

Presentation on the repeal of
§6, and proclamations / regulations
made under §25 & §30
of the Black Admin Act 38/1927

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Venue: Farm Inn, Pretoria

Application of §6, §25 & §30 of Act 38/1927

- §6 of the Development Trust and Land Act 18/1936 vested all state owned Land reserved or set aside for the occupation of Blacks and all State owned land within the scheduled black areas and released areas in the South African Development Trust (SADT).
- Not all the land that was proclaimed as scheduled and released areas under Black Land Act 27/1913 and Act 18/1936 were incorporated in the TBVC States and Self Governing Territories but some remained in the RSA.
- §6 of Act 38/1927 – dealt with the devolution of the powers of the Registrar of Deeds upon the Chief Commissioner. All documents in the relevant deeds registry were transferred to the custody of the Chief Commissioner.

Application of §6, §25 & §30 of Act 38/1927 (cont.)

- A range of proclamations and government notices were published in terms of §25 & §30 of Act 38/1927, *inter alia*, Proc R293/1962, R188/1969, R163/1974, R29/1988 & R30/1988 and GNs R402/1988 & R403/1988, etc.
- In terms of proc R22/1992 issued in terms of § 22 of Act 112/1991, the offices of Department of Development Aid (DDA) in which grant rights (including GN R402/1988 and by implication GN R403/1988) were registered were transferred to the Department of Regional and Land Affairs, where it still resides.
- The Chief Registrar of Deeds, who presumably acted under delegation by the Director-General of Land Affairs, appointed the Registrar of Deeds as a Registration Officer in terms of regulation 4(1)(b) of Proc R30/1988.

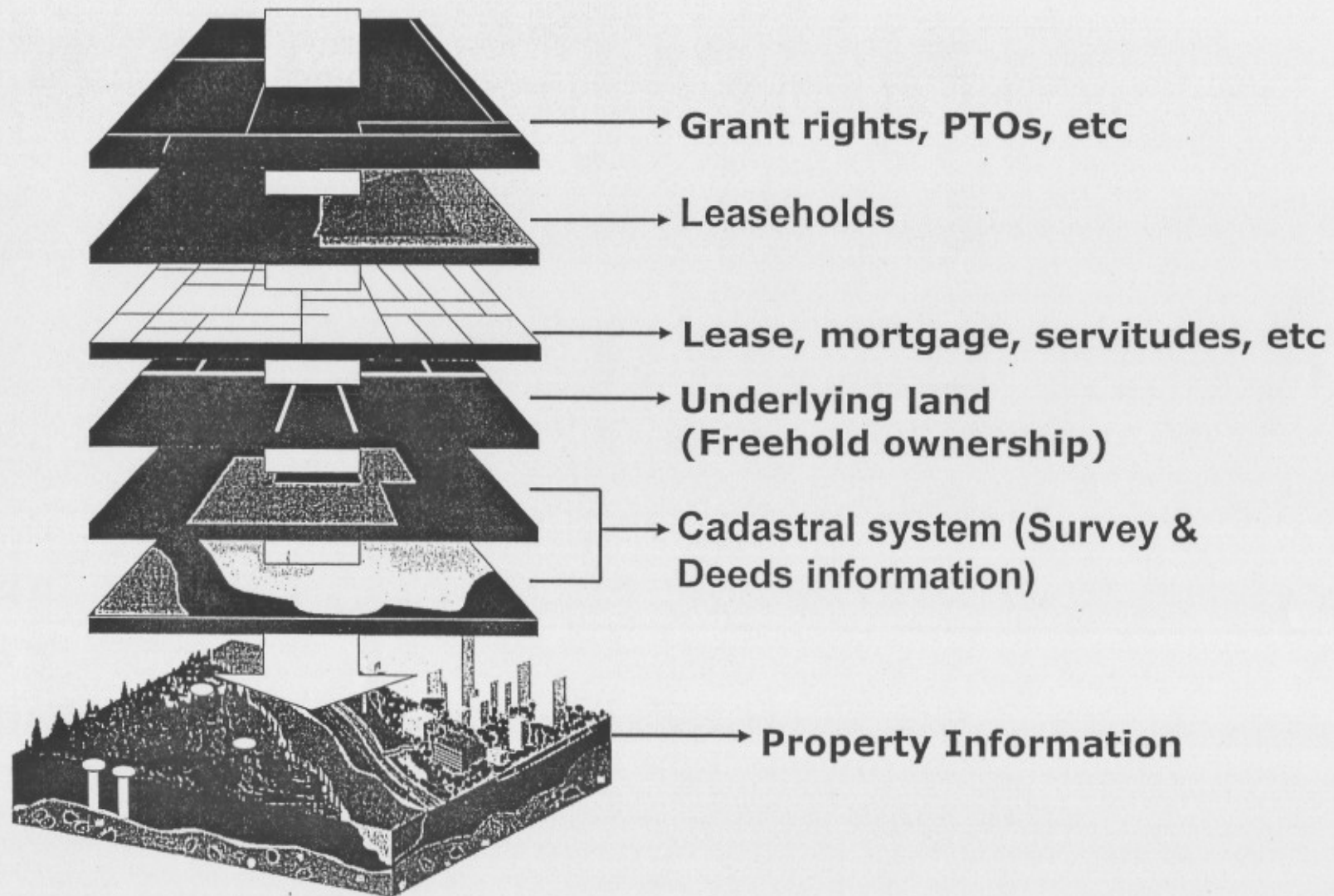
Application of §6, §25 & §30 of Act 38/1927 (cont.)

