moet die Minister ten opsigte van daardie hoeë aan hom 'n huurkontrak uitreik.

(2) (a) So 'n huurkontrak is onderhewig aan die voorwaardes in hierdie Wet vermeld, en sodanige ander voorwaardes, wat met hierdie Wet nie onbestaanbaar is nie, as wat deur die Minister bepaal en in daardie huurkontrak ingevoeg mag word.

(b) Die Minister kan met toestemming van 'n huurder bykomstige voorwaardes, wat met hierdie Wet nie onbestaanbaar is nie, in 'n huurkontrak invoeg te eniger tyd nadat dit verly is.

(3) Die tydperk van so 'n huurkontrak is vyf jaar, wat op die eerste dag van Januarie, April, Julie of Oktober eersvolgende na die datum van toekenning van die betrokke hoeë begin, maar kan deur die Minister vir 'n verdere tydperk van hoogstens vyf jaar verleng word, en die regte en verpligtings verbonde aan die oorspronklike huurkontrak is *mutatis mutandis* daaraan verbonde gedurende die tydperk waarvoor dit verleng word.

(4) (a) Geen huurgeld is gedurende die eerste twee jaar van so 'n huurkontrak betaalbaar nie.

the Minister may, after consultation with the Minister of Health, consider expedient for safeguarding the health and physical welfare of probationary and other lessees and their dependants;

- (f) employ for such periods and at such rates of remuneration as may be determined by the Minister after consultation with the Treasury, persons to secure the proper training of probationary lessees and to give effect to any of the provisions of this sub-section.

(4) The Minister may make regulations as to—

- (a) the principles on which and the methods according to which persons shall, after applications have been invited by notice in the *Gazette* and in the principal newspapers, be selected for the grant of rights of occupation as probationary lessees, and the form in which and conditions on which such rights shall be granted;
- (b) the management and control of holdings occupied by probationary lessees;
- (c) the delegation to and exercise by officers or other persons of disciplinary and other functions connected with the training of probationary lessees;
- (d) the circumstances under which probationary lessees may be required to vacate their holdings and the manner of enforcing any such requirement,

and generally as to any matters which in the opinion of the Minister are necessary to be prescribed in order to give effect to the objects of this section.

(5) Different regulations may be made under sub-section (4) in respect of different areas.

(6) The Minister shall within one month after the commencement of each ordinary session of Parliament, lay upon the Tables of both Houses of Parliament—

- (a) a statement showing the names and addresses of persons to whom rights of temporary occupation have been granted under sub-section (1), and the holdings in respect of which such rights have been granted;
- (b) a statement showing the names and addresses of probationary lessees to whom holdings have been allotted under sub-section (2), and the situation of such holdings;
- (c) a statement of the areas to which the provisions of this section have been applied, together with—
 - (i) a statement of the expenditure incurred under each paragraph of sub-section (3) in respect of each area affected; and
 - (ii) a list of the persons employed under paragraph (f) of that sub-section and their rates of remuneration.

30. (1) An allotment of a holding shall be notified to the applicant concerned in writing transmitted by registered post to his address as indicated in his application. Mode and effect of allotment.

(2) The allotment shall be deemed to have been made as from the date upon which the notification thereof was despatched from the office of the Minister or, in the case of an applicant from overseas, from the office of the High Commissioner for the Union in the United Kingdom, and as from that date the allottee shall in respect of the holding in question be subject to all the provisions of this Act as if a lease had been issued to him thereunder.

31. (1) As soon as possible after a holding has been allotted to any person, the Minister shall issue to him a lease in respect of that holding. Issue of lease with option of purchase.

(2) (a) Any such lease shall be subject to the conditions specified in this Act and such further conditions, not inconsistent with this Act, as may be determined by the Minister and included in that lease.

(b) The Minister may with the consent of a lessee include additional conditions, not inconsistent with this Act, in a lease at any time after it has been executed.

(3) The period of any such lease shall be five years commencing on the first day of January, April, July or October next succeeding the date of allotment of the holding in question, but may be extended by the Minister for a further period not exceeding five years, and the rights and obligations attaching to the original lease shall *mutatis mutandis* attach thereto during the period of extension thereof.

(4) (a) No rent shall be payable in respect of the first two years of any such lease.

(b) Daarna is huurgeld jaarliks vooruitbetaalbaar—

- (i) ten opsigte van die derde jaar, teen die koers van twee persent; en
- (ii) ten opsigte van enige daaropvolgende jaar, teen die koers van drie en 'n halfpersent, van die koopprys van die betrokke hoewe soos ingevolge sub-artikel (3) van artikel *drie-en-twintig* in die *Staatskoerant* bekend gemaak.

(5) Waar so 'n huurkontrak gekanselleer of daarvan afstand gedoen word ingevolge hierdie Wet, moet die huurder by die kansellering of afstanddoening by wyse van huurgeld 'n bedrag betaal wat, tesame met die bedrag reeds ingevolge hierdie artikel by wyse van huurgeld betaal, gelyk sal wees aan drie en 'n halfpersent per jaar op die koopprys van die hoewe vanaf die aanvangsdatum van die oorspronklike huurkontrak tot die datum van kansellering of aanvaarding van afstanddoening van die oorspronklike huurkontrak of enige verlenging daarvan, of waar die opsie om te koop volgens voorskrif van artikel *drie-en-dertig* uitgeoefen is, gelyk aan drie en 'n halfpersent per jaar op die koopprys tot die datum waarop bedoelde opsie uitgeoefen was: Met dien verstande dat die Minister, op aanbeveling van die raad, in geheel of ten dele afstand kan doen van enige huurgeld wat by so 'n kansellering of afstanddoening ingevolge hierdie artikel betaalbaar geword het of sou word, indien hy oortuig is dat bedoelde kansellering of afstanddoening aan droogte, oorstromings, stormweer, sprinkane, gebrek aan water, misoeste, veesiektes of ander ongunstige boerderytoestande te wyte is.

(6) 'n Huurkontrak wat kragtens hierdie Wet uitgereik word, hoef nie voor 'n notaris verly te word nie, en geen gelde is ten opsigte van die registrasie van so 'n huurkontrak betaalbaar nie.

Registrasie van
huurkontrakte.

32. (1) Elke registrateur van aktes moet spesiale registers open en byhou waarin besonderhede van kragtens hierdie Wet uitgereikte huurkontrakte aangeteken moet word.

(2) Waar die Regering nie 'n geskrewe titelbewys van kragtens hierdie Wet verhuurde grond besit nie, dien die aantekening in die spesiale register wat aldus in die betrokke registrasiekantoor van aktes gehou word, totdat dit volgens voorskrif van sub-artikel (3) gerojear word, vir alle doeleindes asof daar 'n titelbewys van die grond bestaan het en asof die huurkontrak teen daardie titelbewys geregistreer was.

(3) (a) By kansellering van so 'n huurkontrak, of beëindiging daarvan op enige ander wyse, laat die Minister 'n kennisgewing van die kansellering of beëindiging, wat deur die Minister of 'n gemagtigde amptenaar en deur die huurder onderteken moet wees, aan die betrokke registrateur van aktes stuur, wat dan sonder betaling van enige gelde die ter sake dienende aantekening in sy spesiale register rojeer.

(b) Indien die handtekening van 'n huurder op 'n kennisgewing ingevolge paragraaf (a) om een of ander rede nie verkry kan word nie, is 'n sertifikaat te dien effekte van die Minister of 'n gemagtigde amptenaar voldoende om daardie handtekening te vervang.

Huurkontrak moet
opsie om te koop
bevat.

33. (1) (a) Dit is 'n voorwaarde van elke huurkontrak van 'n hoewe, uitgesonderd 'n huurkontrak ingevolge artikel *twintig*, of 'n huurkontrak uitgereik na aanleiding van 'n toekenning wat onderworpe aan die in sub-artikel (2) van artikel *drie-en-twintig* bedoelde voorwaarde gemaak is, dat die huurder, behoudens die bepalinge hieronder vermeld, die reg het om te eniger tyd gedurende die tydperk van die huurkontrak, of by die beëindiging daarvan, skriftelik kennis te gee dat hy die hoewe ooreenkomstig hierdie Wet sal koop, indien hy op die datum waarop hy daardie reg uitoefen, in elke opsig aan die toepaslike bepalinge van hierdie Wet voldoen het en al die bedinge en voorwaardes van die huurkontrak nagekom het, of indien die Minister hom op aanbeveling van die raad toegelaat het om daardie reg uit te oefen, hoewel hy nie aan bedoelde bepalinge voldoen het nie of nie al die bedoelde bedinge en voorwaardes nagekom het nie.

(b) 'n Huurder wat met toestemming van die Minister die opsie om sy hoewe te koop, uitgeoefen het, moet, binne die tydperk en onderworpe aan die bedinge wat die Minister bepaal, aan daardie toepaslike bepalinge van hierdie Wet voldoen en daardie bedinge en voorwaardes van sy huurkontrak nakom waaraan op die datum waarop die opsie uitgeoefen word, nie voldoen is nie

- (b) Thereafter rent shall be payable annually in advance—
- (i) in respect of the third year at the rate of two per cent.; and
 - (ii) in respect of any subsequent year at the rate of three and one half per cent.,

of the purchase price of the holding in question as notified in the *Gazette* in terms of sub-section (3) of section *twenty-three*.

(5) Where any such lease is cancelled or surrendered in accordance with this Act, the lessee shall, upon the cancellation or surrender, pay by way of rent an amount which, together with the amount already paid by way of rent under this section, will be equal to three and one half per cent. per annum on the purchase price of the holding from the date of commencement of the original lease to the date of cancellation or acceptance of the surrender of the original lease or any extension thereof, or, where the option of purchase has been exercised as provided in section *thirty-three*, equal to three and one half per cent. per annum on the purchase price up to the date on which the said option was exercised: Provided that the Minister may, on the recommendation of the board, waive the whole or any part of any rent which has or would in terms of this section become payable upon any such cancellation or surrender where he is satisfied that such cancellation or surrender is due to drought, flood, tempest, locusts, lack of water, failure of crops, disease of stock or other adverse farming conditions.

(6) A lease issued under this Act shall not be required to be executed before a notary public, and no fee shall be payable in respect of the registration of any such lease.

32. (1) Every registrar of deeds shall open and keep special registers in which particulars of leases issued under this Act shall be entered. Registration of leases.

(2) Where the Government is not in possession of written title to any land leased under this Act, the entry in the special register so kept in the deeds office concerned shall, until cancellation as provided in sub-section (3), be regarded for all purposes as if there were title deeds of the land and as if the lease were registered against those title deeds.

(3) (a) Upon cancellation of any such lease, or termination thereof in any other manner, the Minister shall cause notice of the cancellation or termination, which shall be signed by the Minister or an authorized officer, and by the lessee, to be transmitted to the registrar of deeds concerned who shall thereupon cancel the relevant entry in his special register, without the payment of any fee.

(b) If for any reason the signature of a lessee to any notice under paragraph (a) cannot be obtained, a certificate to that effect by the Minister or the authorized officer shall be a sufficient substitute for such signature.

33. (1) (a) It shall be a condition of every lease of a holding, not being a lease under section *twenty* or a lease issued in pursuance of an allotment made subject to the condition mentioned in sub-section (2) of section *twenty-three*, that the lessee shall, subject to the provisions hereinafter specified, have the right to give notice in writing at any time during the period of the lease, or at the expiration thereof, that he will purchase the holding in accordance with this Act, if at the date of his exercising that right he has in every respect complied with the applicable provisions of this Act and has fulfilled all the terms and conditions of the lease, or if the Minister has on the recommendation of the board permitted him to exercise that right although he has not complied with such provisions or has not fulfilled all the said terms and conditions. Lease to contain option of purchase.

(b) A lessee who has with the permission of the Minister exercised the option to purchase his holding, shall within such period and subject to such stipulations as the Minister may determine, comply with such applicable provisions of this Act and fulfil such terms and conditions of his lease as have not been complied

of wat dan nie nagekom is nie, vir sover na daardie datum nog in hoofsaak daaraan voldoen of dit nagekom kan word.

(2) 'n Kennisgewing ingevolge sub-artikel (1) moet deur die huurder aan die Minister gestuur word minstens ses maande voor die datum waarop hy voornemens is om die reg van aankoop van die betrokke hoewe uit te oefen, en daarop word geag dat die huurder by verstryking van bedoelde ses maande die opsie uitgeoefen en die koop gesluit het: Met dien verstande dat die Minister die huurder van die verpligting om aldus ses maande kennis te gee, kan onthef, indien goeie gronde daarvoor aangevoer word.

(3) By die uitoefening deur die huurder van voormelde reg om te koop, is die koopprys, tesame met rente teen die koers van drie en 'n halfpersent per jaar, deur die huurder aan die Regering betaalbaar in vyf-en-sestig gelyke paaielemente wat jaarliks vooruitbetaal moet word en waarvan die eerste betaalbaar is op die datum waarop die reg om te koop uitgeoefen word: Met dien verstande dat—

- (a) die huurder te eniger tyd na die datum waarop die reg om te koop uitgeoefen word, die dan onbetaalde saldo van die koopprys of enige bedrag in mindering van daardie saldo aan die Regering kan betaal; en
- (b) indien 'n bedrag in mindering van bedoelde saldo betaal word, daar na goeie gronde van die Minister 'n *pro rata*-vermindering in die aantal toekomstige paaielemente of in die bedrag van daardie paaielemente aangebring kan word.

(4) Die bepalinge van sub-artikel (3) is *mutatis mutandis* van toepassing ten opsigte van 'n huurkontrak van 'n hoewe wat kragtens artikel *twintig* toegeken is of van 'n hoewe ten opsigte waarvan die huurder ooreenkomstig sub-artikel (2) van artikel *drie-en-twintig* by toekenning nie meer nie as een-vyfde van die koopprys moet betaal: Met dien verstande dat die koopprys van so 'n hoewe, min die bedrag deur die huurder tot die koopprys bygedra, tesame met rente teen die koers van drie en 'n halfpersent per jaar, in drie-en-sestig jaarlikse paaielemente betaalbaar is, waarvan die eerste by verstryking van twee jaar vanaf die aanvangsdatum van die huurkontrak betaal moet word.

Spesiale voor-
waardes aan-
gaande huurgeld
en rente ten
opsigte van howes
in sekere gebiede
betaalbaar.

34. (1) Die Minister kan, op aanbeveling van die raad, wat vir die doeleindes van hierdie sub-artikel 'n addisionele lid insluit wat 'n deur die Minister aangewese amptenaar van die Departement van Lande moet wees, by kennisgewing in die *Staatskoerant* die bepalinge van sub-artikel (2) op enige gebied in die Tweede Bylae genoem of 'n deel van so 'n gebied toepas.

(2) In 'n gebied of deel van 'n gebied waarop bedoelde bepalinge aldus toegepas is, word die huurgeld vir die derde of 'n daaropvolgende jaar van die huurkontrak betaalbaar, en die rente daarkragtens betaalbaar wanneer die daarin vermelde opsie om te koop uitgeoefen is, bereken in die geval van 'n hoewe wat nie uit kragtens sub-artikel (1) van artikel *agtien* verkreeë grond bestaan nie, teen die koers van een persent per jaar op soveel van die koopprys van bedoelde hoewe as wat nie—

- (a) die koste verteenwoordig nie van verbeterings (met rente daarop) wat kragtens artikel *twee-en-veertig* van hierdie Wet ten behoeve van bedoelde huurder op die betrokke hoewe aangebring is, of die koste van verbeterings (met rente daarop) wat kragtens artikel *sewentien* van die „Nederzettingwet Wijzigingswet, 1917” (Wet No. 23 van 1917), aldus aangebring is, indien na die dertigste dag van Junie 1950 daarmee begin is; en
- (b) voorskotte (met rente daarop) verteenwoordig nie wat ten opsigte van die betrokke hoewe aan bedoelde huurder gemaak is kragtens artikel *vier-en-veertig* van die „Kroongrond Nederzettingwet, 1912” (Wet No. 12 van 1912), of artikel *drie-en-vyftig* van hierdie Wet.

(3) Die Goewerneur-generaal kan met goedkeuring, by besluit, van beide Huisse van die Parlement, by proklamasie in die *Staatskoerant*—

- (a) enige gebied in die Tweede Bylae insluit of enige gebied uit daardie Bylae uitsluit;
- (b) die bepalinge van sub-artikel (2) van toepassing verklaar op enige gebied wat in bedoelde Bylae ingesluit is, of enige deel van so 'n gebied, waarop die Minister daardie bepalinge nie toegepas het nie.

with or fulfilled at the date upon which the option is exercised and as can still be substantially complied with or fulfilled after that date.

(2) Any notice under sub-section (1) shall be transmitted to the Minister by the lessee not less than six months before the date upon which he proposes to exercise the right to purchase the holding in question, and thereupon the lessee shall be deemed to have exercised such right and to have effected such purchase upon the expiration of the said six months: Provided that the Minister may on good cause shown absolve the lessee from the obligation to give such six months' notice.

(3) Upon the exercise by the lessee of the right of purchase aforesaid, the purchase price together with interest at the rate of three and one half per cent. per annum shall be payable by the lessee to the Government annually in advance in sixty-five equal instalments, the first of which shall be payable on the date on which the right of purchase is exercised: Provided that—

- (a) the lessee may at any time after the date on which the right of purchase is exercised, pay to the Government the balance of the purchase price then unpaid or any amount on account of such balance; and
- (b) if any amount is paid on account of such balance, a *pro rata* reduction may in the discretion of the Minister be made in the number of future instalments or in the amount of the said instalments.

(4) The provisions of sub-section (3) shall *mutatis mutandis* apply in respect of any lease of a holding allotted under section *twenty* or of a holding in respect of which the lessee is in terms of sub-section (2) of section *twenty-three* required to pay not more than one-fifth of the purchase price on allotment: Provided that the purchase price of any such holding, less the amount contributed towards the purchase price by the lessee, together with interest at the rate of three and one half per cent. per annum shall be payable in sixty-three annual instalments, the first of which shall be payable at the expiration of two years from the date of the commencement of the lease.

34. (1) The Minister may, on the recommendation of the board, which shall for the purpose of this sub-section include an additional member, who shall be an officer of the Department of Lands designated by the Minister, by notice in the *Gazette* apply the provisions of sub-section (2) to any area mentioned in the Second Schedule or any portion of any such area.

Special conditions as to rent and interest payable in respect of holdings in specified areas.

(2) In any area or portion of an area to which the said provisions have been so applied, the rent payable for the third or any subsequent year of a lease, and the interest payable thereunder when the option of purchase contained therein has been exercised, shall in respect of a holding which does not consist of land acquired under sub-section (1) of section *eighteen*, be calculated at the rate of one per cent. per annum on so much of the purchase price of such holding as does not represent—

- (a) the cost of improvements (and interest thereon) effected on such holding on behalf of the lessee in terms of section *forty-two* of this Act, or the cost of improvements (and interest thereon) so effected in terms of section *seventeen* of the Land Settlement Act Amendment Act, 1917 (Act No. 23 of 1917), if commenced after the thirtieth day of June, 1950; and
- (b) advances (and interest thereon) made to such lessee in respect of such holding in terms of section *forty-four* of the Land Settlement Act, 1912 (Act No. 12 of 1912), or section *fifty-three* of this Act.

(3) The Governor-General may with the approval, by resolution, of both Houses of Parliament, by proclamation in the *Gazette*—

- (a) include any area in the Second Schedule or exclude any area from that Schedule;
- (b) declare the provisions of sub-section (2) to be applicable to any area included in the said Schedule, or any portion of any such area, to which the Minister has not applied those provisions.

Huurder moet op sy hoewe woon en dit voordelig okkupeer.

35. (1) Behoudens die bepalings van sub-artikel (2), moet elke huurder sy hoewe begin bewoon en voordelig okkupeer binne so 'n tydperk na toekenning daarvan aan hom as wat in die kennisgewing in die *Staatskoerant* waarby daardie hoewe vir toekenning aangebied was, aangedui mag gewees het, en moet, onderworpe aan die bepalings van hierdie Wet, daardie hoewe daarna bewoon en dit voordelig okkupeer gedurende so 'n tydperk in elke kalenderjaar as wat insgelyks aangedui mag gewees het: Met dien verstande dat, in die geval van 'n hoewe kragtens artikel *twintig* toegeken, die huurder daardie hoewe moet begin bewoon en voordelig okkupeer binne drie maande nadat dit aan hom toegeken is, en dit daarna moet bewoon en aldus moet okkupeer vir minstens elf maande in elke kalenderjaar.

(2) Die Minister kan, in 'n geval waar hy dit raadsaam ag om dit te doen, op aanbeveling van die raad die datum waarop 'n huurder sy hoewe moet begin bewoon en voordelig okkupeer, uitstel, of die vereiste van bewoning van so 'n hoewe opskort, hetsy geheel en al of vir 'n bepaalde tydperk en op die voorwaardes wat hy goedvind.

(3) By die toepassing van hierdie artikel, word onder voordelige okkupasie van 'n hoewe inbegrepe—

- (a) die behoorlike versorging en instandhouding van verbeterings daarop;
- (b) die instandhouding en verbetering van grondvrugbaarheid en die neem van alle nodige maatreëls om bestaande of verwagte erosie of brakheid van die grond op doeltreffende wyse te bestry; en
- (c) die uitroeiing van ongediertes en van skadelike en ander onkruid in ooreenstemming met die bepalings van enige toepaslike wet.

Verbeterings op sekere hoewes deur huurder aangebring te word.

36. Elke huurder van 'n hoewe waarop daar op die datum van toekenning geen verbeterings van blywende en wesentlike aard is nie, of waarop daar op daardie datum verbeterings is wat volgens die raad se oordeel van minder waarde is as honderd pond of twintig persent van die waarde van die onverbeterde grond, watter ook al die grootste bedrag is, moet binne tien jaar na die aanvangsdatum van die huurkontrak verbeterings op die hoewe aanbring wat, tesame met die waarde van die verbeterings, as daar is, wat op die datum van toekenning daarvan daarop was, die totale waarde van die verbeterings op 'n bedrag te staan sal bring wat volgens die raad se oordeel gelyk is aan minstens 'n honderd pond of twintig persent van die waarde van die onverbeterde grond, watter ook al die grootste bedrag is.

Versorging en onderhoud van verbeterings, vee, ens., deur of ten behoeve van huurder verkry.

37. (1) Elke huurder moet tot bevrediging van die Minister reëlins tref vir die versorging en onderhoud van die verbeterings op sy hoewe en van alle vee, en die aanteel daarvan, as daar is, en enigiets anders hoegenaamd wat ingevolge hierdie Wet deur of ten behoeve van die huurder gekoop of verkry is.

