



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 488. 31 Maart 1976.

No. 488. 31 March 1976.

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

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

No. 27 van 1976: Waterwysigingswet, 1976.

No. 27 of 1976: Water Amendment Act, 1976.

WET

Tot wysiging van die Waterwet, 1956, ten einde die Minister in staat te stel om veranderings of herstelwerk aan te bring aan private waterwerke geleë binne „die omvang van die werke” soos omskryf in die Vaalrivier Uitbreidingskema Wet, 1934; om die toepaslike rentekoers ten opsigte van agterstallige belastings of vorderings op water voorsien uit ’n Staatswaterwerk te verander; om die bepalings met betrekking tot die ampstermyn van lede van waterrade te wysig; om aan die Minister die bevoegdheid te verleen om ’n waarborg te verstrek ten opsigte van ’n lening wat ingevolge die Wet deur ’n waterraad aangegaan word; om die bepalings uit te brei met betrekking tot die toestaan van ’n verdere lening na hersiening van die totale waarskynlike koste van ’n waterwerk; om die bepalings uit te brei met betrekking tot die toestaan van ’n subsidie aan ’n groep persone wat die bou van ’n gesamentlike waterwerk beoog; om die bepalings met betrekking tot beheer, in sekere opsigte, oor die stigting of die uitbreiding van dorpe in sekere gebiede te wysig; om artikel 4 van die Finansiewet, 1975, te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 15 Maart 1976.)

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

Wysiging van artikel 62 van Wet 54 van 1956, soos gewysig deur artikel 11 van Wet 56 van 1961, artikel 3 van Wet 11 van 1966, artikel 6 van Wet 79 van 1967 en artikel 5 van Wet 77 van 1969.

1. Artikel 62 van die Waterwet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

„(a) Die Minister kan na skriftelike kennisgewing aan die eienaar van enige waterwerk in private besit geleë binne ’n Staatswaterbeheergebied of binne die gebied omskryf as „die omvang van die werke” in artikel 1 van die Vaalrivier Uitbreidingskema Wet, 1934 (Wet No. 38 van 1934), die addisionele werke bou of die veranderings of herstelwerk aan daardie waterwerk aanbring, of bedoelde eienaar skriftelik gelas om binne ’n deur die Minister bepaalde tydperk op eie koste die addisionele waterwerke te bou of veranderings of herstelwerk aan te bring, wat volgens die Minister se oordeel vir die behoorlike meet en reëling van openbare water deur middel van daardie werke uitgeneem of vervoer of wat daarvoor vloei, nodig mag wees.”

Wysiging van artikel 66 van Wet 54 van 1956, soos gewysig deur artikel 7 van Wet 36 van 1971, artikel 10 van Wet 45 van 1972 en artikel 13 van Wet 42 van 1975.

2. Artikel 66 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die Minister kan, benewens enige stappe wat hy ingevolge paragraaf (a) van subartikel (1) kan doen ter verhaal van enige belastings of vorderings kragtens daardie paragraaf deur hom opgelê, wat nie op die vervalddag betaal is nie, die voorsiening van water uit die betrokke Staats-

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ACT

To amend the Water Act, 1956, in order to enable the Minister to make adjustments or repairs to privately owned water works situated within "the limits of the works" as defined in the Vaal River Development Scheme Act, 1934; to amend the applicable interest rate in respect of arrear rates or charges on water supplied from a Government water work; to amend the provisions relating to the term of office of members of water boards; to empower the Minister to grant a guarantee in respect of a loan procured by a water board in terms of the Act; to extend the provisions relating to the granting of a further loan after a revision of the total probable cost of a water work; to extend the provisions relating to the granting of a subsidy to a group of persons who desire the construction of a joint water work; to amend the provisions relating to the control, in certain respects, of the establishment or the extension of townships in certain areas; to repeal section 4 of the Finance Act, 1975; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 15 March 1976.)

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

1. Section 62 of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) The Minister may after notice in writing to the owner of any privately owned water work situated within a Government water control area, or within the area defined as ‘the limits of the works’ in section 1 of the Vaal River Development Scheme Act, 1934 (Act No. 38 of 1934), construct such additional works or make such adjustments or repairs to the said water work, or in writing direct any such owner to construct, at his own expense and within a period stipulated by the Minister, such additional water works or make such adjustments or repairs as may, in the opinion of the Minister, be necessary for the proper measurement and regulation of any public water abstracted or conveyed by or flowing over such water works.”.