- **Proc R29/1988** contained regulations concerning Land Tenure in towns that were set aside in terms § 30(1) of Act 38/1927. **Proc R30/1988** contained regulations relating to the establishment of Deeds Registration Offices for the registration of deed of grant rights and rights of leasehold in the towns.
- **GN R402/1988** regulated the disposal of land of the former SADT in those towns established under § 30 of Act 38/1927, while **GN R403/1988** regulated the registration of deeds grant rights in towns. These regulations are still applicable, especially GN R403/1988 in so far as the land that has NOT yet been upgraded in terms of Act 112/1991 is concerned.
- In terms of Regulation 2 of Proc R403/1988, the issue of grant rights, transference and mortgage of such rights were/are governed by the provisions of these regulations.

Application of §6, §25 & §30 of Act 38/1927 (cont.)

- The powers and duties of a Registration Officer in terms of these regulations, promulgated under Proclamations R29/1988 and R30/1988 and GNs R402/1988 and R403/1988, are not the same as the powers and duties of a Registrar of Deeds that the legislature had in mind when enacting §6 of Act 38/1927.
- None of these regulations were made in terms of the said §6 and did not rely on that section for their existence.
- No legislation or proclamation exist that placed the above regulations back within the jurisdiction of a Registrar of Deeds as defined in §102 of the Deeds Registries Act 47/1937.

Tenure system & Cadastral system



SA Development Trust was responsible for 15 DDA townships in 1992 (excluding R293/1962 townships)

Township name	Established in terms of	Administered in terms of
Edendale (Proper) *	Proc No: R163/1974	Proc No: R163/1974
Clermont *	Proc No: R163/1974	Proc No: R163/1974
Tshiamo	Gov Notice: R1869 of 04.09.1981	
Botshabelo	Gov Notice: R2468 of 19.11.1982	Proc No: R29/1988
Gamapodile	Gov Notice: R2565 of 23.12.1977	Proc No: R30/1988
Rebone (Steilloop)	Gov Notice: R1582 of 20.07.1979 Gov Notice: R802 of 18.04.1980	Gov Notice: R402/1998
Lethlabile	Gov Notice: R1969 of 07.09.1984	Gov Notice: R403/1988
Soshanguve	Gov Notice: R760 of 12.04.1979	
Inanda/Newtown *	Gov Notice: R799 of 23.04.1982	Gov Notice: R405/1988
Elandsdoorn	Gov Notice: R2070 of 20.11.1970	Gov Notice: R1414/1989
Imbali *	Gov Notice: R593 of 28.03.1980	Gov Notice: R1878/1989
Nondweni *	Gov Notice: R2562 of 30.12.1977	Gov Notice: R1886/1990
Edendale – East *	Gov Notice: R1016 of 26.05.1989	Gov Notice: R1888/1990
Ashdown *	Gov Notice: R593 of 28.03.1980	
Kwadabeka *	Gov Notice: R1049 of 18.05.1979	

**KwaZulu townships (Self-Governing Territory) –
(These were transferred to Ingonyama Trust in 1994)**

Township name	Established in terms of	Administered in terms of
Nongoma	Proc No: R37/1976	Proc No: R86/1982
Impendle	Proc No: R37/ 1976	Proc No: R86/1982
Hlabisa	Proc No: R205/1981	Proc No: R67/1983
Ingwavuma	Proc No: R205/1981	Proc No: R67/1983
Nkandla	Proc No: R205/1981	Proc No: R67/1983
Nqutu	Proc No: R205/1981	Proc No: R67/1983
Somkela	Proc No: R205/1981	Proc No: R67/1983
Ubombo	Proc No: R205/1981	Proc No: R67/1983
Pomeroy	Proc No: R205/1981	Proc No: R67/1983
Mahlabathini	Proc No: R205/1981	Proc No: R67/1983
Umbumbulu	Proc No: R205/1981	Proc No: R67/1983