

PROD DEEDS REGISTRATION SYSTEM - CAPE TOWN
 PREPARED BY : DRS08125 - BENJAMIN G

DATE : 20160302 TIME : 09:44:07.8 PAGE : 1

DOCUMENT DETAIL FOR T12406/1987
 REGISTRATION DATE

FIRM NR : 999
 FIRM NAME : AKTEKANTOOR KAAPSTAD
 FILE NR : PREP
 FEE AMOUNT: R .00

NO PROPERTY LINKED TO DOCUMENT

HISTORICAL ENDORSEMENTS

TOWN/REG DIV PREVIOUS OWNER	ERF/FARM	PORTION	M/DD SHARE	O/P/A	AMOUNT/REASON	NEW TITLE PREVIOUS OWNER ID	NEW TITLE MICRO DATE OF BIRTH
PNIEL	151	0	1987			T41201/1989	1989 0978 1917
BESTUURSRAAD VAN PNIEL	GERUIJL						
PAARL RD	1173	6 :	1987			T41201/1989	1989 0978 1917
BESTUURSRAAD VAN PNIEL	GERUIJL						
PAARL RD	1176	1	1987			T41201/1989	1989 0978 1917
BESTUURSRAAD VAN PNIEL	GERUIJL						
PAARL RD	1193	7 .	1987				1989 0978 1917
BESTUURSRAAD VAN PNIEL	GERUIJL						
PAARL RD	1201	6 .	1987			T41201/1989	1989 0978 1917
BESTUURSRAAD VAN PNIEL	GERUIJL						

* O/P/A - O - MULTIPLE OWNER P - MULTIPLE PROPERTY A - MULTIPLE OWNER AND PROPERTY

** PLEASE NOTE : THE INFORMATION APPEARING ON THIS PRINTOUT IS FURNISHED FOR PURPOSES OF INFORMATION ONLY.
 FOR MORE DETAILED INFORMATION, PLEASE REFER TO THE REGISTERED SOURCE DOCUMENTS.

*** END OF REPORT ***

*Bestuursraad van Pniel
 Wet 1/1979.
 Repealed by Act 9/87
 Repealed to municipality Act 94/98
 This is Sec 3 land.*

21

SYFRET GUDLONTON - FULLER MOORE INC.

Co. Reg. No. 78 0004 87

Attorneys, Notaries and Conveyancers

CAPE TOWN

WP REF: 285/86

Prepared by me,

Conveyancer.

W. H. PEGRUM

DIE GEDRAGDE DEELSTUKKE
 DIE LAND BESCHREIBER *in para 2*
 IS GEREKISTREK EN MOET IN DIE TOEKOMMINGS DEELSTUKKE WYDERS AS
 IS GEREKISTREK AS, AND MOET IN TOEKOMMINGS DEELSTUKKE WYDERS AS
151 Priel
 0

ANTEKENSOP,
 DEELS DEKREET,
 KAAPSTAD,
 CAPE TOWN,
 27/3 1987

[Signature]
 HOOF REGISTRASIEAMPTENAAR,
 CHIEF REGISTRATION OFFICER.

12406 1987

DEED OF TRANSFER

Be it hereby made known:

That

ANTHONY JOHN NOYES PLUMMER

appeared before me, Registrar of Deeds, at Cape Town, he, the said Appearer, being duly authorised thereto by a Power of Attorney granted to him by

ANGLO AMERICAN FARMS LIMITED

Co. No. C387

- WHITE GROUP -

dated the 30th July 1986
and signed at GROOT DRAKENSTEIN

and / ...

- 2 -

and the said Appearer declared that
WHEREAS ANGLO AMERICAN FARMS LIMITED had on the 28th May
1982 agreed to transfer to the undermentioned Transferee
the property hereby conveyed in exchange for:

REMAINDER OF PORTION 5 of the Farm No. 1201
in the Division of Paarl;

IN EXTENT Five Comma Two Eight Two Eight
(5,2828) Hectares;

HELD by the Transferee under Certificate
of Consolidated Title about to be registered

NOW THEREFORE he, in his capacity aforesaid, did by these presents cede and transfer,
in full and free property to and on behalf of

THE MANAGEMENT BOARD OF PNIEL
(As constituted in terms of Act 1 of 1979
of the Coloured Representatives Council)

Its
~~Executors, Administrators or Assigns,~~

1. PORTION /

KID 10A

- 3 -

GEKLEURDE
GROEP
COLOURED GROUP

- I. PORTION 6 of the Farm No. 1201, in the Division of Paarl;

IN EXTENT Six Comma Three Nil Three Three (6,3033) Hectares;

AS WILL MORE FULLY APPEAR from Diagram No. 1570/82 annexed hereto and held by Deed of Transfer No. T.2582/1902.

- A. SUBJECT to the conditions referred to in Deed of Transfer No. 11413 dated 31st December 1897.
- B. SUBJECT to a servitude right of way 10 metres wide in favour of the Remainder of the Farm No. 1201, measuring 28,1308 Hectares, and held by the Transferor by Deed of Transfer No. T.2582/1902, the southern boundary of which is depicted by the line FG on said Diagram No. 1570/82.

