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[No. 3501.

KAAPSTAD, 17 MEI 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 827.

17th May, 1972.

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

No. 34 of 1972: Land Titles (Division of George) Adjustment Act, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 827.

17 Mei 1972.

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

No. 34 van 1972: Wet op Reëling van Grondtitels (Afdeling George), 1972.

Wet No. 34, 1972

WET OP REELING VAN GRONDITELS
(AFDELING GEORGE), 1972.

WET

Om voorsiening te maak vir die instelling van 'n komitee met bevoegdheid om sekere grond in die afdeling George onder te verdeel, gedeeltes oor te dra aan persone wat daarop geregtig is, ander gedeeltes te verkoop en die opbrengs te laat verdeel onder persone wat daarop geregtig is; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 8 Mei 1972.)*

Aanhef.

NADEMAAL die grond in die Bylae vermeld, weens versuim van erfgename om oordrag te verkry of verdelingstransporte te passeer, aan talle persone behoort van wie die meeste nie geregistreerde titelbewyse het nie;

EN NADEMAAL die koste van verkryging van geregistreerde titelbewys in sekere gevalle die waarde van die betrokke grond sou oorskry;

EN NADEMAAL die genoemde grond vanweë die gevolglike onsekerheid aangaande die eiendomsreg nie tot die beste voordeel deur diegene wat daarop geregtig is, benut kan word nie;

EN NADEMAAL die genoemde onsekerheid voorts die ontwikkeling van sekere gedeeltes van die genoemde grond vir ontspanningsdoeleindes of dorpstigting, waarvoor dit besonder geskik is, strem;

EN NADEMAAL die toestand voortdurend vererger as gevolg van die vermeerdering van die aantal persone wat op aandele in die genoemde grond geregtig is;

EN NADEMAAL dit tans nog moontlik is om met redelike sekerheid vas te stel watter persone aldus geregtig is;

EN NADEMAAL dit derhalwe dienstig is om voorsiening te maak vir die verdeling van die genoemde grond, vir die toewysing en regstreekse oordrag van gedeeltes aan sodanige persone, vir die verkoop van gedeeltes wat dit nie doenlik of wenslik geag word om aldus toe te wys en oor te dra nie, en vir die verdeling van die opbrengs van die verkopings;

EN NADEMAAL dit dienstig is om daarvoor voorsiening te maak dat die genoemde werksaamhede deur 'n komitee vir die doel aangestel, verrig word;

EN NADEMAAL dit dienstig is om vir bykomstige aangeleenthede voorsiening te maak:

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

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

- (i) „eienaar”, met betrekking tot grond in die Bylae vermeld, iemand wat in die aktekantoor as eienaar van die betrokke grond geregistreer is, of iemand wat daarop geregtig is om aldus geregistreer te word; (iii)

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ACT

To provide for the establishment of a committee empowered to subdivide certain lands in the division of George, transfer portions to persons entitled thereto, sell other portions and cause the proceeds to be distributed among the persons entitled thereto; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 8th May, 1972.)*

WHEREAS the land mentioned in the Schedule, due to the Preamble, failure of the heirs to take transfer or to pass deeds of partition transfer, belongs to numerous persons, most of whom are not in possession of registered title deeds;

AND WHEREAS the cost of acquisition of registered title would in certain cases exceed the value of the land in question;

AND WHEREAS the said land, because of the resultant uncertainty as regards the right of ownership, cannot be fully utilized by the persons who are entitled thereto;

AND WHEREAS the said uncertainty moreover obstructs the development of certain portions of the said land for the purpose of recreation or the establishment of townships, for which it is particularly suitable;

AND WHEREAS the situation is deteriorating progressively as a result of the increase in the number of persons entitled to shares in the said land;

AND WHEREAS it is presently still possible to ascertain with reasonable certainty which persons are so entitled;

AND WHEREAS it is therefore expedient to provide for the subdivision of the said land, for the allocation and direct transfer of portions to such persons, for the sale of portions which it is not considered practicable or desirable so to allocate and transfer, and for the distribution of the proceeds of the sales;

AND WHEREAS it is expedient to provide for the performance of the said functions by a committee appointed for the purpose;

AND WHEREAS it is expedient to provide for incidental matters:

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

1. (1) In this Act, unless inconsistent with the context— Definitions.
 (i) “committee” means the Land Division Committee referred to in section 2 (1); (iii)
 (ii) “Minister” means the Minister of Agriculture; (iv)

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- (ii) „gedeelte” ’n in artikel 5 (1) (b) bedoelde gedeelte van grond in die Bylae vermeld; (iv)
- (iii) „komitee” die Grondverdelingskomitee in artikel 2 (1) bedoel; (i)
- (iv) „Minister” die Minister van Landbou; (ii)
- (v) „Sekretaris” die Sekretaris van Landboukrediet en Grondbesit. (v)

(2) Waar die komitee nie geredelik kan vasstel wie die erfgename is nie van iemand wat oorlede is en wat, indien hy in lewe was, ’n eienaar sou wees van grond in die Bylae vermeld, kan die komitee, by die toepassing van hierdie Wet, die boedel van die oorledene beskou as die eienaar van die betrokke grond of van die aandeel van die oorledene daarin, na gelang van die omstandighede.

