
GAUTENG PROVINCIAL LEGISLATURE

**GAUTENG LAND
ADMINISTRATION
AMENDMENT ACT, 2002**



24/11/02.

CERTIFIED CORRECT AS PASSED BY
THE GAUTENG PROVINCIAL LEGISLATURE

SIGNED 

SPEAKER

DATE

No 7, 2002

GENERAL EXPLANATORY NOTE:

- |] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Gauteng Land Administration Act, 1996 so as to provide for the disestablishment of the Gauteng Land Fund; to substitute certain expressions; and to provide for matters incidental thereto.

BE IT ENACTED by the Gauteng Provincial Legislature as follows:—

Amendment of section 1 of Act No. 11 of 1996

1. Section 1 of the Gauteng Land Administration Act, 1996 (hereinafter referred to as the “Principal Act”), is hereby amended:—

- (a) by substitution for the definition of “Beneficiary” of the following definition: 5
 “‘beneficiary’ means any person, body corporate, institution, or body of persons corporate or unincorporated, who acquires Provincial Land or any right thereto;” 10
- (b) by the deletion of the definition of “Fund”;
- (c) by the substitution for the definition of “Gauteng Provincial Government” of the following definition: 15
 “‘Gauteng Provincial Government’ means the government of the province of Gauteng which is recognized as a province of the Republic of South Africa in terms of [section 124 (1) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993)] section 103 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);”
- (d) by the substitution for the definition of “Premier” of the following definition: 20
 “‘Premier’ means the Premier-in-Executive Council of the Province as provided for under [section 144 (1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993)] section 125 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);”
- (e) by the substitution for the definition of “Provincial land” of the following definition: 25
 “‘Provincial land’ means any immovable property which vests in the Gauteng Provincial Government in accordance with the provisions of Section 239 (1) (b) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), read with item 28 (1) of Schedule 6 of the Constitution of the Republic of South Africa 1996, (Act No.108 of 1996) together with any immovable property acquired by the Gauteng Provincial Government pursuant to this Act;” and 30

- (f) by the substitution for the definition of "Treasury" of the following definition:
 "‘Treasury’ means the Treasury of the Gauteng Provincial Government as as provided under the Gauteng Exchequers Act] defined in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);"

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Amendment of section 2E of Act No. 11 of 1996

2. Section 2E of the Principal Act is hereby amended:—
 (a) by the substitution for paragraph (b) of the following paragraph:—
 "(b) containing the grounds on which the compensation has been rejected
l.] ; and"
 (b) by the insertion after paragraph (b) of the following paragraph (c) furnishing an acceptable compensation."

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Amendment of section 2F of Act No. 11 of 1996

3. Section 2F of the Principal Act is hereby amended by the substitution for section 2F of the following section:

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"2F Disputes in regard to compensation

(1) The Premier and an owner, including a lessee who is not an owner, may, by agreement, submit any dispute concerning the amount of compensation to be paid in terms of this Act in respect of expropriation of property or the taking of any right to arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965): Provided that the decision of the Arbitrator shall be final and binding on all the parties."

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(2) In the absence of an agreement contemplated in subsection (1), the compensation to be paid for any property expropriated by the Premier or for any right to use such property shall, on the application of any party concerned, be determined by a Local or Provincial Division of the High Court in whose area of jurisdiction the property in question is situated."

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Amendment of section 4 of Act No. 11 of 1996

4. Section 4 of the Principal Act is hereby amended by the substitution for section 4 of the following section:

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"4. Execution of documents

The Premier shall sign on behalf of Gauteng Province, the appropriate documents required to give effect to the acquisition of any immovable property or disposal of Provincial Land in terms of section 2."

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Amendment of section 5 of Act No. 11 of 1996

5. Section 5 of the Principal Act is hereby amended:
 (a) by the substitution for subsection (1) of the following subsection:
 "(1) The Premier may 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 [section 2, 2A, 3 or 4] this Act."
 (b) by the insertion after subsection (3) of the following subsection:
 "(4) An assignment referred to in subsection (1) must:
 (a) not divest the Premier of the power or function assigned, and he or she may at any time amend or set aside any decision made there-under;
 (b) not prevent the exercise of the power or performance of the function concerned by the Premier."

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Amendment of section 6 of Act No. 11 of 1996

6. Section 6 of the Principal Act is hereby amended by substitution for section 6 of the following section:

“6. Financial Provisions

All monies paid and/or payable to the Gauteng Provincial Government upon disposal of any Provincial Land, and any other monies appropriated from time to time for the acquisition of immovable property shall be administered by Treasury in terms of the provisions of the Public Finance Management Act, 1999 (Act No.1 of 1999).”

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Amendment of section 8 of Act No. 11 of 1996

7. Section 8 of the Principal Act is hereby amended by the substitution for section 8 of the following section: “If the provisions of this Act are **[not reconcilable]** inconsistent with the provisions of other Acts relating to the acquisition of immovable property and disposal of Provincial land, then the provisions of this Act shall prevail **[unless legislation or regulations to the contrary are promulgated].**”

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Short title

8. This Act is called the Gauteng Land Administration Amendment Act, 2002 and comes into operation on the date fixed by the Premier by proclamation in the Provincial Gazette.

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