2. PORTION 7 of the Farm Good Hope No. 1193, in the Division of Paarl;

IN EXTENT Seven Thousand Three Hundred and Thirty Two (7332) square metres;

AS WILL MORE FULLY APPEAR from Diagram No. 1569/82 annexed hereto and held by Deed of Transfer No. T.2582/1902.

- A. SUBJECT to the conditions referred to in Deed of Transfer No. 11413 dated 31st December 1897.
- B. SUBJECT to the endorsement dated 16th May 1986 on said Deed of Transfer No. T.2582/1902, reading as follows:

"ENDORSEMENT IN TERMS OF SECTION 31(6) OF ACT 47 OF 1937 (AS AMENDED)"

A Portion of the herein-mentioned property in Para 54 meas. - 3680 m² has been expropriated by Paarl Divisional Council in terms of Sect. 27 of the Roads Ord. 19 of 1976. Vide Notice

of /)

4

- 4 -

of expropriation RMR 7/2/6 d.d. 2-5-86 filed as exprop. caveat EX 163/86 plans in duplicate filed EX 163/86."

- C. SUBJECT to the endorsement dated 18th June 1986 on said Deed of Transfer No. T.2582/1902, reading as follows:

"ENDORSEMENT IN TERMS OF SECTION 31(6) OF ACT 47 OF 1937 (AS AMENDED)"

A Portion of the herein-mentioned property in Para 54 meas. 2141 m² has been expropriated by Paarl Divisional Council in terms of Sect. 27 of the Roads Ord. 19 of 1976. Vide Notice of expropriation No. R M R 7/2/6 d.d. 9-6-86 filed as exprop. caveat EX 237/86 plans in duplicated filed EX 237/86."

3. PORTION 6 of the Farm Rhonen & Lanquedoc No. 1173, in the Division of Paarl;

IN EXTENT Four Thousand Six Hundred and Forty (4640) square metres;

AS WILL MORE FULLY APPEAR from Diagram No. 1567/82 annexed hereto and held by Deed of Transfer No. T.2582/1902.

- A. SUBJECT to the conditions referred to in Deed of Transfer No. 11413 dated 31st December 1897.
- B. SUBJECT to the endorsement dated 17th March 1931 on said Deed of Transfer No. T.2582/1902, which reads as follows:

"the within described land is subject to a servitude with regard to apportionment of water in terms of an Order of the Water Court (Water Court District No. 1) dated 13th May 1921 as will more fully appear on reference to the copy of the said Order filed with Transfer 7389/1899."

- C. NOT SUBJECT by reason of situation to the servitude endorsement dated 21st May 1937 on said Deed of Transfer No. T.2582/1902 relating to Notarial Deed of Servitude dated 5th May 1937.

D. SUBJECT /

- 5 -

- D. SUBJECT to the endorsement dated 16th May 1986 on said Deed of Transfer No. T.2582/1902, which reads as follows:

"ENDORSEMENT IN TERMS OF SECTION 31(6) OF ACT 47 OF 1937 (AS AMENDED)

A Portion of the herein-mentioned property in Para 46 meas. - 1,3100 Ha. has been expropriated by Paarl Divisional Council in terms of Sect. 27 of the Roads Ord. 19 of 1976. Vide Notice of expropriation No. R M R 7/2/1 d.d. 2-5-85 filed as exprop. caveat EX 163/86 plans in duplicate filed EX 163/86."

- E. SUBJECT to the endorsement dated 18th June 1986 on said Deed of Transfer No. T.2582/1902, which reads as follows:-

"ENDORSEMENT IN TERMS OF SECTION 31(6) OF ACT 47 OF 1937 (AS AMENDED)

A Portion of the herein-mentioned property in Para 46 meas. - 1235 m² has been expropriated by Paarl Divisional Council in terms of Sect. 27 of the Roads Ord. 19/76. Vide Notice of expropriation No. R M R 7/2/1 d.d. 9-7-86 filed as exprop. caveat EX 238/86 plans in duplicate filed EX 238/86."

4. PORTION 1 of the Farm Langedok No. 1176, in the Division of Paarl:

IN EXTENT Two Thousand Seven Hundred and Sixty Four (2764) square metres;

AS WILL MORE FULLY APPEAR from Diagram No. 1568/82 annexed hereto and held by Deed of Transfer No. T.2582/1902.

SUBJECT to the conditions referred to in Deed of Transfer No. 11413 dated 31st December 1897.

WHEREFORE /

- 6 -

Wherefore the Appearer renouncing all the right and title the said Transferor Company heretofore had to the premises, did, in consequence, also acknowledge the said Transferor Company to be entirely dispossessed of, and disentitled to the same; and that, by virtue of these presents, the said

T R A N S F E R E E

Its ~~Heirs, Executors, Administrators or Assigns~~, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights;

In Witness whereof I, the said Registrar, together with the Appearer, q.q., have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

Thus done and executed, at the Office of the Registrar of Deeds, at Cape Town, on this 24th Day of the Month of March in the Year of our Lord One Thousand Nine Hundred and Eighty-six (1906/1907)

In my presence,

[Handwritten signature]
Registrar of Deeds

q.q.

