

FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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OFFICE OF THE PREMIER

KANTOOR VAN DIE PREMIER

No. 3

27 March 1998

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It is hereby notified that the Acting Premier has assented to the following Act which is hereby published for general information:-

Hierby word bekend gemaak dat die Waarnemende Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

No. 1 of 1998: Free State Land Administration Act, 1998

No. 1 van 1998: Vrystaat Wet op Grondadministrasie, 1998

ACT

To provide for the acquisition and disposal of land by the Provincial Government and for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:

(Afrikaans text signed by the Acting Premier.)
Assented to 20 March 1998)

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Definitions

1. In this Act, unless the context indicates otherwise -

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“**acquire**” shall include the purchase, expropriation, exchange, leasing or receipt of immovable property through donation and the registration of a real right in respect of immovable property in favour of the Provincial Government, and “**acquisition**” has a corresponding meaning;

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“**beneficiary**” means any person, body corporate, institution or body of persons corporate or unincorporate, who acquires Provincial land or any right thereto;

“**dispose**” shall include the sale, exchange, letting or donation of immovable property and the registration of any real right in respect of immovable property in favour of a beneficiary, and “**disposal**” has a corresponding meaning;

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“**Executive Council**” means the Executive Council of the Provincial Government referred to in section 132 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);

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“**immovable property**” includes a real right in or over immovable property;

“**Premier**” means the Premier acting in consultation with the other members of the Executive Council;

30

“**Provincial Government**” means the Free State Provincial Government;

“**Provincial land**” means any immovable property registered in the name of the Provincial Government after 27 April 1994;

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“**Registrar**” means the Registrar of Deeds as defined in the Deeds Registries Act, 1937 (Act No 47 of 1937);

WET

Om voorsiening te maak vir die verkryging van en beskikking oor grond deur die Provinsiale Regering en vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:

(Afrikaanse teks deur die Waarnemende Premier geteken.)
(Bekragtig op 20 Maart 1998)

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken -

“**begunstigde**” enige persoon, regspersoon, instelling of liggaam van persone, hetsy met regspersoonlikheid bekleed al dan nie, wat Provinsiale grond of enige reg daarop verkry;

“**beskik**” ook die verkoop, verruil, verhuur of skenk van onroerende eiendom en die registrasie van enige saaklike reg ten opsigte van onroerende eiendom ten gunste van ‘n begunstigde, en het “**beskikking**” ‘n ooreenstemmende betekenis;

“**hierdie Wet**” ook die regulasies;

“**onroerende eiendom**” ook ‘n saaklike reg in of oor onroerende eiendom;

“**Premier**” die Premier handelende in oorleg met die ander lede van die Uitvoerende Raad;

“**Provinsiale grond**” enige onroerende eiendom wat na 27 April 1994 in die naam van die Provinsiale Regering geregistreer is;

“**Provinsiale Regering**” die Vrystaat Provinsiale Regering;

“**Registrateur**” die Registrateur van Aktes soos in die Registrasie van Aktes Wet, 1937 (Wet No 47 van 1937), omskryf;

“**regulasie**” ‘n regulasie ingevolge hierdie Wet uitgevaardig en van krag;

“**Uitvoerende Raad**” die Uitvoerende Raad van die Provinsiale Regering bedoel in artikel 132 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No 108 van 1996);

“regulation” means any regulation made and in force in terms of this Act;

“this Act” includes the regulations.

Acquisition and disposal of immovable property

2. (1) The Premier may on such terms and conditions as he or she may deem fit, acquire immovable property or dispose of Provincial land. 5
- (2) The provisions of the Expropriation Act, 1975 (Act No 63 of 1975), shall apply *mutatis mutandis* to the expropriation of land under subsection (1), and in such application a reference in the said Act to - 10
 - (a) “Minister” shall be construed as a reference to the Premier, or the member of the Executive Council or an official to whom the power referred to in subsection (1) has been assigned under section 5; and 15
 - (b) “section 2” shall be construed as a reference to subsection (1).
- (3) Immovable property acquired under subsection (1), shall be registered in the name of the Provincial Government. 20
- (4) The provisions of subsection (1) shall not exempt the Premier or any beneficiary from complying with any obligation imposed in terms of any registered condition of title. 25
- (5) The Premier shall ensure that a consolidated register is established and maintained in order to reflect all Provincial land.
- (6) The Premier shall annually submit a report to the Provincial Legislature in which he or she shall provide the following information: 30
 - (a) details of all written applications received from persons to acquire Provincial land; 35
 - (b) details of all disposals of Provincial land, all acquisitions of immovable property as well as purchases of immovable property under section 3, including:
 - (i) a full description of the immovable property concerned; 40
 - (ii) the names of the beneficiaries;
 - (iii) the purchase price (if any); and
 - (iv) any conditions imposed.

“verkry” ook die aankoop, onteiening, verruil, huur of ontvangs van onroerende eiendom deur middel van ‘n skenking en die registrasie van enige saaklike reg ten opsigte van onroerende eiendom ten gunste van die Provinsiale Regering, en het “verkryging” ‘n ooreenstemmende betekenis.

