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STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1448. 29 Junie 1990

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

No. 73 van 1990: Wysigingswet op die Wegname van Oopgestelde Gebiede, 1990.

No. 1448. 29 June 1990

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

No. 73 of 1990: Excision of Released Areas Amendment Act, 1990.

Wet No. 73, 1990

WYSIGINGSWET OP DIE WEGNAME VAN OOPGESTELDE
GEBIEDE, 1990**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 die Wegname van Oopgestelde Gebiede, 1988, ten einde voorsiening te maak vir die omskakeling van grondbriefregte en regte van huurpag in huurpag; en om voorsiening te maak vir bykomstige aangeleenthede.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)*

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

Wysiging van artikel 5 van Wet 54 van 1988

1. Artikel 5 van die Wet op die Wegname van Oopgestelde Gebiede, 1988 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende subartikels 5 by te voeg:

“(3) Vanaf die tweede datum in artikel 6 beoog—

- (a) word alle grondbriefregte en regte van huurpag verleen of geag verleen te gewees het kragtens Proklamasie No. R.29 van 1988, ten opsigte van grond in die dorpe bedoel in Bylae B, geag huurpag kragtens artikel 52 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), verleen te gewees het; 10
- (b) word alle grondbriefregte en regte van huurpag geregistreer of geag geregistreer te gewees het kragtens Goewermmentskennisgewing No. R.403 van 9 Maart 1988, ten opsigte van sodanige grond, geag huurpag kragtens artikel 53 van genoemde Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, geregistreer te gewees het; en 15
- (c) word enige dokument wat uitgereik of handeling wat verrig is kragtens genoemde Goewermmentskennisgewing No. R.403 van 1988 en wat kragtens genoemde Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, uitgereik of verrig kon gewees het, geag kragtens daardie Wet uitgereik of verrig te gewees het. 20

(4) So gou doenlik na genoemde datum—

- (a) oorhandig die betrokke registrasiebeampte, aangestel kragtens regulasie 4 van Proklamasie No. R.30 van 1988, alle registers en aantekeninge wat deur hom gehou word en wat betrekking het op genoemde regte in genoemde dorpe, aan die betrokke registrateur, omskryf in artikel 102 van die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937); en 25
- (b) open genoemde registrateur, op aansoek van die Administrateur, ten opsigte van genoemde grond 'n dorpsregister en registreer hy daarna alle relevante grondbriefregte beoog in subartikel (3) as eiendomsreg. 30

(5) Ondanks die bepalings van die Wet op Hereregte, 1949 (Wet No. 40 van 1949), of die Wet op Seëlregte, 1968 (Wet No. 77 van 1968), is geen hereregte of seëlregte betaalbaar ten opsigte van die registrasie van genoemde grondbriefregte as eiendomsreg nie.”. 35

EXCISION OF RELEASED AREAS AMENDMENT ACT, 1990

Act No. 73, 1990

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 Excision of Released Areas Act, 1988, so as to provide for the conversion of deeds of grant rights and rights of leasehold to leasehold; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 21 June 1990.)

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

Amendment of section 5 of Act 54 of 1988

1. Section 5 of the Excision of Released Areas Act, 1988 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following subsections:

“(3) As from the second date contemplated in section 6—

- (a) all deeds of grant and rights of leasehold granted or deemed to have been granted under Proclamation No. R.29 of 1988, in respect of any land in the towns referred to in Schedule B, shall be deemed to have been leasehold granted under section 52 of the Black Communities Development Act, 1984 (Act No. 4 of 1984);
 - (b) all deeds of grant and rights of leasehold registered or deemed to have been registered under Government Notice No. R.403 of 9 March 1988, in respect of such land, shall be deemed to have been leasehold registered under section 53 of the said Black Communities Development Act, 1984; and
 - (c) any document issued or act done under the said Government Notice No. R.403 of 1988 which could have been issued or done under the said Black Communities Development Act, 1984, shall be deemed to have been issued or done under that Act.
- (4) As soon as practicable after the said date—
- (a) the registration officer concerned, appointed under regulation 4 of Proclamation No. R.30 of 1988, shall deliver all registers and records held by him and relating to the said rights in the said towns, to the registrar concerned, defined in section 102 of the Deeds Registries Act, 1937 (Act No. 47 of 1937); and
 - (b) the said registrar shall, on application of the Administrator, open a township register in respect of the said land and thereafter register all relevant deeds of grant rights contemplated in subsection (3), as ownership.
- (5) Notwithstanding the provisions of the Transfer Duty Act, 1949 (Act No. 40 of 1949), or the Stamp Duties Act, 1968 (Act No. 77 of 1968), no transfer duty or stamp duty shall be payable in respect of the registration of the said deeds of grant rights as ownership.”.