(2) Indien die Minister te eniger tyd van oordeel is dat sodanige verbeterings, vee of aanteel daarvan, gereedskap of ander goed nie behoorlik versorg en onderhou word nie, en dat daar gevolglik gevaar van verlies van Staatsgeld bestaan, kan hy—

- (a) die huurder by skriftelike kennisgewing gelas om binne 'n tydperk in die kennisgewing vermeld, maar minstens een maand vanaf die datum daarvan, vir die nodige versorging en onderhoud reëlins te tref; of
- (b) onmiddellik stappe laat doen om waardevermindering van bedoelde verbeterings of verlies van bedoelde vee of aanteel, gereedskap of ander goed te verhoed, en enige koste in verband met die neem van daardie stappe aangegaan, op die huurder verhaal; of
- (c) enige sodanige vee, met inbegrip van die aanteel daarvan, gereedskap of ander goed wat uit gelde deur die Minister vir die doel voorgeskiet, deur of ten behoeve van die huurder gekoop of verkry is, in besit neem, en daardie vee, aanteel, gereedskap of ander goed verkoop op die wyse wat hy raadsaam ag, en daarop is die hoofsaak wat nog op die voorskotte uitstaande is, tesame met enige uitgawes deur die Minister aangegaan in verband met die inbesitneming en verkoop en die versorging en onderhoud van enige sodanige vee, aanteel, gereedskap of ander goed voor die verkoop, min enige bedrag uit die opbrings van die verkoop verkry, onverwyld deur die huurder aan die Minister verskuldig en betaalbaar.

(3) Ingeval die bedrag uit 'n verkoping kragtens paragraaf (c) van sub-artikel (2) verkry, na aftrekking van enige uitgawes deur die Minister aangegaan in verband met stappe kragtens

35. (1) Save as provided in sub-section (2), every lessee shall commence to reside on his holding and to occupy it beneficially within such period after allotment thereof to him as may have been specified in the notice in the *Gazette* in terms of which that holding was offered for allotment, and shall, subject to the provisions of this Act, thereafter reside on and beneficially occupy that holding during such period in each calendar year as may have been likewise specified: Provided that in the case of a holding allotted under section *twenty*, the lessee shall commence to reside on and beneficially occupy that holding within three months after allotment thereof to him, and shall thereafter reside on and so occupy that holding for not less than eleven months in every calendar year.

Lessee to reside upon and beneficially occupy his holding.

(2) The Minister may, in any case where he deems it expedient to do so, on the recommendation of the board, postpone the date upon which a lessee is required to commence to reside on and beneficially to occupy his holding or suspend the requirement to reside on such holding either wholly or for a specified period and on such conditions as he may deem fit.

(3) For the purposes of this section, beneficial occupation of a holding includes—

- (a) the proper care and maintenance of improvements thereon;
- (b) the maintenance and improvement of soil fertility and the taking of all measures necessary to deal effectively with existing or anticipated erosion or brackishness of the soil; and
- (c) the extermination of vermin and the eradication of noxious and other weeds in accordance with the provisions of any applicable law.

36. Every lessee of a holding on which there are no improvements of a permanent and substantial nature at the date of allotment or on which there are on that date such improvements which in the opinion of the board are of a value of less than one hundred pounds or less than twenty per cent. of the value of the unimproved land, whichever is the greater amount, shall within ten years of the date of commencement of the lease effect improvements on the holding which, together with the value of the improvements, if any, thereon at the date of the allotment thereof, will bring the total value of the improvements to an amount which in the opinion of the board is not less than one hundred pounds or twenty per cent. of the value of the unimproved land, whichever is the greater amount.

Improvements to be effected on certain holdings by lessee.

37. (1) Every lessee shall make arrangements to the satisfaction of the Minister for the care and maintenance of the improvements on his holding and of all stock, and the progeny thereof, if any, and anything else whatever purchased or acquired by or on behalf of the lessee in terms of this Act.

Care and maintenance of improvements and stock, etc., acquired by or on behalf of lessee.

(2) If at any time the Minister is of the opinion that any such improvements, stock or progeny thereof, implements or other things are not being properly cared for and maintained, and that in consequence there is risk of the loss of public funds, he may—

- (a) by notice in writing require the lessee, within a period specified in the notice, not being less than one month from the date thereof, to make arrangements for the necessary care and maintenance; or
- (b) cause immediate steps to be taken to prevent depreciation of such improvements or any loss of such stock or progeny, implements or other things, and recover from the lessee any costs incurred in taking such steps; or
- (c) take possession of any such stock, including the progeny thereof, implements or other things purchased or acquired by or on behalf of the lessee out of moneys advanced by the Minister for the purpose, and sell such stock, progeny, implements or other things in such manner as he may deem expedient, and thereupon the principal amount outstanding in respect of the advances made, together with any expenditure incurred by the Minister in connection with the taking of possession and sale and the care and maintenance of any such stock, progeny, implements or other things prior to such sale, less any amount realized by the sale, shall forthwith become due and payable to the Minister by the lessee.

(3) In the event of the amount realized on any sale under paragraph (c) of sub-section (2), after deducting any expenditure incurred by the Minister in pursuance of any steps taken under

daardie paragraaf gedoen, meer is as die dan onbetaalde bedrag van die hoofsom van die betrokke voorskot, tesame met rente daarop, moet die saldo, min enige ander bedrae op of ten opsigte van die betrokke hoewe deur die huurder aan die Regering verskuldig, aan die huurder betaal word.

Verdere voorwaardes van huurkontrakte.

38. (1) Dit is 'n voorwaarde van elke huurkontrak dat die huurder nie bome op sy hoewe mag kap, vernietig of beskadig nie, behalwe met skriftelike toestemming van die Minister, maar sonder sodanige toestemming geregtig is om dooie hout wat op die hoewe beskikbaar mag wees, as brandhout of vir ander huishoudelike doeleindes te gebruik.

(2) 'n Huurkontrak moet ook bepaal dat die huurder aan die Regering, met inbegrip van die betrokke provinsiale administrasie, of enige plaaslike bestuur, die belastings, huurgelde, plaaslike belastings en ander bedrae moet betaal wat gewoonlik en volgens wet deur enige grondeienaar in die gebied waar die hoewe geleë is, betaal moet word, asook enige rivier- of besproeiingsbelasting ten opsigte van die hoewe aan 'n rivier- of besproeiingsraad verskuldig en betaalbaar ingevolge die „Besproeiings- en Waterbewarings Wet 1912”, (Wet No. 8 van 1912).

Verandering van grense of vergroting van oppervlaktes van hoewes, asook toekenning van nuwe hoewes.

39. (1) (a) Wanneer die Minister na oorweging van 'n verslag van die raad, oortuig is dat dit nodig is om die aantal hoewes in 'n nedersettingsgebied te verminder ten einde die oppervlakte van enige van die oorblywende hoewes in daardie gebied te kan vergroot, of dat 'n hoewe weens die gesteldheid van die grond of om ander voldoende rede nie 'n redelike bestaan aan die huurder daarvan bied nie, kan die Minister met toestemming van elke betrokke huurder, die huurkontrak van enige bestaande hoewe kanselleer en aan die huurder van daardie hoewe 'n ander hoewe ingevolge hierdie Wet toeken, hetsy daardie hoewe volgens voorskrif van hierdie Wet vir toekenning aangebied is al dan nie.

(b) Die koopprys van 'n aldus toegekende hoewe word deur die Minister op aanbeveling van die raad bepaal, en die Minister kan, ondanks andersluidende bepalings in sub-artikel (4) van artikel *een-en-dertig* vervat, gelas dat die huurder ten opsigte van die eerste, tweede en derde jaar van die huurkontrak van daardie hoewe 'n huurgeld betaal, bereken teen 'n hoër skaal as wat in bedoelde sub-artikel voorgeskryf word, maar hoogstens drie en 'n halfpersent per jaar op bedoelde koopprys.

(c) Die Minister kan, behoudens die bepalings van artikel *ses-en-sestig*, uit gelde wat die Parlement vir die doel bewillig het, aan 'n huurder wie se huurkontrak kragtens paragraaf (a) van hierdie sub-artikel gekanselleer is, die vergoeding, as daar is, betaal wat die raad mag aanbeveel, ten opsigte van enige verbeterings wat hy op eie koste op die betrokke hoewe mag aanbring het.

(2) (a) Die Minister kan op aansoek van 'n huurder sy hoewe vergroot deur aan daardie huurder by wyse van byvoeging tot bedoelde hoewe enige Staatsgrond wat daaraan of naby geleë is, toe te ken, hetsy daardie grond volgens voorskrif van hierdie Wet vir toekenning aangebied is al dan nie: Met dien verstande dat so 'n toekenning nie geskied nie, tensy die raad aan die Minister 'n sertifikaat verstrek het ten effekte dat die toekenning nodig is sodat die betrokke hoewe 'n redelike bestaan aan bedoelde huurder kan bied.

(b) Grond wat kragtens hierdie sub-artikel by wyse van byvoeging tot sy hoewe aan 'n huurder toegeken is, word geag in daardie hoewe ingesluit te wees teen 'n koopprys wat die Minister op aanbeveling van die raad bepaal, en die huurgeld of paaiement van die koopprys deur die betrokke huurder ten opsigte van sy hoewe betaalbaar, word dienooreenkomstig verhoog met ingang van die begin van die eersvolgende tydperk ten opsigte waarvan huurgeld of 'n paaiement van die koopprys ingevolge die huurkontrak betaalbaar is.

(3) Die Minister kan op aansoek van die huurders van twee of meer aangrensende hoewes, en op aanbeveling van die raad, die grense van daardie hoewes wysig en heromskryf op die wyse wat hy nodig ag ten einde die ontwikkeling van die onderskeie hoewes te vergemaklik en kan vervolgens dienooreenkomstig die bestaande huurkontrakte van bedoelde hoewes wysig of nuwe huurkontrakte uitreik.

that paragraph, exceeding the principal amount then outstanding in respect of the advance in question, together with interest thereon, the balance, less any other amounts owing to the Government by the lessee on or in respect of the holding in question, shall be paid to the lessee.

38. (1) It shall be a condition of every lease that the lessee shall not cut down, destroy or injure any trees on his holding except with the written permission of the Minister, but shall be entitled without such permission to use as firewood or for other domestic purposes such dead wood as may be available on the holding. Further conditions of leases.

(2) A lease shall also provide that the lessee shall pay to the Government, including the provincial administration concerned, or any local authority such taxes, rents, rates and other charges as may customarily and lawfully be required to be paid by any landowner in the area in which the holding is situated, as also any river or irrigation rates, due and payable in respect of the holding to any river or irrigation board under the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912).

39. (1) (a) Whenever after consideration of a report by the board, the Minister is satisfied that it is necessary to reduce the number of holdings in any settlement area in order to permit an increase in the size of any of the remaining holdings in that area, or that owing to soil conditions or other sufficient cause a holding cannot afford a reasonable subsistence to the lessee thereof, the Minister may, with the consent of every lessee concerned, cancel the lease of any existing holding and allot to the lessee of that holding any other holding under this Act, whether or not that holding has been offered for allotment as prescribed in this Act. Modification of boundaries or increase of areas of holdings, and allotment of new holdings.

(b) The purchase price of any holding so allotted shall be determined by the Minister on the recommendation of the board, and the Minister may, notwithstanding anything to the contrary in sub-section (4) of section *thirty-one*, require the lessee to pay in respect of the first, second and third years of the lease of that holding, a rental calculated at a rate in excess of that prescribed in the said sub-section, but not exceeding three and one half per cent. per annum on such purchase price.

(c) The Minister may, subject to the provisions of section *sixty-six*, out of moneys appropriated by Parliament for the purpose, pay to a lessee whose lease has been cancelled under paragraph (a) of this sub-section, such compensation, if any, as the board may recommend, in respect of any improvements which may have been effected by him on the holding in question at his own expense.

(2) (a) The Minister may, on the application of any lessee, increase the size of his holding by the allotment to such lessee as an addition to that holding of any State-owned land adjoining that holding or in the vicinity thereof, whether or not such land has been offered for allotment as provided in this Act: Provided that no such allotment shall be made unless the board has submitted to the Minister a certificate to the effect that the allotment is necessary in order that the holding in question may afford a reasonable subsistence to the lessee concerned.

(b) Any land allotted to a lessee as an addition to his holding under this sub-section, shall be deemed to be included in that holding at a purchase price determined by the Minister on the recommendation of the board, and the rent or instalments of purchase price payable by the lessee concerned in respect of his holding shall be increased accordingly with effect from the beginning of the next succeeding period in respect of which rent or an instalment of the purchase price is payable under the lease.

(3) The Minister may, on application by the lessees of two or more adjoining holdings, and on the recommendation of the board, modify and redefine the boundaries of such holdings in such manner as he may consider necessary in order to facilitate the development of the respective holdings, and may thereupon amend the existing leases of such holdings or issue new leases accordingly.

(4) By die toekenning ingevolge sub-artikel (1) van 'n nuwe hoewe aan 'n huurder, moet enige bedrag ten opsigte van huurgeld of waterbelasting of van enige voorskot kragtens artikel *drie-en-vyftig* toegestaan, of van die saldo van so 'n voorskot, tesame met die rente daarop, deur die huurder verskuldig, en enige skulde wat kragtens artikel *ses-en-sewentig* deur die Minister hernuwe mag word, deur die huurder terugbetaal word op die bedinge en voorwaardes wat die Minister voorskryf, of, as die Minister dit gelas, by die koopprys van die nuwe hoewe gevoeg word, en in so 'n geval word die huurgeld, rente of paaiemente van die koopprys wat deur die huurder betaalbaar is, dienooreenkomstig verhoog: Met dien verstande dat die Minister, op aanbeveling van die raad, en met goedkeuring van die Minister van Finansies, enige bedrae wat deur so 'n huurder verskuldig mag wees ten opsigte van huurgeld en rente ingevolge die huurkontrak wat gekanselleer is, in die geheel of ten dele kan kwytsteld.

(5) Die bepalinge van sub-artikel (5) van artikel *een-en-dertig* en sub-artikel (6) van artikel *drie-en-vyftig* is nie by die kansellering van 'n huurkontrak ten einde aan die voorskrifte van sub-artikel (1) of (3) van hierdie artikel gevolg te gee, van toepassing nie, en enige bedrae tot terugbetaling waarvan 'n huurder ingevolge so 'n huurkontrak kragtens sub-artikel (5) van artikel *sestig* geregtig mag wees, word teen die koopprys van enige nuwe hoewe wat aan hom toegeken mag word, as 'n afbetaling op daardie koopprys verreken.

(6) Indien dit na oorweging van 'n verslag van die raad, aan die Minister blyk dat dit nie moontlik sal wees om aan die bepalinge van sub-artikel (1) of (2) gevolg te gee nie, tensy die waardasie van enige hoewe wat toegeken staan te word, tot 'n bedrag verminder word wat minder is as die totale koste daarvan, met inbegrip van die koste van enige verbeterings deur die Regering daarop aangebring, kan die Minister, met goedkeuring van die Minister van Finansies, die waardasie van daardie hoewe verminder tot 'n bedrag nie laer nie as die bedrag wat die raad aanbeveel het.

(7) Wanneer enige van die bepalinge van hierdie artikel op 'n huurkontrak toegepas is, laat die Minister die huurkontrak tesame met 'n kennisgewing van die veranderde bedinge en voorwaardes van daardie huurkontrak (met inbegrip van besonderhede van enige veranderings aan of byvoegings tot die oppervlakte van die hoewe wat die onderwerp van die huurkontrak is) stuur aan die registrateur van aktes in bevel van die registrasiekantoor van aktes waarin daardie huurkontrak geregistreer is, en bedoelde registrateur moet dan die nodige endossement op die betrokke huurkontrak en in sy registers aanbring.

Kansellering van huurkontrak deur twee of meer huurders gesamentlik gehou en hertoekenning van betrokke howes.

40. (1) Indien in die geval van 'n hoewe wat aan twee of meer persone gesamentlik verhuur is, enige van daardie persone versuim om aan enige bepaling van hierdie Wet te voldoen of enige voorwaarde van die huurkontrak na te kom, kan die Minister, op aanbeveling van die raad, die huurkontrak ooreenkomstig die bepalinge van artikel *sestig* kanselleer.

(2) (a) Waar so 'n huurkontrak gekanselleer is op grond van versuim deur enige van die betrokke gesamentlike huurders om aan die bepalinge van artikel *vyf-en-dertig* te voldoen, kan die Minister, op aanbeveling van die raad, die betrokke hoewe vir die onverstreke tydperk en onderworpe aan die bedinge en voorwaardes van die huurkontrak wat gekanselleer is, aan die oorblywende huurders toeken.

(b) By so 'n toekenning is die koopprys dieselfde as wat dit ingevolge die gekanselleerde huurkontrak was, min enige bedrag voor die kansellering van daardie huurkontrak ten opsigte van die koopprys ingevolge daarvan betaal, maar die bedrae in die nuwe huurkontrak voorgeskryf, is die bedrae wat ingevolge die vorige huurkontrak betaalbaar sou gewees het as dit nie gekanselleer was nie, en die huurders ingevolge die nuwe huurkontrak is aanspreeklik vir die betaling van alle bedrae ingevolge die gekanselleerde huurkontrak aan die Regering verskuldig.

(3) Die bepalinge van sub-artikel (2) belet nie 'n huurder nie, deur wie se versuim om te voldoen aan die bepalinge van artikel *vyf-en-dertig*, 'n huurkontrak gekanselleer is, om op die huurders aan wie die betrokke hoewe daarna volgens daardie sub-artikel toegeken is, so 'n gedeelte te verhaal van enige bedrae voor die kansellering van die huurkontrak in mindering van die koopprys van daardie hoewe betaal, as wat deur die huurder wat aldus versuim het bygedra was.

(4) Upon the allotment of a new holding to any lessee in terms of sub-section (1), any debt due by that lessee in respect of rent or water rates, or of any advance made under section *fifty-three*, or of the balance of any such advance, together with interest thereon, and any debts which may be revived by the Minister under section *seventy-six*, shall be repaid by the lessee on such terms and conditions as the Minister may prescribe or, if the Minister so directs, added to the purchase price of the new holding, in which case rent, interest or instalments of purchase price payable by the lessee shall be increased accordingly: Provided that the Minister may, on the recommendation of the board and with the approval of the Minister of Finance, remit wholly or in part any amounts which may be due by such lessee in respect of rent and interest under the lease which has been cancelled.

(5) The provisions of sub-section (5) of section *thirty-one* and sub-section (6) of section *fifty-three* shall not apply upon the cancellation of a lease in order to give effect to the provisions of sub-section (1) or (3) of this section, and any amounts to the repayment of which a lessee under such a lease may be entitled in terms of sub-section (5) of section *sixty*, shall be credited against the purchase price of any new holding which may be allotted to him, as a payment on account of such purchase price.

(6) If after consideration of a report from the board, it appears to the Minister that it will not be possible to give effect to the provisions of sub-section (1) or (2), unless the valuation of any holding to be allotted is reduced to an amount below the total cost thereof, including the cost of any improvements made thereon by the Government, the Minister may with the approval of the Minister of Finance reduce the valuation of such holding to an amount not less than the amount recommended by the board.

(7) Whenever any of the provisions of this section have been applied to any lease, the Minister shall cause the lease, together with a notification setting out the altered terms and conditions of such lease (including particulars of any alterations or additions to the area of the holding which is the subject of the lease) to be sent to the registrar of deeds in charge of the deeds registry in which that lease is registered, and the said registrar shall thereupon make the necessary endorsement on such lease and in his registers.

40. (1) If in the case of a holding which has been leased to two or more persons jointly, any of those persons fails to comply with any provision of this Act or any condition of the lease, the Minister may on the recommendation of the board cancel the lease in accordance with the provisions of section *sixty*.

Cancellation of lease held jointly by two or more lessees and re-allotment of holdings affected.

(2) (a) Where any such lease has been cancelled by reason of the failure of any of the joint lessees concerned to comply with the provisions of section *thirty-five*, the Minister may, on the recommendation of the board, allot the holding in question to the remaining lessees for the unexpired period and subject to the terms and conditions of the lease which has been cancelled.

(b) Upon any such allotment, the purchase price shall be the same as under the lease which has been cancelled less any amount paid in respect of purchase price under that lease before it was cancelled, but the payments prescribed in the new lease shall be such amounts as would have been payable under the prior lease if it had not been cancelled, and the lessees under the new lease shall be liable for the payment of all amounts due to the Government under the lease which has been cancelled.

(3) Nothing in sub-section (2) shall debar a lessee through whose failure to comply with the provisions of section *thirty-five* any lease has been cancelled, from recovering from the lessees to whom the holding in question has thereupon been allotted in accordance with the said sub-section, such portion of any amounts paid in reduction of the purchase price of that holding prior to cancellation of the lease, as was contributed by such defaulting lessee.

(4) Die bepalings van sub-artikel (5) van artikel *een-en-dertig* en paragrawe (a) en (b) van sub-artikel (5) van artikel *sestig* is nie van toepassing nie by die kansellering van 'n huurkontrak ingevolge sub-artikel (1) van hierdie artikel, waar die betrokke hoewe volgens voorskrif van sub-artikel (2) daarvan toegeken word.

Herwaardering
van hoewes.

41. (1) By ontvangs van 'n verslag van die raad waarin verklaar word dat die koopprys van 'n hoewe te hoog is, en aanbeveel word dat daardie prys om redes in die verslag uiteengesit tot 'n daarin vermelde bedrag verminder word, kan die Minister bedoelde prys tot 'n bedrag nie laer nie as die aldus aanbeveelde bedrag verminder; Met dien verstande dat geen vermindering in die koopprys van grond wat kragtens sub-artikel (1) van artikel *agtien* verkry is, aangebring word nie, behalwe met goedkeuring, by besluit, van beide Huise van die Parlement.

(2) 'n Vermindering kragtens sub-artikel (1) in die koopprys van 'n hoewe, geld vanaf 'n datum wat die Minister op aanbeveling van die raad bepaal, en vanaf daardie datum word enige bedrae ten opsigte van huurgeld, rente of paaielemente van die koopprys van bedoelde hoewe deur die huurder betaalbaar, dienooreenkomstig verminder.

(3) Waar 'n huurder by wyse van huurgeld, rente of paaielemente van die koopprys ten opsigte van sy hoewe 'n hoër bedrag betaal het as wat op grondslag van enige vermindering van die koopprys uit kragte van hierdie artikel deur hom betaalbaar was, word die aldus oorbetalde bedrag verreken teen toekomstige betalings namate dit deur die huurder verskuldig word.

(4) Wanneer dit aan die Minister blyk dat die koste van verbeterings wat by die koopprys of waardasie van 'n hoewe gevoeg is, die waarde van daardie verbeterings oorskry, kan die Minister, op aanbeveling van die raad, en met goedkeuring van die Minister van Finansies, die koopprys of waardasie van daardie hoewe verminder met 'n bedrag gelyk aan die verskil tussen die koste en die waarde van daardie verbeterings, en daarop word die bedrae ten opsigte van huurgeld, rente of paaielemente van koopprys deur die huurder betaalbaar, na verhouding verminder met ingang van die begin van die eersvolgende tydperk ten opsigte waarvan huurgeld of 'n paaielement van die koopprys onder die huurkontrak betaalbaar is.

