

NORTHERN CAPE LAND ADMINISTRATION ACT
(ACT 6 OF 2002)
SIMPLIFIED VERSION

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1. PURPOSE OF THE ACT

- The Northern Cape Provincial Government may need to **acquire** or **dispose** of **immovable property** in order to exercise its powers concerning certain matters listed in **Schedule 4 of the Constitution** which deals with immovable property to be acquired by the Northern Cape Provincial Government or be disposed of by the government, and;
- **To regulate** the acquisition and disposal of provincial state land by the Northern Cape Provincial Government;
- **To establish** and maintain a consolidated Provincial State Land Register
- **AND to allow** for the submission of an Annual Provincial State Land Acquisition and Disposal Report to the Provincial Legislature.

2. THE GOVERNMENT IMMOVABLE ASSET MANAGEMENT ACT (Act 19 / 2007)

in which:

- A **Premier** of a Province or an **MEC**, designated by the Premier, in relation to immovable asset that **vest** in the provincial government, is the **custodian** in the provincial sphere of government in relation to said immovable assets; and
- A custodian acts as the **caretaker** in relation to an immovable asset of which it is the custodian,
- The Northern Cape Land Administration Act, 2002 (Act 6 of 2002), is supported by the Government Immovable Asset Management Act.

3. DEFINITIONS OF NOTE

“**acquire**” – is the acquisition of immovable property by purchase, expropriation, exchange, donation or leasing, land availability agreement.

“**dispose**” – is to alienate, unencumbered, transfer or allocation of immovable property as a result of an agreement of sale, exchange, donation or letting or land availability agreement.

“**immovable property**” – includes any right over immovable property

“**provincial state land**” means any immovable property which vests in the Northern Cape Provincial Government.

“**registrar**” means the Registrar of Deeds.

4. ACQUISITION OF IMMOVABLE PROPERTY:

- The Premier may **acquire** immovable property on behalf of the Provincial Government provided that the prescripts issued by Treasury are strictly adhered to.
- Immovable property so acquired must be registered in the name of the ***“Northern Cape Provincial Government”***

5. DISPOSAL OF PROVINCIAL IMMOVABLE PROPERTY

- The Premier may **dispose** of provincial state land subject to conditions determined by him or her and the department responsible for the administration of the land;
- Where state land is disposed of at less than the land’s market-related value, it must be a condition of the disposal that if the person who has acquired the land wants to utilize the land within 10 years of receiving it, **the Provincial Government has the right of first refusal (i.e. the land must be offered to the Provincial Government first)**.
- The right of first refusal acquired by the Provincial Government will be included in the deed of transfer of such immovable property.
- the offer must be made in writing and shall be accepted or rejected by the Premier within a period of 60 days after receipt thereof.
- If the offer is accepted, the purchase price will be determined—
 - By agreement between the Premier and the beneficiary; or
 - Where the parties cannot reach consensus, by an arbitrator.
- The Premier may not dispose of any immovable property unless he or she has published a notice in a newspaper circulating in the district in which the land is situated. Interested parties must be invited to make written submissions in respect of the land and must be afforded a 21 day period to do so.
- The Premier shall not dispose of land before the department responsible for the administration of the land has considered all the representations/submissions and has made a recommendation.
- The Premier may amend or cancel a condition imposed on the immovable property but in the case of an amendment only a less onerous condition may be imposed on a transferee.

6. PROVINCIAL REVENUE FUND

All money received from the disposal of provincial state land in terms of this Act must be paid into the Provincial Revenue Fund.

7. CO-OPERATIVE GOVERNMENT

- The **Premier** shall coordinate the provincial government's actions regarding the **administration** of provincial state land with the **national** and **local spheres** of government as contemplated in **Chapter 3 of the Constitution**.

8. CONSOLIDATED PROVINCIAL STATE LAND REGISTER

- The Head of the Department of Works, Provincial Administration: Northern Cape must establish and maintain a consolidated **register** of all provincial state land.
- The register will be open for inspection to the public.
- The full description of the land and title deed to the land must be included in the register.

9. ANNUAL PROVINCIAL STATE LAND ACQUISITION AND DISPOSAL REPORT

- The Premier shall no later than **1 June of each year**, for the preceding 12 month period up to **31 March**, **submit** to the Northern Cape Provincial Legislature a **report** on the acquisition and disposal of provincial state land.

10. PROVINCIAL LAND NOT SUBJECT TO ACQUISITIVE PRESCRIPTION

Provincial state land **shall not be capable** of being acquired by any person by **prescription** as contemplated in the Prescription Act, 1969.

11. EXECUTION OF DOCUMENTS

The Premier must sign all the documents required to be registered in the Deeds Registry Office to effect the acquisition or disposal of the immovable property, or the Premier must in writing authorize an official to sign all documents on his or her behalf generally or specifically.

12. DELEGATION OF POWERS AND DUTIES

- The Premier may generally or in a particular case and on such conditions as he or she may determine—
 - Delegate to a member of the executive council any power conferred on him or her, by or under this Act except the power to make regulations;
 - Authorize any member of the executive council to perform any duty imposed upon the Premier in terms of this Act.
- A member of the Executive Council may, subject to the conditions imposed by the Premier—
 - Delegate to an officer any power conferred on him or her;
 - Authorize any officer to perform any duty which the member is authorized to perform.
- The Premier may also delegate powers to a municipal council.
- Any delegation of a power or authorization to perform any duty—
 - Shall be in writing;
 - Shall not prevent the person who effected the delegation from exercising that power him or herself;
 - May be withdrawn at any time, in writing.

13. REGULATIONS

The Premier may make regulations considered necessary for the achievement of the purpose or objectives of this Act. The regulations must not be in conflict with the prescripts issued by Treasury from time to time.