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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1056.

15 June 1977.

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

No. 81 of 1977: Agricultural Credit Amendment Act, 1977.

No. 1056.

15 Junie 1977.

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

No. 81 van 1977: Wysigingswet op Landboukrediet, 1977.

Act No. 81, 1977

AGRICULTURAL CREDIT AMENDMENT ACT, 1977.

ACT

To amend the provisions of the Agricultural Credit Act, 1966, regarding the consent of the Minister of Agriculture in respect of certain conditions and restrictions endorsed on the title deeds of immovable property mortgaged in favour of the State if an amount in respect of assistance is still owing to the State by the owner of such immovable property; and to provide for the circumstances in which such immovable property shall become the property of the State; and for matters connected therewith.

*(English text signed by the State President.)
(Assented to 7 June 1977.)*

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

Amendment of section 35 of Act 28 of 1966, as substituted by section 3 of Act 45 of 1968.

1. (1) Section 35 of the Agricultural Credit Act, 1966, is hereby amended—

(a) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) (i) vest in the Master of the Supreme Court or trustee concerned, as the case may be, when the estate of the owner of such property is sequestrated or is dealt with in terms of section 28 of this Act;

(ii) form part of the estate of the owner of such property when such estate is to be dealt with by the executor concerned in terms of section 34 (5) of the Administration of Estates Act, 1965 (Act No. 66 of 1965);

(iii) in the case where the owner of such property is a company or other juristic person which is placed in liquidation, form part of the assets of such company or juristic person,

if an amount in respect of assistance is still owing to the State by such owner.”;

(b) by the insertion after subsection (1) of the following subsections:

“(1A) (a) When the Minister refuses to grant consent referred to in subsection (1) in respect of a condition or restriction contemplated in paragraph (e) of subsection (1), endorsed on the title deed of immovable property in accordance with that subsection, such immovable property shall, subject to the rights of the holder of a mortgage bond on such

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WET

Tot wysiging van die bepalings van die Wet op Landboukrediet, 1966, betreffende toestemming deur die Minister van Landbou ten opsigte van sekere voorwaardes en beperkings wat aangeteken is op die titelbewyse van onroerende goed wat deur verband ten gunste van die Staat beswaar is indien 'n bedrag ten opsigte van bystand nog deur die eienaar van daardie onroerende goed aan die Staat verskuldig is; en om voorsiening te maak vir die omstandighede waarin daardie onroerende goed die eiendom van die Staat word; en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Junie 1977.)*

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

1. (1) Artikel 35 van die Wet op Landboukrediet, 1966, word hierby gewysig—

(a) deur paragraaf (e) van subartikel (1) deur die volgende paragraaf te vervang:

„(e) (i) op die betrokke Meester van die Hooggeregshof of kurator, na gelang van die geval, oorgaan nie wanneer die boedel van die eienaar van daardie goed gesekwestreer word of daarmee ingevolge artikel 28 van hierdie Wet gehandel word;

(ii) deel uitmaak van die boedel van die eienaar van daardie goed nie wanneer daar met daardie boedel deur die betrokke eksekuteur ingevolge artikel 34 (5) van die Boedelwet, 1965 (Wet No. 66 van 1965), gehandel moet word;

(iii) in die geval waar die eienaar van daardie goed 'n maatskappy of ander regspersoon is wat in likwidasië geplaas word, deel uitmaak van die bates van daardie maatskappy of regspersoon nie,

indien daar nog 'n bedrag ten opsigte van bystand deur daardie eienaar aan die Staat verskuldig is.”;

(b) deur die volgende subartikels na subartikel (1) in te voeg:

„(1A) (a) Wanneer die Minister weier om toestemming bedoel in subartikel (1) te verleen ten opsigte van 'n voorwaarde of beperking beoog in paragraaf (e) van subartikel (1) wat ooreenkomstig daardie subartikel op die titelbewys van onroerende goed aangeteken is, word daardie onroerende goed, behoudens die regte van die houer van 'n verband

Wysiging van artikel 35 van Wet 28 van 1966, soos vervang deur artikel 3 van Wet 45 van 1968.

