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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. 1314.

9 Julie 1975.

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

No. 63 van 1975: Onteieningswet, 1975.

No. 1314.

9 July 1975.

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

No. 63 of 1975: Expropriation Act, 1975.

Act No. 63, 1975

EXPROPRIATION ACT, 1975.

ACT

To provide for the expropriation of land and other property for public and certain other purposes; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 20 June 1975.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “compensation court” means a compensation court established by subsection (1), or under subsection (2), of section 16; (xv)
 - (ii) “date of expropriation” means the appropriate date contemplated in section 7 (2) (b); (ix)
 - (iii) “date of notice” means the date on which a notice of expropriation is in terms of section 7 (3) delivered, tendered or posted to a person or is in terms of section 7 (5) published in the *Gazette*, and if such a notice in respect of the same property is so delivered, tendered or posted and published, the date on which it is so published; (v)
 - (iv) “date of offer of compensation” means, if an amount is mentioned as compensation in the notice of expropriation in question, the date of notice in question or, if such an amount is not mentioned in such notice but is offered in terms of section 10 (2) or (4), the date on which such an amount is so offered; (i)
 - (v) “executive committee” means the executive committee of a province mentioned in section 76 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xiv)
 - (vi) “immovable property” includes a real right in or over immovable property; (viii)
 - (vii) “local authority” means an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes a Regional Water Services Corporation constituted in terms of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963 of Natal); (xii)
 - (viii) “Master”, in relation to particular property, means the Master of the Supreme Court appointed in respect of the area in which that property is or is situated; (vi)
 - (ix) “Minister” means the Minister of Agriculture and, except for the purposes of sections 3 and 25 (2), includes an executive committee; (vii)
 - (x) “notice of expropriation” means a notice contemplated in section 7; (x)
 - (xi) “owner” means, in relation to land or a registered right in or over land, the person in whose name such land or right is registered, and—

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Om voorsiening te maak vir die onteining van grond en ander goed vir openbare en sekere ander doeleindes; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1975.)

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

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywing. Wet—

- (i) „datum van die vergoedingsaanbod” die betrokke kennisgewingsdatum, indien ’n bedrag as vergoeding in die betrokke onteieningskennisgewing vermeld word, of die datum waarop ’n bedrag as vergoeding ingevolge artikel 10 (2) of (4) aangebied word, indien so ’n bedrag nie in daardie kennisgewing vermeld word nie maar ingevolge genoemde artikel 10 (2) of (4) aangebied word; (iv)
- (ii) „eienaar”, met betrekking tot grond of ’n geregistreerde reg in of oor grond, die persoon op wie se naam dié grond of reg geregistreer is, en—
 - (a) indien die eienaar van goed oorlede is, die eksekuteur van sy boedel;
 - (b) indien die boedel van die eienaar van goed geskwestreer is, die kurator van sy insolvente boedel;
 - (c) indien die eienaar van goed ’n maatskappy is wat gelikwideer word, die likwidateur daarvan;
 - (d) indien goed oorgegaan het op ’n beredderaar of kurator wat ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), gekies of aangestel is, daardie beredderaar of kurator;
 - (e) indien die handelingsbevoegdheid van die eienaar van goed andersins beperk is, sy verteenwoordiger in regte;
 - (f) indien op goed beslag gelê is ingevolge ’n bevel van ’n hof, ook die betrokke balju, adjunk-balju of geregsbode, na gelang van die geval;
 - (g) met betrekking tot ’n hoewe wat ingevolge die Nedersettingswet, 1956 (Wet No. 21 van 1956), toegeken, verhuur, verkoop of uitgegee is, die persoon aan wie dit aldus toegeken, verhuur, verkoop of uitgegee is, of sy sessionaris of onderhuurder;
 - (h) ook die gevolmagtigde verteenwoordiger van die eienaar in die Republiek; (xi)
- (iii) „goed” roerende sowel as onroerende goed; (xii)
- (iv) „hierdie Wet” ook die regulasies; (xv)
- (v) „kennisgewingsdatum” die datum waarop ’n onteieningskennisgewing ingevolge artikel 7 (3) aan iemand oorhandig, aangebied of gepos of ingevolge artikel 7 (5) in die *Staatskoerant* gepubliseer word, en

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- (a) if the owner of any property is deceased, the executor in his estate;
- (b) if the estate of the owner of any property has been sequestrated, the trustee of his insolvent estate;
- (c) if the owner of any property is a company which is being wound up, the liquidator thereof;
- (d) if any property has vested in a liquidator or trustee elected or appointed in terms of the Agricultural Credit Act, 1966 (Act No. 28 of 1966), that liquidator or trustee;
- (e) if the owner of any property is otherwise under a legal disability, his legal representative;
- (f) if any property has been attached in terms of an order of a court, includes the sheriff, deputy-sheriff or messenger of the court concerned, as the case may be;
- (g) in relation to a holding allotted, leased, sold or granted in terms of the Land Settlement Act, 1956 (Act No. 21 of 1956), the person to whom it was so allotted, leased, sold or granted or his cessionary or sub-lessee;
- (h) includes the authorized representative of the owner in the Republic; (ii)
- (xii) "property" means both movable and immovable property; (iii)
- (xiii) "public purposes" includes any purposes connected with the administration of the provisions of any law by an organ of State; (xi)
- (xiv) "regulation" means a regulation made under this Act; (xiii)
- (xv) "this Act" includes the regulations. (iv)

Power of Minister to expropriate property for public purposes and to take the right to use property for public purposes.

2. (1) Subject to the provisions of this Act the Minister may, subject to an obligation to pay compensation, expropriate any property for public purposes or take the right to use temporarily any property for public purposes.

(2) The power of the Minister in terms of subsection (1) to expropriate property for public purposes, and any power in terms of any law to expropriate or otherwise acquire any property on behalf of the State, shall include the power to expropriate, when any immovable property is so expropriated or acquired, so much of any other immovable property which, in the opinion of the Minister, is affected by such expropriation or acquisition as the Minister may for any reason deem expedient.

(3) The power of the Minister in terms of subsection (2) to expropriate immovable property which, in the opinion of the Minister, is affected by an expropriation, shall, in the case where only a portion of a piece of land is expropriated in terms of this section, include the power to expropriate the remainder of such a piece of land if the owner satisfies the Minister that due to the said partial expropriation, the said remainder has become useless to the owner.

Expropriation of immovable property by Minister on behalf of certain juristic persons or bodies.

3. (1) If a juristic person or body mentioned in subsection (2) satisfies the Minister charged with the administration of the law mentioned in connection therewith that it reasonably requires any particular immovable property for the attainment of its objects and that it is unable to acquire it on reasonable terms, the Minister of Agriculture may, at the request of the first-mentioned Minister, and subject to the provisions of subsections (4) and (5), and, in the case of a juristic person contemplated in paragraph (h) of the said subsection (2), with the approval, by

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indien so 'n kennisgewing ten opsigte van dieselfde goed aldus oorhandig, aangebied of gepos en gepubliseer word, die datum waarop dit aldus gepubliseer word; (iii)

- (vi) „Meester”, met betrekking tot bepaalde goed, die Meester van die Hooggeregshof wat aangestel is ten opsigte van die gebied waarin dié goed is of geleë is; (viii)
- (vii) „Minister” die Minister van Landbou en, behalwe by die toepassing van artikels 3 en 25 (2), ook 'n uitvoerende komitee; (ix)
- (viii) „onroerende goed” ook 'n saaklike reg in of oor onroerende goed; (vi)
- (ix) „onteieningsdatum” die toepaslike datum beoog in artikel 7 (2) (b); (ii)
- (x) „onteieningskennisgewing” 'n kennisgewing beoog in artikel 7; (x)
- (xi) „openbare doeleindes” ook 'n doeleinde wat in verband staan met die uitvoering van die bepalings van die een of ander wet deur 'n Staatsorgaan; (xiii)
- (xii) „plaaslike bestuur” 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en ook 'n Streekwaterdienskorporasie ingestel ingevolge die Ordonnansie op Waterdiens.e, 1963 (Ordonnansie No. 27 van 1963 van Natal); (vii)
- (xiii) „regulasie” 'n regulasie wat kragtens hierdie Wet uitgevaardig is; (xiv)
- (xiv) „uitvoerende komitee” die uitvoerende komitee van 'n provinsie vermeld in artikel 76 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961); (v)
- (xv) „vergoedingshof” 'n vergoedingshof wat by subartikel (1), of kragtens subartikel (2), van artikel 16 ingestel is. (i)

2. (1) Behoudens die bepalings van hierdie Wet kan die Minister, onderworpe aan 'n verpligting om vergoeding te betaal, goed vir openbare doeleindes onteien of die reg neem om goed vir openbare doeleindes tydelik te gebruik.

Bevoegdheid van Minister om goed vir openbare en sekere ander doeleindes te onteien of om die reg te neem om goed vir openbare doeleindes te gebruik.

(2) Die bevoegdheid van die Minister ingevolge subartikel (1) om goed vir openbare doeleindes te onteien, en 'n bevoegdheid ingevolge 'n ander wet om namens die Staat goed te onteien of andersins te verkry, sluit die bevoegdheid in om, wanneer onroerende goed aldus onteien of verkry word, soveel te onteien van ander onroerende goed wat, volgens die oordeel van die Minister, deur die onteiening of verkryging geraak word, as wat die Minister om die een of ander rede dienstig ag.

(3) Die bevoegdheid van die Minister om ingevolge subartikel (2) onroerende goed wat volgens die oordeel van die Minister deur 'n onteiening geraak word, te onteien, sluit die bevoegdheid in om, in die geval waar slegs 'n gedeelte van 'n stuk grond ingevolge hierdie artikel onteien word, op versoek van die eienaar ook die restant van daardie stuk grond te onteien indien die eienaar die Minister oortuig dat bedoelde restant as gevolg van bedoelde gedeeltelike onteiening vir die eienaar nutteloos geword het.

3. (1) Indien 'n regspersoon of liggaam vermeld in subartikel (2) die Minister belas met die uitvoering van die wet wat in verband daarmee vermeld word, oortuig het dat hy bepaalde onroerende goed redelikerwys vir die bereiking van sy oogmerke nodig het en dat hy dit nie op redelike voorwaardes kan verkry nie, kan die Minister van Landbou, op versoek van eersgenoemde Minister en behoudens die bepalings van subartikels (4) en (5), en, in die geval van 'n regspersoon bedoel in paragraaf (h) van genoemde subartikel (2), met die goedkeuring, by

Onteiening van onroerende goed deur Minister ten bate van sekere regspersone of liggame.

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resolution, of the Senate and the House of Assembly, expropriate such immovable property on behalf of that juristic person or body as if it were required for public purposes.

(2) The juristic persons or bodies contemplated in subsection (1) are—

- (a) a university as defined in section 1 of the Universities Act, 1955 (Act No. 61 of 1955);
- (b) a university college as defined in section 1 of the Extension of University Education Act, 1959 (Act No. 45 of 1959);
- (c) a college as defined in section 1 of the Advanced Technical Education Act, 1967 (Act No. 40 of 1967);
- (d) a governing body as defined in section 1 of the Educational Services Act, 1967 (Act No. 41 of 1967);
- (e) the Atomic Energy Board mentioned in section 11 of the Atomic Energy Act, 1967 (Act No. 90 of 1967);
- (f) a college as defined in section 1 of the Indians Advanced Technical Education Act, 1968 (Act No. 12 of 1968);
- (g) the Council mentioned in section 1 of the National Monuments Act, 1969 (Act No. 28 of 1969); and
- (h) any juristic person, other than a juristic person mentioned in paragraph (a), (b), (c), (e), (f) or (g), established by or under any law for the promotion of any matter of public importance.

(3) If the Minister expropriates any immovable property on behalf of a juristic person or body in terms of subsection (1), such juristic person or body shall become the owner thereof on the date of expropriation in question.

(4) There shall be payable in respect of the expropriation of any immovable property in terms of subsection (1) the fees, duties and other charges which would have been payable by the juristic person or body concerned in terms of any law if it had purchased that property.

(5) All costs incurred by the said Minister in the performance of his functions in terms of subsection (1) shall be refunded to him by the juristic person or body concerned.

Expropriation of
property by
Railway
Administration.

4. (1) The provisions of sections 7 to 24 of this Act shall *mutatis mutandis* apply in respect of the exercise by the Railway Administration of the power to expropriate or take property conferred upon it by the Railways and Harbours Control and Management (Consolidation) Act, 1957 (Act No. 70 of 1957).

(2) For the purposes of the application of subsection (1) the power mentioned therein shall be deemed to have been conferred upon the Minister of Transport and any reference in this Act to the Minister and the State shall be deemed to be a reference to the Minister of Transport and the Railway Administration, respectively.

(3) The powers vested in the Minister of Transport by virtue of the provisions of subsection (2), other than a power contemplated in section 24, may also be exercised by the General Manager and a Deputy General Manager of the South African Railways and Harbours and, in connection with movable property urgently required in an emergency, also by any officer of the Railway Administration of or above the rank of Assistant Superintendent or an equivalent engineering rank, and, if no officer of that rank is readily available at the place where the property in question is, any employee of the said administration whose duty it is to take measures to deal with the emergency.

(4) The provisions of this section, and the other provisions of this Act, in so far as they are connected with the application of this section, shall also apply in the territory of South West Africa, including the Eastern Caprivi Zipfel.

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besluit, van die Senaat en die Volksraad, daardie onroerende goed ten bate van daardie regspersoon of liggaam onteien asof dit vir openbare doeleindes benodig is.

(2) Die regspersone of liggame bedoel in subartikel (1), is—

- (a) 'n universiteit soos omskryf in artikel 1 van die Wet op Universiteite, 1955 (Wet No. 61 van 1955);
- (b) 'n universiteitskollege soos omskryf in artikel 1 van die Wet op Uitbreiding van Universiteitsopleiding, 1959 (Wet No. 45 van 1959);
- (c) 'n kollege soos omskryf in artikel 1 van die Wet op Gevorderde Tegniese Onderwys, 1967 (Wet No. 40 van 1967);
- (d) 'n bestuursliggaam soos omskryf in artikel 1 van die Wet op Onderwysdienste, 1967 (Wet No. 41 van 1967);
- (e) die Raad op Atoomkrag vermeld in artikel 11 van die Wet op Atoomkrag, 1967 (Wet No. 90 van 1967);
- (f) 'n kollege soos omskryf in artikel 1 van die Wet op Gevorderde Tegniese Onderwys vir Indiërs, 1968 (Wet No. 12 van 1968);
- (g) die Raad vermeld in artikel 1 van die Wet op Nasionale Gedenkwaardighede, 1969 (Wet No. 28 van 1969);
- (h) 'n ander regspersoon as 'n regspersoon vermeld in paragraaf (a), (b), (c), (e), (f) of (g), wat by of kragtens 'n wet ingestel is ter bevordering van 'n aangeleentheid van openbare belang.

(3) Indien die Minister onroerende goed ten bate van 'n regspersoon of liggaam ingevolge subartikel (1) onteien, word daardie regspersoon of liggaam op die betrokke onteieningsdatum die eienaar daarvan.

(4) Ten opsigte van die onteiening van onroerende goed ingevolge subartikel (1) is die gelde, regte en ander koste betaalbaar wat deur die betrokke regspersoon of liggaam ingevolge 'n wet betaalbaar sou gewees het indien hy daardie goed gekoop het.

(5) Al die koste deur die Minister by die verrigting van sy werksaamhede ingevolge subartikel (1) aangegaan, word deur die betrokke regspersoon of liggaam aan hom vergoed.

4. (1) Die bepalings van artikels 7 tot 24 van hierdie Wet is *mutatis mutandis* van toepassing ten opsigte van die uitoefening deur die Spoorwegadministrasie van die bevoegdheid om goed te onteien of te neem wat by die Konsolidasiewet op die Beheer en Bestuur van Spoorweë en Hawens, 1957 (Wet No. 70 van 1957), aan hom verleen is.

Onteining van goed deur Spoorwegadministrasie.

(2) Vir die doeleindes van die toepassing van subartikel (1) word die bevoegdheid daarin vermeld geag aan die Minister van Vervoer verleen te wees en word 'n verwysing in hierdie Wet na die Minister en die Staat geag 'n verwysing na onderskeidelik die Minister van Vervoer en die Spoorwegadministrasie te wees.

(3) Die bevoegdhede wat uit hoofde van die bepalings van subartikel (2) by die Minister van Vervoer berus, uitgesonderd 'n bevoegdheid in artikel 24 bedoel, kan ook deur die Hoofbestuurder en 'n Adjunk-hoofbestuurder van die Suid-Afrikaanse Spoorweë en Hawens uitgeoefen word en, in verband met roerende goed wat in 'n noodtoestand dringend benodig is, ook deur enige amptenaar van die Spoorwegadministrasie met of bo die rang van Assistent-superintendent of 'n gelykstaande ingenieursrang, en, indien geen amptenaar van daardie rang gereedlik beskikbaar is nie op die plek waar die betrokke goed is, enige werknemer van genoemde Administrasie wie se plig dit is om maatreëls te tref om die noodtoestand die hoof te bied.

(4) Die bepalings van hierdie artikel, en die ander bepalings van hierdie Wet, vir sover hulle met die toepassing van hierdie artikel in verband staan, is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.

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Exercise by local authority of power to expropriate property or to take the right to use property temporarily.

5. (1) If a local authority has the power to expropriate property or to take the right to use property temporarily, such power may only be exercised, *mutatis mutandis*, in accordance with the provisions of this Act and subject to the approval of and the conditions imposed by the executive committee concerned.

(2) For the purposes of the application of subsection (1) any reference in this Act to the Minister and the State shall be construed as a reference to the local authority concerned.

Inspection of property for purposes of expropriation or taking of right to use temporarily.

6. (1) If any property or the temporary use of any property is required for public purposes, the Minister may—

(a) for the purpose of ascertaining whether any particular property is suitable for the purposes or use contemplated, or for the purpose of determining the value thereof, authorize any person to—

- (i) enter upon any land in question with the necessary workmen, equipment and vehicles;
- (ii) survey and determine the area and levels of that land;
- (iii) dig or bore on or into that land;
- (iv) construct and maintain a measuring weir in any river or stream;
- (v) in so far as it may be necessary to gain access to that land, enter upon and go across any other land with the necessary workmen, equipment and vehicles; and

(b) authorize any person to demarcate the boundaries of any land required for the said purposes or use:

Provided that such person shall not, without the consent of the owner or occupier, enter any building or enter upon any enclosed yard or garden attached to any building, unless he has given the owner or occupier at least twenty-four hours' notice of his intention to do so.

(2) If any person has suffered any damage as a result of the exercise of any power conferred in terms of subsection (1), the State shall be liable to pay damages or to repair such damage.

(3) Any proceedings by virtue of the provisions of subsection (2) shall be instituted within six months after the damage in question has been caused or within six months after completion of the acts contemplated in subsection (1), whichever period is the longer, and may only be instituted if the plaintiff has given the Minister not less than one month's notice thereof and of the cause of the alleged damage.

Notification that property is to be expropriated or is to be used temporarily.

7. (1) If the Minister has decided to expropriate, or to take the right to use temporarily, any property in terms of the provisions of section 2, he shall, subject to the provisions of subsection (5), cause to be served upon the owner in question an appropriate notice in accordance with the provisions of subsection (3).

(2) The notice of expropriation shall—

- (a) contain a clear and full description of the property in question and, in the case of the taking of a right to use property temporarily, also of such right, as well as, in the case where only a portion of a piece of land or a real right in or over any such portion is expropriated, or a right is taken to use only such a portion, a sketch plan showing the approximate position of such portion, and state the approximate extent of such portion: Provided that whenever only a portion of a piece of land or a real right in or over any such portion is expropriated, or a right is taken to use only such a portion, the owner may, within thirty days from the date of notice, request the Minister by registered post to furnish, in accordance with subsection (3), further particulars of such portion so as to enable the owner to determine the position or

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5. (1) Indien 'n plaaslike bestuur die bevoegdheid besit om goed te onteien of die reg te neem om goed tydelik te gebruik, kan daardie bevoegdheid slegs, *mutatis mutandis*, ooreenkomstig die bepalings van hierdie Wet en onderworpe aan die goedkeuring van, en die voorwaardes opgelê deur, die betrokke uitvoerende komitee uitgeoefen word.

Uitoefening deur plaaslike bestuur van bevoegdheid om goed te onteien of die reg te neem om goed tydelik te gebruik.

(2) Vir die doeleindes van die toepassing van subartikel (1) word 'n verwysing in hierdie Wet na die Minister en die Staat uitgelê as 'n verwysing na die betrokke plaaslike bestuur.

6. (1) Indien goed of die tydelike gebruik van goed vir openbare doeleindes benodig is, kan die Minister—

Ondersoek van goed vir doeleindes van onteiening of neem van reg op tydelike gebruik.

(a) ten einde vas te stel of bepaalde goed vir die beoogde doeleindes of gebruik geskik is of ten einde die waarde daarvan te bepaal, iemand magtig om—

- (i) enige betrokke grond met die nodige werksmense, toerusting en voertuie te betree;
- (ii) daardie grond op te meet en die oppervlakte en hoogtes daarvan te bepaal;
- (iii) op of in daardie grond te grawe of te boor;
- (iv) 'n meetdam in 'n rivier of stroom te bou en in stand te hou;
- (v) vir sover dit nodig is om toegang tot daardie grond te verkry, met die nodige werksmense, toerusting en voertuie enige ander grond te betree en daarvoor te gaan; en

(b) iemand magtig om die grense van grond wat vir genoemde doeleindes of gebruik benodig is, af te baken:

Met dien verstande dat so iemand nie sonder die toestemming van die eienaar of bewoner, 'n gebou mag binnegaan of 'n afgekampte werf of tuin aan 'n gebou verbonde, mag betree nie, tensy hy die eienaar of bewoner minstens vier-en-twintig uur kennis gegee het van sy voorneme om dit te doen.

(2) Indien iemand skade gely het as gevolg van die uitoefening van 'n bevoegdheid ingevolge subartikel (1) verleen, is die Staat aanspreeklik om skadevergoeding te betaal of om die skade te herstel.

(3) 'n Geding uit hoofde van die bepalings van subartikel (2) moet ingestel word binne ses maande nadat die betrokke skade veroorsaak is of binne ses maande nadat die in subartikel (1) beoogde handelinge voltooi is, watter tydperk ook al die langste is, en kan slegs ingestel word indien die eiser die Minister minstens een maand kennis daaryn en van die oorsaak van die beweerde skade gegee het.

7. (1) Indien die Minister besluit het om ingevolge die bepalings van artikel 2 goed te onteien of die reg te neem om goed tydelik te gebruik, moet hy, behoudens die bepalings van subartikel (5), 'n gepaste kennisgewing aan die betrokke eienaar laat bestel ooreenkomstig die bepalings van subartikel (3).

Kennisgewing dat goed onteien of tydelik gebruik gaan word.

