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KAAPSTAD, 19 MEI 1971.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 845. 19th May, 1971.

No. 845 19 Mei 1971.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 36 of 1971: Water Amendment Act, 1971.

No. 36 van 1971: Waterwysigingswet, 1971.

ACT

To amend the Water Act, 1956, so as to extend the definition of "water work"; to further control the use of public water; to prevent the pollution of water through farming operations; to further control the removal of subterranean water; to empower the Minister of Water Affairs to impose terms and conditions in supplying or distributing water from a Government water work; to provide that in certain circumstances the said Minister shall act after consultation with instead of on the recommendation of the Land Tenure Board; to empower the said Minister to assess charges for all water supplied or distributed from a Government water work, irrespective of the purpose for which it is supplied or distributed; to relieve the registrar of deeds of certain duties; to alter the period within which annual meetings shall be held by a water board; to effect certain alterations to certain financial provisions; to empower the said Minister to determine the extent of the reserve funds to be established by water boards in terms of section 125 of the said Act; to apply certain further provisions of the said Act in respect of the boards and bodies referred to in section 162 (4) of the said Act; and to extend the purposes for which an authorized person may enter upon any land; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 13th May, 1971.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 54 of 1956, as amended by section 1 of Act 56 of 1961, section 57 of Act 28 of 1966 and section 1 of Act 79 of 1967.

1. Section 1 of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of the definition of "water work" of the following paragraph:

"(a) a canal, channel, well, reservoir, protecting wall, embankment, weir, dam, borehole, pumping installation, pipeline, sluice gate, filter, sedimentation tank, road, telephone line or other work constructed, erected or used for or in connection with the impounding, storage, passage, drainage, control or abstraction of water, or the development of water power, including the generation, transmission and supply of electricity, or the filtration or purification of water, sewage, effluent or waste, or the protection of public streams against erosion or siltation, or flood control, or the protection of any water work or irrigated land, or the use of water for any purpose, or the conservation of rain water;"

Insertion of section 9B in Act 54 of 1956.

2. The following section is hereby inserted in the principal Act after section 9A:

WET

Tot wysiging van die Waterwet, 1956, ten einde die woordomsigting van „waterwerk” uit te brei; die gebruik van openbare water verder te beheer; die besoedeling van water deur boerderybedrywighede te voorkom; die verwydering van ondergrondse water verder te beheer; die Minister van Waterwese te magtig om voorwaardes op te lê by die voorsiening of lewering van water uit ’n Staatswaterwerk; te bepaal dat onder sekere omstandighede genoemde Minister ná oorlegpleging met, in plaas van op aanbeveling van, die Raad op Grondbesit moet handel; genoemde Minister te magtig om vorderings te hef vir alle water wat uit ’n Staatswaterwerk voorsien of gedistribueer word, ongeag die doel waarvoor dit voorsien of gedistribueer word; die registrateur van aktes van sekere pligte te onthef; die tydperk waarin jaarvergaderings deur ’n waterraad gehou moet word, te verander; sekere veranderings aan sekere finansiële bepalings aan te bring; genoemde Minister te magtig om die omvang te bepaal van die reserwefondse wat waterrade moet instel ingevolge artikel 125 van genoemde Wet; sekere verdere bepalings van genoemde Wet toe te pas ten opsigte van die rade en liggame bedoel in artikel 162 (4) van genoemde Wet; en die doeleindes waarvoor ’n gemagtigde persoon grond mag betree, uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur 13 Mei 1971.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Waterwet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (a) van die omskrywing van „waterwerk” deur die volgende paragraaf te vervang:

„(a) ’n kanaal, bedding, put, reservoir, beskermmuur, wal, studam, dam, boorgat, pompinstallasie, pypleiding, sluishek, filtreerder, afsakseltek, pad, telefoonlyn of ander werk gebou, opgerig of gebruik vir of in verband met die opdamming, opgaring, deurgang, dreinerig, beheer of uithaal van water, of die ontwikkeling van waterkrag, met inbegrip van die ontwikkeling, transmissie en verskaffing van elektrisiteit of die filtrering of suiwering van water, rioolvuil, afvalwater of afloop, of die beskerming van openbare strome teen erosie of verslikking, of vloedwaterbeheer, of die beskerming van enige waterwerk of besproeide grond, of die gebruik van water vir enige doel, of die bewaring van reënwater;”.