(5) Die bepalings van sub-artikel (7) van artikel *nege-en-dertig* is *mutatis mutandis* van toepassing op 'n huurkontrak waarop die bepalings van sub-artikel (4) van hierdie artikel toegepas is.

Aanpassing van
koopprys om koste
van sekere verbeterings
op
Staatskoste aangebring,
in te sluit.

42. (1) Die Minister kan, op aansoek deur 'n huurder van 'n hoewe, en onderworpe aan die aanbeveling van die raad, verbeterings wat volgens die raad se oordeel bereken is om by die behoorlike gebruik, bewerking en ontwikkeling van daardie hoewe van nut te wees, en die waarde daarvan te verhoog, laat aanbring op bedoelde hoewe of op ander grond ten dienste van daardie hoewe, mits, in die geval van sodanige ander grond, die huurder van die eienaar van daardie grond die nodige regte verkry sodat bedoelde verbeterings aangebring kan word.

(2) By voltooiing van sodanige verbeterings word die koste daarvan by die koopprys van die hoewe gevoeg, tesame met rente op daardie koste, bereken teen die rentekoers volgens die huurkontrak by wyse van huurgeld of rente op die koopprys betaalbaar, of, in die geval van verbeterings waarmee na die dertigste dag van Junie 1950 begin is, teen die koers van drie en drie-kwart persent per jaar, vanaf die datum van voltooiing van die verbeterings tot die datum waarop die koste daarvan aldus bygevoeg word, en daarna word enige huurgeld of paaielemente van die koopprys of rente wat deur die betrokke huurder betaalbaar is, dienooreenkomstig verhoog vanaf die begin van die jaarlikse of halfjaarlikse tydperk van die huurkontrak eersvolgende op die datum waarop die verbeterings voltooi was.

(3) Die bepalings van artikel *sewe-en-dertig* is *mutatis mutandis* met betrekking tot die versorging en instandhouding van sodanige verbeterings van toepassing.

(4) (a) 'n Bedrag wat kragtens hierdie artikel by die koopprys van 'n hoewe gevoeg word ten opsigte van werksaamhede verrig in verband met die boor vir water op daardie hoewe, word bereken volgens die dan geldende tarief in verband met sodanige werksaamhede deur Regeringsbore op plase in private besit, en sluit bowendien uitgawes in wat deur die Minister aangegaan is ten opsigte van vervoer, brandstof, water, arbeid of ander dienste wat gewoonlik deur private boere op eie koste verskaf word.

(4) The provisions of sub-section (5) of section *thirty-one* and paragraphs (a) and (b) of sub-section (5) of section *sixty* shall not apply on the cancellation of a lease under sub-section (1) of this section, where the holding in question is allotted as provided in sub-section (2) thereof.

41. (1) Upon receipt of a report from the board in which it is stated that the purchase price of any holding is excessive, and recommended that, for reasons set out in the report, such price should be reduced to an amount therein specified, the Minister may reduce such price to an amount not less than the amount so recommended: Provided that no reduction shall be made in the purchase price of land acquired under sub-section (1) of section *eighteen*, except with the approval, by resolution, of both Houses of Parliament. Revaluation of holdings.

(2) Any reduction under sub-section (1) in the purchase price of a holding, shall be effective from a date determined by the Minister on the recommendation of the board, and as from that date any amounts payable by the lessee in respect of rent, interest or instalments of purchase price of such holding shall be reduced accordingly.

(3) Where a lessee has paid by way of rent, interest or instalments of purchase price in respect of his holding, any amount in excess of the amount which was payable by him, as determined on the basis of any reduction in the purchase price in terms of this section, the excess amount so paid shall be credited against future payments as they become due by the lessee.

(4) Whenever it appears to the Minister that the cost of improvements included in the purchase price or valuation of a holding exceeds the value of those improvements, the Minister may, on the recommendation of the board, and with the approval of the Minister of Finance, reduce the purchase price or valuation of that holding by an amount equal to the difference between the cost and the value of those improvements, and thereupon the amounts payable by the lessee in respect of rent, interest or instalments of purchase price shall be reduced proportionately with effect from the commencement of the next succeeding period in respect of which rent or an instalment of the purchase price is payable under the lease.

(5) The provisions of sub-section (7) of section *thirty-nine* shall apply *mutatis mutandis* to any lease to which the provisions of sub-section (4) of this section have been applied.

42. (1) The Minister may on application by a lessee of a holding, and subject to the recommendation of the board, cause improvements, which in the opinion of the board are calculated to assist in the proper use, working and development of that holding and to enhance the value thereof, to be effected on such holding, or on other land for the purpose of serving such holding, subject, in the case of such other land, to the lessee obtaining from the owner of that land the necessary rights to permit of such improvements being effected. Adjustment of purchase price to include cost of certain improvements effected at State expense.

(2) On completion of such improvements the cost thereof shall be added to the purchase price of the holding together with interest on such cost calculated at the rate payable in terms of the lease by way of rent or interest on the purchase price or, in the case of improvements commenced after the thirtieth day of June, 1950, at the rate of three and three-quarters per cent. per annum, from the date of completion of the improvements to the date on which the cost thereof is so added, and thereupon any rent or instalments of purchase price or interest payable by the lessee concerned shall be increased accordingly as from the commencement of the yearly or half-yearly period of the lease next succeeding the date upon which the improvements were completed.

(3) The provisions of section *thirty-seven* shall *mutatis mutandis* apply with reference to the care and maintenance of any such improvements.

(4) (a) Any amount added to the purchase price of a holding in terms of this section in respect of water-boring operations effected on that holding, shall be calculated in accordance with the tariff then applicable in connection with such operations conducted with Government drills on privately owned farms, and shall in addition include any expenditure incurred by the Minister in respect of transport, fuel, water, labour or other services usually supplied by private farmers at their own expense.

(b) Waar die koste van werksaamhede in verband met die boor vir water by die koopprys van 'n hoewe gevoeg is, kan die Minister, indien daardie werksaamhede nie geslaag was nie, op aanbeveling van die raad bedoelde koopprys verminder met 'n bedrag hoogstens gelyk aan die uitgawes in verband met die uitvoering van daardie werksaamhede aangegaan.

(5) Verbeterings wat kragtens hierdie artikel aangebring is, word nie by die toepassing van artikel *ses-en-dertig, nege-en-dertig, agt-en-veertig, vyftig, agt-en-vyftig, nege-en-vyftig* of *sestig* geag deur die huurder aangebring te gewees het nie, en geen vergoeding is onder enige van daardie artikels ten opsigte van sodanige verbeterings betaalbaar nie.

Omheining op grense van hoewes wat aan openbare paaie grens.

43. Ondanks andersluidende bepalings van die Omheiningswet, 1912 (Wet No. 17 van 1912), is die Staat nie aanspreeklik vir bydraes tot die koste van oprigting of instandhouding van enige omheining op die grens van 'n kragtens hierdie Wet toegekende hoewe waar daardie grens geleë is aan 'n pad waarvan die eiendomsreg by die Staat berus nie.

Verhaal van bydraes tot grensheinings op eienaars van grond wat aan hoewes grens.

44. (1) Indien daar op die datum van toekenning van 'n hoewe, op 'n grens van daardie hoewe 'n omheining bestaan waarvan die koste of waarde by die koopprys van daardie hoewe ingereken is, of indien daar na die toekenning van 'n hoewe enige omheining op die grens daarvan deur die Minister opgerig en die koste van daardie omheining by bedoelde koopprys gevoeg word, moet die huurder die stappe doen wat nodig mag wees om op enige aangrensende eienaar die bydrae, as daar is, tot die koste van daardie omheining te verhaal wat ingevolge die Omheiningswet, 1912 (Wet No. 17 van 1912), deur daardie eienaar betaalbaar is of mag word.

(2) 'n Aldus verhaalde bydrae moet binne een-en-twintig dae na ontvangs daarvan deur die huurder aan die Minister betaal word, en by ontvangs van so 'n bydrae deur die Minister, moet hy die koopprys van die betrokke hoewe met die aldus ontvangte bedrag verminder, en daarop word die huurgeld en paalemente van die koopprys ingevolge die betrokke huurkontrak betaalbaar, dienooreenkomstig verminder.

(3) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing op 'n grensheining deur 'n huurder opgerig met geld wat deur die Land- en Landboubank van Suid-Afrika vir die doel aan hom voorgeskiet is, behalwe dat enige bedrag wat deur so 'n huurder ten opsigte van so 'n heining op 'n aangrensende grondeienaar verhaal word, aan bedoelde bank betaal moet word, wat daardie bedrag in mindering van die bedrag deur die huurder ten opsigte van die verleende voorskot aan die bank verskuldig, maar nie van daarop verskuldigde rente nie, moet aanwend.

Sekuriteit vir skulde deur huurders aan Regering verskuldig.

45. (1) Die Regering het 'n hipoteek oor elke huurder se belang in sy huurkontrak as sekuriteit vir alle bedrae ten opsigte van koopprys, voorskotte, huurgeld, rente of waterbelasting volgens die huurkontrak of uit hoofde van die bepalings van hierdie Wet deur die huurder aan die Regering verskuldig, en bedoelde hipoteek geniet voorkeur bo enige verband, hipoteek of las op bedoelde belang.

(2) Alle vee en alle losgoed behorende aan 'n huurder wat op sy hoewe is of te eniger tyd daarop was, word geag in die Regering se besit en ten gunste van hom verpand te wees as sekuriteit vir alle bedrae ten opsigte van koopprys, voorskotte, huurgeld, rente of waterbelasting volgens die huurkontrak of uit hoofde van die bepalings van hierdie Wet deur die huurder aan die Regering verskuldig: Met dien verstande dat—

(a) die bepalings van hierdie sub-artikel geen inbreuk maak nie op die huurder se reg—

(i) om sodanige vee of losgoed te gebruik wat noodsaaklik is vir sy eie gebruik of die gebruik van sy gesin of dienaars wat op die hoewe werksaam is, of om enige produkte te gebruik wat as voer vir sy vee op die hoewe vereis word; of

(ii) om sodanige vee of losgoed van die hand te sit ten einde noodsaaklike fondse te verkry om sy boerdery op die hoewe voort te sit; of

(iii) om sodanige vee of losgoed in die gewone loop van sy boerdery van die hand te sit;

(b) die las om te bewys dat enige vee of losgoed, wat gebruik of van die hand gesit is, ooreenkomstig die bepalings van voorbehoudsbepaling (a) by hierdie sub-artikel gebruik of van die hand gesit is, rus op die huurder of ander persoon wat dit beweer;

- (b) Where the cost of water-boring operations has been added to the purchase price of a holding, the Minister may, if those operations have been unsuccessful, on the recommendation of the board, reduce such purchase price by an amount not exceeding the expenditure incurred in carrying out those operations.

(5) Improvements made in terms of this section shall not in the application of section *thirty-six, thirty-nine, forty-eight, fifty, fifty-eight, fifty-nine or sixty* be regarded as having been effected by the lessee, and no compensation shall be payable under any of the said sections in respect of such improvements.

43. Notwithstanding anything to the contrary contained in the Fencing Act, 1912 (Act No. 17 of 1912), the State shall not be liable to contribute towards the cost of erecting or maintaining any fencing along the boundary of any holding allotted under this Act, where such boundary abuts on a road whereof the dominium is vested in the State.

Fencing on the boundaries of holdings abutting on public roads.

44. (1) If at the date of allotment of a holding, any fencing whereof the cost or value has been included in the purchase price of that holding, exists on any boundary of the holding, or if after the allotment of a holding any fencing is erected on any boundary thereof by the Minister and the cost of such fencing is added to such purchase price, the lessee shall take such steps as may be necessary to recover from any adjoining owner such contribution, if any, towards the cost of that fencing as may be or may become payable by the said owner in terms of the Fencing Act, 1912 (Act No. 17 of 1912).

Recovery of contributions towards boundary fencing from owners of land adjoining holdings.

(2) Any contribution so recovered shall be paid by the lessee to the Minister within twenty-one days after receipt thereof, and upon receipt of any such contribution by the Minister, he shall reduce the purchase price of the holding in question by the amount so received, and thereupon the rent and instalments of purchase price payable under the relevant lease shall be reduced accordingly.

(3) The provisions of this section shall *mutatis mutandis* apply with reference to any boundary fencing erected by a lessee with money advanced to him for the purpose by the Land and Agricultural Bank of South Africa, except that any amount recovered by such a lessee from an adjoining owner of land in respect of any such fencing shall be paid to the said bank which shall apply such amount towards reduction of the sum due to the bank by the lessee in respect of the amount advanced, but not of interest due thereon.

45. (1) The Government shall have an hypothec over every lessee's interest in his lease in security of all amounts owing to the Government by the lessee in respect of purchase price, advances, rent, interest or water rates in terms of the lease or under the provisions of this Act, and such hypothec shall rank prior to every mortgage bond, hypothec or charge upon the said interest.

Security for debts due to Government by lessees.

(2) All stock and all movable property belonging to any lessee which is, or at any time has been, upon his holding shall be deemed to be in the possession of the Government and to be pledged in favour of the Government in security of all amounts owing to the Government by the lessee in respect of purchase price, advances, rent, interest or water rates in terms of the lease or under the provisions of this Act: Provided that—

(a) nothing in this sub-section contained shall in any way interfere with the lessee's right—

- (i) to use any such stock or movable property necessarily required for consumption by himself, his household or his servants employed upon the holding, or to use any produce necessarily required for the feeding of his stock upon the holding; or
- (ii) to dispose of any such stock or movable property for the purpose of obtaining funds necessarily required for the carrying on of farming operations upon the holding; or
- (iii) to dispose of any such stock or movable property in the ordinary course of farming operations;

(b) the onus of proving that any stock or movable property used or disposed of was used or disposed of in accordance with the provisions of proviso (a) to this sub-section shall lie upon the lessee or other person alleging it;

- (c) die Sekretaris van Lande of 'n deur hom daartoe gemagtigde persoon die huurder per brief kan gelas om sodanige in die brief vermelde vee of produkte nie van die hand te sit nie, en daarop is die bepalings van voorbehoudsbepaling (a) by hierdie sub-artikel nie op die aldus vermelde vee of losgoed van toepassing nie.
- (3) Die Minister kan op aansoek van 'n huurder wat vee of losgoed, wat ingevolge sub-artikel (2) geag word ten gunste van die Regering verpand te wees, aan 'n derde party wil verpand, ten opsigte van al die vee of losgoed wat aldus geag word ten gunste van die Regering verpand te wees, of slegs ten opsigte van sekere vermelde vee of losgoed, en wel onderworpe aan die voorwaardes wat hy goetvind, van die deur genoemde sub-artikel daargestelde verpanding afstand doen, maar so 'n afstanddoening is nie van krag nie voordat daar deur die Sekretaris van Lande of 'n ander deur die Minister aangewese amptenaar 'n sertifikaat uitgereik is waarin vermeld word watter vee of losgoed van die verpanding bevry is.
- (4) Die bepalings van hierdie artikel is nie op 'n huurder aan wie 'n grondbrief van sy hoewe uitgereik is, van toepassing nie.

Huurkontrakte
vrygestel van
beslaglegging en
verkoop in
eksekusie onder
sekere omstan-
dighede.

46. (1) (a) 'n Huurkontrak ingevolge hierdie Wet (uitgesonderd 'n huurkontrak van 'n hoewe wat met toestemming van die Minister met verband beswaar is) is nie vir beslaglegging ingevolge 'n geregtelike proses vatbaar nie en kan ook nie in beslag geneem of in eksekusie verkoop word nie, totdat 'n tydperk van tien jaar vanaf die begin van so 'n huurkontrak verstryk het, hetsy die opsie om die hoewe wat die onderwerp van die huurkontrak is, te koop, uitgeoefen is al dan nie.
- (b) Die bepalings van paragraaf (a) is nie van toepassing nie op 'n geregtelike proses deur 'n hof uitgereik ten opsigte van—
- (i) die verhaal van 'n lening of rente op 'n lening wat met goedkeuring van die Minister deur die Land- en Landboubank van Suid-Afrika aan 'n huurder toegestaan is, of 'n lening of rente op 'n lening wat ingevolge die Landbou Krediet Wet, 1926 (Wet No. 40 van 1926), aan 'n huurder toegestaan is; of
- (ii) waterbelasting of ander heffings wat ingevolge die „Besproeiing- en Waterbewaringswet, 1912” (Wet No. 8 van 1912), aan 'n rivier- of besproeiingsraad of ander welike gesag betaalbaar is.
- (c) Die bepalings van hierdie sub-artikel doen geen afbreuk aan die toepassing van die Insolvensiewet, 1936 (Wet No. 24 van 1936), of enige ander wet op insolvensie, of enige reg wat 'n derde party voor die dertigste dag van Julie 1925 op of in 'n huurkontrak mag verkry het nie.
- (2) Die verkoop in eksekusie van enige belang van 'n huurder in sy huurkontrak is onderworpe aan die voorwaarde dat die skriftelike toestemming van die Minister vir die sedering van die huurkontrak aan die koper eers verkry moet word.

Sedering en
verhipotekering
van huurkontrakte
en onderverhuring
van howes.

47. (1) (a) Behoudens die bepalings van hierdie Wet mag 'n huurder nie sy hoewe onderverhuur of sy belang in die huurkontrak daarvan seeder of verhipoteker nie, behalwe met skriftelike toestemming van die Minister.
- (b) Die bepalings van sub-artikels (1), (2), (3) en (4) van artikel vyf-en-twintig is *mutatis mutandis* van toepassing met betrekking tot 'n aansoek om die Minister se toestemming tot die sedering van 'n huurder se belang in 'n hoewe.
- (c) Die sedering van 'n huurder se belang in 'n hoewe moet op die voorgeskrewe wyse geskied.
- (2) Waar die Minister tot die sedering van 'n huurkontrak ingestem het en oortuig is dat die vergoeding ten opsigte van die sessie aan die huurder verskuldig, betaal is, maar dat, weens die versuim van die huurder om die nodige stukke te voltooi, en die feit dat sy adres onbekend is, registrasie van die sessie in die registrasiekantoor van aktes nie kan geskied nie, kan die Minister skriftelik aan die betrokke registrateur van aktes magtiging verleen om in sy registers en by endossement op die afskrif van die huurkontrak of sessie daarvan wat in sy kantoor gehou word, en op die huurder se kopie daarvan, indien dit beskikbaar is, die naam van die sessionaris in die plek van dié van die huurder te stel.
- (3) So 'n magtiging word nie deur die Minister verleen nie, tensy daar aan hom 'n plegtige verklaring van die sessionaris, waarin die omstandighede uiteengesit word, voorgelê is, en

- (c) the Secretary for Lands or any person thereto authorized by him may by letter direct the lessee not to dispose of any such stock or movable property specified in such letter, and thereupon the provisions of proviso (a) to this sub-section shall not apply to such stock or movable property so specified.
- (3) The Minister may, on the application of a lessee who desires to hypothecate in favour of a third person any stock or movable property which in terms of sub-section (2) is deemed to be pledged in favour of the Government, waive in respect of all the stock or movable property which is so deemed to be pledged in favour of the Government, or in respect only of certain specified stock or movable property, the pledge constituted by the said sub-section, subject to such conditions as he may deem expedient, but no such waiver shall be effective until a certificate has been issued by the Secretary for Lands or other officer designated by the Minister, stating which stock or movable property has been released from the pledge.
- (4) The provisions of this section shall not apply to any lessee to whom a deed of grant of his holding has been issued.
46. (1) (a) A lease under this Act (other than a lease of a holding which has been mortgaged with the consent of the Minister) shall not be liable to seizure under any process issued out of any court or to attachment or sale in execution, until after the expiration of a period of ten years from the date of commencement of such lease, whether or not the option to purchase the holding which is the subject of that lease has been exercised. Leases exempt in certain circumstances from seizure and sale in execution.
- (b) The provisions of paragraph (a) shall not apply to any process of execution issued out of any court in respect of—
- (i) the recovery of any loan or interest on any loan which has, with the approval of the Minister, been made to any lessee by the Land and Agricultural Bank of South Africa, or any loan or interest on any loan made to any lessee under the Agricultural Credit Act, 1926 (Act No. 40 of 1926); or
 - (ii) any water rates or other charges payable to a river board or an irrigation board or any other lawful authority in terms of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912).
- (c) Nothing in this sub-section contained shall affect the operation of the Insolvency Act, 1936 (Act No. 24 of 1936), or any other law relating to insolvency, or any right which a third party may have acquired in and to any lease prior to the thirtieth day of July, 1925.
- (2) The sale in execution of any interest of a lessee in his lease shall be subject to the condition that the written consent of the Minister to the cession of the lease to the purchaser shall first be obtained.
47. (1) (a) Save as provided in this Act, a lessee shall not sublet his holding or cede or hypothecate his interest in the lease thereof except with the written consent of the Minister. Cession and hypothecation of leases and subletting of holdings.
- (b) The provisions of sub-sections (1), (2), (3) and (4) of section *twenty-five* shall *mutatis mutandis* apply with reference to an application for the Minister's consent to the cession of a lessee's interest in a lease.
- (c) The cession of the interest of a lessee in any lease shall be effected in the manner prescribed.
- (2) Where the Minister has consented to the cession of any lease, and is satisfied that the consideration payable to the lessee in respect of the cession has been paid, but that owing to the failure of the lessee to complete the necessary documents, and the fact that his whereabouts are unknown, registration of the cession in the deeds registry cannot be effected, the Minister may in writing authorize the registrar of deeds concerned to substitute in his registers and by endorsement on the copy of the lease or cession thereof filed in his office and on the lessee's copy thereof, if available, the name of the cessionary for that of the lessee.
- (3) No such authority shall be given by the Minister unless there has been produced to him a solemn declaration by the cessionary setting out the circumstances, and unless the pro-

tensy die voorgestelde sessie vir 'n tydperk van minstens veertien dae geadverteer is in die *Staatskoerant* en in 'n nuusblad in omloop in die distrik waarin die betrokke hoewe geleë is.

(4) So 'n sessie geld vanaf 'n datum in die Minister se magtiging vermeld, en vanaf daardie datum word die sessionaris vir alle doeleindes as die huurder van die betrokke hoewe beskou.

(5) Wanneer die huurder se kopie van 'n huurkontrak of sessie daarvan nie beskikbaar is nie, reik die registrateur van aktes op aansoek deur die betrokke sessionaris gratis 'n gesertifiseerde kopie van die huurkontrak of sessie aan hom uit wat behoorlik volgens voorskrif van sub-artikel (2) geëndosseer is, en bedoelde kopie word vir alle doeleindes as sy titel tot die huurkontrak beskou.

