

FREE STATE PROVINCE

# PROVINCIAL GAZETTE

---

# PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

*Published by Authority*

*Uitgegee op Gesag*

No. 21

BLOEMFONTEIN, 27 MARCH 1998

BLOEMFONTEIN, 27 MAART 1998

---

OFFICE OF THE PREMIER

No. 3 27 March 1998

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

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

KANTOOR VAN DIE PREMIER

No. 3 27 Maart 1998

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

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)*  
-----

5

## Definitions

1. In this Act, unless the context indicates otherwise - 10
  - “**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; 15
  - “**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; 20
  - “**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); 25
  - “**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; 35
  - “**Registrar**” means the Registrar of Deeds as defined in the Deeds Registries Act, 1937 (Act No 47 of 1937);

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

“**this Act**” includes the regulations.

**Acquisition and disposal of immovable property**

5

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.
- (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 -
- (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.

### 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

- (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

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.

10

- (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.

15

**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.

20

**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.

25

**Saving**

30

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**

35

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