2. Die volgende artikel word hierby in die Hoofwet na artikel 9A ingevoeg:

Wysiging van artikel 1 van Wet 54 van 1956, soos gewysig deur artikel 1 van Wet 56 van 1961, artikel 57 van Wet 28 van 1966 en artikel 1 van Wet 79 van 1967.
Invoeging van artikel 9B in Wet 54 van 1956.

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“Control of impounding or abstraction of public water in excess of a certain quantity. 9B. (1) Notwithstanding anything to the contrary contained in this Act or any other law, no person shall construct, alter or enlarge any water work in which more than one hundred morgen feet of public water could be impounded or stored or by means of which more than four cubic feet of water per second could be abstracted or diverted from a public stream, except under the authority of a permit from the Minister and on such conditions as may be specified in that permit.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.”.

Insertion of section 23A in Act 54 of 1956.

3. The following section is hereby inserted in the principal Act after section 23:

“Prevention of pollution of water through farming operations. 23A. (1) If the Minister is of opinion that the concentration of any livestock or any substance or the carrying on of any farming operations on any land is causing or is likely to cause the pollution of public or private water, including underground water, he may require the owner of such land or the person carrying on such operations to take, at his own expense and within a period determined by the Minister, such steps as the Minister may deem necessary for the prevention of such pollution, and may, if such requirement is not complied with, cause the required steps to be taken and the expenses incurred thereby to be defrayed out of moneys appropriated by Parliament for the purpose, and may recover such expenses from the said owner or person.

(2) The provisions of section 23 (2) (b) and (c) shall *mutatis mutandis* apply in respect of any steps contemplated in subsection (1) of this section.

(3) Any person who wilfully fails to comply with a requirement of the Minister in terms of subsection (1) shall be guilty of an offence.”.

Amendment of section 30 of Act 54 of 1956, as amended by section 7 of Act 56 of 1961.

4. Section 30 of the principal Act is hereby amended by the insertion after subsection (5) of the following subsection:

“(5A) The conditions referred to in subsection (5) (b) may include conditions regarding the payment by the owner concerned of compensation, calculated on a basis, or determined in a manner, specified in such conditions, to any person who, in the opinion of the Minister, is or may be adversely affected by the removal from the mine concerned of the subterranean water.”.

Amendment of section 56 of Act 54 of 1956.

5. Section 56 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Notwithstanding anything to the contrary contained in this Act, the Minister may at any time and for such period and on such terms and conditions as he may deem fit supply or distribute water from any Government water work to any person, including any department of State, the South African Railways and Harbours Administration and any provincial administration, for use at any place and for any purpose approved by the Minister.”.

Amendment of section 63 of Act 54 of 1956, as amended by section 12 of Act 56 of 1961, section 1 of Act 63 of 1963 and section 6 of Act 77 of 1969.

6. Section 63 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (8) of the following paragraph:

(a) If there is an increase in the number of individual persons entitled to use for irrigation purposes any water required to be supplied in respect of any land in pursuance of a determination made or deemed to have been made under this section,

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„Beheer oor opdam of uitneem van openbare water bo 'n sekere hoeveelheid.

9B. (1) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet, mag niemand 'n waterwerk oprig, verander of vergroot nie waarin meer as honderd morgvoet openbare water opgedam of opgegaan kan word of deur middel waarvan meer as vier kubieke voet water per sekonde uit 'n openbare stroom geneem of gekeer kan word, behalwe op gesag van 'n permit deur die Minister en op die voorwaardes in daardie permit uiteengesit.

(2) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig.”

3. Die volgende artikel word hierby in die Hoofwet na artikel 23 ingevoeg:

„Voorkoming van besoedeling van water deur boerderybedrywighede.