Uithou van minerale en terugname van hoewes vir mynboudoeleindes.

48. (1) Behoudens die bepalings van sub-artikel (4), word alle regte op minerale op of onder 'n hoewe hierby vir die Staat voorbehou, en die Goewerneur-generaal kan, met inagneming van die bepalings van hierdie Wet, in verband met sodanige minerale ooreenkomstig die wetsbepalings op prospektering vir en ontginning van minerale handel op dieselfde wyse as in die geval van minerale op of onder ander grond: Met dien verstande dat die huurder van 'n hoewe geregtig is om op daardie hoewe kalk- en bouklippe uit te grawe en te neem, klei uit te grawe, kalk te brand en stene te maak uitsluitlik vir gebruik vir bou- of ander doeleindes op daardie hoewe, en om soveel steenkool te neem as wat hy nodig mag hê vir sy huishoudelike gebruik en vir enige toestel of masjinerie wat by die bewerking van daardie hoewe gebruik word.

(2) (a) Die Goewerneur-generaal kan 'n hoewe of deel van 'n hoewe vir myndoeleindes of vir doeleindes verbonde aan mynbou terugneem, en in verband daarmee ooreenkomstig die wetsbepalings op prospektering vir en ontginning van minerale handel.

(b) Wanneer 'n hoewe aldus teruggeneem word, moet die Minister aan die huurder vergoeding betaal, en waar 'n deel van 'n hoewe aldus teruggeneem word, moet die huurgeld of paaielemente van die koopprys wat deur die huurder ten opsigte van die hoewe betaalbaar is, na verhouding van die oppervlakte aldus teruggeneem, verminder word: Met dien verstande dat waar 'n deel van 'n hoewe teruggeneem word, die betrokke huurder geregtig is om, sonder afbreuk aan sy reg op vergoeding ten opsigte van die terugnemings, van sy huurkontrak afstand te doen.

(3) Ondanks andersluidende bepalings van artikel tien van die „Natal Mines Act, 1899” (Wet No. 43 van 1899), van Natal, is Staatsgrond wat vir nedersettingsdoeleindes ingevolge hierdie Wet toegeken of uitgehou is, terwyl dit aldus toegeken of uitgehou is, nie onderhewig aan 'n reg van die publiek om soos in daardie artikel bepaal vir minerale te prospekter of dit te soek nie.

(4) (a) Alle regte op minerale by die verkryging van grond kragtens sub-artikel (1) van artikel agtien deur die Regering verkry, moet, behoudens die bepalings van sub-artikel (2) van artikel sewe-en-sestig, in enige grondbrief of transportakte ten opsigte van daardie grond aan 'n huurder uitgereik, aan die regsverkrygende of transportnemer oorgemaak word, maar tot dat 'n grondbrief of transportakte aldus uitgereik is, is bedoelde regte vir die Staat voorbehou.

(b) Die bepalings van paragraaf (a) is nie van toepassing nie ten opsigte van 'n hoewe wat ingevolge 'n huurkontrak toegeken word nadat 'n vorige huurkontrak ten opsigte van daardie hoewe gekansleer, afgestaan of beëindig is.

Vergoeding vir skade deur prospektering of mynbou veroorsaak.

49. (1) Waar skade aan 'n huurder berokken is of word deur werksaamhede verbonde aan prospektering vir of die ontdekking of ontginning van minerale op sy hoewe, is die persoon wat vir die skade aanspreeklik is, verplig om ten opsigte daarvan vergoeding aan die huurder te betaal.

(2) Geen permit of ander magtiging om op 'n hoewe te prospekter of mynbouwerk te doen, word ingevolge enige wet aan enigiemand uitgereik nie, tensy hy die amptenaar deur wie die permit of ander magtiging uitgereik moet word, tevrede gestel het dat hy aan die huurder van daardie hoewe sekerheid gestel het vir die betaling van alle eise om vergoeding waarvoor hy ingevolge hierdie artikel aanspreeklik mag word.

(3) Enige geskil omtrent die bedrag van enige sekerheid wat kragtens sub-artikel (2) gestel moet word, moet na die Minister van Mynwese verwys word, en sy beslissing is afdoende.

posed cession has been advertised for a period of not less than fourteen days in the *Gazette* and in a newspaper circulating in the district in which the holding in question is situated.

(4) Any such cession shall take effect from a date to be specified in the Minister's authority, and as from that date the cessionary shall for all purposes be regarded as the lessee of the holding in question.

(5) Whenever the lessee's copy of a lease or cession thereof is not available, the registrar of deeds shall on application by the cessionary concerned issue to him, free of charge, a certified copy of the lease or cession duly endorsed as provided in sub-section (2), and such copy shall for all purposes be regarded as his title to the lease.

48. (1) Subject to the provisions of sub-section (4), all rights to minerals on or under any holding are hereby reserved to the State, and the Governor-General may, subject to the provisions of this Act, deal with such minerals in accordance with the laws regulating prospecting and mining for minerals, in the same manner as in the case of minerals on or under any other land: Provided that the lessee of a holding shall be entitled to quarry or get limestone and building stone, dig clay, burn lime and make bricks on that holding solely for use for building or other purposes on that holding, and to take so much coal as he may require for his domestic use and for any plant or machinery used in working that holding.

Reservation of minerals and resumption of holdings for mining purposes.

(2) (a) The Governor-General may resume for mining purposes or for purposes incidental to mining any holding or portion of a holding and deal therewith in accordance with the laws regulating prospecting and mining for minerals.

(b) Whenever any holding is so resumed, compensation shall be paid to the lessee by the Minister, and, where a portion of a holding is so resumed, the rent or instalments of purchase price payable by the lessee in respect of the holding shall be reduced in proportion to the area so resumed: Provided that in the event of the resumption of a portion of a holding, the lessee concerned shall be entitled, without prejudice to his right to compensation in respect of such resumption, to surrender his lease.

(3) Notwithstanding anything to the contrary contained in section *ten* of the Natal Mines Act, 1899 (Act No. 43 of 1899), of Natal, State-owned land allotted or reserved for settlement purposes under this Act, shall not, while so allotted or reserved, be subject to the right on the part of the public to prospect or search for minerals as provided in that section.

(4) (a) All rights to minerals obtained by the Government on the acquisition of land under sub-section (1) of section *eighteen* shall, subject to the provisions of sub-section (2) of section *sixty-seven*, be passed to the grantee or transferee in any deed of grant issued or deed of transfer passed to any lessee in respect of such land, but until a deed of grant is so issued or a deed of transfer is so passed, such rights shall be reserved to the State.

(b) The provisions of paragraph (a) shall not apply in respect of any holding allotted under lease following upon the cancellation, surrender or determination of any prior lease issued in respect of that holding.

49. (1) Where damage is being or has been caused to any lessee by any operations connected with prospecting for or the discovery of or exploitation of minerals on his holding, the person responsible for the damage shall be liable to pay compensation in respect thereof to such lessee.

Compensation for damage caused by prospecting or mining operations.

(2) No permit or other authority to carry on prospecting or mining operations on any holding, shall be issued to any person under any law, unless he has satisfied the officer by whom such permit or other authority is to be issued that he has given security to the lessee of that holding for the payment of all claims to compensation for which he may become liable under this section.

(3) Any dispute as to the amount of any security to be given under sub-section (2) shall be referred to the Minister of Mines whose decision thereon shall be final.

Afstand van
hoeve of deel
daarvan.

50. (1) Wanneer 'n deel van 'n hoeve ingevolge 'n wet op prospektering vir of ontginning van minerale vir prospektering oopgestel of vir mynbou afgesonderd word, kan die huurder binne ses maande daarna aan die Minister kennis gee dat hy van daardie hoeve of enige aldus oopgestelde of afgesonderde deel daarvan afstand wil doen, en die Minister moet so 'n afstanddoening daarop aanvaar en die huurkontrak kanselleer met ingang van die datum in die kennisgewing vermeld.

(2) Die Minister moet vergoeding betaal aan 'n huurder wie se hoeve kragtens hierdie artikel afgestaan word, en, waar 'n deel van 'n hoeve afgestaan word, moet enige huurgeld of paaie van die koopprys wat ten opsigte van die hoeve deur die huurder betaalbaar is, verminder word na verhouding van die waarde van die afgestane oppervlakte op die datum waarop die hoeve aan die betrokke huurder toegeken was.

Afstand deur
huurder van
sekere regte
op vergoeding.

51. Die Minister kan op versoek van 'n huurder van 'n hoeve met daardie huurder 'n ooreenkoms aangaan waarby bepaal word dat die huurder as teenprestasie vir die oopstelling van die hoeve om deur die huurder of iemand anders geprospekter te word, of van afsondering van die hoeve vir mynbou ingevolge enige wet op prospektering of mynbou, afstand doen van enige van of al sy regte op vergoeding ingevolge artikels agt-en-veertig, nege-en-veertig en vyftig van hierdie Wet.

Aanleg van sekere
werke op of oor
hoewes.

52. (1) Die Goewerneur-generaal kan te eniger tyd op die wyse en onder die voorwaardes wat hy goedvind—

- (a) damme of reservoirs op 'n hoeve aanlê of die aanleg daarvan magtig;
- (b) watervore, pyple, kanale en afvoerslote op, deur of onder 'n hoeve aanlê of die aanleg daarvan magtig, en water van of oor 'n hoeve ten voordele van die publiek of 'n eienaar of okkupeerder van naburige grond lei of toelaat dat dit gelei word;
- (c) met inagneming van enige toepaslike wetsbepalings, spoorlyne, paaie en telegraaf- en telefoonlyne op of oor 'n hoeve aanlê en eksploiteer, of die aanleg en eksploitering daarvan magtig.

(2) Enige materiaal wat vir die doeleindes van in sub-artikel (1) bedoelde werke nodig is, kan van die betrokke hoeve geneem word, en vergoeding is aan die betrokke huurder betaalbaar vir enige verlies deur hom gelyk as gevolg van die uitoefening van 'n deur daardie sub-artikel verleende bevoegdheid.

Voorskotte aan
huurders.

53. (1) Die Minister kan, op aanbeveling van die raad, uit gelde deur die Parlement vir die doel bewillig en op die voorwaardes van terugbetaling en bedinge wat voorgeskryf mag word, voorskotte verleen ten einde—

- (a) 'n huurder te voorsien van vee, gereedskap, saad en ander goed wat nodig is om sy hoeve op voordelige wyse te ontwikkel en bewerk; of
- (b) 'n huurder in staat te stel om werk wat bereken is om sy hoeve te verbeter daarop te laat doen,

of, in plaas van so 'n bedrag in geld voor te skiet, werk wat bereken is om 'n hoeve te verbeter daarop te laat doen, en waar werk aldus gedoen word, word die bedrag wat die koste verteenwoordig van daardie werk en van die materiaal wat in verband met daardie werk gebruik word, of waarop daardie werk verrig is, geag aan die betrokke huurder voorgeskiet te gewees het.

(2) Geen sodanige voorskot word verleen wat die totale bedrag deur 'n huurder ten opsigte van voorskotte ingevolge hierdie artikel verskuldig, op 'n hoër bedrag as vyftig persent van die waarde van die verbeterings deur die huurder op eie koste op die hoeve aanbring en vyf-en-sewentig persent van die waarde van die vee wat aan hom behoort en op die hoeve loop, te staan sou bring nie, en die totale bedrag deur 'n huurder ten opsigte van sodanige voorskotte verskuldig, mag nie te eniger tyd die som van vyfhonderd pond te bowe gaan nie.

(3) Indien 'n voorskot geheel of ten dele teen sekuriteit van vee wat aan die huurder behoort, verleen word, kan die Minister eis dat die huurder daardie vee met 'n onderskeidingsmerk of -brandmerk, soos voorgeskryf mag word, moet merk of brandmerk, en die bepalinge van artikel vyf-en-vyftig is van toepassing op vee wat aldus gemerk of gebrandmerk is.

(4) 'n Voorskot in geld moet uitbetaal word binne ses maande, of so 'n langer tydperk as wat die Minister mag toelaat, na die datum waarop dit goedgekeur word, en, as dit nie aldus uitbetaal word nie, vervel die goedkeuring om dit te verleen.

(5) Rente is op so 'n voorskot betaalbaar teen die koers van drie en 'n halfpersent per jaar bereken vanaf die datum van

50. (1) Whenever any part of a holding is thrown open to prospecting or set apart for mining under any law relating to prospecting or mining for minerals, the lessee may within six months thereafter give notice to the Minister that he desires to surrender that holding or any part thereof so thrown open or set apart, and such surrender shall thereupon be accepted and the lease cancelled by the Minister with effect from the date mentioned in the notice.

Surrender of holding or part thereof.

(2) The Minister shall pay compensation to a lessee whose holding is surrendered under this section, and where a portion of a holding is surrendered, any rent or instalments of purchase price payable by the lessee in respect of the holding shall be reduced in proportion to the value of the area surrendered as at the date on which the holding was allotted to the lessee concerned.

51. The Minister may, at the request of a lessee of a holding, enter into an agreement with such lessee providing that in consideration of the holding being declared open to prospecting by the lessee or any other person, or of the holding being set apart for mining under any law relating to prospecting or mining, the lessee shall waive any or all of his rights to compensation under sections *forty-eight, forty-nine and fifty* of this Act.

Waiver by lessee of certain rights to compensation.

52. (1) The Governor-General may at any time and in such manner and under such conditions as he may deem fit—

Construction of certain works on or over holdings.

- (a) construct or authorize the construction of dams or reservoirs upon any holding;
- (b) construct or authorize the construction upon, through or under any holding of water-furrows, pipe lines, canals and drains and conduct or authorize the conducting of water from or over any holding for the benefit of the public or of any owner or occupier of neighbouring land;
- (c) subject to the provisions of any applicable law, construct and work or authorize the construction and working of railways, roads and telegraph and telephone lines on or over any holding.

(2) Any materials required for the purposes of any works referred to in sub-section (1), may be taken from the holding in question, and compensation shall be payable to the lessee concerned for any damage sustained by him in consequence of the exercise of any of the powers conferred by that sub-section.

53. (1) The Minister may, on the recommendation of the board, out of moneys appropriated by Parliament for the purpose, and on such terms of repayment and conditions as may be prescribed, make advances for the purpose of—

Advances to lessees.

- (a) providing any lessee with livestock, implements, seeds and other things necessary to develop and work his holding beneficially; or
- (b) enabling any lessee to have work calculated to improve his holding to be effected on such holding,

or, in lieu of making any such advance in money, cause work calculated to improve any holding to be effected on that holding, and, where work is so effected, the amount representing the cost of such work and of the materials used in connection with such work, or on which such work was done, shall be deemed to have been advanced to the lessee concerned.

(2) No such advance shall be made which would bring the total amount owing by a lessee in respect of advances under this section to a sum exceeding fifty per cent. of the value of the improvements effected on the holding by the lessee at his own expense and seventy-five per cent. of the value of the stock belonging to him and running on the holding, and the total amount owing by any lessee in respect of such advances shall not at any time exceed the sum of five hundred pounds.

(3) If an advance is made wholly or in part against the security of livestock belonging to the lessee, the Minister may require the lessee to brand or mark such livestock with a distinctive brand or mark as may be prescribed, and the provisions of section *fifty-five* shall apply with reference to any stock so branded or marked.

(4) An advance in money shall be paid over within six months, or such longer period as the Minister may allow, after the date on which it is approved and, if it is not so paid over, the approval for the making thereof shall lapse.

(5) Interest shall be payable on any such advance at the rate of three and one half per cent. per annum calculated as from

die voorskot, wat tesame met alle rente daarop terugbetaal moet word binne 'n tydperk van vyf jaar, of so 'n langer tydperk, maar hoogstens tien jaar, as wat die Minister mag toelaat, vanaf die datum van die voorskot.

(6) By kansellering, beëindiging of afstand van 'n huurkontrak, is soveel van die hoofsom verskuldig ten opsigte van voorskotte kragtens hierdie artikel aan die huurder verleen, as wat op die datum van die kansellering, beëindiging of afstanddoening nog nie betaal is nie, onverwyld deur die huurder verskuldig en betaalbaar.

(7) Die bepalings van hierdie artikel is nie van toepassing nie op die verlening van 'n voorskot—

- (a) in verband met 'n huurkontrak wat voor die tweede dag van Julie 1934 van krag was, behalwe waar al die belang van die huurder daarin na bedoelde datum aan iemand anders gesedeer is; of
- (b) in verband met 'n huurkontrak wat na daardie datum kragtens sub-artikel (6) van artikel *vyf-en-dertig* bis of sub-artikel (7) van artikel *ses-en-dertig* van die „Kroongrond Nederzettings Wet, 1912” (Wet No. 12 van 1912), of sub-artikel (2) van artikel *twintig* van die „Nederzettingswet Wijzigingswet, 1917” (Wet No. 23 van 1917), uitgereik mag gewees het, of kragtens sub-artikel (2) van artikel *veertig*, sub-artikel (4) van artikel *agt-en-vyftig* of sub-artikel (6) van artikel *nege-en-vyftig* van hierdie Wet uitgereik mag word, in die plek van 'n huurkontrak wat voor daardie datum uitgereik was; of
- (c) aan 'n huurder aan wie 'n hoewe kragtens sub-artikel (2) van artikel *een* van die „Kroongrond Nederzettings Wetten Verdere Wijzigings Wet, 1924” (Wet No. 38 van 1924), toegeken mag gewees het, of kragtens sub-artikel (2) van artikel *nege-en-twintig* van hierdie Wet toegeken mag word; of
- (d) aan 'n huurder aan wie daar, in die plek van 'n hoewe wat ingevolge 'n in paragraaf (a) beskrewe huurkontrak besit word, 'n ander hoewe toegeken is kragtens sub-artikel (1) van artikel *sewentien* van die „Kroongrond Nederzettingen Wetten Verdere Wijzigings Wet, 1925” (Wet No. 26 van 1925), of kragtens sub-artikel (1) van artikel *nege-en-dertig* van hierdie Wet,

en die bepalings wat voor die tweede dag van Julie 1934 ten opsigte van die verlening van so 'n voorskot kragtens artikel *vier-en-veertig* van die „Kroongrond Nederzettings Wet, 1912” (Wet No. 12 van 1912), gegeld het, bly ten opsigte daarvan van krag asof hierdie Wet nie gemaak was nie, behalwe dat die rente op so 'n voorskot betaalbaar teen die koers van drie en 'n halfpersent per jaar bereken word.

Voorskotte aan
groepe huurders.

54. (1) Die Minister kan, op aanbeveling van die raad, uit gelde deur die Parlement vir die doel bewillig, en op die voorwaardes van terugbetaling en bedinge wat voorgeskryf mag word, geld voorskiet aan enige groep huurders ten einde hulle in staat te stel om gereedskap, masjinerie, stamboekvee en ander goed te verkry wat die lede van bedoelde groep vir die beter ontwikkeling van hul hoewes en vir hul gesamentlike en gemeenskaplike gebruik nodig het.

(2) So 'n voorskot mag nie tweehonderd-en-vyftig pond ten opsigte van elke huurder in die betrokke groep te bowe gaan nie.

(3) Die verlening van so 'n voorskot is onderworpe aan die vereiste dat die Minister tevrede gestel is omtrent die reëlins tussen die huurders getref om gesamentlik en afsonderlik aanspreeklikheid te aanvaar vir die voorskot en vir die versorging, bewaring, beheer en aanwending van die gereedskap, masjinerie, stamboekvee en ander goed deur middel van die voorskot verkry.

(4) Ingeval tussen die huurders geskille wat hulle nie kan besleg nie, ontstaan omtrent die gebruik van die eiendom aldus verkry, kan die Minister die voorskot terugvorder.

(5) Die bepalings van sub-artikels (2), (3) en (6) van artikel *drie-en-vyftig*, en soveel van sub-artikel (5) van daardie artikel as wat op die betaling van rente op voorskotte daaronder betrekking het, is *mutatis mutandis* met betrekking tot 'n voorskot kragtens hierdie artikel van toepassing.

(6) 'n Opgawe van alle voorskotte kragtens hierdie artikel verleen, moet elke jaar deur die Minister in beide Huise van die Parlement ter Tafel gelê word.

Eiendomsreg op
eiendom deur
middel van voor-
skotte verkry.

55. (1) Die eiendomsreg op vee (en die aanteel daarvan), gereedskap en ander goed wat deur of ten behoeve van 'n huurder gekoop of verkry is uit geld kragtens artikel *drie-en-*

the date of the advance, which shall be repaid together with all interest due thereon within a period of five years, or such longer period, not exceeding ten years, as the Minister may allow, from the date of the advance.

(6) Upon the cancellation, determination or surrender of a lease, so much of the principal amount outstanding in respect of advances made to the lessee concerned under this section, as remains unpaid at the date of such cancellation, determination or surrender shall forthwith become due and payable by the lessee.

(7) The provisions of this section shall not apply with reference to the making of any advance—

- (a) in connection with a lease which was in force prior to the second day of July, 1934, except where all the interest of the lessee therein has after that date been ceded to another person; or
- (b) in connection with any lease which may, in lieu of a lease issued prior to the said date, have been issued after that date under sub-section (6) of section *thirty-five bis* or sub-section (7) of section *thirty-six* of the Land Settlement Act, 1912 (Act No. 12 of 1912), or sub-section (2) of section *twenty* of the Land Settlement Amendment Act, 1917 (Act No. 23 of 1917), or be issued under sub-section (2) of section *forty*, sub-section (4) of section *fifty-eight* or sub-section (6) of section *fifty-nine* of this Act; or
- (c) to any lessee to whom a holding may have been allotted under sub-section (2) of section *one* of the Land Settlement Acts Further Amendment Act, 1924 (Act No. 38 of 1924), or may be allotted under sub-section (2) of section *twenty-nine* of this Act; or
- (d) to any lessee to whom, in lieu of a holding held under a lease described in paragraph (a), another holding has been allotted under sub-section (1) of section *seventeen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), or under sub-section (1) of section *thirty-nine* of this Act, and the provisions which prior to the second day of July, 1934, were in force in respect of the making of any such advance under section *forty-four* of the Land Settlement Act, 1912 (Act No. 12 of 1912), shall continue to apply with reference thereto as if this Act had not been passed, save that the interest payable on any such advance shall be at the rate of three and one half per cent. per annum.

54. (1) The Minister may, on the recommendation of the board, out of moneys appropriated by Parliament for the purpose, and on such terms of repayment and conditions as may be prescribed, advance moneys to any group of lessees for the purpose of enabling them to acquire implements, machinery, stud stock and any other things required by the members of such group for the better development of their holdings and for their joint and common use.

Advances to groups of lessees.

(2) No such advance shall exceed two hundred and fifty pounds in respect of each lessee in the group concerned.

