

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

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**GOVERNMENT GAZETTE**

**STAATSKOERANT**

**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

*Registered at the Post Office as a Newspaper*

*As 'n Nuisblad by die Pöskantoor Geregistreer*

Price 10c Prys  
Overseas 15c Oorsee  
POST FREE—POSVRY

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VOL. 64.]

CAPE TOWN, 9TH OCTOBER, 1970.

[No. 2867.

KAAPSTAD, 9 OKTOBER 1970.

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DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1698.

9th October, 1970.

No. 1698.

9 Oktober 1970.

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

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

No. 70 of 1970: Subdivision of Agricultural Land Act, 1970.

No. 70 van 1970: Wet op die Onderverdeling van Landbougrond, 1970.

## SUBDIVISION OF AGRICULTURAL LAND ACT, 1970.

Act No. 70, 1970.

**ACT****To control the subdivision of agricultural land.***(English text signed by the State President.)  
(Assented to 28th September, 1970.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates—
- Definitions.
- (i) "agricultural land" means any land, except—
- (a) land situated in the area of jurisdiction of a municipal council, city council, town council, village council, village management council, local board, health board or health committee, and land forming part of, in the province of the Cape of Good Hope, a local area established under section 6 (1) (i) of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952 of that province), and, in the province of Natal, a public health area as defined in section 1 of the Local Health Commission (Public Health Areas Control) Ordinance, 1941 (Ordinance No. 20 of 1941 of the last-mentioned province), and, in the province of the Transvaal, a local area Committee established under section 21 (1) of the Transvaal Board for the Development of Peri-Urban Areas Ordinance, 1943 (Ordinance No. 20 of 1943 of the Transvaal);
  - (b) land forming part of any other area subdivided into erven or plots, with or without public open spaces, and in streets bounded by such erven; plots or spaces;
  - (c) land of which the State is the owner or which is held in trust by the State or a Minister for any person;
  - (d) land forming part of a scheduled Bantu area as defined in section 49 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or of a released area referred to in section 2 of the said Act;
  - (e) land to which the provisions of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963), apply;
  - (f) land zoned for any particular purpose under a town planning scheme which is in force in terms of any law; (i)
- (ii) "local authority" means any institution or body referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (iii)
- (iii) "Minister" means the Minister of Agriculture; (ii)
- (iv) "Secretary" means the Secretary for Agricultural Technical Services; (iv)
- (v) "statutory body" means—
- (a) any board or body which has been established by or under any law and whose funds consist wholly or partly of moneys appropriated by Parliament in aid of such board or body;

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- (b) any local authority;
- (c) any other board or body, or any board or body belonging to a class of boards or bodies, which the Minister may by notice in the *Gazette* declare to be a statutory board or body or statutory boards or bodies for the purposes of this Act. (v)
2. The provisions of this Act shall not apply in respect of—
- (a) any subdivision of land for the purpose of transferring a portion thereof to the State or a statutory body, or the transfer of an undivided share in land to the State or any such body; Actions which are excluded from application of Act.
- (b) any subdivision of, or the passing of an undivided share in, any land in accordance with a testamentary disposition or intestate succession, if the testator died before the commencement of this Act;
- (c) the passing of an undivided share in any land in accordance with a contract entered into prior to the commencement of this Act;
- (d) any subdivision of any land in connection with which a surveyor has completed the relevant survey and has submitted the relevant subdivisional diagram and survey records for examination and approval to the surveyor-general concerned prior to the commencement of this Act.
3. Subject to the provisions of section 2—
- (a) agricultural land shall not be subdivided;
- (b) no undivided share in agricultural land not already held by any person, shall vest in any person;
- (c) no part of any undivided share in agricultural land shall vest in any person, if such part is not already held by any person, unless the Minister has consented in writing to the subdivision or vesting concerned. Prohibition on subdivision of, or vesting of undivided share in, agricultural land.
4. (1) Any application for the consent of the Minister for the purposes of section 3 shall be lodged with the Secretary and shall be in such form and be accompanied by such plans, documents and information as are determined by the Secretary. Application for consent of Minister, and imposition, enforcement or withdrawal of conditions by him.
- (2) The Minister may in his discretion refuse or grant any such application, and, if he grants it, grant it on such conditions as he deems fit.
- (3) The Minister may enforce any such condition.
- (4) The Minister may withdraw any such condition and, if it has been registered against the title deed of the land, direct that it be cancelled.
5. (1) If the Minister does not in terms of section 4 consent to the subdivision of any particular agricultural land in accordance with any testamentary disposition or intestate succession or to the vesting of any undivided share in such land in accordance therewith, and no agreement is reached as to a subdivision or vesting in respect of which the Minister grants his consent in terms of the said section 4, the executor of the estate concerned shall realize the land or undivided share concerned, as the case may be, and dispose of the nett proceeds thereof in accordance with the said testamentary disposition or intestate succession, as the case may be. Succession.
- (2) The provisions of section 12 of the Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in respect of any such proceeds of land or an undivided share in any land, and in such application of the said section a reference therein to a Minister shall be deemed to be a reference to an executor referred to in subsection (1) of this section.