23A. (1) Indien die Minister van oordeel is dat die sametrekking van lewende hawe of 'n stof, of die uitoefening van boerderybedrywighede op grond die besoedeling van openbare of private water, met inbegrip van onderaardse water, veroorsaak of waarskynlik sal veroorsaak, kan hy van die eienaar van dié grond of die persoon wat daardie bedrywighede uitoefen, eis dat hy, op sy eie koste en binne die tydperk deur die Minister bepaal, die stappe doen wat die Minister nodig ag om sodanige besoedeling te voorkom, en kan die Minister, indien daar nie aan bedoelde eis voldoen word nie, die vereiste stappe laat doen en die uitgawes daardeur aangegaan laat bestry uit geld vir die doel deur die Parlement bevestig, en dié uitgawes verhaal op genoemde eienaar of persoon.

(2) Die bepalings van artikel 23 (2) (b) en (c) is *mutatis mutandis* van toepassing ten opsigte van stappe beoog in subartikel (1) van hierdie artikel.

(3) Iemand wat opsetlik versuim om aan 'n eis van die Minister ingevolge subartikel (1) te voldoen, is aan 'n misdryf skuldig.”

Invoeging van artikel 23A in Wet 54 van 1956.

4. Artikel 30 van die Hoofwet word hierby gewysig deur na subartikel (5) die volgende subartikel in te voeg.

„(5A) Die voorwaardes bedoel in subartikel (5) (b) kan voorwaardes insluit betreffende die betaling deur die betrokke eienaar van vergoeding, bereken op 'n grondslag, of bepaal op 'n wyse, uiteengesit in sodanige voorwaardes, aan iemand wat, na die oordeel van die Minister, nadelig geraak word of geraak kan word deur die verwydering van die ondergrondse water uit die betrokke myn.”

Wysiging van artikel 30 van Wet 54 van 1956, soos gewysig deur artikel 7 van Wet 56 van 1961.

5. Artikel 56 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Ondanks andersluidende bepalings van hierdie Wet, kan die Minister te eniger tyd en gedurende die tydperk en op die voorwaardes wat hy goetvind, uit 'n Staatswaterwerk aan enige persoon, met inbegrip van enige Staatsdepartement, die Suid-Afrikaanse Spoorweg- en Hawe-administrasie en 'n provinsiale administrasie, water voorsien of lewer vir gebruik op enige plek en vir enige doel deur die Minister goedgekeur.”

Wysiging van artikel 56 van Wet 54 van 1956.

6. Artikel 63 van die Hoofwet word hierby gewysig—
(a) deur paragraaf (a) van subartikel (8) deur die volgende paragraaf te vervang:

„(a) Indien 'n vermeerdering plaasvind in die aantal individuele persone geregtig om water wat, ingevolge 'n bepaling kragtens hierdie artikel gemaak of geag gemaak te gewees het, ten opsigte van enige grond verskaf moet word,

Wysiging van artikel 63 van Wet 54 van 1956, soos gewysig deur artikel 12 van Wet 56 van 1961, artikel 1 van Wet 63 van 1963 en artikel 6 van Wet 77 van 1969.

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and the extent of the land forming part of that land in respect of which water would be so required to be supplied in the case of each such person if all such persons were entitled to be supplied with water in respect of equal portions of the area in respect of which water is so required to be supplied, is less than twenty morgen, the piece of land of which such land forms a part or the total extent of land in the Government water control area in question belonging to the owner concerned, as the case may be, shall, until such time as the Minister, after consultation with the Land Tenure Board, otherwise directs, cease to form part of an area of land to be irrigated by means of water from the Government water work in question, and shall be excluded from the schedule prepared under subsection (7) in respect of the area to be so irrigated.”;

- (b) by the substitution in the Afrikaans version of paragraph (c) of the said subsection (8) for the word “artikel”, where it appears for the first time, of the word “subartikel”;
- (c) by the substitution for paragraph (a) of subsection (9) of the following paragraph:

“(a) If land which is or at any time has been held under a deed of grant or transfer issued in terms of any law relating to land settlement and in respect of which water may be supplied in terms of subsection (7) (a) (v) from any Government water work, is alienated or leased for an indefinite period or for a period exceeding ten years or for periods (whether uninterrupted or not) exceeding in the aggregate a period of ten years, to a person who is—

