

REPUBLIC OF SOUTH AFRICA

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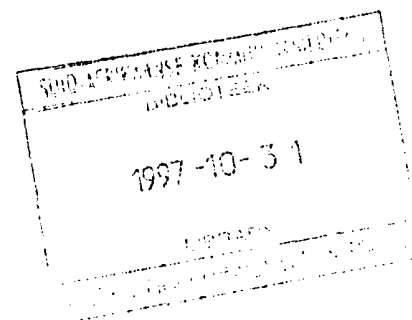
# SUBDIVISION OF AGRICULTURAL LAND ACT REPEAL BILL

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*(As introduced)*

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(MINISTER FOR AGRICULTURE AND LAND AFFAIRS)



[B 101—97]

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REPUBLIEK VAN SUID-AFRIKA

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# WETSONTWERP OP DIE HERROEPING VAN DIE WET OP DIE ONDERVERDELING VAN LANDBOUGROND

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*(Soos ingedien)*

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(MINISTER VIR LANDBOU EN GRONDSAKE)

[w 101—97]

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# BILL

To repeal certain laws pertaining to subdivision of agricultural land; and to provide for matters connected therewith.

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**B**E IT ENACTED by the Parliament of the Republic of South Africa. as follows:—

## **Repeal of laws**

1. The laws mentioned in the Schedule are repealed to the extent set out in the third column thereof.

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## **Short title and commencement**

2. This Act is called the Subdivision of Agricultural Land Act Repeal Act, 1997, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

## SCHEDULE

### Laws repealed

Number and year of law	Short title	Extent of repeal
Act No. 70 of 1970	Subdivision of Agricultural Land Act, 1970	The whole
Act No. 55 of 1972	Subdivision of Agricultural Land Amendment Act, 1972	The whole
Act No. 19 of 1974	Subdivision of Agricultural Land Amendment Act, 1974	The whole
Act No. 18 of 1977	Subdivision of Agricultural Land Amendment Act, 1977	The whole
Act No. 12 of 1979	Subdivision of Agricultural Land Amendment Act, 1979	The whole
Act No. 18 of 1981	Subdivision of Agricultural Land Amendment Act, 1981	The whole
Act No. 33 of 1984	Subdivision of Agricultural Land Amendment Act, 1984	The whole
Proclamation No. 116 of 1994		The whole
Act No. 49 of 1996	General Law Amendment Act, 1996	The Schedule in so far as it amends sections 1, 2, 4 and 13 of the Subdivision of Agricultural Land Act, 1970, and repeals section 14 of the Subdivision of Agricultural Land Act, 1970

## **MEMORANDUM ON THE OBJECTS OF THE SUBDIVISION OF AGRICULTURAL LAND ACT REPEAL BILL, 1997**

### **PART I**

#### **OBJECTS AND EXPLANATION**

The original aim of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), was to prevent the subdivision of agricultural land to extent where the new portions created are so small that farming will no longer be economically viable.

As a legislative measure to determine and maintain farm size Act 70 of 1970 is no longer deemed appropriate. It is no longer necessary to control the subdivision of agricultural land or for Government to determine what constitutes an appropriate land size. Land users and the market should be determinant of the land size. Appropriate zoning measures are considered sufficient for the protection of high potential agricultural land.

Alternative land protection measures are also possible under the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), The Development Facilitation Act, 1995 (Act No. 67 of 1995), and local government legislation.

It was therefore deemed necessary to repeal Act 70 of 1970.

### **PART II**

#### **CLAUSE BY CLAUSE ANALYSIS**

##### **Clause 1**

Repeals the laws mentioned in the Schedule.

##### **Clause 2**

Short title and commencement.

### **PART III**

#### **OTHER BODIES CONSULTED**

The following Departments and bodies were consulted:

- \* The members of the Executive Councils responsible for Land and Agriculture in the Provinces
- \* Federation of Institutes of Professional Land Surveyors of Southern Africa
- \* Department of Land Affairs
- \* South African Property Owners Association

### **PART IV**

#### **PARLIAMENTARY PROCEDURE**

The Department of Agriculture and the State Law Advisers are of the opinion that the procedure established by section 76 of the Constitution should be followed in respect of this Bill.