

EXTRAORDINARY



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THE UNION OF SOUTH AFRICA

# Government Gazette

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### OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1419.] [8th June, 1951.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts which are hereby published for general information:—

	PAGE
No. 39 of 1951: Expropriation (Establishment of Undertakings) Act, 1951 .. .. .	2
No. 40 of 1951: Industrial Development Amendment Act, 1951 .. .. .	6

### KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1419.] [8 Junie 1951.

Hierby word bekendgemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette wat hierby ter algemene inligting gepubliseer word:—

	BLADSY
No. 39 van 1951: Wet op Onteining (Oprigting van Ondernemings), 1951 .. .. .	3
No. 40 van 1951: Wysigingswet op Nywerheidsontwikkeling, 1951 .. .. .	7

No. 39, 1951.]

# ACT

To provide for the expropriation of land for the purpose of constructing, operating or maintaining pipe lines, private railway branch lines or railway sidings in connection with undertakings of national importance.

(Afrikaans text signed by the Governor-General.)  
(Assented to 1st June, 1951.)

**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:—

## Definitions.

### 1. In this Act—

- (i) "board" means the Board of Trade and Industries established by section *two* of the Board of Trade and Industries Act, 1944 (Act No. 19 of 1944); (iv)
- (ii) "land" means any land, howsoever held, and includes any servitude or other right in respect of land and any land (as herein defined) held by or the control of which is vested in a local authority; (i)
- (iii) "local authority" means any institution or body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909; (iii) and
- (iv) "Minister" means the Minister of Economic Affairs. (ii)

Expropriation of land by certain persons for pipe lines and private railway branch lines or railway sidings.

2. (1) Any person who has established or intends to establish any undertaking which has by resolution of both Houses of Parliament been declared to be an undertaking to which this Act applies, may with the approval of the Minister, granted on the written application of such person, and subject to such conditions as the Minister may impose, acquire any land described in the application under the relevant law referred to in section *three*, for the purpose of constructing, operating or maintaining any pipe line, private railway branch line or railway siding in connection with such undertaking.

(2) The Minister may, before granting his approval under sub-section (1), refer the application to the board under paragraph (*m*) of sub-section (1) of section *nine* of the Board of Trade and Industries Act, 1944 (Act No. 19 of 1944), for enquiry and report, and shall not grant his approval unless he is satisfied—

- (a) that the pipe line, private railway branch line or railway siding is necessary for the establishment or the better carrying on of the undertaking;
- (b) that the acquisition of the land is necessary for the construction, operation or maintenance of the pipe line, private railway branch line or railway siding; and
- (c) in the case of an applicant who intends to establish any such undertaking, that it is his firm intention to do so, and either that he has adequate means for doing so or that the arrangements by which he proposes to obtain such means are satisfactory.

(3) Before granting his approval under sub-section (1) the Minister shall, at the expense of the applicant, either—

- (a) cause to be served by post upon the registered owner of any land to which the application relates and if such owner is not the local authority, also upon the local authority within whose area of jurisdiction such land is situate, a notice specifying the extent of the proposed expropriation of such land in terms of the application; or
- (b) cause to be published in the *Gazette* and in a newspaper circulating in the district in which the land concerned is situate a notice specifying a place within the district where a copy of the application and a plan showing the route of the proposed pipe line, railway branch line or railway siding may be inspected,

and by such notice invite the owner of any such land and such local authority (if any) to lodge with the Minister within a period specified therein (which shall not be less than ten days

No. 39, 1951.]

# WET

**Om voorsiening te maak vir die onteiening van grond met die doel om pyplyne, private spoorwegtaklyne of spoorwegslyne in verband met ondernemings van nasionale belang te bou, te eksploteer of in stand te hou.**

(Afrikaanse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 1 Junie 1951.)

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

**1. In hierdie Wet beteken—**

Woordbepalings.