(2) Die onteieningskennisgewing moet—

- (a) 'n duidelike en volledige beskrywing bevat van die betrokke goed en, in die geval van die neem van die reg om goed tydelik te gebruik, ook van dié reg, asook, in die geval waar slegs 'n gedeelte van 'n stuk grond of 'n saaklike reg in of oor slegs so 'n gedeelte onteien word, of die reg geneem word om slegs so 'n gedeelte te gebruik, 'n sketsplan wat die benaderde ligging van dié gedeelte aandui, en die benaderde grootte van dié deel vermeld: Met dien verstande dat wanneer slegs 'n gedeelte van 'n stuk grond of 'n saaklike reg in of oor slegs so 'n gedeelte onteien word, of die reg geneem word om slegs so 'n gedeelte te gebruik, die eienaar die Minister binne dertig dae vanaf die kennisgewingsdatum per aangetekende pos kan versoek om ooreenkomstig subartikel (3) verdere besonderhede van 'n bedoelde gedeelte te verstrek ten einde die eienaar in

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extent of the said portion, and upon the furnishing of such particulars the date of the notice in which such particulars were furnished, shall, for the purposes of this Act, be deemed to be the date of the notice of expropriation;

- (b) state the date of expropriation or, as the case may be, the date as from which the property will be used, as well as the period during which it will be used: Provided that such date shall not be later than one hundred and eighty days after the date of notice: Provided further that the date as from which the property may be used, shall not be earlier than sixty days as from the date of notice unless the Minister is of the opinion that such property is urgently required for any purpose for which it will be used by the State;
- (c) either state the amount which is offered as compensation for the property or for the use thereof, or request the owner to advise the Minister in writing within sixty days from the date of notice of the amount claimed by him as such compensation and how much of the last-mentioned amount represents each of the respective amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) with full particulars as to how such amounts are made up: Provided that if the owner requests the Minister in writing within thirty days from the date of notice to extend the said period, the Minister shall extend such period by a further sixty days;
- (d) if an amount is therein offered as compensation, draw the attention of the owner to the fact that if any person has a right contemplated in section 9 (1) (d) (i), (iii) or (iv) in respect of the property of which the Minister had no knowledge on the date of notice, the Minister may withdraw that offer.

(3) Subject to the provisions of subsection (5), the Minister shall cause the notice of expropriation to be served by causing the original or a true copy thereof to be delivered or tendered or sent by registered post to the owner in question.

(4) If the property to be expropriated is land, the Minister shall, subject to the provisions of subsection (5), cause a copy of the notice contemplated in subsection (2), or a notice to the effect that the land is being expropriated, giving the particulars of the expropriation, to be served, in the manner prescribed in subsection (3), upon every person who, according to the title deed of the land or the registers of the Registrar of Mining Titles or of any other Government office in which rights granted in terms of any law relating to prospecting or mining are recorded, has any interest in that land, and, if the land is situated within the area of a local authority, upon such local authority, and, if the land, to the knowledge of the Minister, is the subject of an agreement contemplated in section 9 (1) (d) (ii), upon the buyer.

(5) If the whereabouts of the owner or of every owner of the property in question or of any person or every person having an interest therein, as is contemplated in subsection (4), is not readily ascertainable by the Minister, or, if by reason of the number of such owners or persons having such an interest or for any other reason, he is satisfied that service of a notice in accordance with subsection (3) is not practicable, or if the property is subject to a *fideicommissum* and it is not known to the Minister who all the fideicommissaries are or will be, he shall, instead of or in addition to causing a notice or notices to be published in accordance with subsection (3), cause to be published once in the *Gazette* and once a week during two consecutive weeks in an

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staat te stel om die ligging of grootte van daardie gedeelte te bepaal, en by verstrekking van sodanige besonderhede word die datum van die kennisgewing waarin daardie besonderhede verstrekk is, by die toepassing van hierdie Wet geag die datum van die onteieningskennisgewing te wees;

- (b) die datum van onteiening vermeld of, na gelang van die geval, die datum vanaf wanneer die goed gebruik sal word, sowel as die tydperk waarin dit gebruik sal word: Met dien verstande dat daardie datum nie later mag wees nie as honderd en tagtig dae na die kennisgewingsdatum: Met dien verstande voorts dat die datum van wanneer af die goed gebruik mag word, nie vroeër mag wees nie as sestig dae vanaf die kennisgewingsdatum tensy die Minister van oordeel is dat die goed dringend nodig is vir 'n doel waarvoor dit deur die Staat gebruik gaan word;
- (c) of die bedrag vermeld wat as vergoeding vir die goed of die gebruik daarvan aangebied word of die eienaar versoek om die Minister binne sestig dae vanaf die kennisgewingsdatum skriftelik in kennis te stel wat die bedrag is wat hy as sodanige vergoeding eis en hoeveel van laasgenoemde bedrag elk van die onderskeie bedrae beoog in artikel 12 (1) (a) (i) en (ii) of (b) verteenwoordig met volledige besonderhede betreffende die samestelling van daardie bedrae: Met dien verstande dat indien die eienaar die Minister binne dertig dae vanaf die kennisgewingsdatum skriftelik versoek om bedoelde tydperk te verleng, die Minister daardie tydperk vir 'n verdere sestig dae verleng;
- (d) indien 'n bedrag as vergoeding daarin aangebied word, die eienaar se aandag daarop vestig dat indien iemand 'n reg bedoel in artikel 9 (1) (d) (i), (iii) of (iv) ten opsigte van die goed het waarvan die Minister op die kennisgewingsdatum nie geweet het nie, die Minister bedoelde aanbod kan terugtrek.

(3) Behoudens die bepalings van subartikel (5) moet die Minister die onteieningskennisgewing laat bestel deur die oorspronklike of 'n juiste afskrif daarvan aan die betrokke eienaar te laat oorhandig of aanbied of per aangetekende pos te laat stuur.

(4) Indien die goed wat onteien of gebruik gaan word, grond is, moet die Minister, behoudens die bepalings van subartikel (5), 'n afskrif van die kennisgewing bedoel in subartikel (2) of 'n kennisgewing dat die grond onteien word, met vermelding van die besonderhede van die onteiening, op die wyse in subartikel (3) bepaal, laat bestel aan iedereen wat, volgens die titelbewys van die grond of die registers van die Registrateur van Mynbriewe of van enige ander Staatskantoor waar regte aangeteken word wat toegestaan is ingevolge 'n wet op prospekter- of mynbouwerkzaamhede, 'n belang in daardie grond het, en, indien die grond binne die gebied van 'n plaaslike bestuur geleë is, aan dié plaaslike bestuur en, indien die grond, na die wete van die Minister, die onderwerp is van 'n ooreenkoms bedoel in artikel 9 (1) (d) (ii), aan die koper.

(5) Indien die Minister nie die verblyfplek van die eienaar of van iedere eienaar van die betrokke goed of van iemand of iedereen wat 'n belang daarin het, soos in subartikel (4) beoog, gereedlik kan vasstel nie, of indien hy, vanweë die aantal sodanige eienaars of belanghebbendes of om 'n ander rede oortuig is dat die bestelling van 'n kennisgewing volgens voorskrif van subartikel (3) nie doenlik is nie, of indien die goed aan 'n fideikommis onderworpe is en die Minister nie weet wie almal fideikommisêre erfgename is of gaan wees nie, moet hy in plaas van of benewens 'n kennisgewing of kennisgewings volgens voorskrif van subartikel (3) te laat bestel, een maal in die *Staatskoerant*

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Afrikaans and in an English newspaper circulating in the area in which the property in question is situated, an appropriate notice complying with the provisions of subsection (2).

Passing of ownership in expropriated property and exercise of right to use property.

8. (1) The ownership of property expropriated in terms of the provisions of this Act shall, subject to the provisions of section 3 (3), and on the date of expropriation, vest in the State, released from all mortgage bonds (if any) but if such property is land, it shall remain subject to all registered rights (except mortgage bonds) in favour of third parties with which it is burdened, unless or until such rights have been expropriated from the owner thereof in accordance with the provisions of this Act.

(2) If the Minister has in terms of section 2 taken the right to use any property for any purpose, the State may, as from the date of expropriation, exercise that right.

(3) Notwithstanding the fact that in terms of subsection (1) the ownership in expropriated immovable property vests in the State on the date of expropriation, the State may not take possession of the property in question until the expiry, from the said date, of a period of sixty days or such longer period as is agreed upon between the owner concerned and the Minister: Provided that if, in the opinion of the Minister, such property is urgently required for the purposes for which it was expropriated, he may cause such property to be taken into possession at any time prior to the expiration of the applicable period and on a date mentioned for the purpose in the notice of expropriation or in an appropriate notice to be served or published in accordance with section 7 (3) or (5).

(4) The owner of expropriated immovable property shall from the date of expropriation to the date upon which the State takes possession of the property, take care of and maintain the property, and if the owner wilfully or negligently fails to do so and as a result thereof the property depreciates in value, the Minister may recover the amount of the depreciation from the owner: Provided that the Minister shall compensate the owner for costs which, in the opinion of the Minister, were necessarily incurred after the date of expropriation in respect of such maintenance or care.

(5) If the owner desires to place the State in possession of the property expropriated prior to the expiry of the appropriate period contemplated in subsection (3), he shall give the Minister not less than twenty-one days' notice in writing of the date on which he desires to do so, and the Minister shall thereupon be deemed to have caused the property to be taken possession of on that date.

(6) The owner shall be entitled to the use of and the income from the property expropriated from the date of expropriation to the date upon which the State may or is required to take possession of the property, and shall, during that period, remain responsible for the payment of taxes and other charges in respect of the property expropriated as if the property had not been expropriated.

(7) The provisions of subsections (3) to (6) shall also apply in respect of the expropriation of property in terms of section 3 on behalf of a juristic person or body, and in such application a reference in the said subsections to the State and the Minister (except a reference to the Minister in the proviso to the said subsection (3)), shall be construed as a reference to the juristic person or body concerned.

Duties of owner of property expropriated or which is to be used by State.

9. (1) An owner whose property has been expropriated in terms of this Act, shall, within sixty days from the date of notice in question, deliver or cause to be delivered to the Minister a written statement indicating—

(a) if any compensation was in the notice of expropriation offered for such property, whether or not he accepts that compensation and, if he does not accept it, the amount claimed by him as compensation and how much of that amount represents each of the respective

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en een maal per week vir twee agtereenvolgende weke in 'n Afrikaanse en in 'n Engelse nuusblad wat in-omloop is in die gebied waarin die betrokke grond geleë is, 'n gepaste kennisgewing wat aan die vereistes van subartikel (2) voldoen, laat publiseer.

8. (1) Die eiendomsreg op goed wat ingevolge die bepalings van hierdie Wet onteien is, gaan, behoudens die bepalings van artikel 3 (3), op die onteieningsdatum op die Staat oor, bevry van alle verbande (as daar is), maar indien daardie goed grond is, bly dit onderworpe aan alle geregistreerde regte (uitgesonderd verbande) ten gunste van derdes waarmee dit beswaar is, tensy of totdat die regte ooreenkomstig die bepalings van hierdie Wet van die eienaar daarvan onteien is.

Oorgang van eiendomsreg op onteiene goed en uitoefening van reg om goed te gebruik.

(2) Indien die Minister ingevolge artikel 2 die reg geneem het om goed vir die een of ander doel te gebruik, kan die Staat vanaf die onteieningsdatum daardie reg uitoefen.

(3) Ondanks die feit dat die eiendomsreg op onteiene onroerende goed ingevolge subartikel (1) op die onteieningsdatum op die Staat oorgaan, kan die Staat die betrokke goed nie in besit neem nie voor die verstryking, vanaf daardie datum, van 'n tydperk van sestig dae of die langer tydperk waaromtrent die Minister en die betrokke eienaar ooreenkom: Met dien verstande dat indien volgens die oordeel van die Minister die goed dringend nodig is vir die doeleindes waarvoor dit onteien is, hy die goed in besit kan laat neem te eniger tyd voor die verstryking van die tydperk wat van toepassing is, en wel op 'n datum wat vir dié doel vermeld word in die onteieningskennisgewing of in 'n toepaslike kennisgewing wat volgens voorskrif van artikel 7 (3) of (5) bestel of gepubliseer moet word.

(4) Die eienaar van onteiene onroerende goed moet vanaf die onteieningsdatum tot op die datum waarop die Staat die goed in besit neem, die goed versorg en in stand hou, en indien die eienaar opsetlik of nalatiglik versuim om dit te doen en die goed as gevolg van die versuim verminder in waarde, kan die Minister die bedrag van die waardevermindering op die eienaar verhaal: Met dien verstande dat die Minister die eienaar moet vergoed vir koste wat, volgens die oordeel van die Minister, noodsaaklikerwys na die onteieningsdatum aangegaan is ten opsigte van sodanige instandhouding of versorging.

(5) Indien die eienaar die Staat in besit wil stel van die onteiene goed voor die verstryking van die toepaslike tydperk bedoel in subartikel (3), moet hy die Minister minstens een-en-twintig dae skriftelik kennis gee van die datum waarop hy dit wil doen en die Minister word daarop geag die goed op daardie datum in besit te laat neem het.

(6) Die eienaar is geregtig op die gebruik van en die inkomste uit die onteiene goed vanaf die onteieningsdatum tot op die datum waarop die Staat die goed in besit kan of moet neem, en bly gedurende bedoelde tydperk verantwoordelik vir die betaling van belastinge en ander koste ten opsigte van die onteiene goed, asof die goed nie onteien was nie.

(7) Die bepalings van subartikels (3) tot (6) is ook van toepassing ten opsigte van die onteiening van goed ingevolge artikel 3 ten bate van 'n regspersoon of liggaam, en by sodanige toepassing word 'n verwysing in genoemde subartikels na die Staat en die Minister (uitgesonderd 'n verwysing na die Minister in die voorbehoudsbepaling by genoemde subartikel (3)) as 'n verwysing na die betrokke regspersoon of liggaam uitgelê.

9. (1) 'n Eienaar wie se goed ingevolge hierdie Wet onteien is, moet binne sestig dae vanaf die betrokke kennisgewingsdatum aan die Minister lewer of laat lewer 'n skriftelike verklaring waarin aangedui word—

Pligte van eienaar van goed wat onteien is of wat deur die Staat gebruik gaan word.

(a) indien in die onteieningskennisgewing vergoeding vir die goed aangebied is, of hy daardie vergoeding aanneem of nie, en, indien hy dit nie aanneem nie, wat die bedrag is wat hy as vergoeding eis en hoeveel van daardie bedrag elk van die onderskeie bedrae beoog in

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- amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) and full particulars as to how such amounts are made up;
- (b) if no such compensation was so offered, the amount claimed as compensation by him and how much of that amount represents each of the respective amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) and full particulars as to how such amounts are made up;
 - (c) if the property expropriated is land and any amount is claimed in terms of paragraph (a) or (b), full particulars of all improvements thereon which, in the opinion of the owner, affect the value of such land;
 - (d) if the property being expropriated is land—
 - (i) which prior to the date of notice was leased for business or agricultural purposes by unregistered lease, the name and address of the lessee, and accompanied by the lease or a certified copy thereof, if it is in writing, or full particulars of the lease, if it is not in writing;
 - (ii) which, prior to the date of notice, was sold by the owner, the name and address of the buyer, and accompanied by the contract of purchase and sale or a certified copy thereof;
 - (iii) on which a building has been erected which is subject to a builder's lien by virtue of a written building-contract, the name and address of the builder, and accompanied by the building contract or a certified copy thereof;
 - (iv) which was on the date of notice farmed by a share-cropper, the name and address of such share-cropper and accompanied by the share cropper contract or a certified copy thereof, if it is in writing, or full particulars of the contract if it is not in writing;
 - (e) the address to which the owner desires that further documents in connection with the expropriation be posted to him:

Provided that the Minister may at his discretion extend the said period of sixty days, and that, if the owner requests the Minister in writing within thirty days as from the date of notice to extend the said period of sixty days, the Minister shall extend such period by a further sixty days.

(2) The Minister may, after receipt of a written statement contemplated in subsection (1), request the owner concerned to deliver or cause to be delivered to the Minister within such period not being less than one month as may be determined by the Minister, such further specified particulars in respect of any matter contemplated in the said subsection as he may consider necessary for the determination of the amount of the compensation.

(3) If the property expropriated is immovable property, the Minister may in the manner contemplated in section 7 (3) or (5)—

- (a) request the owner to deliver or cause to be delivered to the Minister within sixty days his title deed thereto or, if it is not in his possession or under his control, written particulars of the name and address of the person in whose possession or under whose control it is;
- (b) request any person in respect of whom particulars have been furnished in terms of paragraph (a), to deliver or cause to be delivered to the Minister within sixty days the title deed in question.

(4) The provisions of subsection (1) (a), (b) and (c) shall *mutatis mutandis* apply in respect of the taking, in terms of section 2, of a right to use any property for public purposes.

(5) Any person who wilfully furnishes false or misleading particulars in any written instrument which he by virtue of the

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- artikel 12 (1) (a) (i) en (ii) of (b) verteenwoordig en volledige besonderhede betreffende die samestelling van daardie bedrae;
- (b) indien geen sodanige vergoeding aldus aangebied is nie, wat die bedrag is wat hy as vergoeding eis en hoeveel van daardie bedrag elk van die onderskeie bedrae beoog in artikel 12 (1) (a) (i) en (ii) of (b) verteenwoordig en volledige besonderhede betreffende die samestelling van daardie bedrae;
- (c) indien die goed wat onteien word, grond is, en 'n bedrag ingevolge paragraaf (a) of (b) geëis word, volledige besonderhede van alle verbeterings daarop wat, na die oordeel van die eienaar, die waarde van dié grond raak;
- (d) indien die goed wat onteien word, grond is—
- (i) wat voor die kennisgewingsdatum vir sake- of landboudoeleindes verhuur is by wyse van 'n ongeregistreerde huurkontrak, die naam en adres van die huurder, vergesel van die huurkontrak of 'n gewaarmerkte afskrif daarvan, indien die kontrak op skrif is, of volledige besonderhede van die kontrak, indien dit nie op skrif is nie;
 - (ii) wat voor die kennisgewingsdatum deur die eienaar verkoop is, die naam en adres van die koper, tesame met die koopkontrak of 'n gewaarmerkte afskrif daarvan;
 - (iii) waarop 'n gebou opgerig is wat onderworpe is aan 'n retensiereg ten gunste van 'n bouer uit hoofde van 'n skriftelike boukontrak, die naam en adres van die bouaannemer, tesame met die boukontrak of 'n gewaarmerkte afskrif daarvan;
 - (iv) wat op die kennisgewingsdatum deur 'n deelsaaier bewerk is, die naam en adres van dié deelsaaier vergesel van die deelsaaierskontrak of 'n gewaarmerkte afskrif daarvan, indien die kontrak op skrif is, of volledige besonderhede van dié kontrak, indien dit nie op skrif is nie;
- (e) die adres waarheen na die eienaar verlang, verdere stukke in verband met die onteiening aan hom gepos kan word:

Met dien verstande dat die Minister na goeddunke genoemde tydperk van sestig dae kan verleng, en dat, indien die eienaar die Minister binne dertig dae vanaf die kennisgewingsdatum skriftelik versoek om genoemde tydperk van sestig dae te verleng, die Minister daardie tydperk met 'n verdere sestig dae moet verleng.

(2) Die Minister kan na ontvangs van 'n skriftelike verklaring bedoel in subartikel (1) die betrokke eienaar versoek om binne die tydperk deur die Minister bepaal maar van minstens 'n maand, die verdere vermelde besonderhede ten opsigte van die een of ander aangeleentheid bedoel in genoemde subartikel skriftelik aan die Minister te lewer of te laat lewer wat hy vir die vasstelling van die bedrag van die vergoeding nodig ag.

(3) Indien die goed wat onteien word, onroerende goed is, kan die Minister op die wyse in artikel 7 (3) of (5) beoog—

- (a) die eienaar versoek om binne sestig dae sy titelbewys daarvan aan die Minister te lewer of te laat lewer of, indien dit nie in sy besit of onder sy beheer is nie, skriftelike besonderhede van die naam en adres van die persoon in wie se besit of onder wie se beheer dit is, aan die Minister te lewer of te laat lewer;
- (b) iemand ten opsigte van wie besonderhede ingevolge paragraaf (a) verstrek is, versoek om binne sestig dae die betrokke titelbewys aan die Minister te lewer of te laat lewer.

(4) Die bepalinge van subartikel (1) (a), (b) en (c) is *mutatis mutandis* van toepassing ten opsigte van die neem, ingevolge artikel 2, van 'n reg om goed vir openbare doeleindes te gebruik.

(5) Iemand wat opsetlik valse of misleidende besonderhede verstrek in 'n skriftelike stuk wat hy uit hoofde van die bepalinge

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provisions of subsection (1), (2) or (3) (a) delivers or causes to be delivered to the Minister, shall be guilty of an offence and liable on conviction to be punished as if he had been convicted of fraud.

(6) Any person who refuses or fails to comply with a request by the Minister in terms of subsection (3) (b), shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Consequences of failure by owner to inform Minister concerning compensation offered or desired, further offer by Minister, and failure to institute action.

10. (1) If compensation has in an expropriation notice been offered for the property in question and the owner concerned fails to indicate in terms of section 9 (1) (a) whether or not he accepts such compensation or has indicated that he does not accept such compensation but fails to furnish any relevant information in terms of section 9 (1) (a), (c) or (d) or (2), the Minister may apply to an appropriate court contemplated in section 14 (1) for the determination by such court of the amount of the compensation, and in such case no interest up to the date of such determination, and no costs, shall be payable by the State unless the owner satisfies that court, notwithstanding such failure, that special reasons exist why the State shall pay such interest or costs or a portion thereof: Provided that, if such property is land, the Minister shall cause a copy of such application or particulars thereof, to be served upon the owner and upon every holder of a mortgage bond over such land and, if such land, to the knowledge of the Minister, is the subject of an agreement contemplated in section 9 (1) (d) (ii), upon the buyer, in the manner, *mutatis mutandis*, contemplated in section 7 (3) or (5).

(2) If no compensation was in the expropriation notice offered for the property in question and the owner concerned fails to furnish any relevant information in terms of section 9 (1) (b), (c) or (d) or (2), the Minister shall offer him an amount as compensation for such property, and in the manner, *mutatis mutandis*, contemplated in section 7 (3) or (5), and the provisions of section 7 (4) shall *mutatis mutandis* apply in connection with any such offer.

(3) If the owner does not within thirty days after an offer in terms of subsection (2) or (4) notify the Minister that he does not accept that offer, the provisions of subsection (1) shall *mutatis mutandis* apply.

(4) If an owner has in terms of section 9 (1) (a) or (b) indicated what amount is claimed by him as compensation and has complied with the relevant provisions of section 9 (1) (a), (b), (c) and (d) and (2), and the Minister is not prepared to pay that amount as compensation, the Minister shall offer him an amount as compensation and indicate how much of that amount represents each of the respective amounts contemplated in section 12 (1) (a) (i) and (ii) or (b) and furnish full particulars as to how such amounts are made up.

(5) If an amount has been offered as compensation, the owner concerned shall be deemed to have accepted the compensation offered, if—

(a) an application for the determination thereof is not made by that owner to an appropriate court contemplated in section 14 (1) within eight months (or such longer period as the Minister may allow) from the date of the offer of compensation concerned; and

(b) the Minister has, not later than thirty days prior to the expiry of such period, by written notice served as contemplated in section 7 (3), directed the attention of the said owner to the preceding provisions of this subsection,

unless it has been earlier agreed to submit the dispute to arbitration.

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van subartikel (1), (2) of (3) (a) aan die Minister lewer of laat lewer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar asof hy aan bedrog skuldig bevind was.

