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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2071. 18 September 1987

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

No. 51 of 1987: Agricultural Credit Amendment Act (House of Assembly), 1987.

No. 2071. 18 September 1987

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

No. 51 van 1987: Wysigingswet op Landboukrediet (Volksraad), 1987.

Act No. 51, 1987

AGRICULTURAL CREDIT AMENDMENT ACT (HOUSE OF
ASSEMBLY), 1987

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Agricultural Credit Act, 1966, (in so far as it is applied as an Act on the own affairs of the House of Assembly) so as to make certain adjustments as a result of the assignment of the administration of the said Act to the Minister of Agriculture and Water Supply; to assign certain functions to the head of the department; to revoke the application of the said Act to South West Africa; to delete the provision that agricultural credit committees shall consist of not more than five members; to make other provision in connection with the letting of immovable property of the State by the Agricultural Credit Board; to further regulate assistance rendered by the Minister; to make further provision in connection with the interest payable in respect of assistance rendered; to further regulate the prerequisites for the payment of money or the delivery of property; to make further provision in connection with non-compliance with terms or conditions on which assistance is rendered; to provide that the Agricultural Credit Account may be debited with amounts with which it in the opinion of the Director-General has erroneously been credited; to extend the effect of a certificate referred to in section 21 of the said Act so that set-off is also prohibited; to provide that the Master may in certain circumstances forthwith appoint a liquidator or a trustee; to make further provision in connection with the registration of special conditions or restrictions in favour of the State on title deeds; to make it an offence to deal with certain movable property of the State contrary to the directions of the said Minister; and to increase the maximum fines which may be imposed in respect of offences in terms of the said Act; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 9 September 1987.)

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

Amendment of
section 1 of
Act 28 of 1966,
as amended by
section 1 of
Act 45 of 1968,
section 1 of
Act 66 of 1970,
section 1 of
Act 27 of 1980,
section 1 of
Act 73 of 1981,
section 1 of
Act 67 of 1982
and section 1 of
Act 42 of 1983.

1. Section 1 of the Agricultural Credit Act, 1966 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “department” 5
of the following definition:

“‘department’ means the Department of Agriculture
and Water Supply: Administration: House of As-
sembly;”;

(b) by the substitution for the definition of “Director-Gen- 10
eral” of the following definition:

“‘Director-General’ means the Director-General:
[Agriculture] Administration: House of As-
sembly;”;

(c) by the insertion after the definition of “Director-Gen- 15
eral” of the following definition:

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Landboukrediet, 1966, (in soverre dit as 'n Wet oor die eie sake van die Volksraad toegepas word) ten einde sekere aanpassings te maak as gevolg van die opdrag van die uitvoering van genoemde Wet aan die Minister van Landbou en Watervoorsiening; sekere werksaamhede aan die departementshoof op te dra; die toepassing van genoemde Wet in Suidwes-Afrika op te hef; die bepaling dat landboukrediet-komitees uit hoogstens vyf lede moet bestaan, te skrap; ander voorsiening te maak in verband met die verhuring van onroerende goed van die Staat deur die Landboukredietraad; bystandsverlening deur die Minister verder te reël; verdere voorsiening te maak in verband met die rente betaalbaar ten opsigte van verleende bystand; die voorvereistes vir die inbetaling van geld of die lewering van goed verder te reël; verdere voorsiening te maak in verband met die nie-nakoming van bedinge of voorwaardes waarop bystand verleen word; voorsiening te maak dat die Landboukredietrekening gedebiteer kan word met bedrae waarmee dit na die oordeel van die Direkteur-generaal foutiewelik gekrediteer is; die uitwerking van 'n sertifikaat bedoel in artikel 21 van genoemde Wet uit te brei sodat skuldvergelyking ook verbied word; te bepaal dat die Meester in sekere omstandighede onverwyld 'n beredderaar of 'n kurator kan aanstel; verdere voorsiening te maak in verband met die registrasie van spesiale voorwaardes of beperkings ten gunste van die Staat op titelbewyse; dit 'n misdryf te maak om met sekere roerende goed van die Staat teenstrydig met die voorskrifte van genoemde Minister te handel; en die maksimum boetes wat ten opsigte van misdrywe ingevolge genoemde Wet opgelê kan word, te verhoog; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 9 September 1987.)

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

1. Artikel 1 van die Wet op Landboukrediet, 1966 (hieronder die Hoofwet genoem), word hierby gewysig—
 - 5 (a) deur die omskrywing van "departement" deur die volgende omskrywing te vervang:

"departement" die Departement van Landbou en Watervoorsiening: Administrasie: Volksraad;"
 - 10 (b) deur na die omskrywing van "departement" die volgende omskrywing in te voeg:

"departementshoof" die hoof- uitvoerende beampte van die departement;"
 - (c) deur die omskrywing van "Direkteur-generaal" deur die volgende omskrywing te vervang:

Wysiging van artikel 1 van Wet 28 van 1966, soos gewysig deur artikel 1 van Wet 45 van 1968, artikel 1 van Wet 66 van 1970, artikel 1 van Wet 27 van 1980, artikel 1 van Wet 73 van 1981, artikel 1 van Wet 67 van 1982 en artikel 1 van Wet 42 van 1983.

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“‘head of the department’ means the chief executive officer of the department;”;

- (d) by the substitution for the definition of “immovable property of the State” of the following definition:

“‘immovable property of the State’ means State land or any other immovable property of the State which has been made available by the Minister **[of Community Development]** responsible for land affairs, or an officer of the State authorized by him, to the department for the purposes of sale, lease or development for farming purposes, and includes immovable property acquired under this Act for the State;”;

- (e) by the substitution for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister of Agriculture and Water Supply;”;

- (f) by the deletion of the definition of “State”; and

- (g) by the deletion of the definition of “territory”.

Amendment of section 2 of Act 28 of 1966, as amended by sections 2 and 19 of Act 66 of 1970, section 1 of Act 67 of 1979 and section 2 of Act 27 of 1980.

2. Section 2 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) if he seeks election at any party or official nomination of candidates for **[Parliament or a Provincial Council or the Legislative Assembly of the territory,]** the House of Assembly, or attempts to have himself nominated at any such nomination;”;

- (b) by the substitution for subsection (5) of the following subsection:

“(5) The remuneration, allowances, leave or other privileges and conditions of service of a member of the board **[or his alternate]**, not being in the full-time employment of the State **[(including the Administration of the territory)]** under any law other than this Act, shall be determined from time to time by the Minister **[acting in consultation]** with the concurrence of the Minister of [Finance] the Budget: Provided that the remuneration and other conditions of service of such members **[and alternates]** may differ according as to whether they serve full-time or part-time.”.

Amendment of section 4 of Act 28 of 1966, as substituted by section 3 of Act 66 of 1970.

3. Section 4 of the principal Act is hereby amended—

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

“(1) **[Subject to the provisions of subsection (2), the]** The chairman of the board may appoint from among the members of the board committees of the board consisting of not fewer than two members, and may designate one of those members as chairman.”; and

- (b) by the deletion of subsection (2).

Amendment of section 6 of Act 28 of 1966, as amended by sections 4 and 19 of Act 66 of 1970.

4. Section 6 of the principal Act is hereby amended—

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

“(1) The Minister may establish a committee, to be known as an agricultural credit committee, for one or more magisterial districts or any portion of a magisterial district, under the chairmanship of an officer in the department designated by the **[Director-General]** head of the department, in the case of the committee for the Pretoria **[or Windhoek]** district, and under the chairmanship of a local magistrate in all other cases.”;

- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

“An agricultural credit committee shall consist of not fewer than three **[and not more than five]** members, of whom—”;

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“Direkteur-generaal’ die Direkteur-generaal: **[Landbou] Administrasie: Volksraad**;”;

(d) deur die omskrywing van “gebied” te skrap;

(e) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang:

“Minister’ die Minister van Landbou en Watervoorsiening;”;

(f) deur die omskrywing van “onroerende goed van die Staat” deur die volgende omskrywing te vervang:

“onroerende goed van die Staat’ Staatsgrond of enige ander onroerende goed van die Staat wat deur die Minister **[van Gemeenskapsontwikkeling]** verantwoordelik vir grondsake of ’n beampte van die Staat deur hom daartoe gemagtig, aan die departement vir verkoping, verhuring of ontwikkeling vir boerderydoeleindes beskikbaar gestel is, met inbegrip van onroerende goed ingevolge hierdie Wet vir die Staat verkry;” en

(g) deur die omskrywing van “Staat” te skrap.