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6. (1) Subject to the provisions of section 2 a Surveyor-General shall only approve a general plan or diagram relating to a subdivision of agricultural land, and a Registrar of Deeds shall only register the vesting of an undivided share in agricultural land referred to in section 3 (b), or a part of any such share referred to in section 3 (c), if the relevant written consent of the Minister in terms of this Act has been submitted to him.

Duties of Surveyor-General and Registrar of Deeds in application of Act.

(2) If such consent has been granted subject to a registrable condition, such condition shall, on such approval or registration, be endorsed on the title deed of the land concerned.

7. The Secretary may either generally or in any particular case authorize any person to enter upon any land at all reasonable times and to carry out thereon such investigations or to perform thereon such other acts as are necessary or expedient for achieving the objects of this Act.

Entry upon and investigations on land.

8. The Minister may delegate to the Secretary or any other officer in the Public Service any power conferred upon him by this Act (excluding a power referred to in section 10), but shall not be divested of any power delegated by him, and may vary or withdraw any decision of the Secretary or any such officer upon application by any person affected and feeling aggrieved by such decision.

Delegation of powers.

9. No duties or fees of office shall be payable in respect of any document drawn up for the purposes of this Act and lodged in a registration office for registration or filing.

Payment of duties or fees.

10. (1) Subject to the provisions of subsection (2) the Minister may make regulations with reference to any matter which may be prescribed under this Act, or in respect of which, in his opinion, it is necessary or expedient to make regulations for achieving the objects of this Act.

Regulations.

(2) Any such regulation which relates to State revenue or expenditure shall be made after consultation with the Minister of Finance.

(3) Regulations made under subsection (1) may provide that any person who contravenes or fails to comply with any provision thereof shall be guilty of an offence and on conviction liable to such fine, not exceeding two hundred rand, or to imprisonment for such period, not exceeding six months, as may be prescribed therein.

11. Any person who—

- (a) in any application for the purposes of this Act makes any statement which is false in any material respect, knowing it to be false, or fails to disclose any information with intent to deceive;
- (b) hinders or obstructs in the performance of his functions any other person acting under an authority from the Secretary in terms of section 7,

Offences and penalties.

shall be guilty of an offence and on conviction liable to a fine not exceeding four hundred rand or to imprisonment for a period not exceeding one year.

12. The following section is hereby inserted in the Provincial Powers Extension Act, 1944, after section 3:

Insertion of section 3A in Act 10 of 1944.

"Application of Act. 3A. The provisions of sections 1, 2 and 3 shall not apply in respect of agricultural land as defined in section 1 of the Subdivision of Agricultural Land Act, 1970: Provided that the provisions of this section shall not affect any condition contemplated in subsection (2) of the said section 3."

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13. A permit issued under section 8 (1) (a) (ii) or (iii) of the Physical Planning and Utilization of Resources Act, 1967, prior to the commencement of this Act and still of force and effect at such commencement, shall be deemed to be a written consent granted by the Minister in terms of section 3 of this Act, and the conditions (if any) subject to which any such permit was issued in terms of the first-mentioned Act, shall be deemed to be conditions imposed by the Minister in terms of section 4 (2) of the last-mentioned Act in connection with such consent.

Permits issued under Act 88 of 1967.

14. This Act and any amendment thereof shall also apply in the territory of South-West Africa.

Application of Act in South-West Africa.

15. This Act shall be called the Subdivision of Agricultural Land Act, 1970, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.