Amendment of section 62 of Act 54 of 1956, as amended by section 11 of Act 56 of 1961, section 3 of Act 11 of 1966, section 6 of Act 79 of 1967 and section 5 of Act 77 of 1969.
2. Section 66 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister may, in addition to any action he may take in terms of paragraph (a) of subsection (1) for the recovery of any rates or charges assessed by him under that paragraph and which have not been paid on due date, stop the supply of water from the Government water work in

Amendment of section 66 of Act 54 of 1956, as amended by section 7 of Act 36 of 1971, section 10 of Act 45 of 1972 and section 13 of Act 42 of 1975.

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waterwerk aan grond ten opsigte waarvan daardie water voorsien word of, na gelang van die geval, aan die persoon wat van water voorsien word, staak tot tyd en wyl bedoelde belastings of vorderings, tesame met rente daarop teen hoogstens die koers wat op die vervaldag ten opsigte van lenings ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), van toepassing is, betaal is, en die Minister is nie verplig om nadat die verskuldigde bedrag betaal is, enige water waarvan die voorsiening aldus gestaak is, te verskaf of om vir verlies deur iemand as gevolg van die staking van die voorsiening van bedoelde water gely, vergoeding te betaal nie."

Wysiging van artikel 109 van Wet 54 van 1956, soos vervang deur artikel 11 van Wet 45 van 1972 en gewysig deur artikel 2 van Wet 58 van 1974.

3. Artikel 109 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Iedere aanstelling van 'n lid van 'n waterraad word in die *Staatskoerant* afgekondig, en so 'n lid beklee sy amp, behoudens die bepalings van subartikel (4) (b), vir die tydperk wat die Minister bepaal, welke tydperk nie vier jaar te bowe gaan nie, bereken vanaf die datum van die aanstelling van die lid soos deur die Minister bepaal."

Wysiging van artikel 121 van Wet 54 van 1956, soos gewysig deur artikel 11 van Wet 36 van 1971.

4. Artikel 121 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (1) in te voeg:

„(1A) Die Minister kan, in oorleg met die Minister van Finansies, en op die voorwaardes wat hy bepaal, die terugbetaling van die hoofsom van, die betaling van rente op, en die betaling van koste aangegaan in verband met, 'n lening deur 'n waterraad ingevolge subartikel (1) aangegaan, waarborg."

Wysiging van artikel 157 van Wet 54 van 1956, soos gewysig deur artikel 16 van Wet 56 van 1961, artikel 10 van Wet 77 van 1969, artikel 11 van Wet 102 van 1972 en artikel 20 van Wet 42 van 1975.

5. Artikel 157 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1A) deur die volgende paragraaf te vervang:

„(a) die totale raming van die waarskynlike koste van bedoelde waterwerke hersien en indien die aldus hersiene totale raming die aanvanklike totale raming oorskry, kan die Staatspresident, op aanbeveling van die Minister, gelas dat 'n verdere besproeiingslening vir die bedrag waarmee bedoelde hersiene raming bedoelde aanvanklike raming oorskry aan die applikant toegestaan word: Met dien verstande dat indien—

(i) die aanvanklike of 'n vorige hersiene raming nie honderd-en-vyftigduisend rand oorskry nie en bedoelde hersiene raming honderd-en-vyftigduisend rand oorskry; of

(ii) bedoelde hersiene raming die aanvanklike raming of 'n vorige hersiene raming wat honderd-en-vyftigduisend rand oorskry, met honderd-en-vyftigduisend rand oorskry;

so 'n verdere besproeiingslening nie toegestaan word nie tensy die bepalings van subartikel (1) (b) (ii) nagekom is;"

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, artikel 11 van Wet 77 van 1969, artikel 13 van Wet 36 van 1971 en artikel 21 van Wet 42 van 1975.

6. Artikel 162 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel 2 (c) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat indien 'n groep persone 'n gesamentlike waterwerk wil bou en die Minister van oordeel is dat hul doel gerieflik en doeltreffend bereik kan word sonder die instelling van 'n besproeiingsdistrik en die daarstelling van 'n besproeiingsraad om bedoelde werk uit te voer, daar behoudens die bepalings van paragraaf (a) aan bedoelde groep persone 'n subsidie van hoogstens die aldus

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question to the land in respect of which such water is supplied or, as the case may be, to the person who is being supplied with water, until the said rates or charges, together with interest thereon at a rate not exceeding the rate which at due date applies in respect of loans under section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), have been paid, and the Minister shall not be obliged, after the amount due has been paid, to supply any water so stopped or to pay compensation for any loss sustained by any person consequent upon the stopping of the said supply of water.”.

