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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermenskennisgewing word ter algemene inligting gepubliseer:—

No. 675.]

[24 Maart 1952.]

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

	BLADSY
No. 6 van 1952: Private Wysigingswet op die „Southern Suburbs of Cape Town Water Supply Act”, 1952 ..	2
No. 7 van 1952: Private Wet op die Durbanse Waterwerke (Addisionele Leningsbevoegdhede), 1952 ..	32
No. 8 van 1952: Wet op die Rekening vir Spesiale Verdedigings-toerusting, 1952 ..	36
No. 10 van 1952: Wysigingswet op die Landbank, 1952. ..	38
No. 11 van 1952: Munt-wysigingswet, 1952 ..	38

OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 675.]

[24th March, 1952.]

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

	PAGE
No. 6 of 1952: Southern Suburbs of Cape Town Water Supply Act Amendment (Private) Act, 1952 ..	3
No. 7 of 1952: The Durban Waterworks Additional Borrowing Powers (Private) Act, 1952 ..	33
No. 8 of 1952: Defence Special Equipment Account Act, 1952 ..	37
No. 10 of 1952: Land Bank Amendment Act, 1952 ..	39
No. 11 of 1952: Coinage Amendment Act, 1952 ..	39

No. 6, 1952.]

PRIVATE WET

Tot wysiging van „The Southern Suburbs of Cape Town Water Supply Act, 1907”, No. 29 van 1907 (Kaap).

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 11 Maart 1952.)

Aanhef.

NADEMAAL die munisipale rade van Claremont, Mowbray, Rondebosch en Woodstock (hierna die Vier Rade genoem) kragtens Wet No. 29 van 1907 (Kaap) (hierna die Hoofwet genoem) gemagtig is om, behoudens die bepalings van die Wet, die water van die Wemmersrivier en sy systrome wat in die vallei daarvan en deur Wemmershoek vloei, op te dam, te bewaar, uit te haal, af te keer en toe te eien:

EN NADEMAAL die Vier Rade saam met sekere ander munisipale rade kragtens Ordonnansie No. 19 van 1913 (Kaap) in een munisipaliteit genoem die Stad Kaapstad verenig is, waarop die regte en verpligtings van die Vier Rade op die Stad Kaapstad oorgegaan het:

EN NADEMAAL nóg die Vier Rade nóg die Stad Kaapstad tót dusver die voornoemde bevoegdhede uitgeoefen het:

EN NADEMAAL dit noodsaaklik is, ten einde 'n genoegsame watervoorraad te kan verskaf vir die inwoners van die Stad Kaapstad en vir die plaaslike besture aan wie genoemde Stad water verskaf, dat sodanige bevoegdhede uitgeoefen moet word:

EN NADEMAAL artikel *twee* van die Hoofwet 'n beskrywing bevat van die werke wat deur daardie Wet gemagtig is:

EN NADEMAAL die werke soos aldus beskryf in verskeie opsigte ontoereikend en ongeskik in huidige omstandighede is:

EN NADEMAAL die Stad Kaapstad ooreenkomstig die Reglement van Orde van die Volksraad planne gedeponeer het wat die werke aantoon wat hy nou verlang om aan te lê met die doel om bedoelde bevoegdhede uit te oefen:

EN NADEMAAL dit wenslik is dat aan die Stad Kaapstad bevoegdheid verleen word om die werke wat op daardie planne aangetoon word, aan te lê en in stand te hou en dat met daardie doel verdere bevoegdhede aan genoemde Stad verleen word benewens dié wat die Hoofwet aan hom verleen het en dat artikels *twee*, *drie* en *sewentien* van die Hoofwet dienoreenkomstig gewysig word en dat in 'n Bylae by genoemde Wet 'n beskrywing ingevoeg word van die hoofwerke wat op bedoelde planne aangetoon word:

EN NADEMAAL dit wenslik is dat alle verwysings in die Hoofwet na die Vier Rade gelees moet word as verwysings na die Stad Kaapstad en dat artikels *twee* tot en met *een-en-twintig*, artikels *een-en-dertig* en *twee-en-dertig*, artikels *een-en-veertig* tot en met *vyf-en-veertig*, artikels *sewe-en-veertig* tot en met *nege-en-veertig* en artikels *een-en-vyftig* tot en met *drie-en-vyftig* dienoreenkomstig gewysig word:

EN NADEMAAL dit wenslik is dat artikel *drie* van die Hoofwet gewysig word ten einde te bepaal dat die mening van die Vier Rade omtrent die noodsaaklikheid en die dienstigheid van die daarin vermelde werke deur die mening van die Stad Kaapstad vervang moet word en dat die Stad Kaapstad gemagtig moet word om die daarin vermelde bevoegdheid om onder andere 'n genoegsame watervoorraad vir genoemde Stad te verseker, uit te oefen:

EN NADEMAAL dit wenslik is dat artikel *vier* van die Hoofwet gewysig word ten einde te bepaal dat die aanstelling van die daarin vermelde ingenieur deur 'n ander voeglike gesag dan die „Commissioner of Public Works” gedoen moet word:

EN NADEMAAL dit wenslik is dat artikel *nege* van die Hoofwet gewysig word ten einde opnuut te bepaal hoeveel water die Stad Kaapstad verplig moet wees om in die Wemmersrivier te laat loop benewens die vyfmiljoen gelling per dag in daardie artikel vermeld; ten einde die tydperk van elke kalenderjaar te bepaal waarin dié addisionele water en genoemde vyfmiljoen gelling water per dag in die Wemmersrivier in laat loop moet word; ten einde opnuut voorsiening te maak wat betref die plek of plekke in die Wemmersrivier waar die water laat loop moet word; ten einde te belet dat oewereienaars water uit die bedding van die Wemmersrivier neem; ten einde sekere addisionele regte te verleen aan enige water-, rivier- of besproeiingsraad of ander regspersoon deur wie die reg op die kompensasie-

No. 6, 1952.]

PRIVATE ACT

To amend "The Southern Suburbs of Cape Town Water Supply Act, 1907", No. 29 of 1907 (Cape).

(English text signed by the Governor-General.)
(Assented to 11th March, 1952.)

WHEREAS under Act No. 29 of 1907 (Cape) (hereinafter **Preamble.** referred to as the principal Act) the Municipal Councils of Claremont, Mowbray, Rondebosch and Woodstock (hereinafter referred to as the Four Councils) were empowered subject to the provisions of the Act to impound, store, take, divert and appropriate the water of the Wemmer's River and its tributary streams flowing down the valley thereof and through Wemmer's Hoek:

AND WHEREAS under Ordinance No. 19 of 1913 (Cape) the Four Councils, together with certain other Municipal Councils, were combined into one municipality called the City of Cape Town, whereupon the rights and obligations of the Four Councils devolved upon the City of Cape Town:

AND WHEREAS neither the Four Councils nor the City of Cape Town have heretofore exercised the aforesaid powers:

AND WHEREAS it is essential in order to provide an adequate supply of water for the inhabitants of the City of Cape Town and for the Local Authorities supplied with water by the said City that such powers should be exercised:

AND WHEREAS section *two* of the principal Act described the works authorized by that Act:

AND WHEREAS the works as so described are in various respects inadequate and unsuitable under present circumstances:

AND WHEREAS the City of Cape Town has deposited in accordance with the Standing Rules and Orders of the House of Assembly plans showing the works it now desires to construct for the purpose of exercising such powers:

AND WHEREAS it is desirable that the City of Cape Town should be empowered to construct and maintain the works shown on such plans and for that purpose to confer upon such City further powers in addition to those already conferred upon it by the principal Act and accordingly to amend sections *two*, *three* and *seventeen* of the principal Act and insert in a Schedule to the said Act a description of the principal works shown on such plans:

AND WHEREAS it is desirable that all references in the principal Act to the Four Councils should be read as references to the City of Cape Town and accordingly to amend sections *two* to *twenty-one* inclusive, sections *thirty-one* and *thirty-two*, sections *forty-one* to *forty-five* inclusive, sections *forty-seven* to *forty-nine* inclusive, and sections *fifty-one* to *fifty-three* inclusive:

AND WHEREAS it is desirable to amend section *three* of the principal Act so as to provide that the opinion of the City of Cape Town shall be substituted for that of the Four Councils in regard to the necessity for and the expediency of the works therein referred to and that the City of Cape Town shall be empowered to exercise the powers therein referred to for securing *inter alia* an adequate supply of water for the said City:

AND WHEREAS it is desirable to amend section *four* of the principal Act so as to provide that the appointment of the engineer therein referred to should be made by some appropriate authority other than the Commissioner of Public Works:

AND WHEREAS it is desirable to amend section *nine* of the principal Act so as to make fresh provision as to the amount of water which the City of Cape Town shall be obliged to cause to flow into the Wemmer's River in addition to the five million gallons a day referred to in the said section; so as to provide for the period of time in each calendar year during which such additional water and the said five million gallons of water a day shall be caused to flow into the Wemmer's River; so as to make fresh provision as to the point or points in the Wemmer's River at which such water shall be caused to flow; so as to preclude riparian owners from taking water out of the channel of the Wemmer's River; so as to confer certain additional rights upon any water, river or irrigation board or other legal entity by whom the rights to or the rights to control the compensation

water of die reg om dit te beheer, verkry mag word; ten einde alle surpluswater aan sodanige regspersoon beskikbaar te stel; ten einde spesiale bepalings op te stel om van toepassing te wees wanneer 'n Staatsbesproeiingskema of -skemas vir die Bergriivervallei in werking tree; en ten einde vir die skikking van sekere geskille voorsiening te maak:

EN NADEMAAL dit wenslik is dat artikel *tien* van die Hoofwet in sekere opsigte gewysig word:

EN NADEMAAL dit wenslik is dat die onteieningsbevoegdheid in artikel *elf* van die Hoofwet vermeld, uitgebrei word om grond wat aan die Kaapse Provinsiale Administrasie behoort of deur hom beheer word, in te sluit en dat genoemde artikel dienoreenkomstig gewysig word:

EN NADEMAAL dit wenslik is dat die woorde „Local Authority” in artikels *elf*, *een-en-dertig* en *twee-en-dertig* van die Hoofwet 'n plaaslike raad insluit en dat artikel *een* van die Hoofwet dienoreenkomstig gewysig word:

EN NADEMAAL dit wenslik is dat artikel *vyftien* van die Hoofwet gewysig word ten einde te bepaal dat eise om skadevergoeding by die Stadsclerk van die Stad Kaapstad op sy kantoor ingelewer moet word en dat alle verwysings daarin na die „Committee” en na die „Secretary” geskrap word:

EN NADEMAAL dit wenslik is dat artikel *twintig* van die Hoofwet gewysig word om verder voorsiening te maak vir toegang tot die daarin vermelde werke:

EN NADEMAAL dit wenslik is dat artikel *een-en-twintig* van die Hoofwet gewysig word ten einde te bepaal dat die daarin vermelde gedeponeerde planne en gedeponeerde profiele, die in artikel *twee* vermelde planne en profiele is en ten einde opnuut voorsiening te maak vir afwyking van die daarin vermelde hoogtes:

EN NADEMAAL dit wenslik is dat artikel *twee-en-dertig* van die Hoofwet gewysig word ten einde te bepaal dat die beperkings wat geplaas is op die bevoegdheid om water te verskaf en om ooreenkomste vir sodanige verskaffing aan te gaan, opgehef moet word:

EN NADEMAAL dit wenslik is dat artikel *drie-en-veertig* van die Hoofwet gewysig word ten einde opnuut te bepaal watter prosedure gevolg moet word om daarin vermelde reëls en regulasies te maak en ten einde te bepaal dat alle verwysings na die „Committee” geskrap moet word:

EN NADEMAAL dit wenslik is dat artikel *vier-en-veertig* van die Hoofwet gewysig word ten einde alle verwysings na die „Committee” te skrap:

EN NADEMAAL dit wenslik is dat artikel *agt-en-veertig* van die Hoofwet gewysig word ten einde opnuut te bepaal binne watter tydperk die Stad Kaapstad grond wat kragtens die genoemde Wet geneem word, moet registreer:

EN NADEMAAL dit wenslik is dat artikel *nege-en-veertig* van die Hoofwet gewysig word ten einde te bepaal dat die daarin vermelde toestemming die toestemming moet wees van 'n ander voeglike gesag dan die „Governor”:

EN NADEMAAL dit wenslik is dat artikel *vyftig* van die Hoofwet gewysig word ten einde te bepaal dat die daarin vermelde toestemming die toestemming moet wees van 'n ander voeglike gesag dan die „Commissioner of Public Works”:

EN NADEMAAL dit wenslik is dat artikel *een-en-vyftig* van die Hoofwet gewysig word ten einde aan 'n ander voeglike gesag dan die „Governor” die bevoegdheid te verleen om grond toe te ken of uit te hou soos daarin vermeld:

EN NADEMAAL dit wenslik is dat artikel *twee-en-vyftig* van die Hoofwet gewysig word ten einde te bepaal dat die daarin vermelde goedkeuring, die goedkeuring van die Administrateur van die Kaapprovinsie moet wees:

EN NADEMAAL dit wenslik is dat artikel *drie-en-vyftig* van die Hoofwet gewysig word ten einde te bepaal dat die herstelling van 'n hoofpad tot tevredenheid van die Administrateur van die Kaapprovinsie moet wees:

EN NADEMAAL 'n Ooreenkoms tussen die Stad Kaapstad en die Raad van die Munisipaliteit Paarl aangegaan is ter vervanging van die Ooreenkoms in Bylae B van die Hoofwet beliggaam en dit wenslik is dat Bylae B geskrap en vervang word deur 'n nuwe Bylae B wat die bepalings van dié vervangende Ooreenkoms beliggaam:

EN NADEMAAL 'n Ooreenkoms tussen die Stad Kaapstad en die Raad van die Munisipaliteit Wellington aangegaan is en dit wenslik is dat die bepalings van dié Ooreenkoms in 'n nuwe Bylae C van die Hoofwet beliggaam word:

EN NADEMAAL dit as gevolg van dié Ooreenkomste nodig is om artikels *twee-en-dertig* en *sewe-en-veertig* van die Hoofwet in sekere opsigte verder te wysig:

water may be acquired; so as to make available to such legal entity all surplus water; so as to make special provisions to operate when a State Irrigation Scheme or Schemes for the Berg River Valley come into operation; and so as to provide for the settlement of certain disputes:

AND WHEREAS it is desirable to amend section *ten* of the principal Act in certain respects:

AND WHEREAS it is desirable that the powers of expropriation referred to in section *eleven* of the principal Act shall extend to land belonging to or under the control of the Cape Provincial Administration and that the said section should be amended accordingly:

AND WHEREAS it is desirable that the words "Local Authority" in sections *eleven*, *thirty-one* and *thirty-two* of the principal Act shall include a Local Board and to amend section *one* of the principal Act accordingly:

AND WHEREAS it is desirable to amend section *fifteen* of the principal Act so as to provide that any claims for compensation shall be lodged with the Town Clerk of the City of Cape Town at his office and that all references therein to the Committee and to the Secretary shall be deleted:

AND WHEREAS it is desirable to amend section *twenty* of the principal Act so as to make further provision as to the access to the works therein referred to:

AND WHEREAS it is desirable to amend section *twenty-one* of the principal Act so as to provide that the deposited plans and deposited sections therein referred to shall be the plans and sections referred to in section *two* and so as to make fresh provision as to the deviation from the levels therein referred to:

AND WHEREAS it is desirable to amend section *thirty-two* of the principal Act so as to provide that the limitations placed upon the power to supply water and to enter into agreements for such supply shall be removed:

AND WHEREAS it is desirable to amend section *forty-three* of the principal Act so as to make fresh provision as to the procedure to be followed in making any Rules and Regulations therein referred to and so as to provide that all references to the Committee shall be deleted:

AND WHEREAS it is desirable to amend section *forty-four* of the principal Act so as to delete all references to the Committee:

AND WHEREAS it is desirable to amend section *forty-eight* of the principal Act by making fresh provision as to the time within which the City of Cape Town shall effect registration of land taken under the said Act:

AND WHEREAS it is desirable to amend section *forty-nine* of the principal Act so as to provide that the consent therein referred to shall be that of some appropriate authority other than the Governor:

AND WHEREAS it is desirable to amend section *fifty* of the principal Act so as to provide that the consent therein referred to shall be that of some appropriate authority other than the Commissioner of Public Works:

AND WHEREAS it is desirable to amend section *fifty-one* of the principal Act so as to empower some appropriate authority other than the Governor to make the grants or reserves therein referred to:

AND WHEREAS it is desirable to amend section *fifty-two* of the principal Act so as to provide that the approval therein referred to shall be that of the Administrator of the Cape:

AND WHEREAS it is desirable to amend section *fifty-three* of the principal Act so as to provide that the restoration of any main road shall be to the satisfaction of the Administrator of the Cape:

AND WHEREAS an Agreement has been entered into between the City of Cape Town and the Council of the Municipality of Paarl in substitution for the Agreement embodied in Schedule B of the principal Act and it is desirable to delete Schedule B and to substitute a new Schedule B embodying the terms of such substituted Agreement:

AND WHEREAS an Agreement has been entered into between the City of Cape Town and the Council of the Municipality of Wellington and it is desirable to embody the terms of such Agreement in a new Schedule C to the principal Act:

AND WHEREAS in consequence of such Agreements it is necessary further to amend sections *thirty-two* and *forty-seven* of the principal Act in certain respects:

WORD DIT DERHALWE BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 29 van 1907 (Kaap).