2. Artikel 2 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

“(b) indien hy hom verkiesbaar stel by enige party- of amptelike benoeming van kandidate vir die **[Parlement of ’n Provinsiale Raad of die Wetgewende Vergadering van die gebied]** **Volksraad** of ’n posering aanwend om hom by so ’n benoeming te laat nomineer;” en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die besoldiging, toelaes, verlof- of ander voorregte en diensvoorwaardes van ’n lid van die raad **[of sy plaasvervanger]** wat nie ingevolge ’n ander wet as hierdie Wet in die voltydse diens van die Staat **[(met inbegrip van die Administrasie van die gebied)]** is nie, word van tyd tot tyd deur die Minister **[in oorleg]** met die instemming van die Minister van **[Finansies]** Begroting bepaal: Met dien verstande dat die besoldiging en ander diensvoorwaardes van bedoelde lede **[en plaasvervangers]** kan verskil na gelang hulle voltyds of deelyds dien.”.

Wysiging van artikel 2 van Wet 28 van 1966, soos gewysig deur artikels 2 en 19 van Wet 66 van 1970, artikel 1 van Wet 67 van 1979 en artikel 2 van Wet 27 van 1980.

3. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) **[Behoudens die bepalings van subartikel (2), kan die]** Die voorsitter van die raad kan uit lede van die raad komitees van die raad aanstel wat uit minstens twee lede bestaan en een van daardie lede as voorsitter aanwys.”; en

(b) deur subartikel (2) te skrap.

Wysiging van artikel 4 van Wet 28 van 1966, soos vervang deur artikel 3 van Wet 66 van 1970.

4. Artikel 6 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan ’n komitee, bekend as ’n landboukrediet-komitee, vir een of meer landdrosdistrikte of ’n gedeelte van ’n landdrosdistrik instel onder voorsitterskap van ’n deur die **[Direkteur-generaal]** departementshoof aangewese beampte in die departement, in die geval van die komitee vir die Pretoriase **[of Windhoekse]** distrik, en onder voorsitterskap van ’n plaaslike landdros, in alle ander gevalle.”;

(b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“’n Landboukrediet-komitee bestaan uit minstens drie **[en hoogstens vyf]** lede, van wie—” en

Wysiging van artikel 6 van Wet 28 van 1966, soos gewysig deur artikels 4 en 19 van Wet 66 van 1970.

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- (c) by the substitution for subsection (5) of the following subsection:

"(5) A member of an agricultural credit committee who is not in the full-time service of the State **[(including the Administration of the territory)]**, shall receive in respect of his services such allowances as the Minister **[acting in consultation]** with the concurrence of the Minister of **[Finance]** the Budget may from time to time determine."

Substitution of section 8 of Act 28 of 1966.

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

"Expenditure in connection with functions or powers of board or committees.

8. All expenditure in connection with the performance of the functions or the exercise of the powers of the board or committees of the board or agricultural credit committees shall be defrayed from moneys appropriated by **[Parliament]** the House of Assembly for the purpose."

Substitution of section 9 of Act 28 of 1966.

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

"Administra-
tion.

9. (1) All administrative work, including the payment and receipt of money, in connection with the performance of the functions or the exercise of the powers of the board or committees of the board or of any agricultural credit committee, shall be under the control of the **[Director-General]** head of the department.

(2) The **[Director-General]** head of the department or any person designated by him shall have power to execute all documents on behalf of the board."

Amendment of section 10 of Act 28 of 1966, as substituted by section 2 of Act 45 of 1968 and amended by section 5 of Act 66 of 1970, section 1 of Act 15 of 1972, section 2 of Act 67 of 1979, section 3 of Act 27 of 1980 and section 2 of Act 73 of 1981.

7. Section 10 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

"(2) A loan under subsection (1) for the construction of soil conservation works or the performance of an act in compliance with a direction contemplated in the Soil Conservation Act, 1969 (Act No. 76 of 1969), shall be granted only on the recommendation of the Minister or his deputy, and any such loan for the construction of water works as contemplated in the Water Act, 1956 (Act No. 54 of 1956), or for the establishment or management of a private forest as contemplated in the Forest Act, 1968 (Act No. 72 of 1968), shall be granted only on the recommendation of the Minister **[of Water Affairs, Forestry and Environmental Conservation]** responsible for the administration of the relevant Act or his deputy."; and

- (b) by the substitution for subsection (2A) of the following subsection:

"(2A) The conditions for the letting of immovable property of the State in terms of subsection (1) (b) shall be determined by the board after consultation with the Minister and with the concurrence of the Minister of the Budget."

Amendment of section 10A of Act 28 of 1966, as inserted by section 3 of Act 67 of 1982.

8. Section 10A of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) out of moneys appropriated by **[Parliament]** the House of Assembly for the purpose, purchase immovable property which it considers suitable for, or for use in connection with, farming purposes; and"

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- (c) deur subartikel (5) deur die volgende subartikel te vervang:

5 “(5) 'n Lid van 'n landboukrediet-komitee wat nie in die voltydse diens van die Staat **[(met inbegrip van die Administrasie van die gebied)]** is nie, ontvang ten opsigte van sy dienste die toelaes wat die Minister **[in oorleg]** met die instemming van die Minister van **[Finansies]** Begroting van tyd tot tyd bepaal.”.

- 10 5. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 8 van Wet 28 van 1966.

15 “Uitgawes in verband met werksaamhede of bevoegdhede van raad of komitees. 8. Alle uitgawes in verband met die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad of komitees van landboukrediet-komitees, word bestry uit gelde deur die **[Parlement] Volksraad** vir die doel bewillig.”.

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

Vervanging van artikel 9 van Wet 28 van 1966.

20 “Administrasie. 9. (1) Alle administratiewe werk, met inbegrip van die uitbetaling en ontvangs van geld, in verband met die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad of komitees van die raad of van 'n landboukrediet-komitee, staan onder beheer van die **[Direkteur-generaal]** departementshoof.

25 (2) Die **[Direkteur-generaal]** departementshoof of 'n persoon deur hom daartoe aangewys, is bevoeg om alle stukke namens die raad te verly.”.

7. Artikel 10 van die Hoofwet word hierby gewysig—

30 (a) deur subartikel (2) deur die volgende subartikel te vervang:

35 “(2) 'n Lening kragtens subartikel (1) vir die oprigting van grondbewaringswerke of die verrigting van 'n handeling ter voldoening aan 'n voorskrif soos in die Grondbewaringswet, 1969 (Wet No. 76 van 1969), bedoel, word slegs op aanbeveling van die Minister of sy gevolmagtigde toegestaan, en so 'n lening vir die bou van 'n waterwerk soos in die Waterwet, 1956 (Wet No. 54 van 1956), bedoel, of vir die vestiging of bestuur van 'n private bos soos in die Boswet, 1968 (Wet No. 72 van 1968), bedoel, word slegs op aanbeveling van die Minister **[van Waterwese, Bosbou en Omgewingsbewaring]** verantwoordelik vir die uitvoering van die betrokke Wet of sy gevolmagtigde toegestaan.”; en

40 (b) deur subartikel (2A) deur die volgende subartikel te vervang:

45 “(2A) Die voorwaardes vir die verhuring van onroerende goed van die Staat ingevolge subartikel (1) (b) word deur die raad na oorleg met die Minister en met die instemming van die Minister van Begroting bepaal.”.

Wysiging van artikel 10 van Wet 28 van 1966, soos vervang deur artikel 2 van Wet 45 van 1968 en gewysig deur artikel 5 van Wet 66 van 1970, artikel 1 van Wet 15 van 1972, artikel 2 van Wet 67 van 1979, artikel 3 van Wet 27 van 1980 en artikel 2 van Wet 73 van 1981.