(3) Any such advance shall be made subject to the Minister being satisfied as to the arrangements made between the lessees for their joint and several liability for the advance and for the care, custody, management and working of the implements, machinery, stud stock and other things acquired by means of such advance.

(4) In the event of disputes which they are unable to settle arising between the lessees as to the use of the property so acquired, the Minister may call up the advance.

(5) The provisions of sub-sections (2), (3) and (6) of section *fifty-three* and so much of sub-section (5) of that section as relates to the payment of interest on advances thereunder, shall *mutatis mutandis* apply with reference to any advance made under this section.

(6) A statement of all advances made under this section shall be laid upon the Tables of both Houses of Parliament by the Minister every year.

55. (1) The ownership in any livestock (and the progeny thereof), implements and other things purchased or acquired by or on behalf of a lessee with moneys advanced by the

Ownership of property acquired by means of advances.

vyftig of *vier-en-vyftig* deur die Minister voorgeskiet, berus by die Minister tot tyd en wyl die bedrae aldus voorgeskiet, terugbetaal is, of die Minister tevrede gestel is dat sekuriteit in die vorm van blywende verbeterings of andersins vir die terugbetaling van daardie geld bestaan, en die huurder skriftelik te dien effekte in kennis gestel het.

(2) Ondanks die bepalings van sub-artikel (1), is die Minister nie vir skade wat deur sodanige vee of enige aanteel daarvan veroorsaak word, aanspreeklik, of aan die bepalings van enige wet op veesiektes of die verwydering van vee onderhewig nie, en enige sodanige aanspreeklikheid rus, en enige sodanige wet is van toepassing, op die betrokke huurder, en enige verlies van sodanige vee of aanteel daarvan, asook enige verlies van sodanige gereedskap of ander goed, word deur bedoelde huurder gedra, asof hy die eienaar van daardie vee, aanteel, gereedskap of ander goed was.

Byvoeging van voorskotte by koopprys van hoewes.

56. (1) Waar 'n huurder op eie koste verbeterings van wesentlike en blywende aard, en van 'n waarde minstens gelyk aan die bedrag van sy skuld ten opsigte van voorskotte kragtens artikel *drie-en-vyftig* verleen, op sy hoewe aangebring het, kan die Minister, op aanbeveling van die raad, die bedrag van daardie voorskotte by die koopprys van die hoewe voeg, en daarop berus die eiendomsreg op enige vee, met inbegrip van die aanteel daarvan, gereedskap en ander goed deur middel van sodanige voorskotte deur of ten behoeve van bedoelde huurder gekoop of verkry, by daardie huurder, en word die huurgeld en paaiement van koopprys deur die huurder ten opsigte van die betrokke hoewe betaalbaar, na verhouding van die verhoging in bedoelde koopprys vermeerder met ingang van die begin van die eersvolgende tydperk ten opsigte waarvan huurgeld of 'n paaiement van die koopprys onder die huurkontrak betaalbaar is.

(2) Die bepalings van sub-artikel (7) van artikel *nege-en-dertig* is *mutatis mutandis* van toepassing op 'n huurkontrak waarop die bepalings van sub-artikel (1) van hierdie artikel toegepas is.

Byvoeging by koopprys van hoewes van bedrae uit Gekonsolideerde Inkomstefonds betaal ter vereffening van Landbankvoorskotte aan huurders.

57. Wanneer kragtens artikel *agt-en-vyftig* van die Landbankwet, 1944 (Wet No. 13 van 1944), enige bedrag uit die Gekonsolideerde Inkomstefonds aan die Land- en Landboubank van Suid-Afrika betaal is, ten opsigte van 'n bedrag aan daardie bank verskuldig op enige voorskot deur hom aan die huurder van 'n hoewe verleen, kan die Minister die aldus betaalde bedrag (tesame met rente daarop, bereken teen die koers ingevolge die betrokke huurkontrak betaalbaar, hetsy by wyse van huurgeld of van rente op die koopprys van die hoewe, vanaf die datum van betaling tot die datum waarop die bedrag aldus bygevoeg word) by die koopprys van die hoewe voeg, en daarop word die bedrae ten opsigte van huurgeld, rente of koopprys deur die huurder betaalbaar, dienooreenkomstig verhoog met ingang van die begin van die jaarlikse of halfjaarlikse tydperk van die betrokke huurkontrak eersvolgende op die datum van bedoelde betaling.

Insolvensie van huurder.

58. (1) Indien die boedel van 'n huurder ingevolge die Insolvensiewet, 1936 (Wet No. 24 van 1936), gesekwestreer word, kan die kurator van daardie boedel die huurkontrak seeder aan iemand wat aan die bepalings van artikel *ses-en-twintig* voldoen en wat skriftelik deur die Minister goedgekeur word.

(2) Indien bedoelde kurator nalaat om die huurkontrak binne drie maande na die datum van sy aanstelling, of binne so 'n langer tydperk na daardie datum as wat die Minister skriftelik goedkeur, te seeder, verval die huurkontrak, en is die kurator geregtig, behoudens die bepalings van artikel *ses-en-sestig*, op die betaling deur die Minister ten bate van die boedel—

(a) van sodanige vergoeding vir blywende verbeterings deur die huurder op die hoewe aangebring, as wat die raad mag aanbeveel: Met dien verstande dat geen vergoeding betaalbaar is nie ten opsigte van verbeterings wat nie met die gebruik van die hoewe vir landboudoeleindes in verband staan, of bereken is om die waarde daarvan as 'n hoewe vir nedersettingsdoeleindes te verhoog nie;

(b) waar die reg om die hoewe te koop, uitgeoefen en enige paaiement van die koopprys betaal is, van 'n bedrag gelyk aan die totale bedrag van die betaalde paaiement, min soveel daarvan as wat die rente wat op die koopprys betaal is, en die rente (as daar is) wat daarop verskuldig en betaalbaar is, verteenwoordig: Met dien verstande dat in die geval van 'n hoewe

Minister under section *fifty-three* or *fifty-four*, shall vest in the Minister until such time as the amounts so advanced have been repaid or the Minister is satisfied that security in the form of permanent improvements or otherwise exists for the repayment of such moneys, and has in writing advised the lessee concerned accordingly.

(2) Notwithstanding the provisions of sub-section (1), the Minister shall not be liable for damage caused by any such stock or any progeny thereof or be subject to the provisions of any law relating to diseases of stock or the removal thereof, and any such liability shall devolve upon the lessee concerned and any such law shall apply to such lessee, and any loss of such stock or progeny thereof, as also any loss of such implements or other things, shall be borne by such lessee, as if he were the owner of such stock, progeny, implements or other things.

56. (1) Where a lessee has at his own expense effected on his holding improvements of a substantial and permanent nature and of a value not less than the amount of his indebtedness in respect of advances made under section *fifty-three*, the Minister may, on the recommendation of the board, add the amount of such advances to the purchase price of the holding, and thereupon the ownership of any livestock, including any progeny thereof, implements or other things purchased or acquired by or on behalf of such lessee out of such advances shall vest in that lessee, and the rent or instalments of purchase price payable by the lessee in respect of the holding in question shall be increased proportionately to the increase in such purchase price with effect from the commencement of the next period in respect of which rent or an instalment of the purchase price is payable under the lease.

Addition of advances to purchase price of holdings.

(2) The provisions of sub-section (7) of section *thirty-nine* shall apply *mutatis mutandis* to any lease to which the provisions of sub-section (1) of this section have been applied.

57. Whenever any amount has, in terms of section *fifty-eight* of the Land Bank Act, 1944 (Act No. 13 of 1944), been paid out of the Consolidated Revenue Fund to the Land and Agricultural Bank of South Africa, in respect of any amount due to that bank on any advance made by it to the lessee of a holding, the Minister may add the amount so paid (together with interest thereon, calculated at the rate payable under the relevant lease, either as rent or as interest on the purchase price of the holding, from the date of the payment up to the date on which the amount is so added) to the purchase price of the holding, and thereupon the amounts payable by the lessee in respect of rent, interest or purchase price shall be increased accordingly with effect from the commencement of the yearly or half-yearly period of the lease in question next succeeding the date of such payment.

Addition to purchase price of holdings of amounts paid from Consolidated Revenue Fund in settlement of Land Bank advances to lessees.

58. (1) If the estate of a lessee is sequestrated under the Insolvency Act, 1936 (Act No. 24 of 1936), the trustee of such estate may cede the lease to any person who complies with the requirements of section *twenty-six* and is approved in writing by the Minister.

Insolvency of lessee.

(2) If the said trustee fails to cede the lease within three months after the date of his appointment or within such longer period after that date as the Minister may in writing approve, the lease shall determine and the trustee shall, subject to the provisions of section *sixty-six*, be entitled to be paid by the Minister for the benefit of the estate—

- (a) such compensation for permanent improvements made on the holding by the lessee as the board may recommend: Provided that no compensation shall be payable in respect of improvements which are not connected with the use of the holding for agricultural purposes or calculated to increase the value thereof as a holding for settlement purposes;
- (b) where the right to purchase the holding has been exercised and any instalment of the purchase price has been paid, an amount equal to the aggregate amount of the instalments paid less so much thereof as represents the interest paid and the interest (if any) due and payable on the purchase price: Provided

kragtens artikel *twintig* toegeken, die bepaling van paragraaf (b) van sub-artikel (5) van artikel *sestig* van toepassing is.

- (3) (a) Waar die huurder wie se boedel gesekwestreer is, een van twee of meer gesamentlike huurders van 'n hoewe was, is die bepaling van sub-artikels (1) en (2) nie ten opsigte van die huurkontrak van toepassing nie, maar kan die kurator, met toestemming van die oorblywende huurders, en onderworpe aan die skriftelike goedkeuring van die Minister, die belang van bedoelde huurder in die huurkontrak sedeer.
- (b) Indien die kurator nalaat om bedoelde belang binne 'n deur die Minister vasgestelde tydperk te sedeer, kan die Minister die huurkontrak kanselleer, en in so 'n geval is die kurator, gesamentlik met die oorblywende huurders, behoudens die bepaling van artikel *ses-en-sestig*, geregtig op die betaling van sodanige vergoeding vir blywende verbeterings en op terugbetaling van sodanige bedrag ten opsigte van paaie-mente op die koopprys betaal, as wat ingevolge sub-artikel (2) aan die kurator betaalbaar sou gewees het indien die betrokke huurder die enigste huurder was.
- (4) Die Minister kan, op aansoek van die oorblywende huurders, en onderworpe aan die aanbeveling van die raad, na kansellering van die huurkontrak van 'n hoewe kragtens paragraaf (b) van sub-artikel (3), die hoewe vir die onverstreke tydperk van die gekanselleerde huurkontrak, en onderworpe aan al die voorwaardes daarvan, aan die oorblywende huurders hertoeken, indien die oorblywende huurders aan die Minister enige bedrae terugbetaal het wat kragtens hierdie artikel by wyse van vergoeding of betaling van paaie-mente van die koopprys aan hulle betaal mag gewees het, en onderneem om aanspreeklikheid te aanvaar vir die betaling van alle gelde wat op die datum van hertoekenning nog onder die gekanselleerde huurkontrak aan die Regering verskuldig mag wees.
- (5) Die koopprys van die hertoegekende hoewe is 'n bedrag gelyk aan die som van die onbetaalde saldo van die koopprys ingevolge die gekanselleerde huurkontrak, tesame met enige bedrae wat ten opsigte van vergoeding aan die kurator betaal mag gewees het en die proporsionele deel van alle paaie-mente van die koopprys wat aan die kurator terugbetaal mag gewees het.
- (6) Behalwe vir sover spesiaal in hierdie artikel bepaal, raak die bepaling hierin vervat, nie die reg van die Minister om die huurkontrak kragtens artikel *sestig* te kanselleer nie.

Oorlyde of
kranksinnigheid
van huurder.

59. (1) Indien 'n huurder te sterwe kom, of op las van 'n bevoegde hof as 'n geestelik gekrenkte of gebrekkige aangehou word, of onbevoeg verklaar word om sy eie sake te bestuur, kan sy regsvertegenwoordiger (met inbegrip van enige persoon wat regtens gemagtig is om sy boedel te administreer of omtrent die administrasie daarvan opdragte te gee) die huurkontrak sedeer aan iemand wat volgens artikel *ses-en-twintig* bevoeg is en deur die Minister goedgekeur word, of die huurkontrak ten bate van die boedel voortsit, mits hy binne ses maande na die datum waarop die huurder oorlede is of die datum van uitreiking van die betrokke hofbevel, die Minister skriftelik van sy voorneme om die huurkontrak aldus te sedeer of voort te sit, in kennis gestel het.

(2) In afwagting van die sedering van die huurkontrak, of gedurende die tydperk wat die regsvertegenwoordiger die huurkontrak ten bate van die boedel voortsit, na gelang van die geval, moet aan die voorwaardes van die huurkontrak voldoen word deur bedoelde regsvertegenwoordiger of namens hom deur sy genomineerde wat die Minister goedgekeur het.

(3) Die Minister kan die huurkontrak kanselleer—

- (a) indien die regsvertegenwoordiger nalaat om die Minister volgens voorskrif van sub-artikel (1) in kennis te stel van sy voorneme om die huurkontrak of te sedeer of voort te sit, of, nadat hy die Minister van sy voorneme om die huurkontrak te sedeer in kennis gestel het, in gebreke bly om dit te doen binne 'n tydperk wat die Minister vasstel; of
- (b) indien die regsvertegenwoordiger of die deur hom genomineerde en deur die Minister goedgekeurde persoon, in afwagting van die sedering van die huurkontrak, of gedurende die tydperk wat die huurkontrak ten bate van die boedel voortgesit word, versuim om te voldoen aan 'n bepaling van hierdie Wet waaraan die huurder verplig was om te voldoen, of nalaat om 'n voorwaarde van die huurkontrak na te kom.

that in the case of a holding allotted under section *twenty*, the provisions of paragraph (b) of sub-section (5) of section *sixty* shall apply.

(3) (a) Where the lessee whose estate has been sequestrated was one of two or more joint lessees of a holding the provisions of sub-sections (1) and (2) shall not apply in respect of the lease, but the trustee may, with the consent of the remaining lessees and subject to the approval in writing of the Minister, cede the interest of such lessee in the lease.

(b) If the trustee fails within a period fixed by the Minister to cede such interest, the Minister may cancel the lease, in which event the trustee, jointly with the remaining lessees, shall, subject to the provisions of section *sixty-six*, be entitled to be paid such compensation for permanent improvements and to be repaid such amount in respect of instalments of purchase price paid as would in terms of sub-section (2) have been payable to the trustee if the lessee concerned had been the sole lessee.

(4) The Minister may, on the application of the remaining lessees and subject to the recommendation of the board, after cancellation of the lease of a holding under paragraph (b) of sub-section (3), re-allot the holding to the remaining lessees for the unexpired period of the cancelled lease and subject to all the conditions thereof, if the remaining lessees have refunded to the Minister any amounts which may have been paid to them under this section by way of compensation or repayment of instalments of purchase price, and agree to accept liability for the payment of all moneys which may at the date of re-allotment still be due to the Government under the cancelled lease.

(5) The purchase price of the re-allotted holding shall be an amount equal to the sum of the unpaid balance of the purchase price under the cancelled lease, together with any amounts which may have been paid to the trustee in respect of compensation and the proportionate share of all instalments of purchase price which may have been refunded to the trustee.

(6) Save as specially provided in this section, the provisions herein contained shall not affect the right of the Minister to cancel the lease in terms of section *sixty*.

59. (1) If a lessee dies or is detained as a mentally disordered or defective person or declared incapable of managing his own affairs by order of a competent court, his legal representative (including any person empowered by law to administer or to give directions as to the administration of his estate) may cede the lease to any person qualified in terms of section *twenty-six* and approved in writing by the Minister, or continue the lease on behalf of the estate, provided he has within six months of the date of the death of the lessee or the date of the issue of the relevant order of court in writing notified the Minister of his intention so to cede or continue the lease.

Death or insanity of lessee.

(2) Pending the cession of the lease, or during the period the legal representative continues the lease on behalf of the estate, as the case may be, the conditions of the lease shall be fulfilled by such legal representative or on his behalf by a person nominated by him and approved by the Minister.

(3) The Minister may cancel the lease—

(a) if the legal representative fails to notify the Minister as provided in sub-section (1) of his intention either to cede or to continue the lease, or having notified the Minister of his intention to cede the lease, fails to do so within such period as may be fixed by the Minister; or

(b) if pending cession of the lease, or during the period the lease is continued on behalf of the estate, the legal representative or the person nominated by him and approved by the Minister, fails to comply with any provision of this Act with which it was the lessee's duty to comply or fails to fulfil any condition of the lease.

(4) Indien die regsverteenwoordiger binne die in sub-artikel (1) vermelde tydperk skriftelik aan die Minister kennis gee dat hy van die huurkontrak afstand wil doen, of indien die Minister kragtens sub-artikel (3) die huurkontrak kanselleer is die regsverteenwoordiger, behoudens die bepalings van artikel *ses-en-sestig*, geregtig op die betaling deur die Minister ten bate van die boedel—

(a) van sodanige vergoeding ten opsigte van blywende verbeterings deur die huurder op die hoewe aangebring, as wat die raad mag aanbeveel: Met dien verstande dat—

(i) geen vergoeding betaalbaar is nie ten opsigte van verbeterings wat nie met die gebruik van die hoewe vir landboudoeleindes in verband staan of nie bereken is om die waarde daarvan vir nedersettingsdoeleindes te verhoog nie;

(ii) by so 'n afstand of kansellering van die huurkontrak ingevolge hierdie artikel, die bepalings van sub-artikel (5) van artikel *een-en-dertig* nie van toepassing is nie;

(b) waar die opsie om te koop uitgeoefen en enige paalement van die koopprys betaal is, van die totaalbedrag van sodanige paalemente min soveel daarvan as wat die rente wat op die koopprys betaal is, en die rente (as daar is) wat daarop verskuldig en betaalbaar is, verteenwoordig: Met dien verstande dat in die geval van 'n hoewe kragtens artikel *twintig* toegeken, die bepalings van sub-artikel (5) van artikel *sestig* van toepassing is.

(5) (a) Indien 'n huurder wat oorlede is of as 'n geestelik gekrenkte of gebrekkige aangehou word of onbevoeg verklaar is om sy eie sake te bestuur ingevolge 'n bevel van 'n bevoegde hof, gesamentlik met ander 'n huurder van 'n hoewe was, is die bepalings van sub-artikels (1), (2), (3) en (4) nie van toepassing nie, maar kan die regsverteenwoordiger met toestemming van die oorblywende huurders en goedkeuring van die Minister die belang van bedoelde huurder in die huurkontrak sedeer.

(b) Indien die regsverteenwoordiger nalaat om bedoelde belang binne 'n deur die Minister vasgestelde tydperk te sedeer, kan die Minister die huurkontrak kanselleer, en in so 'n geval is bedoelde regsverteenwoordiger gesamentlik met die oorblywende huurders geregtig, behoudens die bepalings van artikel *ses-en-sestig*, op betaling van die bedrae wat ingevolge sub-artikel (4) aan die regsverteenwoordiger betaalbaar sou gewees het as bedoelde huurder die enigste huurder was.

(6) Die bepalings van sub-artikels (4), (5) en (6) van artikel *agt-en-vyftig* is *mutatis mutandis* van toepassing ten opsigte van 'n huurkontrak wat kragtens sub-artikel (5) van hierdie artikel gekanselleer is.

Kansellering van
huurkontrak by
versuim van
huurder.

60. (1) 'n Huurkontrak kan deur die Minister gekanselleer word indien die huurder—

(a) versuim het om aan 'n bepaling van hierdie Wet te voldoen of 'n voorwaarde van die huurkontrak na te kom; of

(b) weens 'n misdryf ingevolge paragraaf (c) van sub-artikel (3) van artikel *twintig* of sub-artikel (4) of (5) van artikel *vyf-en-twintig* skuldig bevind is; of

(c) in enige aansoekvorm volgens hierdie Wet deur hom voltooi, verklaar het dat hy nie insolvent is nie, en dit uit die sertifikaat van die Meester van die Hoogeregshof wat ten opsigte van enige provinsie aangestel is, blyk dat bedoelde huurder op die datum van die aansoek 'n ongerehabiliteerde insolvent was; of

(d) versuim het om enige bedrag ten opsigte van voorskotte kragtens artikel *drie-en-vyftig* of *vier-en-vyftig* deur hom verskuldig te betaal, of die voorwaardes waarop so 'n voorskot verleen is, na te kom, en die raad die kansellering van die huurkontrak aanbeveel het.

(2) Die Minister moet 'n huurkontrak onder die in paragraaf (a) van sub-artikel (1) vermelde omstandighede kanselleer, waar kansellering daarvan deur die raad aanbeveel word, en moet 'n huurkontrak onverwyld kanselleer waar 'n huurder ten opsigte van vier opeenvolgende jare in gebreke gebly het om alle bedrae by wyse van huurgeld, rente en paalemente van die koopprys ten opsigte van sy hoewe deur hom verskuldig, te betaal.

(4) If the legal representative notifies the Minister in writing within the period specified in sub-section (1) that he desires to surrender the lease, or if the Minister cancels the lease in terms of sub-section (3), the legal representative shall, subject to the provisions of section *sixty-six*, be entitled to be paid by the Minister, for the benefit of the estate—

(a) such compensation in respect of permanent improvements made on the holding by the lessee as the board may recommend: Provided that—

(i) no compensation shall be payable in respect of improvements which are not connected with the use of the holding for agricultural purposes or are not calculated to increase the value thereof as a holding for settlement;

(ii) upon such surrender or cancellation of the lease in terms of this section, the provisions of sub-section (5) of section *thirty-one* shall not apply;

(b) where the option of purchase has been exercised and any instalment of purchase price has been paid, the aggregate amount of such instalments less so much thereof as represents the interest paid and the interest (if any) due and payable on the purchase price: Provided that in the case of a holding allotted under section *twenty*, the provisions of sub-section (5) of section *sixty* shall apply.

(5) (a) If a lessee who has died or has been detained as a mentally disordered or defective person or declared incapable of managing his own affairs by order of a competent court, was jointly with others a lessee of a holding, the provisions of sub-sections (1), (2), (3) and (4) shall not apply, but the legal representative may with the consent of the remaining lessees and the approval of the Minister, cede the interest of the said lessee in the lease.

(b) If the legal representative fails, within a period fixed by the Minister to cede such interest, the Minister may cancel the lease, in which event the said legal representative, jointly with the remaining lessees, shall subject to the provisions of section *sixty-six* be entitled to be paid such amounts as would have been payable in terms of sub-section (4) to the legal representative if the said lessee had been the sole lessee.

(6) The provisions of sub-sections (4), (5) and (6) of section *fifty-eight* shall *mutatis mutandis* apply in respect of any lease which has been cancelled in terms of sub-section (5) of this section.