- (i) „grond” enige grond, hoe dit ook al besit word, met inbegrip van ’n servituut of ander reg ten opsigte van grond, asook van grond (soos hierby omskryf) wat besit word deur of die beheer waarvan berus by ’n plaaslike bestuur; (ii)
- (ii) „Minister” die Minister van Ekonomiese Sake; (iv)
- (iii) „plaaslike bestuur” ’n instelling of liggaam wat in paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909” beoog word; (iii) en
- (iv) „raad” die Raad van Handel en Nywerheid by artikel *twee* van die Wet op die Raad van Handel en Nywerheid, 1944 (Wet No. 19 van 1944) ingestel. (i)

2. (1) ’n Persoon wat ’n onderneming opgerig het of voornemens is om ’n onderneming op te rig wat by besluit van albei Huise van die Parlement tot ’n onderneming verklaar is waarop hierdie Wet van toepassing is, kan met goedkeuring van die Minister, op skriftelike aansoek van daardie persoon verleen, en onderworpe aan die voorwaardes wat die Minister mag oplê, kragtens die toepaslike wetsbepalings in artikel *drie* bedoel, grond in die aansoek omskryf verkry met die doel om ’n pyplyn, private spoorwegtaklyn of spoorwegslylyn in verband met die onderneming te bou, te eksploteer of in stand te hou.

Onteiening van grond deur sekere persone vir pyplyne en private spoorwegtaklyne of spoorwegslyne.

(2) Die Minister kan, alvorens sy goedkeuring kragtens sub-artikel (1) te verleen, die aansoek ingevolge paragraaf (*m*) van sub-artikel (1) van artikel *nege* van die Wet op die Raad van Handel en Nywerheid, 1944 (Wet No. 19 van 1944), na die raad vir ondersoek en verslag verwys, en verleen nie sy goedkeuring nie tensy hy oortuig is—

- (a) dat die pyplyn, private spoorwegtaklyn of spoorwegslylyn nodig is om die onderneming op te rig of beter te dryf;
- (b) dat die verkryging van die grond nodig is vir die bou, eksplotasie of instandhouding van die pyplyn, private spoorwegtaklyn of spoorwegslylyn; en
- (c) in die geval van ’n aansoeker wat voornemens is om so ’n onderneming op te rig, dat dit sy vaste voorneme is om dit te doen, en òf dat hy voldoende middele besit om dit te doen òf dat die reëlins waardeur hy van plan is om daardie middele te verkry, bevredigend is.

(3) Alvorens die Minister sy goedkeuring kragtens sub-artikel (1) verleen, laat hy, op koste van die aansoeker, òf—

- (a) op die geregistreerde eienaar van grond waarop die aansoek betrekking het, en indien bedoelde eienaar nie die plaaslike bestuur is nie, ook op die plaaslike bestuur binne wie se magsgebied die grond geleë is, ’n kennisgewing deur die pos dien waarin die omvang van die aangevraagde onteiening van die grond luidens die aansoek, vermeld word; òf
- (b) in die *Staatskoerant* en in ’n nuusblad wat in omloop is in die distrik waarin die betrokke grond geleë is, ’n kennisgewing publiseer waarin ’n plek binne die distrik genoem word waar ’n afskrif van die aansoek asook ’n roetekaart van die voorgestelde pyplyn, spoorwegtaklyn of spoorwegslylyn ingesien kan word,

en bied by bedoelde kennisgewing aan die eienaar van enige sodanige grond en aan bedoelde plaaslike bestuur (as daar een is) die geleentheid om binne ’n daarin vermelde tydperk van

after the date of the notice or after its last publication under paragraph (b), as the case may be) any representations in writing which such owner or local authority may wish to make in connection with the application.

(4) The Minister may at any time before the land in question has been registered in the name of the applicant, withdraw his approval granted under sub-section (1), if the applicant has failed to comply with any condition imposed under the said sub-section, and thereupon it shall be deemed that no such approval has been granted in respect of that land.

Application of laws relating to expropriation.

3. Upon the approval of the Minister being granted under sub-section (1) of section *two* in respect of any land in the province of Natal, the provisions of the Provincial and Local Authorities Expropriation Ordinance, 1945 (Ordinance No. 19 of 1945) of Natal (except section *eighteen* thereof), and upon such approval being granted in respect of any land in any other province, the provisions of the law in force in that province relating to the expropriation of land by the State (other than the railway administration or a provincial administration) for public purposes, shall *mutatis mutandis* apply in respect of the acquisition of that land by (including in the case of a servitude or other right, the vesting thereof in and the exercise thereof by) the person to whom the approval has been granted, the determination of compensation therefor and the payment thereof by such person.