Wysiging van artikel 2 van Wet 29 van 1907 (Kaap).

Wysiging van artikel 3 van Wet 29 van 1907 (Kaap).

Wysiging van artikel 4 van Wet 29 van 1907 (Kaap).

Wysiging van artikel 5 van Wet 29 van 1907 (Kaap).

Wysiging van artikel 6 van Wet 29 van 1907 (Kaap).

Wysiging van artikel 7 van Wet 29 van 1907 (Kaap).

Wysiging van artikel 8 van Wet 29 van 1907 (Kaap).

1. Artikel *een* van die Hoofwet word hierby gewysig deur in die omskrywing van „Local Authority” na die woorde „Municipal Council” die woorde „Local Board” in te voeg.

2. Artikel *twee* van die Hoofwet word hierby gewysig—

(i) deur al die woorde tot en met „at the expense of the said Councils” deur die volgende woorde te vervang:

„Subject to the provisions of this Act, the City of Cape Town may in the lines and situations and upon the lands delineated upon the plans deposited in accordance with the Standing Rules and Orders of the House of Assembly of the Parliament of the Union and according to the levels shown upon the sections so deposited make and maintain the following works that is to say: The several works shown on the said plans together with all proper embankments, bridges, roads, railways, conveyors, approaches, ways, wells, boreholes, tanks, basins, gauges, meters, filter beds, treatment plants, stand-pipes, dams, sluices, waste-weirs, spillways, outlets, outfalls, discharge pipes, valve towers, weirs, adits, shafts, tunnels, aqueducts, culverts, cuts, channels, conduits, drains, mains, pipes, junctions, valves, river protection works, river diversions, soil conservation works, forests, gardens, lawns, amenities, telegraphs, telephones and other means of electric communication, engines, pumping installations, machinery and plant, constructions, buildings, apparatus and conveniences connected with or auxiliary to the said works or any of them, or necessary for inspecting, maintaining, cleansing, repairing, conducting, managing, constructing and using the same. The principal works comprised in the works shown on the deposited plans and sections are as set forth in Schedule D.”;

(ii) deur die woorde „the said pipeline” deur die woorde „a pipeline authorized by this Act” te vervang;

(iii) deur in die res van die artikel die woorde „the Councils” en „the Four Councils” waar hulle ook al voorkom deur die woorde „the City of Cape Town” te vervang.

3. Artikel *drie* van die Hoofwet word hierby gewysig—

(i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;

(ii) deur die woord „are” waar dit ook al voorkom deur die woord „is” te vervang;

(iii) deur die woorde „Plans deposited with the Clerk of the House of Assembly” waar hulle ook al voorkom deur die woorde „plans referred to in section two” te vervang;

(iv) deur die woorde „in their opinion” deur die woorde „in its opinion” te vervang;

(v) deur na die woord „filtering” die woord „treating” in te voeg;

(vi) deur die woorde „for the said Municipalities” deur die woorde „for the said City” te vervang.

4. Artikel *vier* van die Hoofwet word hierby gewysig—

(i) deur die woorde „Four Councils” waar hulle ook al voorkom, deur die woorde „City of Cape Town” te vervang;

(ii) deur die woorde „Commissioner of Public Works” deur die woorde „Administrator of the Cape” te vervang.

5. Artikel *vyf* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang.

6. Artikel *ses* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang.

7. Artikel *sewe* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang.

8. Artikel *agt* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang.

BE IT THEREFORE enacted by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *one* of the principal Act is hereby amended by inserting in the definition of "Local Authority" after the words "Municipal Council" the words "Local Board".

Amendment of section 1 of Act 29 of 1907 (Cape).

2. Section *two* of the principal Act is hereby amended—

Amendment of section 2 of Act 29 of 1907 (Cape).

(i) by the substitution for all the words down to and including the words "at the expense of the said Councils" of the following words:

"Subject to the provisions of this Act, the City of Cape Town may in the lines and situations and upon the lands delineated upon the plans deposited in accordance with the Standing Rules and Orders of the House of Assembly of the Parliament of the Union and according to the levels shown upon the sections so deposited make and maintain the following works that is to say: The several works shown on the said plans together with all proper embankments, bridges, roads, railways, conveyors, approaches, ways, wells, boreholes, tanks, basins, gauges, meters, filter beds, treatment plants, stand-pipes, dams, sluices, waste-weirs, spillways, outlets, outfalls, discharge pipes, valve towers, weirs, adits, shafts, tunnels, aqueducts, culverts, cuts, channels, conduits, drains, mains, pipes, junctions, valves, river protection works, river diversions, soil conservation works, forests, gardens, lawns, amenities, telegraphs, telephones and other means of electric communication, engines, pumping installations, machinery and plant, constructions, buildings, apparatus and conveniences connected with or auxiliary to the said works or any of them, or necessary for inspecting, maintaining, cleansing, repairing, conducting, managing, constructing and using the same. The principal works comprised in the works shown on the deposited plans and sections are as set forth in Schedule D."

(ii) by the substitution for the words "the said pipeline" of the words "a pipeline authorized by this Act";

(iii) by the substitution in the remainder of the section for the words "the Councils" and the "Four Councils" wherever they occur of the words "the City of Cape Town".

3. Section *three* of the principal Act is hereby amended—

Amendment of section 3 of Act 29 of 1907 (Cape).

(i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";

(ii) by the substitution for the word "are" wherever it occurs of the word "is";

(iii) by the substitution for the words "Plans deposited with the Clerk of the House of Assembly" wherever they occur of the words "plans referred to in section *two*";

(iv) by the substitution for the words "in their opinion" of the words "in its opinion";

(v) by the insertion after the word "filtering" of the word "treating";

(vi) by the substitution for the words "for the said Municipalities" of the words "for the said City".

4. Section *four* of the principal Act is hereby amended—

Amendment of section 4 of Act 29 of 1907 (Cape).

(i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";

(ii) by the substitution for the words "Commissioner of Public Works" of the words "Administrator of the Cape".

5. Section *five* of the principal Act is hereby amended by the substitution for the words "Four Councils" of the words "City of Cape Town".

Amendment of section 5 of Act 29 of 1907 (Cape).

6. Section *six* of the principal Act is hereby amended by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town".

Amendment of section 6 of Act 29 of 1907 (Cape).

7. Section *seven* of the principal Act is hereby amended by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town".

Amendment of section 7 of Act 29 of 1907 (Cape).

8. Section *eight* of the principal Act is hereby amended by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town".

Amendment of section 8 of Act 29 of 1907 (Cape).

Wysiging van
artikel 9 van
Wet 29 van
1907 (Kaap).

9. Artikel *nege* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
- (ii) deur die woord „they” te vervang deur die woord „it”;
- (iii) deur al die woorde na die woord „River” waar dit die eerste keer voorkom deur die volgende woorde te vervang:

„at a point immediately below the reservoir wall during the period from the first day of November in any year to the thirtieth day of April in the following year not less than twelve million gallons of water free of charge (hereinafter referred to as ‘compensation water’) during each day of 24 hours (reckoned as from 8 o’clock in the morning to 8 o’clock in the next succeeding morning) and shall, subject to the provisions of sub-section (3), further ensure that at all times during the said period in each year there shall not be less than a total amount of twelve million gallons of water during each such day flowing in the said River at a point or points immediately above its confluence or confluences with the Berg River”;

- (iv) deur die volgende sub-artikels by die artikel te voeg en die bestaande artikel as sub-artikel (1) aan te dui:

„(2) From and after the said date no riparian owner on the Wemmer’s River between the reservoir and the said confluence or confluences and no other person who prior thereto drew or claimed a right to draw water from the Wemmer’s River between the reservoir and the said confluence or confluences shall be entitled to take or use any water out of the channel of the Wemmer’s River between the said reservoir and the said confluence or confluences: Provided that nothing in this sub-section contained shall affect the rights of the Union Government as owner of land riparian to the said River.

(3) In the event of the rights to the said compensation water or the right to control the said water being lawfully acquired by a water, river or irrigation board or any other legal entity, such board or other legal entity shall have the right to require the City of Cape Town, instead of delivering the said compensation water at a steady rate of twelve million gallons per day, to deliver the said water at a greater or lesser rate, which rate shall not exceed fifty million gallons per day: Provided that the City of Cape Town shall only be required to deliver the water in the manner aforesaid during the period from the first day of November in any year to the thirtieth day of April in the following year: Provided further that any additional cost in delivering such compensation water at a rate in excess of twelve million gallons per day shall be borne by the said board or legal entity and provided further that the total quantity of compensation water so delivered shall not exceed the total amount of two thousand one hundred and eighty-four million gallons over the said period of six months.

(4) All water (hereinafter referred to as ‘surplus water’) which is available over and above that quantity which is reasonably required for the following purposes, viz.:

- (a) the supply of water to the riparian owners on the Wemmer’s River between the reservoir and the confluence or confluences of the Wemmer’s River and the Berg River and to certain other persons as agreed upon between the City of Cape Town and such owners and other persons in certain written contracts dated the nineteenth day of January, 1952, and the sixth day of February, 1952;
- (b) the supply of water to which the Municipalities of Paarl and Wellington are entitled from time to time in terms of the agreements between them and the City of Cape Town dated the twenty-sixth day of January, 1952;
- (c) the supply of compensation water and of water pursuant to sub-section (1);
- (d) its own water requirements, the water requirements of the other local authorities and consumers which it was on the first day of January, 1951, supplying and the water requirements of such

9. Section *nine* of the principal Act is hereby amended—Amendment of
section 9 of
Act 29 of
1907 (Cape).

- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
- (ii) by the substitution for the word "they" of the word "it";

- (iii) by the substitution for all the words after the word "River" where it occurs for the first time of the following words:

"at a point immediately below the reservoir wall during the period from the first day of November in any year to the thirtieth day of April in the following year not less than twelve million gallons of water free of charge (hereinafter referred to as 'compensation water') during each day of 24 hours (reckoned as from 8 o'clock in the morning to 8 o'clock in the next succeeding morning) and shall, subject to the provisions of sub-section (3), further ensure that at all times during the said period in each year there shall not be less than a total amount of twelve million gallons of water during each such day flowing in the said River at a point or points immediately above its confluence or confluences with the Berg River";

- (iv) by the addition at the end thereof of the following sub-sections, the existing section becoming sub-section (1):

"(2) From and after the said date no riparian owner on the Wemmer's River between the reservoir and the said confluence or confluences and no other person who prior thereto drew or claimed a right to draw water from the Wemmer's River between the reservoir and the said confluence or confluences shall be entitled to take or use any water out of the channel of the Wemmer's River between the said reservoir and the said confluence or confluences: Provided that nothing in this sub-section contained shall affect the rights of the Union Government as owner of land riparian to the said River.

(3) In the event of the rights to the said compensation water or the right to control the said water being lawfully acquired by a water, river or irrigation board or any other legal entity, such board or other legal entity shall have the right to require the City of Cape Town, instead of delivering the said compensation water at a steady rate of twelve million gallons per day, to deliver the said water at a greater or lesser rate, which rate shall not exceed fifty million gallons per day: Provided that the City of Cape Town shall only be required to deliver the water in the manner aforesaid during the period from the first day of November in any year to the thirtieth day of April in the following year: Provided further that any additional cost in delivering such compensation water at a rate in excess of twelve million gallons per day shall be borne by the said board or legal entity and provided further that the total quantity of compensation water so delivered shall not exceed the total amount of two thousand one hundred and eighty-four million gallons over the said period of six months.

(4) All water (hereinafter referred to as 'surplus water') which is available over and above that quantity which is reasonably required for the following purposes, viz.:

- (a) the supply of water to the riparian owners on the Wemmer's River between the reservoir and the confluence or confluences of the Wemmer's River and the Berg River and to certain other persons as agreed upon between the City of Cape Town and such owners and other persons in certain written contracts dated the nineteenth day of January, 1952, and the sixth day of February, 1952;
- (b) the supply of water to which the Municipalities of Paarl and Wellington are entitled from time to time in terms of the agreements between them and the City of Cape Town dated the twenty-sixth day of January, 1952;
- (c) the supply of compensation water and of water pursuant to sub-section (1);
- (d) its own water requirements, the water requirements of the other local authorities and consumers which it was on the first day of January, 1951, supplying and the water requirements of

other local authorities as the City of Cape Town, with the approval of the Minister of Irrigation, may agree to supply prior to the date upon which a supply of water is first made available from the reservoir,

shall be made available at the reservoir by the City of Cape Town to the board or other legal entity referred to in sub-section (3) when and as soon as the board or other legal entity comes into being, at a price to be determined by the Minister of Irrigation, which price shall at no time exceed 2d. per 1,000 gallons; Provided that the total rate of discharge of compensation and surplus water to be discharged from the reservoir shall at no time exceed the rate of fifty million gallons per day. When a State Irrigation Scheme or Schemes for the Berg River Valley as contemplated in sub-section (5) come into operation nothing in this sub-section contained shall preclude the City of Cape Town from thereafter supplying water to local authorities additional to those mentioned in paragraph (d).

(5) During such time as a supply of not less than two thousand one hundred and eighty-four million gallons of water is discharged during the period from the first day of November in any year to the thirtieth day of April in the following year from a State Irrigation Scheme or Schemes for the Berg River Valley into the Berg River at a point immediately below any confluence of the Wemmer's River and the Berg River in the manner and subject to the provisions of sub-section (1), or, in the event of the right to the said compensation water or the right to control the said water being lawfully acquired by a board or other legal entity referred to in sub-section (3), and such board or other legal entity requiring delivery in the manner and subject to the provisions of sub-section (3), during such time as such a supply from the said State Irrigation Scheme or Schemes is flowing in the manner so required by such board or other legal entity either in the Berg River at the aforesaid point or in a canal or canals in the control of such board or other legal entity at a point or points indicated by the aforesaid board or other legal entity in the immediate vicinity of the aforesaid point, the City of Cape Town may in its discretion retain the whole or any portion of the compensation water: Provided that the City of Cape Town shall pay annually to the Irrigation Department, or to such other person or body as may be responsible for the supply of water from the said Scheme or Schemes a sum equal to the purchase price which persons entitled to the use of the compensation water, or the water, river or irrigation board or other legal entity referred to in sub-section (3), as the case may be, would be liable to pay to the said Department or other person or body, in respect of a quantity of water from the said Scheme or Schemes equivalent to the quantity of compensation water retained by the City of Cape Town. The said Department or other person or body shall thereupon reduce the charges payable by the persons entitled to the use of the compensation water, or by the water, river or irrigation board or other legal entity referred to in sub-section (3), as the case may be, by a sum equal to the amount which the City of Cape Town in each year pays to it.

(6) In the event of any dispute arising as to the quantity of compensation water that has been retained by the City of Cape Town or as to the amount payable by the City of Cape Town in terms of sub-section (5), or as to the quantity of water being released from the reservoir in terms of sub-section (1) or sub-section (3) or as to the quantity of water flowing at the point or points referred to in sub-section (1), the decision of an Officer appointed by the Director of Irrigation to settle the dispute shall be accepted as final."

