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EXTRAORDINARY

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermenskennisgewing word ter algemene inligting gepubliseer:—

No. 1024.] [13 Junie 1956.

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

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:

No. 1024.] [13th June, 1956.

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

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No. 46, 1956.]

WET

Om voorsiening te maak vir die wysiging van 'n sekere bevel van die waterhof vir die waterhofdistrik No. 10 in die Provinsie Kaap die Goeie Hoop deur by die toepassing van die genoemde bevel sekere water uit te sluit; om te bepaal dat 'n sekere bevel van die genoemde hof nie meer van krag sal wees nie; om voorsiening te maak vir die uitbreiding van die Groot-Visrivier-besproeiingsdistrik, soos ingestel by Proklamasie No. 63 van 1920, soos gewysig by Proklamasie No. 16 van 1928; om die aanleë deur die Regering van 'n opgaardam in die Tarkarivier en van 'n kanaal goed te keur; om voorsiening te maak om die water van die Tarkarivier in die genoemde dam wat deur die Regering aangelê word, op te gaar en te bewaar; om die Minister van Besproeiing met alle regte op die gebruik van water wat in die Regeringsdam, Grasrugdam en Arthurmeer bewaar word, of wat in die Groot-Brak-, Groot-Vis- en Tarkarivier binne die grense van genoemde besproeiingsdistrik vloei, of aangetref word, te beklee, behalwe die reg op primêre gebruik en die reg op tersiêre gebruik wat wettiglik verkry is en wat uitgeoefen word en enige reg op die gebruik van water wat deur die Munisipaliteit van Cradock verkry is; om voorsiening te maak vir die beheer en verdeling deur die Groot-Visrivier-besproeiingsraad van die water wat in die genoemde damme opgegaar en bewaar word of wat in die genoemde riviere onderkant die genoemde werke en binne die voornoemde besproeiingsdistrik vloei of aangetref word; om te verbied dat nuwe besproeiingswerke in genoemde riviere en genoemde distrik aangelê word, of dat werke wat aldaar bestaan enige wesenlike verandering ondergaan, sonder die skriftelike toestemming van genoemde raad; om voorsiening te maak vir die beheer deur die genoemde raad van sekere private besproeiingswerke binne sy besproeiingsdistrik vir sover sodanige werke in verband staan met die uithaal of uitlei van water uit engeen van genoemde riviere; om voorsiening te maak vir die toekenning van kompensasiewater aan die eienaars van sekere grond binne die genoemde distrik; om voorsiening te maak vir die administrasie, instandhouding en beheer deur die genoemde raad van sekere besproeiingswerke deur die Regering aangelê; om in die algemeen voorsiening te maak vir toesig oor die werksaamhede van genoemde raad deur die Minister van Besproeiing met behulp van die Besproeiingsdepartement; om voorsiening te maak vir die heffing van Regeringsbelasting; om artikel vier van die Wet tot Reëling van Besproeiingsdistrikte, 1930, te herroep; om voorsiening te maak vir die onderverdeling van die Groot-Visrivier-besproeiingsdistrik in sub-distrikte en vir die verteenwoordiging op die Groot-Visrivier-besproeiingsraad van die rade van sub-distrikte en van sekere private eienaars; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 7 Junie 1956.)

Aanhef.

NADEMAAL die Groot-Visrivier-besproeiingsraad deur Proklamasie No. 63 van 1920 ingestel is:

EN **NADEMAAL** die genoemde raad die eienaar is van sekere bewaringswerke bekend as Grasrugdam en Arthurmeer, op onderskeidelik die Groot-Brak- en Tarkarivier in die afdeling Cradock geleë:

EN **NADEMAAL** die genoemde raad ingevolge sub-artikel (16) van artikel vier van die Wet tot Reëling van Besproeiingsdistrikte, 1930 (Wet No. 41 van 1930), soos vervang deur sub-artikel (9) van artikel een van die Besproeiingsdistrikte-Reëlings Wysigingswet, 1934 (Wet No. 11 van 1934), belas is met die plig om 'n billike verdeling van die water wat uit sy bewaringswerke afkomstig is, te bewerkstellig:

EN **NADEMAAL** die opvanggebied bokant die genoemde Arthurmeer-bewaringswerk die onderwerp uitmaak van sekere bevels van die waterhof gedateer die een-en-twintigste dag van Desember 1928, uitgevaardig ingevolge artikel vyftien van die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), watter artikel later deur artikel twee van die Besproeiings Wysigingswet, 1934 (Wet No. 46 van 1934), herroep is:

EN **NADEMAAL** aan die genoemde raad beskerming verleen is ten opsigte van die genoemde Arthurmeer-bewaringsdam ingevolge 'n spesiale bevel van die waterhof, synde een van die bevels waarna verwys word in die voorgaande paragraaf:

EN **NADEMAAL**, ondanks die genoemde beskerming, 'n eienaar van oewergrond aan die Tarkarivier geleë binne die gebied waarop die genoemde beskerming betrekking het, kragtens artikel negentien van die Besproeiings Wysigingswet, 1934—

(a) 'n bewaringswerk mag bou wat hoogstens vyf-en-twintig miljoen gellings kan bevat, en daarin surpluswater wat in die bedding van die Tarkarivier vloei, vir sy eie gebruik mag opdam;

No. 46, 1956.]