Instelling van komitee.

2. (1) Die Minister kan drie persone aanstel as lede van ’n komitee wat die Grondverdelingskomitee genoem word en wat ooreenkomsdig die bepalings van hierdie Wet die grond in die Bylae vermeld, moet verdeel en daaroor moet beskik.

(2) Die Minister wys een van die lede van die komitee aan as voorsitter daarvan, wat die verrigting van die werksaamhede van die komitee moet reël.

(3) ’n Kворум vir ’n vergadering van die komitee is twee lede daarvan, en die besluit van twee lede is die besluit van die komitee.

(4) Die Minister kan na goeddunke die aanstelling van ’n lid van die komitee beëindig, en kan ’n vakature aanvul.

(5) ’n Lid van die komitee wat nie in die voltydse diens van die Staat is nie, word ten opsigte van sy diens as sodanige lid die besoldiging en toelaes betaal wat die Minister van tyd tot tyd in oorleg met die Minister van Finansies bepaal.

Komitee vir sekere doeleindes geag geregistreerde eienaar van grond te wees.

3. (1) Vir die doeleindes van ’n opmeting, verkoping en oordrag van grond ingevolge hierdie Wet, word die komitee geag die geregistreerde eienaar van die betrokke grond te wees.

(2) Die voorsitter van die komitee kan alle stukke teken wat in verband met so ’n opmeting, verkoping of oordrag of vir die uitvoering van die bepalings van hierdie Wet nodig is.

(3) Iemand wat deur die komitee skriftelik daartoe gemagtig is, of ’n lid van die komitee, kan grond in die Bylae genoem, te alle redelike tye betree en daarop enige handeling verrig wat nodig of dienstig is ten einde aan die bepalings van hierdie Wet uitvoering te gee.

Uitgawes.

4. (1) Behoudens die bepalings van subartikel (2), betaal die Sekretaris alle uitgawes in verband met die verrigting van die komitee se werksaamhede ingevolge hierdie Wet, uit gelde deur die Parlement vir die doel bewillig.

(2) Elke eienaar van ’n stuk grond in die Bylae genoem, moet aan die Sekretaris ’n bedrag betaal ter dekking van—

- (a) bedoelde eienaar se aandeel, soos deur die komitee bepaal, van die koste van die opmeting ingevolge artikel 5 (1) (b) van die gedeelte wat sy aandeel in bedoelde stuk grond verteenwoordig; en
- (b) indien ’n gedeelte ingevolge artikel 8 aan bedoelde eienaar oorgedra word, die koste van die oordrag, of, waar ’n gedeelte aan meer as een eienaar aldus oorgedra word, bedoelde eienaar se aandeel, soos deur die komitee bepaal, van sodanige koste; en
- (c) bedoelde eienaar se aandeel, soos deur die komitee bepaal, van die ander uitgawes wat ingevolge hierdie Wet in verband met bedoelde stuk grond aangegaan is, met inbegrip van besoldiging en toelaes in artikel 2 (5) bedoel.

(3) Bedoelde bedrag word deur die Sekretaris in die Gekonsolideerde Inkomstefonds gestort.

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- (iii) "owner", in relation to land mentioned in the Schedule, means a person registered in the deeds office as owner of the land in question, or a person who is entitled to be so registered; (i)
- (iv) "portion" means a portion referred to in section 5 (1) (b), of land mentioned in the Schedule; (ii)
- (v) "Secretary" means the Secretary for Agricultural Credit and Land Tenure. (v)
- (2) Where the committee cannot readily ascertain who the heirs are of a deceased person who, if he were alive, would have been an owner of land mentioned in the Schedule, the committee may for the purposes of this Act regard the estate of the deceased as the owner of the land in question, or of the deceased's share in it, as the circumstances may require.

2. (1) The Minister may appoint three persons as members of a committee to be known as the Land Division Committee and which shall divide and dispose of the land referred to in the Schedule in accordance with the provisions of this Act. Establishment of committee.

(2) The Minister shall designate one of the members of the committee as its chairman, who shall regulate the conduct of the business of the committee.

(3) A quorum for a meeting of the committee shall be two of its members, and the decision of two members shall be the decision of the committee.

(4) The Minister may at his discretion terminate the appointment of a member of the committee and may fill any vacancy.

(5) A member of the committee who is not in the full-time employment of the State, shall in respect of his service as such member be paid such remuneration and allowances as the Minister may from time to time determine in consultation with the Minister of Finance.