60. (1) A lease may be cancelled by the Minister, if the lessee—

Cancellation of lease on default of lessee.

(a) has failed to comply with any provision of this Act or to fulfil any condition of the lease; or

(b) has been convicted of an offence under paragraph (c) of sub-section (3) of section *twenty* or sub-section (4) or (5) of section *twenty-five*; or

(c) has in any form of application completed by him under this Act, stated that he is not an insolvent, and it appears from the certificate of the Master of the Supreme Court appointed in respect of any province that at the date of the application such lessee was an unrehabilitated insolvent; or

(d) has failed to pay any amount due by him in respect of advances made under section *fifty-three* or *fifty-four* or to carry out the conditions on which any such advance was made, and the board has recommended the cancellation of the lease.

(2) The Minister shall cancel any lease in the circumstances mentioned in paragraph (a) of sub-section (1) where the cancellation thereof is recommended by the board, and shall forthwith cancel any lease if the lessee concerned has failed to pay all amounts due by him by way of rent, interest and instalments of purchase price on his holding in respect of four consecutive years.

(3) Behalwe onder die omstandighede in paragraaf (b) of (c) van sub-artikel (1) beskryf, of waar 'n huurder versuim het om aan die bepalinge van artikel *vyf-en-dertig* te voldoen, moet 'n skriftelike kennisgewing van die Minister se voorneme om 'n huurkontrak te kanselleer, aan die huurder per geregistreerde pos aan sy laasbekende woonplek gestuur word, en die kennisgewing moet 'n tydperk aangee waarbinne die huurder se versuim herstel moet word en indien die versuim nie binne daardie tydperk herstel word nie, kan die Minister die huurkontrak kanselleer.

(4) (a) By die kansellering van 'n huurkontrak kragtens hierdie artikel, gaan die reg om die betrokke hoewe met alle verbeterings daarop te okkupeer, oor op die Regering, en is daar behalwe vir sover in sub-artikel (6) bepaal, geen vergoeding vir verbeterings of materiaal deur die huurder aan die hoewe aangebring aan hom betaalbaar nie: Met dien verstande dat waar 'n huurkontrak andersins as kragtens paragraaf (b) of (c) van sub-artikel (1) of op grond van versuim deur die huurder om aan die bepalinge van artikel *vyf-en-dertig* te voldoen, gekanselleer is, en 'n nuwe huurder aan wie die hoewe toegeken is, by toekenning in kontant vir die waarde van sodanige verbeterings of materiaal betaal het, die aldus betaalde bedrag, behoudens die bepalinge van sub-artikel (5) van artikel *een-en-dertig* en artikels *vyf-en-veertig* en *ses-en-sestig*, aan die huurder wie se huurkontrak gekanselleer is, oorbetaal moet word.

(b) Die bepalinge van paragraaf (a) is ook van toepassing waar die huurkontrak van 'n kragtens artikel *een-en-dertig* toegekende hoewe deur tydsverloop verval en die huurder nie kragtens artikel *drie-en-dertig* die opsie om te koop ten opsigte van die betrokke hoewe uitgeoefen het nie, en waar van 'n huurkontrak afstand gedoen is en die Minister die afstanddoening aanvaar het.

(5) (a) Waar 'n huurkontrak van 'n kragtens artikel *een-en-dertig* toegekende hoewe om ander as in paragraaf (b) of (c) van sub-artikel (1) gemelde redes gekanselleer is, of daarvan afstand gedoen is en die Minister die afstanddoening aanvaar het, en die huurder enige paaiemente ten opsigte van die koopprys van die betrokke hoewe betaal het, moet enige aldus betaalde paaiemente, behoudens die bepalinge van sub-artikel (5) van artikel *een-en-dertig* en artikels *vyf-en-veertig* en *ses-en-sestig*, aan hom terugbetaal word, min 'n bedrag gelyk aan die rente ten opsigte van bedoelde prys betaalbaar tot die datum waarop die kansellering geskied of die afstanddoening aanvaar word.

(b) Indien 'n huurkontrak van 'n kragtens artikel *twintig* toegekende hoewe gekanselleer is, of daarvan afstand gedoen is en die Minister die afstanddoening aanvaar het, of dit volgens voorskrif van artikel *agt-en-vyftig* of *nege-en-vyftig* verval het, moet die huurder aan die Minister 'n bedrag betaal gelyk aan vier persent per jaar op die koopprys waarteen die hoewe toegeken was (min die bedrag volgens artikel *twintig* deur die huurder tot die koopprys bygedra, en die bedrag kragtens sub-artikel (8) van daardie artikel by die koopprys ingesluit by wyse van rente vir die eerste twee jaar van die huurkontrak) vanaf die begindatum van die huurkontrak tot die datum waarop, na gelang van die geval, die kansellering daarvan plaasvind of dit verval of die afstanddoening daarvan aanvaar word: Met dien verstande dat, behalwe in die geval van 'n kansellering kragtens paragraaf (b) of (c) van sub-artikel (1), of op grond van versuim deur die huurder om aan die bepalinge van artikel *vyf-en-dertig* te voldoen, enige bedrag by wyse van paaiemente bo en behalwe eersbedoelde bedrag deur die huurder betaal, aan hom terugbetaal moet word; en met dien verstande voorts dat met enige bedrag ingevolge artikel *twintig* deur die huurder tot die koopprys bygedra, volgens voorskrif van sub-artikel (12) van daardie artikel gehandel moet word en dit as 'n paaiement van die koopprys beskou moet word.

(c) Wanneer die Minister oortuig is dat die kansellering of afstanddoening van 'n huurkontrak van 'n hoewe wat kragtens artikel *twintig* toegeken is, aan droogte, oorstromings, storms, sprinkane, gebrek aan water, misoeste, veesiektes of ander ongunstige boerderytoestande te wyte is of was, kan hy op aanbeveling van

(2) 'n Bedrag volgens sub-artikel (1) bepaal, moet—

- (a) ingeval van terugname van die betrokke hoewe kragtens artikel *agt-en-veertig* of afstanddoening daarvan ingevolge artikel *vyftig*, 'n bedrag insluit gelyk aan die som van die paaielemente van die koopprys wat deur die huurder betaal is, min soveel van daardie bedrag as wat rente op die koopprys verteenwoordig; en
- (b) waar so 'n bedrag ten opsigte van die aanleg van enige werke kragtens artikel *twee-en-vyftig* betaalbaar is, verminder word met 'n bedrag gelyk aan die waarde van enige onmiddellike of toekomstige voordeel wat die huurder as gevolg van die aanleg van bedoelde werke verkry of waarskynlik sal verkry.

Verrekening van eise deur huurders teen bedrae aan Regering verskuldig.

66. Enige bedrag wat ingevolge hierdie Wet aan 'n huurder verskuldig mag word, hetsy by wyse van vergoeding, terugbetaling van paaielemente ingevolge 'n huurkontrak betaal, of andersins, kan deur die Minister verreken word teen bedrae deur bedoelde huurder aan die Regering verskuldig, hetsy so 'n bedrag in die een of die ander geval nog nie vasgestel is nie of ten opsigte van skulde van verskillende aard verskuldig is al dan nie.

Uitreiking van grondbriewe by betaling van koopprys.

67. (1) (a) 'n Huurder wat 'n Suid-Afrikaanse burger of 'n burger van 'n Gemenebesland of die Republiek Ierland is, is na verstryking van 'n tydperk van tien jaar vanaf die aanvangsdatum van sy huurkontrak geregtig op 'n grondbrief van sy hoewe, indien—

- (i) alle paaielemente ten opsigte van die koopprys van die hoewe en alle ander bedrae deur die huurder aan die Regering verskuldig, betaal is; en
- (ii) die huurder in alle opsigte aan die op hom toepaslike bepalinge van hierdie Wet en die bedinge en voorwaardes van sy huurkontrak voldoen het.

(b) Die Goewerneur-generaal kan in besondere gevalle 'n grondbrief van 'n hoewe uitreik voor die verstryking van 'n tydperk van tien jaar vanaf die aanvangsdatum van die huurkontrak van daardie hoewe, mits die huurder aan die bepalinge van sub-paragrafe (i) en (ii) van paragraaf (a) voldoen het.

(2) Elke grondbrief word uitgereik onderworpe aan—

- (a) die regte van die Goewerneur-generaal ingevolge artikels *agt-en-veertig* en *twee-en-vyftig*;
- (b) die betaling deur die regsverkrygende van alle grondbelastinge wat regtens ten opsigte van die hoewe betaalbaar mag wees;
- (c) enige serwitute met betrekking tot paaie of uitspannings wat die Goewerneur-generaal mag bepaal; en
- (d) enige spesiale voorwaardes waarop die hoewe vir toekenning aangebied was,

en, bowendien, in die geval van 'n hoewe wat grond insluit wat kragtens sub-artikel (1) van artikel *agtien* verkry is, waar bedoelde grond wettiglik vir prospektering oopgestel of vir mynbou afgesonder is, onderworpe aan sodanige regte, as daar is, wat voor die uitreiking van bedoelde grondbrief deur enigiemand ingevolge 'n wet op prospektering vir of ontginning van minerale verkry mag gewees het.

(3) Totdat 'n grondbrief uitgereik is, bly die huurder van 'n hoewe in besit van daardie hoewe onderworpe aan die bedinge en voorwaardes van sy huurkontrak en die bepalinge van hierdie Wet, al is alle deur hom aan die Regering verskuldigde bedrae betaal.

Uitreiking van transportaktes in plaas van grondbriewe.

68. (1) Die Goewerneur-generaal kan, in plaas van 'n grondbrief uit te reik, waarvoor in artikel *sewe-en-sestig* voorsiening gemaak word, die passering van 'n transportakte ten opsigte van 'n hoewe ten gunste van die betrokke huurder magtig, waar die hoewe bestaan uit grond wat kragtens sub-artikel (1) van artikel *agtien* verkry is.

(2) Die stukke wat vereis word om so 'n transport te bewerkstellig, moet deur die Sekretaris van Lande of 'n ander amptenaar in die Staatsdiens wat die Goewerneur-generaal vir die doel aangestel het, onderteken word.

(3) Alle koste in verband met so 'n transport moet deur die transportnemer betaal word.

Uitreiking van grondbrief by verhipotekering van hoewe vir koopprys.

69. (1) (a) Wanneer na verstryking van 'n tydperk van vyf jaar vanaf die aanvangsdatum van 'n huurkontrak, die waarde van 'n hoewe, tesame met verbeterings van 'n wesentlike en blywende aard wat deur die huurder daarop aangebring is, volgens die raad se oordeel,

portion of any amount which has or may become payable in terms of paragraph (b) of this sub-section in pursuance of such cancellation or surrender.

- (d) The Minister may apply the provisions of paragraph (c) to any lease which may be cancelled or surrendered under the circumstances mentioned in paragraph (a) of this sub-section.

(6) Whenever, in the opinion of the board, the cancellation or surrender of a lease is due to any of the causes set out in paragraph (c) of sub-section (5), the Minister may, subject to the provisions of section *sixty-six*, pay such compensation to the lessee in respect of improvements of a substantial and permanent nature effected by him on the holding in question at his own expense, as the board may recommend, and any compensation so paid shall be added to the purchase price of the holding on re-allotment thereof.

(7) The cancellation of a lease shall not have the effect of extinguishing any debt which may be due to the Government by the lessee under the lease.

61. (1) The Minister may cancel a lease—

- (a) at the written request of the lessee, if the cancellation is recommended by the board, and a prior application by the lessee for consent to the cession of his interest in the lease has been refused; or
(b) with the consent of the lessee, if the holding in question is required by the Government.

Cancellation of lease at request or with consent of lessee.

(2) Upon the cancellation of a lease under sub-section (1)—

- (a) the Minister shall, subject to the provisions of sub-section (7) of section *sixty* and section *sixty-six*, pay to the lessee concerned such compensation as the Minister may on the recommendation of the board determine, and the lessee shall be entitled to attend to any crops which may be on the holding at the time of the cancellation and to gather and remove such crops within such period as the Minister may, on the recommendation of the board, determine; and
(b) the provisions of sub-section (5) of section *thirty-one* and paragraphs (a) and (b) of sub-section (5) of section *sixty* shall not apply.

62. The Minister may in any case where he is satisfied that a lessee has for good reasons been unable to fulfil any condition of his lease, grant an extension of the period for the fulfilment of that condition, subject to such stipulations as to the limitation of that period or otherwise as may be prescribed.

Extension of time for fulfilment of lease conditions.

63. (1) If at the expiration of the period of sixty-five years from the date of the exercise of the option to purchase any holding to which any provision of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), or of section *thirty-four* of this Act has been applied, the whole of the purchase price of that holding has not been paid by the lessee, the Minister shall direct that the holding be sold by public auction, subject to such conditions as would have applied on the issue of a deed of grant to the lessee.

Sale of certain holdings where purchase price not paid within prescribed period.

(2) Any amount realized at the sale in excess of the amount owing to the Government by the lessee, shall be paid to the lessee after deduction of the costs, if any, incidental to the sale, and the lessee shall have no further claim on the Government.

64. Whenever the lease of any holding acquired under sub-section (1) of section *eighteen* is cancelled, terminated or surrendered, and the board reports that the land is unsuitable for settlement purposes or that the price at which it was acquired is excessive, the Minister may cause the land to be sold by public auction at an upset price and subject to conditions recommended by the board.

Disposal of certain holdings upon termination of lease.

65. (1) Whenever any compensation is payable under this Act, the amount thereof shall, except in the circumstances described in sections *fifty-eight* and *fifty-nine*, be determined by agreement between the parties or, failing such agreement, by arbitration, and the provisions of any law relating to the settlement of disputes by arbitration, which is in force in the province in which the holding in question is situated, shall apply in connection with such arbitration.

Compensation and arbitration.

die raad geheel en al of ten dele afstand doen van enige bedrag wat volgens paragraaf (b) van hierdie sub-artikel uit hoofde van bedoelde kansellering of afstanddoening betaalbaar geword het of mag word.

- (d) Die Minister kan die bepalings van paragraaf (c) toepas op enige huurkontrak wat gekanselleer of waarvan afstand gedoen mag word onder die omstandighede in paragraaf (a) van hierdie sub-artikel vermeld.

(6) Wanneer die kansellering of afstanddoening van 'n huurkontrak volgens die oordeel van die raad aan enige van die in paragraaf (c) van sub-artikel (5) bedoelde oorsake te wyte is, kan die Minister, onderworpe aan die bepalings van artikel *ses-en-sestig*, die vergoeding wat die raad aanbeveel aan die huurder betaal ten opsigte van verbeterings van 'n wesentlike en blywende aard deur hom op eie koste op die hoewe aangebring, en enige aldus betaalde vergoeding word by hertoekenning van die hoewe by die koopprys daarvan gevoeg.

(7) Die kansellering van 'n huurkontrak het nie die gevolg dat enige skuld wat deur die huurder ingevolge die huurkontrak aan die Regering verskuldig mag wees, uitgewis word nie.

Kansellering van huurkontrak op versoek of met toestemming van huurder.

61. (1) Die Minister kan 'n huurkontrak kanselleer—

- (a) op skriftelike versoek van die huurder, indien die kansellering deur die raad aanbeveel word, en 'n vorige aansoek deur die huurder om toestemming tot die sedering van sy belang in die huurkontrak geweier is; of

- (b) met toestemming van die huurder, indien die betrokke hoewe deur die Regering benodig word.

(2) By kansellering van 'n hoewe kragtens sub-artikel (1)—

- (a) moet die Minister, behoudens die bepalings van sub-artikel (7) van artikel *sestig* en artikel *ses-en-sestig*, aan die betrokke huurder die vergoeding betaal wat die Minister op aanbeveling van die raad bepaal, en is die huurder geregtig om enige oeste wat tydens die kansellering op die hoewe is, te versorg, en daardie oeste te versamel en te verwyder binne 'n tydperk wat die Minister op aanbeveling van die raad bepaal; en

- (b) is die bepalings van sub-artikel (5) van artikel *een-en-dertig* en paragrawe (a) en (b) van sub-artikel (5) van artikel *sestig* nie van toepassing nie.

Verlenging van tyd om voorwaardes van huurkontrak na te kom.

62. Die Minister kan in 'n geval waar hy oortuig is dat 'n huurder om grondige redes nie in staat was om 'n voorwaarde van sy huurkontrak na te kom nie, 'n verlenging van die tydperk vir nakoming van daardie voorwaarde toestaan, onderworpe aan sodanige bedinge wat betref beperking van daardie tydperk of andersins as wat voorgeskryf mag word.

Verkoop van sekere hoewes waar koopprys nie binne voorgeskrewe tydperk betaal word nie.

63. (1) Indien by verstryking van die tydperk van vyf-en-sestig jaar vanaf die datum van uitoefening van die opsie om 'n hoewe te koop waarop 'n bepaling van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), of van artikel *vier-en-dertig* van hierdie Wet toegepas is, die koopprys van daardie hoewe nie ten volle deur die huurder betaal is nie, moet die Minister gelas dat die hoewe by openbare veiling verkoop word onderworpe aan die voorwaardes wat by die uitreiking van 'n grondbrief aan die huurder sou gegeld het.

(2) Enige bedrag by die verkoping verkry bo en behalwe die bedrag deur die huurder aan die Regering verskuldig, moet, na aftrekking van die koste, as daar is, verbonde aan die verkoping, aan die huurder betaal word, en die huurder het geen verdere eis teen die Regering nie.

Beskikking oor sekere hoewes by verval van huurkontrak.

64. Wanneer die huurkontrak van 'n hoewe wat kragtens sub-artikel (1) van artikel *agtien* verkry is, gekanselleer of beëindig of daarvan afstand gedoen word, en die raad rapporteer dat die grond vir nedersettingsdoeleindes ongeskik is of dat die prys waarteen dit verkry was te hoog is, kan die Minister die grond by openbare veiling laat verkoop teen 'n insetprys en onderworpe aan voorwaardes wat die raad aanbeveel.

Vergoeding en arbitrasie.

65. (1) Wanneer vergoeding ingevolge hierdie Wet betaalbaar is, word die bedrag daarvan, behalwe onder die omstandighede in artikels *agt-en-vyftig* en *nege-en-vyftig* beskryf, by ooreenkoms tussen die partye of, by ontstentenis van sodanige ooreenkoms, by arbitrasie bepaal, en die bepalings van enige wet met betrekking tot die beslegting van geskille by arbitrasie wat in die provinsie waarin die betrokke hoewe geleë is, van toepassing is, is in verband met die arbitrasie van toepassing.

(3) Except in the circumstances described in paragraph (b) or (c) of sub-section (1), or where a lessee has failed to comply with the provisions of section *thirty-five*, written notice of the Minister's intention to cancel any lease shall be transmitted to the lessee by registered post to his last-known place of abode, and the notice shall specify a period within which the lessee's default shall be remedied, and if the default is not remedied within that period, the Minister may cancel the lease.

(4) (a) Upon the cancellation of a lease under this section, the right to occupy the holding in question, with all improvements thereon, shall vest in the Government, and, save as provided in sub-section (6), no compensation shall be payable to the lessee for any improvements effected or materials annexed to the holding by him: Provided that where a lease has been cancelled otherwise than under paragraph (b) or (c) of sub-section (1) or by reason of the failure of the lessee to comply with the provisions of section *thirty-five*, and a new lessee to whom the holding in question has been allotted has on allotment paid in cash for the value of any such improvements or materials, the amount so paid shall, subject to the provisions of sub-section (5) of section *thirty-one* and sections *forty-five* and *sixty-six*, be paid over to the lessee whose lease has been cancelled.

(b) The provisions of paragraph (a) shall also apply where the lease of a holding allotted under section *thirty-one* terminates by effluxion of time and the lessee has not exercised the option of purchase in respect of the holding in question under section *thirty-three*, and where a lease has been surrendered and the Minister has accepted the surrender thereof.

(5) (a) Whenever a lease of a holding allotted under section *thirty-one* has been cancelled for reasons other than those set out in paragraph (b) or (c) of sub-section (1), or has been surrendered and the surrender has been accepted by the Minister, and the lessee has paid any instalments in respect of the purchase price of the holding in question, the instalments so paid shall, subject to the provisions of sub-section (5) of section *thirty-one* and sections *forty-five* and *sixty-six*, be refunded to him, less an amount equal to the interest payable in respect of such price up to the date on which the cancellation is effected or the surrender is accepted.

(b) If a lease of a holding allotted under section *twenty* has been cancelled, or has been surrendered and the surrender has been accepted by the Minister, or has been determined as provided in section *fifty-eight* or *fifty-nine*, there shall be payable by the lessee to the Minister an amount equal to four per cent. per annum on the purchase price at which the holding was allotted (less the amount contributed towards the purchase price by the lessee in terms of section *twenty*, and the amount included in the purchase price in respect of interest for the first two years of the lease under sub-section (8) of that section) from the date of commencement of the lease to the date on which cancellation or determination thereof takes place or surrender thereof is accepted, as the case may be: Provided that, except in the case of cancellation under paragraph (b) or (c) of sub-section (1), or by reason of the failure of the lessee to comply with the provisions of section *thirty-five*, any amount paid by the lessee by way of instalments in excess of such firstmentioned amount, shall be refunded to him; and provided further that any amount paid by the lessee towards the purchase price in terms of section *twenty* shall be dealt with as provided in sub-section (12) of that section and shall be deemed to be an instalment of the purchase price.

(c) Whenever the Minister is satisfied that the cancellation or surrender of a lease of a holding allotted under section *twenty* is or was due to drought, flood, tempest, locusts, lack of water, failure of crops, disease of stock or other adverse farming conditions, he may on the recommendation of the board, waive the whole or any

- (2) Any amount determined under sub-section (1) shall—
- (a) in the case of the resumption of the holding in question under section *forty-eight*, or the surrender thereof under section *fifty*, include an amount equal to the sum of the instalments of purchase price paid by the lessee, less so much of that amount as represents interest on the purchase price; and
 - (b) where such amount is payable in respect of the construction of any works under section *fifty-two*, be reduced by an amount equivalent to the value of any immediate or prospective benefit which the lessee derives or is likely to derive by reason of the construction of such works.

66. Any amount which may become payable to a lessee under this Act, whether by way of compensation, refund of instalments paid under a lease, or otherwise, may be set off by the Minister against amounts owing to the Government by such lessee, whether or not such amount is in either case unascertained or due in respect of debts of a different nature.

Set off against claims by lessees of debts due to Government.

67. (1) (a) A lessee who is a South African citizen or a citizen of a Commonwealth country or the Republic of Ireland shall be entitled to a deed of grant of his holding after the expiration of a period of ten years from the date of commencement of his lease, if—
- (i) all instalments in respect of the purchase price of the holding and all other amounts due to the Government by the lessee have been paid; and
 - (ii) the lessee has complied in all respects with the provisions of this Act applicable to him and with the terms and conditions of his lease.
- (b) The Governor-General may in special circumstances issue a deed of grant of any holding before the expiration of a period of ten years from the date of commencement of the lease of that holding, provided the provisions of sub-paragraphs (i) and (ii) of paragraph (a) have been complied with by the lessee.