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immovable property, become the property of the State and shall be deemed to have become the property of the State on the date upon which—

- (i) the estate of the owner of such immovable property was sequestrated;
 - (ii) the estate of the owner of such immovable property was dealt with in terms of section 28 of this Act or by the executor concerned in terms of section 34 (5) of the Administration of Estates Act, 1965;
 - (iii) in the case where the owner of such immovable property is a company or other juristic person, such company or juristic person was placed in liquidation.
- (b) Where the Minister granted consent referred to in subsection (1) in respect of a condition or restriction contemplated in paragraph (e) of subsection (1), endorsed on the title deed of immovable property in accordance with that subsection, such immovable property shall be deemed—
- (i) if the estate of the owner of such immovable property was sequestrated or was dealt with in terms of section 28 of this Act, to have vested in the Master of the Supreme Court or trustee concerned, as the case may be;
 - (ii) if the estate of the owner of such immovable property was dealt with by the executor concerned in terms of section 34 (5) of the Administration of Estates Act, 1965, to have formed part of such estate;
 - (iii) if the owner of such immovable property is a company or other juristic person which was placed in liquidation, to have formed part of the assets of such company or juristic person, as if such condition or restriction were not so endorsed.

(1B) The management and maintenance of any immovable property on the title deed of which a condition or restriction contemplated in paragraph (e) of subsection (1) was endorsed in accordance with that subsection, as from the date on which—

- (a) the estate of the owner of such immovable property is sequestrated;
- (b) the estate of the owner of such immovable property is dealt with in terms of section 28 of this Act or by the executor concerned in terms of section 34 (5) of the Administration of Estates Act, 1965;
- (c) in the case where the owner of such immovable property is a company or other juristic person, such company or juristic person is placed in liquidation, until the date on which the Minister grants or refuses consent referred to in subsection (1) in respect of such condition or restriction, shall vest in the person in whom it would have vested if such condition or restriction were not so endorsed."

(2) A condition or restriction contemplated in paragraph (e) of section 35 (1) of the Agricultural Credit Act, 1966, endorsed before the date of commencement of this Act on the title deed of immovable property in accordance with the said section 35 (1), shall be deemed to be a condition or restriction contemplated in the said paragraph (e), as substituted by subsection (1) (a) of this section, and the provisions of subsections (1A) and (1B) of section

oor daardie onroerende goed, die eiendom van die Staat en geag die eiendom van die Staat te word het op die datum waarop—

- (i) die boedel van die eienaar van daardie onroerende goed gesekwestreer is;
- (ii) met die boedel van die eienaar van daardie onroerende goed ingevolge artikel 28 van hierdie Wet of deur die betrokke eksekuteur ingevolge artikel 34 (5) van die Boedelwet, 1965, gehandel is;
- (iii) in die geval waar die eienaar van daardie onroerende goed 'n maatskappy of ander regspersoon is, daardie maatskappy of regspersoon in likwidasië geplaas is.

(b) Wanneer die Minister toestemming bedoel in subartikel (1) verleen het ten opsigte van 'n voorwaarde of beperking beoog in paragraaf (e) van subartikel (1) wat ooreenkomstig daardie subartikel op die titelbewys van onroerende goed aangeteken is, word daardie onroerende goed geag—

- (i) indien die boedel van die eienaar van daardie onroerende goed gesekwestreer is of daarmee ingevolge artikel 28 van hierdie Wet gehandel is, op die betrokke Meester van die Hooggeregshof of kurator, na gelang van die geval, oor te gegaan het;
- (ii) indien daar met die boedel van die eienaar van daardie onroerende goed deur die betrokke eksekuteur ingevolge artikel 34 (5) van die Boedelwet, 1965, gehandel is, deel uit te maak het van daardie boedel;
- (iii) in die geval waar die eienaar van daardie onroerende goed 'n maatskappy of ander regspersoon is wat in likwidasië geplaas is, deel uit te maak het van die bates van daardie maatskappy of regspersoon, asof sodanige voorwaarde of beperking nie aldus aangeteken was nie.