8. Artikel 10A van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

55 “(a) uit geld deur die **[Parlement] Volksraad** vir dié doel bewillig, onroerende goed aankoop wat die raad vir, of vir gebruik in verband met, boerderydoeleindes geskik ag; en”.

Wysiging van artikel 10A van Wet 28 van 1966, soos ingevoeg deur artikel 3 van Wet 67 van 1982.

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Amendment of section 10C of Act 28 of 1966, as inserted by section 3 of Act 67 of 1982.

9. Section 10C of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) If immovable property of the State is disposed of by means of sale in terms of subsection (1), or if such property is exchanged in terms of section 10A (1) (b), section 35 (1) **[(b)]** (f), (2), (3) and (4) shall apply *mutatis mutandis* in respect of such property as if a mortgage bond over that property were to be registered under section 34 and as if the purchaser or the person who acquires the land in exchange, as the case may be, were the mortgagor.”.

Substitution of section 11 of Act 28 of 1966, as substituted by section 2 of Act 15 of 1972 and amended by section 4 of Act 27 of 1980.

10. The following section is hereby substituted for section 11 of the principal Act:

“Assistance rendered by Minister.

11. The Minister may in his discretion, and on such terms and conditions as he may determine, but subject to the provisions of section 15, render assistance to any person applying for such assistance—

(a) by transferring to such person the liability for repayment of any amount recoverable under this Act or any law repealed by this Act **[or the Agricultural Credit Amendment Act, 1970 (Act No. 66 of 1970),]** from any other person **[if such other person consents to the transfer];**

(b) by consolidating **[all]** amounts recoverable by the State from such firstmentioned person by virtue of the application of this Act or any law repealed by this Act **[or the Agricultural Credit Amendment Act, 1970].”.**

Substitution of section 12 of Act 28 of 1966, as substituted by section 3 of Act 15 of 1972.

11. The following section is hereby substituted for section 12 of the principal Act:

“Lapsing of person's rights, duties and obligations.

12. The terms and conditions on which any assistance shall be rendered to any person shall provide that his existing rights, duties and obligations under this Act or any law repealed by this Act, **[or the Agricultural Credit Amendment Act, 1970 (Act No. 66 of 1970)]** shall lapse in respect of those amounts which are consolidated on the date referred to in section 14 (1).”.

Amendment of section 14 of Act 28 of 1966, as amended by section 2 of Act 10 of 1971 and section 4 of Act 15 of 1972.

12. Section 14 of the principal Act is hereby amended—

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

“(1) If assistance is rendered to any person such amounts as are specified in the terms and conditions under which assistance is rendered and which are recoverable from the said person by the State on account of rendering assistance to him or by virtue of the application of any law repealed by this Act, **[or the Agricultural Credit Amendment Act, 1970 (Act No. 66 of 1970)]** shall be consolidated as from such date as the Minister may determine.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) The consolidated amount shall, subject to the right of the Minister or board to require additional security, be deemed to be secured by virtue of any existing security furnished by the said person in respect of assistance rendered or on account of the application of any law repealed by this Act **[or the Agricultural Credit Amendment Act, 1970]** and shall be repayable on such terms and conditions as the Minister or board may de-

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9. Artikel 10C van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 10C van Wet 28 van 1966, soos ingevoeg deur artikel 3 van Wet 67 van 1982.

5 “(3) Indien daar oor onroerende goed van die Staat ingevolge subartikel (1) by wyse van verkoping beskik word, of
word, is artikel 35 (1) [(b)] (f), (2), (3) en (4) *mutatis mutandis* ten opsigte van sodanige goed van toepassing asof
10 daar op daardie goed ’n verband ingevolge artikel 34 geregistreer moet word en asof die koper of die persoon wat die grond in ruil verkry, na gelang van die geval, die verband-gewer is.”

10. Artikel 11 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 11 van Wet 28 van 1966, soos vervang deur artikel 2 van Wet 15 van 1972 en gewysig deur artikel 4 van Wet 27 van 1980.

15 “Bystandsverlening deur Minister.

11. Die Minister kan na goeddunke en op die bedinge en voorwaardes deur hom bepaal, maar behoudens die bepalings van artikel 15, op aansoek van enige persoon aan daardie persoon bystand verleen—

20 (a) by wyse van die oordrag op bedoelde persoon van die aanspreeklikheid vir die terugbetaling van ’n bedrag ingevolge hierdie Wet of ’n wet wat by hierdie Wet [of die Wysigingswet op Landboukrediet, 1970 (Wet No. 66 van 1970)]
25 herroep is, op ’n ander persoon verhaalbaar [indien daardie ander persoon tot die oordrag toestem];
(b) by wyse van samevoeging van [alle] bedrae wat deur die Staat op eersbedoelde persoon verhaalbaar is uit hoofde van die toepassing van hierdie
30 Wet of ’n wetsbepaling wat by hierdie Wet [of die Wysigingswet op Landboukrediet, 1970] herroep is.”

11. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 12 van Wet 28 van 1966, soos vervang deur artikel 3 van Wet 15 van 1972.

35 “Verval van persoon se regte, pligte en verpligtings.

12. Die bedinge en voorwaardes waarop bystand verleen word aan ’n persoon moet daarvoor voorsiening maak dat bedoelde persoon se bestaande regte, pligte en verpligtings ingevolge hierdie Wet of ’n wetsbepaling wat by hierdie Wet [of die Wysigingswet op Landboukrediet, 1970 (Wet No. 66 van 1970)] herroep is, verval ten opsigte van die bedrae
40 wat op die in artikel 14 (1) bedoelde datum saamgevoeg word.”

12. Artikel 14 van die Hoofwet word hierby gewysig—

Wysiging van artikel 14 van Wet 28 van 1966, soos gewysig deur artikel 2 van Wet 10 van 1971 en artikel 4 van Wet 15 van 1972.

45 (a) deur subartikel (1) deur die volgende subartikel te vervang:

50 “(1) Indien bystand aan ’n persoon verleen word, word vanaf die datum deur die Minister bepaal die bedrae saamgevoeg wat vermeld word in die bedinge en voorwaardes waarop bystand verleen word en wat deur die Staat op bedoelde persoon verhaalbaar is weens die verlening van bystand aan hom of uit hoofde van die toepassing van ’n wetsbepaling wat by hierdie Wet [of die Wysigingswet op Landboukrediet, 1970 (Wet No. 66 van 1970)] herroep is.”; en

55 (b) deur subartikel (2) deur die volgende subartikel te vervang:

60 “(2) Die aldus saamgestelde bedrag word, behoudens die reg van die Minister of raad om addisionele sekuriteit te eis, geag versekureer te wees uit hoofde van enige bestaande sekuriteit deur bedoelde persoon verstrek ten opsigte van verleende bystand of weens die toepassing van ’n wetsbepaling wat by hierdie Wet [of die Wysigingswet op Landboukrediet, 1970] herroep is, en is op die deur die Minister of raad bepaalde bedinge en voorwaardes terugbetaalbaar asof
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termine as if it were recoverable by the State from such person on account of assistance rendered to him.”.

Amendment of section 15 of Act 28 of 1966, as substituted by section 3 of Act 10 of 1971 and amended by section 5 of Act 15 of 1972 and section 3 of Act 73 of 1981.

13. (1) Section 15 of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary in any law contained, but subject to the provisions of subsection (2), interest shall be charged on any amount outstanding which is recoverable on account of assistance rendered or is repayable as if it were so recoverable, at the rate

[(a) of five per cent per annum if the said assistance was rendered prior to the coming into operation of the Agricultural Credit Amendment Act, 1982; or

(b)] which the Minister may from time to time, with the concurrence of the Minister of Finance, determine by notice in the *Gazette* [if the said assistance is or was rendered on or after the date mentioned in paragraph (a).].”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Different rates of interest may under subsection (1) be determined in respect of assistance for different purposes.”; and

- (c) by the deletion of subsection (3).

(2) Subsection (1) (a) shall come into operation on a date five years after the date of commencement of this Act.

Substitution of section 16 of Act 28 of 1966, as substituted by section 6 of Act 15 of 1972.

