

No. 17, 1925.]

## ACT

**To vest certain lands adjoining False Bay in the council of the city of Cape Town.**

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :

Parts of Muizenberg sea-shore vested in the council of the city of Cape Town.

1. (1) From the commencement of this Act that part of the sea-shore (*i.e.* of the land situated between the lowest and the high-water marks) at Muizenberg which is defined in Schedule A to this Act, and all right, title and interest in and to such land, shall vest in the council of the city of Cape Town (hereinafter called the council).

(2) The Governor-General may, subject to the provisions of section *three* of this Act, issue in favour of the council a grant of the lands described in the preceding sub-section.

(3) For the purposes of this Act high-water mark means the furthest line reached by the sea during ordinary winter storms, excluding an exceptional or abnormal flood.

Preservation of existing rights.

2. (1) No right which, at the commencement of this Act, was exercisable by any person upon or in respect of such land shall be deemed to be affected by any provision of this Act.

(2) In so far as any right preserved to any person by this section was prior to the commencement of this Act enforceable against the Government, any remedy in respect of any infringement of any such right shall from the commencement of this Act be enforceable against the council and not against the Government.

(3) Nothing contained in this Act shall be construed as depriving the council, or as restricting or limiting it in the exercise, of any right or power conferred upon or exercisable by it under or by virtue of any law which at the commencement of this Act or thereafter may be in force.

Restrictions on alienation.

3. Save in so far as is in this section provided, no part of the land referred to in section *one* of this Act which is situated within the limits defined by Schedule B to this Act shall be sold, leased or otherwise alienated by the council: Provided that the council may, under such conditions as may be prescribed by any law governing contracts entered into by it, enter into any lease or other contract for the use, occupation, management or control upon such land of any pier, pavilion, boat house, bathing pool or establishment, refreshment place or site for recreation, amusement, or display.

Governor-General to have right of resumption.

4. The Governor-General shall at all times have the right of resuming the whole or a portion of the lands vested in the council in terms of section *one* of this Act, if required for public purposes, without compensation except for improvements to the said lands; and the amount of such compensation shall be agreed upon by the parties concerned, or, failing such agreement, shall be determined by arbitration in accordance with the provisions of the Land and Arbitration Clauses Act, 1882, of the Cape of Good Hope.

Short title.

5. This Act may be cited for all purposes as the City of Cape Town (Muizenberg Beach) Improvement Act, 1925.

**Schedule "A."**

The area situate at Muizenberg between the lowest and the high-water marks within the following limits :—

- (a) Eastern limit. The prolongation of the line joining the southernmost beacon of Montagu's Gift and the south-western beacon of the land granted to the Kalk Bay Municipality on the 27th November, 1905. (Cape F. 25.15.)
- (b) Western limit. A line drawn in a true south direction from the south-east corner beacon of the land granted to W. Friend on the 15th June, 1823. (St. F.1.32.)

---

**Schedule "B."**

The land at Muizenberg between the lowest and the high-water marks within the following limits :—

- (a) Eastern limit. A line drawn to the lowest-water mark at right angles to Royal Road from a point half-way across the bridge on the said road where it crosses the mouth of Muizenberg Vlei
- (b) Western limit. A line drawn in a true southerly direction from the south-east corner beacon of the land granted to W. Friend on the 15th June, 1823. (St. F. 1.32.)