Power of local authority to alienate.

4. A local authority shall have power to alienate any land held by it or to grant any servitude or other right in respect thereof, to a person referred to in sub-section (1) of section *two*, for any purpose for which such person may acquire such land in terms of the said sub-section.

Effect of expropriation by local authority.

5. If any land in respect of which a servitude or other right has been acquired under this Act, is expropriated by a local authority, the expropriation shall not in any way affect such servitude or right.

Effect of restrictive conditions.

6. Any land acquired under this Act may, notwithstanding any restrictive condition registered against the title deeds thereof or imposed under any law relating to the establishment of townships or in terms of any town planning scheme, be used for the purpose for which it has been so acquired.

Powers of entry.

7. Any person referred to in sub-section (1) of section *two* who intends to apply for approval under the said section may, for the purpose of ascertaining the situation, suitability and extent of the land required or of describing it in the application, after not less than fourteen days' notice in writing to the registered owner of any land, or if a person other than such owner is the occupier, also to the occupier, and subject to the payment of compensation to such owner and occupier for any damage or inconvenience which may be caused thereby to the owner or occupier, enter upon the land with such persons, appliances, instruments and materials as may be necessary for surveying or inspecting the land for the said purpose, and perform such acts thereon as may be necessary for or incidental to such survey or inspection.

Short title.

8. This Act shall be called the Expropriation (Establishment of Undertakings) Act, 1951.

minstens tien dae na die datum van die kennisgewing of na die laaste publikasie daarvan ingevolge paragraaf (b), na gelang van die geval, enige skriftelike verhoë wat bedoelde eienaar of plaaslike bestuur in verband met die aansoek wil maak, by die Minister in te dien.

(4) Die Minister kan te eniger tyd voordat die betrokke grond op die naam van die aansoeker geregistreer is, sy kragtens sub-artikel (1) verleende goedkeuring intrek, indien die aansoeker versuim het om 'n kragtens genoemde sub-artikel opgelegde voorwaarde na te kom, en daarop word dit geag dat geen sodanige goedkeuring ten opsigte van daardie grond verleen is nie.

3. Sodra die Minister kragtens sub-artikel (1) van artikel twee sy goedkeuring ten opsigte van grond in die provinsie Natal verleen het, is die bepaling van die Ordonnansie op Onteïening deur Provinsiale en Plaaslike Owerhede, 1945 (Ordonnansie No. 19 van 1945) van Natal (uitgesonderd artikel agtien daarvan), en sodra bedoelde goedkeuring ten opsigte van grond in 'n ander provinsie verleen is, is die wetsbepalings betreffende die onteïening van grond deur die Staat (uitgesonderd die spoorwegadministrasie of 'n provinsiale administrasie) vir openbare doeleindes, wat in daardie provinsie van krag is, *mutatis mutandis* van toepassing ten opsigte van die verkryging van daardie grond deur (met inbegrip, in die geval van 'n servituut of ander reg, van die vestiging daarvan in en die uitoefening daarvan deur) die persoon aan wie die goedkeuring verleen is, die vasstelling van vergoeding daarvoor en die betaling daarvan deur daardie persoon.

Toepassing van wetsbepalings betreffende onteïening.

4. 'n Plaaslike bestuur is bevoeg om grond wat hy besit te vervreem of 'n servituut of ander reg ten opsigte daarvan te verleen aan 'n in sub-artikel (1) van artikel twee bedoelde persoon, vir enige doel waarvoor daardie persoon daardie grond luidens genoemde sub-artikel kan verkry.

Bevoegdheid van plaaslike bestuur om te vervreem.

5. Indien grond ten opsigte waarvan 'n servituut of ander reg kragtens hierdie Wet verkry is, deur 'n plaaslike bestuur onteien word, word daardie servituut of reg nie op enige wyse deur die onteïening geraak nie.

Uitwerking van onteïening deur plaaslike bestuur.

6. Grond wat kragtens hierdie Wet verkry is, kan, ondanks enige beperkende voorwaarde wat teen die titelbewyse daarvan geregistreer is of wat kragtens 'n wet op die stigting van dorpe of luidens 'n dorpsaanlegskema opgelê is, gebruik word vir die doel waarvoor dit aldus verkry is.