Wysiging van
artikel 10 van
Wet 29 van
1907 (Kaap).

10. Artikel tien van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
- (ii) deur die woord „their” te vervang deur die woord „its” en die woord „they” deur die woord „it”;

such other local authorities as the City of Cape Town, with the approval of the Minister of Irrigation, may agree to supply prior to the date upon which a supply of water is first made available from the reservoir,

shall be made available at the reservoir by the City of Cape Town to the board or other legal entity referred to in sub-section (3) when and as soon as the board or other legal entity comes into being, at a price to be determined by the Minister of Irrigation, which price shall at no time exceed 2d. per 1,000 gallons: Provided that the total rate of discharge of compensation and surplus water to be discharged from the reservoir shall at no time exceed the rate of fifty million gallons per day. When a State Irrigation Scheme or Schemes for the Berg River Valley as contemplated in sub-section (5) come into operation nothing in this sub-section contained shall preclude the City of Cape Town from thereafter supplying water to local authorities additional to those mentioned in paragraph (d).

(5) During such time as a supply of not less than two thousand one hundred and eighty-four million gallons of water is discharged during the period from the first day of November in any year to the thirtieth day of April in the following year from a State Irrigation Scheme or Schemes for the Berg River Valley into the Berg River at a point immediately below any confluence of the Wemmer's River and the Berg River in the manner and subject to the provisions of sub-section (1), or, in the event of the right to the said compensation water or the right to control the said water being lawfully acquired by a board or other legal entity referred to in sub-section (3), and such board or other legal entity requiring delivery in the manner and subject to the provisions of sub-section (3), during such time as such a supply from the said State Irrigation Scheme or Schemes is flowing in the manner so required by such board or other legal entity either in the Berg River at the aforesaid point or in a canal or canals in the control of such board or other legal entity at a point or points indicated by the aforesaid board or other legal entity in the immediate vicinity of the aforesaid point, the City of Cape Town may in its discretion retain the whole or any portion of the compensation water: Provided that the City of Cape Town shall pay annually to the Irrigation Department, or to such other person or body as may be responsible for the supply of water from the said Scheme or Schemes a sum equal to the purchase price which persons entitled to the use of the compensation water, or the water, river or irrigation board or other legal entity referred to in sub-section (3), as the case may be, would be liable to pay to the said Department or other person or body, in respect of a quantity of water from the said Scheme or Schemes equivalent to the quantity of compensation water retained by the City of Cape Town. The said Department or other person or body shall thereupon reduce the charges payable by the persons entitled to the use of the compensation water, or by the water, river or irrigation board or other legal entity referred to in sub-section (3), as the case may be, by a sum equal to the amount which the City of Cape Town in each year pays to it.

(6) In the event of any dispute arising as to the quantity of compensation water that has been retained by the City of Cape Town or as to the amount payable by the City of Cape Town in terms of sub-section (5), or as to the quantity of water being released from the reservoir in terms of sub-section (1) or sub-section (3) or as to the quantity of water flowing at the point or points referred to in sub-section (1), the decision of an Officer appointed by the Director of Irrigation to settle the dispute shall be accepted as final."

10. Section *ten* of the principal Act is hereby amended—

Amendment of
section 10 of
Act 29 of 1907

- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town"; (Cape).
- (ii) by the substitution for the word "their" of the word "its", and for the word "they" of the word "it";

- (iii) deur die woorde „at a point within two hundred yards of the confluence of the Wemmer's River and the Berg River and” te skrap;
- (iv) deur in paragraaf (a) die woorde „of five million gallons a day and the excess amounts in the months of January, February, March and April” te vervang deur die woorde „or fail to ensure the flow of water”.

Wysiging van artikel 11 van Wet 29 van 1907 (Kaap).

- 11. Artikel *elf* van die Hoofwet word hierby gewysig—
 - (i) deur die woorde „Four Councils are” deur die woorde „City of Cape Town is” te vervang;
 - (ii) deur die woorde „the Cape Provincial Administration or” na die woorde „under the control of” in te voeg.

Wysiging van artikel 12 van Wet 29 van 1907 (Kaap).

- 12. Artikel *twalf* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang.

Wysiging van artikel 13 van Wet 29 van 1907 (Kaap).

- 13. Artikel *dertien* van die Hoofwet word hierby gewysig deur die woorde „Four Councils are” deur die woorde „City of Cape Town is” te vervang.

Wysiging van artikel 14 van Wet 29 van 1907 (Kaap).

- 14. Artikel *veertien* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang.

Wysiging van artikel 15 van Wet 29 van 1907 (Kaap).

- 15. Artikel *vyftien* van die Hoofwet word hierby gewysig—
 - (i) deur die woorde „Secretary of the Committee” deur die woorde „Town Clerk of the City of Cape Town” te vervang;
 - (ii) deur die woorde „office of the Committee” deur die woorde „office of the said Town Clerk” te vervang;
 - (iii) deur die woorde „and the said Secretary on receiving any such claim shall without delay transmit the same to the Four Councils” te skrap;
 - (iv) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
 - (v) deur die woorde „or the Committee” te skrap.

Wysiging van artikel 16 van Wet 29 van 1907 (Kaap).

- 16. Artikel *sestien* van die Hoofwet word hierby gewysig—
 - (i) deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang;
 - (ii) deur die woord „they” te vervang deur die woord „it”.

Wysiging van artikel 17 van Wet 29 van 1907 (Kaap).

- 17. Artikel *sewentien* van die Hoofwet word hierby gewysig—
 - (i) deur die woorde „Four Councils are” deur die woorde „City of Cape Town is” te vervang;
 - (ii) deur die woorde „a telegraph and telephone line” deur die woorde „telegraph or telephone lines” te vervang;
 - (iii) deur die woorde „line of” te skrap.

Wysiging van artikel 18 van Wet 29 van 1907 (Kaap).

- 18. Artikel *agtien* van die Hoofwet word hierby gewysig—
 - (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
 - (ii) deur die woord „are” te vervang deur die woord „is”.

Wysiging van artikel 19 van Wet 29 van 1907 (Kaap).

- 19. Artikel *negentien* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang.

Wysiging van artikel 20 van Wet 29 van 1907 (Kaap).

- 20. Artikel *twintig* van die Hoofwet word hierby gewysig—
 - (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
 - (ii) deur die woorde „themselves, their” te vervang deur die woorde „itself, its”;
 - (iii) deur die woorde „vehicles, machinery, plant, materials” na die woord „carriages” in te voeg.

Wysiging van artikel 21 van Wet 29 van 1907 (Kaap).

- 21. Artikel *een-en-twintig* van die Hoofwet word hierby gewysig—
 - (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
 - (ii) deur die woorde „deposited plans” deur die woorde „plans referred to in section two” te vervang;
 - (iii) deur die woorde „deposited sections” deur die woorde „sections referred to in section two” te vervang;
 - (iv) deur die woorde „any extent not exceeding thirty feet” deur die woorde „such extent as may be necessary” te vervang.

- (iii) by the deletion of the words "at a point within two hundred yards of the confluence of the Wemmer's River and the Berg River and";
- (iv) by the substitution in paragraph (a) for the words "of five million gallons a day and the excess amounts in the months of January, February, March and April" of the following words "or fail to ensure the flow of water".
11. Section *eleven* of the principal Act is hereby amended—
- (i) by the substitution for the words "Four Councils are" of the words "City of Cape Town is";
- (ii) by the insertion after the words "under the control of" of the words "the Cape Provincial Administration or".
12. Section *twelve* of the principal Act is hereby amended by the substitution for the words "Four Councils" of the words "City of Cape Town".
13. Section *thirteen* of the principal Act is hereby amended by the substitution for the words "Four Councils are" of the words "City of Cape Town is".
14. Section *fourteen* of the principal Act is hereby amended by the substitution for the words "Four Councils" of the words "City of Cape Town".
15. Section *fifteen* of the principal Act is hereby amended—
- (i) by the substitution for the words "Secretary of the Committee" of the words "Town Clerk of the City of Cape Town";
- (ii) by the substitution for the words "office of the Committee" of the words "office of the said Town Clerk";
- (iii) by the deletion of the words "and the said Secretary on receiving any such claim shall without delay transmit the same to the Four Councils";
- (iv) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
- (v) by the deletion of the words "or the Committee".
16. Section *sixteen* of the principal Act is hereby amended—
- (i) by the substitution for the words "Four Councils" of the words "City of Cape Town";
- (ii) by the substitution for the word "they" of the word "it".
17. Section *seventeen* of the principal Act is hereby amended—
- (i) by the substitution for the words "Four Councils are" of the words "City of Cape Town is";
- (ii) by the substitution for the words "a telegraph and telephone line" of the words "telegraph or telephone lines";
- (iii) by the deletion of the words "line of".
18. Section *eighteen* of the principal Act is hereby amended—
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
- (ii) by the substitution for the word "are" of the word "is".
19. Section *nineteen* of the principal Act is hereby amended by the substitution for the words "Four Councils" of the words "City of Cape Town".
20. Section *twenty* of the principal Act is hereby amended—
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
- (ii) by the substitution for the words "themselves, their" of the words "itself, its";
- (iii) by the insertion after the word "carriages" of the words "vehicles, machinery, plant, materials".
21. Section *twenty-one* of the principal Act is hereby amended—
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
- (ii) by the substitution for the words "deposited plans" of the words "plans referred to in section two";
- (iii) by the substitution for the words "deposited sections" of the words "sections referred to in section two";
- (iv) by the substitution for the words "any extent not exceeding thirty feet" of the words "such extent as may be necessary".

Amendment of
section 11 of
Act 29 of 1907
(Cape).

Amendment of
section 12 of
Act 29 of 1907
(Cape).

Amendment of
section 13 of
Act 29 of 1907
(Cape).

Amendment of
section 14 of
Act 29 of 1907
(Cape).

Amendment of
section 15 of
Act 29 of 1907
(Cape).

Amendment of
section 16 of
Act 29 of 1907
(Cape).

Amendment of
section 17 of
Act 29 of 1907
(Cape).

Amendment of
section 18 of
Act 29 of 1907
(Cape).

Amendment of
section 19 of
Act 29 of 1907
(Cape).

Amendment of
section 20 of
Act 29 of 1907
(Cape).

Amendment of
section 21 of
Act 29 of 1907
(Cape).

Wysiging van
artikel 31 van
Wet 29 van
1907 (Kaap).

22. Artikel *een-en-dertig* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang.

Wysiging van
artikel 32 van
Wet 29 van
1907 (Kaap).

23. Artikel *twee-en-dertig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
- (ii) deur die tweede en derde voorbehoudsbepalings te skrap;
- (iii) deur in die laaste voorbehoudsbepaling die woorde „Schedule B” deur die woorde „Schedules B and C”, die woord „is” deur die woord „are” en die woorde „Council of the Municipality of the Paarl” deur die woorde „Councils of the Municipalities of Paarl and Wellington respectively,” te vervang.

Wysiging van
artikel 41 van
Wet 29 van
1907 (Kaap).

24. Artikel *een-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang.

Wysiging van
artikel 42 van
Wet 29 van
1907 (Kaap).

25. Artikel *twee-en-veertig* van die Hoofwet word hierby gewysig deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang.

Wysiging van
artikel 43 van
Wet 29 van
1907 (Kaap).

26. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
- (ii) deur na die woord „may” waar dit die eerste keer voorkom, die volgende woorde in te voeg „by resolution passed after at least seven days’ notice thereof at a meeting at which not less than two-thirds of its members are present”;
- (iii) deur die woorde „Governor and promulgation in the Gazette” deur die woorde „Administrator of the Cape and promulgation in the Cape Provincial Gazette” te vervang;
- (iv) deur paragraaf (f) te skrap, sodat paragrafe (g) en (h) onderskeidelik paragrafe (f) en (g) word.

Wysiging van
artikel 44 van
Wet 29 van
1907 (Kaap).

27. Artikel *vier-en-veertig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
- (ii) deur die woorde „or Committees as the case may be” te skrap.

Wysiging van
artikel 47 van
Wet 29 van
1907 (Kaap).

28. Artikel *sewe-en-veertig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;
- (ii) deur die woorde „Schedules A and B” te vervang deur die woorde „Schedules A, B and C”;
- (iii) deur na die woord „Paarl” waar dit die eerste keer voorkom die woorde „or of Wellington” by te voeg;
- (iv) deur die woorde „the said” waar hulle die eerste, tweede en derde kere voorkom deur die woord „such” te vervang;
- (v) deur na die woord „Agreement” oral waar dit voorkom die woorde „or Agreements” by te voeg;
- (vi) deur die woorde „the said Municipality of Paarl” te vervang deur die woorde „either such Municipality”.

Wysiging van
artikel 48 van
Wet 29 van
1907 (Kaap).

29. Artikel *agt-en-veertig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang;
- (ii) deur die woorde „eleven years” deur die woorde „fifty years” te vervang;
- (iii) deur die volgende woorde by te voeg „: Provided that it shall be lawful for the Administrator of the Cape Province to extend such period”.

Wysiging van
artikel 49 van
Wet 29 van
1907 (Kaap).

30. Artikel *nege-en-veertig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” waar hulle ook al voorkom deur die woorde „City of Cape Town” te vervang;

22. Section *thirty-one* of the principal Act is hereby amended by the substitution for the words "Four Councils" of the words "City of Cape Town". Amendment of section 31 of Act 29 of 1907 (Cape).
23. Section *thirty-two* of the principal Act is hereby amended— Amendment of section 32 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
 - (ii) by the deletion of the second and third provisos;
 - (iii) by the substitution in the last proviso for the words "Schedule B" of the words "Schedules B and C", for the word "is" of the word "are", and for the words "Council of the Municipality of the Paarl" of the words "Councils of the Municipalities of Paarl and Wellington respectively".
24. Section *forty-one* of the principal Act is hereby amended by the substitution for the words "Four Councils" of the words "City of Cape Town". Amendment of section 41 of Act 29 of 1907 (Cape).
25. Section *forty-two* of the principal Act is hereby amended by the substitution for the words "Four Councils" of the words "City of Cape Town". Amendment of section 42 of Act 29 of 1907 (Cape).
26. Section *forty-three* of the principal Act is hereby amended— Amendment of section 43 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
 - (ii) by the insertion after the word "may" where it first occurs of the words "by resolution passed after at least seven days' notice thereof at a meeting at which not less than two-thirds of its members are present";
 - (iii) by the substitution for the words "Governor and promulgation in the *Gazette*" of the words "Administrator of the Cape and promulgation in the Cape Provincial *Gazette*";
 - (iv) by the deletion of paragraph (f), paragraphs (g) and (h) to become respectively paragraphs (f) and (g).
27. Section *forty-four* of the principal Act is hereby amended— Amendment of section 44 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
 - (ii) by the deletion of the words "or Committees as the case may be".
28. Section *forty-seven* of the principal Act is hereby amended— Amendment of section 47 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";
 - (ii) by the substitution for the words "Schedules A and B" of the words "Schedules A, B and C";
 - (iii) by the addition after the word "Paarl" where it first occurs of the words "or of Wellington";
 - (iv) by the substitution for the words "the said" where they occur for the first, second and third times of the word "such";
 - (v) by the addition after the word "Agreement" wherever it occurs of the words "or Agreements";
 - (vi) by the substitution for the words "the said Municipality of Paarl" of the words "either such Municipality".
29. Section *forty-eight* of the principal Act is hereby amended— Amendment of section 48 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" of the words "City of Cape Town";
 - (ii) by the substitution for the words "eleven years" of the words "fifty years";
 - (iii) by the addition of the following words: "Provided that it shall be lawful for the Administrator of the Cape Province to extend such period".
30. Section *forty-nine* of the principal Act is hereby amended— Amendment of section 49 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" wherever they occur of the words "City of Cape Town";

- (ii) deur die woord „Governor” deur die woorde „Secretary for Lands” te vervang.

Wysiging van artikel 50 van Wet 29 van 1907 (Kaap).

31. Artikel *vyftig* van die Hoofwet word hierby gewysig deur die woorde „Commissioner of Public Works” deur die woorde „Secretary for Lands” te vervang.