3. (1) For the purposes of any survey, sale or transfer of land in terms of this Act, the committee shall be deemed to be the registered owner of the land in question. Committee deemed to be registered owner of land for certain purposes.

(2) The chairman of the committee may sign all documents required in connection with such a survey, sale or transfer or for the purpose of giving effect to the provisions of this Act.

(3) Any person authorized thereto in writing by the committee, or any member of the committee, may at all reasonable times enter upon land mentioned in the Schedule and perform on it any act necessary or expedient in order to give effect to the provisions of this Act.

4. (1) Subject to the provisions of subsection (2), the Secretary shall pay all expenses in connection with the performance of the functions of the committee, out of moneys appropriated by Parliament for the purpose. Expenditure.

(2) Every owner of a piece of land mentioned in the Schedule shall pay to the Secretary an amount to cover—

- (a) such owner's share, as determined by the committee, of the cost of the survey in terms of section 5 (1) (b) of the portion representing his share in such piece of land; and
- (b) if a portion is transferred to such owner in terms of section 8, the cost of the transfer, or, where a portion is so transferred to more than one owner, such owner's share, as determined by the committee, of such cost; and
- (c) such owner's share, as determined by the committee, of the other expenditure incurred in connection with such piece of land in terms of this Act, including remuneration and allowances referred to in section 2 (5).

(3) Such amount shall be paid by the Secretary into the Consolidated Revenue Fund.

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Onderverdeling van grond in gedeeltes, en aanwysing of toewysing van gedeeltes.

- 5.** (1) Die komitee moet—
 (a) ten opsigte van elke stuk grond in die Bylae vermeld, vasstel wie die eienaars daarvan is en op watter aandeel daarin elke eienaar geregtig is;
 (b) behoudens die bepalings van subartikels (4) en (5), elke stuk grond in die Bylae genoem in gedeeltes onderverdeel op 'n grondslag wat na die oordeel van die komitee billik en prakties uitvoerbaar is met inagneming van die aandele van die onderskeie eienaars in daardie grond en met die oog op die bepalings van subartikels (2) en (3), en sodanige gedeeltes laat opmeet.
 (2) Die komitee kan na goeddunke, uit die gedeeltes waarin grond ingevolge subartikel (1) (b) onderverdeel is, een of meer gedeeltes aanwys—
 (a) wat vanweë die natuurlike toestand daarvan of om 'n ander rede wat die komitee voldoende ag, nie aan eienaars toege wys moet word nie maar ingevolge artikel 6 verkoop moet word; of
 (b) wat ingevolge artikel 6 verkoop moet word ten einde eienaars te vergoed wie se onderskeie aandele in die onderverdeelde grond na die oordeel van die komitee van so 'n aard is dat dit nie doenlik of wenslik is om toewysings ingevolge subartikel (3) aan hulle te doen nie:

Met dien verstande dat 'n eienaar in paragraaf (b) bedoel, vergoed kan word uit die opbrengs van die verkoop van 'n gedeelte kragtens paragraaf (a) aangewys.

(3) Die komitee moet elke gedeelte waarin grond ingevolge subartikel (1) (b) verdeel is en wat nie kragtens subartikel (2) aangewys is nie, aan die eienaar of eienaars toewys wie se aandele in die onderverdeelde grond deur die betrokke gedeelte verteenwoordig word.

(4) Indien die komitee van oordeel is dat 'n bepaalde stuk grond in die Bylae vermeld nie onderverdeel behoort te word nie, kan die komitee met bedoelde stuk *mutatis mutandis* ingevolge subartikel (2) of (3) handel sonder om dit onder te verdeel.

(5) Indien die komitee van oordeel is dat twee of meer aangrensende stukke grond in die Bylae vermeld, as 'n enkele stuk grond beskou behoort te word vanweë die feit dat twee of meer eienaars elk aandele in daardie stukke grond het, kan die komitee, by die toepassing van subartikels (1), (2) en (3) en vir sover hy dit dienstig ag, daardie stukke grond as 'n enkele stuk grond behandel, en aan elke sodanige eienaar 'n enkele gedeelte toewys om sy aandele in twee of meer van die betrokke stukke grond te verteenwoordig.

Verkoop en oordrag van gedeeltes wat vir verkoop aangewys is.

6. (1) Die komitee moet gedeeltes van grond wat hy kragtens artikel 5 (2) aangewys het, op die wyse en voorwaardes wat die Minister bepaal, maar behoudens die bepalings van subartikel (2) van hierdie artikel, verkoop en 'n gedeelte aldus verkoop aan die betrokke koper oordra.

(2) 'n Gedeelte van grond in subartikel (1) bedoel, word verkoop en oorgedra vry van enige verband en vry van enige trust, fideikommis, vruggebruik of ander las uit hoofde van 'n testament of ander skriftelike beskikking, maar onderworpe aan enige ander geregistreerde reg, waarmee die onderverdeelde grond op die datum van die verkoop beswaar is.