14. The following section is hereby substituted for section 16 of the principal Act:

“Restrictive conditions on immovable property sold for cash. 16. If assistance is rendered to any person by selling immovable property to him for cash, section 35 (1) **[(a) and (b)]** (f) and (2), (3) and (4) shall *mutatis mutandis* apply as if a mortgage bond over that property were to be registered under section 34 and as if the purchaser were the mortgagor.”.

Substitution of section 17 of Act 28 of 1966.

15. The following section is hereby substituted for section 17 of the principal Act:

“Prerequisites for payment of money or delivery of property. 17. (1) No amount shall be paid in respect of assistance and no movable property sold to any person by way of assistance shall be delivered to him before—

(a) where any registration in respect of immovable property is required by virtue of the terms or conditions subject to which the assistance is to be rendered, **[confirmation of such registration has been received]** the person in question has granted a written authority for such registration and the Minister has satisfied himself that there is no impediment against such registration in the title deed concerned;

(b) where the ownership in movable property is to be transferred to the State as security or additional security in respect of such assistance, an agreement contemplated in section 38 (1) has been entered into, and where such movable property or any part thereof consists of livestock, machinery, vehicles, implements, equipment or tools, of whatever nature, proof is furnished that it has **[as far as possible]** been **[marked]** identified in the prescribed manner;

(c) where an acknowledgement of debt is required, such acknowledgement of debt has been properly completed and duly signed by the person to whom assistance is rendered.

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dit deur die Staat op bedoelde persoon verhaalbaar is weens die verlening van bystand aan hom.”.

13. (1) Artikel 15 van die Hoofwet word hierby gewysig—
 (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Ondanks andersluidende wetsbepalings maar behoudens die bepalinge van subartikel (2) word daar op enige uitstaande bedrag wat weens die verlening van bystand verhaalbaar is of terugbetaalbaar is asof dit aldus verhaalbaar is, rente gevra teen ’n koers
[(a) van vyf persent per jaar indien bedoelde bystand voor die datum van inwerkingtreding van die Wysigingswet op Landboukrediet, 1982, verleen is; of
(b)] wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies by kennisgewing in die *Staatskoerant* bepaal **[indien bedoelde bystand op of na die datum gemeld in paragraaf (a) verleen is of word.]**”;
 (b) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Verskillende rentekoerse kan kragtens subartikel (1) ten opsigte van bystand vir verskillende doeleinde bepaal word.”; en
 (c) deur subartikel (3) te skrap.
 (2) Subartikel (1) (a) tree in werking op ’n datum vyf jaar na die datum van inwerkingtreding van hierdie Wet.

Wysiging van artikel 15 van Wet 28 van 1966, soos vervang deur artikel 3 van Wet 10 van 1971 en gewysig deur artikel 5 van Wet 15 van 1972 en artikel 3 van Wet 73 van 1981.

14. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:
 “Beper- kende voor- waardes op onroerende goed vir kontant verkoop.
 16. Indien bystand aan ’n persoon verleen word by wyse van die verkoop aan hom van onroerende goed vir kontant, is artikel 35 (1) **[(a) en (b)] (f)** en (2), (3) en (4) *mutatis mutandis* van toepassing asof daar op daardie goed ’n verband ingevolge artikel 34 geregistreer moet word en asof die koper die verbandgewer is.”.

Vervanging van artikel 16 van Wet 28 van 1966, soos vervang deur artikel 6 van Wet 15 van 1972.

15. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:
 “Voorvereistes vir uitbetaling van geld of lewering van goed.
 17. (1) Geen bedrag ten opsigte van bystand word uitbetaal nie en geen roerende goed wat by wyse van bystand aan ’n persoon verkoop is, word aan hom gelewer nie voordat—
 (a) waar ’n registrasie ten opsigte van onroerende goed vereis word uit hoofde van die bedinge of voorwaardes waarop die bystand verleen gaan word, **[bevestiging van sodanige registrasie ontvang is]** die betrokke persoon ’n skriftelike magtiging verleen het vir sodanige registrasie en die Minister hom vergewis het dat daar geen belemmering teen sodanige registrasie in die betrokke titelbewys is nie;
 (b) waar die eiendomsreg op roerende goed as sekuriteit of addisionele sekuriteit ten opsigte van bedoelde bystand aan die Staat oorgedra moet word, ’n in artikel 38 (1) beoogde ooreenkoms aangegaan is, en waar bedoelde roerende goed of ’n deel daarvan uit lewende hawe, masjinerie, voertuie, implemente, toerusting of gereedskap, van watter aard ook al, bestaan, bewys gelewer word dat dit **[vir sover doenlik,]** op die voorgeskrewe wyse **[gemerk]** geïdentifiseer is;
 (c) waar ’n skuldbewys vereis word, sodanige skuldbewys behoorlik ingevul en deur die persoon aan wie bystand verleen word, onderteken is.

Vervanging van artikel 17 van Wet 28 van 1966.

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(2) Until such time as the relevant mortgage bond has been registered in terms of section 34, a written authority granted in terms of subsection (1) (a) shall, for the purposes of the provisions of any law relating to the preference of claims against insolvent or deceased estates, be deemed to be a mortgage bond which has been duly so registered.”

Substitution of section 19 of Act 28 of 1966, as amended by section 8 of Act 66 of 1970.

16. The following section is hereby substituted for section 19 of the principal Act:

“Non-compliance with terms or conditions on which assistance is rendered.

19. (1) If any person fails to comply with any terms or conditions referred to in section 14 (2) or subject to which any assistance has been rendered to him, the Minister may request such person by notice delivered to him or forwarded to him by registered letter to the address where, to the Minister's knowledge, he last resided or to the latest address furnished by such person to the **[Director-general]** head of the department, to comply with such terms or conditions within the period stated in the notice.

(2) If such person fails to comply with the request, the whole amount still owing in respect of assistance shall become due, and **[if the amount is not paid within thirty days after it has so become due]** the Minister may take steps under section 37 or 42, or cancel any lease in question, or recover any unsecured amount from such person by the institution of legal proceedings.”

Substitution of section 20 of Act 28 of 1966.

17. The following section is hereby substituted for section 20 of the principal Act:

“Minister may acquire movable property for farming purposes.

20. In order to achieve the objects of this Act, the Minister may, on the recommendation of the board, out of moneys appropriated by **[Parliament]** the **House of Assembly** for the purpose and at such price and subject to such conditions as he may determine, purchase or take over movable property which in his opinion is suitable for farming purposes.”

Amendment of section 20A of Act 28 of 1966, as inserted by section 4 of Act 73 of 1981.

18. Section 20A of the principal Act is hereby amended—

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

“(c) all such moneys as may be appropriated by **[Parliament]** the **House of Assembly** for the account;”;

(b) by the substitution for paragraph (c) of subsection (3) of the following paragraphs:

“(c) the amount of any expenditure incurred by the State in administering this Act which the Minister may with the concurrence of the Minister of **[Finance]** the **Budget** designate as expenditure with which the account is to be charged;

(d) any amount reimbursed by the direction of the **Director-General** because the account in his opinion had been erroneously credited therewith.”; and

(c) by the substitution for subsection (5) of the following subsection:

“(5) Moneys standing to the credit of the account which in the opinion of the Minister and the Minister of **[Finance]** the **Budget**—

(a) are not required for the purposes mentioned in subsection (3), shall be transferred to the **Revenue Account: House of Assembly of the State Revenue Fund**;

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5 (2) Tot tyd en wyl die betrokke verband ingevolge artikel 34 geregistreer is, word 'n skriftelike magtiging verleen ingevolge subartikel (1) (a), by die toepassing van die wetsbepalings met betrekking tot die voorrang van eise teen insolvente of bestorwe boedels, geag 'n verband te wees wat behoorlik aldus geregistreer is."

16. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

10 "Nie-nakoming van bedinge of voorwaardes van bystandverlening.

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19. (1) Indien 'n persoon in gebreke bly om 'n beding of voorwaarde in artikel 14 (2) bedoel of waarop bystand aan hom verleen is, na te kom, kan die Minister daardie persoon by kennisgewing aan hom oorhandig of per aangetekende brief aan hom gestuur na die adres waar, sover aan die Minister bekend, hy laas gewoon het of na die jongste adres wat daardie persoon aan die **[Direkteur-generaal]** departementshoof verstrekket, versoek om binne 'n tydperk in die kennisgewing vermeld, daardie beding of voorwaarde na te kom.