Issue of deeds of grant on payment of purchase price.

- (2) Every deed of grant shall be issued subject to—
- (a) the rights of the Governor-General under sections *forty-eight* and *fifty-two*;
 - (b) the payment by the grantee of any land taxes which may by law be payable in respect of the holding;
 - (c) any such servitudes relating to roads or outspans as the Governor-General may determine; and
 - (d) any special conditions upon which the holding was offered for allotment,

and, in the case of a holding comprising any land acquired under sub-section (1) of section *eighteen*, subject also, where such land has lawfully been thrown open to prospecting or set apart for mining, to such rights, if any, which prior to the issue of such deed of grant, have been acquired by any person under any law regulating prospecting or mining for minerals.

(3) Until a deed of grant has been issued, the lessee of a holding shall, even though all amounts due by him to the Government have been paid, continue in possession of that holding under the terms and conditions of his lease and subject to the provisions of this Act.

68. (1) The Governor-General may, in lieu of issuing any deed of grant provided for in section *sixty-seven*, authorize the passing of a deed of transfer in respect of any holding in favour of the lessee concerned where the holding consists of land acquired under sub-section (1) of section *eighteen*.

Issue of deeds of transfer in lieu of deeds of grant.

(2) The documents necessary to effect any such transfer shall be signed by the Secretary for Lands or any other officer in the Public Service appointed for the purpose by the Governor-General.

(3) All costs in connection with any such transfer shall be borne by the transferee.

69. (1) (a) Whenever after the expiration of a period of five years from the date of commencement of a lease, the value of any holding, together with improvements of a substantial and permanent nature effected thereon by the lessee, exceeds, in the opinion of the board,

Issue of deed of grant on hypothecation of holding for purchase price.

die totale skuld van die huurder aan die Regering ten opsigte van die koopprys van die hoewe en van voorskotte, as daar is, wat kragtens hierdie Wet aan die huurder verleen is, met een-vierde oorskry, kan die Minister, op aanbeveling van die raad, en onderworpe aan die bepalinge van paragrawe (b) en (c), op aansoek deur die huurder aan hom 'n grondbrief van die hoewe onderworpe aan die bepalinge van sub-artikel (2) van artikel *sewe-en-sestig* laat uitreik.

(b) So 'n grondbrief word nie uitgereik nie, tensy die huurder in alle opsigte die bedinge en voorwaardes van die huurkontrak nagekom het, en tensy alle betalings ten opsigte van huurgeld, rente en paaie-mente van koopprys en voorskotte, wat volgens die huurkontrak of volgens enige ooreenkoms betreffende voorskotte verskuldig mag geword het, gemaak is tot die datum waarop die in paragraaf (c) bedoelde verband van krag word.

(c) Daar moet gelyktydig met die registrasie van so 'n grondbrief, 'n verband, wat die betrokke grond spesiaal aan die Regering verpand vir 'n bedrag gelyk aan die bedrag deur die huurder ten opsigte van bedoelde koopprys en bedoelde voorskotte verskuldig, ten gunste van die Regering deur die huurder verly en in die betrokke registrasiekantoor van aktes geregi-streer word.

(2) 'n Verband ingevolge paragraaf (c) van sub-artikel (1) moet, benewens die spesiale voorwaardes wat die Minister in 'n bepaalde geval nodig ag, die volgende bedinge en voorwaardes bevat, te wete—

(a) indien die koopprys volgens die huurkontrak—

(i) in paaie-mente betaalbaar was, dat die verband-gewer die deur die verband versekerde kapitaalsom met rente daarop sal vereffen in soveel gelyke paaie-mente as wat vanaf die aanvangsdatum van die verband volgens die voorwaardes van die huurkontrak ten opsigte van die koopprys van die betrokke hoewe betaalbaar sou gewees het;

(ii) nie in paaie-mente betaalbaar was nie, dat die verbandgewer die deur die verband versekerde kapitaalsom sal vereffen binne die tydperk waarin die koopprys volgens die voorwaardes van die huurkontrak betaalbaar was, en dat die verband-gewer gedurende bedoelde tydperk rente op die deur hom verskuldigde en deur die verband versekerde bedrag jaarliks vooruit sal betaal;

(b) dat die verbandgewer rente moet betaal—

(i) op daardie gedeelte van die aldus versekerde kapitaalsom wat die koopprys van die hoewe verteenwoordig, teen die koers van drie en 'n half-persent per jaar in die geval van 'n hoewe waarop die bepalinge van artikel *vyf* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), of artikel *vier-en-dertig* van hierdie Wet toegepas is, en, in die geval van enige ander hoewe, teen die koers wat volgens voorskrif van die huurkontrak van die hoewe betaalbaar is op die paaie-mente van die koopprys ingeval die opsie om te koop in die huurkontrak vervat, uitgeoefen word; en

(ii) op daardie gedeelte van die aldus versekerde kapitaalsom wat voorskotte verteenwoordig, teen die koers voorgeskryf in die ooreenkoms waarvolgens die voorskotte verleen was.

(c) dat by wanbetaling van enige paaie-ment van die kapitaalsom, met rente daarop, op die vervalldag, of by versuim deur die verbandgewer om 'n voorwaarde in die verband vervat, na te kom, die Minister onmiddellik stappe kan doen om soveel van die deur die verband versekerde kapitaalsom as wat nog nie betaal is nie, tesame met rente en alle ander bedrae ingevolge die verband verskuldig, te verhaal; en

(d) in die geval van 'n hoewe waarop die bepalinge van artikel *vyf* van die Nedersettings Noodlenigingswet, 1931, toegepas was, en wat voor die tweede dag van Julie 1934 toegeken was, dat die verbandgewer die deur die verband versekerde kapitaalsom moet vereffen nie later nie as vyf-en-sestig jaar vanaf die datum waarop hy die opsie om die hoewe te koop, uitgeoefen het.

by one-fourth the total indebtedness of the lessee to the Government in respect of the purchase price of the holding and of advances, if any, made to the lessee under this Act, the Minister may, on recommendation of the board, and subject to the provisions of paragraphs (b) and (c), cause to be issued to the lessee on application by him, a deed of grant of the holding, subject to the provisions of sub-section (2) of section *sixty-seven*.

- (b) No such deed of grant shall be issued unless the lessee has in all respects complied with the terms and conditions of the lease and unless all payments in respect of rent, interest and instalments of purchase price and advances, which may have become due under the lease or under any agreement relating to advances, have been made up to the date on which the mortgage bond referred to in paragraph (c) commences.
- (c) There shall simultaneously with the registration of such deed of grant be passed by the lessee and registered in the deeds registry concerned in favour of the Government, a mortgage bond specially hypothecating the land in question to the Government for an amount equal to the indebtedness of the lessee in respect of such purchase price and any such advances.

(2) A mortgage bond under paragraph (c) of sub-section (1) shall, in addition to such special conditions as the Minister may in any particular case consider necessary, contain the following conditions and stipulations, namely—

(a) if in terms of the lease the purchase price—

- (i) was payable in instalments, that the mortgagor shall redeem the capital sum secured by the bond with interest thereon in such number of equal instalments as would, from the date of commencement of the bond, have been payable in respect of the purchase price of the holding in question in accordance with the conditions of the lease;
- (ii) was not payable in instalments, that the mortgagor shall redeem the capital sum secured by the bond within the period within which the purchase price was payable in accordance with the conditions of the lease, and that during such period the mortgagor shall pay yearly in advance interest on the amount owing by him and secured by the bond;

(b) that the mortgagor shall pay interest—

- (i) on such portion of the capital sum so secured as represents the purchase price of the holding, at the rate of three and one-half per cent. per annum in the case of a holding to which the provisions of section *five* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), or section *thirty-four* of this Act have been applied, and, in the case of any other holding, at such rate as has been prescribed in the lease of the holding as being payable on the instalments of purchase price in the event of the option of purchase contained in the lease being exercised; and
- (ii) on such portion of the capital sum so secured as represents advances, at such rate as has been prescribed in the agreement in accordance with which the advances were granted;

(c) that in the event of non-payment of any instalment of the capital sum with interest thereon on the due date, or in the event of the failure of the mortgagor to comply with any condition contained in the mortgage bond, the Minister may take immediate steps for the recovery of so much of the capital sum secured by the bond as remains unpaid together with interest and all other amounts due under the bond; and

(d) in the case of a holding to which the provisions of section *five* of the Land Settlement Relief Act, 1931, were applied, and which was allotted prior to the second day of July, 1934, that the mortgagor shall redeem the capital sum secured by the bond not later than sixty-five years from the date on which he exercised the option to purchase the holding.

Beperking op
vervreemding,
verhipotekering
of verhuur van
sekere hoewes.

70. (1) Elke grondbrief of transportakte van 'n hoewe wat deur die Staat uitgereik of gepasseer word, moet 'n voorwaarde bevat dat die grond wat die hoewe of 'n deel daarvan of 'n onverdeelde aandeel daarin uitmaak, nie sonder toestemming van die Goewerneur-generaal aan 'n nie-blanke vervreem, verhipoteker of verhuur mag word nie, en bedoelde voorwaarde moet in elke latere transport van die grond of 'n deel daarvan of onverdeelde aandeel daarin opgeneem word.

(2) Enige verhipotekering of verhuring wat in stryd met die voorskrifte van 'n kragtens 'n bepaling van sub-artikel (1) geregistreerde voorwaarde geskied, is van nul en gener waarde, en die Minister kan voldoening aan so 'n vereiste met betrekking tot die verhuur van sodanige grond teen enige houer van 'n grondbrief of oordragnemer daarvan afdwing.

(3) Toestemming wat ingevolge 'n in sub-artikel (1) bedoelde voorwaarde ten opsigte van 'n besondere verhipotekering of verhuring van bedoelde grond deur die Goewerneur-generaal verleen is, word nie as 'n magtiging vir enige latere of ander verhipotekering of verhuring uitgelê nie.

(4) By die toepassing van hierdie artikel word onder die woord „verhuring” inbegrepe enige ooreenkomst of reëling waarvolgens grond deur iemand anders om 'n deel bewerk word, en het „verhuur” 'n ooreenstemmende betekenis.

Verpligte verkoop
van grond in
stryd met voor-
skrifte van ge-
registreerde voor-
waarde vervreem.

71. (1) Indien grond waarop die bepaling van sub-artikel (1) van artikel *sewentig* van toepassing is, in stryd met die voorskrifte van 'n kragtens een of ander bepaling van daardie sub-artikel geregistreerde voorwaarde vervreem is, moet die Minister by skriftelike kennisgewing die persoon aan wie die grond aldus vervreem is, beveel om dit binne 'n in die kennisgewing vermelde tydperk van die hand te sit aan iemand wat nie regtens onbevoeg is om dit te verkry nie en wat nie 'n persoon is aan wie daardie grond volgens bedoelde voorwaarde nie vervreem mag word nie.

(2) Indien bedoelde grond met verband beswaar is, moet die Minister elke verbandhouer skriftelik van bedoelde bevel in kennis laat stel.

(3) Indien die in sub-artikel (1) bedoelde persoon versuim of weier om binne die aldus vermelde tydperk, of binne enige verlenging van daardie tydperk wat die Minister mag toelaat, aan so 'n bevel te voldoen, kan die Minister sonder geregtelike proses die grond betree en in besit neem en dit by openbare veiling deur 'n afslaer of 'n balju of onderbalju verkoop, hetsy bedoelde balju of onderbalju 'n gelisensieerde afslaer is al dan nie, en wel op die voorwaardes wat onder al die omstandighede billik voorkom, en die opbrengs van die verkoping moet, na betaling van enige koste in verband met die verkoping deur die Minister aangegaan, aan bedoelde persoon betaal word, tensy die grond aan verbande onderhewig is, in watter geval betaling eers, volgens wetlike orde van voorkeur, aan die wettige houters van sodanige verbande, teen bewys van die bedrae daaronder verskuldig, moet geskied: Met dien verstande dat so 'n verkoping nie plaasvind nie voordat minstens veertien dae verstryk het na die datum van publikasie in die *Staatskoerant* en in 'n nuusblad in omloop in die distrik waarin die betrokke grond geleë is, van 'n kennisgewing waarin die datum, uur, plek en voorwaardes van die verkoping vermeld word.

(4) Die Minister kan grond wat kragtens die bepaling van sub-artikel (3) verkoop is, aan die koper oordra en 'n geldige titel daarvoor gee sonder oorlegging van die titelbewys aan die registrateur van aktes, mits gesertifiseer word dat die Minister die titelbewys nie kon bekom nie, en so 'n oordrag geskied vry van enige verband wat tevore teen die titelbewys geregistreer mag gewees het.

(5) Indien grond teen die titelbewys waarvan 'n voorwaarde ingevolge die bepaling van sub-artikel (1) van artikel *sewentig* geregistreer is, vervreem word aan 'n maatskappy wat ten tye van die vervreemding nie 'n nie-blanke maatskappy is nie, maar daarna 'n nie-blanke maatskappy word, kan die Minister, tensy die Goewerneur-generaal op aansoek van bedoelde maatskappy toegestem het dat daardie maatskappy kan aanhou om die grond te hou nadat hy 'n nie-blanke maatskappy geword het, die voorgaande bepaling van hierdie artikel *mutatis mutandis* toepas ten opsigte van daardie maatskappy en die grond wat deur hom gehou word.

Oordrag van
verhipotekerde
hoeve by uit-
reiking van
grondbrief.

72. By oordrag van 'n hoewe wat volgens voorskrif van artikel *nege-en-sestig* aan die Regering verhipoteker is, kan die Minister op die wyse en onderworpe aan die voorwaardes wat hy bepaal, toestem dat die oordragnemer in die plek van die oordraggewer as die skuldenaar ingevolge die verband gestel word, mits alle bedrae ooreenkomstig die verband verskuldig, tot datum van oordrag betaal is.

70. (1) Every deed of grant or deed of transfer of a holding issued or passed by the State shall contain a condition that the land comprised in the holding or any part thereof or undivided share therein shall not, without the consent of the Governor-General, be alienated, hypothecated, or leased to a non-European, and the said condition shall be included in every subsequent transfer of such land or any portion thereof or undivided share therein.

Restriction on alienation, hypothecation or lease of certain holdings.

(2) Any hypothecation or lease effected contrary to the terms of a condition registered in pursuance of any provisions of sub-section (1) shall be null and void, and the Minister may enforce compliance with any such condition relating to the lease of such land against any holder of a deed of grant or transferee thereof.

(3) The consent of the Governor-General to any particular hypothecation or lease of such land, granted in pursuance of a condition referred to in sub-section (1), shall not be construed as authorizing any subsequent or other hypothecation or lease.

(4) For the purposes of this section the word "lease" includes any agreement or arrangement whereunder land is to be worked by another on a share basis, and "leased" has a corresponding meaning.

71. (1) If any land to which the provisions of sub-section (1) of section *seventy* apply, has been alienated contrary to the terms of a condition registered in pursuance of any provisions of the said sub-section, the Minister shall by notice in writing direct the person to whom the land has been so alienated, to dispose of it within a period specified in the notice to a person who is not by law disqualified from acquiring it and who is not a person to whom such land may not be alienated in terms of such condition.

Compulsory sale of land alienated contrary to terms of registered condition.

(2) If such land is mortgaged the Minister shall cause written notice of such direction to be given to every mortgagee.

(3) If the person referred to in sub-section (1) fails or refuses to comply with such direction within the period so specified or within any extension of that period which the Minister may allow, the Minister may, without recourse to a court of law, enter upon and take possession of the land and sell it by public auction, through an auctioneer or a sheriff or his deputy, whether or not such sheriff or deputy is a licensed auctioneer, upon such conditions as appear under all the circumstances to be just, and the proceeds of such sale shall, after payment of any costs incurred by the Minister in connection with the sale, be paid to such person, unless the land is subject to any mortgage bonds, in which case payment shall first be made, in accordance with the legal order of preference, to the legal holders of any such bonds against evidence of the amounts owing thereunder: Provided that no such sale shall take place until the expiry of at least fourteen days from the date of publication of a notice in the *Gazette* and in some newspaper circulating in the district in which the land concerned is situated stating the date, hour, place and conditions of the sale.

(4) The Minister may transfer any land sold under the provisions of sub-section (3), to the purchaser, and give a valid title thereto, without the production to the registrar of deeds of the title deeds, provided it is certified that the Minister has been unable to obtain the same, and any such transfer shall be free from any mortgage bond which may formerly have been registered against the title deeds.

(5) If any land against the title deeds of which a condition has been registered in pursuance of the provisions of sub-section (1) of section *seventy*, is alienated to a company which, at the time of alienation, is not a non-European company, but thereafter becomes a non-European company, the Minister may, unless the Governor-General has upon the application of the said company consented to that company continuing to hold such land after it became a non-European company, *mutatis mutandis* apply in respect of that company and the land held by it the preceding provisions of this section.

72. On the transfer of any holding hypothecated to the Government as provided in section *sixty-nine*, the Minister may consent to the substitution, in such manner and on such conditions as he may direct, of the transferee for the transferor as the debtor under the mortgage bond, provided all payments due in accordance with the bond up to the date of transfer have been paid.

Transfer of holding hypothecated on issue of deed of grant.

Verdeling van verhipotekeerde hoewe by uitreiking van grond-brief.

73. (1) Die Minister kan, op skriftelike aansoek van twee of meer gesamentlike verbandgewers wat hul hoewe ingevolge artikel *nege-en-sestig* aan die Regering verhipotekeer het, tot die verdeling van daardie hoewe instem op voorwaarde dat die betrokke verband gekanselleer word, en dat in die plek daarvan elke verbandgewer gelyktydig met die kansellering 'n nuwe verband verly waarby die gedeelte van die hoewe wat onder die verdelingsakte aan hom oorgedra word, spesiaal ten gunste van die Regering verhipotekeer word as sekuriteit vir soveel van die onbetaalde deur die gekanselleerde verband versekerde bedrag as wat die Minister bepaal.

(2) So 'n nuwe verband moet vir die onverstreke tydperk van die gekanselleerde verband geld, en is onderhewig aan die bepalings van artikels *nege-en-sestig* en *twee-en-sewentig* en aan enige spesiale voorwaardes in die gekanselleerde verband vervat.

Bevryding van verhipotekeerde hoewe van verband.

74. Die Minister kan op aansoek van 'n verbandgewer in artikel *nege-en-sestig*, *twee-en-sewentig* of *drie-en-sewentig* bedoel, en onderworpe aan die voorwaardes wat hy goedvind, met inbegrip van die betaling deur die verbandgewer van so 'n deel van die deur die betrokke verband versekerde kapitaalsom as wat hy mag bepaal, die bevryding van enige deel van die grond wat deur die verband verhipotekeer word, van die werking daarvan magtig.

Dekking van sekere uitgawes in verband met verhipotekeerde grond.

75. Alle uitgawes deur die Minister aangegaan ten einde aan 'n bepaling van artikel *drie-en-sewentig* of *vier-en-sewentig* gevolg te gee, met inbegrip van koste in verband met die waardering van enige grond aangegaan, moet deur die betrokke verbandgewer gedra word, en die Minister kan gelas dat 'n applikant onder een of ander van daardie artikels vooruit 'n bedrag stort wat voldoende is om enige sodanige uitgawes wat aangegaan mag word, te dek.

Herlewing van sekere skulde by beëindiging van huurkontrak.

76. (1) Wanneer 'n huurkontrak kragtens artikel *ag-en-vyftig* of *nege-en-vyftig* beëindig of kragtens sub-artikel (1) van artikel *nege-en-dertig* of artikel *sestig* gekanselleer word, of daarvan afstand gedoen en die afstanddoening aanvaar is, kan die Minister die onbetaalde deel van bedrae wat ingevolge sub-artikel (1) van artikel *agtien* van die „Kroongrond Nederzettingwetten Verdere Wijzigings Wet, 1925” (Wet No. 26 van 1925), by die koopprys van die betrokke hoewe gevoeg is, tesame met rente teen die koers van vier persent per jaar bereken vanaf die datum waarop daardie bedrae aldus by die koopprys gevoeg was, as 'n op die datum van die beëindiging, kansellering of afstanddoening deur die huurder betaalbare skuld laat herleef: Met dien verstande dat sodanige gedeeltes van enige bedrae wat aldus by die koopprys gevoeg was en by enige deur die huurder betaalde paaielemente van die koopprys ingesluit was, nie vir die doeleindes van enige terugbetaling van sodanige paaielemente waarop die huurder kragtens artikel *ag-en-vyftig*, *nege-en-vyftig* of *sestig* van hierdie Wet geregtig mag word, beskou word by sodanige paaielemente van die koopprys ingesluit te wees nie.

(2) Die bepalings van sub-artikel (1) is *mutatis mutandis* van toepassing op 'n huurkontrak waarop enigeen van die bepalings van artikel *vier* van die Nedersettings Noodlenigingswet, 1931 (Wet No. 25 van 1931), toegepas is.

Bevoegdhede van inspeksie.

77. Die Minister het die reg om op alle redelike tye 'n hoewe te betree en te inspekteer en oor die bewerking daarvan toesig te hou, en op die wyse wat hy goedvind, vas te stel of die huurder sy hoewe volgens vereiste van hierdie Wet geokkupeer het en okkupeer, en al die bedinge en voorwaardes van sy huurkontrak nagekom het en nakom, al dan nie.

Regulasies.

78. (1) Die Goewerneur-generaal kan regulasies uitvaardig, wat nie met hierdie Wet onbestaanbaar is nie, aangaande enige van of al die volgende aangeleenthede, te wete—

- (a) die bevoegdhede, pligte, werksaamhede en prosedure van die raad en van plaaslike rade;
- (b) die vorms van aansoeke, kennisgewings, huurkontrakte, grondbriewe of ander stukke wat ingevolge hierdie Wet gebruik of uitgereik word;
- (c) die delegering aan amptenare van die Departement van Lande van die uitoefening van bepaalde bevoegdhede en die verrigting van besondere pligte wat deur hierdie Wet aan die Minister verleen of hom opgelê word;

73. (1) The Minister may, on application in writing by two or more joint mortgagors who have hypothecated their holding to the Government under section *sixty-nine*, consent to the partition of such holding on condition that the mortgage bond in question is cancelled and that in substitution therefore each mortgagor executes simultaneously with the cancellation a new bond specially hypothecating in favour of the Government the portion of the holding which may under the deed of partition be transferred to him, as security for so much of the outstanding amount secured by the cancelled bond as the Minister may determine.

Partition of holding hypothecated on issue of deed of grant.