(6) Iemand wat weier of versuim om te voldoen aan 'n versoek van die Minister ingevolge subartikel (3) (b), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

10. (1) Indien vergoeding vir die betrokke goed in 'n ont-eieningskennissgewing aangebied is en die betrokke eienaar versuim om ingevolge artikel 9 (1) (a) aan te dui of hy daardie vergoeding aanneem of nie, of aangedui het dat hy nie daardie vergoeding aanneem nie maar versuim om tersaaklike inligting ingevolge artikel 9 (1) (a), (c) of (d) of (2) te verstrek, kan die Minister by 'n gepaste hof beoog in artikel 14 (1) aan-soek doen dat die bedrag van die vergoeding deur dié hof vasgestel word, en in so 'n geval is geen rente tot op die datum van sodanige vasstelling, en geen koste, deur die Staat betaalbaar nie tensy die eienaar daardie hof oortuig dat, ondanks sodanige versuim, daar spesiale redes is waarom die Staat sodanige rente of koste of 'n gedeelte daarvan moet betaal: Met dien verstande dat, indien daardie goed grond is, die Minister 'n afskrif of be-sonderhede van so 'n aansoek laat bestel aan die eienaar en aan elke houër van 'n verband oor daardie grond en, waar daardie grond na die wete van die Minister die onderwerp is van 'n ooreenkoms bedoel in artikel 9 (1) (d) (ii), aan die koper en wel op die wyse, *mutatis mutandis*, beoog in artikel 7 (3) of (5).

Gevolge van versuim van eienaar om Minister aangaande aangebode of verlangde vergoeding in te lig, verdere aanbod deur Minister, en versuim om aksie in te stel.

(2) Indien geen vergoeding vir die betrokke goed in die ont-eieningskennissgewing aangebied is nie en die betrokke eienaar versuim om tersaaklike inligting ingevolge artikel 9 (1) (b), (c) of (d) of (2) te verstrek, moet die Minister hom 'n bedrag as vergoeding vir daardie goed aanbied, en wel op die wyse, *mutatis mutandis*, beoog in artikel 7 (3) of (5), en is die bepalings van artikel 7 (4) *mutatis mutandis* in verband met so 'n aanbod van toepassing.

(3) Indien die eienaar nie binne dertig dae na 'n aanbod inge-volge subartikel (2) of (4) die Minister in kennis stel dat hy daardie aanbod nie aanneem nie, is die bepalings van subartikel (1) *mutatis mutandis* van toepassing.

(4) Indien 'n eienaar ingevolge artikel 9 (1) (a) of (b) aangedui het wat die bedrag is wat hy as vergoeding eis en die tersaaklike bepalings van artikel 9 (1) (a), (b), (c) en (d) en (2) nagekom het en die Minister nie bereid is om daardie bedrag as vergoeding te betaal nie, moet die Minister hom 'n bedrag as vergoeding aanbied en aandui hoeveel van daardie bedrag elk van die onderskeie bedrae beoog in artikel 12 (1) (a) (i) en (ii) of (b) verteenwoordig en volledige besonderhede verstrek betreffende die samestelling van daardie bedrae.

(5) Indien 'n bedrag as vergoeding aangebied is, word die betrokke eienaar geag die aangebode vergoeding te aanvaar het, indien—

- (a) 'n aansoek om die vasstelling daarvan nie binne agt maande (of die langer tydperk wat die Minister bepaal) vanaf die datum van die betrokke vergoedingsaanbod deur daardie eienaar by 'n in artikel 14 (1) beoogde gepaste hof ingedien word nie; en
- (b) die Minister nie later nie as dertig dae voor verstryking van sodanige tydperk, by skriftelike kennisgewing bestel soos in artikel 7 (3) beoog, die aandag van ge-noemde eienaar op die voorafgaande bepalings van hierdie subartikel gevestig het,

tensy eerder ooreengekom is om die geskil na arbitrasie te ver-wys.

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Payment of
amount offered as
compensation.

11. (1) If the Minister deems it expedient, he may, prior to the determination of the amount of compensation payable in terms of this Act for property or for the use of property and on or at any time after the date of expropriation, but subject to the provisions of subsection (3), pay the amount offered the owner concerned as such compensation, or a portion of such amount, to the owner concerned or the person contemplated in section 19, or deposit it with the Master or utilize it in settlement of the tax or other moneys contemplated in section 20 under the same circumstances under which he should or could have so paid, deposited or utilized such compensation had it been determined on that date.

(2) Any moneys received by the Master in terms of subsection (1) shall be paid into the Guardian's Fund mentioned in section 21 (2) (b), and bear interest at the rate referred to in the said section 21 (2) (b) until the compensation payable, in terms of this Act for the property in question or the use thereof has been determined, whereupon such moneys shall for the purposes of section 21, but subject to the provisions of subsection (3) of this section, be deemed to have been received by the Master in terms of subsection (1) of that section.

(3) The payment, deposit or utilization of any amount under subsection (1) shall not preclude the determination by agreement or by a court contemplated in section 14 (1), of a different amount as compensation, but if the amount so determined as compensation is less than the amount paid, deposited or utilized, the owner to whom or on whose behalf the last-mentioned amount was paid, or the Master with whom it was deposited, or the local authority concerned, as the case may be, shall refund the difference to the State together with, in the case of such owner or local authority, interest at the rate contemplated in section 12 (3) from the date on which the amount was so paid or utilized, and, in the case of the Master, the interest accrued thereon in terms of subsection (2).

Basis on which
compensation is
to be determined.

12. (1) The amount of compensation to be paid in terms of this Act to an owner in respect of property expropriated in terms of this Act, or in respect of the taking, in terms of this Act, of a right to use property, shall not, subject to the provisions of subsection (2), exceed—

(a) in the case of any property other than a right, the aggregate of—

- (i) the amount which the property would have realized if sold on the date of notice in the open market by a willing seller to a willing buyer; and
- (ii) an amount to make good any actual financial loss caused by the expropriation; and

(b) in the case of a right, an amount to make good any actual financial loss or inconvenience caused by the expropriation or the taking of the right.

(2) Notwithstanding anything to the contrary contained in this Act there shall be added to the amount payable in accordance with subsection (1) (a) (i), in the case of immovable property, an amount equal to ten per cent thereof, but not exceeding ten thousand rand.

(3) Interest at the rate applicable on the date of expropriation in respect of State loans and advances by virtue of a notice under section 1 of the Financial Adjustments Act, 1917 (Act No. 42 of 1917), shall, subject to the provisions of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding portion of the amount of compensation payable in accordance with subsection (1) (a) (i): Provided that—

(a) in a case contemplated in section 21 (4), in respect of the period calculated from the termination of thirty days from the date on which—

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11. (1) Indien die Minister dit dienstig ag, kan hy, voor die vasstelling van die bedrag van die vergoeding wat ingevolge hierdie Wet betaalbaar is vir goed of vir die gebruik van goed, maar behoudens die bepalinge van subartikel (3), die bedrag wat as sodanige vergoeding aan die betrokke eienaar aangebied is, of 'n gedeelte van dié bedrag, op of te eniger tyd na die onteieningsdatum, betaal aan die betrokke eienaar of die persoon bedoel in artikel 19, of by die Meester stort of aanwend ter vereffening van die belasting- of ander gelde bedoel in artikel 20, onder dieselfde omstandighede waarin hy daardie vergoeding, indien dit op daardie datum vasgestel was, aldus sou moet of kon betaal, gestort of aangewend het.

Betaling van bedrag wat as vergoeding aangebied is.

(2) Geld wat ingevolge subartikel (1) deur die Meester ontvang word, word gestort in die Voogdyfonds vermeld in artikel 21 (2) (b), en dra rente teen die koers bedoel in genoemde artikel 21 (2) (b) totdat die vergoeding wat ingevolge hierdie Wet vir die betrokke goed of die gebruik daarvan betaalbaar is, vasgestel is, waarna daardie geld by die toepassing van artikel 21, maar behoudens die bepalinge van subartikel (3) van hierdie artikel, geag word ingevolge subartikel (1) van daardie artikel deur die Meester ontvang te wees.

(3) Die betaling, storting of aanwending van 'n bedrag kragtens subartikel (1) belet nie dat 'n ander bedrag as vergoeding by ooreenkoms of deur 'n hof in artikel 14 (1) beoog, vasgestel word nie, maar indien die bedrag wat aldus as vergoeding vasgestel word, minder is as die betaalde, gestorte of aangewende bedrag, moet die eienaar aan of ten behoeve van wie laasgenoemde bedrag betaal is, of die Meester by wie dié bedrag gestort is, of die betrokke plaaslike bestuur, na gelang van die geval, die verskil aan die Staat terugbetaal tesame met, in die geval van daardie eienaar of plaaslike bestuur, rente teen die koers bedoel in artikel 12 (3), vanaf die datum waarop die bedrag aldus betaal of aangewend is, en, in die geval van die Meester, die rente daarop opgehoop ingevolge subartikel (2).

12. (1) Die bedrag van die vergoeding wat ingevolge hierdie Wet aan 'n eienaar betaal moet word ten opsigte van goed wat ingevolge hierdie Wet onteien is, of ten opsigte van die neem, ingevolge hierdie Wet, van 'n reg om goed te gebruik, mag, behoudens die bepalinge van subartikel (2), nie meer beloop nie as—

Grondslag waarop vergoeding bereken moet word.

- (a) in die geval van ander goed as 'n reg, die som van—
 - (i) die bedrag wat vir die goed verkry sou geword het indien dit op die kennisgewingsdatum op die ope mark deur 'n gewillige verkoper aan 'n gewillige koper verkoop was; en
 - (ii) 'n bedrag om werklike geldelike verlies wat deur die onteiening veroorsaak word, te vergoed; en
- (b) in die geval van 'n reg, 'n bedrag om werklike geldelike verlies of ongerief wat deur die onteiening of die neem van die reg veroorsaak word, te vergoed.

(2) Ondanks andersluidende bepalinge van hierdie Wet word daar, in die geval van onroerende goed, by die bedrag betaalbaar ooreenkomstig subartikel (1) (a) (i), 'n bedrag gevoeg gelyk aan tien persent daarvan, maar hoogstens tienduizend rand.

(3) Rente teen die koers wat op die onteieningsdatum ten opsigte van Staatslenings en -voorskotte geld uit hoofde van 'n kennisgewing kragtens artikel 1 van die „Finansiële Regelings Wet, 1917” (Wet No. 42 van 1917), moet, behoudens die bepalinge van subartikel (4), betaal word op enige uitstaande gedeelte van die bedrag van die vergoeding wat ooreenkomstig subartikel (1) (a) (i) betaalbaar is, en wel met ingang van die datum waarop die Staat ingevolge artikel 8 (3) of (5) besit neem van die betrokke goed: Met dien verstande dat—

- (a) in 'n geval beoog in artikel 21 (4), ten opsigte van die tydperk bereken vanaf die beëindiging van dertig dae na die datum waarop—

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- (i) the property was so taken possession of, if prior to that date compensation for the property was offered or agreed upon; or
 - (ii) such compensation was offered or agreed upon, if after that date it was offered or agreed upon, to the date on which the dispute was settled or the doubt was resolved or the owner and the buyer or the mortgagee notified the Minister in terms of the said section 21 (4) as to the payment of the compensation money; and
 - (b) from the date on which the Minister in terms of section 11 (1) pays or makes available an amount to the owner or any person referred to in section 21 (4), the amount which is so payable shall for the purposes of the payment of interest not be deemed to be an outstanding amount.
- (4) If the owner of property which has been expropriated occupies or utilizes that property or any portion thereof, no interest shall, in respect of the period during which he so occupies or utilizes it, be paid in terms of subsection (3) on so much of the outstanding amount as, in the opinion of the Minister, relates to the property so occupied or utilized.
- (5) In determining the amount of compensation to be paid in terms of this Act, the following rules shall apply, namely—
- (a) no allowance shall be made for the fact that the property or the right to use property has been taken without the consent of the owner in question;
 - (b) the special suitability or usefulness of the property in question for the purpose for which it is required by the State, shall not be taken into account if it is unlikely that the property would have been purchased for that purpose on the open market or that the right to use the property for that purpose would have been so purchased;
 - (c) if the value of the property has been enhanced in consequence of the use thereof in a manner which is unlawful or detrimental to the health of any person, such enhancement shall not be taken into account;
 - (d) improvements made after the date of notice on or to the property in question (except where they were necessary for the proper maintenance of existing improvements or where they were undertaken in pursuance of obligations entered into before that date) shall not be taken into account;
 - (e) no allowance shall be made for any unregistered right in respect of any other property or for any indirect damage or anything done with the object of obtaining compensation therefor;
 - (f) any enhancement or depreciation, before or after the date of notice, in the value of the property in question, which may be due to the purpose for which or in connection with which the property is being expropriated or is to be used, or which is a consequence of any work or act which the State may carry out or perform or already has carried out or performed or intends to carry out or perform in connection with such purpose, shall not be taken into account;
 - (g) whenever in the opinion of the Minister the amount of compensation may be affected by minerals, the value of the property concerned shall be determined after consultation by the Minister with the Minister of Mines;
 - (h) account shall also be taken of—
 - (i) any benefit which will enure to the person to be compensated from any works which the State has built or constructed or has undertaken to build or

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- (i) die goed aldus in besit geneem is, indien voor daardie datum vergoeding vir die goed aangebied is of daaromtrent ooreengekom is; of
- (ii) sodanige vergoeding aangebied of daaromtrent ooreengekom is, indien dit na daardie datum aangebied of na daardie datum daaromtrent ooreengekom is,

tot op die datum waarop die geskil besleg is of die twyfel verdwyn het of die eienaar en die koper of die houer van die verband die Minister ingevolge genoemde artikel 21 (4) aangaande die uitbetaling van die vergoedingsgeld in kennis gestel het; en

- (b) vanaf die datum waarop die Minister ingevolge artikel 11 (1) 'n bedrag aan die eienaar of iemand bedoel in artikel 21 (4) betaal of beskikbaar gestel het,

die bedrag wat aldus betaalbaar is vir die doeleindes van die betaling van rente nie geag word 'n uitstaande bedrag te wees nie.

(4) Indien die eienaar van goed wat onteien is, daardie goed of 'n gedeelte daarvan okkupeer of benut, word ten opsigte van die tydperk waarop hy dit aldus okkupeer of benut, geen rente ingevolge subartikel (3) betaal nie op soveel van die uitstaande bedrag as wat, volgens die oordeel van die Minister, betrekking het op die goed wat aldus geokkupeer of benut word.

(5) By die vasstelling van die bedrag van vergoeding wat ingevolge hierdie Wet betaal moet word, geld die volgende reëls, naamlik—

- (a) die feit dat die goed of die reg op die gebruik van goed sonder die toestemming van die betrokke eienaar geneem is, word buite rekening gelaat;
- (b) die besondere geskiktheid of bruikbaarheid van die betrokke goed vir die doel waarvoor dit deur die Staat nodig is, word nie in aanmerking geneem nie, indien dit onwaarskynlik is dat die goed vir daardie doel, of die reg om die goed vir daardie doel te gebruik, op die ope mark aldus gekoop sou geword het;
- (c) indien die waarde van die goed verhoog is ten gevolge van die gebruik daarvan op 'n wyse wat onwettig is of skadelik is vir die gesondheid van iemand, word geen rekening met bedoelde verhoging gehou nie;
- (d) verbeterings wat na die kennisgewingsdatum op of aan die betrokke goed aangebring is (behalwe waar dit nodig was om bestaande verbeterings behoorlik in stand te hou of waar dit onderneem is ingevolge verpligtings wat vóór genoemde datum aangegaan is), word nie in aanmerking geneem nie;
- (e) 'n ongeregistreerde reg ten opsigte van ander goed of indirekte skade of iets wat gedoen is met die oogmerk om vergoeding daarvoor te verkry, word buite rekening gelaat;
- (f) 'n verhoging of verlaging, vóór of ná die kennisgewingsdatum, in die waarde van die betrokke goed wat toe te skryf is aan die doel waarvoor of in verband waarmee die goed onteien of gebruik gaan word, of wat die gevolg is van werk of 'n handeling wat die Staat in verband met daardie doel uitvoer of verrig of reeds uitgevoer of verrig het of voornemens is om uit te voer of te verrig, word nie in aanmerking geneem nie;
- (g) wanneer volgens die oordeel van die Minister die bedrag van vergoeding geraak mag word deur minerale, word die waarde van die betrokke goed vasgestel na oorlegpleging deur die Minister met die Minister van Mynwese;
- (h) rekening word ook gehou met—
 - (i) voordeel wat die persoon wat vergoed moet word, sal behaal uit werke wat die Staat gebou of aangelê het of volgens onderneming sal bou of

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construct on behalf of such person to compensate him in whole or in part for any financial loss which he will suffer in consequence of the expropriation or, as the case may be, the taking of the right in question;

- (ii) any benefit which will enure to such person in consequence of the expropriation of the property or the use thereof for the purpose for which it was expropriated or, as the case may be, the right in question was taken;
 - (iii) any amount of compensation payable in terms of section 13 (1) in respect of an unregistered right;
 - (iv) any relevant quantity of water to which the person to be compensated is entitled by virtue of the provisions of section 62 (1) or 63 or by virtue of a permit issued to him under section 62 (2), or will become entitled by virtue of a permit which, according to a statement by the Secretary for Water Affairs, will be issued to him, or by virtue of any scheduling which, according to such a statement, will be granted to him under the said section 63, of the Water Act, 1956 (Act No. 54 of 1956), as the case may be;
- (i) in respect of the goodwill of any business or profession conducted or pursued upon the land expropriated by any person on the date of expropriation no more shall, subject to the provisions of subsection (6), be paid than—
- (i) the highest net profit, according to written proof, obtained from such business or profession during any twelve consecutive months of the period of thirty-six months or part thereof immediately preceding the date of expropriation; or
 - (ii) where such business or profession has been conducted or pursued for less than twelve months, an amount equal to the net profit for a period of twelve months computed in relation to the net profit obtained, according to written proof, from such business or profession during the period during which such business or profession was conducted or pursued on such land.

(6) The provisions of subsection (5) (i) of this section shall not derogate from the provisions of section 15 (2) (h) of the Community Development Act, 1966 (Act No. 3 of 1966), and payments in respect of any particular goodwill shall only be made in terms of the said subsection (5) (i) in so far as payments in respect thereof have not been made in terms of the said section 15 (2) (h).

Payment of compensation in respect of certain unregistered rights in respect of property expropriated.

13. (1) In respect of any right which any person may have in respect of any expropriated land by virtue of a contract contemplated in section (9) (1) (d) (i), (iii) or (iv) and which has been terminated in terms of section 22, such person shall, subject to the provisions of subsections (2) and (3) of this section, be entitled to the payment of compensation as if such right were a registered right in respect of the land in question which was also expropriated on the date of expropriation in respect of such land.

(2) The Minister shall, in the manner, *mutatis mutandis*, contemplated in section 7 (3) or (5), offer any person contemplated in subsection (1) of this section an amount as compensation, and such an amount so offered shall for the purposes of this Act be deemed to have been offered in terms of section 7 (2) (c).

(3) If the owner of expropriated land fails to comply with the provisions of section 9 (1) (d) (i), (iii) or (iv), the State shall not be obliged to pay compensation to the lessee, builder or share-

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aanlê ten bate van daardie persoon ten einde hom in die geheel of ten dele te vergoed vir geldelike verlies wat hy as gevolg van die onteiening of, na gelang van die geval, die neem van die betrokke reg sal ly;

(ii) voordeel wat daardie persoon sal behaal as gevolg van die onteiening van die goed of die gebruik daarvan vir die doel waarvoor dit onteien is, of, na gelang van die geval, die betrokke reg geneem is;

(iii) 'n bedrag van vergoeding wat ingevolge artikel 13 (1) ten opsigte van 'n ongeregistreerde reg betaalbaar is;

(iv) 'n ter sake dienende hoeveelheid water waarop die persoon wat vergoed moet word, geregtig is uit hoofde van die bepalings van artikel 62 (1) of 63, of uit hoofde van 'n permit wat aan hom uitgereik is kragtens artikel 62 (2), of geregtig sal word uit hoofde van 'n permit wat, volgens 'n verklaring van die Sekretaris van Waterwese, aan hom uitgereik sal word, of uit hoofde van inlysting wat, volgens so 'n verklaring, aan hom toegestaan sal word kragtens genoemde artikel 63, van die Waterwet, 1956 (Wet No. 54 van 1956), na gelang van die geval;

(i) ten opsigte van die klandisiewaarde van 'n saak of beroep wat op die onteieningsdatum deur iemand gedryf of uitgeoefen word op die grond wat onteien is, word, behoudens die bepalings van subartikel (6), nie meer betaal nie as—

(i) die hoogste netto wins wat, volgens skriftelike bewys, uit daardie saak of beroep verkry is gedurende enige agtereenvolgende twaalf maande van die tydperk van ses-en-dertig maande of 'n deel daarvan, wat die onteieningsdatum onmiddellik voorafgegaan het; of

(ii) indien daardie saak of beroep vir minder as twaalf maande gedryf of uitgeoefen is, 'n bedrag gelyk aan die netto wins vir 'n tydperk van twaalf maande bereken in verhouding tot die netto wins wat, volgens skriftelike bewys, uit daardie saak of beroep verkry is gedurende die tydperk wat die saak of beroep op die grond gedryf of uitgeoefen is.

(6) Die bepalings van subartikel (5) (i) van hierdie artikel doen nie afbreuk nie aan die bepalings van artikel 15 (2) (h) van die Wet op Gemeenskapsontwikkeling, 1966 (Wet No. 3 van 1966), en betalings ten opsigte van bepaalde klandisiewaarde word slegs ingevolge genoemde subartikel (5) (i) gedoen vir sover betalings ten opsigte daarvan nie ingevolge genoemde artikel 15 (2) (h) gedoen is nie.

13. (1) Ten opsigte van 'n reg wat iemand uit hoofde van 'n kontrak bedoel in artikel 9 (1) (d) (i), (iii) of (iv) ten opsigte van onteiene grond besit en wat ingevolge artikel 22 beëindig is, is so iemand, behoudens die bepalings van subartikels (2) en (3) van hierdie artikel, geregtig op die betaling van vergoeding asof daardie reg 'n geregistreerde reg ten opsigte van die betrokke grond was wat ook op die onteieningsdatum ten opsigte van die grond onteien is.

Betaling van vergoeding ten opsigte van sekere ongeregistreerde regte ten opsigte van onteiene goed.

(2) Die Minister moet aan iemand bedoel in subartikel (1) van hierdie artikel 'n bedrag as vergoeding aanbied op die wyse, *mutatis mutandis*, beoog in artikel 7 (3) of (5), en so 'n bedrag aldus aangebied, word by die toepassing van hierdie Wet geag ingevolge artikel 7 (2) (c) aangebied te wees.

(3) Indien 'n eienaar van onteiene grond versuim om die bepalings van artikel 9 (1) (d) (i), (iii) of (iv) na te kom, is die Staat nie verplig om aan 'n betrokke huurder, bouer of deel-

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cropper concerned in respect of the unregistered right in question, but such owner shall be liable to any such lessee, builder or share-cropper for damage sustained by him in consequence of the expropriation of the property in question.

Determination of compensation by compensation court or provincial or local division of Supreme Court or by arbitration, in absence of agreement.

14. (1) Subject to the provisions of subsection (7) of this section and section 10 (1) and (3), the compensation to be paid by the State for any property expropriated by the Minister or for any right to use property taken by the Minister, shall, in the absence of agreement, on the application of any party concerned, be determined—

- (a) if the amount of compensation claimed is less than one hundred thousand rand, by a compensation court;
- (b) if the amount of compensation claimed is one hundred thousand rand or more, by the provincial or local division of the Supreme Court of South Africa, in whose area of jurisdiction the property in question is or is situated.