(2) Indien bedoelde persoon in gebreke bly om aan die versoek te voldoen, word die hele bedrag wat nog ten opsigte van bystand verskuldig is, opeisbaar, en **[indien die bedrag nie binne dertig dae nadat dit aldus opeisbaar geword het, betaal word nie]** kan die Minister kragtens artikel 37 of 42 optree, of 'n betrokke huurkontrak kanselleer, of enige onversekureerde bedrag deur middel van geregtelike stappe op bedoelde persoon verhaal."

Vervanging van artikel 19 van Wet 28 van 1966, soos gewysig deur artikel 8 van Wet 66 van 1970.

30 17. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang:

"Minister kan roerende goed vir boerderydoeleindes verkry.

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20. Ter bereiking van die oogmerke van hierdie Wet, kan die Minister op aanbeveling van die raad uit gelde deur die **[Parlement] Volksraad** vir die doel bewillig, en teen die prys en op die voorwaardes deur hom bepaal, roerende goed wat na sy oordeel vir boerderydoeleindes geskik is, aankoop of oorneem."

Vervanging van artikel 20 van Wet 28 van 1966.

40 18. Artikel 20A van die Hoofwet word hierby gewysig—

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

"(c) geld wat die **[Parlement] Volksraad** vir die rekening bewillig;"

45 (b) deur paragraaf (c) van subartikel (3) deur die volgende paragrawe te vervang:

"(c) die bedrag van enige uitgawes deur die Staat by die uitvoering van hierdie Wet aangegaan wat die Minister met die instemming van die Minister van **[Finansies] Begroting** as uitgawes ten laste van die rekening aanwys;

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(d) enige bedrag wat in opdrag van die Direkteur-generaal terugbetaal word omdat die rekening na sy oordeel foutiewelik daarmee gekrediteer is;" en

55 (c) deur subartikel (5) deur die volgende subartikel te vervang:

"(5) Geld waarmee die rekening gekrediteer is en wat na die oordeel van die Minister en die Minister van **[Finansies] Begroting**—

60 (a) nie vir die doeleindes vermeld in subartikel (3) nodig is nie, moet na die Inkomsterekening: Volksraad van die Staatsinkomstefonds oorgeplaas word;

Wysiging van artikel 20A van Wet 28 van 1966, soos ingevoeg deur artikel 4 van Wet 73 van 1981.

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- (b) are not required for immediate use for the said purposes, shall be invested with the Public **[Debt] Investment** Commissioners and may be withdrawn when required for such use.”.

Amendment of
section 22 of
Act 28 of 1966,
as amended by
section 10 of
Act 66 of 1970.

19. Section 22 of the principal Act is hereby amended— 5

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

“(1) If in the opinion of the board it is desirable, in order to enable the applicant (unless his estate has been sequestrated or provisionally sequestrated or, in the case of a company, the company has been placed in liquidation or provisional liquidation) to carry on farming with a reasonable prospect of success, that a compromise with his creditors be effected, providing, subject to such terms and conditions as may be set out in the proposal for a compromise, for one or more of the following matters, namely—

- (a) that any assets of the applicant shall be disposed of in a particular manner;
(b) that the applicant shall be released wholly or in part from any obligations towards his creditors;
(c) that the applicant shall be granted an extension of time for the fulfilment of all such obligations,

the **[Director-General]** head of the department may, after consultation with the applicant, by notice in the *Gazette* and in an Afrikaans and an English newspaper circulating in the area in which the applicant ordinarily resides or, in the case of a company, in which the registered office or principal place of business of such company may be, convene a meeting of the applicant and his creditors for the purpose of proving claims of creditors against the applicant and to consider a proposal for a compromise.”;

- (b) by the substitution for subsection (4) of the following subsection: 35

“(4) The **[Director-General]** head of the department shall forward to the magistrate in whose office the meeting is to be held, a copy of the applicant’s application, and such copy shall be open for inspection during office hours free of charge by the applicant’s creditors or debtors or their representatives, for a period of not less than fourteen days before the meeting.”;

- (c) by the substitution for subsection (5) of the following subsection:

“(5) The **[Director-General]** head of the department shall forward a copy of the notice referred to in subsection (1) to the magistrate in whose office the meeting is to be held and to the registrar of deeds in whose office any immovable property disclosed as an asset in the applicant’s application, has been registered.”; and 50

- (d) by the substitution for subsection (6) of the following subsection:

“(6) As soon as may be after publication of the said notice, the **[Director-General]** head of the department shall deliver to the applicant and every creditor, or forward to them by registered post addressed to the address concerned stated in the application, a copy of the notice together with particulars of the compromise to be proposed under section 24 (4).”.

Amendment of
section 23 of
Act 28 of 1966.

20. Section 23 of the principal Act is hereby amended by the 60 addition to subsection (1) of the following paragraph:

- “(e) no set-off shall be applied between a creditor and the applicant.”.

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(b) nie vir onmiddellike gebruik vir bedoelde doeleindes nodig is nie, moet by die **[Staatskuldkommissaris]** Openbare Beleggingskommissaris belê word en kan opgevra word wanneer dit vir sodanige gebruik nodig is.”

19. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) As dit na die oordeel van die raad wenslik is, ten einde die applikant (tensy sy boedel gesekwestreer of voorlopig gesekwestreer is of, in die geval van ’n maatskappy, die maatskappy in likwidasië of voorlopige likwidasië geplaas is) in staat te stel om met ’n redelike vooruitsig op sukses te boer, dat daar met sy skuldeisers ’n skikking getref word wat, op die bedinge en voorwaardes in die skikkingsvoorstel uiteengesit, vir een of meer van die volgende aangeleenthede voorsiening maak, naamlik—

(a) dat daar oor die bates van die applikant op ’n bepaalde wyse beskik word;

(b) dat die applikant van verpligtings teenoor sy skuldeisers in die geheel of gedeeltelik onthef word;

(c) dat aan die applikant uitstel van nakoming van al daardie verpligtings verleen word,

kan die **[Direkteur-generaal]** departementshoof, na oorlegpleging met die applikant, by kennisgewing in die *Staatskoerant* en ’n Afrikaanse en ’n Engelse nuusblad in omloop in die gebied waarin die applikant gewoonlik woon of, in die geval van ’n maatskappy, waarin die geregistreerde kantoor of vernaamste besigheidsplek van daardie maatskappy is, ’n vergadering van die applikant en sy skuldeisers belê met die doel om die vorderings van skuldeisers teen die applikant te bewys en ’n skikkingsvoorstel te oorweeg.”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die **[Direkteur-generaal]** departementshoof stuur aan die landdros in wie se kantoor die vergadering moet plaasvind, ’n afskrif van die aansoek van die applikant, en daardie afskrif is gedurende ’n tydperk van minstens veertien dae voor die vergadering, gedurende kantoorure ter insae van die applikant se skuldeisers of skuldenaars of hul verteenwoordigers, kosteloos beskikbaar.”;

(c) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die **[Direkteur-generaal]** departementshoof stuur ’n afskrif van die kennisgewing in subartikel (1) bedoel aan die landdros in wie se kantoor die vergadering moet plaasvind en aan die registrateur van aktes in wie se kantoor enige onroerende goed wat in die aansoek van die applikant as bate aangedui word, geregistreer is.”; en

(d) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) So spoedig moontlik na die publikasie van bedoelde kennisgewing, oorhandig die **[Direkteur-generaal]** departementshoof aan die applikant en elke skuldeiser of stuur hy aan hulle per aangetekende pos, gerig aan die betrokke adres in die aansoek vermeld, ’n afskrif van die kennisgewing tesame met besonderhede van die skikking wat ingevolge artikel 24 (4) voorgestel gaan word.”

20. Artikel 23 van die Hoofwet word hierby gewysig deur die volgende paragraaf by subartikel (1) te voeg:

“(e) mag geen skuldvergelyking tussen ’n skuldeiser en die applikant toegepas word nie.”