Registered in the Register of Book: Folio

Clerk in Charge.



STELLENBOSCH
 STELLENBOSCH • PNIEL • FRANSCHHOEK
 MUNISIPALITEIT • UMASIPALA • MUNICIPALITY



Our ref: Our ref: 7/2/1/3/1

2016-03-24

The Project Coordinator: Land Tenure and Administration (LTA),
 Department of Rural Development and Land Reform
 59 Baring Street
 Worcester

Attention: Lionel Beerwinkel

Dear Sir

PNIEL TRANCRAA PROPERTY REPORT: FEEDBACK ON MEETING HELD IN STELLENBOSCH

The meeting we had on 24 March in Stellenbosch, where the above report(s) were discussed, refers. Please allow me to thank you once again for the very informative meeting; I learned a great deal from the various presentations.

As you would recall, I made mention of a trilateral Settlement Agreement that was concluded between Pniel Transitional Local Council, the (then) Department of Land Affairs and the Cyster Family Trust in September 2000, in terms whereof a portion of Portion 8 of Farm 1201, measuring ± 2 ha in extent, was to be transferred to the Cyster Family Trust (the exact extent to be determined through a survey that were to be undertaken before the transfer of the property*).

*Please note that, during 2015 a **final draft diagram**, indicating the ± 2 ha portion, was “agreed upon” between the parties, but that no formal agreement was reached to date.

I attached copies of various correspondence dealing with this matter for your information.

If my understanding of your Report is correct, the remainder portion of portion 8 of Farm 1201, is so-called Section 3 land, i.e. that the ownership vests with the Minister.

If this is indeed the case, then the question begs whether the Pniel Transitional Local Council, at the time of concluding the Settlement Agreement, had the *locus standi* to conclude the agreement as transferor, seeing that they were (according to your interpretation) not the legal owner of the property.

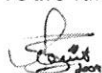
If not, then the legal status of the Settlement Agreement should be investigated, taking into account that the land in question (± 2 ha of land) has not yet been transferred.

Will you please, **as a matter of urgency**, investigate the matter and report back to me as soon as legal certainty has been obtained.

In the mean-time I will refrain from signing any transfer documents to affect transfer of the said portion of land to the Cyster Trust.

I await your feedback in this regard.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Piet Smit', with a date '2008' written below it.

.....
PIET SMIT
MANAGER: PROPERTY MANAGEMENT



rural development & land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

A to Z of the Transformation of Certain Rural Areas Act, 1998 (Act No. 94 of 1998) (TRANCRAA)

Where does the Act apply?

The Act currently applies to 23 rural areas in four provinces in South Africa. These are the so-called "coloured rural areas" where the land is held on a communal basis by the residents in that area. The four provinces are the Western Cape, Northern Cape, Eastern Cape and the Free State.

The land is presently held in a trust for the communities by the Minister of Rural Development and Land Reform {in terms of the Rural Areas Act, 1987 (Act 9 of 1987) which has since been repealed}. **No residents in these areas hold individual title deeds for their residential plots.**

There are 12 such areas in the Western Cape, 8 in the Northern Cape, 2 in the Free State and 1 in the Eastern Cape: *Not done!*

Western Cape

The areas being dealt with in the Western Cape are:

- Friemersheim (hectares unknown),
- Haarlem (559.0012 hectares),
- Kranshoek (189.8325 hectares),
- Slangrivier (804.2801 hectares),
- Zoar (5902.0744 hectares),
- Rietpoort (15 003.4101 hectares),
- Ebenhaeser (18 257 3294 hectares + 61.3000 ha unregistered State land)
- Mamre (4277.7858 ha),
- Saron (3 323.5025 ha),
- Suurbraak (4 156.4219 ha),
- Genadendal (4 641.3832 ha) and
- Pniel (55 ha).

(The Pniel area of 55 hectares is governed in terms of township establishment legislation and no transformation process is envisaged).

Free State

In the Free State the areas affected by TRANCRAA are Oppermansgronde and Thaba Phatsoa.

Because a land claim had been lodged on the Oppermansgronde, it has since been dealt with by the Land Claims Commission.

Thaba Phatsoa is situated near the town of Tweespruit in the Motheo District Municipality. The local Municipality is Mantsopa Local Municipality. Service providers are to be appointed to execute a land rights enquiry and assist with the development of a Land Management Plan.

Eastern Cape

The area is known as Enon/Bersheba, occupied by African and coloured communities respectively. The physical description of the area is Farm No 40 in the division of Uitenhage in the Sundays River Valley municipality. It is about 11 000 hectares.

Northern Cape

Information pertaining to the Namakwa district is as follows:

- Leliefontein,
- Concordia,
- Pella,
- Komaggas,
- Steinkopf and
- Richtersveld.