(i) an owner;

(ii) a lessee under any law relating to land settlement; or

(iii) a lessee for a period or periods as aforesaid, of other land in respect of which water may be so supplied from the same or any other Government water work, the land so alienated or leased shall for the period during which it is held by or is so leased to that person cease to form part of the area in respect of which water may be so supplied and be excluded from the schedule prepared under subsection (7) in respect of that area, unless the Minister after consultation with the Land Tenure Board otherwise directs, and if a person who is not an owner or such a lessee as is referred to in subparagraph (ii) or (iii), of land in respect of which water may be supplied from Government water works, becomes an owner or such a lessee of more than one such piece of land in respect of which water may be so supplied from any such works, every such piece of land of which he thereafter remains the owner or such a lessee shall, so long as he is the owner or such a lessee of more than one such piece, cease to form part of any such area and be excluded from any such schedule, unless the Minister, after consultation with the said board, otherwise directs.”; and

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vir besproeiingsdoeleindes te gebruik, en die omvang van die grond wat deel van daardie grond uitmaak en ten opsigte waarvan in die geval van elkeen van daardie persone aldus water verskaf sou moes word indien al daardie persone geregtig was om van water voorsien te word ten opsigte van gelyke gedeeltes van die oppervlakte ten opsigte waarvan water aldus voorsien moet word, minder as twintig morg is, hou die stuk grond waarvan daardie grond deel uitmaak of, al na die geval, die totale oppervlakte van die grond in die betrokke Staatswater-beheergebied wat aan die betrokke eienaar behoort, op om deel uit te maak van grond wat deur middel van water uit die betrokke Staatswaterwerk besproei kan word, en word dit uitgesluit van die lys volgens subartikel (7) opgestel ten opsigte van die gebied aldus besproei te word, tot tyd en wyl die Minister, na oorlegpleging met die Raad op Grondbesit, anders gelas.”;

- (b) deur in paragraaf (c) van genoemde subartikel (8) die woord „artikel”, waar dit die eerste keer voorkom, deur die woord „subartikel” te vervang;
- (c) deur paragraaf (a) van subartikel (9) deur die volgende paragraaf te vervang:

„(a) Indien grond wat kragtens grondbrief of transportakte, uitgereik kragtens ’n wet op nedersetting, besit word of te eniger tyd besit was, en ten opsigte waarvan volgens subartikel (7) (a) (v) water uit ’n Staatswaterwerk voorsien kan word, vervreem word of vir ’n onbepaalde tydperk of vir ’n langer tydperk as tien jaar of vir tydperke (hetsy ononderbroke al dan nie) wat in die geheel ’n tydperk van tien jaar te bowe gaan, verhuur word aan ’n persoon wat—

- (i) ’n eienaar is;
- (ii) ’n huurder is ingevolge ’n wet op nedersetting; of
- (iii) ’n huurder is vir ’n tydperk of tydperke soos voormeld,

van ander grond ten opsigte waarvan water uit dieselfde of ’n ander Staatswaterwerk aldus voorsien kan word, hou die aldus vervreemde of verhuurde grond vir die tydperk waarin dit deur bedoelde persoon besit word of aldus aan hom verhuur is, op om deel uit te maak van die gebied ten opsigte waarvan water aldus voorsien kan word, en word dit van die kragtens subartikel (7) vir daardie gebied opgestelde lys uitgesluit, tensy die Minister na oorlegpleging met die Raad op Grondbesit anders besluit, en indien iemand wat nie ’n eienaar of ’n in subparagraaf (ii) of (iii) bedoelde huurder van grond ten opsigte waarvan water uit Staatswaterwerke voorsien kan word, is nie, ’n eienaar of so ’n huurder word van meer as een sodanige stuk grond ten opsigte waarvan water uit enige sodanige werke aldus voorsien kan word, hou elkeen van daardie stukke grond waarvan hy daarna die eienaar of so ’n huurder bly, solank as wat hy die eienaar of so ’n huurder van meer as een van daardie stukke is op om deel van so ’n gebied uit te maak en word dit uit enige sodanige lys uitgesluit, tensy die Minister na oorlegpleging met bedoelde raad anders gelas.”;