Wysiging van artikel 22 van Wet 28 van 1966, soos gewysig deur artikel 10 van Wet 66 van 1970.

Wysiging van artikel 23 van Wet 28 van 1966.

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Amendment of
section 25 of
Act 28 of 1966.

21. Section 25 of the principal Act is hereby amended by the substitution in subsection (1) for the words following upon paragraph (e) of the following words:

"the presiding officer shall declare all proceedings under this Part to have lapsed in respect of the applicant and shall report to the **[secretary]** head of the department accordingly."

Amendment of
section 27 of
Act 28 of 1966.

22. Section 27 of the principal Act is hereby amended by the addition to subsection (2) of the following proviso:

"Provided that if the Master in terms of section 57 (1) of the said Act as applied by this subsection has refused to confirm the election of such a liquidator or to appoint a person who was elected as such a liquidator, the Master may forthwith appoint a liquidator."

Amendment of
section 28 of
Act 28 of 1966,
as amended by
section 11 of
Act 66 of 1970.

23. Section 28 of the principal Act is hereby amended by the addition to subsection (4) of the following proviso:

"Provided that if the Master in terms of section 57 (1) of the said Act as applied by this subsection has refused to confirm the election of such a trustee or to appoint a person who was elected as such a trustee, the Master may forthwith appoint a trustee."

Substitution of
section 30 of
Act 28 of 1966.

24. The following section is hereby substituted for section 30 of the principal Act:

"Report on
meeting to
head of the
department
and Master.

30. The presiding officer at any meeting under this Part, shall report the result of and the proceedings at the meeting to the **[Director-General]** head of the department and the Master."

Substitution of
section 32 of
Act 28 of 1966.

25. The following section is hereby substituted for section 32 of the principal Act:

"Payment of
moneys to
liquidator.

32. As soon as all immovable property has been transferred or mortgaged and all mortgage bonds or other charges upon immovable property have been cancelled in terms of a compromise, and a certificate referred to in section 29 (1) has been issued, the **[Director-General]** head of the department shall pay to the liquidator concerned, for disbursement in terms of the compromise, any amount which the Minister in terms of the compromise has undertaken to pay in respect of the liabilities of the applicant."

Amendment of
section 34 of
Act 28 of 1966,
as amended by
section 12 of
Act 66 of 1970.

26. Section 34 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"(2) A document framed in such form that it could be registered as a mortgage bond in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), **[or the Deeds Registry Proclamation, 1939 (Proclamation No. 37 of 1939 of the territory)]** shall be signed in duplicate by the mortgagor before a magistrate or the **[Director-General]** head of the department and be transmitted or handed to the **[Director-General]** head of the department together with such other documents as he may require."; and

(b) by the substitution for subsection (3) of the following subsection:

"(3) On receipt of the said documents the **[Director-General]** head of the department shall transmit or hand them to the registrar of deeds concerned, who, on receipt thereof and of such other documents or information as he may require, shall deal in all respects with the said signed documents as if they were a mortgage bond signed in his presence as provided in section 50

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21. Artikel 25 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat op paragraaf (e) volg deur die volgende woorde te vervang:

Wysiging van artikel 25 van Wet 28 van 1966.

5 “verklaar die voorsittende beampte dat alle verrigtings ingevolge hierdie Deel ten opsigte van die applikant verval het en doen hy dienooreenkomstig aan die **[sekretaris]** departementshoof verslag.”

22. Artikel 27 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (2) te voeg:

Wysiging van artikel 27 van Wet 28 van 1966.

10 “Met dien verstande dat indien die Meester ingevolge artikel 57 (1) van genoemde Wet soos deur hierdie subartikel toegepas, geweier het om die verkiesing van so ’n beredderaar te bekragtig of om ’n persoon wat as so ’n beredderaar verkies is, aan te stel, die Meester onverwyld ’n beredderaar kan aanstel.”

23. Artikel 28 van die Hoofwet word hierby gewysig deur die volgende voorbehoudsbepaling by subartikel (4) te voeg:

Wysiging van artikel 28 van Wet 28 van 1966, soos gewysig deur artikel 11 van Wet 66 van 1970.

20 “Met dien verstande dat indien die Meester ingevolge artikel 57 (1) van genoemde Wet soos deur hierdie subartikel toegepas, geweier het om die verkiesing van so ’n kurator te bekragtig of om ’n persoon wat as so ’n kurator verkies is, aan te stel, die Meester onverwyld ’n kurator kan aanstel.”

24. Artikel 30 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 30 van Wet 28 van 1966.

25 “Verslag van vergadering aan departementshoof en Meester. 30. Die voorsittende beampte op ’n vergadering ingevolge hierdie Deel doen aan die **[Direkteur-generaal]** departementshoof en die Meester verslag van die uitslag van en die verrigtings op die vergadering.”

30 25. Artikel 32 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 32 van Wet 28 van 1966.

35 “Betaling van gelde aan beredderaar. 32. Sodra alle onroerende goed getranspoteer of met verband beswaar is en alle verbande of ander laste op onroerende goed gerojear is ooreenkomstig ’n skikking, en ’n in artikel 29 (1) bedoelde sertifikaat uitgereik is, betaal die **[Direkteur-generaal]** departementshoof aan die betrokke beredderaar, vir besteding ooreenkomstig die skikking, enige bedrag wat die Minister ingevolge die skikking onderneem het om ten opsigte van die skulde van die applikant te betaal.”

26. Artikel 34 van die Hoofwet word hierby gewysig—

Wysiging van artikel 34 van Wet 28 van 1966, soos gewysig deur artikel 12 van Wet 66 van 1970.

45 (a) deur subartikel (2) deur die volgende subartikel te vervang:

50 “(2) Stukke in so ’n vorm opgestel dat dit ingevolge die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), **[of die Registrasie van Aktes Proklamasie, 1939 (Proklamasie No. 37 van 1939 van die gebied)]** as ’n verbandakte geregistreer kan word, moet deur die verbandgewer voor ’n landdros of die **[Direkteur-generaal]** departementshoof in tweevoud onderteken word en aan die **[Direkteur-generaal]** departementshoof gestuur of oorhandig word saam met die ander stukke wat die **[Direkteur-generaal]** departementshoof vereis.”; en

55 (b) deur subartikel (3) deur die volgende subartikel te vervang:

60 “(3) By ontvangs van bedoelde stukke stuur of oorhandig die **[Direkteur-generaal]** departementshoof dit aan die betrokke registrateur van aktes, wat, by ontvangs daarvan en van die ander stukke of inligting wat hy vereis, in alle opsigte met bedoelde ondertekende stukke handel asof dit ’n verbandakte is wat in sy teenwoordigheid onderteken is soos bepaal in artikel 50 (1)

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(1) of the Deeds Registries Act, 1937 (Act No. 47 of 1937) [or section 50 (1) of the Deeds Registry Proclamation, 1939 (Proclamation No. 37 of 1939 of the territory), as the case may be].”.

Amendment of section 35 of Act 28 of 1966, as substituted by section 3 of Act 45 of 1968 and amended by section 1 of Act 81 of 1977, section 3 of Act 67 of 1979 and section 2 of Act 42 of 1983.

27. (1) Section 35 of the principal Act is hereby amended— 5
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 10
- “When any mortgage bond is registered in terms of section 34, the Minister may authorize the registrar of deeds concerned in writing to endorse on the title deeds of the immovable property in question [and, in the case of a restriction referred to in paragraph (b) of this subsection, any other immovable property of the mortgagor] any one or more of the following conditions or restrictions, namely, that such property shall not 15 without the consent of the Minister—”;
- (b) by the deletion of paragraph (b) of subsection (1);
- (c) by the addition to subsection (1) of the following paragraph: 20
- “(f) be alienated.”;
- (d) by the substitution for subsection (2) of the following subsection: 25
- “(2) The said registrar shall give effect to the said authorization in such manner as may to him appear to be most practicable and convenient, and thereupon any such condition or restriction shall be valid and effective against all persons except, in the case of a restriction referred to in subsection (1) [(b)] (f), against any person (including the State) in whose favour a mortgage bond or other charge was registered against any im- 30 movable property prior to the endorsement of the said restriction on the title deeds of such property, but shall [with the exception of the restriction referred to in subsection (1) (a) or (b)] lapse on registration of transfer of the property concerned in the name of another owner.”; and 35
- (e) by the deletion of paragraphs (b) and (c) of subsection (3).
- (2) A restriction which is endorsed on a title deed in terms of section 35 (1) (b) of the principal Act, as it existed immediately prior to the date of commencement of this Act, shall with effect from that date not be valid and effective any longer, and the registrar of deeds concerned shall cancel such condition in such manner as may to him appear to be most practicable and convenient. 45

Amendment of section 37 of Act 28 of 1966, as amended by section 4 of Act 67 of 1979 and section 5 of Act 73 of 1981.