The extent of these areas are approximately 1 188 670 hectares.

The Leliefontein land is held by the Kamiesberg Municipality, while the other rural areas have Communal Property Associations (CPAs) as legal entities.

Information pertaining to the Siyanda district is as follows:

The Mier and Eksteenskuil Projects each include a group of rural areas (and informal settlements in the case of the Mier project).

Both have the Siyanda Municipality as the land-holding entity.

What is the purpose and what are the objectives of the Act?

To a large extent, the lack of development in these areas is caused by the restrictions and inadequacy of Act No. 9 of 1987 – this Act is also in contradiction with the Constitution. To address the problems experienced in the management of these areas, a new Act, namely TRANCRAA was passed by Parliament in 1994, with the view to:

- Make provision for the transfer of land to Municipalities and other entities (for example Communal Property Associations (CPAs));
- Lift restrictions on the transfer of land;
- Make provision for mineral rights and related issues;
- Repeal Act No. 9 of 1987 and other relevant legislation.

The Act ensures that a facilitated process is followed to assist the Minister to take an informed decision on how the land, which is presently held in trust by him, should be held and managed in the future.

What does the Act provide for?

The Act has been designed to:

- Provide content to section 25(6) of the Constitution.
- Provide for the repeal of the Rural Areas Act, 1987 (Act No. 9 of 1987) – after an 18-month transitional period.

The Constitution and TRANCRAA

The latter is one of the Acts pertaining to Section 25(6) of the Constitution which gives individuals and communities the right to security of tenure. There must be a balance to ensure that the rights of individuals are protected against the rights of other members of the same community, individual non-community members and other communities.

Section 2 of TRANCRAA ensures that the rights of both individuals and the community are considered: It states that:

“No transfer of land referred to in subsection (1) must take place unless the Minister is satisfied that, in the event of a transfer to –

- (a) a municipality, the legislation applicable to such a municipality; or*
- (b) a communal property association or other body approved by the Minister, the rules of such association or body make suitable provision for a balance of security of tenure rights and protection of rights of use of –*
 - (i) the residents mutually*
 - (ii) individual members of such a communal property association or other body;*
 - (iii) present and future users or occupiers of land”.*

Exact details/regulations regarding the management of the land are not provided for in TRANCRAA.

What are the implications regarding communal rights in terms of TRANCRAA?

TRANCRAA does not end the communal responsibilities of the state, the communities and the community members.

- **What happens during the transitional period?**

The transitional period commences in terms of a Notice published in the Government Gazette. During this period, the residents of a rural area will consider the various options available to them on how the land will be held and managed in future, and make a decision.

Once the residents have made a decision, a report for the area must be submitted to the Minister, in which recommendations are made about the land-holding entity and the appropriate body/person the land should be transferred to.

- **What are the criteria for residency?**

If the Minister is satisfied that the recommendations guarantee a balance between security of tenure rights and land use rights, the Minister will take steps to transfer the land to the entity concerned.

- **What are the land-holding options referred to?**

The land may be transferred to a Municipality, a Communal Property Association (CPA) or another legal entity (such as a trust or a closed corporation) to hold and manage the land.

There are specific advantages and disadvantages regarding each of the options (contact the Provincial Offices for more information).

- **May the transitional period be extended if necessary?**

Yes. The period may be extended for a period not exceeding six months. The Department now wishes that the process may be shortened, if possible.

- **What does the entire transformation process entail?**

The process consists of five distinct, but overlapping phases that deal with the following issues:

1. Preparation for transformation
2. Land rights enquiry
3. Land use planning
4. A tenure management plan
5. Choice of a land-holding and land management entity and its implementation.

- **What happens during the preparation for the transformation phase?**

The local authority or municipality responsible for the area should be made aware of the Act and the proposed process: this entails information meetings with the local municipality and where necessary, the district municipality. They need to be informed of their obligations in terms of the Act, as well as their role to ensure that a viable land management system is established.

Secondly, public participation forms an essential part of all the phases. The process and procedures are explained to the community (this is a capacity building process).

- **How is public participation ensured?**

Each community has to form a Land Development Forum that has been democratically elected and instituted.

- **What is the function of this Land Development Forum (LDF)**

Its function is to ensure that the interests, needs and wishes of the community are protected. On behalf of the community, a LDF:

- Participates in meetings/workshops during the transformation process.
- Considers land use practices and land ownership and develops appropriate land holding and land-use models/options.

- Submits these models/options to the community for approval.

Thirdly, a Transformation Committee is established by the local municipality, consisting of the Department of Rural Development and Land Reform (RD&LR), the provincial department responsible for local government matters, the local municipality, the district municipality (where applicable), and the consultants appointed to execute the land rights enquiry. The local municipality, with the assistance of the Transformation Committee, formulates a plan of action.

- **What is the role and function of the Transformation Committee?**

Transformation Committee meetings are held at least once a month: feedback is given on progress made and discussions held on various subjects required by the Act. Community meetings are also arranged by the Transformation Committee to ensure that community members have a clear understanding of and interest in the process.