Wysiging van artikel 51 van Wet 29 van 1907 (Kaap).

32. Artikel *een-en-vyftig* van die Hoofwet word hierby gewysig—

- (i) deur die woord „Governor” deur die woord „Minister of Lands” te vervang;
(ii) deur die woord „Council” deur die woorde „City of Cape Town” te vervang.

Wysiging van artikel 52 van Wet 29 van 1907 (Kaap).

33. Artikel *twee-en-vyftig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang;
(ii) deur die woorde „Commissioner of Public Works” deur die woorde „Administrator of the Cape” te vervang.

Wysiging van artikel 53 van Wet 29 van 1907 (Kaap).

34. Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig—

- (i) deur die woorde „Four Councils” deur die woorde „City of Cape Town” te vervang;
(ii) deur die woord „Commissioner” deur die woorde „Administrator of the Cape” te vervang.

Vervanging van Bylae B van Wet 29 van 1907 (Kaap).

35. Bylae B van die Hoofwet word hierby herroep en deur die bepalings van die Eerste en Tweede Bylaes van hierdie Wet as Bylaes B en C van die Hoofwet vervang.

Byvoeging van Bylae D by Wet 29 van 1907 (Kaap).

36. Die bepalings van die Derde Bylae van hierdie Wet word hierby in die Hoofwet as Bylae D daarvan gevoeg.

Kort titel.

37. Hierdie Wet heet die Private Wysigingswet op die „Southern Suburbs of Cape Town Water Supply Act”, 1952.

Eerste Bylae.

„Schedule B.

AGREEMENT CONCLUDED BETWEEN THE COUNCIL OF THE MUNICIPALITY OF THE CITY OF CAPE TOWN (HEREINAFTER REFERRED TO AS THE CITY OF CAPE TOWN) OF THE ONE PART AND THE COUNCIL OF THE MUNICIPALITY OF PAARL (HEREINAFTER REFERRED TO AS THE PAARL MUNICIPALITY) OF THE OTHER PART.

Whereas the City of Cape Town is promoting a Bill to amend Act No. 29 of 1907 (Cape) styled ‘The Southern Suburbs of Cape Town Water Supply Act, 1907’, to enable the City of Cape Town to construct an impounding reservoir and dam across the Wemmer’s River of a larger capacity than that described in the above Act, and generally to amend the above Act so as to adjust its provisions to existing circumstances, and so to supplement the water supply of the City of Cape Town and of certain neighbouring Municipalities, Local Authorities and others dependent thereon, and to take for that purpose additional water from the Wemmer’s River and tributary streams;

And whereas Paarl Municipality filed a Petition in opposition to the said Bill wherein it was *inter alia* set forth that it was opposed to the construction of the larger works as contemplated by the Bill, and that the residents of the Municipality would be detrimentally affected thereby and that the provisions made in the said Bill for the protection of such residents were inadequate to meet the requirements of such residents;

And whereas as the result of negotiations conducted between the City of Cape Town and the Paarl Municipality certain provisions for the protection of the Paarl Municipality have been agreed on;

And whereas it is desired that the said provisions shall be embodied in a formal Agreement to be attached to the said Bill in the form of a Schedule;

Now therefore these presents witness as follows:—

- (1) The City of Cape Town undertakes that as soon as possible after the Bill, as amended in so far as may be necessary in order to give effect to this Agreement, has been passed, it will commence work on and complete the erection of a dam at Wemmershoek to a minimum top water level of 965 feet above sea level, such dam to be built in accordance with the plans deposited with Parliament, subject to such amendments thereof as may be necessary to give effect to this Agreement.
- (2) Of the water to be taken and conveyed away by the City of Cape Town as set out in Act 29 of 1907 (Cape) as amended by the said Bill, the City of Cape Town shall deliver in perpetuity to the Paarl Municipality a supply of a maximum of 5,000,000 gallons of properly treated potable water in every twenty four

- (ii) by the substitution for the word "Governor" of the words "Secretary for Lands".
31. Section *fifty* of the principal Act is hereby amended by the substitution for the words "Commissioner of Public Works" of the words "Secretary for Lands". Amendment of section 50 of Act 29 of 1907 (Cape).
32. Section *fifty-one* of the principal Act is hereby amended— Amendment of section 51 of Act 29 of 1907 (Cape).
- (i) by the substitution for the word "Governor" of the words "Minister of Lands";
- (ii) by the substitution for the word "Council" of the words "City of Cape Town".
33. Section *fifty-two* of the principal Act is hereby amended— Amendment of section 52 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" of the words "City of Cape Town";
- (ii) by the substitution for the words "Commissioner of Public Works" of the words "Administrator of the Cape".
34. Section *fifty-three* of the principal Act is hereby amended— Amendment of section 53 of Act 29 of 1907 (Cape).
- (i) by the substitution for the words "Four Councils" of the words "City of Cape Town";
- (ii) by the substitution for the word "Commissioner" of the words "Administrator of the Cape".
35. Schedule B to the principal Act is hereby repealed and the provisions of the First and Second Schedules to this Act substituted therefor as Schedules B and C to the principal Act. Substitution of Schedule B to Act 29 of 1907 (Cape).
36. The provisions of the Third Schedule to this Act are hereby inserted in the principal Act as Schedule D thereto. Addition of Schedule D to Act 29 of 1907 (Cape).
37. This Act shall be called the Southern Suburbs of Cape Town Water Supply Act Amendment (Private) Act, 1952. Short title.

First Schedule.

"Schedule B.

AGREEMENT CONCLUDED BETWEEN THE COUNCIL OF THE MUNICIPALITY OF THE CITY OF CAPE TOWN (HEREINAFTER REFERRED TO AS THE CITY OF CAPE TOWN) OF THE ONE PART AND THE COUNCIL OF THE MUNICIPALITY OF PAARL (HEREINAFTER REFERRED TO AS THE PAARL MUNICIPALITY) OF THE OTHER PART.

Whereas the City of Cape Town is promoting a Bill to amend Act No. 29 of 1907 (Cape) styled 'The Southern Suburbs of Cape Town Water Supply Act, 1907', to enable the City of Cape Town to construct an impounding reservoir and dam across the Wemmer's River of a larger capacity than that described in the above Act, and generally to amend the above Act so as to adjust its provisions to existing circumstances, and so to supplement the water supply of the City of Cape Town and of certain neighbouring Municipalities, Local Authorities and others dependent thereon, and to take for that purpose additional water from the Wemmer's River and tributary streams;

And whereas Paarl Municipality filed a Petition in opposition to the said Bill wherein it was *inter alia* set forth that it was opposed to the construction of the larger works as contemplated by the Bill, and that the residents of the Municipality would be detrimentally affected thereby and that the provisions made in the said Bill for the protection of such residents were inadequate to meet the requirements of such residents;

And whereas as the result of negotiations conducted between the City of Cape Town and the Paarl Municipality certain provisions for the protection of the Paarl Municipality have been agreed on;

And whereas it is desired that the said provisions shall be embodied in a formal Agreement to be attached to the said Bill in the form of a Schedule;

Now therefore these presents witness as follows:—

- (1) The City of Cape Town undertakes that as soon as possible after the Bill, as amended in so far as may be necessary in order to give effect to this Agreement, has been passed, it will commence work on and complete the erection of a dam at Wemmershoek to a minimum top water level of 965 feet above sea level, such dam to be built in accordance with the plans deposited with Parliament, subject to such amendments thereof as may be necessary to give effect to this Agreement.
- (2) Of the water to be taken and conveyed away by the City of Cape Town as set out in Act 29 of 1907 (Cape) as amended by the said Bill, the City of Cape Town shall deliver in perpetuity to the Paarl Municipality a supply of a maximum of 5,000,000 gallons of properly treated potable water in every twenty four

hours reckoned from 8 a.m. to 8 a.m. Of this maximum of 5,000,000 gallons the City of Cape Town shall supply 500,000 gallons per day free of charge, and shall supply the remainder at a price to the Paarl Municipality of 7d. per 1,000 gallons delivered as hereinafter provided.

The aforesaid maximum of 5,000,000 gallons may, however, at the option of the Paarl Municipality be increased in the circumstances set out in Clause (8) hereof.

- (3) The City of Cape Town shall be bound to deliver the supply of water referred to in Clause (2) above in a pipeline or pipelines at the point and pressure as hereinafter defined, from which point the Paarl Municipality shall take the said supply and deliver it into a reservoir or reservoirs constructed or to be constructed by the Paarl Municipality.

The point of delivery shall be that set out in Clause 1 of the Agreement dated 19th August, 1907, and forming Schedule 'B' to Act 29 of 1907 (Cape), namely, where the then existing Divisional Council Road from Simondium to Paarl intersected the then boundary of the Municipality of Paarl, and the pressure at such point shall be sufficient to raise to any point within the Municipality of Paarl, not being a point more than 600 feet above sea level nor further distant than the point at which the Paarl Main Street intersects Lady Grey Street, the full amount of water to be delivered for the time being, provided that the Municipal main shall not be of less internal diameter than the City of Cape Town's main with which it is to connect.

The above notwithstanding, the Paarl Municipality shall at its option be entitled to take delivery of the water referred to in Clause (2), or of any portion thereof, at one other point deemed suitable along the route of the City of Cape Town's main pipeline or pipelines as defined in the said Bill, provided that the additional costs and expenses involved in effecting delivery at such other point shall be borne by the Paarl Municipality, and provided further that should the City of Cape Town effect any saving through delivering the said water or any portion thereof at the said other point instead of at the point defined above then the amount of such saving shall be paid to the Paarl Municipality, and provided finally that the said water delivered at the said other point shall be conveyed to and discharged into a reservoir or reservoirs as hereinbefore set out. The pressure at the said other point in the City of Cape Town's main pipeline, when it is discharging fully, shall be not less than the pressure which would be required at that point in order to produce the pressure hereinbefore stipulated at the point defined in Clause 1 of the aforesaid Agreement dated the 19th August, 1907, and the City of Cape Town undertakes that if the said other point is within five miles of the dam wall, the nominal diameter of the pipeline from the treatment plant to the said other point shall be not less than that of the pipeline from the said other point to the break-pressure tank.

Any stoppage of or any reduction or decrease in the pressure of supply aforesaid due either to circumstances beyond the control of the City of Cape Town or to necessary repairs and replacements shall not render the City of Cape Town liable for any damage which may accrue by reason thereof.

- (4) The Paarl Municipality shall from time to time in writing notify the City of Cape Town in advance of the rate, expressed in gallons per day, at which it requires the aforesaid supply of water to be delivered to it, whereupon the City of Cape Town shall be obliged to make delivery of such water at such rate. Such rate shall, however, not exceed the maximum estimated daily quantities referred to in Clause (6) hereof. The City of Cape Town shall not be obliged to vary the aforesaid rate more frequently than once per week.
- (5) The City of Cape Town shall furnish and maintain a head meter or head meters at the point or points of supply for the purpose of measuring the rate and quantity of water supplied and the figures of such rates and quantities shall be submitted quarterly to the Paarl Municipality. Should the Paarl Municipality be at any time dissatisfied with the meter readings, the City of Cape Town shall at the written request of the Paarl Municipality cause the meter or meters to be tested and the Paarl Municipality shall pay all costs and expenses arising from any such test, save that no such costs or expenses shall be chargeable to the Paarl Municipality in respect of any such test in the event of such test disclosing a meter or meters to be more than 3% (three per cent.) 'fast'. Should the meter or meters (a) fail to register or (b) register more than 3% (three per cent.) in error then the City of Cape Town shall in the case of (a) adjust the figures of consumption on the basis of previous or future recorded consumption and in the case of (b) shall adjust the quarterly figures concerned by the percentage amount which the meter was found to be in error, provided, however, that no claim shall be made in respect of more than two quarters.
- (6) The Paarl Municipality shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the City of Cape Town of the maximum estimated daily rate of water, expressed in gallons per day, which it will require during the next ensuing period of five years. The City of Cape Town shall ensure that the aforesaid pipeline or pipelines are of sufficient capacity to carry the quantity of water so notified.

In the event, however, of the said pipeline or pipelines being of a capacity capable of delivering water at a rate in excess of the sum of the maximum estimated daily rates so notified by the Paarl Municipality, and notified by the Wellington Municipality in terms of a similar agreement between the City of Cape Town and the Wellington Municipality, then the

hours reckoned from 8 a.m. to 8 a.m. Of this maximum of 5,000,000 gallons the City of Cape Town shall supply 500,000 gallons per day free of charge, and shall supply the remainder at a price to the Paarl Municipality of 7d. per 1,000 gallons delivered as hereinafter provided.

The aforesaid maximum of 5,000,000 gallons may, however, at the option of the Paarl Municipality be increased in the circumstances set out in Clause (8) hereof.

- (3) The City of Cape Town shall be bound to deliver the supply of water referred to in Clause (2) above in a pipeline or pipelines at the point and pressure as hereinafter defined, from which point the Paarl Municipality shall take the said supply and deliver it into a reservoir or reservoirs constructed or to be constructed by the Paarl Municipality.

The point of delivery shall be that set out in Clause 1 of the Agreement dated 19th August, 1907, and forming Schedule 'B' to Act 29 of 1907 (Cape), namely, where the then existing Divisional Council Road from Simondium to Paarl intersected the then boundary of the Municipality of Paarl, and the pressure at such point shall be sufficient to raise to any point within the Municipality of Paarl, not being a point more than 600 feet above sea level nor further distant than the point at which the Paarl Main Street intersects Lady Grey Street, the full amount of water to be delivered for the time being, provided that the Municipal main shall not be of less internal diameter than the City of Cape Town's main with which it is to connect.

The above notwithstanding, the Paarl Municipality shall at its option be entitled to take delivery of the water referred to in Clause (2), or of any portion thereof, at one other point deemed suitable along the route of the City of Cape Town's main pipeline or pipelines as defined in the said Bill, provided that the additional costs and expenses involved in effecting delivery at such other point shall be borne by the Paarl Municipality, and provided further that should the City of Cape Town effect any saving through delivering the said water or any portion thereof at the said other point instead of at the point defined above then the amount of such saving shall be paid to the Paarl Municipality, and provided finally that the said water delivered at the said other point shall be conveyed to and discharged into a reservoir or reservoirs as hereinbefore set out. The pressure at the said other point in the City of Cape Town's main pipeline, when it is discharging fully, shall be not less than the pressure which would be required at that point in order to produce the pressure hereinbefore stipulated at the point defined in Clause 1 of the aforesaid Agreement dated the 19th August, 1907, and the City of Cape Town undertakes that if the said other point is within five miles of the dam wall, the nominal diameter of the pipeline from the treatment plant to the said other point shall be not less than that of the pipeline from the said other point to the break-pressure tank.

Any stoppage of or any reduction or decrease in the pressure of supply aforesaid due either to circumstances beyond the control of the City of Cape Town or to necessary repairs and replacements shall not render the City of Cape Town liable for any damage which may accrue by reason thereof.

- (4) The Paarl Municipality shall from time to time in writing notify the City of Cape Town in advance of the rate, expressed in gallons per day, at which it requires the aforesaid supply of water to be delivered to it, whereupon the City of Cape Town shall be obliged to make delivery of such water at such rate. Such rate shall, however, not exceed the maximum estimated daily quantities referred to in Clause (6) hereof. The City of Cape Town shall not be obliged to vary the aforesaid rate more frequently than once per week.
- (5) The City of Cape Town shall furnish and maintain a head meter or head meters at the point or points of supply for the purpose of measuring the rate and quantity of water supplied and the figures of such rates and quantities shall be submitted quarterly to the Paarl Municipality. Should the Paarl Municipality be at any time dissatisfied with the meter readings, the City of Cape Town shall at the written request of the Paarl Municipality cause the meter or meters to be tested and the Paarl Municipality shall pay all costs and expenses arising from any such test, save that no such costs or expenses shall be chargeable to the Paarl Municipality in respect of any such test in the event of such test disclosing a meter or meters to be more than 3% (three per cent.) 'fast'. Should the meter or meters (a) fail to register or (b) register more than 3% (three per cent.) in error then the City of Cape Town shall in the case of (a) adjust the figures of consumption on the basis of previous or future recorded consumption and in the case of (b) shall adjust the quarterly figures concerned by the percentage amount which the meter was found to be in error, provided, however, that no claim shall be made in respect of more than two quarters.
- (6) The Paarl Municipality shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the City of Cape Town of the maximum estimated daily rate of water, expressed in gallons per day, which it will require during the next ensuing period of five years. The City of Cape Town shall ensure that the aforesaid pipeline or pipelines are of sufficient capacity to carry the quantity of water so notified.