ACT

To provide for the alteration of a certain order of the water court for the water court district No. 10 in the Province of the Cape of Good Hope by the exclusion of certain water from the operation of the said order; to provide that a certain order of the said court shall cease to be in force; to provide for the extension of the Great Fish River Irrigation District, as constituted by Proclamation No. 63 of 1920, as amended by Proclamation No. 16 of 1928; to approve of the construction by the Government of a conservation dam in the Tarka river and of a canal; to provide for the impoundment and conservation of the waters of the Tarka river in the said conservation dam being constructed by the Government; to vest in the Minister of Irrigation all rights to the use of the water conserved in the Government dam, Grassridge dam and Lake Arthur or flowing or found in the Great Brak, Great Fish and Tarka rivers within the boundaries of the said irrigation district, excluding the right of primary use and the right of tertiary use lawfully acquired and being exercised and any right to the use of water acquired by the Municipality of Cradock; to make provision for the control and distribution by the Great Fish River Irrigation Board of the water impounded and conserved in the said dams or flowing or found in the said rivers below the said works and within the aforesaid irrigation district; to prohibit the construction of new irrigation works or the material alteration of existing works in the said rivers and in the said district without the written consent of the said board; to provide for the control by the said board of certain privately owned irrigation works within its irrigation district in so far as such works are concerned with the abstraction or conveyance of water from any of the said rivers; to provide for the allocation of compensation water to owners of certain land within the said district; to make provision for the administration, maintenance and control by the said board of certain irrigation works constructed by the Government; to provide in general for the supervision of the activities of the said board by the Minister of Irrigation through the Irrigation Department; to provide for the levy of Government rates; to repeal section *four* of the Irrigation Districts Adjustment Act, 1930; to provide for the subdivision of the Great Fish River Irrigation District into sub-districts and for the representation on the Great Fish River Irrigation Board of the boards of sub-districts and of certain private owners; and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 7th June, 1956.)

WHEREAS the Great Fish River Irrigation Board was constituted by Proclamation No. 63 of 1920: Preamble.

AND WHEREAS the said board is the owner of certain conservation works known as Grassridge dam and Lake Arthur, situate on the Great Brak and Tarka rivers respectively, in the division of Cradock:

AND WHEREAS the said board is charged in terms of subsection (16) of section *four* of the Irrigation Districts Adjustment Act, 1930 (Act No. 41 of 1930), as substituted by subsection (9) of section *one* of the Irrigation Districts Adjustment (Amendment) Act, 1934 (Act No. 11 of 1934), with the duty of effecting an equitable distribution of the water derived from its conservation works:

AND WHEREAS the catchment area above the said Lake Arthur conservation work is the subject of certain orders of the water court dated the twenty-first day of December, 1928, made in terms of section *fifteen* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), which section was subsequently repealed by section *two* of the Irrigation Amendment Act, 1934 (Act No. 46 of 1934):

AND WHEREAS the said board has been granted protection in respect of the said Lake Arthur conservation dam in terms of a special order of the water court, being one of the orders referred to in the preceding paragraph:

AND WHEREAS notwithstanding the said protection any owner of land riparian to the Tarka river situate within the area to which the said protection relates, may in terms of section *nineteen* of the Irrigation Amendment Act, 1934, construct—

- (a) a storage work of a capacity not exceeding twenty-five million gallons and impound therein for his own use surplus water flowing in the channel of the Tarka river;

- (b) 'n uitkeer-besproeiingswerk mag bou wat 'n stroom van hoogstens tien kubieke voet per sekonde kan uitkeer, en deur middel daarvan surpluswater uit die Tarkarivier vir sy eie gebruik mag uitkeer:

EN NADEMAAL die Goewerneur-generaal kragtens sub-artikel (1) van artikel *sewe* van die Besproeiings- en Waterbewarings Wet, 1912, gemagtig is om vir die in daardie sub-artikel genoemde doeleindes en onderworpe aan die goedkeuring van die Parlement en aan sodanige regte as wat mag bestaan, besproeiingswerke aan te lê:

EN NADEMAAL die opgaarvermoë van die Grasrugdam en Arthurmeer deur die inspoel van slik verminder is:

EN NADEMAAL die Unie-regering 'n skema ontwerp het vir die aanlê van 'n dam oor die Tarkarivier op die plaas Commando Drift, geleë in die afdeling Cradock in die Provinsie Kaap die Goeie Hoop, vir die opgaar en bewaar van water wat in genoemde rivier vloei, ter aanvulling van die in Grasrugdam en Arthurmeer opgegaarde en bewaarde water, en tans besig is om daardie dam aan te lê:

EN NADEMAAL die genoemde skema insluit 'n kanaal- en tunnelstelsel, ongeveer 14.5 myl lank, tans in aanbou, beginnende by Arthurmeer en eindigende by 'n punt in die Groot-Visrivier in die omgewing van die damwal behorende aan die Scanlen-besproeiingsraad ingestel by Proklamasie No. 187 van 1917:

EN NADEMAAL dit ingevolge sub-artikel (1) van artikel *sewe* van die „Besproeiings- en Waterbewarings Wet, 1912” nodig is dat die Parlement die aanleg van die genoemde Regeringsdam en kanaal moet goedkeur:

EN NADEMAAL dit raadsaam is dat die Minister gemagtig word om bedoelde water in genoemde dam op te gaar en te bewaar:

EN NADEMAAL dit vir die Minister nie moontlik is nie om surpluswater wettiglik in genoemde dam op te gaar of om met sodanige water wat in die bedding van die Tarkarivier tussen daardie dam en Arthurmeer vloei, te handel solank die bepalings van genoemde spesiale bevel van die waterhof op daardie water van toepassing bly:

EN NADEMAAL dit derhalwe raadsaam is om by die toepassing van die voornoemde bevel van die waterhof, surpluswater wat die genoemde Regeringsdam bereik of wat in die bedding van die Tarkarivier tussen daardie dam en Arthurmeer vloei, uit te sluit:

EN NADEMAAL dit raadsaam is om die Groot-Visrivier-besproeiingsdistrik uit te brei sodat dit sekere oewergrond geleë aan die Tarkarivier tussen die Regeringsdam en Arthurmeer en ook die waterbewaringsgebied bokant die wal van die Regeringsdam insluit:

EN NADEMAAL 'n bevel deur die waterhof vir die waterhofdistrik No. 10 op die een-en-twintigste dag van Desember 1928 uitgevaardig, insake die aansoek van die Groot-Visrivier-besproeiingsraad met betrekking tot die hoeveelheid kompensasiewater waarop sekere eienaars van oewergrond aan die Tarkarivier en onmiddellik onderkant Arthurmeer geleë, geregtig is, tans van krag is:

EN NADEMAAL dit raadsaam is om genoemde bevel nietig te verklaar en om ander voorsiening te maak vir die hoeveelheid kompensasiewater waarop bedoelde eienaars geregtig is:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die hoeveelheid kompensasiewater waarop die eienaars van sekere oewergrond aan die Tarkarivier tussen die Regeringsdam en Arthurmeer geleë, geregtig is:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die beheer en verdeling deur die Groot-Visrivier-besproeiingsraad van die water wat in Grasrugdam, Arthurmeer en die Regeringsdam bewaar word en om die genoemde raad te bekleë met die uitsluitende beheer oor die water wat in sekere dele van die Groot-Brak-, Groot-Vis- en Tarkarivier vloei of aangetref word:

EN NADEMAAL dit raadsaam is om die administrasie, instandhouding en beheer van die Regeringsdam en die kanaal aan genoemde raad toe te vertrou:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die beheer en instandhouding deur die genoemde raad onder sekere omstandighede van sekere besproeiingswerke binne genoemde besproeiingsdistrik wat gebruik word om water uit die genoemde riviere uit te keer of te lei en vir die heffing van 'n spesiale belasting ter bestryding van die koste van sodanige beheer en instandhouding:

- (b) a diversion irrigation work capable of diverting a flow not exceeding ten cubic feet per second, and by means thereof divert surplus water from the Tarka river for his own use:

AND WHEREAS the Governor-General is empowered in terms of sub-section (1) of section *seven* of the Irrigation and Conservation of Waters Act, 1912, to construct irrigation works for the purposes set out in the said sub-section and subject to the approval of Parliament and to such rights as may exist:

AND WHEREAS the storage capacities of Grassridge dam and Lake Arthur have been reduced by siltation:

AND WHEREAS the Government of the Union has prepared a scheme for the construction of a dam across the Tarka river on the farm Commando Drift, situate in the division of Cradock in the Province of the Cape of Good Hope, for impounding and conserving waters flowing in the said river in order to supplement the water impounded and conserved in Grassridge dam and Lake Arthur and is presently constructing such dam:

AND WHEREAS the said scheme includes a canal and tunnel system, approximately 14.5 miles in length, presently in course of construction, commencing from Lake Arthur and terminating at a point in the Great Fish river in the vicinity of the weir belonging to the Scanlen Irrigation Board, constituted by Proclamation No. 187 of 1917:

AND WHEREAS it is necessary by virtue of sub-section (1) of section *seven* of the Irrigation and Conservation of Waters Act, 1912, for Parliament to approve of the construction of the said Government dam and canal:

AND WHEREAS it is expedient that the Minister be empowered to impound and conserve the said waters in the said dam:

AND WHEREAS it is not possible for the Minister lawfully to impound surplus water in the said dam or to deal with such water flowing in the channel of the Tarka river between the said dam and Lake Arthur while the provisions of the said special order of the water court remain applicable to the said water:

AND WHEREAS it is therefore expedient to exclude surplus water reaching the said Government dam or flowing in the channel of the Tarka river between the said dam and Lake Arthur from the operation of the aforesaid order of the water court:

AND WHEREAS it is expedient to extend the Great Fish River Irrigation District so as to include certain land riparian to the Tarka River between the Government dam and Lake Arthur and also the storage area above the wall of the Government dam:

AND WHEREAS there is at present in force an order made by the water court for the water court district No. 10 on the twenty-first day of December, 1928, in the matter of the application of the Great Fish River Irrigation Board relating to the amount of compensation water to which certain owners of property riparian to the Tarka river and situate immediately downstream of Lake Arthur are entitled to receive:

AND WHEREAS it is expedient to annul the said order and to make other provision for the amount of compensation water to which the said owners are entitled:

AND WHEREAS it is expedient to provide for the amount of compensation water to which the owners of certain land riparian to the Tarka river between the Government dam and Lake Arthur are entitled:

AND WHEREAS it is expedient to provide for the control and distribution by the Great Fish River Irrigation Board of the water conserved by Grassridge dam, Lake Arthur and the Government dam and to vest in the said board the exclusive control of the water flowing or found in certain portions of the Great Brak, Great Fish and Tarka rivers:

AND WHEREAS it is expedient to entrust the said board with the administration, maintenance and control of the Government dam and the canal:

AND WHEREAS it is expedient to provide for the control and maintenance by the said board under certain circumstances of certain irrigation works within the said irrigation district used to divert or convey water from the said rivers and for the levy of a special rate to defray the costs of such control and maintenance:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die beheer deur die genoemde raad van die aanleg van werke om water uit die genoemde riviere binne sy besproeiingsdistrik te haal en van addisionele werke of van die verandering en herstel van bestaande werke wat nodig is om aldus uitgehaalde water te meet en behoorlik te reël:

EN NADEMAAL dit raadsaam is om die Minister te magtig om oor die genoemde raad in al sy werksaamhede toesig te hou, en om dienooreenkomstig met die oog op kontinuïteit te bepaal dat die regte op die gebruik van die water wat in die Regeringsdam, Grasrugdam en Arthurmeer bewaar word, of wat in die Groot-Brak-, Groot-Vis- en Tarkarivier binne die grense van genoemde besproeiingsdistrik vloei of aangetref word, oorgedra word aan die Minister dog altoos met uitsondering van die reg op primêre gebruik en van die reg op tersiêre gebruik wat wetlik verkry en uitgeoefen word en van enige reg op die gebruik van water wat deur die Munisipaliteit van Cradock verkry is:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die heffing van Regeringsbelastinge op of ten opsigte van sekere grond in die genoemde besproeiingsdistrik, en om genoemde raad te belas met die invordering van daardie belastinge:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die verdeling van die besproeiingsdistrik Groot-Visrivier in sub-distrikte en vir verteenwoordiging op die Groot-Visrivier-besproeiingsraad van die rade van sub-distrikte en van sekere private eienaars:

EN NADEMAAL dit raadsaam is om artikel vier van die Wet tot Reëling van Besproeiingsdistrikte, 1930, soos vervang deur artikel een van die Besproeiingsdistrikte-Reëlings Wysigingswet, 1934, te herroep:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir ander bykomstige aangeleenthede:

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

Woordbepaling.

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

- (i) „besproeiingsdistrik” die Groot-Visrivier-besproeiingsdistrik ingestel by Proklamasie No. 63 van 1920, soos gewysig by Proklamasie No. 16 van 1928, en ook enige uitbreiding daarvan; (v)
- (ii) „Besproeiingswet” die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912); (iv)
- (iii) „kanaal” die Staatsbesproeiingswerk in paragraaf (b) van die Eerste Bylae by hierdie Wet beskryf; (ii)
- (iv) „raad” die Groot-Visrivier-besproeiingsraad ingestel by Proklamasie No. 63 van 1920; (i)
- (v) „Regeringsdam” die Staatsbesproeiingswerk in paragraaf (a) van die Eerste Bylae by hierdie Wet beskryf; (iii)
- (vi) „riviere” die Groot-Brak-, Groot-Vis- en Tarkarivier; (vi)

en het enige uitdrukking waaraan in die Besproeiingswet ’n betekenis toegeskryf is, waar dit in hierdie Wet voorkom, dieselfde betekenis.