Verdeling van opbrengs van verkoop.

7. (1) Die opbrengs van 'n verkoop van 'n gedeelte van grond ingevolge artikel 6 word aan die Sekretaris betaal en word deur hom verdeel volgens voorskrif van hierdie artikel.

(2) Die opbrengs in subartikel (1) bedoel, word deur die komitee aan die eienaars van die betrokke onderverdeelde grond, of die eienaars wie se aandele in daardie grond deur die gedeelte wat verkoop is, verteenwoordig word, na gelang van die geval, toegewys sodat die bedrag aan 'n eienaar toegewys tot die totale bedrag van die opbrengs in dieselfde verhouding staan

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- 5.** (1) The committee shall—
 (a) in respect of each piece of land mentioned in the Schedule, ascertain who its owners are and to what share in it each owner is entitled;
 (b) subject to the provisions of subsections (4) and (5), subdivide each piece of land mentioned in the Schedule into portions on a basis which in the opinion of the committee is fair and practically feasible, with due regard to the shares of the respective owners in that land and with a view to the provisions of subsections (2) and (3), and cause such portions to be surveyed.
 (2) The committee, at its discretion, may designate from among the portions into which land has been subdivided in terms of subsection (1) (b), one or more portions—
 (a) which, because of its natural condition or for any other reason deemed sufficient by the committee, are not to be allocated to owners but are to be sold in terms of section 6; or
 (b) which are to be sold in terms of section 6 in order to compensate any owners whose respective shares in the subdivided land are in the opinion of the committee of such a nature that it is not practicable or desirable to make allotments to them in terms of subsection (3):

Subdivision of land into portions, and designation or allocation of portions.

Provided that an owner referred to in paragraph (b) may be compensated out of the proceeds of the sale of any portion designated under paragraph (a).

(3) The committee shall allocate each portion into which land has been subdivided in terms of subsection (1) (b) and which has not been designated under subsection (2), to the owner or owners whose shares in the subdivided land are represented by the portion in question.

(4) If the committee is of the opinion that any particular piece of land mentioned in the Schedule should not be subdivided, it may deal with such piece of land *mutatis mutandis* in terms of subsection (2) or (3), without subdividing it.

(5) If the committee is of the opinion that two or more adjoining pieces of land mentioned in the Schedule, should be regarded as a single piece of land on account of the fact that each of two or more owners has shares in those pieces of land, the committee may, for the purposes of subsections (1), (2) and (3) and in so far as it deems expedient, deal with those pieces of land as a single piece of land, and allocate to each such owner a single portion to represent his shares in two or more of the pieces of land in question.

6. (1) The committee shall sell any portions of land designated by it under section 5 (2), in such manner and on such conditions as the Minister may determine but subject to the provisions of subsection (2) of this section, and shall transfer any portion so sold to the purchaser concerned.

Sale and transfer of portions designated for sale.

(2) A portion of land referred to in subsection (1) shall be sold and transferred free from any mortgage and free from any trust, fideicommissum, usufruct or other encumbrance under a will or other disposition in writing, but subject to any other registered right, which constitutes a burden on the subdivided land on the date of the sale.

7. (1) The proceeds of a sale of a portion of land in terms of section 6 shall be paid to the Secretary and shall be distributed by him as provided in this section.

(2) The proceeds referred to in subsection (1) shall be allocated by the committee to the owners of the subdivided land in question, or to the owners whose shares in that land are represented by the portion sold, as the case may be, in such manner that the amount allocated to an owner bears in relation to the total amount of the proceeds the same ratio as the shares

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as die aandele van bedoelde eienaar tot die totale aandeelhouding in daardie grond, of tot die totale aandele wat deur die genoemde gedeelte verteenwoordig word, na gelang van die geval: Met dien verstande dat, indien die genoemde gedeelte kragtens paragraaf (a) van subartikel (2) van artikel 5 aangewys is en 'n eienaar uit die opbrengs vergoed moet word soos in die voorbehoudsbepaling by daardie subartikel beoog, die bedrag aan hom toegewys die waarde van sy aandeel in die onderverdeelde grond, soos deur die komitee bepaal, moet verteenwoordig.

(3) Van die bedrag ingevolge subartikel (2) aan 'n eienaar toegewys, word daar afgetrek—

- (a) die bedrag wat bedoelde eienaar ingevolge artikel 4 (2) aan die Sekretaris moet betaal; en
- (b) indien die aandeel van bedoelde eienaar in die onderverdeelde grond met 'n geregistreerde verband beswaar was, die bedrag van die verbandskuld, of, indien die verband ingevolge artikel 8 (4) geag word teen 'n ander gedeelte van die onderverdeelde grond geregistreer te wees, 'n bedrag gelyk aan die deel van die verbandskuld wat die komitee bepaal.