In the event, however, of the said pipeline or pipelines being of a capacity capable of delivering water at a rate in excess of the sum of the maximum estimated daily rates so notified by the Paarl Municipality, and notified by the Wellington Municipality in terms of a similar agreement between the City of Cape Town and the Wellington Municipality, then the

Paarl Municipality shall be entitled at any time, until the expiry of the five-year period then current, to increase its maximum daily estimate, provided that at no time shall the Paarl Municipality be entitled to increase its maximum daily estimate beyond the maximum daily quantity to which it is entitled in terms of Clause (2) hereof.

In the event, however, of the Paarl Municipality desiring to increase its maximum daily estimate for the unexpired portion of the period of five years then current, and in the event of the pipeline or pipelines not being of sufficient capacity to carry the said sum of the maximum daily estimate so increased by it and the maximum daily estimate of Wellington Municipality so increased, then the increased daily estimates of the Paarl Municipality and the Wellington Municipality shall abate in so far as it may be necessary, so that they bear the same proportion the one to the other, as the maximum daily estimates made by the said Municipalities at the commencement of the five-year period, bear to each other.

Whenever the Paarl Municipality has notified the City of Cape Town of its maximum estimated daily rate, whether at the commencement of a five-year period or during the currency of such period, it shall not during any such period be entitled to decrease the rate so notified except in so far as there is an abatement as herein above referred to.

The City of Cape Town shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the Paarl Municipality, the Wellington Municipality and any Board or other legal entity referred to in the said Bill, of the maximum and minimum daily quantities which it estimates it will take out of the dam during such period.

- (7) The provisions of Clause (2) notwithstanding, the Paarl Municipality shall in any event be obliged to pay 7d. per 1,000 gallons for 40% of its aforesaid maximum estimated daily requirement abated if necessary under the provisions of Clause (6), in so far as such maximum estimated daily requirement exceeds the free water to which the Municipality is entitled in terms of Clause (2), and whether or not such maximum estimated daily requirement is in fact taken by the Paarl Municipality. The quantity of water for which the Paarl Municipality shall pay, shall be calculated on a daily basis.
- (8) During such time as the City of Cape Town is entitled to retain the compensation water referred to in the said Bill, the Paarl Municipality shall be entitled to require the City of Cape Town to deliver to it, at the points and pressures referred to in Clause (3) hereof an additional daily quantity of properly treated potable water up to a maximum of 1,200,000 gallons per day. The said Municipality shall be entitled to delivery of the aforesaid additional quantity of water throughout such time and it shall be additional to the 5,000,000 gallons referred to in Clause (2) hereof. Any additional water so taken by the said Municipality shall be paid for at the rate of 7d. per 1,000 gallons, provided that if the cost to the City of Cape Town from time to time of water from a State Irrigation Scheme or Schemes for the Berg River Valley exceeds the average price expressed in pence per 1,000 gallons then charged by the Union Government for irrigation water throughout the Union, which price shall be determined by the Director of Irrigation whose decision shall be final, then the aforesaid price of 7d. per 1,000 gallons shall be increased by the same amount as the aforesaid cost to the City of Cape Town exceeds the aforesaid price per 1,000 gallons equivalent to the average price then charged by the Union Government for Irrigation water throughout the Union.
- (9) That the said Contracting Parties hereby agree that these presents shall supersede Schedule 'B' of the said Act and shall form a Schedule to the said Bill.

In Witness whereof the parties have executed these presents as hereunder.

The Common Seal of the City of Cape Town was hereunto affixed at the City Hall, Cape Town, this 26th day of January, 1952, in the presence of

(Signed) FRITZ SONNENBERG,
Mayor.

(Common Seal.)

(Signed) A. Z. BERMAN,
Chairman,
Wemmershoek Special Committee.

(Signed) MARTIN HAMMERSCHLAG,
Member,
Wemmershoek Special Committee.

Certified as being in terms of the resolution of Council dated 28th July, 1949.

(Signed) M. B. WILLIAMS,
Town Clerk.

Executed at Cape Town on this the 26th day of January, 1952.

Paarl Municipality shall be entitled at any time, until the expiry of the five-year period then current, to increase its maximum daily estimate, provided that at no time shall the Paarl Municipality be entitled to increase its maximum daily estimate beyond the maximum daily quantity to which it is entitled in terms of Clause (2) hereof.

In the event, however, of the Paarl Municipality desiring to increase its maximum daily estimate for the unexpired portion of the period of five years then current, and in the event of the pipeline or pipelines not being of sufficient capacity to carry the said sum of the maximum daily estimate so increased by it and the maximum daily estimate of Wellington Municipality so increased, then the increased daily estimates of the Paarl Municipality and the Wellington Municipality shall abate in so far as it may be necessary, so that they bear the same proportion the one to the other, as the maximum daily estimates made by the said Municipalities at the commencement of the five-year period, bear to each other.

Whenever the Paarl Municipality has notified the City of Cape Town of its maximum estimated daily rate, whether at the commencement of a five-year period or during the currency of such period, it shall not during any such period be entitled to decrease the rate so notified except in so far as there is an abatement as herein above referred to.

The City of Cape Town shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the Paarl Municipality, the Wellington Municipality and any Board or other legal entity referred to in the said Bill, of the maximum and minimum daily quantities which it estimates it will take out of the dam during such period.

- (7) The provisions of Clause (2) notwithstanding, the Paarl Municipality shall in any event be obliged to pay 7d. per 1,000 gallons for 40% of its aforesaid maximum estimated daily requirement abated if necessary under the provisions of Clause (6), in so far as such maximum estimated daily requirement exceeds the free water to which the Municipality is entitled in terms of Clause (2), and whether or not such maximum estimated daily requirement is in fact taken by the Paarl Municipality. The quantity of water for which the Paarl Municipality shall pay, shall be calculated on a daily basis.
- (8) During such time as the City of Cape Town is entitled to retain the compensation water referred to in the said Bill, the Paarl Municipality shall be entitled to require the City of Cape Town to deliver to it, at the points and pressures referred to in Clause (3) hereof an additional daily quantity of properly treated potable water up to a maximum of 1,200,000 gallons per day. The said Municipality shall be entitled to delivery of the aforesaid additional quantity of water throughout such time and it shall be additional to the 5,000,000 gallons referred to in Clause (2) hereof. Any additional water so taken by the said Municipality shall be paid for at the rate of 7d. per 1,000 gallons, provided that if the cost to the City of Cape Town from time to time of water from a State Irrigation Scheme or Schemes for the Berg River Valley exceeds the average price expressed in pence per 1,000 gallons then charged by the Union Government for irrigation water throughout the Union, which price shall be determined by the Director of Irrigation whose decision shall be final, then the aforesaid price of 7d. per 1,000 gallons shall be increased by the same amount as the aforesaid cost to the City of Cape Town exceeds the aforesaid price per 1,000 gallons equivalent to the average price then charged by the Union Government for Irrigation water throughout the Union.
- (9) That the said Contracting Parties hereby agree that these presents shall supersede Schedule 'B' of the said Act and shall form a Schedule to the said Bill.

In Witness whereof the parties have executed these presents as hereunder.

The Common Seal of the City of Cape Town was hereunto affixed at the City Hall, Cape Town, this 26th day of January, 1952, in the presence of

(Signed) FRITZ SONNENBERG,
Mayor.

(Common Seal.)

(Signed) A. Z. BERMAN
Chairman,
Wemmershoek Special Committee.

(Signed) MARTIN HAMMERSCHLAG,
Member,
Wemmershoek Special Committee.

Certified as being in terms of the resolution of Council dated 28th July, 1949.

(Signed) M. B. WILLIAMS,
Town Clerk.

Executed at Cape Town on this the 26th day of January, 1952.

As Witnesses:

1. (Signed) STIRLING G. LOW,

2. (Signed) E. STANLEY FIELD.

For and on behalf of the
Council of the Municipality
of Paarl.

(Signed) J. F. KNOTT-CRAIG,
Mayor.

Certified as being in terms of
the resolution of Council dated
21st January, 1952.

(Signed) H. H. HAHN,
Acting Town Clerk."

Tweede Bylae.

„Schedule C.

AGREEMENT CONCLUDED BETWEEN THE COUNCIL OF THE MUNICIPALITY OF THE CITY OF CAPE TOWN (HEREINAFTER REFERRED TO AS THE CITY OF CAPE TOWN) OF THE ONE PART AND THE COUNCIL OF THE MUNICIPALITY OF WELLINGTON (HEREINAFTER REFERRED TO AS THE WELLINGTON MUNICIPALITY) OF THE OTHER PART.

Whereas the City of Cape Town is promoting a Bill to amend Act No. 29 of 1907 (Cape) styled 'The Southern Suburbs of Cape Town Water Supply Act, 1907', to enable the City of Cape Town to construct an impounding reservoir and dam across the Wemmer's River of a larger capacity than that described in the above Act, and generally to amend the above Act so as to adjust its provisions to existing circumstances, and so to supplement the water supply of the City of Cape Town and of certain neighbouring Municipalities, Local Authorities and others dependent thereon, and to take for that purpose additional water from the Wemmer's River and tributary streams;

And whereas Wellington Municipality filed a Petition in opposition to the said Bill wherein it was *inter alia* set forth that it was opposed to the construction of the larger works as contemplated by the Bill, and that the residents of the Municipality would be detrimentally affected thereby and that the provisions made in the said Bill for the protection of such residents were inadequate to meet the requirements of such residents;

And whereas as the result of negotiations conducted between the City of Cape Town and the Wellington Municipality certain provisions for the protection of the Wellington Municipality have been agreed on;

And whereas it is desired that the said provisions shall be embodied in a formal Agreement to be attached to the said Bill in the form of a Schedule;

Now therefore these presents witness as follows:—

- (1) The City of Cape Town undertakes that as soon as possible after the Bill, as amended in so far as may be necessary in order to give effect to this Agreement, has been passed, it will commence work on and complete the erection of a dam at Wemmershoek to a minimum top water level of 965 feet above sea level, such dam to be built in accordance with the plans deposited with Parliament, subject to such amendments thereof as may be necessary to give effect to this Agreement.
- (2) Of the water to be taken and conveyed away by the City of Cape Town as set out in Act 29 of 1907 (Cape) as amended by the said Bill, the City of Cape Town shall deliver in perpetuity to the Wellington Municipality a supply of a maximum of 2,000,000 gallons of properly treated potable water in every twenty-four hours reckoned from 8 a.m. to 8 a.m. Of this maximum of 2,000,000 gallons the City of Cape Town shall supply 200,000 gallons per day free of charge, and shall supply the remainder at a price to the Wellington Municipality of 7d. per 1,000 gallons delivered as hereinafter provided.

The aforesaid maximum of 2,000,000 gallons may, however, at the option of the Wellington Municipality be increased in the circumstances set out in Clause (8) hereof.

- (3) The City of Cape Town shall be bound to deliver the supply of water referred to in Clause (2) above in a pipeline or pipelines at the point and pressure as hereinafter defined, from which point the Wellington Municipality shall take the said supply and deliver it into a reservoir or reservoirs constructed or to be constructed by the Wellington Municipality.

The point of delivery shall be that set out in Clause 1 of the Agreement dated 19th August, 1907, and forming Schedule 'B' to Act 29 of 1907 (Cape), namely, where the then existing Divisional Council Road from Simondium to Paarl intersected the then boundary of the Municipality of Paarl, and the pressure at such point shall be sufficient to raise to any point within the Municipality of Paarl, not being a point more than 600 feet above sea level, nor further distant than the point at which the Paarl Main Street intersects Lady Grey Street, the full amount of water to be delivered for the time being, provided that the Municipal main shall not be of less internal diameter than the City of Cape Town's main with which it is to connect.

The above notwithstanding, the Wellington Municipality shall at its option be entitled to take delivery of the water referred to in Clause (2), or of any portion thereof, at one other point deemed suitable along the route of the City of Cape Town's main pipeline or pipelines as defined in the said Bill, provided

As Witnesses:

1. (Signed) STIRLING G. LOW,
2. (Signed) E. STANLEY FIELD.

For, and on behalf of the
Council of the Municipality
of Paarl.

(Signed) J. F. KNOTT-CRAIG,
Mayor.

Certified as being in terms of
the resolution of Council dated
21st January, 1952.

(Signed) H. H. HAHN
Acting Town Clerk."

Second Schedule.

"Schedule C.

AGREEMENT CONCLUDED BETWEEN THE COUNCIL OF THE MUNICIPALITY OF THE CITY OF CAPE TOWN (HEREINAFTER REFERRED TO AS THE CITY OF CAPE TOWN) OF THE ONE PART AND THE COUNCIL OF THE MUNICIPALITY OF WELLINGTON (HEREINAFTER REFERRED TO AS THE WELLINGTON MUNICIPALITY) OF THE OTHER PART.

Whereas the City of Cape Town is promoting a Bill to amend Act No. 29 of 1907 (Cape) styled 'The Southern Suburbs of Cape Town Water Supply Act, 1907', to enable the City of Cape Town to construct an impounding reservoir and dam across the Wemmer's River of a larger capacity than that described in the above Act, and generally to amend the above Act so as to adjust its provisions to existing circumstances, and so to supplement the water supply of the City of Cape Town and of certain neighbouring Municipalities, Local Authorities and others dependent thereon, and to take for that purpose additional water from the Wemmer's River and tributary streams;

And whereas Wellington Municipality filed a Petition in opposition to the said Bill wherein it was *inter alia* set forth that it was opposed to the construction of the larger works as contemplated by the Bill, and that the residents of the Municipality would be detrimentally affected thereby and that the provisions made in the said Bill for the protection of such residents were inadequate to meet the requirements of such residents;

And whereas as the result of negotiations conducted between the City of Cape Town and the Wellington Municipality certain provisions for the protection of the Wellington Municipality have been agreed on;

And whereas it is desired that the said provisions shall be embodied in a formal Agreement to be attached to the said Bill in the form of a Schedule;

Now therefore these presents witness as follows:—

- (1) The City of Cape Town undertakes that as soon as possible after the Bill, as amended in so far as may be necessary in order to give effect to this Agreement, has been passed, it will commence work on and complete the erection of a dam at Wemmershoek to a minimum top water level of 965 feet above sea level, such dam to be built in accordance with the plans deposited with Parliament, subject to such amendments thereof as may be necessary to give effect to this Agreement.
- (2) Of the water to be taken and conveyed away by the City of Cape Town as set out in Act 29 of 1907 (Cape) as amended by the said Bill, the City of Cape Town shall deliver in perpetuity to the Wellington Municipality a supply of a maximum of 2,000,000 gallons of properly treated potable water in every twenty-four hours reckoned from 8 a.m. to 8 a.m. Of this maximum of 2,000,000 gallons the City of Cape Town shall supply 200,000 gallons per day free of charge, and shall supply the remainder at a price to the Wellington Municipality of 7d. per 1,000 gallons delivered as hereinafter provided.
The aforesaid maximum of 2,000,000 gallons may, however, at the option of the Wellington Municipality be increased in the circumstances set out in Clause (8) hereof.
- (3) The City of Cape Town shall be bound to deliver the supply of water referred to in Clause (2) above in a pipeline or pipelines at the point and pressure as hereinafter defined, from which point the Wellington Municipality shall take the said supply and deliver it into a reservoir or reservoirs constructed or to be constructed by the Wellington Municipality.

The point of delivery shall be that set out in Clause 1 of the Agreement dated 19th August, 1907, and forming Schedule 'B' to Act 29 of 1907 (Cape), namely, where the then existing Divisional Council Road from Simondium to Paarl intersected the then boundary of the Municipality of Paarl, and the pressure at such point shall be sufficient to raise to any point within the Municipality of Paarl, not being a point more than 600 feet above sea level, nor further distant than the point at which the Paarl Main Street intersects Lady Grey Street, the full amount of water to be delivered for the time being, provided that the Municipal main shall not be of less internal diameter than the City of Cape Town's main with which it is to connect.