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(d) by the substitution for subsection (10) of the following subsection:

“(10) If—

- (a) a person who is entitled to use for agricultural purposes water from any Government water work, acquires either permanently or for an indefinite period or for a period exceeding ten years or for periods (whether uninterrupted or not) exceeding in the aggregate a period of ten years, the rights of any other person to the use of water from the same or any other Government water work; or
- (b) a person who is not so entitled so acquires the rights of two or more persons to the use of water from Government water works,

all the rights so acquired shall be suspended until such time as the Minister after consultation with the Land Tenure Board otherwise directs.”.

Amendment of section 66 of Act 54 of 1956.

7. Section 66 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) The Minister may from time to time assess rates on land which may be irrigated with water abstracted, supplied or distributed from a Government water work or from a public stream or natural channel in a Government water control area, or assess charges for water so abstracted, supplied or distributed for any purpose, or assess both such rates and such charges, and may recover the rates or charges so assessed from the owners of the said land or, as the case may be, from the persons entitled to use such water.”; and

(b) by the deletion of subsection (3).

Amendment of section 88 of Act 54 of 1956, as amended by section 14 of Act 56 of 1961 and section 5 of Act 71 of 1965.

8. Section 88 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) If an irrigation board has prepared or revised a schedule under this section, it shall transmit a copy thereof to the department.”.

Amendment of section 92 of Act 54 of 1956, as amended by section 2 of Act 63 of 1963.

9. Section 92 of the principal Act is hereby amended by the deletion of paragraph (b) of subsection (3).

Amendment of section 109 of Act 54 of 1956.

10. Section 109 of the principal Act is hereby amended by the substitution in subsection (8) for the words “in the month of January” of the words “before the end of February”.

Amendment of section 121 of Act 54 of 1956.

11. Section 121 of the principal Act is hereby amended by the substitution in subsection (5) for the words “thirty thousand pounds” of the words “one hundred and fifty thousand rand”.

Amendment of section 125 of Act 54 of 1956.

12. Section 125 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A water board shall out of its revenue account set aside annually such sums of money for the purpose of meeting the cost of charges for renewing its existing assets or works as the Minister may deem necessary, having regard to the nature and probable life of the said assets or works and the amount and redemption period of any loan raised in connection therewith, whether the first cost was paid from loan funds or out of moneys advanced by the Minister for capital purposes: Provided that the