(4) 'n Bedrag ingevolge subartikel (3) (b) afgetrek, word deur die Sekretaris aan die betrokke verbandhouer betaal.

(5) Nadat die aftrekkings gedoen is waarvoor subartikel (3) voorsiening maak, word die balans van die bedrag wat ingevolge subartikel (2) aan 'n eienaar toegewys is—

- (a) indien die aandeel van bedoelde eienaar in die betrokke onderverdeelde grond met 'n trust, fideikommis, vruggebruik of ander las uit hoofde van 'n testament of ander skriftelike beskikking beswaar was soos in artikel 6 (2) bedoel, geag die onderwerp van sodanige trust, fideikommis, vruggebruik of ander las te wees in die plek van daardie aandeel, en deur die Sekretaris betaal aan die meester van die Hooggereghof watregsbevoeg is in die gebied waar daardie grond geleë is;
- (b) indien die adres van bedoelde eienaar onbekend is, deur die Sekretaris aan bedoelde meester betaal;
- (c) in enige ander geval, deur die Sekretaris aan die betrokke eienaar betaal.

Oordrag van
gedeelte aan
eienaar toegewys.

8. (1) (a) Sodra die kaart van 'n gedeelte van grond wat ingevolge artikel 5 (3) toegewys is, deur die landmeter-generaal goedgekeur is, moet die komitee die eienaar of elke eienaar, na gelang van die geval, aan wie bedoelde gedeelte toegewys is, skriftelik in kennis stel van die bedrag wat hy ingevolge artikel 4 (2) ten opsigte van bedoelde gedeelte verskuldig is, en hom in die kennisgewing aansê om daardie bedrag aan die Sekretaris te betaal binne ses maande vanaf 'n datum in die kennisgewing genoem.

(b) Sodanige kennisgewing word aan die betrokke eienaar bestel deur dit aan hom te oorhandig of per aangelekte pos aan hom te stuur, of, indien sy adres nie aan die komitee bekend is nie, deur dit een keer in die *Staatskoerant* en in 'n Engelse en 'n Afrikaanse nuusblad wat in die afdeling George in omloop is, te publiseer.

(2) Sodra die komitee oortuig is dat die eienaar of elke eienaar in subartikel (1) bedoel, die bedrag betaal het wat hy ingevolge daardie subartikel aangesê is om ten opsigte van die betrokke gedeelte te betaal, dra die komitee daardie gedeelte aan daardie eienaar of eienars, na gelang van die geval, oor, behoudens die bepalings van subartikels (3) en (4).

(3) Die betrokke gedeelte word, behoudens die bepalings van subartikel (4), ingevolge subartikel (2) oorgedra onderworpe aan alle regte wat op die datum van die oordrag teen die betrokke onderverdeelde grond geregistreer is.

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of such owner in relation to the total shareholding in that land, or to the total shares represented by the said portion, as the case may be: Provided that, if the said portion has been allocated under paragraph (a) of subsection (2) of section 5 and an owner is to be compensated out of the proceeds as contemplated in the proviso to that subsection, the amount allocated to him shall represent the value of his share in the subdivided land as determined by the committee.

(3) From the amount allocated to an owner in terms of subsection (2), there shall be deducted—

- (a) the amount payable in terms of section 4 (2) by such owner to the Secretary; and
- (b) if the share of such owner in the subdivided land was subject to a registered mortgage, the amount of the mortgage debt, or, if the mortgage is in terms of section 8 (4) deemed to be registered against another portion of the subdivided land, an amount equal to such part of the mortgage debt as the committee may determine.

(4) An amount deducted in terms of subsection (3) (b) shall be paid by the Secretary to the mortgagee concerned.

(5) After the deductions provided for in subsection (3) have been made, the balance of the amount allocated to an owner in terms of subsection (2) shall—

- (a) if the share of such owner in the subdivided land in question was burdened with a trust, fideicommissum, usufruct or other encumbrance under a will or other disposition in writing, as contemplated in section 6 (2), be deemed to be the object of such trust, fideicommissum, usufruct or other encumbrance in the place of that share, and be paid by the Secretary to the master of the Supreme Court having jurisdiction in the area where that land is situate;
- (b) if the address of such owner is unknown, be paid by the Secretary to the said master;
- (c) in any other case, be paid by the Secretary to the owner concerned.

8. (1) (a) As soon as the diagram of a portion of land allocated in terms of section 5 (3) has been approved by the surveyor-general, the committee shall in writing notify the owner or each owner, as the case may be, to whom such portion has been allocated, of the amount owed by him in terms of section 4 (2) in respect of such portion, and in such notice require him to pay that amount to the Secretary within six months as from a date specified in such notice.

Transfer of
portion allocated
to owner.

