



FACT SHEET: LEGISLATION ADMINISTERED BY THE NATIONAL DEPARTMENT OF PUBLIC WORKS

20 August 2009

1. Background

The National Department of Public Works (DPW) administers a broad range of legislation which spans the period before South Africa became a Union in 1910 up to the present. The DPW was also allocated a functional mandate in terms of the Constitution of the Republic of South Africa. The Department is therefore mandated to provide land and accommodation to national Government departments and institutions. It is also mandated to manage such land and accommodation, as well as act as the custodian of national Government immovable assets. Moreover, the Department is expected to provide strategic leadership to the Construction and Property industries and to co-ordinate the implementation of the Expanded Public Works Programme. Finally, the Minister of Public Works is authorised to carry out functions related to land and accommodation through the State Land Disposal Act (No. 48 of 1961).¹

2. Legislation Administered by the Department

The legislation administered by the DPW has been categorised into four distinctly historical and political periods. These include the period prior to Union up to 1910; the Union period from 1910 to 1961; the Republic of South Africa 1961 to 1994 and legislation passed from 1994 with the dawning of democracy to the present.

The table below represents the different pieces of legislation as well as the period when they were enacted, with a brief summary of their objectives. The pieces of legislation administered by the Department of Public Works at present consist of a total of 36 acts. Of these 2 were passed prior to Union; 10 during the Union period and 13 under the Republic. During the period from 1994 to the present an additional 11 pieces of legislation were added.

Table 1: Legislation Administered by the National Department of Public Works (1902-2007)

| SHORT TITLE OF THE ACT | PURPOSE OF THE ACT |
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| Before Union (prior to 1910) | |
| 1. Section 3(1) of the Outspans Act 1902. | Resumption of unused <i>Outspans</i> , and cancellation and delimitation of <i>Outspan</i> Servitudes. |
| 2. Pretoria and Military Supply Ordinance, 1905. | To transfer certain Crown Land to the Municipality of Pretoria upon certain conditions |

¹ Department of Public Works (2008).



| SHORT TITLE OF THE ACT | PURPOSE OF THE ACT |
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| During Union (1910 - 1961) | |
| 3. Rhodes Will (Groote Schuur Devolution) Act, 1910. | To provide for the surrender of the Groote Schuur Estate to the government of the Union of South Africa in accordance with the Will of the late Cecil John Rhodes and for the release of the Trustees. |
| 4. Agricultural Holding (Transvaal) Registration Act, 1919. | To approve the division and registration of land in (the newly)formed Transvaal as an agricultural holding and to cancel such certificates at request for owner. |
| 5. Bethelsdorp Settlement Act, 1921. | To provide for the settlement of certain matters in dispute at Bethelsdorp between the London Missionary Society and its successors, the Congregational Union Church Aid and Missionary Society of South Africa and the Bethelsdorp Board of Supervisors. |
| 6. Mooi River Township Lands Act, 1926. | To provide for the grant of certain land to the Local Board of the township of Mooi River and matters incidental therefore. |
| 7. Carnarvon Outer Commonage Sub-division Act, 1926. | To provide for the cancellation of the title issue under section 14 of (Act No 19 of 1913) to the Committee of Management of the Carnarvon Outer Commonage, the sale of certain sowing lands on the said Commonage, and the subdivision and allocation of the remaining extent of the said Commonage |
| 8. Payment of Quitrent (Cape) Act, 1927. | To regulate the payment of quitrent by part owner of land subject to payment of quitrent and situated in the province of the Cape of Good Hope. |
| 9. Marburg Immigration Settlement (Social Board of Management) Act, 1927. | To provide for the constitution of a local Board of Management for the Marburg Immigration Settlement, county of Alfred, in the Province of Natal and certain incidental matters. |
| 10. Cape Outspans Act, 1937. | To provide for the issue of deeds of grant to divisional and municipal councils in respect of Outspans consisting of crown land situated in the Cape of Good Hope. |
| 11. Municipal Lands (Muizenberg) Act, 1941. | To make better provision for attaining the object of certain lands adjoining False Bay vested in the Council of the City of Cape Town. |
| 12. Cape Town Foreshore Act, 1950. | To provide for the management, control and development of the Cape Town foreshore and to that end establish a board in respect of the said foreshore and to define its functions and to provide for incidental matters. |



| SHORT TITLE OF THE ACT | PURPOSE OF THE ACT |
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| Republic (1961 – 1994) | |
| 13. Kimberley Leasehold Conversion to Freehold Act, 1961. | To provide for the transfer of the ownership of certain <i>erven</i> at Kimberley to the lessees or licensees thereof, for the exemption from the payment of certain duties and fees payable in connection with such transfer and the performance of certain acts in pursuance thereof, and for matters incidental thereto, and to amend the General Law Amendment Act, 1957 |
| 14. State Land Disposal Act, 1961. | To provide for the disposal of certain State Land and for matters incidental thereto, and to prohibit the acquisition of State Land by prescription. |
| 15. Removal of Restrictions Act, 1967. | To empower the Administrator of a province to alter, suspend or remove certain restrictions and obligations in respect of land in the province; to repeal the Removal of Restrictions in Townships Act, 1946; to validate certain proclamations of Administrators; and to provide for incidental matters. |
| 16. Paarl Mountain Act, 1970. | To provide for the transfer of the ownership of certain land to the Paarl Municipality for certain purposes and the expropriation of certain rights in such land; to empower the said Municipality to donate a portion or portions of the said land to the State for the purpose of a language monument, and to provide for other incidental matters. |
| 17. Marburg Immigration Settlement Regulation Act, 1971. | To provide for the subdivision of commonages within the Marburg Immigration Settlement situate in the County of Alfred, province of Natal and the allocation of the relevant portions to, and the dividing of the other assets of the Marburg Immigration Settlement Board, among registered owners of lots within the said Settlement, for matters incidental thereto. |
| 18. Church Square Development Act, 1972. | To Provide for the management and upkeep of the Church Square |
| 19. Section 34 of the General Law Amendment Act, 1972. | Section 34. Certain conditions of title applying in respect of immovable property owned by the State to lapse in certain circumstances. |
| 20. Section 11(1)(b), 16 and 17 of the Lake Areas Development Act, 1975. | To provide for the establishment of lake areas under the control of a Lake Areas Development Board, and for matters incidental thereto. |