The above notwithstanding, the Wellington Municipality shall at its option be entitled to take delivery of the water referred to in Clause (2), or of any portion thereof, at one other point deemed suitable along the route of the City of Cape Town's main pipeline or pipelines as defined in the said Bill, provided

that the additional costs and expenses involved in effecting delivery at such other point shall be borne by the Wellington Municipality, and provided further that should the City of Cape Town effect any saving through delivering the said water or any portion thereof at the said other point instead of at the point defined above then the amount of such saving shall be paid to the Wellington Municipality, and provided finally that the said water delivered at the said other point shall be conveyed to and discharged into a reservoir or reservoirs as hereinbefore set out. The pressure at the said other point in the City of Cape Town's main pipeline, when it is discharging fully, shall be not less than the pressure which would be required at that point in order to produce the pressure hereinbefore stipulated at the point defined in Clause 1 of the aforesaid Agreement dated the 19th August, 1907, and the City of Cape Town undertakes that if the said other point is within five miles of the dam wall, the nominal diameter of the pipeline from the treatment plant to the said other point shall be not less than that of the pipeline from the said other point to the break-pressure tank.

Any stoppage of or any reduction or decrease in the pressure of supply aforesaid due either to circumstances beyond the control of the City of Cape Town or to necessary repairs and replacements shall not render the City of Cape Town liable for any damage which may accrue by reason thereof.

- (4) The Wellington Municipality shall from time to time in writing notify the City of Cape Town in advance of the rate, expressed in gallons per day, at which it requires the aforesaid supply of water to be delivered to it, whereupon the City of Cape Town shall be obliged to make delivery of such water at such rate. Such rate shall, however, not exceed the maximum estimated daily quantities referred to in Clause (6) hereof. The City of Cape Town shall not be obliged to vary the aforesaid rate more frequently than once per week.
- (5) The City of Cape Town shall furnish and maintain a head meter or head meters at the point or points of supply for the purpose of measuring the rate and quantity of water supplied and the figures of such rates and quantities shall be submitted quarterly to the Wellington Municipality. Should the Wellington Municipality be at any time dissatisfied with the meter readings, the City of Cape Town shall at the written request of the Wellington Municipality cause the meter or meters to be tested and the Wellington Municipality shall pay all costs and expenses arising from any such test, save that no such costs or expenses shall be chargeable to the Wellington Municipality in respect of any such test in the event of such test disclosing a meter or meters to be more than 3% (three per cent.) 'fast'. Should the meter or meters (a) fail to register or (b) register more than 3% (three per cent.) in error then the City of Cape Town shall in the case of (a) adjust the figures of consumption on the basis of previous or future recorded consumption and in the case of (b) shall adjust the quarterly figures concerned by the percentage amount which the meter was found to be in error, provided, however, that no claim shall be made in respect of more than two quarters.
- (6) The Wellington Municipality shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the City of Cape Town of the maximum estimated daily rate of water, expressed in gallons per day, which it will require during the next ensuing period of five years. The City of Cape Town shall ensure that the aforesaid pipeline or pipelines are of sufficient capacity to carry the quantity of water so notified.

In the event, however, of the said pipeline or pipelines being of a capacity capable of delivering water at a rate in excess of the sum of the maximum estimated daily rates so notified by the Wellington Municipality, and notified by the Paarl Municipality in terms of a similar agreement between the City of Cape Town and the Paarl Municipality, then the Wellington Municipality shall be entitled at any time, until the expiry of the five-year period then current, to increase its maximum daily estimate, provided that at no time shall the Wellington Municipality be entitled to increase its maximum daily estimate beyond the maximum daily quantity to which it is entitled in terms of Clause (2) hereof.

In the event, however, of the Wellington Municipality desiring to increase its maximum daily estimate for the unexpired portion of the period of five years then current, and in the event of the pipeline or pipelines not being of sufficient capacity to carry the said sum of the maximum daily estimate so increased by it and the maximum daily estimate of the Paarl Municipality so increased, then the increased daily estimates of the Wellington Municipality and the Paarl Municipality shall abate in so far as it may be necessary, so that they bear the same proportion the one to the other, as the maximum daily estimates made by the said Municipalities at the commencement of the five-year period, bear to each other.

Whenever the Wellington Municipality has notified the City of Cape Town of its maximum estimated daily rate, whether at the commencement of a five-year period or during the currency of such period, it shall not during any such period be entitled to decrease the rate so notified except in so far as there is an abatement as herein above referred to.

The City of Cape Town shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the Wellington Municipality, the Paarl Municipality and any Board or other legal entity referred to in the said Bill, of the maximum and minimum daily quantities which it estimates it will take out of the dam during such period.

that the additional costs and expenses involved in effecting delivery at such other point shall be borne by the Wellington Municipality, and provided further that should the City of Cape Town effect any saving through delivering the said water or any portion thereof at the said other point instead of at the point defined above then the amount of such saving shall be paid to the Wellington Municipality, and provided finally that the said water delivered at the said other point shall be conveyed to and discharged into a reservoir or reservoirs as hereinbefore set out. The pressure at the said other point in the City of Cape Town's main pipeline, when it is discharging fully, shall be not less than the pressure which would be required at that point in order to produce the pressure hereinbefore stipulated at the point defined in Clause 1 of the aforesaid Agreement dated the 19th August, 1907, and the City of Cape Town undertakes that if the said other point is within five miles of the dam wall, the nominal diameter of the pipeline from the treatment plant to the said other point shall be not less than that of the pipeline from the said other point to the break-pressure tank.

Any stoppage of or any reduction or decrease in the pressure of supply aforesaid due either to circumstances beyond the control of the City of Cape Town or to necessary repairs and replacements shall not render the City of Cape Town liable for any damage which may accrue by reason thereof.

- (4) The Wellington Municipality shall from time to time in writing notify the City of Cape Town in advance of the rate, expressed in gallons per day, at which it requires the aforesaid supply of water to be delivered to it, whereupon the City of Cape Town shall be obliged to make delivery of such water at such rate. Such rate shall, however, not exceed the maximum estimated daily quantities referred to in Clause (6) hereof. The City of Cape Town shall not be obliged to vary the aforesaid rate more frequently than once per week.
- (5) The City of Cape Town shall furnish and maintain a head meter or head meters at the point or points of supply for the purpose of measuring the rate and quantity of water supplied and the figures of such rates and quantities shall be submitted quarterly to the Wellington Municipality. Should the Wellington Municipality be at any time dissatisfied with the meter readings, the City of Cape Town shall at the written request of the Wellington Municipality cause the meter or meters to be tested and the Wellington Municipality shall pay all costs and expenses arising from any such test, save that no such costs or expenses shall be chargeable to the Wellington Municipality in respect of any such test in the event of such test disclosing a meter or meters to be more than 3% (three per cent.) 'fast'. Should the meter or meters (a) fail to register or (b) register more than 3% (three per cent.) in error then the City of Cape Town shall in the case of (a) adjust the figures of consumption on the basis of previous or future recorded consumption and in the case of (b) shall adjust the quarterly figures concerned by the percentage amount which the meter was found to be in error, provided, however, that no claim shall be made in respect of more than two quarters.
- (6) The Wellington Municipality shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the City of Cape Town of the maximum estimated daily rate of water, expressed in gallons per day, which it will require during the next ensuing period of five years. The City of Cape Town shall ensure that the aforesaid pipeline or pipelines are of sufficient capacity to carry the quantity of water so notified.

In the event, however, of the said pipeline or pipelines being of a capacity capable of delivering water at a rate in excess of the sum of the maximum estimated daily rates so notified by the Wellington Municipality, and notified by the Paarl Municipality in terms of a similar agreement between the City of Cape Town and the Paarl Municipality, then the Wellington Municipality shall be entitled at any time, until the expiry of the five-year period then current, to increase its maximum daily estimate, provided that at no time shall the Wellington Municipality be entitled to increase its maximum daily estimate beyond the maximum daily quantity to which it is entitled in terms of Clause (2) hereof.

In the event, however, of the Wellington Municipality desiring to increase its maximum daily estimate for the unexpired portion of the period of five years then current, and in the event of the pipeline or pipelines not being of sufficient capacity to carry the said sum of the maximum daily estimate so increased by it and the maximum daily estimate of the Paarl Municipality so increased, then the increased daily estimates of the Wellington Municipality and the Paarl Municipality shall abate in so far as it may be necessary, so that they bear the same proportion the one to the other, as the maximum daily estimates made by the said Municipalities at the commencement of the five-year period, bear to each other.

Whenever the Wellington Municipality has notified the City of Cape Town of its maximum estimated daily rate, whether at the commencement of a five-year period or during the currency of such period, it shall not during any such period be entitled to decrease the rate so notified except in so far as there is an abatement as herein above referred to.

The City of Cape Town shall at the date at which the said dam is put into operation and shall at the commencement of each period of five years thereafter, notify the Wellington Municipality, the Paarl Municipality and any Board or other legal entity referred to in the said Bill, of the maximum and minimum daily quantities which it estimates it will take out of the dam during such period.

- (7) The provisions of Clause (2) notwithstanding, the Wellington Municipality shall in any event be obliged to pay 7d. per 1,000 gallons for 40% of its aforesaid maximum estimated daily requirement abated if necessary under the provisions of Clause (6), in so far as such maximum estimated daily requirement exceeds the free water to which the Municipality is entitled in terms of Clause (2), and whether or not such maximum estimated daily requirement is in fact taken by the Wellington Municipality. The quantity of water for which the Wellington Municipality shall pay, shall be calculated on a daily basis.
- (8) During such time as the City of Cape Town is entitled to retain the compensation water referred to in the said Bill, the Wellington Municipality shall be entitled to require the City of Cape Town to deliver to it, at the points and pressures referred to in Clause (3) hereof an additional daily quantity of properly treated potable water up to a maximum of 480,000 gallons per day. The said Municipality shall be entitled to delivery of the aforesaid additional quantity of water throughout such time and it shall be additional to the 2,000,000 gallons referred to in Clause (2) hereof. Any additional water so taken by the said Municipality shall be paid for at the rate of 7d. per 1,000 gallons, provided that if the cost to the City of Cape Town from time to time of water from a State Irrigation Scheme or Schemes for the Berg River Valley exceeds the average price expressed in pence per 1,000 gallons then charged by the Union Government for irrigation water throughout the Union, which price shall be determined by the Director of Irrigation whose decision shall be final, then the aforesaid price of 7d. per 1,000 gallons shall be increased by the same amount as the aforesaid cost to the City of Cape Town exceeds the aforesaid price per 1,000 gallons equivalent to the average price then charged by the Union Government for irrigation water throughout the Union.
- (9) That the said Contracting Parties hereby agree that these presents shall form a Schedule to the said Bill.

In witness whereof the parties have executed these presents as hereunder.

The Common Seal of the City of Cape Town was hereunto affixed at the City Hall, Cape Town, this 26th day of January, 1952, in the presence of

(Common Seal.)

(Signed) FRITZ SONNENBERG,
Mayor.

(Signed) A. Z. BERMAN,
Chairman,
Wemmershoek Special Committee.

(Signed) MARTIN HAMMERSCHLAG,
Member,
Wemmershoek Special Committee.

Certified as being in terms of the resolution of Council dated 28th July, 1949.

(Signed) M. B. WILLIAMS,
Town Clerk.

Executed at Cape Town on this the 26th day of January, 1952.

As Witnesses:

For and on behalf of the Council of the Municipality of Wellington.

1. (Signed) E. STANLEY FIELD (Signed) D. J. VAN DER MERWE,
Mayor.
2. (Signed) STIRLING G. LOW.

Certified as being in terms of the resolution of Council dated 24th January, 1952.

(Signed) F. W. POHL,
Acting Town Clerk."

Derde Bylae.

„Schedule D.

The works shown on the deposited plans and sections referred to in section two comprise the following principal works:—

- (1) A dam on the remaining extent of the place Winterhoek belonging to the City of Cape Town with an impounding reservoir on portions of the said remaining extent of the place Winterhoek, Hagel-rivier of the farm Winterhoek and Lot A of the farm Winterhoek all belonging to the City of Cape Town and the farm Meerlust, part of the place La Roche, belonging to Gideon Jozua Hugo and the Wemmershoek Forest Reserve belonging to the Government of the Union of South Africa.
- (2) A water treatment plant on Portion No. 2 of the farm Zachariaes-hoek belonging to the City of Cape Town.

- (7) The provisions of Clause (2) notwithstanding, the Wellington Municipality shall in any event be obliged to pay 7d. per 1,000 gallons for 40% of its aforesaid maximum estimated daily requirement abated if necessary under the provisions of Clause (6), in so far as such maximum estimated daily requirement exceeds the free water to which the Municipality is entitled in terms of Clause (2), and whether or not such maximum estimated daily requirement is in fact taken by the Wellington Municipality. The quantity of water for which the Wellington Municipality shall pay, shall be calculated on a daily basis.
- (8) During such time as the City of Cape Town is entitled to retain the compensation water referred to in the said Bill, the Wellington Municipality shall be entitled to require the City of Cape Town to deliver to it, at the points and pressures referred to in Clause (3) hereof an additional daily quantity of properly treated potable water up to a maximum of 480,000 gallons per day. The said Municipality shall be entitled to delivery of the aforesaid additional quantity of water throughout such time and it shall be additional to the 2,000,000 gallons referred to in Clause (2) hereof. Any additional water so taken by the said Municipality shall be paid for at the rate of 7d. per 1,000 gallons, provided that if the cost to the City of Cape Town from time to time of water from a State Irrigation Scheme or Schemes for the Berg River Valley exceeds the average price expressed in pence per 1,000 gallons then charged by the Union Government for irrigation water throughout the Union, which price shall be determined by the Director of Irrigation whose decision shall be final, then the aforesaid price of 7d. per 1,000 gallons shall be increased by the same amount as the aforesaid cost to the City of Cape Town exceeds the aforesaid price per 1,000 gallons equivalent to the average price then charged by the Union Government for irrigation water throughout the Union.
- (9) That the said Contracting Parties hereby agree that these presents shall form a Schedule to the said Bill.

In witness whereof the parties have executed these presents as hereunder.

The Common Seal of the City of Cape Town was hereunto affixed at the City Hall, Cape Town, this 26th day of January, 1952, in the presence of

(Common Seal.)

(Signed) FRITZ SONNENBERG,
Mayor.

(Signed) A. Z. BERMAN,
Chairman,
Wemmershoek Special Committee.

(Signed) MARTIN HAMMERSCHLAG,
Member,
Wemmershoek Special Committee.

Certified as being in terms of the resolution of Council dated 23th July, 1949.

(Signed) M. B. WILLIAMS,
Town Clerk.

Executed at Cape Town on this the 26th day of January, 1952.

As Witnesses:

For and on behalf of the Council of the Municipality of Wellington.

1. (Signed) E. STANLEY FIELD. (Signed) D. J. VANDER MERWE,
Mayor.
2. (Signed) STIRLING G. LOW.

Certified as being in terms of the resolution of Council dated 24th January, 1952.

(Signed) F. W. POHL,
Acting Town Clerk.

Third Schedule.

"Schedule D.

The works shown on the deposited plans and sections referred to in section two comprise the following principal works:—

- (1) A dam on the remaining extent of the place Winterhoek belonging to the City of Cape Town with an impounding reservoir on portions of the said remaining extent of the place Winterhoek, Hagelrivier of the farm Winterhoek and Lot A of the farm Winterhoek all belonging to the City of Cape Town and the farm Meerlust, part of the place La Roche, belonging to Gideon Jozua Hugo and the Wemmershoek Forest Reserve belonging to the Government of the Union of South Africa.
- (2) A water treatment plant on Portion No. 2 of the farm Zachariahoek belonging to the City of Cape Town.