(b) Such notice shall be served on the owner concerned by delivering it to him or by sending it to him by registered post, or, if his address is not known to the committee, by publishing it once in the *Gazette* and in an English and an Afrikaans newspaper circulating in the division of George.

(2) As soon as the committee is satisfied that the owner or every owner referred to in subsection (1), has paid the amount which he has in terms of that subsection been required to pay in respect of the portion in question, the committee shall transfer that portion to that owner or those owners, as the case may be, subject to the provisions of subsections (3) and (4).

(3) The portion in question shall, save as provided in subsection (4), be transferred in terms of subsection (2) subject to all rights registered against the subdivided land in question on the date of the transfer.

Wet No. 34, 1972

WET OP REËLING VAN GRONDITELS
(AFDELING GEORGE), 1972.

(4) Indien die aandeel wat die eienaar in die betrokke onderverdeelde grond het en ten opsigte waarvan 'n gedeelte ingevolge hierdie artikel aan hom oorgedra word, met 'n geregistreerde verband beswaar is of die onderwerp is van 'n trust, fideikommis, vruggebruik of ander las uit hoofde van 'n testament of ander skriftelike beskikking, word die aldus oorgedraagde gedeelte geag in die plek van bedoelde aandeel met die verband beswaar te wees of die onderwerp van die trust, fideikommis, vruggebruik of ander las te wees, na gelang van die geval, en word dit dienoordeekomstig aldus oorgedra.

(5) 'n Verwysing in 'n verbandakte, testament of ander stuk na 'n aandeel in subartikel (4) bedoel, word by die toepassing van daardie subartikel uitgelê as 'n verwysing na die betrokke aldus bedoelde gedeelte.

(6) Die registrator van aktes moet op die registrasieduplikaat en, by voorlegging daarvan aan hom, op die oorspronklike van 'n geregistreerde stuk wat betrekking het op 'n verband, trust, fideikommis, vruggebruik of ander las in subartikel (4) bedoel, die endossement aanbring wat hy nodig ag ten einde aan die bepalings van subartikels (4) en (5) gevolg te gee.

(7) Geen herereg, seëlreg, kantoorgeld of ander geld is ten opsigte van 'n oordrag of endossement ingevolge hierdie artikel betaalbaar nie.

Verkoop, by versuim om koste te betaal, van gedeelte aan eienaar toege wys.

9. (1) Indien 'n eienaar versuim om die bedrag wat hy ingevolge subartikel (1) van artikel 8 aangesê is om te betaal, binne die tydperk te betaal wat ingevolge daardie subartikel vir die betaling daarvan voorgeskryf is, kan die komitee die gedeelte ten opsigte waarvan daardie bedrag betaalbaar is, verkoop en aan die betrokke koper oordra.

(2) Die bepalings van artikels 6 en 7 is met betrekking tot die verkoop en oordrag van 'n gedeelte kragtens subartikel (1) van hierdie artikel, en die opbrengs van die verkoop, van toepassing asof bedoelde gedeelte kragtens artikel 5 (2) (b) aangewys is.

Sekere wetsbepalings belet nie onderverdeling en oordrag ingevolge hierdie Wet nie.

10. (1) Die landmeter-generaal kan die kaart van 'n gedeelte of 'n algemene plan van 'n onderverdeling van grond ingevolge hierdie Wet, goedkeur, en die registrator van aktes kan die oordrag van 'n gedeelte of van 'n aandeel in 'n gedeelte ingevolge hierdie Wet, regstreer, ondanks andersluidende wetsbepalings met betrekking tot die onderverdeling of registrasie van grond.

(2) Ondanks die bepalings van artikel 14 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), word die oordrag van 'n gedeelte wat ingevolge hierdie Wet deur die komitee verkoop of toege wys is, regstreeks aan die koper of die eienaar of eienars aan wie dit toege wys is, gepasseer.

(3) Indien die komitee nie in staat is om die titelbewys van grond waarvan 'n gedeelte ingevolge hierdie Wet oorgedra moet word, te verkry nie en 'n beëdigde verklaring te dien effekte ten genoeë van die registrator van aktes voorlê, kan die registrator die oordrag regstreer en dit op die registrasieduplikaat van bedoelde titelbewys endosseer.

Kort titel.

11. Hierdie Wet heet die Wet op Reëling van Grondtitels (Afdeling George), 1972.

**LAND TITLES (DIVISION OF GEORGE)
ADJUSTMENT ACT, 1972.**

Act No. 34, 1972

(4) If the share which the owner has in the subdivided land in question, and in respect of which a portion is transferred to him under this section, is burdened with a registered mortgage or is the subject of a trust, fideicommissum, usufruct or other encumbrance under a will or other disposition in writing, the portion so transferred shall be deemed to be encumbered with the mortgage or to be the subject of the trust, fideicommissum, usufruct or other encumbrance, as the case may be, in the place of the said share, and shall be so transferred accordingly.