- **What does the land rights enquiry process entail?**

The objective is to establish land use and land tenure/ownership and to list all residents in the area who qualify to participate in the decision making process:

- Investigate land use practices;
- Determine land tenure/ownership;
- A registration campaign is initiated and administered;
- A voters role is compiled.

- **What does the land use planning phase entail?**

The objective of this phase is to facilitate a collective understanding of the current land usage, development projects in the planning process stage and to prioritise land use needs of the respective community/communities. A land use map is then compiled. (The Transformation Committee assists in this regard.)

- **What does the determination of land tenure/ownership entail?**

The objective is to obtain a complete picture of existing rights and interests in the land. The different parties/individuals who have an existing material interest in the affected land are identified. Land disputes are also identified and resolved.

- **Why is a Tenure Management Plan necessary?**

A tenure and land management plan representing a range of tenure and land management options should be prepared. Once the land-use plan has been compiled, the Transformation Committee will begin exploring different options in which the land will be held and managed.

- **What does the process of selecting a land holding entity entail?**

During this phase the residents will be presented with an opportunity to scrutinise the land use plan and the recommendations concerning the various landholding and management options. Information about the various landholding and management options will be distributed and a referendum will be convened to adopt a legal entity that will hold and manage the land. A final

report will then be submitted to the Minister to request for transfer of the land to the selected entity (as approved by the community/residents).

- **What preparations are necessary for a referendum?**
 - The registration of residents, using the voter roll compiled during the land rights enquiry and checked against the IEC's voters roll. The Transformation Committee verifies if a person wanting to vote is a resident or not.
 - Preparation of ballot papers: a draft ballot paper is first approved by the Department and the Transformation Committee.
 - An information session is held and the referendum is announced by the Transformation Committee.

- **These steps are taken by the Transformation Committee to ensure awareness of the referendum in the relevant community/communities**
 - Pamphlets containing the purpose of the referendum, the options and the referendum date and venue are distributed in all settlements;
 - Community meetings are held in all the settlements explaining the referendum's procedure and the purpose of the referendum;
 - The referendum is advertised on local radio;
 - Announcements are made at all churches in the community;
 - Arrangements are made by the Transformation Committee for referendum day;
 - The Independent Electoral Commission (IEC) presides at the referendum, in conjunction with the Department and the Transformation Committee

Based on the results of the referendum, the consultants make proposals which are then evaluated according to the relevant legislation, taking into consideration the security of tenure of each resident as well as the socio-economic status and sustainability of each option.

Tenure Reform Implementation Systems

0800 007 095 (toll-free)

Provincial offices:

Western Cape	021 426-2947
Northern Cape	053 831-4090
Eastern Cape	043 700-7000
Free State	051 400-4228



rural development
& land reform

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

George District Office: PO Box 872, George 6530, Phone 044 874 1839, Fax 044 874 1878

MEMORANDUM IN TERMS OF SECTION 9 (1) (a) OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT (94 OF 1998) IN RESPECT OF SLANGRIVIER PNIEL, SARON AND SUURBRAK RURAL AREA SITUATED IN WESTERN CAPE PROVINCE.

MINISTER: RURAL DEVELOPMENT AND LAND REFORM

1. PURPOSE

- 1.1 To request the Minister to approve gazetting of the transitional period for Slangrivier, Pniel, Saron, and Suurbrak Rural Area in terms of section 9 (1) (a) of the Transformation of Certain Rural Areas Act No. 94 of 1998 and sign the draft gazette notice attached hereto as Annexure G

2. BACKGROUND

- 2.1 Western Cape Province has Eleven (12) former Act 9 of 1987 Rural Areas. To date six (8) have been gazetted as required in terms of the provisions of section 9 (1) of the Transformation of Certain Rural Areas Act No. 94 of 1998, as amended.
- 2.2 Slangrivier, Pniel, Saron, and Suurbrak are rural townships situated in the Western Cape Province and are the four (4) rural areas not yet gazetted as required by Act 94 of 1998.
- 2.3 Slangrivier was proclaimed and gazetted on notice No. 4748 published on 20 June 1975 in terms of the Preservation of Coloured Areas Act 24 of 1963. The then Minister for Agriculture and Land Affairs had approved on the 07th August 2008, the transformation process for Slangrivier, but the gazette was not processed. **A copy of the proclamation and the approved memo is attached and marked as annexure A**

MEMORANDUM IN TERMS OF SECTION 9 (1) (a) OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT (94 OF 1998) IN RESPECT OF SLANGRIVIER, PNIEL, SUURBRAAK AND SARON RURAL AREAS SITUATED IN WESTERN CAPE PROVINCE

2.4. Therefore, the remainder of the land within Slangrivier, Pniel, Suurbraak and Saron as indicated on point 2.3 above is subjected to the provisions of section 3 of the Transformation of Certain Rural Areas Act 94 of 1998.