(2) If there is no claim in terms of which it can be determined which court has jurisdiction under the provisions of subsection (1) (a) or (b), the amount last offered by the Minister, shall, for the purposes of determining such jurisdiction, be deemed to be the amount of the claim: Provided that this subsection shall not be construed as preventing such court from awarding any amount other than the said amount last offered by the Minister, as the amount of compensation.

(3) Any proceedings contemplated in subsection (1) (b) shall be instituted and conducted by way of action.

(4) The law of procedure applicable in civil proceedings in a court in which any proceedings contemplated in subsection (1) (b) are conducted, shall, subject to the provisions of this Act, apply *mutatis mutandis* in respect of any such proceedings, and any order or judgment of the court in such last-mentioned proceedings shall be deemed to be an order or a judgment in civil proceedings.

(5) Notwithstanding anything to the contrary contained in any law a court may, after the close of pleadings in any proceedings contemplated in subsection (1) (b), in its discretion regulate the further procedure in the conducting of such proceedings, and without derogating from the generality of that power—

- (a) call upon the parties to file a written instrument setting forth—
 - (i) the relevant facts not in issue;
 - (ii) the relevant facts in issue;
 - (iii) each party's reasons for disputing a fact in issue;
 - (iv) any other matters which the court considers to be of importance; and
- (b) issue directions in respect of inspections and all other matters connected with the preparation for and hearing of the proceedings.

(6) In any proceedings contemplated in subsection (1) (b), the judge may invoke the assistance of not more than two persons who are skilled and experienced in the matter and are prepared to sit as assessors in an advisory capacity.

(7) The provisions of this section shall not be construed as preventing the Minister and an owner from submitting by agreement any dispute concerning the amount of compensation to be paid in terms of this Act in respect of the expropriation of property or the taking of any right, to arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965), or having by agreement the amount of compensation determined by a compensation court in terms of subsection (1) (a), notwithstanding that the amount of compensation claimed is one hundred thousand rand or more.

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saaier vergoeding ten opsigte van die betrokke ongeregistreerde reg te betaal nie, maar is daardie eienaar teenoor so 'n huurder, bouer of deelsaaier aanspreeklik vir skade wat hy as gevolg van die onteining van die betrokke goed ly.

14. (1) Behoudens die bepalings van subartikel (7) van hierdie artikel en artikel 10 (1) en (3), word die vergoeding wat die Staat moet betaal vir goed wat deur die Minister onteien is of vir 'n reg om goed te gebruik wat deur die Minister geneem is, by ontstentenis van ooreenkoms op aansoek van enige betrokke party vasgestel—

Vasstelling deur vergoedingshof of provinsiale of plaaslike afdeling van Hooggeregshof of by arbitrasie van vergoeding by ontstentenis van ooreenkoms.

- (a) indien die bedrag van die vergoeding wat geëis word minder as honderdduisend rand is, deur 'n vergoedingshof;
- (b) indien die bedrag van die vergoeding wat geëis word honderdduisend rand of meer is, deur die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika in die regsgebied waarvan die betrokke goed is of geleë is.

(2) Indien daar geen eis is waarvolgens bepaal kan word watter hof ingevolge die bepalings van subartikel (1) (a) of (b) jurisdiksie het nie, word die bedrag wat deur die Minister laas aangebied is vir die doeleindes van bepaling van sodanige jurisdiksie, geag die bedrag van die eis te wees. Met dien verstande dat hierdie subartikel nie so uitgelê word nie dat dit 'n bedoelde hof belet om 'n ander bedrag as die bedoelde bedrag deur die Minister laas aangebied, as die bedrag van vergoeding toe te ken nie.

(3) 'n Geding beoog in subartikel (1) (b) word by wyse van aksie ingestel en gevoer.

(4) Die prosesreg wat geld in siviele gedinge in 'n hof waarin 'n geding bedoel in subartikel (1) (b) gevoer word, geld, *mutatis mutandis* en behoudens die bepalings van hierdie Wet, ten opsigte van so 'n geding, en 'n bevel of vonnis van die hof in so 'n laasgenoemde geding word geag 'n bevel of vonnis in 'n siviele geding te wees.

(5) Ondanks andersluidende bepalings van die een of ander wet kan 'n hof na sluiting van pleitsukke in 'n geding beoog in subartikel (1) (b) na goeddunke die verdere prosedure by die voering van dié geding reël, en sonder om afbreuk aan die algemeenheid van hierdie bevoegdheid te doen—

- (a) die partye aansê om 'n skriftelike stuk in te dien waarin uiteengesit word—
 - (i) die ter sake dienende feite wat nie in geskil is nie;
 - (ii) die ter sake dienende feite wat in geskil is;
 - (iii) elke party se gronde vir die betwisting van 'n feit wat in geskil is;
 - (iv) die ander aangeleenthede wat die hof van belang ag; en
- (b) voorskrifte uitreik ten opsigte van ondersoeke en alle ander aangeleenthede wat met die voorbereiding vir en die verhoor van die geding in verband staan.

(6) In 'n geding beoog in subartikel (1) (b) kan die regter die hulp inroep van hoogstens twee persone wat in die saak kundig en ervare is en bereid is om as assessore in 'n raadgevende hoedanigheid sitting te neem.

(7) Die bepalings van hierdie artikel word nie só uitgelê dat die Minister en 'n eienaar belet word om by ooreenkoms 'n geskil aangaande die bedrag van die vergoeding wat ingevolge hierdie Wet betaal moet word ten opsigte van die onteining van goed of die neem van 'n reg na arbitrasie ingevolge die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965), te verwys nie of die bedrag van die vergoeding, deur 'n vergoedingshof ingevolge subartikel (1) (a) te laat vasstel nie, al is die bedrag van die vergoeding wat geëis word, honderdduisend rand of meer.

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EXPROPRIATION ACT, 1975.

Orders as to costs
in Supreme Court.

15. (1) Costs in any proceedings contemplated in section 14 (1) (b) shall be calculated in accordance with the table of costs applicable in the court in question.

(2) If the compensation awarded by the court in any such proceedings—

(a) is equal to or exceeds the amount last claimed by the owner one month prior to the date for which the proceedings were for the first time placed on the roll, costs shall be awarded against the Minister;

(b) is equal to or less than the amount last offered by the Minister one month prior to the date contemplated in paragraph (a), costs shall be awarded against the owner in question;

(c) is less than the amount last so claimed by the owner in question, but exceeds the amount last so offered by the Minister, so much of the costs of the owner shall be awarded against the Minister as bears to such costs the same proportion as the difference between the compensation so awarded and the amount so offered, bears to the difference between the amount of compensation so awarded and the amount so claimed.

(3) In any case not mentioned in subsection (2), the court shall in its discretion decide as to costs.

(4) The liability for costs and taxation fees of a party to be compensated shall be a first charge against the money which, in terms of the order of court, and the interest which, in terms of section 12 (3), is to be paid to him, and such money and interest shall be applied, as far as may be required, towards the payment of those costs and fees.

Establishment of
compensation
court.

16. (1) There shall be a compensation court for the area of jurisdiction of every provincial division of the Supreme Court of South Africa with jurisdiction to determine compensation in terms of this Act in respect of property which is or is situated within such area of jurisdiction.

(2) The Minister of Justice may establish a compensation court with jurisdiction to determine compensation in terms of this Act in respect of any property situated partially within one and partially within another area of jurisdiction contemplated in subsection (1).

(3) Sittings of a compensation court may be held at any place within its area of jurisdiction and in the case of a compensation court contemplated in subsection (2), at any place within any of the areas of jurisdiction contemplated in the said subsection.

(4) A sitting of a compensation court shall be before a president appointed by the Minister, and for the purposes of different sittings of such a court the Minister may appoint so many presidents as he may from time to time deem necessary.

(5) A president contemplated in subsection (4), shall be appointed from the ranks of judges or former judges of the Supreme Court of South Africa, magistrates or former magistrates who hold or held a rank of at least senior magistrate, or advocates or attorneys of not less than ten years standing.

(6) The provisions of section 14 (6) shall *mutatis mutandis* apply in respect of a president of a compensation court.

Appeal against
decision of a com-
pensation court.

17. There shall be a right of appeal to a provincial division of the Supreme Court of South Africa, against a decision of a compensation court, and the provisions of section 14 (4) shall *mutatis mutandis* apply in respect of any order or judgment of any such division on appeal.

Effect of applica-
tion for determina-
tion of compensa-
tion, and of noting
of appeal.

18. Notwithstanding any application in terms of section 14 (1) for the determination of compensation, or an appeal against a decision of any court contemplated in that section, the other provisions of this Act shall apply as if no such application or appeal had been made.

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15. (1) Koste in 'n geding beoog in artikel 14 (1) (b) word bereken volgens die tabel van koste van toepassing in die hof. Kostebevele in Hooggeregshof.

(2) Indien die vergoeding wat in so 'n geding deur die hof toegeken word—

- (a) gelyk is aan of meer is as die bedrag wat deur die betrokke eienaar geëis is laas een maand vóór die datum waarvoor die geding vir die eerste maal ter rolle geplaas is, word koste teen die Minister toegeken;
- (b) gelyk is aan of minder is as die bedrag wat deur die Minister laas een maand vóór die datum bedoel in paragraaf (a) aangebied is, word koste teen die betrokke eienaar toegeken;
- (c) minder is as die bedrag wat laas deur die betrokke eienaar aldus geëis is, maar meer is as die bedrag wat laas deur die Minister aldus aangebied is, word soveel van die koste van die eienaar teen die Minister toegeken as wat tot sodanige koste in dieselfde verhouding staan as wat die verskil tussen die vergoeding aldus toegeken en die bedrag aldus aangebied, staan tot die verskil tussen die bedrag van die vergoeding aldus toegeken en die bedrag aldus geëis.

(3) In 'n geval nie in subartikel (2) vermeld nie, beslis die hof na goeddunke oor koste.

(4) Die aanspreeklikheid vir koste en taksasiegelde van 'n party wat vergoed moet word, is 'n preferente vordering teen die geld wat ingevolge die hofbevel, en die rente wat ingevolge artikel 12 (3), aan hom betaal moet word, en daardie geld en rente word vir sover nodig ter vereffening van daardie koste en gelde aangewend.

16. (1) Daar is 'n vergoedingshof vir die regsgebied van elke provinsiale afdeling van die Hooggeregshof van Suid-Afrika met regsbevoegdheid om vergoeding ingevolge hierdie Wet vas te stel ten opsigte van goed wat binne daardie regsgebied is of geleë is. Instelling van vergoedingshof.

(2) Die Minister van Justisie kan 'n vergoedingshof instel met regsbevoegdheid om vergoeding ingevolge hierdie Wet vas te stel ten opsigte van goed wat gedeeltelik binne een en gedeeltelik binne 'n ander in subartikel (1) beoogde regsgebied geleë is.

(3) Sittings van 'n vergoedingshof kan op enige plek binne sy regsgebied en, in die geval van 'n in subartikel (2) beoogde vergoedingshof, op enige plek binne die een of die ander van die in daardie subartikel beoogde regsgebiede, gehou word.

(4) 'n Sitting van 'n vergoedingshof geskied voor 'n president deur die Minister aangestel, en vir die doeleindes van verskillende sittings van so 'n hof kan die Minister soveel presidente aanstel as wat hy van tyd tot tyd nodig ag.

(5) 'n In subartikel (4) beoogde president word aangestel uit die geledere van regters of voormalige regters van die Hooggeregshof van Suid-Afrika, landdroste of voormalige landdroste wat minstens die rang van senior landdros beklee of beklee het, of advokate of prokureurs met 'n beroepstydperk van nie minder as tien jaar nie.

(6) Die bepalinge van artikel 14 (6) is *mutatis mutandis* van toepassing ten opsigte van 'n president van 'n vergoedingshof.

17. Daar is 'n reg van appèl na 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika teen 'n beslissing van 'n vergoedingshof, en die bepalinge van artikel 14 (4) geld *mutatis mutandis* ten opsigte van 'n bevel of vonnis van so 'n afdeling in appèl. Appèl teen beslissing van vergoedingshof.

18. Ondanks enige aansoek ingevolge artikel 14 (1) om die vasstelling van vergoeding, of 'n appèl teen 'n beslissing van 'n hof in daardie artikel beoog, is die ander bepalinge van hierdie Wet van toepassing asof geen sodanige aansoek gedoen of geen sodanige appèl aangeteken was nie. Uitwerking van aansoek om vasstelling van vergoeding, en van aantekene van appèl.

Act No. 63, 1975

EXPROPRIATION ACT, 1975.

Discharge of debt secured by mortgage bond over land, and payment of compensation moneys in case of existence of certain unregistered rights.

19. (1) If any immovable property expropriated under this Act was immediately prior to the date of expropriation encumbered by a registered mortgage bond, or to the knowledge of the Minister the subject of an agreement contemplated in section 9 (1) (d) (ii), the Minister shall, subject to the provisions of sections 20 and 21, not pay out any portion of the compensation money in question, except to such person and on such terms as may have been agreed upon between the owner of such property and the mortgagee or buyer concerned, as the case may be, and as the Minister may have been notified of in writing by them.

(2) If an owner of immovable property fails to comply with the provisions of section 9 (1) (d) (ii), and the buyer concerned in consequence thereof does not receive any portion of the compensation money by virtue of the provisions of subsection (1) of this section, the owner shall be liable to the buyer for any damage which the buyer may have sustained in consequence of the expropriation, and the Minister shall not be obliged to pay compensation in respect of that damage.

Payment of certain taxes and other moneys out of compensation moneys.

20. (1) If any land which has been expropriated is situated within the area of a local authority, such local authority shall, upon receipt or publication of a relevant notice in terms of section 7, forthwith inform the Minister in writing of any outstanding tax or other moneys in respect of the payment of which the production of a receipt or certificate is in terms of any law a prerequisite for the passing of a transfer of such land by a registrar of deeds.

(2) The Minister may utilize so much of the compensation money in question as is necessary for the payment on behalf of the owner of such land of any tax or other moneys mentioned in subsection (1).

Deposit of compensation money with Master or Bantu Trust, and retention thereof by Minister, in certain cases.

21. (1) If property expropriated under this Act was burdened with a *fideicommissum* or if compensation is payable in terms of this Act to a person whose place of residence is not known, or if compensation is so payable and there is no person to whom it can be paid, the Minister may deposit the amount of the compensation payable in terms of this Act with the Master or if, in the opinion of the Minister, the property concerned is not so burdened and the compensation is so payable to a Bantu, with the South African Bantu Trust mentioned in section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), and after such deposit the Minister shall cease to be liable in respect of that amount.

(2) Any moneys received by the Master in terms of subsection (1) shall—

- (a) if the property in question was burdened with a *fideicommissum*, *mutatis mutandis* be subject to all the terms and conditions contained in the will or other instrument by which such *fideicommissum* was constituted; and
- (b) subject to the provisions of paragraph (a), be paid into the Guardian's Fund referred to in section 86 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), for the benefit of the persons who are or may become entitled thereto, and bear interest at a rate determined from time to time by the Minister of Finance.

(3) The provisions of subsections (1) and (2) shall not affect the jurisdiction of any court to make an order in respect of any moneys in question.

(4) In the event of a dispute or doubt as to the person who is to receive any compensation payable in terms of this Act, or in the event of the issue of an interdict in respect of the payment of any such compensation, or if the owner and any mortgagee or any buyer have not notified the Minister in terms of section 19 in regard to the payment of such compensation, the Minister shall pay the amount of such compensation to the Master.

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19. (1) Indien onroerende goed wat kragtens hierdie Wet onteien is, onmiddellik vóór die onteieningsdatum met 'n verband beswaar was of, na die wete van die Minister, die onderwerp was van 'n ooreenkoms bedoel in artikel 9 (1) (d) (ii), mag die Minister, behoudens die bepalings van artikels 20 en 21, geen gedeelte van die betrokke vergoedingsgeld uitbetaal nie, behalwe aan die persoon op wie, en op die voorwaardes waarop, tussen die eienaar van daardie goed en die betrokke verbandhouer of koper, na gelang van die geval, ooreengekom is en van wie en waarvan hulle die Minister in kennis gestel het.

Delging van skuld
versekureer deur
verband oor grond,
en uitbetaling
van vergoeding
in geval van
bestaan van sekere
ongeregistreerde
regte.

(2) Indien 'n eienaar van onroerende goed versuim om die bepalings van artikel 9 (1) (d) (ii) na te kom en die betrokke koper as gevolg daarvan geen gedeelte van die vergoedingsgeld uit hoofde van die bepalings van subartikel (1) van hierdie artikel ontvang nie, is die eienaar teenoor die koper aanspreeklik vir skade wat die koper as gevolg van die onteiening gely het, en rus daar geen verpligting op die Minister om vergoeding ten opsigte van daardie skade te betaal nie.

20. (1) Indien grond wat onteien is, binne die gebied van 'n plaaslike bestuur geleë is, moet dié plaaslike bestuur by ontvangs of publikasie van 'n tersaaklike kennisgewing ingevolge artikel 7, die Minister onverwyld skriftelik in kennis stel van enige uitstaande belasting- of ander gelde ten opsigte van die betaling waarvan die voorlegging van 'n kwitansie of sertifikaat ingevolge die een of ander wet 'n voorvereiste is vir die gee van 'n oordrag van daardie grond deur 'n registrateur van aktes.

Betaling van
sekere belasting-
en ander gelde uit
vergoedingsgeld.

(2) Die Minister kan soveel van die betrokke vergoedingsgeld as wat nodig is, aanwend ter vereffening namens die eienaar van die grond van enige belasting- of ander gelde vermeld in subartikel (1).

21. (1) Indien goed wat kragtens hierdie Wet onteien is, met 'n fideikommis belas was, of indien vergoeding ingevolge hierdie Wet betaalbaar is aan iemand wie se verblyfplek onbekend is, of indien vergoeding aldus betaalbaar is en daar niemand is aan wie dit oorbetal kan word nie, kan die Minister die bedrag van die vergoeding wat ingevolge hierdie Wet betaalbaar is, stort by die Meester, of, indien volgens die oordeel van die Minister, die betrokke goed nie aldus belas is nie en die vergoeding aan 'n Bantoe aldus betaalbaar is, by die Suid-Afrikaanse Bantoe-trust vermeld in artikel 4 van die Bantoe-trust en -grond Wet, 1936 (Wet No. 18 van 1936), en ná sodanige storting is die Minister nie verder ten opsigte van daardie bedrag aanspreeklik nie.

Storting van
vergoedingsgeld by
Meester of
Bantoe-trust, en
terughouding
daarvan deur
Minister, in sekere
gevalle.

(2) Geld wat ingevolge subartikel (1) deur die Meester ontvang word—

- (a) is, indien die betrokke goed met 'n fideikommis belas was, *mutatis mutandis* onderworpe aan al die bepalings en voorwaardes wat vervat is in die testament of ander geskrif waarby die fideikommis geskep is; en
- (b) word, behoudens die bepalings van paragraaf (a), ten bate van die persone wat daarop geregtig is of word, in die Voogdyfonds vermeld in artikel 86 van die Boedelwet, 1965 (Wet No. 66 van 1965), gestort en dra rente teen 'n koers wat die Minister van Finansies van tyd tot tyd bepaal.

(3) Die bepalings van subartikels (1) en (2) raak nie die bevoegdheid van 'n hof om ten opsigte van betrokke geld 'n bevel uit te reik nie.

(4) In die geval van geskil of twyfel oor wie enige vergoeding moet ontvang wat ingevolge hierdie Wet betaalbaar is, of in die geval van die uitreiking van 'n interdik ten opsigte van die uitbetaling van sodanige vergoeding, of indien die eienaar en 'n verbandhouer of 'n koper nie die Minister ingevolge artikel 19 aangaande die uitbetaling van sodanige vergoeding in kennis gestel het nie, betaal die Minister die bedrag van dié vergoeding oor aan die Meester.

Act No. 63, 1975

EXPROPRIATION ACT, 1975.

Termination of
unregistered
rights in respect
of land
expropriated.

22. If a notice of expropriation relates to the expropriation of land, all rights in respect of such land not registered or recorded against the title deed thereof or in an office referred to in section 7 (4) or in terms of section 60 (5) of the Water Act, 1956 (Act No. 54 of 1956), shall terminate on the date of expropriation and the State shall, subject to the provisions of sections 13 and 19, not be obliged to pay any compensation for such rights.

Withdrawal of
expropriation.

23. (1) Notwithstanding anything to the contrary contained in any law, if the Minister is of the opinion that it is in the public interest or otherwise expedient to withdraw an expropriation of property, he may withdraw such expropriation, *mutatis mutandis* and in the manner contemplated in section 7, from a date mentioned in the notice in question: Provided that an expropriation of property shall not be withdrawn after the expiration of three months after the date of expropriation or if, where the property expropriated is immovable property, transfer of the property in consequence of the expropriation has already been registered.

(2) If any person directly or indirectly sustains any damage in consequence of the withdrawal of an expropriation, he shall be entitled to compensation by the State for such damage.

(3) If the expropriation of any property is withdrawn and the State has already paid compensation in connection with such expropriation, the amount of such compensation shall be a debt due to the State.

(4) If an expropriation of property is withdrawn in terms of this section, the ownership in such property shall, from the date contemplated in subsection (1), again vest in the owner from whom it was expropriated, and any mortgage bonds, servitudes and other rights discharged or terminated in connection with the expropriation shall revive and the registrar of deeds concerned shall, on receipt of a copy of, or publication in the *Gazette* of, the notice of withdrawal of expropriation in question, cancel any endorsement made in connection with the expropriation in his registers and on the title deed of the property in question.

Assignment of
powers and duties
by Minister.

24. The Minister may either generally or in relation to particular property or in any particular case assign to an officer in the service of the State any power or duty conferred or imposed on him by or in terms of this Act, other than a power contemplated in sections 23 and 25, and in addition an executive committee may assign any such power or duty also to any of its members.

Regulations.

25. (1) The State President may make regulations as to—

- (a) the practice and procedure of and appearance before and the appointment of a president and assessors of a compensation court;
- (b) appeals in terms of section 17;
- (c) the tariff of court and other fees and orders as to costs in connection with proceedings before a compensation court;
- (d) process in connection with such proceedings;
- (e) the summoning of witnesses in connection therewith;
- (f) the appointment of officers and a registrar of a compensation court, and the duties of such officers and the registrar of a compensation court;
- (g) the defraying of expenses incurred in connection with a compensation court (including the remuneration and allowances payable to the president and assessors of such a court);
- (h) any other matter which he thinks it necessary or expedient to prescribe in order to ensure the proper dispatch and regulation of the business of a compensation court;
- (i) the practice and procedure of other courts in connection with proceedings under this Act.

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22. Indien 'n onteieningskennisgewing op die onteiening van grond betrekking het, word alle regte ten opsigte van dié grond wat nie teen die titelbewys daarvan of in 'n kantoor bedoel in artikel 7 (4) of ingevolge artikel 60 (5) van die Waterwet, 1956 (Wet No. 54 van 1956), geregistreer of aangeteken is nie, op die onteieningsdatum beëindig, en is die Staat, behoudens die bepalings van artikels 13 en 19, nie verplig om vergoeding vir sodanige regte te betaal nie.

Beëindiging van ongeregistreerde regte ten opsigte van onteiene grond.