(5) A reference in a mortgage bond, will or other document to a share referred to in subsection (4), shall for the purposes of that subsection be construed as a reference to the relevant portion so referred to.

(6) The registrar of deeds shall make such endorsement as he may deem necessary in order to give effect to the provisions of subsections (4) and (5), on the registry duplicate and, on its production to him, on the original of any registered document relating to a mortgage, trust, fideicommissum, usufruct or other encumbrance referred to in subsection (4).

(7) No transfer duty, stamp duty, office fee or other charge shall be payable in respect of a transfer or endorsement in terms of this section.

9. (1) If an owner fails to pay the amount which he has been required to pay in terms of subsection (1) of section 8, within the period prescribed for its payment in terms of that subsection, the commission may sell and transfer to the purchaser concerned, the portion in respect of which that amount is payable.

(2) The provisions of sections 6 and 7 shall apply in relation to the sale and transfer of a portion under subsection (1) of this section and the proceeds of the sale as if such portion had been designated under section 5 (2) (b).

10. (1) The surveyor-general may approve the diagram of a portion or a general plan of any subdivision of land in terms of this Act, and the registrar of deeds may register the transfer of a portion or a share in a portion in terms of this Act, notwithstanding the provisions of any other law relating to the subdivision or registration of land.

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

(2) Notwithstanding the provisions of section 14 of the Deeds Registries Act, 1937 (Act No. 47 of 1937), the transfer of a portion sold or allocated by the committee in terms of this Act, shall be passed direct to the purchaser or the owner or owners to whom it has been allocated.

(3) If the committee is unable to obtain the title deed of land of which a portion is to be transferred in terms of this Act, and submits an affidavit to that effect to the satisfaction of the registrar of deeds, the registrar may register the transfer and endorse it on the registry duplicate of such title deed.

11. This Act shall be called the Land Titles (Division of Short title. George) Adjustment Act, 1972.

Wet No. 34, 1972**WET OP REËLING VAN GRONDITELS
(AFDELING GEORGE), 1972.****Bylae.**

1. Seker stuk opgehefte erfpaggrond geleë in die afdeling George synde die resterende gedeelte van die plaas KLEIN KRANTZ No. 192; groot 889,1502 hektaar.
2. Seker stuk ewigdurende erfpaggrond geleë in die afdeling George synde die grootste gedeelte van die plaas DIEP RIVIER No. 178; groot 716,0608 hektaar.
3. (i) Seker afgeskafte erfpaggrond geleë in die afdeling George synde Gedeelte 26 (Klein Rivier) van die plaas BUFFELS RIVIER No. 46; groot 377,3595 hektaar.
 (ii) Seker afgeskafte erfpaggrond geleë in die afdeling George synde Gedeelte 27 (Klein Rivier) van die plaas BUFFELS RIVIER No. 46; groot 27,6902 hektaar.
 (iii) Seker afgeskafte erfpaggrond geleë in die afdeling George synde Gedeelte 28 (Klein Rivier) van die plaas BUFFELS RIVIER No. 46; groot 13,2905 hektaar.
 (iv) Seker afgeskafte erfpaggrond geleë in die afdeling George synde Gedeelte 29 (Klein Rivier) van die plaas BUFFELS RIVIER No. 46; groot 3,3119 hektaar.
 (v) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde die plaas Annex Buffels Rivier No. 8; groot 1264,1270 hektaar.
4. (i) Seker stuk grond geleë in die afdeling George synde die plaas ELANDS VLAKTE No. 7; groot 339,8291 hektaar.
 (ii) Restant van die plaas MARTINS KRAAL No. 40, geleë in die afdeling George; groot 483,9077 hektaar.
5. (i) Seker stuk opgehefte erfpaggrond geleë in die afdeling George synde die plaas WATERFAL No. 9; groot 1744,4417 hektaar.
 (ii) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde die restant van die plaas ADJOINING MARTINS KRAAL No. 41; groot 877,1987 hektaar.
6. (i) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde die plaas UPPER DIEP KLOOF No. 6; groot 1271,2434 hektaar.
 (ii) Seker stuk grond geleë in die afdeling George synde die plaas WILDE ALS VLEI No. 5; groot 865,2900 hektaar.
 (iii) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde Gedeelte 2 van die plaas DIEP KLOOF No. 42; groot 295,7333 hektaar.
7. (i) Seker stuk opgehefte erfpaggrond geleë in die afdeling George synde Gedeelte 3 ('n gedeelte van Gedeelte 2) van die plaas DIEPE KLOOF No. 42; groot 151,1179 hektaar.
 (ii) Seker stuk opgehefte erfpaggrond geleë in die afdeling George synde die restant van die plaas DIEPE KLOOF No. 42; groot 1025,4158 hektaar.
8. (i) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde Lot 5, 'n gedeelte van die plaas BOVEN LANGE VALLEY No. 189; groot 36,8723 hektaar.
 (ii) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde Lot 6, 'n gedeelte van die plaas BOVEN LANGE VALLEY No. 189; groot 1,7217 hektaar.
 (iii) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde Lot 7, 'n gedeelte van die plaas BOVEN LANGE VALLEY No. 189; groot 9,7474 hektaar.
 (iv) Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde Lot 8, 'n gedeelte van die plaas BOVEN LANGE VALLEY No. 189; groot 117,1265 hektaar.
9. Seker stuk opgehefte erfpaggrond geleë in die afdeling George synde Lotte 9, 10 en 11, gedeeltes van die plaas BOVEN LANGE VALLEY No. 189; groot 9,1920 hektaar.
10. Seker stuk afgeskafte erfpaggrond geleë in die afdeling George synde die restant van die plaas BOVEN LANGE VALLEY No. 189; groot 139,1008 hektaar.