- (3) Lines of pipes or conduits from the said dam to the said water treatment plant, thence lines of pipes across Portion No. 2 of the farm Zachariashoek belonging to the City of Cape Town, crossing the Wemmer's River, thence across Portion No. 3 of the farm Zachariashoek belonging to the Government of the Union of South Africa, thence across Portion 4 (a portion of Portion 1) of the farm Zachariashoek belonging to Johannes Casparus Lotter and the remaining extent of Portion No. 1 of the farm Zachariashoek belonging to Paul Jacobus Roux, thence across the Remaining Extent of L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across Remaining Extent of Land Adjoining L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across the remaining extent of part of L'Arc D'Orleans and La Parisa (L'Arc D'Orleans Annexe) belonging to Wynand Charl Malan, thence across Remaining Extent of land adjoining La Paris, belonging to the Standard Wine and Brandy Company (Pty.) Limited, Eenzaamheid A, belonging to Andries Adriaan Mouton, Switzerland (Suisseiland) belonging to Andries Adriaan Mouton, and Portion 2 of the farm Meerlust A, belonging to the Government of the Union of South Africa, thence across Remaining Extent of the farm Meerlust A, belonging to Louisa Hooff Pickstone, crossing the Berg and Dwars Rivers on this farm, thence across Portion 1 of the farm Meerlust A, belonging to the Government of the Union of South Africa, thence across a piece of land at the place called Werda, belonging to The Rhodes Fruit Farms Limited, thence across the remaining extent of land Stell. Q.5-27 (situate at Groot Drakenstein) belonging to Alida Johanna Beyers, thence along Main Road No. 4 (Division of Paarl) through Simondium, thence along Main Road No. 14 (Division of Paarl) to the National Road Route No. 9 crossing under the South African Railway line at a level crossing South of Simondium Station and at a level crossing East of Klapmuts Station, thence along the said National Road passing through Klapmuts to break-pressure tanks situated on Remaining Extent of Hoopenberg belonging to Harold George Starke, thence along the said National Road, except where deviations are shown across Remaining Extent of Portion A of Lot No. 1061 called Lot F of Joostenberg Vlake belonging to Vincent Alexander van der Bijl (Byl) and Remaining Extent of a Portion of Stellenberg belonging to Pieter Hendrik de Waal, passing through the Kraaifontein Village Management Board Area, crossing under the South African Railway line at a point North of Kraaifontein Station, crossing the Kuils River, thereafter entering the Municipality of Bellville, crossing a private railway line belonging to the Hume Pipe Company (South Africa) Limited and also used by the South African Railways, finally leaving the said National Road thence for one line along Boston Street and Fifteenth Avenue in the Boston Township, for another line along Cleveland Street and Sixteenth Avenue in the Boston Township and for another along Salisbury Street and Fourteenth Avenue in the Boston Township, thence along or across Broadway, Twede Singel, Derde Singel, Grensstraat and Public Place 354 in Bellville West (Extension No. 1), thence passing out of the Bellville Municipality and across Portion 10 of the farm New Lovenstein belonging to George Henry Starck, Portion 7, portion of the part of Lovenstein belonging to George Henry Starck, and Oosterzee belonging to George Henry Starck terminating at a service reservoir situated on land in Portion 10 of the farm New Lovenstein belonging to George Henry Starck.
- (4) The said service reservoir.
- (5) An access road or roads from Main Road No. 12 (Division of Paarl) across the Remaining Extent of L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across remaining extent of Portion No. 1 of the farm Zachariashoek belonging to Paul Jacobus Roux, thence across Portion 4 (a portion of Portion 1) of the farm Zachariashoek belonging to Johannes Casparus Lotter, thence across Portion No. 3 of the farm Zachariashoek belonging to the Government of the Union of South Africa, crossing the Wemmer's River, thence across Portion No. 2 of the farm Zachariashoek and the remaining extent of the place Winterhoek both belonging to the City of Cape Town.
- (6) A pipe line or conduit from the said dam across the remaining extent of the place Winterhoek and Portion No. 2 of the farm Zachariashoek belonging to the City of Cape Town, thence across Portion No. 3 of the farm Zachariashoek belonging to the Government of the Union of South Africa, Portion 4 (a portion of Portion 1) of the farm Zachariashoek belonging to Johannes Casparus Lotter and the remaining extent of Portion No. 1 of the farm Zachariashoek belonging to Paul Jacobus Roux, thence across Remaining Extent of land adjoining L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across Die Molen, portion of Wemmershoek Estate, belonging to Antonie Willem Diepering, Remaining Extent of Wemmershoek Estate belonging to Norman Alfred Poole, Modder Valley (Diagram No. 1865.42.109) belonging to Jacob Stefanus Marais, Land Situate in Modder Valley belonging to Andreas Cornelis Carstens and Moddervally (Diagram No. SQ.10.22) belonging to Andreas Cornelis Carstens, thence across French Hoek Forest Reserve and the Wemmershoek Outspan both belonging to the Government of the Union of South Africa, and discharging into the Wemmer's River at a point within two hundred yards of its confluence with the Berg River.
- (7) A line of pipes, from a point on the said lines of pipes to the service reservoir at the intersection of Main Road No. 4 (Division of Paarl) and Main Road No. 14 (Division of Paarl), along Main Road No. 4 (Division of Paarl) and thence along National Road Route 9 to the boundary of the Municipality of Paarl, crossing under the South African Railway line at two crossings.

- (3) Lines of pipes or conduits from the said dam to the said water treatment plant, thence lines of pipes across Portion No. 2 of the farm Zachariashoek belonging to the City of Cape Town, crossing the Wemmer's River, thence across Portion No. 3 of the farm Zachariashoek belonging to the Government of the Union of South Africa, thence across Portion 4 (a portion of Portion 1) of the farm Zachariashoek belonging to Johannes Casparus Lotter and the remaining extent of Portion No. 1 of the farm Zachariashoek belonging to Paul Jacobus Roux, thence across the Remaining Extent of L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across Remaining Extent of Land Adjoining L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across the remaining extent of part of L'Arc D'Orleans and La Parisa (L'Arc D'Orleans Annexe) belonging to Wynand Charl Malan, thence across Remaining Extent of land adjoining La Parisa, belonging to the Standard Wine and Brandy Company (Pty.) Limited, Eenzaamheid A, belonging to Andries Adriaan Mouton, Switzerland, (Suisseland) belonging to Andries Adriaan Mouton, and Portion 2 of the farm Meerlust A, belonging to the Government of the Union of South Africa, thence across Remaining Extent of the farm Meerlust A, belonging to Louisa Hooff Pickstone, crossing the Berg and Dwars Rivers on this farm, thence across Portion 1 of the farm Meerlust A, belonging to the Government of the Union of South Africa, thence across a piece of land at the place called Werda, belonging to The Rhodes Fruit Farms Limited, thence across the remaining extent of land Stell. Q.5-27 (situate at Groot Drakenstem) belonging to Alida Johanna Beyers, thence along Main Road No. 4 (Division of Paarl) through Simondium, thence along Main Road No. 14 (Division of Paarl) to the National Road Route No. 9 crossing under the South African Railway line at a level crossing South of Simondium Station and at a level crossing East of Klapmuts Station, thence along the said National Road passing through Klapmuts to break-pressure tanks situated on Remaining Extent of Hoopenberg belonging to Harold George Starck, thence along the said National Road, except where deviations are shown across Remaining Extent of Portion A of Lot No. 1061 called Lot F of Joostenberg Vlake belonging to Vincent Alexander van der Bijl (Byl) and Remaining Extent of a Portion of Stellenberg belonging to Pieter Hendrik de Waal, passing through the Kraaifontein Village Management Board Area, crossing under the South African Railway line at a point North of Kraaifontein Station, crossing the Kuils River, thereafter entering the Municipality of Bellville, crossing a private railway line belonging to the Hume Pipe Company (South Africa) Limited and also used by the South African Railways, finally leaving the said National Road thence for one line along Boston Street and Fifteenth Avenue in the Boston Township, for another line along Cleveland Street and Sixteenth Avenue in the Boston Township and for another along Salisbury Street and Fourteenth Avenue in the Boston Township, thence along or across Broadway, Twede Singel, Derde Singel, Grensstraat and Public Place 354 in Bellville West (Extension No. 1), thence passing out of the Bellville Municipality and across Portion 10 of the farm New Lovenstein belonging to George Henry Starck, Portion 7, portion of the part of Lovenstein belonging to George Henry Starck, and Oosterzee belonging to George Henry Starck terminating at a service reservoir situated on land in Portion 10 of the farm New Lovenstein belonging to George Henry Starck.
- (4) The said service reservoir.
- (5) An access road or roads from Main Road No. 12 (Division of Paarl) across the Remaining Extent of L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across remaining extent of Portion No. 1 of the farm Zachariashoek belonging to Paul Jacobus Roux, thence across Portion 4 (a portion of Portion 1) of the farm Zachariashoek belonging to Johannes Casparus Lotter, thence across Portion No. 3 of the farm Zachariashoek belonging to the Government of the Union of South Africa, crossing the Wemmer's River, thence across Portion No. 2 of the farm Zachariashoek and the remaining extent of the place Winterhoek both belonging to the City of Cape Town.
- (6) A pipe line or conduit from the said dam across the remaining extent of the place Winterhoek and Portion No. 2 of the farm Zachariashoek belonging to the City of Cape Town, thence across Portion No. 3 of the farm Zachariashoek belonging to the Government of the Union of South Africa, Portion 4 (a portion of Portion 1) of the farm Zachariashoek belonging to Johannes Casparus Lotter and the remaining extent of Portion No. 1 of the farm Zachariashoek belonging to Paul Jacobus Roux, thence across Remaining Extent of land adjoining L'Arc D'Orleans belonging to Paul Jacobus Roux, thence across Die Molen, portion of Wemmershoek Estate, belonging to Antonie Willem Diepering, Remaining Extent of Wemmershoek Estate belonging to Norman Alfred Poole, Modder Valley (Diagram No. 1865.42.109) belonging to Jacob Stefanus Marsais, Land Situate in Modder Valley belonging to Andreas Cornelis Carstens and Moddervalley (Diagram No. SQ.10.22) belonging to Andreas Cornelis Carstens, thence across French Hoek Forest Reserve and the Wemmershoek Outspan both belonging to the Government of the Union of South Africa, and discharging into the Wemmer's River at a point within two hundred yards of its confluence with the Berg River.
- (7) A line of pipes, from a point on the said lines of pipes to the service reservoir at the intersection of Main Road No. 4 (Division of Paarl) and Main Road No. 14 (Division of Paarl), along Main Road No. 4 (Division of Paarl) and thence along National Road Route 9 to the boundary of the Municipality of Paarl, crossing under the South African Railway line at two crossings.

The catchment area, the impounding reservoir and the dam, the water treatment plant, the pipe line or conduit discharging within two hundred yards of the confluence of the Wemmer's River and the Berg River, the pipe line to Paarl, the lines of pipes from the dam to the Service Reservoir to a point on the National Road at its intersection with the eastern boundary of Hoopenberg are in the Division of Paarl; thence the lines of pipes to a point on the National Road at its intersection with the Western boundary of Hoopenberg, and the break-pressure tanks, are in the Division of Stellenbosch; thence the lines of pipes to a point on the National Road at its intersection with the South-Western boundary of De Tuin are in the Division of Paarl; thence the lines of pipes to the Kuils River are in the Division of Stellenbosch; thence the lines of pipes to the Service Reservoir and the Service Reservoir are in the Division of the Cape."

The catchment area, the impounding reservoir and the dam, the water treatment plant, the pipe line or conduit discharging within two hundred yards of the confluence of the Wemmer's River and the Berg River, the pipe line to Paarl, the lines of pipes from the dam to the Service Reservoir to a point on the National Road at its intersection with the eastern boundary of Hoopenberg are in the Division of Paarl; thence the lines of pipes to a point on the National Road at its intersection with the Western boundary of Hoopenberg, and the break-pressure tanks, are in the Division of Stellenbosch; thence the lines of pipes to a point on the National Road at its intersection with the South-Western boundary of De Tuin are in the Division of Paarl; thence the lines of pipes to the Kuils River are in the Division of Stellenbosch; thence the lines of pipes to the Service Reservoir and the Service Reservoir are in the Division of the Cape."

No. 7, 1952.]

PRIVATE WET

Tot verlening van addisionele leningsbevoegdhede aan die Stad Durban en tot wysiging van Wet No. 24 van 1921 in sekere opsigte.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 14 Maart 1952.)

Aanhef.

NADEMAAL die Stadsraad van die Stad Durban kragtens die Durban Waterwerke (Private) Wet, 1937 (Wet No. 20 van 1937), gemagtig is om 'n skema uit te voer wat daarin beskryf is as die Umgeni-skema met betrekking tot die bewaring en opdamming van water, vir die lei en oorbring van sodanige water na die Stad Durban en die bestaande ondernemings van die Raad, vir die reiniging van sodanige water en vir ander verbandhoudende doeleindes:

EN NADEMAAL die Raad kragtens gemelde Wet ten einde genoemde skema uit te voer ook gemagtig is om op sekere voorgeskrewe voorwaardes geld tot 'n bedrag van hoogstens eenmiljoen sewehonderdduisend pond op enige tydstop te leen:

EN NADEMAAL gemelde Wet deur die Private Wysigingswet van 1945 op die Durbanse Waterwerke (Private) Wet gewysig is ten einde voornoemde leningsbevoegdhede uit te brei:

EN NADEMAAL gemelde Wet verder deur die Private Wet van 1948 tot Verdere Wysiging van die Durbanse Waterwerke (Private) Wet gewysig is ten einde voornoemde leningsbevoegdhede verder uit te brei:

EN NADEMAAL gemelde Raad in die uitoefening van sy gemelde bevoegdhede, 'n dam oor die bedding en vallei van die Umgeni-rivier om die water van gemelde rivier te bewaar en op te dam, 'n waterleiding bestaande uit tunnels, leidingbuise en 'n pypleiding om sodanige water na die Stad Durban en na die bestaande ondernemings en reinigingswerke van die Raad te lei en oor te bring ten einde sodanige water te reinig, sowel as ander bykomstige werke, gebou het:

EN NADEMAAL die bevolking van en nywerheidsbedrywigheid in die Stad Durban en die omliggende gebied waarin die Raad deur gemelde Wet gemagtig is om water te verskaf, toegeneem het:

EN NADEMAAL daar verwag word dat gemelde bevolking en nywerheidsbedrywigheid verder sal toeneem:

EN NADEMAAL dit noodsaaklik is, ten einde vir die toekomstige behoeftes van die Stad Durban en die gemelde gebied genoegsaam voorsiening te maak, om die toevoervermoë van gemelde waterleiding te vergroot deur die toevoeging van nog 'n pypleiding in gemelde waterleiding en om gemelde reinigingswerke uit te brei:

EN NADEMAAL dit wenslik is, met die doel om sodanige voorsiening te maak, om voormelde leningsbevoegdhede verder te vergroot deur bevoegdheid aan die Raad te verleen om van tyd tot tyd geld tot 'n bedrag van hoogstens driemiljoen tweehonderd-en-vyftigduisend pond, benewens die bedrag reeds soos voormeld gemagtig, op enige tydstop te leen:

EN NADEMAAL dit ook wenslik is om die bepalings en voorwaardes van sodanige lening voor te skryf en vir daarmee in verband staande sake voorsiening te maak:

EN NADEMAAL aan die Stadsraad deur artikel *agtien* van die Durban Waterwerken Konsolidatie (Private) Wet, 1921 (Wet No. 24 van 1921) en deur artikel *twaalf* van die voormelde Durban Waterwerke (Private) Wet, 1937, sekere bevoegdhede verleen word om kostetariewe vir water deur hom verskaf op te stel:

EN NADEMAAL dit wenslik is om gemelde bevoegdhede te wysig en om met daardie doel gemelde artikel *agtien* te wysig:

No. 7, 1952.]

PRIVATE ACT

To confer additional borrowing powers upon the City of Durban,
and to amend Act No. 24 of 1921 in certain respects.

(English text signed by the Governor-General.)
(Assented to 14th March, 1952.)