**Wysiging en
nietigverklaring
van sekere bevels
van waterhof.**

2. (1) Die bevel uitgevaardig deur die waterhof vir die waterhofdistrik No. 10 op die een-en-twintigste dag van Desember 1928, insake die aansoek van die Groot-Visrivier-besproeiingsraad in verband met vergunning om sekere surpluswater van die Tarkarivier in die besproeiingswerk, bekend as die Arthurmeer-bewaringsdam, geleë in die afdeling Cradock, Provinsie Kaap die Goeie Hoop, op te gaar, en om beskerming ten opsigte van daardie besproeiingswerk te verkry, is hierna nie meer van krag nie vir sover daardie bevel betrekking het op surpluswater wat die Regeringsdam bereik of wat in die bedding van die Tarkarivier tussen die genoemde dam en Arthurmeer vloei.

(2) Die bevel uitgevaardig deur die waterhof vir die waterhofdistrik No. 10 op die een-en-twintigste dag van Desember 1928, insake die aansoek van die Groot-Visrivier-besproeiingsraad, in verband met die toekenning aan die Tarkarivier-besproeiingsraad, ingestel by Proklamasie No. 398 van 1909, en aan sekere eienaars van oewergrond aan genoemde Tarkarivier van sekere water in die Arthurmeer-bewaringsdam opgegaar as vergoeding vir die verlies deur bedoelde raad en eienaars van

AND WHEREAS it is expedient to provide for the control by the said board of the construction of works for abstracting water from the said rivers within its irrigation district and of additional works or of the alteration and repair of existing works as may be necessary for the measurement and proper regulation of water so abstracted:

AND WHEREAS it is expedient to empower the Minister to supervise the said board in all its activities, and for the purpose of continuity to provide accordingly that the rights to the use of the water conserved in the Government dam, Grassridge dam and Lake Arthur or flowing or found in the Great Brak, Great Fish and Tarka rivers within the boundaries of the said irrigation district should be vested in the Minister, always excepting the right of primary use and the right of tertiary use lawfully acquired and being exercised and any right to the use of water acquired by the Municipality of Cradock:

AND WHEREAS it is expedient to make provision for the levy of Government rates upon or in respect of certain land in the said irrigation district and to require the said board to collect such rates:

AND WHEREAS it is expedient to provide for the division of the Great Fish River Irrigation District into sub-districts and for representation on the Great Fish River Irrigation Board of the boards of sub-districts and of certain private owners:

AND WHEREAS it is expedient to repeal section *four* of the Irrigation Districts Adjustment Act, 1930, as substituted by section *one* of the Irrigation Districts Adjustment (Amendment) Act, 1934:

AND WHEREAS it is expedient to provide for other incidental matters:

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 indicates— Definitions.

- (i) "board" means the Great Fish River Irrigation Board constituted by Proclamation No. 63 of 1920; (iv)
- (ii) "canal" means the Government irrigation work described in paragraph (b) of the First Schedule to this Act; (iii)
- (iii) "Government dam" means the Government irrigation work described in paragraph (a) of the First Schedule to this Act; (v)
- (iv) "Irrigation Act" means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912); (ii)
- (v) "irrigation district" means the Great Fish River Irrigation District constituted by the aforesaid Proclamation No. 63 of 1920, as amended by Proclamation No. 16 of 1928, and includes any extension thereof; (i)
- (vi) "rivers" means the Great Brak, Great Fish and Tarka rivers; (vi)

and any expression to which a meaning has been assigned in the Irrigation Act bears, when used in this Act, the same meaning.

2. (1) The orders made by the water court for the water court district No. 10 on the twenty-first day of December, 1928, in the matter of the application of the Great Fish River Irrigation Board relating to permission to store certain surplus water of the Tarka river in the irrigation works known as the Lake Arthur conservation dam situate in the division of Cradock, Province of the Cape of Good Hope, and to obtain protection in respect of such irrigation works, shall hereafter cease to be of force and effect in so far as such orders concern surplus water reaching the Government dam or flowing in the channel of the Tarka river between the said dam and Lake Arthur.

Amendment and annulment of certain water court orders.

