



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

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

Vol. 105]

KAAPSTAD, 13 MAART 1974

[No. 4212

CAPE TOWN, 13 MARCH 1974

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 370. 13 Maart 1974.

No. 370. 13 March 1974.

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. 21 van 1974: Wysigingswet op Grondbewaring, 1974.

No. 21 of 1974: Soil Conservation Amendment Act, 1974.

WET

Tot wysiging van die Grondbewaringswet, 1969, om die omstandighede waaronder 'n persoon wie se grond as gevolg van die oprigting van grondbewaringswerke 'n waardevermindering ondergaan het, vir daardie waardevermindering vergoed moet word, nader te omskryf; om die bevoegdheid van die Minister om subsidies te betaal en toekennings te doen, te verander; om die Minister die bevoegdheid te verleen om sekere koste uit gelde deur die Parlement bewillig, te bestry; om die omstandighede waaronder sekere persone sekere grond vir sekere doeleindes kan betree nader te omskryf; om sekere persone 'n reg van deurgang in sekere omstandighede oor sekere grond te verleen; om die Minister die bevoegdheid te verleen om regulasies uit te vaardig betreffende sekere kwyt-skeldings; om die Minister die bevoegdheid te verleen om die Wet van toepassing te verklaar op grond wat in stadsgebiede geleë is; om sekere kwyt-skeldings te wettig; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Maart 1974.)*

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

Wysiging van artikel 5 van Wet 76 van 1969.

1. Artikel 5 van die Grondbewaringswet, 1969 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

„(a) Waar 'n eienaar van grond grondbewaringswerke op grond wat aan 'n ander persoon behoort, opgerig het (ongeag of sodanige grondbewaringswerke ter voldoening aan 'n voorskrif opgerig is), as gevolg waarvan die waarde van sodanige grond verminder is, kan die Minister, op aansoek van sodanige ander persoon, daardie eienaar gelas om sodanige ander persoon 'n bedrag te betaal gelyk aan die bedrag waarmee die waarde van sodanige grond aldus verminder is.”

Vervanging van artikel 6 van Wet 76 van 1969, soos vervang deur artikel 2 van Wet 11 van 1973.

2. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

„Subsidies, toekennings, en bestryding van sekere kostes deur Minister. 6. Die Minister kan, uit gelde vir die doel deur die Parlement bewillig, en op die voorwaardes wat hy bepaal of voorskryf—

- (a) iemand subsidies betaal ten opsigte van uitgawes deur so iemand aangegaan in verband met die oprigting van grondbewaringswerke;
- (b) aan iemand toekennings doen ten einde so iemand in staat te stel om 'n handeling ter verwesenliking van 'n doelstelling van hierdie Wet te verrig;
- (c) sodanige gedeelte van die koste bedoel in artikel 4 (3) en (4) as wat die Minister in oorleg met die Minister van Finansies bepaal, bestry.”

ACT

To amend the Soil Conservation Act, 1969, so as to further define the circumstances in which a person whose land has been reduced in value as a result of the construction of any soil conservation works, shall be compensated for such reduction in value; to alter the power of the Minister to pay subsidies and to make grants; to empower the Minister to defray certain costs from moneys appropriated by Parliament; to further define the circumstances in which certain persons may for certain purposes enter upon certain land; to grant a right of way in certain circumstances over certain land to certain persons; to empower the Minister to make regulations regarding certain remissions; to empower the Minister to declare the Act applicable to land in urban areas; to validate certain remissions; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 1 March 1974.)

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

1. Section 5 of the Soil Conservation Act, 1969 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph: Amendment of section 5 of Act 76 of 1969.

“(a) Where an owner of land has constructed any soil conservation works on land belonging to another person (irrespective of whether such soil conservation works have been constructed in compliance with a direction), as a result of which the value of such land has been reduced, the Minister may, on application by such other person, order such owner to pay to such other person an amount equal to the amount by which the value of such land has been so reduced.”

2. The following section is hereby substituted for section 6 of the principal Act: Substitution of section 6 of Act 76 of 1969, as substituted by section 2 of Act 11 of 1973.

“Subsidies, grants, and defrayal of certain costs by Minister. 6. The Minister may, from moneys appropriated by Parliament for the purpose, and subject to such conditions as he may determine or prescribe—

(a) pay subsidies to any person in respect of costs incurred by such person in connection with the construction of any soil conservation works;

(b) make grants to any person in order to enable such person to perform an act for the achievement of an object to this Act;

(c) defray such portion of the costs referred to in section 4 (3) and (4) as the Minister in consultation with the Minister of Finance may determine.”

Wet No. 21, 1974

WYSIGINGSWET OP GRONDBEWARING, 1974.

Wysiging van
artikel 17 van
Wet 76 van 1969.

3. Artikel 17 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n In subartikel (1) bedoelde amptenaar, 'n lid van 'n grondbewaringskomitee en iemand behoorlik deur die Minister daartoe gemagtig—

- (a) kan te alle redelike tye grond betree ten einde—
 - (i) die raadsaamheid om op daardie grond grondbewaringswerke op te rig of voorskrifte met betrekking tot daardie grond van toepassing te verklaar, vas te stel; of
 - (ii) grondbewaringswerke wat op daardie grond opgerig word of opgerig is, te inspekteer; of
 - (iii) vas te stel of die bepalinge van hierdie Wet, 'n regulasie, 'n voorwaarde waarop geldelike bystand by wyse van 'n subsidie of toekening verleen is of 'n voorskrif wat op of met betrekking tot daardie grond van toepassing is, behoorlik uitgevoer of nagekom is of word;
- (b) het te alle redelike tye reg van deurgang oor grond waaroor dit redelikerwys nodig is om te gaan ten einde grond in paragraaf (a) bedoel, te bereik.”