Wet No. 73, 1990

WYSIGINGSWET OP DIE WEGNAME VAN OOPGESTELDE
GEBIEDE, 1990**Wysiging van Bylae A by Wet 54 van 1988**

2. Bylae A by die Hoofwet word hierby gewysig deur paragraaf 3 deur die volgende paragraaf te vervang:

“3. Die plaas Uitspan 98 JR **[(onderverdeel in Lotte 1 tot 53)]** aangrensend aan Gebied 21 van Deel III van die Eerste Bylae by die Trustwet.”.

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Wysiging van Bylae B by Wet 54 van 1988

3. Bylae B by die Hoofwet word hierby deur die volgende bylae vervang:

“Bylae B

DORPE GEAG AS DORPE GESTIG TE GEWEES HET

(Artikel 3 (2))

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1. Die dorp Soshanguve soos bepaal en afgesonder by—

- (a) Goewermentskennisgewing No. 760 van 12 April 1979, soos gewysig deur Proklamasie No. R.136 van 1986 en Goewermentskennisgewing No. 149 van 30 Januarie 1987;
- (b) Goewermentskennisgewing No. 2178 van 2 Oktober 1987;
- (c) Goewermentskennisgewing No. 1745 van 2 September 1988; en
- (d) Goewermentskennisgewing No. 863 van 5 Mei 1989.

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2. Die dorp Lethlabile, geleë in die grondgebied omskrywe in die bylae by Goewermentskennisgewing No. 1969 van 7 September 1984, soos gewysig deur Goewermentskennisgewing No. 711 van 30 Maart 1990, en bepaal en afgesonder by daardie Goewermentskennisgewing onder die naam Nietgedacht.”.

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Kort titel en inwerkingtreding

4. Hierdie Wet heet die Wysigingswet op die Wegname van Oopgestelde Gebiede, 1990.

EXCISION OF RELEASED AREAS AMENDMENT ACT, 1990

Act No. 73, 1990

Amendment of Schedule A to Act 54 of 1988

2. Schedule A to the principal Act is hereby amended by the substitution for paragraph 3 of the following paragraph:

- 5 "3. The Farm Uitspan 98 JR [(subdivided in Plots 1 to 53)] adjoining Area 21 of Part III of the First Schedule to the Trust Act."

Amendment of Schedule B to Act 54 of 1988

3. The following schedule is hereby substituted for Schedule B to the principal Act:

"Schedule B

10 TOWNS DEEMED TO HAVE BEEN ESTABLISHED AS TOWNSHIPS

(Section 3 (2))

1. The town Soshanguve as defined and set apart by—

- 15 (a) Government Notice No. 760 of 12 April 1979, as amended by Proclamation No. R.136 of 1986 and Government Notice No. 149 of 30 January 1987;
(b) Government Notice No. 2178 of 2 October 1987;
(c) Government Notice No. 1745 of 2 September 1988; and
(d) Government Notice No. 863 of 5 May 1989.

20 2. The town Lethlabile, situated within the area of land defined in the schedule to Government Notice No. 1969 of 7 September 1984, as amended by Government Notice No. 711 of 30 March 1990, and defined and set apart by that Government Notice under the name of Nietgedacht."

Short title and commencement

4. This Act shall be called the Excision of Released Areas Amendment Act, 1990.