Uitwerking van beperkende voorwaardes.

7. 'n In sub-artikel (1) van artikel twee bedoelde persoon wat voornemens is om aansoek te doen om goedkeuring kragtens genoemde artikel, kan, met die doel om hom van die ligging, geskiktheid en grootte van die benodigde grond te vergewis, of om dit in die aansoek te beskryf, na minstens veertien dae skriftelike kennisgewing aan die geregistreerde eienaar van enige grond, of indien 'n ander persoon dan bedoelde eienaar die okkupeerder is, ook aan die okkupeerder, en onderworpe aan die betaling van vergoeding aan die eienaar en okkupeerder vir enige skade of ongerief wat daardeur aan die eienaar of okkupeerder veroorsaak mag word, die grond betree met die persone, toestelle, werktuie of materiaal wat nodig mag wees om die grond vir genoemde doel op te meet of te ondersoek, en die ander handelings daarop verrig wat vir die opmeting of ondersoek nodig mag wees of daarmee in verband mag staan.

Betredingsbevoegdhede.

8. Hierdie Wet heet die Wet op Onteïening (Oprigting van Kort titel. Ondernemings), 1951.

Kort titel.

No. 40, 1951.]

**ACT****To amend the Industrial Development Act, 1940.***(English text signed by the Governor-General.)  
(Assented to 6th June, 1951.)*

**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:—

Insertion of  
section *5bis* in  
Act 22 of 1940.

**1.** The following section is hereby inserted after section *five* of the Industrial Development Act, 1940:

“Guarantees *5bis*. (1) The Minister may, for the purpose of assisting in financing the establishment or operation of any undertaking for the production of oil from coal and with the concurrence of the Minister of Finance—

- (a) guarantee, for such period and on such conditions as he may determine, the interest on and the principal of any amount borrowed by the corporation in terms of paragraph (*f*) of section *four*; and
- (b) guarantee the interest on and the principal of any debentures or debenture stock issued in terms of the said paragraph,

and may enter into such agreements and do such other things as may be necessary for or incidental to the carrying out of this section.

(2) Until Parliament has by resolution of both Houses approved thereof, the Minister shall not furnish any such guarantee after a loan of twelve million pounds or loans in the aggregate of twelve million pounds have been raised by the corporation and guaranteed by the Minister under sub-section (1).”

Short title.

**2.** This Act shall be called the Industrial Development Amendment Act, 1951.

No. 40, 1951.]

**WET****Tot wysiging van die Nywerheid-ontwikkelingswet, 1940.**

(Engelse teks deur die Goewerneur-generaal geteken.)  
(Goedgekeur op 6 Junie 1951.)

**DIT WORD BEPAAL** deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Die volgende artikel word hiermee na artikel vyf van die Nywerheid-ontwikkelingswet, 1940, ingevoeg: Invoeging van artikel 5bis in Wet 22 van 1940.

„Waarborgte deur Minister. 5bis. (1) Die Minister kan, met die doel om hulp te verleen met die finansiering van die oprigting of eksploitering van enige onderneming vir die vervaardiging van olie uit steenkool en met instemming van die Minister van Finansies—

- (a) vir die tydperk en op die voorwaardes wat hy bepaal, die rente op en die hoofsom van enige bedrag wat die korporasie ingevolge paragraaf (f) van artikel vier geleen het, waarborg; en
- (b) die rente op en die hoofsom van enige obligasies of obligasiestock ingevolge genoemde paragraaf uitgegee, waarborg,

en kan die ooreenkomste aangaan en die dinge verrig wat nodig mag wees vir of in verband mag staan met die uitvoering van die bepalings van hierdie artikel.

(2) Totdat die Parlement dit by besluit van albei Huise goedgekeur het, gee die Minister nie so 'n waarborg nie, nadat 'n lening van twaalfmiljoen pond of lenings wat tesame twaalfmiljoen pond beloop, deur die korporasie aangegaan is en kragtens sub-artikel (1) deur die Minister gewaarborg is.”

2. Hierdie Wet heet die Wysigingswet op Nywerheids- Kort titel. ontwikkeling, 1951.