Wysiging van
artikel 20 van
Wet 76 van 1969.

4. (1) Artikel 20 van die Hoofwet word hierby gewysig deur na paragraaf (d) van subartikel (1) die volgende paragraaf in te voeg:

„(dA) die kwytskelding deur die Minister van die geheel, of 'n gedeelte, van 'n bedrag deur iemand aan die Staat betaalbaar as gevolg van die versuim deur so iemand om aan 'n voorwaarde in artikel 6 bedoel, te voldoen, en die voorwaardes onderworpe waaraan sodanige kwytskelding verleen moet word;”

(2) 'n Kwytskelding deur die Minister voor die inwerking-treding van hierdie Wet van die geheel, of 'n gedeelte, van 'n bedrag wat 'n persoon aan die Staat verskuldig was weens 'n versuim om aan 'n voorwaarde opgelê kragtens artikel 6 van die Hoofwet te voldoen, word hierby gewettig.

Vervanging van
artikel 26 van
Wet 76 van 1969,
soos gewysig deur
artikel 2 van
Wet 38 van 1971.

5. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

„Toepassing van Wet. 26. (1) Hierdie Wet is, behoudens die bepalinge van subartikel (2), nie van toepassing nie—

- (a) op grond wat in 'n stadsgebied geleë is;
- (b) op grond waarvan die eiendomsreg ingevolge die Bantoe trust en -grond Wet, 1936 (Wet No. 18 van 1936), by die Suid-Afrikaanse Bantoe trust, ingestel by artikel 4 van daardie Wet berus;
- (c) op grond bedoel in artikel 4 van die Wet op die Administrasie van Bantoesake in Suidwes-Afrika, 1954 (Wet No. 56 van 1954);
- (d) op grond in die gebied wat ingesluit is in die 'Gebiet', soos omskryf in artikel 1 van die Wet op die Rehoboth-beleggings- en ontwikkelingskorporasie, 1969 (Wet No. 84 van 1969); en
- (e) op grond waarop 'n bepaling van die Wet op Landelike Kleurlinggebiede, 1963 (Wet No. 24 van 1963), van toepassing is, of waarvan die eiendomsreg by die Minister van Kleurlingsake in trust vir kleurlinge berus.

(2) Die Minister kan, by kennisgewing in die *Staatskoerant*, hierdie Wet van toepassing verklaar op grond in die kennisgewing omskryf en wat in 'n stadsgebied geleë is.”

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Grondbewaring, 1974.

SOIL CONSERVATION AMENDMENT ACT, 1974.

Act No. 21, 1974

3. Section 17 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 17 of Act 76 of 1969.

“(3) Any officer referred to in subsection (1), any member of a soil conservation committee and any person duly authorized thereto by the Minister—

- (a) may enter upon any land at all reasonable times for the purpose of—
 - (i) ascertaining the desirability of constructing upon that land any soil conservation works or declaring directions applicable with reference to that land; or
 - (ii) inspecting any soil conservation works which are being or have been constructed on that land; or
 - (iii) ascertaining whether the provisions of this Act, any regulation, any condition subject to which financial assistance by way of a subsidy or a grant has been rendered or any direction which is applicable to or with reference to that land have been or are being properly carried out or complied with;
- (b) shall at all reasonable times have right of way over any land over which it is reasonably necessary to proceed in order to reach land referred to in paragraph (a).”.

4. (1) Section 20 (1) of the principal Act is hereby amended by the insertion after paragraph (d) of subsection (1) of the following paragraph: Amendment of section 20 of Act 76 of 1969.

“(dA) the remission by the Minister of the whole, or a portion, of an amount payable by a person to the State on account of his failure to comply with a condition referred to in section 6, and the conditions subject to which such remission shall be granted;”.

(2) Any remission by the Minister before the commencement of this Act of the whole, or a portion, of an amount which a person owed the State on account of non-compliance with a condition imposed in terms of section 6 of the principal Act, is hereby validated.

5. The following section is hereby substituted for section 26 of the principal Act: Substitution of section 26 of Act 76 of 1969, as amended by section 2 of Act 38 of 1971.

“Applica- 26. (1) Subject to the provisions of subsection
tion of Act. (2), this Act shall not apply—

- (a) to land situated in an urban area;
- (b) to land of which the ownership is in terms of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), vested in the South African Bantu Trust, constituted by section 4 of the said Act;
- (c) to land contemplated in section 4 of the South-West Africa Bantu Affairs Administration Act, 1954 (Act No. 56 of 1954);
- (d) to land in the territory included in the ‘Gebiet’, as defined in section 1 of the Rehoboth Investment and Development Corporation Act, 1969 (Act No. 84 of 1969); and
- (e) to land to which a provision of the Rural Coloured Areas Act, 1963 (Act No. 24 of 1963), applies or of which the ownership is vested in the Minister of Coloured Affairs in trust for Coloured persons.

(2) The Minister may, by notice in the *Gazette*, declare the Act applicable to land specified in such notice and situated in an urban area.”.

6. This Act shall be called the Soil Conservation Amendment Act, 1974. Short title.