3. THE KEY PROVISIONS OF ACT 94 OF 1998 WITH REGARD TO THE COMMENCEMENT OF THE TRANSITIONAL PERIOD

3.1 The Transformation of Certain Rural Areas Act No. 94 of 1998 (hereinafter referred to as "the Act"), provides for the transfer of land held in trust by the Minister of Rural Development and Land Reform. The Act has been promulgated to give content to section 25(6) of the Constitution of the Republic of South Africa, No. 108 of 1996.

3.2. The Act (94 of 1998), section 9 (1) (a) provides for an eighteen (18) month transitional period.

3.3. Once transformation process has been gazetted, the activities as outlined on section 3 (1) (c) and section 4 will be implemented to finalise negotiations for transfer on Slangrivier, Pniel, Suurbraak and Saron Trancraa projects.

3.4 Although the intention of the Act is to ensure the transfer of the land within the transitional period, section 3 (13) of the Act provides that if any trust land is not transferred at the expiry of this period, the Minister may continue to hold such land in Trust and s/he may, at any time thereafter, dispose of it in accordance with the provisions of the Act.

4. PREPERATION FOR THE IMPLEMENTATION OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT NO.94 OF 1998

4.1 Preparatory work for the commencement of the Transitional period had already been carried out in the area of Slangrivier, Pniel, Suurbraak and Saron. The following activities have been completed.

- Deeds and National Geo – Spatial Information NGI reports (**Annexure A- D**)
- Status Quo Reports (**Annexure E**)
- Consultation with Local Municipalities attendance Registers (**Annexure F**)

4.2 Although much preparatory work had already been commenced as indicated in the above paragraphs, the publication of the gazette notice will cause the formal commencement of the transitional period with regard to Rural Areas,

MEMORANDUM IN TERMS OF SECTION 9 (1) (a) OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT (94 OF 1998) IN RESPECT OF SLANGRIVIER, PNIEL, SUURBRAAK AND SARON RURAL AREAS SITUATED IN WESTERN CAPE PROVINCE

5. RECOMMENDATIONS

It is recommended that the Minister

- 5.1 Approves gazetting of the transitional period for Slangrivier, Pniel, Suurbraak and Saron Rural Areas in terms of section 9 (1) (a) of the Transformation of Certain Rural Areas Act No. 94 of 1998. See **Annexure G**

Recommendation 5.1 supported / not supported

MS Q FILANI
DIRECTOR: COMMUNAL LAND TENURE POLICY AND SYSTEM
DEVELOPMENT
DATE

MEMORANDUM IN TERMS OF SECTION 9 (1) (a) OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT (94 OF 1998) IN RESPECT OF SLANGRIVIER, PNIEL, SUURBRAAK AND SARON RURAL AREAS SITUATED IN WESTERN CAPE PROVINCE

5 RECOMMENDATIONS

It is recommended that the Minister

- 5.1 Approves gazetting of the transitional period for Slangrivier, Pniel, Suurbraak and Saron Rural Areas in terms of section 9 (1) (a) of the Transformation of Certain Rural Areas Act No. 94 of 1998. See **Annexure G**

Recommendation 5.1 supported / not supported

MS V NXASANA
ACTING DEPUTY DIRECTOR GENERAL: LAND TENURE ACQUISITIONS AND
PROPERTY MANAGEMENT
DATE:

MEMORANDUM IN TERMS OF SECTION 9 (1) (a) OF THE TRANSFORMATION OF CERTAIN RURAL AREAS ACT (94 OF 1998) IN RESPECT OF SLANGRIVIER, PNIEL, SUURBRAAK AND SARON RURAL AREAS SITUATED IN WESTERN CAPE PROVINCE

5 RECOMMENDATIONS

It is recommended that the Minister

- 5.1 Approves gazetting of the transitional period for Slangrivier, Pniel, Suurbraak and Saron Rural Area in terms of section 9 (1) (a) of the Transformation of Certain Rural Areas Act No. 94 of 1998. See **Annexure G**

Recommendation 5.1 supported / not supported

MR M SKWATSHA (MP)
DEPUTY MINISTER: RURAL DEVELOPMENT AND LAND REFORM
DATE:

**GENERAL NOTICE IN TERMS OF TRANSFORMATION OF CERTAIN RURAL AREAS ACT
NO. 94 OF 1998**

Notice is hereby given in terms of Section 9 (1) (a) of the Transformation of Certain Rural Areas Act, No, 94 of 1998 on the commencement of the Transformation period for the following:

Board Areas : **PNIEL; SARON; SLANGRIVIER AND SUURBRAAK**

Municipalities : Stellenbosch, Drankenstein, Hessequa and Swellendam Local Municipalities, Western Cape Province

Commencement Date

Effectively from the date of the publication of this Notice,

1. A municipality of a board area must within 3 months after the date of this Gazette Notice submit a notice to the Minister of Rural Development and Land Reform setting out how and when it intends determining to which entity the land referred to as section 3 should be transferred; or
2. If the municipality fails to submit a notice, an elected committee, elected by the residents of the board Area who have reached the age of 18 years may submit such notice to the Minister of Rural Development and Land Reform.

