

No. 17, 1937.]

**ACT**

**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 Province of the Cape of Good Hope.**

**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:—

- Issue of deeds of grant of outspans to divisional or municipal councils.** 1. Upon application by any divisional council or municipal council, the Governor-General may, in his discretion, and without payment of any consideration, cause a deed of grant, containing such conditions as he may think fit, to be issued to that council in respect of the whole or any portion of the land of which any outspan consists, being Crown land, situated within the area of jurisdiction of that council, and in the case of a divisional council, not situated within the area of jurisdiction of any other local authority.
- Exemption from transfer duty.** 2. Every deed of grant issued under section *one* shall be exempt from transfer duty, but the council in whose favour it is issued shall pay stamp duty and registration fees and the costs of survey of the land granted.
- Resumption for public purposes.** 3. (1) While any land which has been granted to any council under section *one* remains the property of that council, the Governor-General may resume for public purposes the whole or any portion thereof, subject to the payment to the council of compensation.  
(2) If the amount of compensation to be paid under subsection (1) is not settled by agreement between the Minister of Lands and the council concerned, the amount shall be fixed by arbitration under the provisions of the Arbitrations Act, 1898 (Act No. 29 of 1898) of the Cape of Good Hope, and for that purpose it shall be presumed that the said Minister and the council concerned agreed to refer the fixing of the amount to a single arbitrator.
- Council to whom land granted not to alienate or burden it without administrator's consent.** 4. The council to which any land has been granted under section *one* shall not sell, exchange or donate or otherwise alienate, or let or mortgage or otherwise burden, the land or any portion thereof, without the consent of the Administrator of the Province of the Cape of Good Hope, and except upon conditions approved by him.
- Application of Act.** 5. This Act shall not apply to any land situated outside the Province of the Cape of Good Hope.
- Short title.** 6. This Act shall be called the Cape Outspans Act, 1937.