5 Verkryging van en beskikking oor onroerende eiendom

2. (1) Die Premier kan op die bedinge en voorwaardes wat hy of sy gepas ag, onroerende eiendom verkry of oor Provinsiale grond beskik.
- 10 (2) Die bepalings van die Onteieningswet, 1975 (Wet No 63 van 1975), is *mutatis mutandis* van toepassing op die onteiening van grond kragtens subartikel (1), en by sodanige toepassing word ‘n verwysing in daardie Wet na -
 - 15 (a) “Minister” uitgelê as ‘n verwysing na die Premier, of die lid van die Uitvoerende Raad of ‘n beampste aan wie die bevoegdheid bedoel in subartikel (1), kragtens artikel 5 opgedra is; en
 - (b) “artikel 2” uitgelê as ‘n verwysing na subartikel (1).
- 20 (3) Onroerende eiendom wat kragtens subartikel (1) verkry is, word in die naam van die Provinsiale Regering geregistreer.
- (4) Die bepalings van subartikel (1) stel nie die Premier of ‘n begunstigde vry van die nakoming van enige verpligting ingevolge ‘n geregistreerde titelvoorwaarde opgelê nie.
- 25 (5) Die Premier moet toesien dat ‘n gekonsolideerde register ingestel en bygehou word wat alle Provinsiale grond weergee.
- 30 (6) Die Premier moet jaarliks ‘n verslag aan die Provinsiale Wetgewer voorlê waarin hy of sy die volgende inligting verstrek :
 - 35 (a) besonderhede van alle skriftelike aansoeke om Provinsiale grond te verkry wat van persone ontvang is;
 - (b) besonderhede van alle beskikkings oor Provinsiale grond, alle verkrygings van onroerende eiendom asook enige aankope van onroerende eiendom kragtens artikel 3, met inbegrip van :
 - 40 (i) ‘n volledige beskrywing van die onroerende eiendom betrokke;
 - (ii) die name van die begunstigdes;
 - (iii) die koopprys (indien enige); en
 - (iv) enige voorwaardes opgelê.

Pre-emptive right of Provincial Government

3. (1) When the Premier disposes of Provincial land, he or she may impose a condition to the effect that the beneficiary or his or her successors in title, shall not sell or otherwise alienate such immovable property within a maximum period of 5 (five) years from the date of the initial registration of the immovable property into the name of the beneficiary, unless it has first been offered for sale to the Provincial Government. 5
- (2) Any such offer shall be made in writing and shall be accepted or rejected by the Premier within a period of 60 (sixty) days after receipt thereof. 10
- (3) If such offer is accepted, the purchase price shall be determined -
- (a) by agreement between the Premier and the beneficiary; or 15
- (b) if the Premier and the beneficiary are unable to come to an agreement within a period of 60 (sixty) days after the acceptance of the offer, by an arbitrator appointed by agreement between the Premier and the beneficiary, or failing agreement, by an arbitrator appointed by the Premier, and the provisions of the Arbitration Act, 1965 (Act No 42 of 1965), shall *mutatis mutandis* be applicable. 20
- (4) The Premier may at any time exempt a beneficiary from a condition imposed under subsection (1). 25
- (5) The Registrar shall at the request of the Premier -
- (a) make such endorsement on the title deed of the immovable property and such entries in his or her registers as may be necessary to indicate that a condition referred to in subsection (1) apply in respect of such immovable property; and 30
- (b) cancel any such endorsement and entries where an exemption has been granted under subsection (4) in respect of the immovable property. 35
- (6) No transfer of immovable property in respect of which a condition referred to in subsection (1) applies, shall be passed to a person other than the Provincial Government, unless there is produced to the Registrar a certificate by the Premier to the effect that such immovable property has been offered for sale in terms of the said subsection and that the offer has been rejected. 40

Execution of documents

4. (1) If the Premier has under section 2 acquired immovable property or disposed of Provincial land, he or she shall sign or cause to be signed on behalf of the Provincial Government all documents as may be required by law to give effect to the acquisition or disposal. 45