**LAND TITLES (DIVISION OF GEORGE)
ADJUSTMENT ACT, 1972.**

Act No. 34, 1972

Schedule.

1. Certain piece of redeemed quitrent land situate in the division of George being the remaining extent of the farm KLEIN KRANTZ No. 192; measuring 889,1502 hectares.
2. Certain piece of perpetual quitrent land situate in the division of George, being the larger portion of the farm DIEP RIVIER No. 178; measuring 716,0608 hectares;
3. (i) Certain abolished quitrent land situate in the division of George, being Portion 26 (Klein Rivier) of the farm BUFFELS RIVIER No. 46; measuring 377,3595 hectares.
 (ii) Certain abolished quitrent land situate in the division of George, being Portion 27 (Klein Rivier) of the farm BUFFELS RIVIER No. 46; measuring 27,6902 hectares.
 (iii) Certain abolished quitrent land situate in the division of George being Portion 28 (Klein Rivier) of the farm BUFFELS RIVIER No. 46; measuring 13,2905 hectares.
 (iv) Certain abolished quitrent land situate in the division of George, being Portion 29 (Klein Rivier) of the farm BUFFELS RIVIER No. 46; measuring 3,3119 hectares.
 (v) Certain piece of abolished quitrent land situate in the division of George, being the farm ANNEX BUFFELS RIVIER No. 8; measuring 1264,1270 hectares.
4. (i) Certain piece of land situate in the division of George being the farm ELANDS VLAKTE No. 7; measuring 339,8291 hectares.
 (ii) Remaining extent of the farm MARTINS KRAAL No. 40, situate in the division of George, measuring 483,9077 hectares.
5. (i) Certain piece of redeemed quitrent land situate in the division of George, being the farm WATERFAL No. 9; measuring 1744,4417 hectares.
 (ii) Certain piece of abolished quitrent land situate in the division of George being the remaining extent of the farm ADJOINING MARTINS KRAAL No. 41; measuring 877,1987 hectares.
6. (i) Certain piece of abolished quitrent land situate in the division of George, being the farm UPPER DIEP KLOOF No. 6; measuring 1271,2434 hectares.
 (ii) Certain piece of land situate in the division of George, being the farm WILDE ALS VLEI No. 5; measuring 865,2900 hectares.
 (iii) Certain piece of abolished quitrent land situate in the division of George, being Portion 2 of the farm DIEP KLOOF No. 42; measuring 295,8333 hectares.
7. (i) Certain piece of redeemed quitrent land situate in the division of George being Portion 3 (a portion of Portion 2) of the farm DIEPE KLOOF No. 42; measuring 151,1179 hectares.
 (ii) Certain piece of redeemed quitrent land situate in the division of George, being the remaining extent of the farm DIEPE KLOOF No. 42; measuring 1025,4158 hectares.
8. (i) Certain piece of abolished quitrent land situate in the division of George, being Lot 5, a portion of the farm BOVEN LANGE VALLEY No. 189; measuring 36,8723 hectares.
 (ii) Certain piece of abolished quitrent land situate in the division of George, being Lot 6, a portion of the farm BOVEN LANGE VALLEY No. 189; measuring 1,7217 hectares.
 (iii) Certain piece of abolished quitrent land situate in the division of George, being Lot 7, a portion of the farm BOVEN LANGE VALLEY No. 189; measuring 9,7474 hectares.
 (iv) Certain piece of abolished quitrent land situate in the division of George, being Lot 8, a portion of the farm BOVEN LANGE VALLEY No. 189; measuring 117,1265 hectares.
9. Certain piece of redeemed quitrent land situate in the division of George, being Lots 9, 10 and 11, portions of the farm BOVEN LANGE VALLEY No. 189; measuring 9,1920 hectares.
10. Certain piece of abolished quitrent land situate in the division of George, being the remaining extent of the farm BOVEN LANGE VALLEY No. 189; measuring 139,1008 hectares.

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