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- (d) deur subartikel (10) deur die volgende subartikel te vervang:
- „(10) Indien—
- (a) iemand wat geregtig is om water van 'n Staatswaterwerk vir landboudoeleindes te gebruik, permanent of vir 'n onbepaalde tydperk of 'n langer tydperk as tien jaar of vir tydperke (hetsy ononderbroke al dan nie) wat in die geheel langer as tien jaar is, die regte van iemand anders verkry op die gebruik van water van dieselfde of 'n ander Staatswaterwerk; of
- (b) iemand wat nie aldus geregtig is nie, aldus die regte van twee of meer persone op die gebruik van water van Staatswaterwerke verkry, word al die aldus verkreë regte opgeskort tot tyd en wyl die Minister, na oorlegpleging met die Raad op Grondbesit, anders gelas.”.
7. Artikel 66 van die Hoofwet word hierby gewysig— Wysiging van artikel 66 van Wet 54 van 1956.
- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- „(a) Die Minister kan van tyd tot tyd belastings hef op grond wat deur middel van water uit 'n Staatswaterwerk of uit 'n openbare stroom of 'n natuurlike bedding in 'n Staatswaterbeheergebied uitgeneem, voorsien of gedistribueer, besproei kan word, of vorderings hef vir water aldus vir enige doel uitgeneem, voorsien of gedistribueer, of kan sodanige belastings sowel as sodanige vorderings hef, en die belastings of vorderings aldus gehef op die eenaars van bedoelde grond of, al na die geval, op die persone wat geregtig is om sodanige water te gebruik, verhaal.”; en
- (b) deur subartikel (3) te skrap.
8. Artikel 88 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: Wysiging van artikel 88 van Wet 54 van 1956, soos gewysig deur artikel 14 van Wet 56 van 1961 en artikel 5 van Wet 71 van 1965.
- „(4) Indien 'n besprekingsraad ingevolge hierdie artikel 'n lys opgestel of hersien het, moet hy 'n afskrif daarvan stuur aan die departement.”.
9. Artikel 92 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (3) te skrap. Wysiging van artikel 92 van Wet 54 van 1956, soos gewysig deur artikel 2 van Wet 63 van 1963.
10. Artikel 109 van die Hoofwet word hierby gewysig deur in subartikel (8) die woorde „in die maand Januarie” deur die woorde „voor die end van Februarie” te vervang. Wysiging van artikel 109 van Wet 54 van 1956.
11. Artikel 121 van die Hoofwet word hierby gewysig deur in subartikel (5) die woorde „dertigduisend pond” deur die woorde „honderd-en-vyftigduisend rand” te vervang. Wysiging van artikel 121 van Wet 54 van 1956.
12. Artikel 125 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 125 van Wet 54 van 1956.
- „(1) 'n Waterraad moet jaarliks uit sy inkomsterekening die bedrae afsonder wat die Minister, met inagneming van die aard en waarskynlike lewensduur van die bestaande bates of werke van dié raad, en die bedrag en aflossings-termyn van 'n lening in verband daarmee aangegaan, nodig ag om die koste van hernuwing van dié bates of werke te bestry, hetsy die eerste koste uit leningsfondse of uit gelde deur die Minister vir kapitaaldoeleindes voorgeskiet, be-

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Minister may, on the application of any water board, grant exemption from compliance with the provisions of this subsection for a period not exceeding five years from a date on which a water supply scheme initiated by such board is put into operation.”.

Amendment of section 162 of Act 54 of 1956, as amended by section 18 of Act 56 of 1961, section 6 of Act 71 of 1965 and section 11 of Act 77 of 1969.

13. Section 162 of the principal Act is hereby amended—

- (a) by the substitution in paragraph (a) of subsection (2) for the words “sixty thousand rand” of the words “one hundred and fifty thousand rand”; and
- (b) by the substitution for subsection (4) of the following subsection:

“(4) Any board or other body constituted by any special law and empowered and required by such law to exercise such powers and carry out such duties as are or may be conferred and imposed upon irrigation boards and to control and maintain water works used for the irrigation of land within the area of jurisdiction of the board or body aforesaid, and to distribute the water from such works to such land, shall, for the purposes of this Chapter, be deemed to be an irrigation board, and the provisions of section 63 (8) (a) and (b) and (9) and (10) and of sections 93, 95 and 95A shall *mutatis mutandis* apply in respect of any such board or body, as if such board or body were an irrigation board.”.

Amendment of section 166 of Act 54 of 1956, as amended by section 19 of Act 56 of 1961.

14. Section 166 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person authorized thereto in writing by the Minister or by the secretary may, after reasonable notice to the owner or occupier of any land, enter upon such land with such men, animals, vehicles, appliances and instruments and do all such acts thereon as may be necessary for the purpose of complying with any provision of this Act, or for the purpose of making any enquiries or undertaking any investigations with a view to determining the feasibility of constructing any water work, or for the purpose of erecting construction camps or other preliminary works which the Minister may consider necessary in connection with the construction of any contemplated water work, or for the purpose of ascertaining whether any provision of this Act or any regulation made or condition imposed thereunder is being complied with and may, for the purpose of gaining access to such land, after like notice, enter upon and cross any other land with the necessary men, animals, vehicles, appliances and instruments: Provided that—

- (a) no such entry shall be made into any building, or upon any enclosed space attached to a dwelling, except with the consent of the occupier thereof;
- (b) as little damage as possible shall be caused in the exercise of the powers granted under this section, and such compensation as may be agreed upon or failing agreement determined by a competent court shall be paid for any damage, loss or inconvenience so caused.”.