23. (1) Indien die Minister van oordeel is dat dit in die openbare belang of andersins dienstig is dat 'n onteiening van goed ingetrek word, kan hy, ondanks andersluidende bepalings van die een of ander wet, *mutatis mutandis* en op die wyse beoog in artikel 7, daardie onteiening intrek vanaf 'n datum in die betrokke kennisgewing vermeld: Met dien verstande dat 'n onteiening van goed nie ingetrek word nie na verloop van drie maande na die onteieningsdatum of, indien, waar die goed wat onteien is, onroerende goed is, die oordrag van die goed ten gevolge van die onteiening reeds geregistreer is.

Intrekking van onteiening.

(2) Indien iemand regstreeks of onregstreeks skade ly ten gevolge van die intrekking van 'n onteiening, is hy geregtig op vergoeding van daardie skade deur die Staat.

(3) Indien die onteiening van goed ingetrek word en die Staat reeds vergoeding in verband met die onteiening betaal het, is die bedrag van dié vergoeding 'n skuld wat aan die Staat betaalbaar is.

(4) Indien 'n onteiening van goed ingevolge hierdie artikel ingetrek word, gaan die eiendomsreg op die goed, met ingang van die datum beoog in subartikel (1), weer oor op die eienaar van wie dit onteien is, en herleef verbande, serwitute en ander regte wat in verband met die onteiening afgepos of beëindig is, en moet die betrokke registrateur van aktes, by ontvangs van 'n afskrif van, of publikasie in die *Staatskoerant* van, die betrokke kennisgewing van intrekking van onteiening, iedere endossement in verband met die onteiening in sy registers en op die titelbewys van die betrokke goed aangebring, roeier.

24. Die Minister kan 'n bevoegdheid of plig by of ingevolge hierdie Wet aan hom verleen of opgedra, uitgesonderd 'n bevoegdheid in artikels 23 en 25 bedoel, aan 'n beampte in diens van die Staat in die algemeen of met betrekking tot bepaalde goed of in 'n bepaalde geval oordra, en daarbenewens kan 'n uitvoerende komitee so 'n bevoegdheid of plig ook aan 'n lid van hom aldus oordra.

Oordrag van bevoegdhede en pligte deur Minister.

25. (1) Die Staatspresident kan regulasies uitvaardig betreffende—

Regulasies.

- (a) die praktyk en prosedure van en verskyning voor en die aanstelling van 'n president en assessore van 'n vergoedingshof;
- (b) appèlle ingevolge artikel 17;
- (c) die tarief van hof- en ander gelde en kostebevele in verband met verrigtinge van 'n vergoedingshof;
- (d) prosesstukke in verband met sodanige verrigtinge;
- (e) die dagvaarding van getuies in verband daarmee;
- (f) die aanstelling van beamptes en 'n griffier van 'n vergoedingshof, en die pligte van sodanige beamptes en 'n griffier van 'n vergoedingshof;
- (g) bestryding van uitgawes aangegaan in verband met 'n vergoedingshof (met inbegrip van die besoldiging en toelaes betaalbaar aan die president en assessore van so 'n hof);
- (h) enige ander aangeleentheid wat, na hy meen, dit nodig of dienstig is om voor te skryf ten einde die behoorlike afhandeling en reëling van die werksaamhede van 'n vergoedingshof te verseker;
- (i) die praktyk en prosedure van ander howe in verband met verrigtinge ingevolge hierdie Wet.

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EXPROPRIATION ACT, 1975.

- (2) The Minister may make regulations as to—
- (a) consultation with a department as defined in section 1 (1) of the Public Service Act, 1957 (Act No. 54 of 1957), and the Railway Administration in connection with expropriation in terms of this Act;
 - (b) any matter which he thinks it necessary or expedient to prescribe in order to achieve the objects and purposes of this Act.

(3) Any regulation in terms of subsection (2) relating to State revenue or expenses shall only be made after consultation with the Minister of Finance and, if it particularly affects the Railway Administration, shall only be made after consultation with the Minister of Transport.

(4) Regulations in terms of subsections (1) and (2) may prescribe penalties for a contravention thereof or a failure to comply therewith, but such penalty shall not exceed a fine of two hundred rand or imprisonment for a period of six months.

Application of Act.

26. (1) The provisions of this Act shall not derogate from any power conferred by any other law to expropriate or take any property or to take the right to use property temporarily: Provided that, subject to the provisions of subsection (2), if any such power is exercised after the commencement of this Act, the expropriation or the taking of the property or the taking of the right to use the property temporarily, and the determination of the amount of the compensation therefor, shall be effected, *mutatis mutandis*, in accordance with the provisions of this Act.

(2) Subject to the provisions of subsections (3) and (4), the provisions of this Act shall not derogate from the provisions of any other law relating to the taking or use of property by a provincial administration or a local authority for the purposes of the construction or maintenance of a public road or any water, electricity, drainage or sewerage works, and the provisions of this Act shall not apply to the taking or use of property by the Rand Water Board in terms of section 24 (b) or (j) of the Rand Water Board Statutes (Private) Act, 1950 (Act No. 17 of 1950), or any expropriation in terms of section 120 of the Precious Stones Act, 1964 (Act No. 73 of 1964), or section 183 of the Mining Rights Act, 1967 (Act No. 20 of 1967).

(3) If compensation is to be paid for the taking or use or expropriation of any property contemplated in subsection (2), and the amount of such compensation is not agreed upon, the provisions of section 14 shall *mutatis mutandis* apply in connection with the determination of such amount.

(4) The amount of compensation paid or determined for the taking or use or expropriation of property contemplated in subsection (2) shall not be more than what it would have been had it been calculated in accordance with the provisions of section 12 (1), (2) and (5).

Amendment of section 17 of Act 53 of 1934, as amended by section 15 of Act 55 of 1963 and section 4 of Act 43 of 1967.

27. Section 17 of the Slums Act, 1934, is hereby amended—

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

“(1A) The provisions of sections 6 to 24 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the acquisition of land by expropriation in terms of this section, and in such application a reference in the said sections of that Act—

- (i) to ‘Minister’ and ‘State’ shall be construed as a reference to a local authority;

- (ii) to ‘section 2’ shall be construed as a reference to this section.”; and

- (b) by the deletion of subsection (1B).

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- (2) Die Minister kan regulasies uitvaardig betreffende—
- (a) oorlegpleging met 'n departement soos omskryf in artikel 1 (1) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), en die Spoorwegadministrasie in verband met onteining ingevolge hierdie Wet;
 - (b) enige aangeleentheid wat, na hy meen, dit nodig of dienstig is om voor te skryf ten einde die oogmerke en doeleindes van hierdie Wet te verwesenlik.
- (3) 'n Regulasie ingevolge subartikel (2) wat op Staatsinkomste of -uitgawes betrekking het, word slegs na oorleg met die Minister van Finansies en, indien dit die Spoorwegadministrasie in die besonder raak, die Minister van Vervoer uitgevaardig.
- (4) Regulasies ingevolge subartikels (1) en (2) kan strawwe voorskryf vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen, maar so 'n straf mag nie groter wees nie as 'n boete van tweehonderd rand of gevangenisstraf vir 'n tydperk van ses maande.

26. (1) Die bepalings van hierdie Wet doen nie afbreuk nie aan 'n bevoegdheid wat by 'n ander wet verleen word om goed te onteien of te neem of om 'n reg te neem om goed tydelik te gebruik: Met dien verstande dat, behoudens die bepalings van subartikel (2), indien so 'n bevoegdheid na die inwerkingtreding van hierdie Wet uitgeoefen word, die onteining of die neem van die goed of die neem van die reg om die goed tydelik te gebruik, en die vasstelling van die bedrag van die vergoeding daarvoor, *mutatis mutandis* ooreenkomstig die bepalings van hierdie Wet moet geskied.

Toepassing van Wet.

(2) Behoudens die bepalings van subartikels (3) en (4) doen die bepalings van hierdie Wet nie afbreuk nie aan die bepalings van 'n ander wet betreffende die neem of gebruik van goed deur 'n provinsiale administrasie of 'n plaaslike bestuur vir die doeleindes van die aanlê of instandhouding van 'n openbare pad of water-, elektrisiteits-, dreinerings- of rioleringswerke, en is die bepalings van hierdie Wet nie van toepassing nie op die neem of gebruik van goed deur die Randwateraad ingevolge artikel 24 (b) of (j) van die Private Wet op die Randwateraadstatute, 1950 (Wet No. 17 van 1950), of 'n onteining ingevolge artikel 120 van die Wet op Edelgesteentes, 1964 (Wet No. 73 van 1964), of artikel 183 van die Wet op Mynregte, 1967 (Wet No. 20 van 1967).

(3) Indien vergoeding betaal moet word vir die neem of gebruik of onteining van goed beoog in subartikel (2), en daar nie ooreengekom word nie omtrent die bedrag van die vergoeding, geld die bepalings van artikel 14 *mutatis mutandis* in verband met die vasstelling van daardie bedrag.

(4) Die bedrag van die vergoeding wat vir die neem of gebruik of onteining van goed beoog in subartikel (2) betaal of vasgestel word, mag nie meer wees nie as wat dit sou gewees het indien dit ooreenkomstig die bepalings van artikel 12 (1), (2) en (5) bereken sou gewees het.

27. Artikel 17 van die Slumswet, 1934, word hierby gewysig—

- (a) deur subartikel (1A) deur die volgende subartikel te vervang:

„(1A) Die bepalings van artikels 6 tot 24 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing ten opsigte van die verkryging van grond deur onteining ingevolge hierdie artikel, en by sodanige toepassing word 'n verwysing in genoemde artikels van daardie Wet—

- (i) na „Minister” en „Staat” uitgelê as 'n verwysing na 'n plaaslike bestuur;
- (ii) na „artikel 2” uitgelê as 'n verwysing na hierdie artikel.”; en

- (b) deur subartikel (1B) te skrap.

Wysiging van artikel 17 van Wet 53 van 1934, soos gewysig deur artikel 15 van Wet 55 van 1963 en artikel 4 van Wet 43 van 1967.

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EXPROPRIATION ACT, 1975.

Repeal of sections 19 to 26 of Act 53 of 1934.

28. Sections 19 to 26 of the Slums Act, 1934, are hereby repealed.

Amendment of section 13 of Act 18 of 1936, as amended by section 7 of Act 17 of 1939, section 2 of Act 18 of 1954, section 5 of Act 73 of 1956, section 3 of Act 41 of 1958, section 16 of Act 42 of 1964, section 18 of Act 55 of 1965 and section 20 of Act 70 of 1968.

29. Section 13 of the Bantu Trust and Land Act, 1936, is hereby amended—

- (a) by the substitution in subsections (1) and (2) for the word "Lands" of the word "Agriculture"; and
- (b) by the substitution in subsection (3) for the words preceding the first proviso of the following words:

"The provisions of sections 6 to 24 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the expropriation of land in terms of subsection (1) or (2) of this section:".

Amendment of section 14 of Act 18 of 1936.

30. Section 14 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) In default of agreement upon the purchase price of such land between the Trust and the owner thereof the matter shall be dealt with as if it were an expropriation under section 13."

Amendment of section 18 of Act 18 of 1936, as amended by section 8 of Act 17 of 1939, section 17 of Act 42 of 1964, section 19 of Act 55 of 1965 and section 4 of Act 7 of 1973.

31. Section 18 of the Bantu Trust and Land Act, 1936, is hereby amended by the substitution for subsection (1)*bis* of the following subsection:

"(1)*bis* The amount of compensation payable in terms of subsection (1) shall, in the absence of agreement, be determined by an appropriate court in terms of section 14 of the Expropriation Act, 1975, and the provisions of sections 12, 14 and 15 of that Act shall *mutatis mutandis* apply in respect of the determination of the said amount."

Amendment of section 23A of Act 22 of 1936, as inserted by section 14 of Act 60 of 1969.

32. Section 23A of the Broadcasting Act, 1936, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) When the Minister has granted his approval for such an acquisition, the provisions of sections 6 to 23 of the Expropriation Act, 1975, shall apply *mutatis mutandis* in relation to such acquisition, and for the purposes of such application thereof any reference therein to the Minister and the State shall be construed as a reference to the corporation."

Amendment of section 1 of Act 29 of 1937.

33. Section 1 of the Unbeneficial Occupation of Farms Act, 1937, is hereby amended—

- (a) by the substitution for the definition of "board" of the following definition:

"'board' means the Land Tenure Board established by section 2 of the Land Tenure Act, 1966 (Act No. 32 of 1966);"

- (b) by the substitution for the definition of "Minister" of the following definition:

"'Minister' means the Minister of Agriculture;"; and

- (c) by the substitution for paragraph (iv) of the definition of "owner" of the following paragraph:

"(iv) if such land has vested in a liquidator or trustee elected or appointed under the Agricultural Credit Act, 1966 (Act No. 28 of 1966), such liquidator or trustee;"

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28. Artikels 19 tot 26 van die Slumswet, 1934, word hierby herroep.
Herroeping van artikels 19 tot 26 van Wet 53 van 1934.
29. Artikel 13 van die Bantoetrust en -grond Wet, 1936, word hierby gewysig—
Wysiging van artikel 13 van Wet 18 van 1936, soos gewysig deur artikel 7 van Wet 17 van 1939, artikel 2 van Wet 18 van 1954, artikel 5 van Wet 73 van 1956, artikel 3 van Wet 41 van 1958, artikel 16 van Wet 42 van 1964, artikel 18 van Wet 55 van 1965 en artikel 20 van Wet 70 van 1968.
- (a) deur in subartikels (1) en (2) die woord „Lande” deur die woord „Landbou” te vervang; en
- (b) deur in subartikel (3) die woorde wat die eerste voorbehoudsbepaling voorafgaan, deur die volgende woorde te vervang:
„(3) (a) Die bepalings van artikels 6 tot 24 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing ten opsigte van onteining van grond ingevolge subartikel (1) of (2) van hierdie artikel.”.
30. Artikel 14 van die Bantoetrust en -grond Wet, 1936, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
Wysiging van artikel 14 van Wet 18 van 1936.
- „(2) By gebreke van ’n ooreenkoms betreffende die koopprys van bedoelde grond tussen die Trust en die eienaar daarvan, word die saak behandel asof dit ’n onteining is kragtens artikel 13.”.
31. Artikel 18 van die Bantoetrust en -grond Wet, 1936, word hierby gewysig deur subartikel (1)*bis* deur die volgende subartikel te vervang:
Wysiging van artikel 18 van Wet 18 van 1936, soos gewysig deur artikel 8 van Wet 17 van 1939, artikel 17 van Wet 42 van 1964, artikel 19 van Wet 55 van 1965 en artikel 4 van Wet 7 van 1973.
- „(1)*bis* Die bedrag van vergoeding ingevolge subartikel (1) betaalbaar, word by ontstentenis van ooreenkoms deur ’n gepaste hof ingevolge artikel 14 van die Onteieningswet, 1975, bepaal en die bepalings van artikels 12, 14 en 15 van daardie Wet is *mutatis mutandis* in verband met die bepaling van genoemde bedrag van toepassing.”.
32. Artikel 23A van die Uitsaaiwet, 1936, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:
Wysiging van artikel 23A van Wet 22 van 1936, soos ingevoeg deur artikel 14 van Wet 60 van 1969.
- „(3) Sodra die Minister sy goedkeuring tot so ’n verkryging verleen het, geld die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, *mutatis mutandis* met betrekking tot sodanige verkryging, en by sodanige toepassing daarvan word ’n verwysing daarin na die Minister en die Staat uitgelê as ’n verwysing na die korporasie.”.
33. Artikel 1 van die Wet op Onvoordelige Okkupasie van Plase, 1937, word hierby gewysig—
Wysiging van artikel 1 van Wet 29 van 1937.
- (a) deur die omskrywing van „raad” deur die volgende omskrywing te vervang:
„„raad” die Raad op Grondbesit by artikel 2 van die Wet op Grondbesit, 1966 (Wet No. 32 van 1966), ingestel.”;
- (b) deur die omskrywing van Minister deur die volgende omskrywing te vervang:
„„Minister” die Minister van Landbou.”; en
- (c) deur paragraaf (iv) van die omskrywing van „eienaar” deur die volgende paragraaf te vervang:
„(iv) as die grond oorgegaan het op ’n beredderaar of kurator ingevolge die Wet op Landboukrediet, 1966 (Wet No. 28 van 1966), gekies of aangestel, daardie beredderaar of kurator.”.

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EXPROPRIATION ACT, 1975.

Amendment of section 2 of Act 29 of 1937, as amended by section 20 of Act 55 of 1965.

34. Section 2 of the Unbeneficial Occupation of Farms Act, 1937, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The provisions of sections 6 to 24 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the expropriation of any land or any right or interest in respect of land in terms of subsection (1).”.

Amendment of section 16 of Act 25 of 1945, as amended by section 7 of Act 16 of 1955, section 53 of Act 42 of 1964, and section 24 of Act 55 of 1965.

35. Section 16 of the Bantu (Urban Areas) Consolidation Act, 1945, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) (a) The provisions of sections 6 to 23 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the expropriation of any land or any interest in land under paragraph (a) of subsection (1) of this section.

(b) In the application of sections 6 to 23 of the said Act in terms of paragraph (a) of this subsection—

(i) any reference in the said sections to ‘Minister’ and ‘State’, shall be construed as a reference to the urban local authority in question; and

(ii) any reference in the said sections to ‘section 2’, shall be construed as a reference to subsection (1) (a) of this section.”.

Amendment of section 24 of Act 17 of 1950, as amended by section 11 of Act 29 of 1964 and section 5 of Act 31 of 1972.

36. Section 24 of the Rand Water Board Statutes (Private) Act, 1950, is hereby amended—

(a) by the substitution for subparagraph (ii) of paragraph (b) of the following subparagraph:

“(ii) that the board shall do as little damage as may be to such land and shall make full compensation for all damage done by it: Provided that any proceedings for the determination of such compensation shall be instituted within six months after the cause of action has arisen, and written notice of any such proceedings and of the cause of the action shall be given by the plaintiff to the defendant not less than one month before the proceedings are instituted;”;

(b) by the substitution for subparagraph (ii) of paragraph (j) of the following subparagraph:

“(ii) on the completion of such works the board shall forthwith restore the surface of such land, road or other place to the same condition as near as may be as it was in before the commencement of such works, and in executing the same the board shall do as little damage as may be to such land, road or other place and shall make full compensation for all damage done by it: Provided that any proceedings for the determination of such compensation shall be instituted within six months after the cause of action has arisen, and written notice of any such proceedings and of the cause of the action shall be given by the plaintiff to the defendant not less than one month before the proceedings are instituted.”.

Substitution of section 25 of Act 17 of 1950, as amended by section 12 of Act 29 of 1964.

37. The following section is hereby substituted for section 25 of the Rand Water Board Statutes (Private) Act, 1950:

“Provisions as to exercise of compulsory powers.

25. With respect to the exercise of the power to purchase compulsorily any land or rights under section 24 (h) and to the compensation payable thereon, the provisions of sections 6 to 24 of the Expropriation Act, 1975, shall *mutatis mutandis* apply and a reference in the said sections of that Act to ‘Minister’ and ‘State’ shall be construed as a reference to the board.”.

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34. Artikel 2 van die Wet op Onvoordelige Okkupasie van Plase, 1937, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 2 van Wet 29 van 1937, soos gewysig deur artikel 20 van Wet 55 van 1965.

„(3) Die bepalings van artikels 6 tot 24 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing ten opsigte van die toeëiening van grond of 'n reg of 'n belang ten opsigte van grond ingevolge subartikel (1).”

35. Artikel 16 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van artikel 16 van Wet 25 van 1945, soos gewysig deur artikel 7 van Wet 16 van 1955, artikel 53 van Wet 42 van 1964 en artikel 24 van Wet 55 van 1965.

„(4) (a) Die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, geld *mutatis mutandis* ten opsigte van die onteiening van grond of 'n belang in grond kragtens paragraaf (a) van subartikel (1) van hierdie artikel.

(b) By die toepassing van artikels 6 tot 23 van genoemde Wet ingevolge paragraaf (a) van hierdie subartikel—

(i) word 'n verwysing in daardie artikels na „Minister” en „Staat” as 'n verwysing na die betrokke stedelike plaaslike bestuur uitgelê; en

(ii) word 'n verwysing in daardie artikels na „artikel 2” as 'n verwysing na subartikel (1) (a) van hierdie artikel uitgelê.”

36. Artikel 24 van die Private Wet op die Randwaterraadstatute, 1950, word hierby gewysig—

Wysiging van artikel 24 van Wet 17 van 1950, soos gewysig deur artikel 11 van Wet 29 van 1964 en artikel 5 van Wet 31 van 1972.

(a) deur subparagraaf (ii) van paragraaf (b) deur die volgende subparagraaf te vervang:

„(ii) dat die raad die grond so min as moontlik beskadig en alle skade deur hom aangerig ten volle vergoed: Met dien verstande dat 'n geding vir die bepaling van sodanige vergoeding ingestel word binne ses maande nadat die eisoorsaak ontstaan het, en skriftelike kennis van so 'n geding en die eisoorsaak deur die eiser aan die verweerder gegee word minstens een maand voor die geding ingestel word; en

(b) deur subparagraaf (ii) van paragraaf (j) deur die volgende subparagraaf te vervang:

„(ii) dat by die voltooiing van sodanige werke die raad onverwyld die oppervlakte van sodanige grond, pad of ander plek so na as moontlik tot dieselfde toestand herstel waarin dit voor die aanvang van sodanige werke was, en dat die raad by die uitvoering daarvan die grond, pad of ander plek so min as moontlik beskadig en alle skade deur hom aangerig ten volle vergoed: Met dien verstande dat 'n geding vir die bepaling van sodanige vergoeding ingestel word binne ses maande nadat die eisoorsaak ontstaan het, en skriftelike kennis van so 'n geding en die eisoorsaak deur die eiser aan die verweerder gegee word minstens een maand voor die geding ingestel word.”

37. Artikel 25 van die Private Wet op die Randwaterraadstatute, 1950, word hierby deur die volgende artikel vervang:

Vervanging van artikel 25 van Wet 17 van 1950, soos gewysig deur artikel 12 van Wet 29 van 1964.

„Bepalings aangaande uitoefening van dwangbevoegd-hede.

25. Met betrekking tot die uitoefening van die bevoegdheid om grond of regte kragtens artikel 24 (h) deur dwang te koop en tot die vergoeding wat daarop te betaal is, is die bepalings van artikels 6 tot 24 van die Onteieningswet, 1975, *mutatis mutandis* van toepassing en word 'n verwysing in genoemde artikels van daardie Wet na „Minister” en „Staat” as 'n verwysing na die raad uitgelê.”

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EXPROPRIATION ACT, 1975.

Repeal of section 25A of Act 17 of 1950, as inserted by section 6 of Act 31 of 1972.

38. Section 25A of the Rand Water Board Statutes (Private) Act, 1950, is hereby repealed.

Substitution of section 3 of Act 39 of 1951, as substituted by section 3 of Act 61 of 1974.

39. The following section is hereby substituted for section 3 of the Expropriation (Establishment of Undertakings) Act, 1951:

"Application of laws relating to expropriation.

3. Upon the approval of the Minister being granted under section 2 (1) in respect of any land, the provisions of sections 7 to 23 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the acquisition of that land or the temporary right of use thereof, as the case may be, by the person to whom the approval has been granted, and in such application thereof any reference therein to the Minister and the State shall be construed as a reference to such person."

Repeal of sections 1 to 4, 6 to 12 and 18 of, and the Schedule to, Act 37 of 1955.