NOTICES should be sent to:

**The Minister of Rural Development and Land Reform
Provincial Shared Service Centre
Private Bag X9159
Cape Town
8000**

**Tel: (021) 409 0323
Fax: (021) 409 0563**



**GUGILE NKWINTI (MP)
MINISTER FOR RURAL DEVELOPMENT AND LAND REFORM
DATE: 15/08/2016**

7.6	INFRASTRUCTURE: [CLLR J DE VILLIERS]
-----	--------------------------------------

NONE

7.7	PROTECTION SERVICES: [PC: CLLR Q SMIT]
-----	--

NONE

7.8	YOUTH, SPORTS AND CULTURE: [PC: XL MDEMKA (MS)]
-----	---

NONE

8.	CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS SUBMITTED BY THE MUNICIPAL MANAGER
8.1	APPOINTMENT AS MUNICIPAL ELECTORAL OFFICER (MEO) FOR STELLENBOSCH MUNICIPAL AREA

1. PURPOSE OF REPORT

To consider a request by the Provincial Electoral Offices: Western Cape for the nomination of a candidate for the position of Municipal Electoral Officer (MEO) for the Stellenbosch Municipal Area.

2. BACKGROUND

Since the resignation of Ms EC Liebenberg, the former Municipal Manager, who was also appointed as MEO by the IEC, as well as the resignation of Mr Raymond Esau who was appointed by Council as MEO on 27 January 2017, there is no serving MEO for the Stellenbosch Municipal Area.

3. DISCUSSION

As it is common practice at Stellenbosch Municipality, the Municipal Manager always served as the MEO for this Municipal Area, acting as a liaison between the Municipality and the Electoral Commission. Any senior manager may however also be appointed as MEO, as it is the prerogative of the Council to nominate to the IEC a person to be appointed to this position. See **APPENDIX 1 (SALGA Circular 12/ 2011)** for more details.

4. COMMENTS BY RELEVANT DEPARTMENTS

None

5. CONCLUSION

The IEC prefers that Council nominates a person to be appointed as MEO in order for him/her to manage, in consultation with the Provincial Electoral Officer, whatever political matters related to the work of the IEC may arise within the Municipality.

RECOMMENDED

- (a) that it be recommended to the IEC that Ms Geraldine Mettler be nominated to the IEC for appointment as Municipal Electoral Officer (MEO) for the Stellenbosch Municipal area; and
- (b) that approval be granted that the appointed MEO may receive the honorarium payable to a MEO by the IEC.

Meeting: Ref no:	5 th Council 2017-01-25 3/3/1/6	Submitted by Directorate: Author Referred from:	<i>Office of the Municipal Manager Municipal Manager Mayco:2017-01-18</i>
---------------------	---	---	---

ENQUIRIES } L Tredoux
TEL } 078 451 4894
FAX } (012) 369-8001
E-MAIL } ltredoux@salga.org.za
DATE } 25 March 2011

CIRCULAR 12/2011

TO : MUNICIPAL MANAGERS

CC : PROVINCIAL EXECUTIVE OFFICERS

**FROM : XOLILE GEORGE
CHIEF EXECUTIVE**

DATE : 25 MARCH 2011

APPOINTMENT AND TERMS OF REFERENCE FOR MUNICIPAL ELECTIONS OFFICERS AND OTHER ELECTION OFFICERS.

Local Government elections are attended to by the Independent Electoral Commission (IEC) and are held in terms of the provisions of the Local Government: Municipal Electoral Act 27 of 2000. The appointment of all election officers are done by the IEC in terms of the provisions of the said Act.

The officials appointed include the Local Representative of the IEC in the municipality, also referred to as the Municipal Election Officer of the MEO, presiding officers for each voting station, election officers and counting officers. The IEC indicated that it will employ approximately 196 000 persons on election day to conduct voting and counting.

Appointment of Local Representative of the IEC in the municipality, also referred to as the Municipal Election Officer (MEOs)

The appointment of MEOs are dealt with in section 12 of the Act, which provides as follows:

- (1) *When an election has been called, the Commission must appoint for the area of the municipality in which the election will be held, an employee or other person as its representative for the purpose of the election.*
- (2) *A local representative of the Commission-*
 - (a) *may exercise the powers and must perform the duties conferred on or assigned to a local representative by or under this Act;*
 - (b) *performs those functions of office subject to the directions, control and disciplinary authority of the chief electoral officer; and*
 - (c) *holds office subject to section 37.*



The MEO positions are predominantly filled by municipal officials, in certain instances the Municipal Manager, but it can also be another official or person not in the service of the municipality. The MEO exercises the powers and performs the duties assigned to him or her under the act and does so subject to the direction, control and disciplinary authority of the Chief Electoral Officer.

The delegation and assignment of functions to the MEO does not prevent the IEC or its Chief Electoral Officer from exercising the power or performing the duty itself. The Chief Electoral Officer of the IEC determines the terms and conditions of appointment as well as the remuneration package of the MEO. On appointment, a declaration of secrecy needs to be signed by the person appointed as the MEO. The Chief Electoral Officer of the IEC may remove the MEO from his or her office.