28. Section 37 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection: 50
- “(1) If any amount [is not paid within thirty days after it] has become due in terms of section 19 (2), the Minister may direct the sheriff concerned in writing to attach any immovable property concerned which has been mortgaged or otherwise encumbered in favour of the State.”; and
- (b) by the substitution in subsection (3) of the words following upon paragraph (b) of the following words: 55
- “the Minister may purchase it out of moneys in the Agricultural Credit Account mentioned in section 20A and shall annually table in [Parliament] the House of Assembly a report specifying the properties so pur- 60 chased and the amounts paid in respect thereof.”.

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van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937) [of artikel 50 (1) van die Registrasie van Aktes Proklamasie, 1939 (Proklamasie No. 37 van 1939 van die gebied), na gelang van die geval].”.

- 5 27. (1) Artikel 35 van die Hoofwet word hierby gewysig—
 (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
 “By registrasie van ’n verband ingevolge artikel 34, kan die Minister die betrokke registrateur van aktes skriftelik magtig om op die titelbewyse van die betrokke onroerende goed **[en, in die geval van ’n in paragraaf (b) van hierdie subartikel bedoelde beperking, enige ander onroerende goed van die verbandgewer,]** een of meer van die volgende voorwaardes of beperkings aan te teken, naamlik dat daardie goed nie sonder die toestemming van die Minister—”;
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 20 (b) deur paragraaf (b) van subartikel (1) te skrap;
 (c) deur die volgende paragraaf by subartikel (1) te voeg:
 “(f) vervreem mag word nie,”;
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 30 (d) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) Bedoelde registrateur moet aan daardie magtiging gevolg gee op die wyse wat hy as die mees uitvoerbare en die gerieflikste beskou, en daarna is enige sodanige voorwaarde of beperking teenoor alle persone geldig en van krag behalwe, in die geval van ’n in subartikel (1) **[(b)] (f)** bedoelde beperking, teenoor iemand (met inbegrip van die Staat) ten gunste van wie ’n verband of ander las teen onroerende goed geregistreer was voordat bedoelde beperking op die titelbewys van daardie onroerende goed aangeteken is, maar verval dit **[met uitsondering van die in subartikel (1) (a) of (b) bedoelde beperking,]** by registrasie van transport van die betrokke goed op naam van ’n ander eienaar.”;
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 40 (e) deur paragrawe (b) en (c) van subartikel (3) te skrap.
 (2) ’n Beperking wat ingevolge artikel 35 (1) (b) van die Hoofwet, soos dit bestaan het onmiddellik voor die datum van inwerkingtreding van hierdie Wet, op ’n titelbewys aangeteken is, is vanaf daardie datum nie meer geldig en van krag nie, en die betrokke registrateur van aktes roeër so ’n beperking op die wyse wat hy as die mees uitvoerbare en die gerieflikste beskou.

Wysiging van artikel 35 van Wet 28 van 1966, soos vervang deur artikel 3 van Wet 45 van 1968 en gewysig deur artikel 1 van Wet 81 van 1977, artikel 3 van Wet 67 van 1979 en artikel 2 van Wet 42 van 1983.

- 45 28. Artikel 37 van die Hoofwet word hierby gewysig—
 (a) deur subartikel (1) deur die volgende subartikel te vervang:
 “(1) Indien ’n bedrag **[nie binne dertig dae nadat dit]** ingevolge artikel 19 (2) opeisbaar geword het, **[betaal word nie]** kan die Minister die betrokke balju skriftelik opdrag gee om enige betrokke onroerende goed wat ten gunste van die Staat met verband of ’n ander las beswaar is, in beslag te neem.”; en
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 55 (b) deur in subartikel (3) die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:
 “kan die Minister dit uit gelde in die Landbou-kredietrekening vermeld in artikel 20A aankoop en lê hy jaarliks in die **[Parlement] Volksraad** ’n verslag ter Tafel wat die eiendomme wat aldus aangekoop is en die bedrae wat ten opsigte daarvan betaal is, vermeld.”.

Wysiging van artikel 37 van Wet 28 van 1966, soos gewysig deur artikel 4 van Wet 67 van 1979 en artikel 5 van Wet 73 van 1981.

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Substitution of section 40 of Act 28 of 1966, as amended by section 13 of Act 66 of 1970.

29. The following section is hereby substituted for section 40 of the principal Act:

"Copy of agreement to be available for inspection.

40. (1) A copy of the agreement referred to in section 38 (1) shall be kept in the office of the magistrate of every district (other than the Pretoria magisterial district) or portion thereof in which, to the **[Director-General's]** knowledge of the head of the department, the person who entered into the agreement carries on farming or resides or, in the case of a company, in which the registered office or principal place of business of the company may be, and if such person carries on farming or resides in the Pretoria magisterial district or, in the case of a company, the registered office or principal place of business of such company is in the said district, such a copy shall be kept in the office of the **[Director-General]** head of the department.

(2) The **[Director-General]** head of the department shall forward a notice to the said magistrate in which shall be set out any action taken under section 39 in respect of the property referred to in the agreement.

(3) The **[Director-General]** head of the department or any magistrate in whose office a copy of the agreement is kept in terms of this section, shall allow any person to read or make a copy of such copy and any notice referred to in subsection (2), free of charge."

Amendment of section 42 of Act 28 of 1966, as amended by section 14 of Act 66 of 1970.

30. Section 42 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) if any amount owing by such first-mentioned person **[is not paid within thirty days after it]** has become due in terms of section 19 (2); or".

Amendment of section 43 of Act 28 of 1966, as substituted by section 15 of Act 66 of 1970.

31. Section 43 of the principal Act is hereby amended by the deletion of paragraph (b).

Amendment of section 44 of Act 28 of 1966, as amended by section 16 of Act 66 of 1970.

32. Section 44 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding anything to the contrary in any other law contained, any mortgage bond, authorization, contract, agreement or written consent, or any other document tendered for the purposes of this Act or any law repealed by this Act **[or the Agricultural Credit Amendment Act, 1970]** at any deeds registry for registration or filing, may be framed by an officer in the department, and any lease so tendered need not be executed by a notary."

Amendment of section 46 of Act 28 of 1966.

33. Section 46 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Any person authorized thereto by the **[Director-General]** head of the department generally or specially may at all reasonable times enter upon any land or building for the purpose of inspecting anything or performing or causing to be performed any act, in order to achieve the objects of this Act."

Amendment of section 47 of Act 28 of 1966.

34. Section 47 of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of the following paragraph:

"(c) being a member of the board or an agricultural credit committee, discloses, except in a report to

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29. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang:

5 "Afskrif van ooreenkoms moet vir insae beskikbaar wees.

40. (1) 'n Afskrif van die in artikel 38 (1) bedoelde ooreenkoms word bewaar in die kantoor van die landdros van elke distrik (behalwe die Pretoriase landdrosdistrik) of gedeelte daarvan waarin die persoon wat die ooreenkoms aangegaan het, na die wete van die **[Direkteur-generaal]** departementshoof sy boerdery voortsit of woon of, in die geval van 'n maatskappy, waarin die maatskappy se gereistreerde kantoor of vernaamste besigheidsplek is, en indien bedoelde persoon sy boerdery in die Pretoriase landdrosdistrik voortsit of daar woon of, in die geval van 'n maatskappy, indien die maatskappy se gereistreerde kantoor of vernaamste besigheidsplek in bedoelde distrik is, word so 'n afskrif in die kantoor van die **[Direkteur-generaal]** departementshoof bewaar.