3. Section 109 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

Amendment of section 109 of Act 54 of 1956, as substituted by section 11 of Act 45 of 1972 and amended by section 2 of Act 58 of 1974.

“(a) Every appointment of a member of a water board shall be notified in the *Gazette* and any such member shall, subject to the provisions of subsection (4) (b), hold office for such period as the Minister may determine, which period shall not exceed four years, reckoned from the date of the appointment of the member as determined by the Minister.”.

4. Section 121 of the principal Act is hereby amended by the insertion of the following subsection after subsection (1):

Amendment of section 121 of Act 54 of 1956, as amended by section 11 of Act 36 of 1971.

“(1A) The Minister may, in consultation with the Minister of Finance, and subject to such conditions as he may determine, guarantee repayment of the capital of, payment of the interest on, and payment of any charges incurred in connection with, any loan raised under subsection (1) by a water board.”.

5. Section 157 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1A) of the following paragraph:

Amendment of section 157 of Act 54 of 1956, as amended by section 16 of Act 56 of 1961, section 10 of Act 77 of 1969, section 11 of Act 102 of 1972 and section 20 of Act 42 of 1975.

“(a) revise the total estimate of the probable cost of the said water works and, if the total estimate so revised exceeds the original total estimate, the State President may, on the recommendation of the Minister, order that a further irrigation loan for the amount by which such revised estimate exceeds such original estimate be granted to the applicant: Provided that if—

- (i) the original estimate or a previously revised estimate does not exceed one hundred and fifty thousand rand and such revised estimate exceeds one hundred and fifty thousand rand; or
- (ii) such revised estimate exceeds the original estimate or a previously revised estimate which exceeds one hundred and fifty thousand rand, by one hundred and fifty thousand rand;

such further irrigation loan shall not be granted unless the provisions of subsection (1) (b) (ii) have been complied with;”.

6. Section 162 of the principal Act is hereby amended by the substitution for the proviso to subsection (2) (c) of the following proviso:

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, section 11 of Act 77 of 1969, section 13 of Act 36 of 1971 and section 21 of Act 42 of 1975.

“Provided that if a group of persons desire to construct a joint water work and the Minister is of the opinion that their purpose may be conveniently and efficiently achieved without the establishment of an irrigation district and the constitution of an irrigation board to carry out the said work, such group of persons may, subject to the provisions of paragraph (a), be granted a subsidy not exceeding the

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bepaalde bedrag ten opsigte van elk van daardie persone, maar in die geheel hoogstens drie-en-dertig en 'n derde persent van die koste van daardie werk, toegestaan kan word."

Wysiging van artikel 169A van Wet 54 van 1956, soos ingevoeg deur artikel 25 van Wet 42 van 1975.

7. Artikel 169A van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) 'n lyn wat die maksimum hoogte aandui wat vloedwaters gemiddeld elke vyftig jaar in enige openbare stroom op, of langs enige gedeelte van 'n grens van, die betrokke grond waarskynlik sal bereik, op die betrokke uitlegplan op 'n wyse tot bevrediging van die gesag wat kragtens die toepaslike wet met die bevoegdheid bekleed is om die betrokke stigting of uitbreiding goed te keur, aangebring is; en”.

Herroeping van artikel 4 van Wet 72 van 1975.

8. Artikel 4 van die Finansiewet, 1975, word hierby herroep.

Kort titel.

9. Hierdie Wet heet die Waterwysigingswet, 1976.

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amount so determined, in respect of each such person, but not exceeding in the aggregate thirty-three and one-third per centum of the cost of such work."

7. Section 169A of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 169A of Act 54 of 1956, as inserted by section 25 of Act 42 of 1975.

"(a) a line indicating the maximum level likely to be reached on an average every fifty years by flood-waters in any public stream on, or along any portion of any boundary of, the land in question, has been inserted on the relevant layout plan in a manner to the satisfaction of the authority empowered under the relevant law to approve of the establishment or extension in question; and"

8. Section 4 of the Finance Act, 1975, is hereby repealed.

Repeal of section 4 of Act 72 of 1975.

9. This Act shall be called the Water Amendment Act, 1976.

Short title.