

Chapter 30

AGRICULTURAL HOLDINGS (TRANSVAAL) REGISTRATION ACT 22 OF 1919

Agricultural Holdings (Transvaal) Registration Act 22 of 1919

came in operation on 4 June 1919.

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1 PURPOSE OF THE ACT

To provide for the registration of land in the (former) Transvaal which is divided into agricultural holdings, for regulating the sub-division of such holdings and for other purposes in connection therewith.

2 DEFINITIONS

“agricultural holding” a portion of land not less than 1 morgen (8 565 square metres) in extent used solely or mainly for the purpose of agriculture or horticulture or for breeding or keeping domestic animals, poultry or bees

3 TOWNSHIPS ACT NOT TO APPLY TO LAND DIVIDED FOR AGRICULTURAL HOLDINGS - Section 1

Where the owner of an area of land had divided or intends to divide it into lots for the purpose of forming agricultural holdings, the Minister may certify that the land has been or is intended to be so subdivided for agricultural holdings only and not for the purpose of constituting a township. When that certificate is lodged at the deeds office, such area of land shall not be deemed to be a township.

4 CONDITIONS OF GRANTING CERTIFICATE - Section 2

The certificate referred to in Section 1 shall only be granted upon application by the owner to the Board and on a recommendation by the Board and subject to such conditions, if any, as the Board may recommend - (section 2(1)).

When making application under section 2(1) the owner shall provide the Board with such particulars and information and such plans and diagrams as it may require for the purpose of showing the extent and situation of the area of land which is to be divided and the plan according to which it is intended to divide it, but save as is hereinafter provided the owner shall not be bound to divide the land as shown in the plan or to maintain any divisions shown therein - (section 2(2)).

If the ground in respect of which application is made is situated within the limits of any municipality notice shall be given by the owner to the Council of the municipality of his intention to apply for a certificate and the Board, before recommending the granting of a certificate, shall give to the Council concerned

an opportunity of make such representations as it may desire in regard to the granting of the certificate - (section 2(3)).

5 WHERE CERTIFICATE NOT TO BE GRANTED - Section 4 -

The Board shall not recommend the granting of a certificate nor shall a certificate be granted in respect of any area of land of which any lot or portion as shown on the general plan of division submitted by the owner is less than one morgen in (8 565 square metres) in extent - (Section 4).

6 RESTRICTION ON GIVING OUT OR SUB-DIVIDING LOTS - Section 5

While a certificate granted under this Act remains in force as regards any area of land, it shall not be lawful for the owner thereof to sell, lease or dispose of any lot or portion otherwise than in accordance with the general plan submitted to the Board without the written approval of the Board nor shall the owner of any lot or portion thereof sell, lease or dispose of in any way any part of his lot or portion without the written approval of the Board and that approval shall not be granted if in the opinion of the Board the proposed sub-division of the lot or portion would render it unsuitable for occupation as an agricultural holding or if after the proposed sub-division any part of such lot or portion would be less than one morgen (8 565 square metres) in extent - (section 5(1)).

The Registrar of Deeds shall not register the transfer or lease of any lot or portion of such land or any part thereof which is less in extent than one morgen (8 565 square metres) nor shall any lot or portion be capable to being held by two or more persons in joint ownership where if the lot or portion were divided according to the shares of the joint owners any of such divisions would be less in extent than one morgen (8 565 square metres) - (section 5(2)).

Subsection 5(2) shall not apply to land expropriated under any law for railway or public purposes.

7 SUBDIVISION OF AGRICULTURAL HOLDINGS

Consent to the subdivision of agricultural *holdings* is granted by the Premier in terms of the Division of Land Ordinance 20 of 1986 (T). Note that the subdivision of agricultural *land* is regulated by the Subdivision of Agricultural Land Act 70 of 1970. A clear distinction should be drawn between the application of these two

Acts.