(1B) Die bestuur en instandhouding van onroerende goed op die titelbewys waarvan 'n voorwaarde of beperking beoog in paragraaf (e) van subartikel (1) ooreenkomstig daardie subartikel aangeteken is, berus vanaf die datum waarop—

- (a) die boedel van die eienaar van daardie onroerende goed gesekwestreer word;
- (b) met die boedel van die eienaar van daardie onroerende goed ingevolge artikel 28 van hierdie Wet of deur die betrokke eksekuteur ingevolge artikel 34 (5) van die Boedelwet, 1965, gehandel word;
- (c) in die geval waar die eienaar van daardie onroerende goed 'n maatskappy of ander regspersoon is, daardie maatskappy of regspersoon in likwidasië geplaas word,

tot die datum waarop die Minister toestemming bedoel in subartikel (1) ten opsigte van sodanige voorwaarde of beperking verleen of geweier het, by die persoon by wie sodanige bestuur en instandhouding sou berus het indien sodanige voorwaarde of beperking nie aldus aangeteken was nie.”

(2) 'n Voorwaarde of beperking beoog in paragraaf (e) van artikel 35 (1) van die Wet op Landboukrediet, 1966, wat voor die datum van inwerkingtreding van hierdie Wet ooreenkomstig bedoelde artikel 35 (1) op die titelbewys van onroerende goed aangeteken is, word geag 'n voorwaarde of beperking te wees soos beoog in bedoelde paragraaf (e), soos vervang deur subartikel (1) (a) van hierdie artikel, en die bepalings van subartikels (1A) en (1B) van artikel 35 van bedoelde Wet op Landboukrediet, soos

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35 of the said Agricultural Credit Act, as inserted by subsection (1) (b) of this section, shall apply also in respect of immovable property on the title deed of which any such condition or restriction was so endorsed.

(3) A condition or restriction contemplated in paragraph (iii) of section 22 (1) of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), or in paragraph (iii) of section 21 (1) of the Farmers' Assistance Ordinance, 1962 (Ordinance No. 11 of 1962), of the territory of South West Africa, endorsed on the title deed of immovable property in accordance with the said section 22 (1) or 21 (1), as the case may be, shall be deemed to be a condition or restriction contemplated in paragraph (e) of section 35 (1) of the Agricultural Credit Act, 1966, as substituted by subsection (1) (a) of this section, and the provisions of subsections (1A) and (1B) of section 35 of the said Agricultural Credit Act, as inserted by subsection (1) (b) of this section, shall apply also in respect of immovable property on the title deed of which any such condition or restriction was so endorsed.

Short title.

2. This Act shall be called the Agricultural Credit Amendment Act, 1977.

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ingevoeg deur subartikel (1) (b) van hierdie artikel, is ook van toepassing ten opsigte van onroerende goed op die titelbewys waarvan enige sodanige voorwaarde of beperking aldus aange- teken is.

(3) 'n Voorwaarde of beperking beoog in paragraaf (iii) van artikel 22 (1) van die Boere-Bystandswet, 1935 (Wet No. 48 van 1935), of in paragraaf (iii) van artikel 21 (1) van die Boereby- standsordonnansie, 1962 (Ordonnansie No. 11 van 1962), van die gebied Suidwes-Afrika, wat ooreenkomstig bedoelde artikel 22 (1) of 21 (1), na gelang van die geval, op die titelbewys van onroerende goed aangeteken is, word geag 'n voorwaarde of beperking te wees soos beoog in paragraaf (e) van artikel 35 (1) van die Wet op Landboukrediet, 1966, soos vervang deur subartikel (1) (a) van hierdie artikel, en die bepalings van subartikels (1A) en (1B) van artikel 35 van bedoelde Wet op Landboukrediet, soos ingevoeg deur subartikel (1) (b) van hierdie artikel, is ook van toepassing ten opsigte van onroerende goed op die titelbewys waarvan enige sodanige voorwaarde of beperking aldus aangeteken is.

2. Hierdie Wet heet die Wysigingswet op Landboukrediet, Kort titel. 1977.