40. Sections 1 to 4, 6 to 12 and 18 of, and the Schedule to, the Railway Expropriation Act, 1955, are hereby repealed: Provided that the provisions of section 11 (3) thereof, excluding the proviso thereto, shall continue to apply in respect of land acquired by the Railway Administration prior to the commencement of that Act.

Amendment of section 60 of Act 54 of 1956, as substituted by section 8 of Act 45 of 1972.

41. Section 60 of the Water Act, 1956, is hereby amended—

(a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) The provisions of sections 6 to 24 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the expropriation of any property or the taking of any right in terms of this section, and any reference in the said sections of that Act—
(i) to 'Minister' shall be construed as a reference to the Minister of Water Affairs;
(ii) to 'section 2' shall be construed as a reference to this section;
(iii) to a provincial or local division of the Supreme Court of South Africa shall be construed as a reference to a water court;
(iv) to 'judge' shall be construed as a reference to a judge of a water court; and
(v) to 'this Act' shall be construed as a reference to this Act.";

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

Amendment of section 43 of Act 40 of 1958, as substituted by section 2 of Act 60 of 1974.

42. Section 43 of the Electricity Act, 1958, is hereby amended by the substitution for subsections (4) and (5) of the following subsections:

"(4) Upon the approval of the State President to such acquisition being granted, the provisions of sections 7 to 23, of the Expropriation Act, 1975, shall *mutatis mutandis* apply in connection with such acquisition, and in such application thereof any reference in those sections—

(a) to the 'Minister' and the 'State' shall be construed as a reference to the undertaker or person in question;

(b) to 'section 2' shall be construed as a reference to this section.

(5) If the owner of any land agrees to such land or any right in, over or in respect of such land being acquired by such undertaker or person for the exercise of any power referred to in subsection (1), but is not prepared to accept the compensation offered therefor, the parties may agree to the land or right being acquired by the undertaker or person, as the case may be, subject to the determination

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38. Artikel 25A van die Private Wet op die Randwateraadstatute, 1950, word hierby herroep.

Herroeping van artikel 25A van Wet 17 van 1950, soos ingevoeg deur artikel 6 van Wet 31 van 1972.

39. Artikel 3 van die Wet op Onteining (Oprigting van Ondernemings), 1951, word hierby deur die volgende artikel vervang:

„Toepassing van wetsbepalings betreffende onteining.

3. Sodra die Minister kragtens artikel 2 (1) sy goedkeuring ten opsigte van enige grond verleen het, is die bepalinge van artikels 7 tot 23 van die Onteieningswet, 1975, *mutatis mutandis* van toepassing ten opsigte van die verkryging van daardie grond of die tydelike gebruiksreg daarvan, na gelang van die geval, deur die persoon aan wie die goedkeuring verleen is, en by sodanige toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n verwysing na daardie persoon uitgelê.”

Vervanging van artikel 3 van Wet 39 van 1951, soos vervang deur artikel 3 van Wet 61 van 1974.

40. Artikels 1 tot 4, 6 tot 12 en 18 van, en die Bylae by, die Spoorwegonteieningswet, 1955, word hierby herroep: Met dien verstande dat die bepalinge van artikel 11 (3) daarvan, uitgesonderd die voorbehoudsbepaling daarby, van toepassing bly ten opsigte van grond wat voor die inwerkingtreding van daardie Wet deur die Spoorwegadministrasie verkry is.

Herroeping van artikels 1 tot 4, 6 tot 12 en 18 van, en Bylae by, Wet 37 van 1955.

41. Artikel 60 van die Waterwet, 1956, word hierby gewysig—
(a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

- „(b) Die bepalinge van artikels 6 tot 24 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing ten opsigte van die onteining van goed of die neem van 'n reg ingevolge hierdie artikel, en 'n verwysing in genoemde artikels van daardie Wet—
(i) na „Minister” word uitgelê as 'n verwysing na die Minister van Waterwese;
(ii) na „artikel 2” word uitgelê as 'n verwysing na hierdie artikel;
(iii) na 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika word uitgelê as 'n verwysing na 'n waterhof;
(iv) na „regter” word uitgelê as 'n verwysing na 'n regter van 'n waterhof; en
(v) na „hierdie Wet” word uitgelê as 'n verwysing na hierdie Wet.”; en

(b) deur subartikel (3) te skrap.

Wysiging van artikel 60 van Wet 54 van 1956, soos vervang deur artikel 8 van Wet 45 van 1972.

42. Artikel 43 van die Elektrisiteitswet, 1958, word hierby gewysig deur subartikels (4) en (5) deur die volgende subartikels te vervang:

- „(4) Sodra die goedkeuring van die Staatspresident tot so 'n verkryging verleen is, geld die bepalinge van artikel 7 tot 23 van die Onteieningswet, 1975, *mutatis mutandis* in verband met sodanige verkryging, en by sodanige toepassing daarvan word 'n verwysing in daardie artikels—
(a) na die „Minister” en die „Staat” as 'n verwysing na die betrokke ondernemer of persoon uitgelê;
(b) na „artikel 2” as 'n verwysing na hierdie artikel uitgelê.

(5) Indien die eienaar van grond inwillig tot die verkryging van dié grond of 'n reg in, oor of ten opsigte van dié grond deur so 'n ondernemer of so 'n persoon vir die uitoefening van 'n bevoegdheid bedoel in subartikel (1), maar nie bereid is om die vergoeding wat daarvoor aangebied word, te aanvaar nie, kan die partye ooreenkom dat die ondernemer of persoon, na gelang van die geval, die grond of reg verkry onderworpe aan die vasstelling van

Wysiging van artikel 43 van Wet 40 van 1958, soos vervang deur artikel 2 van Wet 60 van 1974.

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of the compensation payable in accordance with the provisions of sections 12, 14 and 15 of the Expropriation Act, 1975, according to which provisions would have been applicable if the land or right had been expropriated in terms of the provisions of the said Act: Provided that in any such case the date of notice, as defined in section 1 of the said Act, shall be deemed to be the date on which that agreement was concluded: Provided further that if an application for such determination of the compensation is not made within six months after that date to the appropriate court, the compensation offered by such undertaker or person shall be the compensation payable for the acquisition of such land or right."

Substitution of section 79 of Act 44 of 1958, as substituted by section 32 of Act 55 of 1965.

43. The following section is hereby substituted for section 79 of the Post Office Act 1958:

"Postmaster-General may take over private lines after notice. 79. "The Postmaster-General may, subject to an obligation to pay such compensation as may, in the absence of agreement, be determined, *mutatis mutandis*, in accordance with the provisions of sections 12, 14 and 15 of the Expropriation Act, 1975, after giving six months' notice of his intention so to do, take over the whole or any part of any telegraph line or system, not being a system of communication constructed and maintained by the South African Railways and Harbours Administration, whether constructed before or after the commencement of this Act, and whether constructed, maintained or operated under any special or general legislative authority or otherwise."

Amendment of section 82 of Act 44 of 1958, as amended by section 33 of Act 80 of 1965.

44. Section 82 of the Post Office Act, 1958, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The compensation in the case of injury aforesaid being caused to any work, property or standing crops shall, if the amount cannot be otherwise agreed upon, be settled by a competent court."

Amendment of section 3 of Act 42 of 1962, as substituted by section 35 of Act 55 of 1965.

45. Section 3 of the National Parks Act, 1962, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of the Expropriation Act, 1975, shall *mutatis mutandis* apply in connection with any expropriation of land or any mineral right under subsection (1)."

Amendment of section 13 of Act 24 of 1963.

46. Section 13 of the Rural Coloured Areas Act, 1963, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) In determining and paying the compensation payable in terms of this section, the relevant provisions of the Expropriation Act, 1975, shall *mutatis mutandis* apply as if the property or right concerned were expropriated in terms of that Act on the date on which it vested in the Minister."

Repeal of sections 15 to 20 of Act 24 of 1963.

47. Sections 15 to 20 of the Rural Coloured Areas Act, 1963, are hereby repealed.

Amendment of section 23 of Act 55 of 1963.

48. Section 23 of the Slums Amendment Act, 1963, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of sections 17 (1A) and 27 of the principal Act shall, in so far as they can be applied, *mutatis mutandis* apply with reference to the acquisition or expropriation of any land under subsection (1) in the same

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die vergoeding wat betaalbaar is ooreenkomstig die bepalings van artikels 12, 14 en 15 van die Onteieningswet, 1975, na gelang van watter bepalings van toepassing sou gewees het indien die grond of reg ingevolge die bepalings van genoemde Wet onteien was: Met dien verstande dat in so 'n geval die kennisgewingsdatum, soos in artikel 1 van genoemde Wet omskryf, geag word die datum te wees waarop bedoelde ooreenkoms aangegaan is: Met dien verstande voorts dat indien 'n aansoek om sodanige vasstelling van die vergoeding nie binne ses maande na dié datum by die gepaste hof ingedien word nie, die vergoeding wat deur daardie ondernemer of persoon aangebied is, die vergoeding is wat betaalbaar is vir die verkryging van daardie grond of reg."

43. Artikel 79 van die Poswet, 1958, word hierby deur die volgende artikel vervang:

„Pos-meester-generaal kan privaatelyne na kennisgewing oorneem."

79. Die Posmeester-generaal kan, onderworpe aan 'n verpligting om vergoeding te betaal wat, by ontstaan van ooreenkoms, *mutatis mutandis*, ooreenkomstig die bepalings van artikels 12, 14 en 15 van die Onteieningswet, 1975 bepaal word, en na ses maande kennisgewing van sy voorneme om dit te doen, 'n telegraaflyn of -stelsel (of deel daarvan), hetsy voor of na die inwerkingtreding van hierdie Wet en het sy ingevolge spesiale of algemene wetgewende gesag of andersins opgerig, in stand gehou of geëksploiteer, uitgesonderd 'n kommunikasiestelsel wat deur die Suid-Afrikaanse Spoorweg- en Hawensadministrasie opgerig is en in stand gehou word, oorneem."

Vervanging van artikel 79 van Wet 44 van 1958, soos vervang deur artikel 32 van Wet 55 van 1965.

44. Artikel 82 van die Poswet, 1958, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die skadevergoeding in die geval van skade soos voormeld aan enige werk, eiendom of op die land staande ooste veroorsaak, word, indien die bedrag nie by skikking bepaal kan word nie, deur 'n bevoegde hof vasgestel."

Wysiging van artikel 82 van Wet 44 van 1958, soos gewysig deur artikel 33 van Wet 80 van 1965

45. Artikel 3 van die Wet op Nasionale Parke, 1962, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bepalings van die Onteieningswet, 1975, geld *mutatis mutandis* in verband met onteiening van grond of 'n mineralereg kragtens subartikel (1)."

Wysiging van artikel 3 van Wet 42 van 1962, soos vervang deur artikel 35 van Wet 55 van 1965.

46. Artikel 13 van die Wet op Landelike Kleurlinggebiede, 1963, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By die vasstelling en betaling van die vergoeding wat ingevolge hierdie artikel betaalbaar is, geld die tersaaklike bepalings van die Onteieningswet, 1975, *mutatis mutandis* asof die betrokke eiendom of reg ingevolge daardie Wet onteien is op die datum waarop dit op die Minister oorgegaan het."

Wysiging van artikel 13 van Wet 24 van 1963.

47. Artikels 15 tot 20 van die Wet op Landelike Kleurlinggebiede, 1963, word hierby herroep.

Herroeping van artikels 15 tot 20 van Wet 24 van 1963.

48. Artikel 23 van die Slumswysigingswet, 1963, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bepalings van artikels 17 (1A) en 27 van die Hoofwet is, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing met betrekking tot die verkryging of onteiening van grond ingevolge subartikel (1) op die-

Wysiging van artikel 23 van Wet 55 van 1963.

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manner as they apply in respect of the acquisition of land by agreement or expropriation under the said section 17, and for that purpose any reference in the said sections to a local authority shall be construed as a reference to the Commission, and any reference therein to the written approval of the Minister for the acquisition of land by a local authority shall be construed as a reference to the written authority granted by the Minister under subsection (1) for the acquisition of land by the Commission.”.

Amendment of
section 1 of
Act 41 of 1964.

49. Section 1 of the Extension of Powers of Executive Committees and Administrators Act, 1964, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If the administrator and the owner in question are unable to agree on the conditions of the acquisition in terms of subsection (1) of any land or any interest in land, the provisions of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of such acquisition.”.

Amendment of
section 1 of
Act 3 of 1966,
as amended by
section 1 of
Act 42 of 1967,
section 1 of
Act 58 of 1968
and section 1 of
Act 74 of 1970.

50. Section 1 of the Community Development Act, 1966, is hereby amended by the substitution in subsection (1), in the definition of “owner”, for the words following on paragraph (b) of the following words:

“and for the purpose of section 15, section 29 (4) and sections 32, 33, 34, 37 and 38, includes any sheriff, deputy-sheriff, messenger of the court, trustee, executor, liquidator, curator, administrator or other person lawfully entitled or required to dispose of that property.”.

Amendment of
section 15 of
Act 3 of 1966,
as amended by
section 2 of
Act 42 of 1967,
section 1 of
Act 58 of 1969,
section 2 of
Act 74 of 1970,
section 24 of
Act 80 of 1971
and section 1 of
Act 93 of 1972.

51. Section 15 of the Community Development Act, 1966, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) Any owner of immovable property in an area in respect of which any notice under subsection (2) (e) is in operation, who desires to dispose of such property, shall offer such property for sale to the board, and the board shall thereupon have a preferent right to purchase such property at a price agreed upon between it and the owner concerned, or (if within sixty days after the date on which the offer was made the board and such owner fail to agree as to the price to be paid) at a price fixed as if the provisions of section 14 of the Expropriation Act, 1975, were applicable in respect thereof.”; and

(b) by the deletion of paragraph (b) of the said subsection (5).

Amendment of
section 26 of
Act 3 of 1966.

52. Section 26 of the Community Development Act, 1966, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) The provisions of section 7 (3) and (5) of the Expropriation Act, 1975, shall *mutatis mutandis* apply in connection with any notice required to be given under subsection (2) (a) of this section.”; and

(b) by the addition of the following subsection:

“(4) Notice given in terms of section 7 (5) of the Expropriation Act, 1975, shall be deemed to have been given on the date on which it was published in the *Gazette*.”.

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selfde wyse as wat hulle ten opsigte van die verkryging van grond by wyse van ooreenkoms of onteiening kragtens genoemde artikel 17 geld, en vir dié doel word 'n verwysing in bedoelde artikels na 'n plaaslike bestuur as 'n verwysing na die Kommissie, en 'n verwysing daarin na die skriftelike goedkeuring van die Minister vir die verkryging van grond deur 'n plaaslike bestuur, as 'n verwysing na die skriftelike magtiging ingevolge subartikel (1) deur die Minister vir die verkryging van grond deur die Kommissie verleen, uitgelê."

49. Artikel 1 van die Wet op Uitbreiding van Bevoegdheid van Uitvoerende Komitees en Administrateurs, 1964, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 1 van Wet 41 van 1964.

„(2) Indien die administrateur en die betrokke eienaar nie kan ooreenkom omtrent die voorwaardes van die verkryging van grond of 'n belang in grond ingevolge subartikel (1) nie, is die bepalings van die Onteieningswet, 1975, *mutatis mutandis* van toepassing ten opsigte van sodanige verkryging."

50. Artikel 1 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig deur in subartikel (1), in die omskrywing van „eienaar", die woorde wat op paragraaf (b) volg deur die volgende woorde te vervang:

Wysiging van artikel 1 van Wet 3 van 1966, soos gewysig deur artikel 1 van Wet 42 van 1967, artikel 1 van Wet 58 van 1968 en artikel 1 van Wet 74 van 1970.

„en by die toepassing van artikel 15, artikel 29 (4) en artikels 32, 33, 34, 37 en 38, ook 'n balju, adjunk-balju, geregsbode, trustee, eksekuteur, likwidateur, kurator, administrateur of enige ander persoon wat wettiglik geregtig of verplig is om bedoelde eiendom van die hand te sit;"

51. Artikel 15 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig—

Wysiging van artikel 15 van Wet 3 van 1966, soos gewysig deur artikel 2 van Wet 42 van 1967, artikel 1 van Wet 58 van 1969, artikel 2 van Wet 74 van 1970, artikel 24 van Wet 80 van 1971 en artikel 1 van Wet 93 van 1972.

(a) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:

„(a) 'n Eienaar van onroerende eiendom in 'n gebied ten opsigte waarvan 'n kennisgewing kragtens subartikel (2) (e) in werking is, wat dié eiendom van die hand wil sit, moet bedoelde eiendom aan die raad te koop aanbied, en die raad het daarop 'n voorkeepsreg oor daardie eiendom teen 'n prys waarop die raad en die betrokke eienaar ooreenkom of (indien die raad en dié eienaar nie binne 'n tydperk van sestig dae na die datum waarop die aanbod gemaak is, ooreenkom aangaande die prys wat betaal moet word nie) teen 'n prys vasgestel asof die bepalings van artikel 14 van die Onteieningswet, 1975, ten opsigte daarvan van toepassing was;" en

(b) deur paragraaf (b) van genoemde subartikel (5) te skrap.

52. Artikel 26 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig—

Wysiging van artikel 26 van Wet 3 van 1966.

(a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die bepalings van artikel 7 (3) en (5) van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing in verband met enige kennisgewing wat ingevolge subartikel (2) (a) van hierdie artikel gegee moet word;" en

(b) deur die volgende subartikel by te voeg:

„(4) Kennis wat volgens voorskrif van artikel 7 (5) van die Onteieningswet, 1975, gegee is, word geag gegee te gewees het op die datum waarop dit in die *Staatskoerant* gepubliseer is."

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Amendment of section 33 of Act 3 of 1966, as amended by section 6 of Act 42 of 1967.

53. Section 33 of the Community Development Act, 1966, is hereby amended by the substitution for subsections (6) and (7) of the following subsections:

“(6) The provisions of section 26 (3) and (4) shall *mutatis mutandis* apply in respect of any notice referred to in this section.

(7) The provisions of section 15 of the Expropriation Act, 1975, shall *mutatis mutandis* apply with reference to an appeal to a revision court referred to in subsection (5) of this section.”.

Amendment of section 34 of Act 3 of 1966, as amended by section 7 of Act 42 of 1967, section 7 of Act 74 of 1970, section 1 of Act 68 of 1971 and section 43 of Act 94 of 1974.

54. Section 34 of the Community Development Act, 1966, is hereby amended by the substitution for subsection (8) of the following subsection:

“(8) The market value of any property exchanged or proposed to be exchanged for affected property, or the value of any consideration received or payable for affected property, shall for the purpose of this section, in the absence of agreement between the owner and the board, be determined as if the provisions of section 14 of the Expropriation Act, 1975, were applicable in respect thereof.”.

Amendment of section 35 of Act 3 of 1966, as amended by section 8 of Act 42 of 1967, section 2 of Act 68 of 1971 and section 44 of Act 94 of 1974.

55. Section 35 of the Community Development Act, 1966, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) If the compensation fixed is less than the basic value of the property in question and is, in the opinion of the board, also lower than the market value thereof, the market value of the property shall be determined by agreement between the owner and the board, or in the absence of such agreement as if the provisions of section 14 of the Expropriation Act, 1975, were applicable in respect thereof, and if the market value so determined exceeds the compensation fixed, such market value shall for the purpose of determining the depreciation contribution payable in terms of paragraph (a) (if any) be regarded as the compensation fixed.”.

Amendment of section 37 of Act 3 of 1966, as amended by section 9 of Act 42 of 1967, section 3 of Act 68 of 1971 and section 45 of Act 94 of 1974.

56. Section 37 of the Community Development Act, 1966, is hereby amended—

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

“(b) Where any affected property in relation to which the board has notified the owner as provided in paragraph (a), is registered in the name of a company or is in terms of a testamentary disposition vested in the administrator of the estate of a deceased person, the market value thereof shall, if the board and the owner or the administrator do not agree on any valuation, be determined as if the provisions of section 14 of the Expropriation Act, 1975, were applicable in respect thereof, and if the market value thus agreed upon or determined is equal to or exceeds the basic value of the property in question, the owner shall forthwith pay to the board an appreciation contribution equal to fifty per cent of the difference,

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53. Artikel 33 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig deur subartikels (6) en (7) deur die volgende subartikels te vervang:

Wysiging van artikel 33 van Wet 3 van 1966, soos gewysig deur artikel 6 van Wet 42 van 1967.

„(6) Die bepalings van artikel 26 (3) en (4) is *mutatis mutandis* van toepassing ten opsigte van 'n kennisgewing in hierdie artikel bedoel.

(7) Die bepalings van artikel 15 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing met betrekking tot 'n appèl na 'n hersieningshof in subartikel (5) van hierdie artikel bedoel.”.

54. Artikel 34 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig deur subartikel (8) deur die volgende subartikel te vervang:

Wysiging van artikel 34 van Wet 3 van 1966, soos gewysig deur artikel 7 van Wet 42 van 1967, artikel 7 van Wet 74 van 1970, artikel 1 van Wet 68 van 1971 en artikel 43 van Wet 94 van 1974.

„(8) Die markwaarde van eiendom wat vir geaffekteerde eiendom verruil word of voorgestel word om daarvoor verruil te word, of die waarde van vergoeding vir geaffekteerde eiendom ontvang of betaalbaar, word, by die toepassing van hierdie artikel, by ontstentenis van ooreenkoms tussen die eienaar en die raad, bepaal asof die bepalings van artikel 14 van die Onteieningswet, 1975, ten opsigte daarvan van toepassing was.”.

55. Artikel 35 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 35 van Wet 3 van 1966, soos gewysig deur artikel 8 van Wet 42 van 1967, artikel 2 van Wet 68 van 1971 en artikel 44 van Wet 94 van 1974.

„(b) Indien die vergoeding wat vasgestel is, minder is as die basiese waarde van die betrokke eiendom en dit, na die mening van die raad, ook minder is as die markwaarde daarvan, word die markwaarde van die eiendom bepaal by ooreenkoms tussen die eienaar en die raad of, by ontstentenis van sodanige ooreenkoms, asof die bepalings van artikel 14 van die Onteieningswet, 1975, ten opsigte daarvan van toepassing was, en indien die markwaarde aldus bepaal meer is as die vasgestelde vergoeding, word sodanige markwaarde vir die doel van die bepaling van die waardeverminderingskontribusie wat ingevolge paragraaf (a) betaalbaar is (indien daar is) as die vasgestelde vergoeding beskou.”.

56. Artikel 37 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig—

Wysiging van artikel 37 van Wet 3 van 1966, soos gewysig deur artikel 9 van Wet 42 van 1967, artikel 3 van Wet 68 van 1971 en artikel 45 van Wet 94 van 1974.

