

LAND ADMINISTRATION ACT 2 OF 1995

(English text signed by the President)

[Assented To: 27 March 1995]
[Commencement Date: 6 April 1995]

as amended by:

Land Administration Amendment Act 52 of 1996
Public Service Laws Amendment Act 47 of 1997

ACT

To provide for the delegation of powers and the assignment of the administration of laws regarding land matters to the provinces; to provide for the creation of uniform land legislation; and to provide for matters incidental thereto.

ARRANGEMENT OF SECTIONS

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1. Definitions

In this Act, unless the context otherwise indicates -

“Director-General” means the Director-General: Land Affairs;
[Definition of “Director-General” inserted by s. 1 of Act 52/96]

“Minister” means the Minister of Land Affairs;

“proclaimed area”
[Definition of “proclaimed area” deleted by s. 1 of Act 52/96]

2. Delegation of powers and assignment of functions

- (1) (a) The Minister may, either in general or in a particular case or in cases of a particular nature, in writing delegate to -
 - (i) a Premier or a member of the Executive Council of a province; or

- (ii) any officer in the service of the national government or a local government body contemplated in [section 1](#) of the Local Government Transition Act, 1993 (Act No. 209 of 1993),

any power conferred upon him or her by or under a law regarding land matters.

- (b) Any person to whom any power has been delegated under paragraph (a) shall exercise that power subject to the directions of the Minister.
- (c) The Minister may at any time revoke in writing such delegation, and the delegation of any power shall not prevent the Minister from exercising that power himself or herself.
- (d) The Premier of a province to whom any power has been delegated under paragraph (a) (i) may, subject to any directions contemplated in paragraph (b) and such further conditions and periods of time as he or she may consider necessary, in writing delegate any such power to -
 - (i) any member of the Executive Council of that province; or
 - (ii) the Director-General of that province, to be exercised by that Director-General or by any officer in the service of the provincial government concerned indicated by that Director-General.
[Para. (d) substituted by s. 2 of Act 52/96]
- (e) A member of the Executive Council of a province to whom any power has been delegated under paragraph (a) (i) may, subject to any directions contemplated in paragraph (b) or (d) and such further conditions and periods of time as the Premier concerned or he or she may consider necessary, in writing delegate any such power to the Director-General of that province to be exercised by that Director-General or by any officer in the service of the provincial government concerned indicated by that Director-General.
[Para. (e) added by s. 2 of Act 52/96]

- (1A) (a) The Director-General may in writing, either in general or in a particular case or in cases of a particular nature, delegate any power relating to land matters conferred upon him or her in terms of any law to -
 - (i) the Director-General of a national department or a province, to be exercised by that Director-General or by any officer in that department or in the service of the provincial government in question, as the case may be, indicated by the Director-General concerned; or

(ii) an officer in the service of a local government body contemplated in [section 1](#) of the Local Government Transition Act, 1993.

(b) Any person to whom any power has been delegated under paragraph (a) shall exercise that power subject to the directions of the Director-General.

(c) The Director-General may at any time in writing withdraw such delegation, and the delegation of any power shall not prevent the Director-General from exercising that power.

[Sub-s. (1A) inserted by s. 2 of Act 52/96]

(2) The President may, by proclamation in the *Gazette* -

(a) assign the administration of a law regarding land matters to a Premier of a province; or

(b) reassign the administration of a law assigned in terms of paragraph (a) to a Minister referred to in section 88 of the Constitution,

either generally or to the extent specified in the proclamation, and subject to such conditions and periods of time as the President may consider necessary.

[Sub-s. (2) amended by s. 2 of Act 52/96]

(3) When the President assigns the administration of a law in terms of subsection (2), or at any time thereafter, and to the extent that he or she considers it necessary for the efficient carrying out of the assignment, he or she may -

(a)

[Para. (a) deleted by s. 2 of Act 52/96]

(b)

[Para. (b) deleted by s. 2 of Act 52/96]

(c) regulate any other matter necessary, in his or her opinion, as a result of the assignment, including matters relating to the transfer or secondment of persons (subject to sections 236 and 237 of the Constitution) and relating to the transfer of assets, liabilities, rights and obligations, including funds, to or from the national or a provincial government or any department of state, administration, force or other institution.

(4) (a) The transfer of any asset, liability, right or obligation as contemplated in subsection (3) shall be done subject to the provisions of the relevant applicable Exchequer Act.

(b)

[Para. (b) deleted by s. 35 of Act 47/97]

- (5) The Premier of a province may, subject to such conditions and periods of time as he or she may consider necessary, in writing authorise -
- (a) any member or members of the Executive Council of that province;
 - (b) any member or members of such Executive Council and the Director-General of that province jointly;
 - (c) the said Director-General;
 - (d) any officer in the service of the provincial government concerned;
 - (e) any local government body contemplated in [section 1](#) of the Local Government Transition Act, 1993,

to exercise or perform in general or in a particular case or in cases of a particular nature, any power, duty or function which the Premier is in terms of a proclamation under subsection (2) authorised to exercise or perform, except the power to make regulations.

- (6) The provisions of [section 10](#) (5) and (5A) of the Interpretation Act, 1957 (Act No. 33 of 1957), shall apply *mutatis mutandis* to the administration of a law or any provision of any law assigned under subsection (2) (a) or reassigned to a Minister under subsection (2) (b).

3.

[S. 3 repealed by s. 3 of Act 52/96]

4.

[S. 4 repealed by s. 4 of Act 52/96]

5. **Short title**

This Act shall be called the Land Administration Act, 1995.