Amendment of section 179 of Act 54 of 1956.

15. Section 179 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) the amount of compensation to be paid to a lower riparian owner referred to in section 18 (3);”.

Short title.

16. This Act shall be called the Water Amendment Act, 1971.

WATERWYSIGINGSWET, 1971.

Wet No. 36, 1971

taal was: Met dien verstande dat die Minister op aansoek van 'n waterraad vrystelling van voldoening aan die bepalings van hierdie subartikel kan verleen vir 'n tydperk van hoogstens vyf jaar van 'n datum waarop 'n watervoorsieningskema deur bedoelde raad ingestel, in werking gestel word."

13. Artikel 162 van die Hoofwet word hierby gewysig—
- (a) deur in paragraaf (a) van subartikel (2) die woorde „sestigduisend rand” deur die woorde „honderd-en-vyftigduisend rand” te vervang; en
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) 'n Raad of ander liggaam wat kragtens 'n spesiale wet ingestel is en ingevolge daardie wet gemagtig en verplig is om bevoegdhede uit te oefen en pligte te verrig wat aan besproeiingsrade verleen en opgedra is of mag word, en om waterwerke aangewend vir die besproeiing van grond binne die regsgebied van bedoelde raad of liggaam te beheer en te onderhou, en om die water van daardie werke aan sodanige grond te distribueer, word by die toepassing van hierdie Hoofstuk geag 'n besproeiingsraad te wees, en die bepalings van artikel 63 (8) (a) en (b) en (9) en (10) en van artikels 93, 95 en 95A is *mutatis mutandis* ten opsigte van so 'n raad of liggaam van toepassing asof so 'n raad of liggaam 'n besproeiingsraad was."
- Wysiging van artikel 162 van Wet 54 van 1956, soos gewysig deur artikel 18 van Wet 56 van 1961, artikel 6 van Wet 71 van 1965 en artikel 11 van Wet 77 van 1969.
14. Artikel 166 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- „(1) Iemand wat skriftelik deur die Minister of deur die sekretaris daartoe gemagtig is, kan na redelike kennisgewing aan die eienaar of okkupeerder van enige grond, daardie grond met die nodige werksmense, diere, voertuie, toestelle en instrumente betree en aldaar al die handelinge verrig wat nodig mag wees ten einde aan 'n bepaling van hierdie Wet te voldoen of ten einde navrae te doen of ondersoek in te stel om te bepaal of die bou van 'n waterwerk uitvoerbaar is of ten einde enige konstruksiekampe of ander voorlopige werke op te rig wat die Minister in verband met die bou van 'n beoogde waterwerk nodig ag of ten einde te bepaal of daar aan 'n bepaling van hierdie Wet of 'n daaronder uitgevaardigde regulasie of opgelegde voorwaarde voldoen word en kan, met die doel om toegang tot sodanige grond te verkry, na soortgelyke kennisgewing, enige ander grond met die nodige werksmense, diere, voertuie, toestelle en instrumente betree en daarvoor gaan: Met dien verstande dat—
- (a) geen gebou of omslote ruimte verbonde aan 'n woning sonder toestemming van die eienaar of okkupeerder daarvan aldus betree mag word nie;
- (b) by die uitoefening van die bevoegdhede by hierdie artikel verleen so min skade as moontlik veroorsaak moet word, en dat vergoeding soos ooreengekom of by ontstentenis van ooreenkoms deur 'n bevoegde hof vasgestel word, vir enige skade, verlies of ongerief aldus veroorsaak, betaal moet word."
- Wysiging van artikel 166 van Wet 54 van 1956, soos gewysig deur artikel 19 van Wet 56 van 1961.
15. Artikel 179 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- „(a) die bedrag van vergoeding wat aan 'n in artikel 18 (3) bedoelde laer oewereienaar betaal moet word;"
- Wysiging van artikel 179 van Wet 54 van 1956.

16. Hierdie Wet heet die Waterwysigingswet, 1971.

Kort titel.