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) Waar geaffekteerde eiendom met betrekking waartoe die raad volgens voorskrif van paragraaf (a) aan die eienaar kennis gegee het, op naam van 'n maatskappy geregistreer staan of ingevolge 'n testamentêre beskikking by die administrateur van die boedel van 'n oorlede persoon berus, word die markwaarde daarvan, indien die raad en die eienaar of die administrateur nie oor 'n waardering ooreenkom nie, bepaal asof die bepalings van artikel 14 van die Onteieningswet, 1975, ten opsigte daarvan van toepassing was, en indien die markwaarde, soos aldus ooreengekom of bepaal, aan die basiese waarde van die betrokke eiendom gelyk is of dit te bowe gaan, moet die eienaar onverwyld aan die raad 'n waardevermeerderingskontribusie betaal gelyk aan vyftig persent van die verskil, as daar is, tussen bedoelde

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if any, between such market value and the basic value of that property, and the board shall remove that property from the list.”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Whenever after the expiry of one hundred and thirty-two months after the basic date, or the date of commencement of the Community Development Amendment Act, 1967, whichever is the later date, the owner of any affected property included in the list considers that the market value of that property is equal to or exceeds the basic value thereof, he may notify the board in writing that he desires the said property to be removed from the list and may state his estimate of the market value thereof, and if the board agrees with such estimate, or if the board and the owner agree on a valuation which is equal to or exceeds the basic value of that property, or if in the absence of such agreement the market value of the said property, determined as if the provisions of section 14 of the Expropriation Act, 1975, were applicable in respect thereof, is equal to or exceeds the basic value of the said property, the board shall, upon payment to the board of an appreciation contribution equal to fifty per cent of the difference, if any, between the market value thus agreed upon between the board and the owner or thus determined, as the case may be, and the basic value of the said property, remove such property from the list.”.

Amendment of section 38 of Act 3 of 1966, as amended by section 10 of Act 42 of 1967, section 8 of Act 74 of 1970, section 4 of Act 68 of 1971 and section 46 of Act 94 of 1974.

57. Section 38 of the Community Development Act, 1966, is hereby amended—

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

“(a) The board may with the written approval of the Minister, if it is satisfied that it is expedient to do so for the attainment of any of its objects, acquire any immovable property by expropriation: Provided that the Minister may delegate to the Secretary, to the extent he deems fit, the power conferred on him by this section to approve of the acquisition by the board by expropriation of any immovable property, and anything done by the Secretary under and within the scope of the power so delegated to him, shall be just as valid and effective as if it had been done by the Minister himself: Provided further that immovable property shall be expropriated within six months after receipt of the approval of the Minister or such longer period as the Minister may in writing allow.”.

- (b) by the substitution for paragraph (c) of subsection (1A) of the following paragraph:

“(c) A copy of the relevant resolution referred to in paragraph (a) shall for the purposes of the provisions of the Expropriation Act, 1975, be deemed to be a copy of the notice by which the expropriation of the property in question has taken place.”; and

- (c) by the insertion after subsection (1A) of the following subsection:

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markwaarde en die basiese waarde van daardie eiendom en moet die raad daardie eiendom uit die lys skrap.”; en

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Wanneer die eienaar van geaffekteerde eiendom wat in die lys opgeneem is, na die verloop van honderdtwee-en-dertig maande na die basiese datum, of die datum van die inwerkingtreding van die Wysigingswet op Gemeenskapsontwikkeling, 1967, watter datum ook al die jongste is, van oordeel is dat die markwaarde van daardie eiendom gelyk is aan die basiese waarde daarvan of dit te bowe gaan, kan hy die raad skriftelik in kennis stel dat hy verlang dat bedoelde eiendom uit die lys geskrap moet word en kan hy sy raming van die markwaarde daarvan meld, en indien die raad met bedoelde raming instem, of indien die raad en die eienaar ooreenkom oor 'n waardering wat gelyk is aan die basiese waarde van daardie eiendom of dit te bowe gaan, of indien by ontstentenis van so 'n ooreenkoms die markwaarde van bedoelde eiendom, bepaal asof die bepaling van artikel 14 van die Onteieningswet, 1975, ten opsigte daarvan van toepassing was, gelyk is aan die basiese waarde van bedoelde eiendom of dit te bowe gaan, moet die raad, by betaling aan die raad van 'n waardevermeerderingskontribusie gelyk aan vyftig persent van die verskil, indien daar is, tussen die markwaarde waaroor aldus ooreengekom is tussen die raad en die eienaar of wat aldus bepaal is, na gelang van die geval, en die basiese waarde van bedoelde eiendom, bedoelde eiendom uit die lys skrap.”.

57. Artikel 38 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Die raad kan met die skriftelike goedkeuring van die Minister, indien die raad oortuig is dat dit raadsaam is om dit te doen vir die bereiking van enige van sy oogmerke, enige onroerende eiendom deur onteiening verkry: Met dien verstande dat die Minister die bevoegdheid wat deur hierdie artikel aan hom verleen is om goedkeuring te verleen vir die verkryging deur die raad van onroerende eiendom deur onteiening, aan die Sekretaris kan deleger in die mate wat hy goedvind, en enigiets wat deur die Sekretaris gedoen word kragtens en binne die bestek van die bevoegdheid wat aldus aan hom gedelegeer is, is net so geldig en bindend asof dit deur die Minister self gedoen is: Met dien verstande voorts dat onroerende eiendom onteien moet word binne ses maande na ontvangs van die betrokke goedkeuring van die Minister of die langer tydperk wat die Minister skriftelik toelaat.”;

- (b) deur paragraaf (c) van subartikel (1A) deur die volgende paragraaf te vervang:

„(c) 'n Afskrif van 'n ter sake besluit bedoel in paragraaf (a) word by die toepassing van die bepalinge van die Onteieningswet, 1975, geag 'n afskrif te wees van die kennisgewing waarby die onteiening van die betrokke eiendom plaasgevind het.”; en

- (c) deur die volgende subartikel na subartikel (1A) in te voeg:

Wysiging van artikel 38 van Wet 3 van 1966, soos gewysig deur artikel 10 van Wet 42 van 1967, artikel 8 van Wet 74 van 1970, artikel 4 van Wet 68 van 1971 en artikel 46 van Wet 94 van 1974.

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“(1B) Subject to the provisions of subsection (2), the provisions of sections 6 to 23 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the acquisition of immovable property by expropriation in terms of this section, and in such application a reference in that Act—

- (i) to ‘Minister’ and ‘State’ shall be construed as a reference to the board;
- (ii) to ‘section 2’, shall be construed as a reference to this section.”.

Repeal of sections 39 and 40 of Act 3 of 1966.

58. Sections 39 and 40 of the Community Development Act, 1966, are hereby repealed.

Substitution of section 41 of Act 3 of 1966.

59. The following section is hereby substituted for section 41 of the Community Development Act, 1966:

“Determina-
tion of
compensa-
tion in
respect of
acquisition
of property.

41. (1) The board shall add to the compensation agreed upon or determined an amount to make good any actual financial loss caused by the acquisition in terms of paragraph (a) or (b) of subsection (2) of section 15 of affected property or the purchase of property in an area in respect of which any notice under paragraph (e) of the said subsection is in operation.

(2) Notwithstanding anything to the contrary contained in any law, there shall be added to the compensation referred to in subsection (1) an amount which shall be equal to ten per cent thereof but not exceeding ten thousand rand.

(3) The amounts referred to in subsections (1) and (2) as well as the additional amounts referred to in section 12 (1) (a) (ii) and (2) of the Expropriation Act, 1975, shall not be considered as part of the compensation for the purposes of the determination of an appreciation or a depreciation contribution.”.

Repeal of sections 42, 43 and 45 of Act 3 of 1966.

60. Sections 42, 43 and 45 of the Community Development Act, 1966, are hereby repealed.

Amendment of section 49 of Act 3 of 1966.

61. Section 49 of the Community Development Act, 1966, is hereby amended by the deletion of paragraph (d) of subsection (1).

Amendment of section 50 of Act 3 of 1966, as substituted by section 14 of Act 42 of 1967.

62. Section 50 of the Community Development Act, 1966, is hereby amended by the deletion of paragraphs (f), (g) and (h) of subsection (1).

Substitution of section 31 of Act 4 of 1966, as amended by section 3 of Act 73 of 1970.

63. The following section is hereby substituted for section 31 of the Housing Act, 1966:

“Acquisition
of land for
housing
purposes.

31. (1) Notwithstanding anything to the contrary in any law contained, the Commission may, with the written approval of the Minister, purchase, expropriate or otherwise acquire any land which it requires for the purpose of constructing a dwelling or of carrying out a scheme: Provided that no expropriation shall take place in terms of this section unless the Commission is satisfied that it is unable to purchase such land on reasonable terms and that no other suitable land is available to it and that it is unable to purchase other suitable land on reasonable

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„(1B) Die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, is, behoudens die bepalings van subartikel (2) van hierdie artikel, *mutatis mutandis* van toepassing ten opsigte van die verkryging van onroerende eiendom deur onteiening ingevolge hierdie artikel, en by sodanige toepassing word 'n verwysing in genoemde artikels van daardie Wet—

- (i) na 'Minister' en 'Staat' uitgelê as 'n verwysing na die raad; en
- (ii) na 'artikel 2' uitgelê as 'n verwysing na hierdie artikel.’’.

58. Artikels 39 en 40 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby herroep.

Herroeping van artikels 39 en 40 van Wet 3 van 1966.

59. Artikel 41 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby deur die volgende artikel vervang:

Vervanging van artikel 41 van Wet 3 van 1966.

„Bepaling van vergoeding ten opsigte van verkryging van eiendom.

41. (1) Die raad moet 'n bedrag voeg by die vergoeding waarop ooreengekom is of wat vasgestel is, ten einde te vergoed vir enige werklike geldelike verlies wat veroorsaak word deur die verkryging ingevolge paragraaf (a) of (b) van subartikel (2) van artikel 15 van geaffekteerde eiendom of die aankoop van eiendom in 'n gebied ten opsigte waarvan 'n kennisgewing ingevolge paragraaf (e) van daardie subartikel van krag is.

(2) Ondanks andersluidende bepalings van die een of ander wet moet daar by die vergoeding beoog in subartikel (1) 'n bedrag gevoeg word wat gelyk is aan tien persent daarvan maar hoogstens tien-duisend rand.

(3) Die bedrae in subartikels (1) en (2) vermeld asook die bykomende bedrae bedoel in artikel 12 (1) (a) (ii) en (2) van die Onteieningswet, 1975, word nie as deel van die vergoeding vir die doeleindes van die vasstelling van 'n waardevermeerderings- of waardeverminderingkontribusie gereken nie.’’.

60. Artikels 42, 43 en 45 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby herroep.

Herroeping van artikels 42, 43 en 45 van Wet 3 van 1966.

61. Artikel 49 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig deur paragraaf (d) van subartikel (1) te skrap.

Wysiging van artikel 49 van Wet 3 van 1966.

62. Artikel 50 van die Wet op Gemeenskapsontwikkeling, 1966, word hierby gewysig deur paragrawe (f), (g) en (h) van subartikel (1) te skrap.

Wysiging van artikel 50 van Wet 3 van 1966, soos vervang deur artikel 14 van Wet 42 van 1967.

63. Artikel 31 van die Behuisingswet, 1966, word hierby deur die volgende artikel vervang:

„Verkryging van grond vir behuisingsdoeleindes.

31. (1) Ondanks andersluidende wetsbepalings, kan die Kommissie, met die skriftelike goedkeuring van die Minister, grond wat die Kommissie nodig het vir die bou van 'n woning of vir die uitvoering van 'n skema, koop, onteien of op ander wyse verkry: Met dien verstande dat geen onteiening ingevolge hierdie artikel plaasvind nie tensy die Kommissie oortuig is dat hy nie in staat is om sodanige grond op redelike voorwaardes te koop nie en dat geen ander geskikte grond aan hom beskikbaar is nie, en dat hy nie in staat is om ander geskikte grond op redelike voorwaardes te koop nie:

Vervanging van artikel 31 van Wet 4 van 1966, soos gewysig deur artikel 3 van Wet 73 van 1970.

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terms: Provided further that land shall be expropriated within six months after receipt of the relative approval of the Minister or such longer period as the Minister may in writing allow.

(2) The provisions of sections 6 to 23 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of an expropriation of land in terms of subsection (1), and in such application a reference in the said sections of that Act—

(a) to 'Minister' and 'State', shall be construed as a reference to the Commission; and

(b) to 'section 2', shall be construed as a reference to this section."

Amendment of
section 32 of
Act 4 of 1966.

64. Section 32 of the Housing Act, 1966, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of section 31 (2) shall *mutatis mutandis* apply in respect of any expropriation under subsection (1) (b)."

Repeal of
sections 35 to 39
of Act 4 of 1966.

65. Sections 35 to 39 of the Housing Act, 1966, are hereby repealed.

Amendment of
section 40 of
Act 4 of 1966.

66. Section 40 of the Housing Act, 1966, is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

"(3) The provisions of section 7 (3) and (5) of the Expropriation Act, 1975, shall, subject to the provisions of subsection (4) of this section, *mutatis mutandis* apply in connection with any notice required to be given under subsection (2) of this section."; and

(b) by the addition of the following subsections:

"(4) It shall not be necessary in any notice under subsection (2) to mention the name of the owner, but if his name is not mentioned in the notice, he shall be described therein as the owner of the land in question.

(5) The date of service of a notice referred to in subsection (2) and published in accordance with the provisions of section 7 (5) of the Expropriation Act, 1975, shall be the date on which it was published in the *Gazette*."

Amendment of
section 41 of
Act 4 of 1966.

67. Section 41 of the Housing Act, 1966, is hereby amended—

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

"(1) The Registrar shall note in his register the lapsing, suspension, or modification of any restrictive condition upon the use or occupation of any land which may have lapsed or may have been suspended or modified by virtue of any proclamation issued under section 40."; and

(b) by the deletion of subsection (4).

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Met dien verstande voorts dat grond onteien moet word binne ses maande na ontvangs van die betrokke goedkeuring van die Minister of die langer tydperk wat die Minister skriftelik toelaat.

(2) Die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing ten opsigte van die onteiening van grond ingevolge subartikel (1), en by sodanige toepassing word 'n verwysing in genoemde artikels van daardie Wet—

- (a) na „Minister” en „Staat” uitgelê as 'n verwysing na die Kommissie; en
- (b) na „artikel 2” uitgelê as 'n verwysing na hierdie artikel.”.

64. Artikel 32 van die Behuisingswet, 1966, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 32 van Wet 4 van 1966.

„(2) Die bepalings van artikel 31 (2) is *mutatis mutandis* van toepassing ten opsigte van 'n onteiening kragtens subartikel (1) (b).”.

65. Artikels 35 tot 39 van die Behuisingswet, 1966, word hierby herroep. Herroeping van artikels 35 tot 39 van Wet 4 van 1966.

66. Artikel 40 van die Behuisingswet, 1966, word hierby gewysig— Wysiging van artikel 40 van Wet 4 van 1966.

- (a) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die bepalings van artikel 7 (3) en (5) van die Onteieningswet, 1975, is, behoudens die bepalings van subartikel (4) van hierdie artikel, *mutatis mutandis* van toepassing in verband met 'n kennisgewing wat ingevolge subartikel (2) van hierdie artikel gegee moet word.”; en

- (b) deur die volgende subartikels by te voeg:

„(4) Dit is nie nodig om in 'n kennisgewing kragtens subartikel (2) die eenaar se naam te noem nie, maar as sy naam nie in die kennisgewing genoem word nie, moet hy daarin as die eenaar van die betrokke grond beskryf word.

(5) Die datum van betekening van 'n kennisgewing bedoel in subartikel (2) wat ooreenkomstig die bepalings van artikel 7 (5) van die Onteieningswet, 1975, gepubliseer is, is die datum waarop dit in die *Staatskoerant* afgekondig is.”.

67. Artikel 41 van die Behuisingswet, 1966, word hierby gewysig— Wysiging van artikel 41 van Wet 4 van 1966.

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Registrateur moet die verval, opskorting of wysiging van 'n beperkende voorwaarde op die gebruik of okkupasie van grond, wat uit hoofde van 'n proklamasie kragtens artikel 40 verval het of opgeskort of gewysig is, in sy register aanteken.”; en

- (b) deur subartikel (4) te skrap.

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EXPROPRIATION ACT, 1975.

Substitution of section 66 of Act 4 of 1966, as amended by section 9 of Act 73 of 1970.

68. The following section is hereby substituted for section 66 of the Housing Act, 1966:

"Acquisition by local authorities of land for housing purposes, and extinction or modification of restrictions on land.

66. (1) Notwithstanding anything to the contrary in section 16 of the Bantu (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or any other law contained, a local authority may, with the written approval of the Minister, purchase, expropriate or otherwise acquire any land, whether situated within or outside the area under its jurisdiction, which it requires for the purpose of constructing thereon an approved dwelling or of carrying out thereon an approved scheme: Provided that no expropriation shall take place in terms of this section unless the local authority concerned is satisfied that it is unable to purchase such land on reasonable terms and that no other suitable land is available to it and that it is unable to purchase other suitable land on reasonable terms: Provided further that land shall be expropriated within six months after receipt of the relative approval of the Minister or such longer period as the Minister may in writing allow.

(2) The provisions of sections 31 (2), 34, 40 and 41 shall *mutatis mutandis* apply with reference to the expropriation of any land by a local authority in terms of subsection (1) and with reference to land belonging to or to be acquired by a local authority, and for the purpose of such application any reference in the said sections to the Commission or the Secretary shall be deemed to be a reference to the local authority."

Amendment of section 27 of Act 86 of 1967.

69. Section 27 of the Abattoir Commission Act, 1967, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) The amount to be paid under subsection (2) shall be determined by an appropriate court in terms of section 14 of the Expropriation Act, 1975, and the provisions of that section and section 15 of that Act shall apply *mutatis mutandis* in the determination of this amount, and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission."

Amendment of section 29 of Act 86 of 1967.

70. Section 29 of the Abattoir Commission Act, 1967, is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) The provisions of sections 6 to 23 of the Expropriation Act, 1975, shall apply *mutatis mutandis* in respect of an expropriation or the taking of a right under subsection (1) (c), and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission or the person concerned, as the case may be."

Amendment of section 31 of Act 86 of 1967.

71. Section 31 of the Abattoir Commission Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The provisions of sections 6 to 23 of the Expropriation Act, 1975, shall apply *mutatis mutandis* in respect of an expropriation under subsection (1), and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission, such authority or person, as the case may be."

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Wet No. 63, 1975

68. Artikel 66 van die Behuisingwet, 1966, word hierby deur die volgende artikel vervang:

„Verkryging deur plaaslike bestuure van grond vir behuisingdoeleindes, en opheffing of wysiging van beperkings op grond.

66. (1) Ondanks andersluidende bepalings van artikel 16 van die Bantoes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), of ander wetsbepalings, kan 'n plaaslike bestuur, met die skriftelike goedkeuring van die Minister, enige grond (hetsy dit binne sy regsgebied geleë is of daarbuite) wat hy nodig het ten einde 'n goedgekeurde woning daarop te bou of 'n goedgekeurde skema daarop uit te voer, koop, onteien of op 'n ander wyse verkry: Met dien verstande dat geen onteiening ingevolge hierdie artikel plaasvind nie tensy die betrokke plaaslike bestuur oortuig is dat hy nie in staat is om sodanige grond op redelike voorwaardes te koop nie en dat geen ander geskikte grond aan hom beskikbaar is nie, en dat hy nie in staat is om ander geskikte grond op redelike voorwaardes te koop nie: Met dien verstande voorts dat grond onteien moet word binne ses maande na ontvangs van die betrokke goedkeuring van die Minister of die langer tydperk wat die Minister skriftelik toelaat.

Vervanging van artikel 66 van Wet 4 van 1966, soos gewysig deur artikel 9 van Wet 73 van 1970.

(2) Die bepalings van artikels 31 (2), 34, 40 en 41 is *mutatis mutandis* van toepassing met betrekking tot die onteiening van grond ingevolge subartikel (1) deur 'n plaaslike bestuur en met betrekking tot grond wat aan 'n plaaslike bestuur behoort of deur hom verkry staan te word, en vir die doel van sodanige toepassing word 'n verwysing na die Kommissie of die Sekretaris in vermelde artikels geag 'n verwysing na die plaaslike bestuur te wees.”

69. Artikel 27 van die Wet op die Abattoirkommissie, 1967, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 27 van Wet 86 van 1967.

„(3) Die bedrag wat kragtens subartikel (2) betaal moet word, word deur 'n gepaste hof ingevolge artikel 14 van die Onteieningswet, 1975, vasgestel, en die bepalings van daardie artikel en artikel 15 van daardie wet is *mutatis mutandis* by die vasstelling van die bedrag van toepassing, en by sodanige toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n verwysing na die kommissie uitgelê.”

70. Artikel 29 van die Wet op die Abattoirkommissie, 1967, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 29 van Wet 86 van 1967.

„(3) Die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, is *mutatis mutandis* ten opsigte van 'n onteiening of die neem van 'n reg kragtens subartikel (1) (c) van toepassing, en by die toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n verwysing na die kommissie of die betrokke persoon, na gelang van die geval, uitgelê.”

71. Artikel 31 van die Wet op die Abattoirkommissie, 1967, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 31 van Wet 86 van 1967.

„(2) Die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, is *mutatis mutandis* ten opsigte van 'n onteiening kragtens subartikel (1) van toepassing, en by die toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n verwysing na die kommissie, sodanige bestuur of persoon, na gelang van die geval, uitgelê.”

Act No. 63, 1975

EXPROPRIATION ACT, 1975.

Amendment of section 31A of Act 86 of 1967, as inserted by section 5 of Act 30 of 1973.

72. Section 31A of the Abattoir Commission Act, 1967, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisions of subsections (3) and (4), the provisions of sections 6 to 23 of the Expropriation Act, 1975, shall apply *mutatis mutandis* in respect of an expropriation under subsection (1), and in the application thereof a reference therein to the Minister and the State shall be construed as a reference to the commission.”.

Amendment of section 31C of Act 86 of 1967, as inserted by section 5 of Act 30 of 1973.

73. Section 31C of the Abattoir Commission Act, 1967, is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) (a) The amount of such compensation shall, in the absence of agreement, be determined by the court.
(b) Any proceedings for the determination of such compensation shall be instituted within six months after the cause of action has arisen, and written notice of any such proceedings and such cause of action shall be given by the plaintiff to the defendant not less than one month before the proceedings are instituted.”.

Amendment of section 6 of Act 90 of 1967.

74. Section 6 of the Atomic Energy Act, 1967, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The provisions of sections 7, 8 and 9 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of any expropriation under subsection (1).”.

Repeal of section 13A of Act 90 of 1967, as inserted by section 4 of Act 34 of 1970.

75. Section 13A of the Atomic Energy Act, 1967, is hereby repealed.

Amendment of section 6 of Act 72 of 1968.

76. Section 6 of the Forest Act, 1968, is hereby amended—
(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) to demand that the holding on which such forest is situated shall be expropriated in accordance with the provisions of the Expropriation Act, 1975, as if it were required for public purposes: Provided that no holding shall be expropriated in pursuance of any such demand unless the Land Tenure Board referred to in section 2 of the Land Tenure Act, 1966 (Act No. 32 of 1966), is of the opinion that the operation of section 5 (2) will result in a substantial interference with such owner's beneficial occupation of his holding or the rendering of a substantial portion thereof unavailable for the purpose for which such portion was being used at the time of the publication of the relative notice.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) The amount of damages recoverable under subsection (1) (a) shall, in the absence of agreement, be determined by an appropriate court in terms of section 14 of the Expropriation Act, 1975, and the provisions of that section and section 15 of that Act shall *mutatis mutandis* apply in the determination of such amount.”.

Amendment of section 37 of Act 40 of 1969.

77. Section 37 of the University of Fort Hare Act, 1969, is hereby amended by the substitution in subsection (1) for the expression “1965 (Act No. 55 of 1965)” of the expression “1975”.

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72. Artikel 31A van die Wet op die Abattoirkommissie, 1967, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

Wysiging van artikel 31A van Wet 86 van 1967, soos ingevoeg deur artikel 5 van Wet 30 van 1973.