(2) The order made by the water court for the water court district No. 10 on the twenty-first day of December, 1928, in the matter of the application of the Great Fish River Irrigation Board relating to the granting to the Tarka Bridge Irrigation Board, constituted by Proclamation No. 398 of 1909, and to certain owners of land riparian to the said Tarka river of certain water conserved in the Lake Arthur conservation dam as compensation for the loss by the said board and owners

vloedwater as gevolg van die aanleg van die genoemde dam in die Tarkarivier 'n kort distansie bokant die besproeiingswerke wat deur bedoelde raad en eienaars gebruik word, is hierna nie meer van krag nie.

Sekere grond maak deel uit van Groot-Visrivier-besproeiingsdistrik.

3. Ondanks andersluidende bepalings in die Besproeiingswet vervat, word alle grond waardeur of langs 'n grens waarvan die Tarkarivier vloei en wat tussen die Regeringsdam en Arthurmeer geleë is en die grond wat die bewaringsgebied aan die bokant van die wal van die Regeringsdam uitmaak, vanaf die inwerkingtreding van hierdie Wet in die besproeiingsdistrik ingesluit.

Goedkeuring van aanleg deur die Regering van 'n bewaringsdam in Tarkarivier en 'n kanaal.

4. Die aanleg deur die Goewerneur-generaal, kragtens sub-artikel (1) van artikel *sewe* van die Besproeiingswet, van die Regeringsdam en die kanaal word hierby goedgekeur.

Magtiging om water van Tarkarivier op te gaar en te bewaar in Regeringsdam.

5. Die Minister kan 'n deel van of al die water wat in die Regeringsdam invloei, in bedoelde dam opgaar en bewaar.

Oordrag van waterregte van oewereienaars in die besproeiingsdistrik aan die Minister.

6. (1) Behoudens die reg op primêre gebruik wat onderworpe aan die bepalings van sub-artikel (6) van artikel *tien* uitgeoefen word, en enige reg op tersiêre gebruik wat wettiglik verkry is en uitgeoefen word en onderworpe aan die bepalings van sub-artikel (2), word alle regte op die gebruik van water wat in die Regeringsdam, Grasrugdam en Arthurmeer opgegaar word of wat in die beddings van die riviere vloei of aangetref word en waarop eienaars van oewergrond binne die besproeiingsdistrik geleë, geregtig is ten opsigte van sodanige grond, hierby aan die Minister oorgedra, om deur die raad soos hieronder bepaal uitgeoefen te word.

(2) Geen bepaling in hierdie Wet vervat word geag enige reg op die gebruik van water wat deur die Munisipaliteit van Cradock verkry is, te raak of daaraan afbreuk te doen nie.

Waterregte van eienaars van grond aangrensend aan Tarkarivier en tussen Regeringsdam en Arthurmeer geleë.

7. (1) Iedere persoon wat op die vyfde dag van Mei 1953 grond besit het (hetsy bedoelde grond op daardie datum 'n bepaalde stuk grond of 'n onverdeelde aandeel in grond was) waardeur of langs 'n grens waarvan die Tarkarivier vloei en wat tussen die Regeringsdam en Arthurmeer geleë is, ten opsigte waarvan bedoelde persoon geregtig is om die in paragrawe (a) en (b) van artikel *negentien* van die Besproeiings-Wysigingswet, 1934, bedoelde regte uit te oefen, is, in plaas van bedoelde regte en onderworpe aan die bepalings van sub-artikel (2), geregtig om ooreenkomstig die bepalings van hierdie Wet 'n hoeveelheid water ten opsigte van bedoelde grond uit die Regeringsdam te ontvang om op sodanige grond 'n totale oppervlakte van hoogstens vyf-en-twintig morge te besproei, en die regte deur hierdie sub-artikel aan bedoelde persoon ten opsigte van sodanige grond verleen, gaan, onderworpe aan die voorwaardes uiteengesit in die titelbewys van bedoelde grond of 'n onderverdeling daarvan, met die grond oor na enige persoon wat na genoemde datum die eienaar van sodanige grond geword het of word.

(2) 'n Eienaar van grond wat kragtens sub-artikel (1) op water geregtig mag wees, kan binne drie jaar vanaf die inwerkingtreding van hierdie Wet en nadat hy in oorleg met die direkteur en die raad (op sy eie koste) tot bevrediging van die direkteur en die raad, voorsiening gemaak het vir die besproeiing van sodanige grond deur die aanleg van die nodige besproeiingswerke en die voorbereiding van bedoelde grond vir besproeiing aansoek doen by die raad vir die opname van sy grond in die lys van besproeibare grond in die besproeiingsdistrik deur die raad kragtens artikel *negentig* van die Besproeiingswet opgestel.