| SHORT TITLE OF THE ACT | PURPOSE OF THE ACT |
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| <p>21. Expropriation Act, 1975</p> <p>Note: The legislation containing clauses on expropriation in which the Minister of Public Works either:</p> <p>a) Exercises powers of expropriation on her own record or on behalf of other political office-bearers in terms of this Act; or,</p> <p>b) Is substituted by another political office-bearer expropriating in terms of their empowering legislation.</p> | <p>To provide for the expropriation of land and other property for public and certain other purpose and for matters incidental thereto.</p> |
| <p>22. Rating of State Property Act, 1984.</p> | <p>To repeal certain Acts granting exemption in respect of certain State property from rates levied on immovable property by local authorities; provided that such rates may, notwithstanding certain other exemptions, be levied on other State property, make provision for rebates in respect of such rates levied on State property, and provide for matters incidental thereto.</p> |
| <p>23. Section 1 of the Transfer of Powers and Duties of the State President Act, 1986.</p> | <p>To amend certain laws so as to vest certain functions presently assigned to the State President, in the respective Ministers of State who are charged with the administration of those laws; and to provide for incidental matters.</p> |
| <p>24. Land Affairs Act, 1987.</p> | <p>To provide for the determination of amounts of compensation, purchase prizes or rents in respect of immovable property expropriated, purchased or leased by the Department of Public Works and Land Affairs for public purposes and the giving of advise with regard to the value of land and purchase prizes or rent in respect of certain immovable property; for that purpose to make provision for the establishment of a Land Affairs Board; and to provide for incidental matters.</p> |
| <p>25. Commonwealth War Graves Acts, 1992.</p> | <p>To prohibit the desecration, damaging or destruction of Commonwealth War Graves, to regulate the disinterment, removal, reinterment or cremation of Commonwealth war burial and the removal, alteration, repair or maintenance of Commonwealth War Graves and to provide for matters connected therewith.</p> |



| SHORT TITLE OF THE ACT | PURPOSE OF THE ACT |
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| Democratic South Africa (1994 to date) | |
| 26. Periods of office of Members of Councils for Architects, Engineers, Quantity Surveyors and Valuers Adjustment Act, 1995. | To provide for the Minister to extend the periods of office of members of the professional councils for further periods. |
| 27. Parliamentary Villages Management Board, 1998. | To provide for the establishment of a Parliamentary Villages Management Board and matters incidental thereto. |
| 28. Construction Industry Development Board Act, 2000. | To provide for the establishment of the Construction Industry Development Board; and matters incidental thereto |
| 29. Council for the Built Environment Act, 2000. | To provide for the establishment of the Council For the Built Environment and matters incidental thereto. |
| 30. Architectural Profession Act, 2000. | To provide for the establishment of the Council for the Architectural Profession and matters incidental thereto. |
| 31. Landscape Architectural Professional Act, 2000. | To provide for the establishment of the Council for the Landscape Architectural Profession and matters incidental thereto. |
| 32. Engineering Profession of South Africa, 2000. | To provide for the establishment of the Council for the Engineering Profession and matters incidental thereto. |
| 33. Property Valuers Profession Act 2000. | To provide for the establishment of the Council for the Property Valuers Profession and matters incidental thereto. |
| 34. Project and Construction Management Profession Act, 2000. | To provide for the establishment of the Council for the Project and Construction Management Profession and matters incidental thereto. |
| 35. Quantity Surveying Profession Act, 2000. | To provide for the establishment of the Council for the Quantity Surveying Profession and matters incidental thereto. |
| 36. Government Immovable Asset Management Act (Act No. 19 of 2007). | The purpose of the Act is to provide for a uniform framework for the management of an immovable asset that is held or used by a national or provincial department; to ensure the coordination of the use of an immovable asset with the service delivery objectives of a national or provincial department; to provide for issuing of guidelines and minimum standards in respect of immovable |



3. Conclusion

The fact sheet provides a brief overview of the legislation enacted over time and administered by the National Department of Public Works. It does not include bills that were in the process of being finalised or that were not concluded by the Portfolio Committee on Public Works.

It should be noted that in 2008 the Department presented the Portfolio Committee on Public Works with two pieces of legislation which were to amend existing Acts. These Bills were to amend the existing legislation related to expropriation as well as the built environment professions councils. The Expropriation Bill [B16-2008] and the Built Environment Professions Bill [B53-2008] however, were not finalised by the Portfolio Committee on Public Works due to a number of concerns raised by both the Committee and stakeholders. These concerns included a need for wider consultation with affected parties, as well as issues related to the effect that the amendment of some of the provisions might have on stakeholders.

Sources

Department of Public Works (2008) Annual Report of the Department of Public Works, 2007/08.

Department of Public Works (2009) Strategic Plan 2009/10-2011/12.