„(2) Behoudens die bepalings van subartikels (3) en (4) is die bepalings van artikels 6 tot 23 van die Onteieningswet, 1975, *mutatis mutandis* ten opsigte van 'n onteiening kragtens subartikel (1) van toepassing, en by die toepassing daarvan word 'n verwysing daarin na die Minister en die Staat as 'n verwysing na die kommissie uitgelê.”.

73. Artikel 31C van die Wet op die Abattoirkommissie, 1967, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 31C van Wet 86 van 1967, soos ingevoeg deur artikel 5 van Wet 30 van 1973.

„(3) (a) Die bedrag van sodanige vergoeding word by ontstentenis van ooreenkoms deur die hof bepaal.
(b) 'n Geding vir die bepaling van sodanige vergoeding moet ingestel word binne ses maande nadat die eis-oorsaak ontstaan het, en skriftelike kennis van so 'n geding en dié eis-oorsaak moet deur die eiser aan die verweerder gegee word minstens een maand voor die geding ingestel word.”.

74. Artikel 6 van die Wet op Atoomkrag, 1967, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van artikel 6 van Wet 90 van 1967.

„(4) Die bepalings van artikels 7, 8 en 9 van die Onteieningswet, 1975, geld *mutatis mutandis* ten opsigte van elke onteiening kragtens subartikel (1).”.

75. Artikel 13A van die Wet op Atoomkrag, 1967, word hierby herroep.

Herroeping van artikel 13A van Wet 90 van 1967, soos ingevoeg deur artikel 4 van Wet 34 van 1970.

76. Artikel 6 van die Boswet, 1968, word hierby gewysig—

Wysiging van artikel 6 van Wet 72 van 1968.

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) te eis dat die hoewe waarop sodanige bos geleë is, ooreenkomstig die bepalings van die Onteieningswet, 1975, onteien word asof dit vir openbare doeleindes benodig is: Met dien verstande dat geen hoewe uit hoofde van so 'n eis onteien mag word nie tensy die in artikel 2 van die Wet op Grondbesit, 1966 (Wet No. 32 van 1966), bedoelde Raad op Grondbesit van oordeel is dat die werking van artikel 5 (2) 'n wesentlike belemmering van die eienaar se voordelige okkupering van sy hoewe tot gevolg sal hê, of tot gevolg sal hê dat 'n aansienlike gedeelte daarvan nie-beskikbaar gemaak word vir die doel waarvoor daardie gedeelte ten tyde van die publikasie van die toepaslike kennisgewing in gebruik was;”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die bedrag van skadevergoeding kragtens subartikel (1) (a) verhaalbaar, word, by ontstentenis van ooreenkoms, deur 'n gepaste hof ingevolge artikel 14 van die Onteieningswet, 1975, vasgestel, en die bepalings van daardie artikel en artikel 15 van daardie Wet geld *mutatis mutandis* by die vasstelling van sodanige bedrag.”.

77. Artikel 37 van die Wet op die Universiteit van Fort Hare, 1969, word hierby gewysig deur in subartikel (1) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang.

Wysiging van artikel 37 van Wet 40 van 1969.

Act No. 63, 1975

EXPROPRIATION ACT, 1975.

- Amendment of section 37 of Act 43 of 1969. 78. Section 37 of the University of Zululand Act, 1969, is hereby amended by the substitution in subsection (1) for the expression "1965 (Act No. 55 of 1965)" of the expression "1975".
- Amendment of section 37 of Act 47 of 1969. 79. Section 37 of the University of the North Act, 1969, is hereby amended by the substitution in subsection (1) for the expression "1965 (Act No. 55 of 1965)" of the expression "1975".
- Amendment of section 37 of Act 49 of 1969. 80. Section 37 of the University of Durban-Westville Act, 1969, is hereby amended by the substitution in subsection (1) for the expression "1965 (Act No. 55 of 1965)" of the expression "1975".
- Amendment of section 37 of Act 50 of 1960. 81. Section 37 of the University of the Western Cape Act, 1969, is hereby amended by the substitution in subsection (1) for the expression "1965 (Act No. 55 of 1965)" of the expression "1975".
- Amendment of section 18 of Act 76 of 1969. 82. Section 18 of the Soil Conservation Act, 1969, is hereby amended by the substitution in subsection (2) for the expression "1965 (Act No. 55 of 1965)" of the expression "1975".
- Amendment of section 1 of Act 96 of 1969. 83. Section 1 of the Expropriation of Mineral Rights (Townships) Act, 1969, is hereby amended by the substitution for the definition of "owner" of the following definition:
 "owner", in relation to mineral rights, the owner thereof as contemplated in section 1 of the Expropriation Act, "1975";".
- Amendment of section 2 of Act 96 of 1969. 84. Section 2 of the Expropriation of Mineral Rights (Townships) Act, 1969, is hereby amended by the substitution for subsection (4) of the following subsection:
 "(4) The provisions of sections 1, 6, 7, 8, 9, 10, 11, 19, 20, 21 and 22 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in relation to any expropriation under subsection (3) as if it were an expropriation of the mineral rights in question for public purposes as contemplated in that Act, and for that purpose—
 (a) any reference in that Act to the Minister of Agriculture shall be construed as a reference to the Administrator;
 (b) any reference in that Act to the *Gazette* shall be construed as a reference to the *Official Gazette* of the province in question;
 (c) any reference in that Act to land shall be construed as a reference to the mineral rights in question or the land in respect of which those rights exist, as the context may require;
 (d) the reference in section 10 (5) of that Act to an application to any court shall be construed as a reference to an application contemplated in section 3 (1) of this Act."
- Amendment of section 3 of Act 96 of 1969. 85. Section 3 of the Expropriation of Mineral Rights (Townships) Act, 1969, is hereby amended by the substitution for subsection (1) of the following subsection:
 "(1) In the absence of agreement and subject to the provisions of section 10 (5) of the Expropriation Act, 1975, as applied by section 2 (4) of this Act, the compensation for mineral rights expropriated under the last-mentioned section shall on the application of the owner of those rights be determined by the Administrator in consultation with the Minister of Community Development and the Minister of Mines after consideration of such written representations or information as may accompany the application or as the Administrator or any of the said Ministers may deem necessary to obtain."
- Amendment of section 4 of Act 63 of 1970. 86. Section 4 of the Mountain Catchment Areas Act, 1970, is hereby amended by the substitution for subsection (2) of the following subsection:

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78. Artikel 37 van die Wet op die Universiteit van Zoeloeland, 1969, word hierby gewysig deur in subartikel (1) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang. Wysiging van artikel 37 van Wet 43 van 1969.

79. Artikel 37 van die Wet op die Universiteit van die Noorde, 1969, word hierby gewysig deur in subartikel (1) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang. Wysiging van artikel 37 van Wet 47 van 1969.

80. Artikel 37 van die Wet op die Universiteit van Durban-Westville, 1969, word hierby gewysig deur in subartikel (1) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang. Wysiging van artikel 37 van Wet 49 van 1969.

81. Artikel 37 van die Wet op die Universiteit van Wes-Kaapland, 1969, word hierby gewysig deur in subartikel (1) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang. Wysiging van artikel 37 van Wet 50 van 1969.

82. Artikel 18 van die Grondbewaringswet, 1969, word hierby gewysig deur in subartikel (2) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang. Wysiging van artikel 18 van Wet 76 van 1969.

83. Artikel 1 van die Wet op Onteining van Mineraalregte (Dorpe), 1969, word hierby gewysig deur die omskrywing van „eienaar” deur die volgende omskrywing te vervang: Wysiging van artikel 1 van Wet 96 van 1969.

„eienaar”, met betrekking tot mineraalregte, die eienaar daarvan soos bedoel in artikel 1 van die Onteieningswet, 1975;”.

84. Artikel 2 van die Wet op Onteining van Mineraalregte (Dorpe), 1969, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: Wysiging van artikel 2 van Wet 96 van 1969.

„(4) Die bepalinge van artikels 1, 6, 7, 8, 9, 10, 11, 19, 20, 21 en 22 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing met betrekking tot ’n onteining kragtens subartikel (3) asof dit ’n onteining van die betrokke mineraalregte vir openbare doeleindes was soos in daardie Wet bedoel, en by sodanige toepassing—

- (a) word ’n verwysing in daardie Wet na die Minister van Landbou uitgelê as ’n verwysing na die Administrateur;
- (b) word ’n verwysing in daardie Wet na die *Staatskoerant* uitgelê as ’n verwysing na die *Offisiële Koerant* van die betrokke provinsie;
- (c) word ’n verwysing in daardie Wet na grond uitgelê as ’n verwysing na die betrokke mineraalregte of die grond ten opsigte waarvan daardie regte bestaan, na vereiste van die samehang;
- (d) word die verwysing in artikel 10 (5) van daardie Wet na ’n aansoek by ’n hof uitgelê as ’n verwysing na ’n in artikel 3 (1) van hierdie Wet bedoelde aansoek.”.

85. Artikel 3 van die Wet op Onteining van Mineraalregte (Dorpe), 1969, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: Wysiging van artikel 3 van Wet 96 van 1969.

„(1) By ontstentenis van ooreenkoms en behoudens die bepalinge van artikel 10 (5) van die Onteieningswet, 1975, soos toegepas deur artikel 2 (4) van hierdie Wet, word die vergoeding vir mineraalregte wat kragtens laasgenoemde artikel onteien word, op aansoek van die eienaar van daardie regte deur die Administrateur in oorleg met die Minister van Gemeenskapsbou en die Minister van Mynwese bepaal na oorweging van die skriftelike vertoë of inligting wat die aansoek vergesel of wat die Administrateur of enige van die gemelde Ministers nodig ag om in te win.”.

86. Artikel 4 van die Wet op Bergopvanggebiede, 1970, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 4 van Wet 63 van 1970.

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“(2) In the absence of such agreement, the amount to be paid as compensation for actual patrimonial loss suffered by such owner or occupier, shall be determined by an appropriate court in terms of section 14 of the Expropriation Act, 1975, and the provisions of that section and section 15 of that Act shall apply *mutatis mutandis* in the determination of this amount, and in the application of such provisions a reference to the Minister of Agriculture shall be construed as a reference to the Minister.”.

Amendment of
section 7 of
Act 54 of 1971.

87. Section 7 of the National Roads Act, 1971, is hereby amended by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) Any proceedings by virtue of the provisions of paragraph (a) shall be instituted within six months after the cause of action has arisen, and written notice of any such proceedings and of the cause of action shall be given by the plaintiff to the defendant not less than one month before the proceedings are instituted.”.

Substitution of
section 8 of
Act 54 of 1971.

88. The following section is hereby substituted for section 8 of the National Roads Act, 1971:

“Expropriation of land, material on or in land, and right to use land temporarily. 8. (1) The commission may, subject to an obligation to pay compensation—

- (a) expropriate land for a national road or for works or purposes in connection with a national road, including any access road, the acquisition, mining or treatment of gravel, stone, sand, clay, water or any other material or substance, the accommodation of road building staff and the storage or maintenance of vehicles, machines, equipment, tools, stores or material;
- (b) take gravel, stone, sand, clay, water or any other material or substance on or in land for the construction of a national road or for works or purposes referred to in paragraph (a);
- (c) take the right to use land temporarily for any purpose for which the commission may expropriate such land;
- (d) if any land is or will be divided by a national road in such a manner that in the opinion of the commission, that land or any part of it is or will be useless to its owner, expropriate that land or the part of it in question.

(2) The provisions of sections 7 to 24 of the Expropriation Act, 1975, shall *mutatis mutandis* apply in respect of the expropriation of property or the taking of property or a right in terms of this section, and in such application any reference in the said sections of that Act—

- (i) to ‘Minister’ and ‘State’, shall be construed as a reference to the commission;
- (ii) to ‘section 2’, shall be construed as a reference to this section;
- (iii) to ‘this Act’ shall be construed as a reference to this Act;
- (iv) to ‘land’ shall be construed as a reference also to a real right in or over land.”.

Repeal of
section 9 of
Act 54 of 1971.

89. Section 9 of the National Roads Act, 1971, is hereby repealed.

Amendment of
section 10 of
Act 54 of 1971.

90. Section 10 of the National Roads Act, 1971, is hereby amended by the substitution for paragraph (b) of subsection (6) of the following paragraph:

“(b) The provisions of section 7 (4) (b) shall *mutatis mutandis* apply in relation to the compensation contemplated in paragraph (a).”.

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„(2) By ontstentenis van sodanige ooreenkoms, moet die bedrag wat betaal moet word as vergoeding vir werklike vermoënskade deur sodanige eienaar of bewoner gely, deur 'n gepaste hof ingevolge artikel 14 van die Onteieningswet, 1975, bepaal word, en die bepalings van daardie artikel en artikel 15 van daardie Wet is *mutatis mutandis* van toepassing by die bepaling van hierdie bedrag, en by die toepassing van sodanige bepalings word 'n verwysing na die Minister van Landbou uitgelê as 'n verwysing na die Minister.”.

87. Artikel 7 van die Wet op Nasionale Paaie, 1971, word hierby gewysig deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang: Wysiging van artikel 7 van Wet 54 van 1971.

„(b) 'n Geding uit hoofde van die bepalings van paragraaf (a) moet ingestel word binne ses maande nadat die eis-oorsaak ontstaan het, en skriftelike kennis van so 'n geding en die eis-oorsaak moet deur die eiser aan die verweerder gegee word minstens een maand voor die geding ingestel word.”.

88. Artikel 8 van die Wet op Nasionale Paaie, 1971, word hierby deur die volgende artikel vervang: Vervanging van artikel 8 van Wet 54 van 1971.

„Ont-eiening van grond, materiaal op of in grond en reg om grond tydelik te gebruik. 8. (1) Die kommissie kan onderworpe aan 'n verpligting om vergoeding te betaal—

- (a) grond onteien vir 'n nasionale pad of vir werke of doeleindes in verband met 'n nasionale pad, met inbegrip van 'n toegangspad, die verkryging, ontginning of behandeling van gruis, klip, sand, klei, water of ander materiaal of stof, die huisvesting van padboupersoneel, en die opberging of instandhouding van voertuie, masjiene, toerusting, gereedskap, voorrade of materiaal;
- (b) gruis, klip, sand, klei, water of ander materiaal of stof op of in grond neem vir die aanlê van 'n nasionale pad of vir werke of doeleindes in paragraaf (a) bedoel;
- (c) die reg neem om grond tydelik te gebruik vir 'n doel waarvoor hy die grond kan onteien;
- (d) indien grond deur 'n nasionale pad so verdeel word of sal word dat daardie grond of 'n deel daarvan volgens die oordeel van die kommissie vir die eienaar daarvan nutteloos is of sal wees, daardie grond of die betrokke deel daarvan onteien.

(2) Die bepalings van artikels 7 tot 24 van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing ten opsigte van die onteiening van goed of die neem van goed of 'n reg ingevolge hierdie artikel, en by sodanige toepassing word 'n verwysing in genoemde artikels van daardie Wet—

- (i) na 'Minister' en 'Staat' uitgelê as 'n verwysing na die kommissie;
- (ii) na 'artikel 2' uitgelê as 'n verwysing na hierdie artikel;
- (iii) na 'hierdie Wet' uitgelê as 'n verwysing na hierdie Wet;
- (iv) na 'grond' uitgelê as 'n verwysing ook na 'n saaklike reg in of oor grond.”.

89. Artikel 9 van die Wet op Nasionale Paaie, 1971, word hierby herroep. Herroeping van artikel 9 van Wet 54 van 1971.

90. Artikel 10 van die Wet op Nasionale Paaie, 1971, word hierby gewysig deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang: Wysiging van artikel 10 van Wet 54 van 1971.

„(b) Die bepalings van artikel 7 (4) (b) is *mutatis mutandis* van toepassing met betrekking tot die vergoeding in paragraaf (a) beoog.”.

Act No. 63, 1975

EXPROPRIATION ACT, 1975.

Amendment of
section 18 of
Act 54 of 1971.

91. Section 18 of the National Roads Act, 1971, is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The provisions of section 7 (4) (b) shall *mutatis mutandis* apply in relation to the compensation contemplated in subsection (1) of this section.”.

Amendment of
section 5 of Act
10 of 1975.

92. Section 5 of the Mineral Laws Supplementary Act, 1975 (Act No. 10 of 1975), is hereby amended by the substitution for subsection (6) of the following subsection:

“(6) The provisions of section 21 (2) and (3) of the Expropriation Act, 1975, shall apply *mutatis mutandis* to moneys received by the Master of the Supreme Court in terms of subsection (5) (b) of this section.”.

Amendment of
section 6 of Act
10 of 1975.

93. Section 6 of the Mineral Laws Supplementary Act, 1975 (Act No. 10 of 1975), is hereby amended by the substitution in subsection (2) (a) for the expression “1965 (Act No. 55 of 1965)” of the expression “1975”.

Amendment of
section 16 of
Act 39 of 1975.

94. Section 16 of the Lake Areas Development Act, 1975, is hereby amended by the substitution in subsection (3) for the expression “1965 (Act No. 55 of 1965)” of the expression “1975”.

Repeal of laws.

95. The laws mentioned in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

Pending
proceedings.

96. (1) Any expropriation commenced by the Minister, or proceedings for the determination of compensation in terms of any law instituted against the Minister, prior to the commencement of this Act, shall be concluded as if this Act had not been passed: Provided that the parties concerned may agree to proceed with such expropriation or proceedings in accordance with the provisions of this Act, in which case in relation to the continuation of such expropriation or proceedings, the relevant provisions of this Act shall apply as if it were a continuation of an expropriation or proceedings for the determination of compensation in terms of this Act.

(2) For the purposes of subsection (1) “Minister” shall include any other Minister or juristic person authorized by law to acquire property by expropriation.

Short title and
commencement.

97. This Act shall be called the Expropriation Act, 1975, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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91. Artikel 18 van die Wet op Nasionale Paaie, 1971, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: Wysiging van artikel 18 van Wet 54 van 1971.

„(2) Die bepalings van artikel 7 (4) (b) is *mutatis mutandis* van toepassing met betrekking tot vergoeding in subartikel (1) van hierdie artikel bedoel.”.

92. Artikel 5 van die Aanvullende Wet op die Mineraalwette, 1975 (Wet No. 10 van 1975), word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang: Wysiging van artikel 5 van Wet 10 van 1975.

„(6) Die bepalings van artikel 21 (2) en (3) van die Onteieningswet, 1975, is *mutatis mutandis* van toepassing op geld wat ingevolge subartikel (5) (b) van hierdie artikel deur 'n Meester van die Hooggeregshof ontvang word.”.

93. Artikel 6 van die Aanvullende Wet op die Mineraalwette, 1975 (Wet No. 10 van 1975), word hierby gewysig deur in subartikel (2) (a) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang. Wysiging van artikel 6 van Wet 10 van 1975.

94. Artikel 16 van die Meergebiede-ontwikkelingswet, 1975 (Wet No. 39 van 1975), word hierby gewysig deur in subartikel (3) die uitdrukking „1965 (Wet No. 55 van 1965)” deur die uitdrukking „1975” te vervang. Wysiging van artikel 16 van Wet 39 van 1975.

95. Die wette in die Bylae vermeld, word hierby herroep vir sover in die derde kolom van die Bylae aangedui. Herroeping van wette.

96. (1) 'n Onteining waarmee die Minister begin het, of verrigtinge ter vasstelling van vergoeding ingevolge die een of ander wet wat teen die Minister ingestel is, voor die inwerking-treding van hierdie Wet, word voortgesit asof hierdie Wet nie aangeneem was nie: Met dien verstande dat die betrokke partye ooreen kan kom om sodanige onteining of verrigtinge ooreen-komstig die bepalings van hierdie Wet voort te sit, in watter geval in verband met die voortsetting van sodanige onteining of verrigtinge, die tersaaklike bepalings van hierdie Wet van toepassing is asof dit 'n voortsetting van 'n onteining of verrigtinge ter vasstelling van vergoeding ingevolge hierdie Wet is. Hangende verrigtinge.

(2) By die toepassing van subartikel (1) beteken „Minister” ook 'n ander Minister en 'n regspersoon wat by wet gemagtig is om goed by wyse van onteining te verkry.

97. Hierdie Wet heet die Onteieningswet, 1975, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

Act No. 63, 1975

EXPROPRIATION ACT, 1975.

Schedule

LAWS REPEALED

Number and Year of Law	Short Title	Extent of Repeal
Act No. 47 of 1937 .	Deeds Registries Act, 1937	Sections 31 (8) and 32 (6).
Act No. 47 of 1953 .	Bantu Education Act, 1953	Section 14.
Act No. 61 of 1955 .	Universities Act, 1955	Section 23 ^{ter} .
Act No. 44 of 1957 .	Defence Act, 1957	Section 78.
Act No. 45 of 1959 .	Extension of University Education Act, 1959	Section 39.
Act No. 74 of 1962 .	Aviation Act, 1962	Section 6 (2).
Act No. 55 of 1965 .	Expropriation Act, 1965	The whole.
Act No. 32 of 1966 .	Land Tenure Act, 1966	Section 4 (2) and (3).
Act No. 40 of 1967 .	Advanced Technical Education Act, 1967	Section 23.
Act No. 12 of 1968 .	Indians Advanced Technical Education Act, 1968	Section 24.
Act No. 43 of 1968 .	Expropriation Amendment Act, 1968.	The whole.
Act No. 72 of 1968 .	Forest Act, 1968	Section 4.
Act No. 28 of 1969 .	National Monuments Act, 1969	Section 14A.
Act No. 85 of 1970 .	Expropriation Amendment Act, 1970	The whole.
Act No. 53 of 1971 .	Expropriation Amendment Act, 1971.	The whole.

ONTEIENINGSWET, 1975.

Wet No. 63, 1975

Bylae

WETTE HERROEP

Nommer en jaar van Wet	Kort titel	In hoeverre herroep
Wet No. 47 van 1937 .	Registrasie van Aktes Wet, 1937	Artikels 31 (8) en 32 (6).
Wet No. 47 van 1953 .	Wet op Bantoe-onderwys, 1953	Artikel 14.
Wet No. 61 van 1955 .	Wet op Universiteite, 1955	Artikel 23 ^{ter} .
Wet No. 44 van 1957 .	Verdedigingswet, 1957	Artikel 78.
Wet No. 45 van 1959 .	Wet op Uitbreiding van Universiteitsopleiding, 1959	Artikel 39.
Wet No. 74 van 1962 .	Lugvaartwet, 1962	Artikel 6 (2).
Wet No. 55 van 1965 .	Onteieningswet, 1965	Die geheel.
Wet No. 32 van 1966 .	Wet op Grondbesit, 1966	Artikel 4 (2) en (3).
Wet No. 40 van 1967 .	Wet op Gevorderde Tegniese Onderwys, 1967	Artikel 23.
Wet No. 12 van 1968 .	Wet op Gevorderde Tegniese Onderwys vir Indiërs, 1968	Artikel 24.
Wet No. 43 van 1968 .	Wysigingswet op Onteining, 1968	Die geheel.
Wet No. 72 van 1968 .	Boswet, 1968	Artikel 4.
Wet No. 28 van 1969 .	Wet op Nasionale Gedenkwaardighede, 1969	Artikel 14A.
Wet No. 85 van 1970 .	Wysigingswet op Onteining, 1970	Die geheel.
Wet No. 53 van 1971 .	Wysigingswet op Onteining, 1971	Die geheel.