(3) Die raad moet bedoelde grond nie in sy lys van besproeibare grond opneem nie tensy hy deur die direkteur skriftelik meegedeel is dat hy oortuig is en die raad homself oortuig het dat—

- (a) die besproeiingswerke deur middel waarvan dit voorgestel word om bedoelde grond te besproei in die omstandighede van die geval geskik is;
- (b) die grond behoorlik voorberei is vir besproeiing; en
- (c) in die geval van 'n pomptoestel, bedoelde grond nie op ander maniere ekonomies onder besproeiing gebring kan word nie.

of flood water due to the construction of the said dam in the Tarka river a short distance upstream of the irrigation works used by the said board and owners, shall hereafter cease to be of force and effect.

3. Notwithstanding anything to the contrary in the Irrigation Act contained all land through or along the boundary of which the Tarka river flows and situate between the Government dam and Lake Arthur and the land comprised in the storage area above the wall of the Government dam shall be included in the irrigation district as from the commencement of this Act.

Certain land to be part of Great Fish River Irrigation District.

4. The construction by the Governor-General, in terms of sub-section (1) of section *seven* of the Irrigation Act, of the Government dam and the canal is hereby approved.

Approval of construction by Government of a conservation dam on Tarka river and a canal.

5. The Minister may impound and conserve in the Government dam any or all of the waters flowing into the said dam.

Authority to impound and conserve waters of Tarka river in Government dam.

6. (1) Saving the right of primary use, which shall be exercised subject to the provisions of sub-section (6) of section *ten*, and any right of tertiary use lawfully acquired and being exercised and subject to the provisions of sub-section (2), all rights to the use of water conserved in the Government dam, Grassridge dam and Lake Arthur or flowing or found in the channels of the rivers to which owners of riparian land situated within the irrigation district are entitled in respect of such land, are hereby vested in the Minister, to be exercised by the board as hereinafter provided.

Vesting of water rights of riparian owners in the irrigation district in the Minister.

(2) Nothing in this Act contained shall be deemed to affect or derogate from any right to the use of water acquired by the Municipality of Cradock.

7. (1) Every person who, as at the fifth day of May, 1953, owned land (whether or not such land was at that date a defined piece of land or an undivided share in land) through or along a boundary of which the Tarka river flows and situate between the Government dam and Lake Arthur, in respect of which such person is entitled to exercise the rights referred to in paragraphs (a) and (b) of section *nineteen* of the Irrigation Amendment Act, 1934, shall in lieu of such rights and subject to the provisions of sub-section (2), be entitled to receive in respect of such land a quantity of water from the Government dam in accordance with the provisions of this Act for the irrigation on such land of a total area of land not exceeding twenty-five morgen in extent, and the rights conferred upon such person by this sub-section in respect of such land shall, subject to the conditions set out in the title deeds of the said land or any sub-division thereof, pass with the land to any person who has become or becomes the owner of such land after the said date.

Rights to water of owners of land adjacent to Tarka river and situate between Government dam and Lake Arthur.

(2) An owner of land who may be entitled to water in terms of sub-section (1) may, within three years of the commencement of this Act and after he has, in consultation with the director and the board made provision (at his expense) for the irrigation of such land by the construction of the necessary irrigation works and the preparation of the said land for irrigation to the satisfaction of the director and the board, make application to the board for the inclusion of his land in the schedule of irrigable areas of the irrigation district prepared by the board under section *ninety* of the Irrigation Act.

(3) The board shall not include the said land in its schedule of irrigable areas unless it has been notified in writing by the director that he is satisfied and has satisfied itself that—

- (a) the irrigation works by means of which it is proposed to irrigate the said land are suitable in the circumstances of the case;
- (b) the land has been properly prepared for irrigation; and
- (c) in the case of a pumping installation, the said land could not economically be brought under irrigation by other means.

(4) Nadat aan die bepalings van sub-artikels (2) en (3) voldoen is en ondanks andersluidende bepalings in die Besproeiingswet vervat, moet die raad bedoelde grond in die lys van besproeibare grond in die besproeiingsdistrik laat opneem.

(5) 'n Eienaar in hierdie artikel bedoel wat nie aan die bepalings van sub-artikel (2) binne die daarin genoemde tydperk voldoen het nie, is nie geregtig om sy grond in die genoemde lys te laat opneem nie en hy is daarna nie geregtig om ingevolge sub-artikel (1) van water voorsien te word of om self water uit die Tarkarivier te haal nie, behalwe vir primêre doeleindes.

(6) Die bepalings van artikel *sewe bis* van die Besproeiingswet is nie van toepassing nie ten opsigte van die Staatsbesproeiingsgebied kragtens artikel *agt-en-negentig* van daardie Wet geproklameer in verband met die werke wat in die Eerste Bylae by hierdie Wet beskryf word.

Beheer oor
water berus
by raad.