Voorkoopsreg van Provinsiale Regering

3. (1) Wanneer die Premier oor Provinsiale grond beskik, kan hy of sy 'n voorwaarde oplê ten effekte dat die begunstigde of sy of haar regsopvolgers, nie binne 'n tydperk van hoogstens 5 (vyf) jaar vanaf die datum van die aanvanklike registrasie van die onroerende eiendom in die naam van die begunstigde, daardie onroerende eiendom mag verkoop of andersins vervreem nie, tensy dit eers aan die Provinsiale Regering te koop aangebied is.
- (2) So 'n aanbod moet skriftelik gedoen word en moet deur die Premier binne 'n tydperk van 60 (sestig) dae na ontvangs daarvan, aanvaar of van die hand gewys word.
- (3) Indien sodanige aanbod aanvaar word, word die koopprys bepaal -
- (a) by ooreenkoms tussen die Premier en die begunstigde; of
- (b) indien die Premier en die begunstigde nie binne 'n tydperk van 60 (sestig) dae na aanvaarding van die aanbod kan ooreenkom nie, deur 'n arbiter by ooreenkoms tussen die Premier en die begunstigde aangestel, of by gebrek aan so 'n ooreenkoms, deur 'n arbiter deur die Premier aangestel, en die bepalinge van die Wet op Arbitrasie, 1965 (Wet No 42 van 1965), is *mutatis mutandis* van toepassing.
- (4) Die Premier kan te eniger tyd 'n begunstigde vrystel van 'n voorwaarde kragtens subartikel (1) opgelê.
- (5) Die Registrateur moet op versoek van die Premier -
- (a) die endossement op die titelbewys van die onroerende eiendom maak en sodanige inskrywings in sy of haar registers aanbring as wat nodig is om aan te dui dat 'n voorwaarde in subartikel (1) bedoel ten opsigte van sodanige onroerende eiendom van toepassing is; en
- (b) sodanige endossement en inskrywings kanselleer waar 'n vrystelling kragtens subartikel (4) ten opsigte van die onroerende eiendom verleen is.
- (6) Geen oordrag van onroerende eiendom ten opsigte waarvan 'n in subartikel (1) vermelde voorwaarde van toepassing is, word aan 'n ander persoon as die Provinsiale Regering gepasseer nie, tensy daar aan die Registrateur 'n sertifikaat deur die Premier voorgelê word ten effekte dat sodanige onroerende eiendom ingevolge genoemde subartikel te koop aangebied is en dat die aanbod van die hand gewys is.

Verlyding van stukke

4. (1) Indien die Premier kragtens artikel 2 onroerende eiendom verkry het of oor Provinsiale grond beskik het, moet hy of sy namens die Provinsiale Regering alle stukke wat regtens nodig mag wees om aan die verkryging of beskiking gevolg te gee, onderteken of laat onderteken.

- (2) All documents shall be signed on behalf of the Provincial Government by a person authorised thereto by the Premier, either generally or in regard to specific immovable property or Provincial land.

Assignment of powers and duties

5. (1) The Premier may, subject to such conditions as he or she may determine, either generally or in regard to specific immovable property or Provincial land or in a specified case, assign to any member of the Executive Council, any power or duty conferred or imposed upon him or her by or under this Act.
- (2) The member of the Executive Council may either generally or in regard to specific immovable property or Provincial land or in a specified case, assign any power or duty conferred upon or assigned to him or her by or under this Act, to any official in the service of the Provincial Government.

Regulations

6. The Premier may make such regulations as he or she considers necessary or expedient for the achievement of the purposes or objectives of this Act.

Validation of acts

7. Any transaction in relation to Provincial land which occurred after 27 April 1994 and prior to the commencement of this Act, and which would have been lawfully undertaken but for the lapsing of powers of attorney or the absence of delegated authority to either the Premier, a member of the Executive Council or any official in the employ of the Provincial Government, shall be deemed to have been lawfully effected.

Saving

8. The provisions of this Act shall not apply to any matter regulated in the Roads Ordinance, 1968 (Ordinance No 4 of 1968).

Short title

9. This Act shall be called the Free State Land Administration Act, 1998.

- (2) Alle stukke word namens die Provinsiale Regering onderteken deur 'n persoon wat deur die Premier daartoe gemagtig is, hetsy in die algemeen of ten opsigte van bepaalde onroerende eiendom of Provinsiale grond.

5 Opdra van bevoegdhede en pligte

5. (1) Die Premier kan, onderworpe aan sodanige voorwaardes as wat hy of sy bepaal, hetsy in die algemeen of ten opsigte van bepaalde onroerende eiendom of Provinsiale grond of in 'n bepaalde geval, enige bevoegdheid of plig by of kragtens hierdie Wet aan hom of haar verleen of opgedra, aan 'n lid van die Uitvoerende Raad opdra.
- 10
- (2) Die lid van die Uitvoerende Raad kan, hetsy in die algemeen of ten opsigte van bepaalde onroerende eiendom of Provinsiale grond of in 'n bepaalde geval, enige bevoegdheid of plig by of kragtens hierdie Wet aan hom of haar verleen of opgedra, aan 'n beampte in diens van die Provinsiale Regering opdra.
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Regulasies

- 20 6. Die Premier kan die regulasies uitvaardig wat hy of sy nodig of dienstig ag vir die verwesenliking van die oogmerke of doelstellings van hierdie Wet.

Geldigverklaring van handeling

- 25 7. Enige transaksie in verband met Provinsiale grond wat na 27 April 1994 en voor die inwerkingtreding van hierdie Wet plaasgevind het, en wat geldiglik verrig sou gewees het as dit nie was vir die verval van volmagte of die afwesigheid van gedelegeerde magte aan die Premier, 'n lid van die Uitvoerende Raad of enige beampte in die diens van die Provinsiale Regering nie, word geag geldiglik verrig te gewees het.
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Voorbehoud

- 35 8. Die bepalinge van hierdie Wet is nie van toepassing op enige aangeleentheid wat in die Ordonnansie op Paaie, 1968 (Ordonnansie No 4 van 1968), gereël word nie.

Kort titel

9. Hierdie Wet heet die Vrystaat Wet op Grondadministrasie, 1998.