WHEREAS the City Council of the City of Durban was em- Preamble.
powered by the Durban Waterworks (Private) Act, 1937
(Act No. 20 of 1937), to carry out a scheme therein described
as the Umgeni Scheme relating to the storing and impounding
of water, for leading and transmitting such water to the City
of Durban and to the Council's existing undertakings, for
purifying such water, and for other purposes incidental thereto:

AND WHEREAS the Council was also empowered by the
said Act for the purpose of carrying out the said scheme, to
borrow money to an amount not exceeding one million seven
hundred thousand pounds at any one time, upon certain
prescribed terms:

AND WHEREAS the said Act was amended by the Durban
Waterworks (Private) Act, Amendment (Private) Act, 1945, so
as to enlarge the borrowing powers aforesaid:

AND WHEREAS the said Act was further amended by the
Durban Waterworks (Private) Act, Further Amendment
(Private) Act, 1948, so as further to enlarge the borrowing
powers aforesaid:

AND WHEREAS the said Council has, in the exercise of its
said powers, constructed a dam across the bed and valley of the
River Umgeni for storing and impounding the water of the
said river, an aqueduct consisting of tunnels, conduits and a
pipeline for the purpose of leading and transmitting such water
to the City of Durban and to the Council's existing under-
takings and purification works for the purpose of purifying
such water, as well as other works incidental thereto:

AND WHEREAS the population of, and industrial activity
in the City of Durban and the surrounding area within which
the Council is empowered by the said Act to supply water
has increased:

AND WHEREAS it is anticipated that the said population
and industrial activity will further increase:

AND WHEREAS in order to provide adequately for the
future requirements of the City of Durban and the said area
it is necessary to increase the capacity of the said aqueduct by
the addition of a further pipeline in the said aqueduct and to
extend the said purification works:

AND WHEREAS it is desirable, for the purpose of making
such provision, further to increase the borrowing powers
aforesaid by conferring upon the Council power to borrow
money from time to time, to an amount not exceeding three
million two hundred and fifty thousand pounds at any one
time, in addition to the amount already authorized as aforesaid:

AND WHEREAS it is also desirable to prescribe the terms and
conditions of such borrowing and to provide for matters
incidental thereto:

AND WHEREAS the City Council is by section *eighteen* of the
Durban Waterworks Consolidation (Private) Act, 1921 (Act
No. 24 of 1921) and by section *twelve* of the Durban Water-
works (Private) Act, 1937, aforesaid, granted certain powers
to frame tariffs of charges for water supplied by it:

AND WHEREAS it is desirable to amend the said powers, and
for that purpose to amend the said section *eighteen*:

WORD DIT DERHALWE BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) “die Hoofwet” die Durban Waterwerke (Private) Wet, 1937, soos gewysig deur die Private Wysigingswet van 1945 op die Durbanse Waterwerke (Private) Wet en soos verder gewysig deur die Private Wet van 1948 tot Verdere Wysiging van die Durbanse Waterwerke (Private) Wet;
- (ii) “Ordonnansie” ’n Ordonnansie van die Provinsiale Raad van die Provinsie Natal;
- (iii) “Raad” die Stadsraad van die Stad Durban.

Leningsbevoegdhede.

2. (1) Benewens die leningsbevoegdhede kragtens artikel dertien van die Hoofwet verleen, kan die Raad van tyd tot tyd sodanige geld leen as wat hy in die uitoefening van die deur die Hoofwet verleende bevoegdhede nodig mag hê vir die uitvoering van die werke in die bylae hierby beskryf, hetsy deur die uitgifte van gekonsolideerde effekte of andersins: Met dien verstande dat die totale som deur die Raad geleen en verskuldig ingevolge die deur hierdie artikel verleende bevoegdhede op geen tydstop die som van driemiljoen twee-honderd-en-veftigduisend pond oorskry nie.

(2) Vir sover die Raad van tyd tot tyd sodanige geld kan leen deur die uitgifte van gekonsolideerde effekte, is die bepaling van die Natalse Wet No. 29 van 1888, Ordonnansie No. 6 van 1913, Ordonnansie No. 8 van 1918, Ordonnansie No. 11 van 1922 soos gewysig deur Ordonnansie No. 16 van 1939 of enige hierna aangenome Ordonnansie tot wysiging daarvan, op sulke effekte van toepassing; en vir sover die Raad van tyd tot tyd sodanige geld op ’n ander wyse as deur so ’n uitgifte leen, is die wyse en voorwaardes wat betref rente datum van terugbetaling sowel as andersins, hoe ook al, waarop hy geregtig sal wees om aldus te leen, volgens besluit van die Raad, onderworpe aan die goedkeuring van die Administrateur van die Provinsie Natal, behalwe wanneer sodanige lening tydelik is, in watter geval die bepaling, van artikel *een-en-negentig* van Ordonnansie No. 21 van 1942 van toepassing is. Alle geld geleen sonder ’n uitgifte soos voormeld is ’n las op en betaalbaar uit die belasting, huurgelde en algemene inkomste van die stad Durban en die persone wat sodanige geld uitleen het vir die verhaal van rente en hoofsom dieselfde regsmiddels as wat in artikels *agt* en *nege* van die Natalse Wet No. 29 van 1888, vermeld word, maar niks in hierdie Wet vervat neem enige reg of belang by wyse van voorrang of andersins op of in sodanige belasting, huurgelde of algemene inkomste van enigiemand weg nie, of verkort of benadeel so ’n reg of belang nie.

Spesiale bepalinge aangaande rente op lenings.

3. Die rente betaalbaar op enige geld wat van tyd tot tyd uit kragte hiervan geleen word, kan vir ’n tydperk van hoogstens vyf jaar vanaf die datum waarop geld vir die eerste keer uit kragte hiervan geleen word geheel of gedeeltelik in rekening gebring word teen en betaal word uit kapitaal na aftrekking van enige rente ontvang ten opsigte van enige belegging van die onuitgegewe saldo van sodanige geld.

Vernuwingsfonds.

4. Die bepaling van artikel *vyftien* van die Hoofwet is van toepassing op die werke in die bylae by hierdie Wet gemeld.

Wysiging van artikel 18 van Wet 24 van 1921.

5. Artikel *agtien* van Wet 24 van 1921, word hierby gewysig—

- (i) deur die woorde „(b) en (c)” te skrap en deur die woorde „krachtens artikel *zestien* (c)” te skrap;
- (ii) deur die volgende woorde aan die end daarvan by te voeg:

„en met dien verstande voorts dat ten aanzien van het in artikel *zestien* (a) genoemde water de Raad de bij dit artikel verleende bevoegdheden niet zal uitoefenen behalve met de goedkeuring van de Administrateur van de Provincie Natal”.

Gemagtigde lening belas met uitgawes.

6. Die koste, laste en uitgawes ten opsigte van die aanname van hierdie Wet opgeleë en alle voorlopige uitgawes deur die Raad vir die doeleindes daarvan aangegaan, kan teen die kragtens hierdie Wet geleende geld in rekening gebring word.

Kort titel.

7. Hierdie Wet kan aangehaal word as die Private Wet op die Durbanse Waterwerke (Addisionele Leningsbevoegdhede), 1952, en word met die Durban Waterwerke (Private) Wet, 1937, as een geheel beskou.

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise requires—

Interpretation of terms.

- (i) "The principal Act" means "The Durban Waterworks (Private) Act, 1937", as amended by "The Durban Waterworks (Private) Act, Amendment (Private) Act, 1945" and as further amended by "The Durban Waterworks (Private) Act, Further Amendment (Private) Act, 1948";
- (ii) "Ordinance" means an Ordinance of the Provincial Council of the Province of Natal;
- (iii) "Council" means the City Council of the City of Durban.

2. (1) In addition to the borrowing powers conferred by section *thirteen* of the principal Act the Council may from time to time borrow such moneys as may be required by it for the purpose of carrying out, in the exercise of the powers conferred by the principal Act, the works described in the schedule hereto, either by the issue of Consolidated Stock or otherwise: Provided that the total sum borrowed and owing by the Council in virtue of the powers conferred by this section shall not at any one time exceed the sum of three million two hundred and fifty thousand pounds.

Borrowing Powers.

(2) In so far as the Council may from time to time borrow such moneys by the issue of Consolidated Stock, the provisions of Natal Law No. 29 of 1888, Ordinance No. 6 of 1913, Ordinance No. 8 of 1918, Ordinance No. 11 of 1922 as amended by Ordinance No. 16 of 1939 or any Ordinance hereafter passed amending the same shall apply to such stock; and in so far as the Council shall from time to time borrow such moneys otherwise than by such issue, the manner and conditions both as to interest, date of repayment and otherwise howsoever in or upon which they shall be entitled so to borrow shall be such as the Council may decide, subject to the approval of the Administrator of the Province of Natal, save and except where such borrowing is temporary, in which event the provisions of section *ninety-one* of Ordinance No. 21 of 1942 shall apply. Any moneys borrowed without such issue as aforesaid shall be a charge upon, and be payable out of, the rates, rents and general revenue of the City of Durban, and the persons lending such moneys shall have the same remedies for the recovery of interest and principal as are set out in sections *eight* and *nine* of Natal Law No. 29 of 1888 but nothing in this Act contained shall take away, abridge or prejudicially affect any right or interest by way of priority or otherwise of any person in or to such rates, rents or general revenue.

3. The interest payable upon any moneys borrowed from time to time hereunder may for a period up to five years from the date of first borrowing of moneys hereunder in whole or in part be charged to and paid out of capital after deduction of any interest received in respect of any investment of the unexpended balance of such moneys.

Special Provisions regarding interest on loan.

4. The provisions of section *fifteen* of the principal Act shall apply to the works referred to in the schedule to this Act.

Renewals Fund.

5. Section *eighteen* of Act 24 of 1921, is hereby amended—

Amendment of section 18 of Act 24 of 1921.

- (i) by the deletion of the words "*(b)* and *(c)*" and by the deletion of the words "under section *sixteen* (*c*)";
- (ii) by the addition at the end thereof of the following words:
"and provided further that in respect of the water mentioned in section *sixteen* (*a*), the Council shall not exercise the powers conferred by this section except with the approval of the Administrator of the Province of Natal".

6. The costs, charges and expenses incurred in respect of the passing of this Act and all preliminary expenses incurred by the Council for the purposes thereof may be charged against the moneys borrowed under this Act.

Expenses chargeable to loan authorized.

7. This Act may be cited as "The Durban Waterworks Additional Borrowing Powers (Private) Act 1952", and shall be read and construed together with "The Durban Waterworks (Private) Act 1937" as one Act.

Short title.

Bylae.

Die werke waarna in artikel twee verwys word, is soos volg:—

- (1) Die bou van 'n tweede pypleiding in die bestaande waterleiding van die opgaardam in die Umgeni-rivier na Durban.
- (2) Die uitbreiding van die bestaande reinigingswerke.
- (3) Werke wat bykomstig by die voorgaande is.

No. 8, 1952.]

WET

Om voorsiening te maak vir die instelling van 'n Rekening vir Spesiale Verdedigingstoerusting en vir daarmee in verband staande aangeleenthede.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Maart 1952.)*

DIT WORD BEPAAL, deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Instelling van
Rekening vir
Spesiale
Verdedigings-
toerusting.

Betalings uit
die rekening.

Onbestede
saldo's in die
rekening.

Kort titel.

1. Hiermee word 'n rekening ingestel met die naam Rekening vir Spesiale Verdedigingstoerusting (hieronder die rekening genoem) wat gekrediteer word met die gelde wat die Parlement van tyd tot tyd vir die doel bewillig.

2. Die gelde in die rekening word met goedkeuring van die Tesourie ter bestryding van uitgawes aangegaan in verband met die verkryging van spesiale toerusting vir die Unie-Verdedigingsmag, aangewend.

3. (1) Enige saldo in die rekening wat nie vir lopende behoeftes aangewend word nie word tydelik by die Openbare Skuldkommissarisse gedeponeer en kan, wanneer nodig, getrek word.

(2) Enige onbestede saldo in die rekening aan die einde van 'n boekjaar, met inbegrip van rente wat uit die belegging van saldo's verkry is, word as 'n krediet in die rekening na die daaropvolgende boekjaar oorgedra.

4. Hierdie Wet heet die Wet op die Rekening vir Spesiale Verdedigingstoerusting, 1952.

Schedule.

The works referred to in section *two* shall be as follows:—

- (1) The construction of a second pipeline in the existing aqueduct from the impounding reservoir on the Umgeni River to Durban.
- (2) The extension of the existing purification works.
- (3) Works incidental to the foregoing.

No. 8, 1952.]

ACT

To provide for the establishment of a Defence Special Equipment Account and for matters incidental thereto.

(Afrikaans text signed by the Governor-General.)
(Assented to 18th March, 1952.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. There is hereby established an account to be styled the Defence Special Equipment Account (hereinafter referred to as the account) which shall be credited with such moneys as Parliament may from time to time appropriate for the purpose. Establishment of Defence Special Equipment Account.

2. The funds in the account shall with the approval of the Treasury be utilized to defray expenditure incurred in connection with the acquisition of special equipment for the Union Defence Forces. Payments from the account.

3. (1) Any balance in the account in excess of current requirements shall be deposited temporarily with the Public Debt Commissioners and may be withdrawn when required. Unexpended balances in the account.

(2) Any unexpended balance in the account at the close of any financial year, including interest accrued on invested balances, shall be carried forward as a credit in the account to the next succeeding financial year.

4. This Act shall be called the Defence Special Equipment Short title. Account Act, 1952.

No. 10, 1952.]

WET**Tot wysiging van die Landbankwet, 1944.**

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Maart 1952.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van
artikel 10 van
Wet 13 van 1944.

1. Artikel *tien* van die Landbankwet, 1944, word hiermee gewysig deur in sub-artikel (1) die woord „duisend” deur die woorde „eenduisend tweehonderd-en-vyftig” te vervang.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op die Landbank, 1952, en word geag vanaf die eerste dag van April 1951 in werking te gewees het.

No. 11, 1952.]

WET**Tot wysiging van die Munt Wet, 1922.**

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 18 Maart 1952.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van
artikel 2 van
Wet 31 van 1922.

1. Artikel *twee* van die Munt Wet, 1922 (hieronder die Hoofwet genoem), word hiermee gewysig deur voor die woord „zilveren” waar dit ookal in daardie artikel voorkom, die woord „gouden,” in te voeg.

Wysiging van
artikel 6 van
Wet 31 van 1922.

2. Artikel *ses* van die Hoofwet word hiermee gewysig deur in paragraaf (c) van sub-artikel (1) die woorde „niet zijnde een gouden muntstuk” te skrap.

Wysiging van die
bylae by Wet
31 van 1922 soos
gewysig deur
artikel 22 van
Wet 57 van 1946
en artikel 1 van
Wet 4 van 1951.

3. Die bylae by die Hoofwet word hiermee gewysig deur in die eerste kolom van die Engelse teks die woorde „Sovereign” en „Half-sovereign” onderskeidelik deur die woorde „Pound” en „Half-pound” te vervang.

Kort titel.

4. Hierdie Wet heet die Munt-wysigingswet, 1952.

No. 10, 1952.]

ACT

To amend the Land Bank Act, 1944.

(Afrikaans text signed by the Governor-General.)
(Assented to 18th March, 1952.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *ten* of the Land Bank Act, 1944, is hereby amended by the substitution in sub-section (1) for the words "one thousand" of the words "one thousand two hundred and fifty".

Amendment of
section 10 of
Act 13 of 1944.

2. This Act shall be called the Land Bank Amendment Act, 1952, and shall be deemed to have been in operation as from the first day of April, 1951.

Short title.

No. 11, 1952.]

ACT

To amend the Coinage Act, 1922.

(English text signed by the Governor-General.)
(Assented to 18th March, 1952.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *two* of the Coinage Act, 1922 (hereinafter called the principal Act), is hereby amended by the insertion before the word "silver" wherever it occurs in that section, of the word "gold,".

Amendment of
section 2 of
Act 31 of 1922.

2. Section *six* of the principal Act is hereby amended by the deletion in paragraph (c) of sub-section (1) of the words "other than a gold coin".

Amendment of
section 6 of
Act 31 of 1922.

3. The schedule to the principal Act is hereby amended by the substitution in the first column for the words "Sovereign" and "Half-sovereign" of the words "Pound" and "Half-pound" respectively.

Amendment of
the schedule to
Act 31 of 1922
as amended by
section 22 of
Act 57 of 1946
and section 1 of
Act 4 of 1951.

4. This Act shall be called the Coinage Amendment Act, 1952.

Short title.