(2) Any such new bond shall be for the unexpired period of the cancelled bond and shall be subject to the provisions of sections *sixty-nine* and *seventy-two* and to any special conditions contained in the cancelled bond.

74. The Minister may upon application by any mortgagor referred to in section *sixty-nine*, *seventy-two* or *seventy-three* and subject to such conditions as he may deem fit, including the payment by the mortgagor of such portion of the capital sum secured by the mortgage bond in question as he may determine, authorize the release of any portion of the land hypothecated by such bond from the operation thereof.

Release of hypothecated holding from bond.

75. All expenditure incurred by the Minister in giving effect to any provision of section *seventy-three* or *seventy-four*, including any costs incurred in obtaining a valuation of any land, shall be borne by the mortgagor concerned, and the Minister may require an applicant under either of those sections to deposit in advance an amount sufficient to cover any such expenditure which may be incurred.

Defraying of certain expenditure in connection with hypothecated land.

76. (1) Whenever a lease is determined under section *fifty-eight* or *fifty-nine*, or is cancelled under sub-section (1) of section *thirty-nine* or under section *sixty*, or has been surrendered and the surrender has been accepted, the Minister may revive as a debt due and payable by the lessee at the date of the determination, cancellation or surrender, the unpaid portion of such sums as were added to the purchase price of the holding in question in terms of sub-section (1) of section *eighteen* of the Land Settlement Laws Further Amendment Act, 1925 (Act No. 26 of 1925), together with interest at the rate of four per cent. per annum calculated from the date on which those sums were so added to the purchase price: Provided that such portions of any sums as were so added to the purchase price and were included in any instalments of purchase price paid by the lessee shall not be regarded as included in such instalments of purchase price for the purpose of any repayment of such instalments to which the lessee may become entitled under section *fifty-eight*, *fifty-nine* or *sixty* of this Act.

Revival of certain debts on termination of lease.

(2) The provisions of sub-section (1) shall apply *mutatis mutandis* to any lease to which any of the provisions of section *four* of the Land Settlement Relief Act, 1931 (Act No. 25 of 1931), have been applied.

77. The Minister shall have the right at all reasonable times to enter upon and inspect any holding and supervise the working thereof, and to ascertain by such means as he deems fit whether or not the lessee has occupied and is occupying his holding as required by this Act, and has fulfilled and is fulfilling all the terms and conditions of his lease.

Powers of inspection.

78. (1) The Governor-General may make regulations, not inconsistent with this Act, as to all or any of the following matters, namely—

Regulations.

- (a) the powers, duties, functions and procedure of the board and of local boards;
- (b) the forms of applications, notices, leases, deeds of grant or other documents used or issued under this Act;
- (c) the delegation to officers of the Department of Lands of the exercise of specific powers and the performance of particular duties conferred or imposed on the Minister by this Act;

- (d) die instelling van beheerkomitees vir groepe hoewes, en die magtiging van sodanige komitees om, onderworpe aan die Minister se goedkeuring, reëls uit te vaardig betreffende die beheer, gebruik en verdeling van water vir besproeiingsdoeleindes of die bebouing van gemeenskaplike gebiede, en betreffende aangeleenthede in paragraaf (g) van hierdie sub-artikel bedoel en ander aangeleenthede wat vir die ontwikkeling en verbetering van sodanige groepe hoewes en gebiede nodig is;
- (e) die verskaffing aan en gebruik deur huurders van water vir besproeiingsdoeleindes, en die belasting of bedrag vir sodanige verskaffing of gebruik betaalbaar;
- (f) die oprigting en onderhoud van grensheinings van hoewes, die voorwaardes van betaling vir sodanige heinings, die oprigting van heinings vir huurders deur die Regering, en die bedinge en voorwaardes van betaling daarvoor;
- (g) die reëling, beheer en bewaring van die gemeenskaplike weiveld in hierdie Wet genoem, en die getal en soorte vee wat elke huurder van 'n hoewe op so 'n gemeenskaplike weiveld kan laat wei;
- (h) die verlening van voorskotte vir vee, gereedskap, saad en ander goed ten einde huurders in staat te stel om hul hoewes te bewerk, die beheer en inspeksie van goed wat deur middel van sodanige voorskotte gekoop is, en die bedinge en voorwaardes van terugbetaling van enige voorskot,

en oor die algemeen aangaande aangeleenthede wat volgens voorskrif van hierdie Wet voorgeskryf moet word, en vir die betere uitvoering van die oogmerke en doelstellings van hierdie Wet.

(2) Reëls wat uitgevaardig word deur 'n beheerkomitee ingestel uit hoofde van regulasies ingevolge paragraaf (d) van sub-artikel (1), en regulasies wat uitgevaardig word kragtens paragraaf (e) of (g) van daardie sub-artikel, kan op oortreding daarvan of versuim om daaraan te voldoen, strawwe stel, wat 'n boete van twintig pond of, by wanbetaling, gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van een maand nie te bowe gaan nie.

(3) 'n Beheerkomitee wat vir 'n groep hoewes aangestel is, kan met die Minister se goedkeuring van huurders en eienaars van hoewes binne daardie groep 'n belasting hef en invorder vir die dekking van uitgawes by die verrigting van sy werksaamhede en die uitvoering van sy pligte deur die komitee aangegaan.

(4) By die toepassing van hierdie artikel beteken die uitdrukking „hierdie Wet” ook enige wetsbepaling op nederstelling.

Voorbehoude.

79. Die bepalinge van hierdie Wet word nie so uitgelê dat dit aan iemand, wat ingevolge een of ander wetsbepaling wat voor die sestiende dag van Oktober 1912 in enige provinsie van krag was, nie geregtig was om die eienaar, okkupeerder, huurder of besitter van grond in daardie provinsie te wees nie, 'n reg verleen om grond in daardie provinsie in eiendom te hê, te okkupeer, te huur of andersins te verkry of te besit nie.

Toepassing van Wet.

80. Die bepalinge van hierdie Wet word uitgelê as bykomstig by enige wet betreffende nedersetting of die beskikking oor Staatsgrond wat op die sestiende dag van Oktober 1912 bestaan het, en nie ter vervanging daarvan nie, en enige sodanige wet bly, ondanks enigiets in hierdie Wet vervat, ten volle van krag: Met dien verstande dat die bepalinge van so 'n wet nie geld nie met betrekking tot enigiets wat gedoen word of moet word ten einde aan 'n bepaling van hierdie Wet gevolg te gee.

Herroeping van wette.

81. (1) Die wette in die Derde Bylae by hierdie Wet genoem, word hiermee herroep vir sover in die derde kolom van daardie Bylae aangedui: Met dien verstande dat enige bepaling in so 'n wet vervat, wat nie in hierdie Wet opgeneem is nie, met betrekking tot besondere huurkontrakte of kategorieë van huurkontrakte wat by die inwerkingtreding van hierdie Wet bestaan, ondanks die herroeping, met betrekking tot bedoelde huurkontrakte of kategorieë van huurkontrakte van toepassing bly asof bedoelde bepaling nie herroep was nie.

(2) Behoudens die bepalinge van die voorbehoudsbepaling by sub-artikel (1), word enige eiendom of ander regte wat verkry of uitgeoefen of enige verpligting of aanspreeklikheid wat opgeloopt of enigiets wat gedoen of nagelaat is ingevolge 'n bepaling van 'n deur daardie sub-artikel herroepde wet, geag ingevolge die ooreenstemmende bepalinge van hierdie Wet verkry, opgeloopt, gedoen of nagelaat te gewees het.

Kort titel.

82. Hierdie Wet heet die Nedersettingswet, 1956.

- (d) the establishment of committees of management for groups of holdings and the enabling of such committees to make, subject to the approval of the Minister, rules affecting the control, use and distribution of water for irrigation purposes or the cultivation of communal areas and as to such matters as are referred to in paragraph (g) of this sub-section and other matters necessary for the development and improvement of such groups of holdings and areas;
- (e) the supply to and use by lessees of water for irrigation purposes and the rate or amount payable for such supply or use;
- (f) the erection and maintenance of boundary fences of holdings, the terms of payment for such fences, the erection of any fences by the Government for lessees and the terms and conditions of payment therefor;
- (g) the regulation, control and preservation of the common pasturage areas mentioned in this Act and the numbers and kinds of livestock which each lessee of a holding may depasture on any such common pasturage area;
- (h) the grant of advances for stock, implements, seeds and other things to enable lessees to work their holdings, the control and inspection of things purchased by means of such advances and the terms and conditions of repayment of any advance,

and generally as to such matters as are expressed in this Act to be prescribed, and for the better carrying out of the objects and purposes of this Act.

(2) Rules made by any committee of management constituted by virtue of any regulation under paragraph (d) of sub-section (1), and regulations made under paragraph (e) or (g) of that sub-section, may prescribe penalties for any contraventions thereof or failure to comply therewith, not exceeding a fine of twenty pounds or, in default of payment, imprisonment with or without compulsory labour for a period of one month.

(3) A committee of management appointed for a group of holdings may, with the approval of the Minister, levy on and collect from lessees and owners of holdings within such group a rate or tax for the purpose of defraying the expenditure of the committee in carrying out its functions and duties.

(4) For the purposes of this section the expression "this Act" includes any law relating to land settlement.

79. Nothing in this Act contained shall be construed as Savings.
conferring upon any person who under any law in force in any province prior to the sixteenth day of October, 1912, was not entitled to be the owner, occupier, lessee or holder of land within that province, the right to own, occupy, lease or otherwise acquire or hold any land in that province.

80. The provisions of this Act shall be construed as being in Scope of
addition to and not in substitution for any law relating to Act.
land settlement or the disposal of State-owned land, which was in existence on the sixteenth day of October, 1912, and any such law shall, notwithstanding anything contained in this Act, remain in full force and effect: Provided that the provisions of any such law shall not apply with reference to any thing done or required to be done in giving effect to any provisions of this Act.

81. (1) The laws mentioned in the Third Schedule to this Act are hereby repealed to the extent set out in the third column of that Schedule: Provided that notwithstanding such repeal, any provision contained in any such law, and not included in this Act, in relation to particular leases or classes of leases in force at the commencement of this Act, shall continue to apply in relation to such leases or classes of leases as if that provision had not been repealed. Repeal of laws.

(2) Subject to the provisions of the proviso to sub-section (1), any property or other rights acquired or exercised or any obligations or liabilities incurred or anything done or omitted to be done under any provision of any law repealed by that sub-section, shall be deemed to have been acquired, incurred, done or omitted to be done under the corresponding provisions of this Act.

82. This Act shall be called the Land Settlement Act, 1956. ShortTitle

Eerste Bylae.

Ek/Ons verklaar plegtig en opreg dat ek/ons om bogenoemde hoewe aansoek doen ten behoeve van myself/onself enkel vir my/ons gebruik en voordeel, en nie as agent(e) of kurator(s) vir 'n ander persoon nie, en dat die besonderhede genoem in my/ons aansoekvorm gedateer die.....dag van.....19.....na my/ons beste wete en oortuiging waar is.

Handtekening.....

Plek.....

Datum.....

Voor my:

Vrederegter.

Tweede Bylae.**PROVINSIE KAAP DIE GOEIE HOOP.**

Die Afdelings Calvinia, Gordonia, Kenhardt, Kuruman, Mafeking, Namakwaland, Van Rhynsdorp en Vryburg.

PROVINSIE NATAL.

Die Distrikte Nongoma en Ubombo.

Die distrik Hlabisa met uitsondering van die ontoegekende Staatsgrond wat geleë is binne die gebied begrens deur Naturelleserwe No. 3, die Nyalazirivier, die St. Lucia-meer en -monding en die Umfolosirivier.

Die distrik Laer-Umfolosi met uitsondering van Persele Nos. 273, 317, 318 en 319, Empangeni (Ntambanana), Perseel K. 81 en die Staatsgrond wat tussen die Umfolosirivier en die herbepaalde noordelike grens van Naturelleserwe No. 4 geleë is en ooswaarts tot aan die Indiese Oseaan strek.

Die distrik Ngotshe met uitsondering van die plaas Bedrog en Onrecht B.

PROVINSIE TRANSVAAL.

Die Distrikte Brits, Letaba, Pietersburg, Potgietersrus, Rustenburg, Sibasa, Waterberg en Soutpansberg.

Daardie gedeelte van die distrik Bronkhorstspuit bestaande uit die plaas Geelbeksvley No. 631.

Daardie gedeelte van die distrik Groblersdal bestaande uit die plase Rooibok No. 5, Palmietfontein No. 7, Rietfontein No. 10, Salie Sloot No. 14, Kwarriehoek No. 15, Riffontein No. 16, Vlaktefontein No. 33, Schuinsdraai No. 36, Swartkop No. 37, Roodeboschplaat No. 38, Kwaggafontein No. 43, Roodewal No. 44, Tambootieboom No. 46, Wegdraai No. 48 en Cyferfontein No. 50.

Die distrik Marico met uitsondering van die plase Doornplaat No. 337, Weltevreden No. 338 en Wagendrift No. 339.

Die distrik Warmbad met uitsondering van die plase Flink Zyn Drift No. 203, Rhenosterdrift No. 204, Houtblok No. 205, Wildebeestkuil No. 206, Leeuwkraal No. 207, Syferpan No. 208, Legkraal No. 209, Como No. 210, Buffelsdrift No. 211, Boschbult No. 212, Goedgewaagd No. 213, Bles No. 214, Zaagkuildrift No. 215, Goedgewaagd No. 216, Witgatboom No. 217, Wolfhuiskraal No. 218, Witgatboom No. 219, Wynandskraal No. 220, Klipplaatdrift No. 221, Vaalboschbult No. 222, Irrigasie No. 223, De Witskraal No. 224, Weltevreden No. 225, Kalkheuvel No. 226, Elandskraal No. 227, Graspan No. 228, Doornkuil No. 229, Haakdoornfontein No. 230, Rondefontein No. 231, Turflaagte No. 232, Pankoppen No. 233, Tambotiepan No. 234, Kliprand No. 235, Kameelrivier No. 236, Uitvlugt No. 237, Middelkopje No. 238, Klippan No. 239, Zandfontein No. 240, Buffelsdrift No. 241, Bultfontein No. 242, Witlaagte No. 243, Tambotiepan No. 244, Rust der Winter No. 245, De Langes Dam No. 246, La Rochelle No. 247, Rust der Winter No. 248 en Pienaarsrivierbrug No. 250.

Derde Bylae.**HERROEPE WETTE.**

No. en jaar van Wet.	Titel van Wet.	In hoeverre herroep.
No. 12 van 1912	Kroongrond Nederzettings Wet, 1912.	Die geheel, behalwe artikel <i>sewe-en-veertig</i> .
No. 23 van 1917	Nederzettingswet Wijzigingswet, 1917.	Die geheel, behalwe artikels <i>een-en-twintig</i> en <i>twee-en-twintig</i> .
No. 28 van 1920	Kroongrond Nederzettingswet-ten Verdere Wijzigingswet, 1920.	Die geheel.
No. 21 van 1922	Kroongrond Nederzettingswet-ten Verdere Wijzigingswet, 1922.	Die geheel.

First Schedule.

I/We do solemnly and sincerely declare that I/we apply for the above holding on my/our own behalf and for my/our sole use and benefit, and not as agent(s) or trustee(s) for any other person, and that the particulars referred to in my/our form of application dated the _____ day of _____ 19____ are true to the best of my/our knowledge and belief.

Signature.....

Place

Date.....

Before me:

Justice of the Peace.

Second Schedule.**PROVINCE OF THE CAPE OF GOOD HOPE.**

The Divisions of Calvinia, Gordonia, Kenhardt, Kuruman, Mafeking, Namaqualand, Van Rhynsdorp and Vryburg.

PROVINCE OF NATAL.

The Districts of Nongoma and Ubombo.

The district of Hlabisa with the exception of the unallotted State-owned land within the area bounded by Native Reserve No. 3, the Nyalazi River, the St. Lucia Lake and Estuary and the Umfolosi River.

The district of Lower Umfolosi with the exception of Lots Nos. 273, 317, 318, and 319, Empangeni (Ntambanana), Lot K. 81 and the State-owned land lying between the Umfolosi River and the redefined northern boundary of Native Reserve No. 4 and extending eastwards to the Indian Ocean.

The districts of Ngotshe with the exception of the farm Bedrog and Onrecht B.

PROVINCE OF THE TRANSVAAL.

The Districts of Brits, Letaba, Pietersburg, Potgietersrust, Rustenburg, Sibasa, Waterberg and Zoutpansberg.

That portion of the district of Bronkhorstspuit comprising the farm Geelbeksvley No. 631.

That portion of the district of Groblersdal comprising the farms Rooibok No. 5, Palmietfontein No. 7, Rietfontein No. 10, Salie Sloot No. 14, Kwarriehoek No. 15, Riffontein No. 16, Vlakfontein No. 33, Schuinsdraai No. 36, Swartkop No. 37, Roodeboschplaat No. 38, Kwaggafontein No. 43, Roodewal No. 44, Tambootieboom No. 46, Wegdraai No. 48 and Cyferfontein No. 50.

The district of Marico with the exception of the farms Doornplaat No. 337, Weltevreden No. 338, and Wagendrift No. 339.

The district of Warmbaths with the exception of the farms Flink Zyn Drift No. 203, Rhenosterdrift No. 204, Houtblok No. 205, Wildebeestkuil No. 206, Leeuwkraal No. 207, Syferpan No. 208, Legkraal No. 209, Como No. 210, Buffelsdrift No. 211, Boschbult No. 212, Goedgewaagd No. 213, Bles No. 214, Zaagkuildrift No. 215, Goedgewaagd No. 216, Witgatboom No. 217, Wolfhuiskraal No. 218, Witgatboom No. 219, Wynandskraal No. 220, Klipplaatdrift No. 221, Vaalboschbult No. 222, Irrigasie No. 223, De Witskraal No. 224, Weltevreden No. 225, Kalkheuvel No. 226, Elandskraal No. 227, Graspan No. 228, Doornkuil No. 229, Haakdoornfontein No. 230, Rondefontein No. 231, Turflaagte No. 232, Pankoppen No. 233, Tambotiepan No. 234, Kliprand No. 235, Kameelrivier No. 236, Uitvlugt No. 237, Middelkopje No. 238, Klippan No. 239, Zandfontein No. 240, Buffelsdrift No. 241, Bultfontein No. 242, Witlaagte No. 243, Tambotiepan No. 244, Rust der Winter No. 245, De Langes Dam No. 246, La Rochelle No. 247, Rust der Winter No. 248 and Pienaarsrivierbrug No. 250.

Third Schedule.**LAWS REPEALED.**

No. and year of law.	Title of law.	Extent of repeal.
No. 12 of 1912	Land Settlement Act, 1912. ..	The whole, except section <i>forty-seven</i> .
No. 23 of 1917	Land Settlement Amendment Act, 1917.	The whole, except sections <i>twenty-one</i> and <i>twenty-two</i> .
No. 28 of 1920	Land Settlement Acts Further Amendment Act, 1920.	The whole.
No. 21 of 1922	Land Settlement Acts Further Amendment Act, 1922.	The whole.

No. en jaar van Wet.	Titel van Wet.	In hoeverre herroep.
No. 38 van 1924	Kroongrond Nederzettings Wet-ten Verdere Wijzigings Wet, 1924.	Die geheel.
No. 26 van 1925	Kroongrond Nederzettingswet-ten Verdere Wijzigings Wet, 1925.	Die geheel.
No. 6 van 1928	Nedersettings Wysigingswet, 1928.	Die geheel.
No. 1 van 1931	Nedersettings-Wysigingswet, 1931.	Die geheel.
No. 25 van 1931	Nedersettings Noodlenigingswet, 1931.	Die geheel.
No. 57 van 1934	Nedersettings Wysigingswet, 1934.	Die geheel, behalwe artikel <i>een-en-twintig</i> .
No. 47 van 1935	Nedersettings Wysigingswet, 1935.	Die geheel, behalwe sub-artikel (1) van artikel <i>twaalf</i> .
No. 45 van 1937	Nedersettings-Wysigingswet, 1937.	Die geheel.
No. 42 van 1944	Wysigingswet op Nedersettings, 1944.	Die geheel.
No. 42 van 1949	Wysigingswet op Nedersettings, 1949.	Die geheel, behalwe artikels <i>ses</i> en <i>sewe</i> .
No. 36 van 1950	Finansiewet, 1950	Artikels <i>sewentien</i> en <i>een-en-twintig</i> .
No. 22 van 1952	Wysigingswet op Nedersettings, 1952.	Die geheel.
No. 40 van 1954	Wysigingswet op Nedersettings, 1954.	Die geheel.
No. 31 van 1955	Wysigingswet op Nedersettings, 1955.	Die geheel.

No. and year of law.	Title of law.	Extent of repeal.
No. 38 of 1924	Land Settlement Acts Further Amendment Act, 1924.	The whole.
No. 26 of 1925	Land Settlement Laws Further Amendment Act, 1925.	The whole.
No. 6 of 1928	Land Settlement (Amendment) Act, 1928.	The whole.
No. 1 of 1931	Land Settlement (Amendment) Act, 1931.	The whole.
No. 25 of 1931	Land Settlement Relief Act, 1931.	The whole.
No. 57 of 1934	Land Settlement (Amendment) Act, 1934.	The whole, except section <i>twenty-one</i> .
No. 47 of 1935	Land Settlement (Amendment) Act, 1935.	The whole, except sub-section (1) of section <i>twelve</i> .
No. 45 of 1937	Land Settlement Amendment Act, 1937.	The whole.
No. 42 of 1944	Land Settlement Amendment Act, 1944.	The whole.
No. 42 of 1949	Land Settlement Amendment Act, 1949.	The whole, except sections <i>six</i> and <i>seven</i> .
No. 36 of 1950	Finance Act, 1950	Sections <i>seventeen</i> and <i>twenty-one</i> .
No. 22 of 1952	Land Settlement Amendment Act, 1952.	The whole.
No. 40 of 1954	Land Settlement Amendment Act, 1954.	The whole.
No. 31 of 1955	Land Settlement Amendment Act, 1955.	The whole.

UNION OF SOUTH AFRICA.

57/159.

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Borrower	Issue	Return	Borrower	Issue	Return
Mr S. Smith	30.4.57	30.4.57	Mr. ^{645/44} Heerman	13.10.66	14.10.66
Mr Macdonald	10.9.57	11/9/57	Mr. G. G. Evans ²²⁹⁴⁴	18.3.69	24.3.69
Mr. Smith ²⁰³	28.11.57	4.12.57			
Mr. Fletcher, ²⁰³ for	18/8/60	18.8.60			
Mr. Margolis ^{Actm 213}	1/10/60	4.10.60			
Mr. G. C. Leeman	4.10.61	5.10.61			
Mrs. Goodman	28.3.63	1.5.63			
Mrs. Thon	7.4.64	2.4.64			

Borrower	Issue	Return	Borrower	Issue	Return