The IEC may also appoint sub-MEOs to assist the MEO in fulfilling his or her obligations.

Appointment of presiding officers

Section 27 of the Local Government: Municipal Electoral Act 27 of 2000 deals with the appointment of presiding officers. The said section provides as follows:

As soon as practicable after an election has been called, the Commission must appoint a presiding officer and a deputy presiding officer for each voting station at which the election is to be conducted.

The criteria for the appointment of election officials (presiding and deputy presiding officers, in particular) include:

- Presiding (and deputy presiding) officers *must not* in the last five years have held political office or been a candidate in an election or have been politically active for a political party;
- must not, in the last five years, have held office in an organization that has party political affiliations or aims.

Party Liaison Committees (PLCs) are consulted by the IEC on the appointment of presiding officers before contracts are concluded.

General provisions relating to election officers

General provisions relating to the appointment of election officers are dealt with in section 37 of the Act, which provides as follows:

- (1) *A person may not be appointed as an officer in an election, or remain in that office, if that person-*
 - (a) *is a party or ward candidate contesting the election;*
 - (b) *is an agent in the election; or*
 - (c) *holds political or executive office in a party.*
- (2) *An officer exercises the powers and performs the duties conferred on or assigned to that officer subject to the directions, control and disciplinary authority of the chief electoral officer.*
 - (b) *The chief electoral officer must determine in writing the terms and conditions of appointment of an officer, including remuneration payable to that officer, if any.*
- (3) *The delegation or assignment of a power or duty to an officer does not prevent the Commission or the chief electoral officer from exercising that power or performing that duty.*
- (4) *A person may be appointed as an officer only if that person has signed a prescribed declaration of secrecy.*

- (5) *Officers must be impartial and exercise their powers and perform their duties independently and without fear, favour or prejudice.*
- (6) *An officer may not, whether directly or indirectly, in any manner give support to, or oppose, any party or candidate contesting an election, or any of the issues in contention between parties or candidates.*
- (7) *An officer may not place in jeopardy that officer's independence, or harm the credibility, impartiality, independence or integrity of the Commission, by any membership, association, statement or conduct.*
- (8) *An officer may be removed from office by the chief electoral officer on account of-*
 - (a) *misconduct, incompetence or incapacity;*
 - (b) *absence from duty without leave of the chief electoral officer;*
 - (c) *bias;*
 - (d) *a contravention of this section;*
 - (e) *a contravention of the declaration of secrecy; or*
 - (f) *any other consideration related to free and fair elections.*
- (9) *An officer may resign from office by giving one calendar month's notice in writing to the chief electoral officer.*
- (10) *The Commission may appoint, in accordance with this Part, a person to fill a vacancy caused by the death or the removal or resignation from office of an officer.*

The IEC will employ about 196 000 persons on election day to conduct the voting and counting.

In order to comply with audit standards and requirements, electoral officers should take note of the following:

- each voting station staff member has to have a contract with the IEC;
- each individual has to sign an attendance register for each day that they attend to voting activities;
- the signature on the contract and attendance register must be verified and confirmed for payments and S&T allowances
- discrepancies in a small sample are extrapolated to the total population;
- the IEC normally completes payment of electoral staff about 3 weeks after election day. Pressure from mostly unemployed young persons, the media and parliamentarians does not permit verification of every contract and attendance register on an individual basis as this delays payment by months.

Assistance to be rendered to the IEC during the elections

The IEC has indicated to SALGA that the availability of Municipal Electoral Officers (MEOs) and/or municipal infrastructure for key periods in the electoral timetable (especially during candidate nomination, party liaison committees and voting day and results declaration period) is of critical importance to the success of the elections. Municipalities are requested to assist the IEC with regard to the hanging of posters by the IEC for the election period and also with regard encouraging voters to vote on election day, through municipal bills and/or municipal newsletters.

The municipal by-laws governing the display of posters and in particular for the election period, as far as it relate to political parties and candidates needs to be implemented consistently and fairly by municipalities.

Yours Faithfully

XOLILE GEORGE
CHIEF EXECUTIVE OFFICER

9.	MATTERS FOR NOTIFICATION
9.1	REPORT ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR
	NONE
9.2	REPORT BY THE MUNICIPAL MANAGER
	NONE
10.	CONSIDERATION OF NOTICES OF QUESTIONS AND NOTICES OF MOTIONS RECEIVED BY THE SPEAKER
	NONE
11.	URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER
	NONE
12.	CONSIDERATION OF MOTION OF EXIGENCY
	NONE
13.	CONSIDERATION OF REPORTS
13.1	CONSIDERATION OF REPORTS SUBMITTED BY THE SPEAKER
	NONE
13.2	CONSIDERATION OF REPORTS SUBMITTED BY THE EXECUTIVE MAYOR
	NONE
14.	MATTERS TO BE CONSIDERED IN-COMMITTEE
	NONE