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(2) Die **[Direkteur-generaal]** departementshoof stuur aan bedoelde landdros 'n kennisgewing waarin optrede ingevolge artikel 39 ten opsigte van die in die ooreenkoms bedoelde goed uiteengesit word.

(3) Die **[Direkteur-generaal]** departementshoof of 'n landdros in wie se kantoor 'n afskrif van die ooreenkoms ingevolge hierdie artikel bewaar word, laat enigeen kosteloos toe om daardie afskrif en 'n in subartikel (2) bedoelde kennisgewing te lees of 'n afskrif daarvan te maak."

30. Artikel 42 van die Hoofwet word hierby gewysig deur 30 paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

35 "(a) indien 'n bedrag wat deur eersbedoelde persoon verskuldig is, **[nie binne dertig dae nadat dit]** ingevolge artikel 19 (2) opeisbaar geword het **[betaal word nie]**; of".

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31. Artikel 43 van die Hoofwet word hierby gewysig deur paragraaf (b) te skrap.

32. Artikel 44 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

40 "(1) Ondanks andersluidende wetsbepalings kan 'n verbandakte, magtiging, kontrak, ooreenkoms of skriftelike toestemming, of enige ander dokument wat by die toepassing van hierdie Wet of 'n wet wat by hierdie Wet **[of die Wysigingswet op Landboukrediet, 1970]** herroep word, by 45 'n registrasiekantoor vir registrasie of opberging aangebied word, deur 'n beampte in die departement opgestel word en hoef 'n huurkontrak wat aldus aangebied word, nie deur 'n notaris verly te word nie."

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33. Artikel 46 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

50 "(1) 'n Persoon wat oor die algemeen of spesiaal deur die **[Direkteur-generaal]** departementshoof daartoe gemagtig is, kan op alle redelike tye grond betree of 'n gebou binnegaan om enigiets te besigtig of om enigiets te doen of te laat 55 doen, ten einde die oogmerke van hierdie Wet te bereik."

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34. Artikel 47 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (c) deur die volgende paragraaf te vervang:

60 "(c) lid van die raad of 'n landboukrediet-komitee is en, behalwe in 'n verslag aan die Minister of die **[Direkteur-generaal]** departementshoof, openbaar maak hoe hy of 'n ander sodanige lid gestem het

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Vervanging van artikel 40 van Wet 28 van 1966, soos gewysig deur artikel 13 van Wet 66 van 1970.

Wysiging van artikel 42 van Wet 28 van 1966, soos gewysig deur artikel 14 van Wet 66 van 1970.

Wysiging van artikel 43 van Wet 28 van 1966, soos vervang deur artikel 15 van Wet 66 van 1970.

Wysiging van artikel 44 van Wet 28 van 1966, soos gewysig deur artikel 16 van Wet 66 van 1970.

Wysiging van artikel 46 van Wet 28 van 1966.

Wysiging van artikel 47 van Wet 28 van 1966.

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the Minister or the **[Director-General]** head of the department, the vote or opinion of himself or any other such member on any matter relating to the performance of the functions or the exercise of the powers of the board or the agricultural credit committee;”;

(b) by the insertion after paragraph (h) of the following paragraph:

“(i) contrary to a condition or direction of the Minister contemplated in section 39 deals with movable property which has become the property of the State in terms of section 38,”;

(c) by the substitution for the expression “one thousand rand” of the expression “R10 000”.

Amendment of section 48 of Act 28 of 1966.

35. Section 48 of the principal Act is hereby amended— 15

(a) by the substitution for subsection (2) of the following subsection:

“(2) Any regulation relating to State revenue or expenses shall be made **[after consultation]** with the concurrence of the Minister of **[Finance]** the Budget.”; and 20

(b) by the substitution for subsection (3) of the following subsection:

“(3) Regulations made under this section may provide that any person contravening or failing to comply with any provisions thereof shall be guilty of an offence 25 and liable on conviction to such fine not exceeding **[two hundred rand]** R5 000, or to imprisonment for such period not exceeding **[six months]** two years, as may be specified therein.”.

Substitution of section 49 of Act 28 of 1966, as substituted by section 4 of Act 67 of 1982.

36. The following section is hereby substituted for section 49 30 of the principal Act:

“Delegation of powers.

49. (1) The Minister may delegate any power conferred upon him by this Act or any law referred to in section 51, other than the powers referred to in sections 2, 10, 10A and 48, to the **[Director-General]** 35 head of the department or any other officer of the State **[(including the Administration of the territory)]**, but is not thereby divested of any power so delegated, and may amend or withdraw any decision of the **[Director-General]** head of the department or 40 other officer.

(2) The Director-General or the head of the department may with the consent of the Minister delegate to any other officer in the department any power conferred upon the Director-General or the head 45 of the department by this Act.”.

Repeal of section 55 of Act 28 of 1966, as substituted by section 17 of Act 66 of 1970.

37. Section 55 of the principal Act is hereby repealed.

Repeal of section 57A of Act 28 of 1966, as inserted by section 18 of Act 66 of 1970.

38. Section 57A of the principal Act is hereby repealed.

Short title.

39. This Act shall be called the Agricultural Credit Amendment Act (House of Assembly), 1987.

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oor 'n aangeleentheid wat met die verrigting van die werksaamhede of die uitoefening van die bevoegdhede van die raad of die landboukredietkomitee in verband staan, of wat sy sienswyse of dié van 'n ander sodanige lid omtrent bedoelde aangeleentheid is of was;";

(b) deur na paragraaf (h) die volgende paragraaf in te voeg:

"(i) teenstrydig met 'n voorwaarde of voorskrif van die Minister beoog in artikel 39 handel met roerende goed wat ingevolge artikel 38 die eiendom van die Staat geword het,"; en

(c) deur die uitdrukking "duisend rand" deur die uitdrukking "R10 000" te vervang.

15 35. Artikel 48 van die Hoofwet word hierby gewysig—

Wysiging van artikel 48 van Wet 28 van 1966.

(a) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) 'n Regulasie wat op Staatsinkomste of -uitgawes betrekking het, word uitgevaardig **[na oorlegpleging]** met die instemming van die Minister van **[Finansies]** Begroting."; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) Regulasies kragtens hierdie artikel uitgevaardig, kan bepaal dat 'n persoon wat 'n bepaling daarvan oortree of versuim om dit na te kom, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met die boete van hoogstens **[twee-honderd rand]** R5 000, of gevangenisstraf vir die tydperk maar hoogstens **[ses maande]** twee jaar, wat daarin bepaal word.".

36. Artikel 49 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 49 van Wet 28 van 1966, soos vervang deur artikel 4 van Wet 67 van 1982.

"Delegering van bevoegd-
hede. 49. (1) Die Minister kan 'n bevoegdheid by hierdie Wet of 'n in artikel 51 bedoelde wet aan hom verleen, uitgesonderd die in artikels 2, 10, 10A en 48 bedoelde bevoegdhede, aan die **[Direkteur-generaal]** departementshoof of 'n ander beamppte van die Staat **[(met inbegrip van die Administrasie van die gebied)]** delegeer, maar word nie daardeur enige van sy aldus gedelegeerde bevoegdhede ontnem nie, en kan 'n beslissing van die **[Direkteur-generaal]** departementshoof of ander beamppte wysig of intrek.

(2) Die Direkteur-generaal of die departementshoof kan, met die goedkeuring van die Minister, 'n bevoegdheid by hierdie Wet aan die Direkteur-generaal of die departementshoof verleen, aan 'n ander beamppte in die departement delegeer.".

37. Artikel 55 van die Hoofwet word hierby herroep.

Herroeping van artikel 55 van Wet 28 van 1966, soos vervang deur artikel 17 van Wet 66 van 1970.

38. Artikel 57A van die Hoofwet word hierby herroep.

Herroeping van artikel 57A van Wet 28 van 1966, soos ingevoeg deur artikel 18 van Wet 66 van 1970.

50 39. Hierdie Wet heet die Wysigingswet op Landboukrediet (Volksraad), 1987.

Kort titel.

