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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper *As 'n Nuusblad by die Poskantoor Geregistreer*

Price 20c Prys
Overseas 30c Oorsee
POST FREE—POSVRY

VOL. 130] CAPE TOWN, 7 APRIL 1976 KAAPSTAD, 7 APRIL 1976 [No. 5068

DEPARTMENT OF THE PRIME MINISTER

No. 586. 7 April 1976.

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

No. 41 of 1976: Mountain Catchment Areas Amendment Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 586. 7 April 1976.

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

No. 41 van 1976: Wysigingswet op Bergopvanggebiede, 1976.

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WET

Tot wysiging van die Wet op Bergopvanggebiede, 1970, ten einde vir die oprigting van bakens vir doeleindes van die omskrywing van bergopvanggebiede voorsiening te maak; om voorsiening te maak vir 'n reg van betreding van, en deurgang oor, grond vir sekere persone vir sekere doeleindes; die bevoegdheid van die Minister om regulasies uit te vaardig, uit te brei; die delegering van bevoegdhede deur onderskeidelik die Minister en die Sekretaris verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 *Maart* 1976.)

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

Invoeging van artikel 2A in Wet 63 van 1970.

1. Die volgende artikel word hierby na artikel 2 van die Wet op Bergopvanggebiede, 1970 (hieronder die Hoofwet genoem), ingevoeg:

„Bakens. **2A.** (1) Die Sekretaris kan vir die doeleindes van die omskrywing van 'n gebied deur die Minister kragtens artikel 2, bakens op die betrokke grond op die voorgeskrewe wyse laat aanbring op plekke deur die Minister aangewys.

(2) 'n Sertifikaat wat deur die Sekretaris heet onderteken te wees en waarin verklaar word dat 'n baken wat kragtens subartikel (1) opgerig is aan die regulasies voldoen en opgerig is op 'n plek deur die Minister aangewys, is in enige siviele of strafsaak by blote voorlegging *prima facie*-bewys dat sodanige baken aan die regulasies voldoen en op 'n aldus aangewese plek opgerig is.".

Wysiging van artikel 11 van Wet 63 van 1970.

2. Artikel 11 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(3) 'n Persoon wat behoorlik deur die Sekretaris daartoe gemagtig is, kan op alle redelike tye, onderhewig aan voorafgaande kennisgewing aan die betrokke grondeienaar, bewoner of bestuurder, enige grond betree, en het vir daardie doel reg van deurgang oor enige ander grond, met die toerusting en die aantal assistente wat nodig is vir die verrigting op daardie grond van enige handeling wat in verband staan met—

(*a*) die uitoefening deur die Minister van enige bevoegdheid kragtens artikel 2 of 2A aan hom verleen;

(*b*) die uitoefening deur die Sekretaris van enige bevoegdheid kragtens artikel 2A aan hom verleen; en

(*c*) die bou, oprigting, merk, instandhouding en herstel van 'n baken in artikel 2A (1) bedoel.".

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ACT

To amend the Mountain Catchment Areas Act, 1970, so as to make provision for the erection of beacons for purposes of the definition of mountain catchment areas; to provide for a right of entry on, and way over, land for certain persons for certain purposes; extend the power of the Minister to make regulations; further regulate the delegation of powers by the Minister and the Secretary, respectively; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to* 19 *March* 1976.)

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

Insertion of section 2A in Act 63 of 1970.

1. The following section is hereby inserted after section 2 of the Mountain Catchment Areas Act, 1970 (hereinafter referred to as the principal Act):

"Beacons. **2A.** (1) The Secretary may, for the purposes of the definition of any area by the Minister under section 2, cause beacons to be erected on the land concerned at places designated by the Minister.

(2) A certificate purporting to be signed by the Secretary, in which it is stated that a beacon which has been erected under subsection (1) complies with the regulations and has been erected at a place designated by the Minister, shall on its mere production in any civil or criminal proceedings be *prima facie* proof that such beacon complies with the regulations and has been erected at a place so designated.".

Amendment of section 11 of Act 63 of 1970.

2. Section 11 of the principal Act is hereby amended by the addition of the following subsection:

"(3) Any person duly authorized thereto by the Secretary may enter upon any land at all reasonable times, subject to prior notification of the landowner, occupier or manager concerned, and shall for that purpose have right of way over any other land, with such equipment and number of assistants as are required for the performance on that land of any act connected with—

(*a*) the exercise by the Minister of any power conferred on him in terms of section 2 or 2A;

(*b*) the exercise by the Secretary of any power conferred on him in terms of section 2A; and

(*c*) the construction, erection, marking, maintenance and repair of any beacon referred to in section 2A (1).".

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Wysiging van artikel 13 van Wet 63 van 1970.

3. Artikel 13 van die Hoofwet word hierby gewysig deur in subartikel (1) na paragraaf (*c*) die volgende paragraaf in te voeg:

„(*c*A) die vorm en afmetings van bakens in artikel 2A (1) bedoel, en die wyse waarop hulle gebou, opgerig, ter uitkenning gemerk, in stand gehou en herstel moet word;".

Wysiging van artikel 14 van Wet 63 van 1970.

4. Artikel 14 van die Hoofwet word hierby gewysig—

(*a*) deur die woord „of" aan die einde van paragraaf (*d*) te skrap; en

(*b*) deur die volgende paragraaf by te voeg:

„(*f*) 'n baken wat kragtens artikel 2A (1) opgerig is, verander, versit, versteur of opsetlik beskadig of vernietig,".

Vervanging van artikel 17 van Wet 63 van 1970.

5. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

„Delegering van bevoegdhede.

17. Die Minister of die Sekretaris, na gelang van die geval, kan al die bevoegdhede wat hierdie Wet aan hom verleen, of een of meer daarvan, met uitsondering van die in artikels 2, 2A en 13 bedoelde bevoegdhede, aan 'n beampte van 'n Staatsdepartement delegeer.".

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Bergopvanggebiede, 1976.

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3. Section 13 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (*c*) of the following paragraph:

Amendment of section 13 of Act 63 of 1970.

"(*c*A) the form and dimensions of beacons referred to in section 2A (1), and the manner of their construction, erection, marking for identification, maintenance and repair;".

4. Section 14 of the principal Act is hereby amended—

Amendment of section 14 of Act 63 of 1970.

(*a*) by the deletion of the word "or" at the end of paragraph (*d*); and

(*b*) by the addition of the following paragraph:

"(*f*) alters, moves, disturbs or wilfully damages or destroys any beacon erected under section 2A (1),".

5. The following section is hereby substituted for section 17 of the principal Act:

Substitution of section 17 of Act 63 of 1970.

"Delegation of powers. **17.** The Minister or the Secretary, as the case may be, may delegate to any officer in any department of State all or any of the powers conferred upon him by this Act, other than the powers referred to in sections 2, 2A and 13.".

6. This Act shall be called the Mountain Catchment Areas Amendment Act, 1976.

Short title.