8. Ten einde die regte wat ingevolge sub-artikel (1) van artikel *ses* by die Minister berus, uit te oefen en om die raad in staat te stel om sy bevoegdhede, pligte en werksaamhede uit te voer, het die raad, onderworpe aan die bepalings van hierdie Wet, die uitsluitende beheer oor al die water wat in die Regeringsdam, en in die Grasmug- en die Arthursmeer-bewaringsdam bewaar word en wat in die beddings van die riviere binne die grense van die besproeiingsdistrik of in die kanaal toegevoer word en oor alle ander water wat in genoemde riviere vloei of aangetref word.

Plig van die
raad om water
onder sy beheer
te verdeel.

9. (1) Behoudens die by artikel *elf* bepaalde, moet die raad sodanige stappe doen as wat hy nodig ag om te verseker dat daar van tyd tot tyd vir gebruik op elke stuk grond wat op die lys van besproeibare grond van die besproeiingsdistrik voorkom, so 'n hoeveelheid bewaarde water en ander water wat in die riviere tydens die toevoer van bewaarde water in bedoelde riviere vloei, gelewer word as wat volgens die mening van die direkteur sover doenlik 'n billike verdeling van al die openbare water wat beskikbaar is vir gebruik op die grond wat op die genoemde lys voorkom, tot gevolg sal hê en vir hierdie doel moet die raad enige water wat ingevolge die bepalings van paragraaf (a) van sub-artikel (1) van artikel *tien* uit enigeen van genoemde riviere uitgehaal word, in aanmerking neem, uitgesonderd water (behalwe bewaarde water en ander water wat tydens bedoelde toevoer in die riviere vloei) wat deur 'n in genoemde paragraaf bedoelde private indiividu wat aan die bepalings van sub-artikel (8) van daardie artikel voldoen het, uitgehaal word: Met dien verstande dat die waarde, in vergelyking met bewaarde water, van enige water wat nie bewaarde water is nie, van tyd tot tyd deur die raad in oorleg met die direkteur vasgestel word, hetsy in die algemeen of met betrekking tot bepaalde werke of persone, en wel op die wyse en vir die tydperk wat die raad goetvind, en vasstelling deur die raad ingevolge hierdie voorbehoudsbepaling is nie aan appèl na 'n geregshof onderhewig nie.

(2) Indien gedurende 'n verdeling van water ingevolge sub-artikel (1), die raad van 'n klein besproeiingsdistrik of enige ander persoon meer water uithaal as waarop hy geregtig is en die uithaal tot gevolg het dat die raad van 'n ander sodanige distrik of 'n persoon 'n gedeelte van sy deel van die water wat aldus verdeel word, ontnem word, moet die raad op die wyse wat hy goetvind, te eniger tyd daarna uit enige ander water waarop eersgenoemde raad of persoon geregtig is of mag word, 'n hoeveelheid water aan laasgenoemde raad of persoon toeken wat gelykstaan aan hoogstens driemaal die hoeveelheid water wat aldus te veel uitgehaal is.

(3) Die direkteur kan van tyd tot tyd aan die raad skriftelik voorskryf wat betref—

(a) die metodes wat hy moet gebruik in die uitvoering van die plig waarmee hy deur sub-artikel (1) belas word en die wyse waarop die water onder sy beheer bewaar en verdeel moet word; en

(b) die personeel deur die raad van tyd tot tyd in diens geneem te word wat, volgens die mening van die direkteur, nodig mag wees om die raad in staat te stel om sy pligte uit te voer, sy bevoegdhede uit te oefen en sy werksaamhede doeltreffend te verrig.

(4) Die raad moet, behoudens die bepalings van sub-artikel (3), die verdeling van water in sub-artikel (1) bedoel, bewerkstellig ooreenkomstig die verordeninge deur hom kragtens artikel *twintig* uitgevaardig.

(4) After the provisions of sub-sections (2) and (3) have been complied with and notwithstanding anything to the contrary in the Irrigation Act contained, the board shall cause the said land to be included in the schedule of irrigable areas of the irrigation district.

(5) Any owner referred to in this section who has not complied with the provisions of sub-section (2) within the period referred to therein, shall not be entitled to have his land included in the said schedule and he shall thereafter not be entitled to be supplied with water in terms of sub-section (1) or to himself abstract any water from the Tarka river, except for primary purposes.

(6) The provisions of section *seven bis* of the Irrigation Act shall not apply in respect of the Government irrigation area proclaimed under section *ninety-eight* of that Act in connection with the works described in the First Schedule to this Act.

8. For the purpose of exercising the rights vested in the Minister in terms of sub-section (1) of section *six* and of enabling it to carry out its powers, duties and functions, the board shall, subject to the provisions of this Act, have the exclusive control of all water which is conserved in the Government dam and in the Grassridge and Lake Arthur conservation dams and which is conveyed in the channels of the rivers within the boundaries of the irrigation district or in the canal and of all other water which may be flowing or found in such rivers.

Control of water vested in board.

9. (1) The board shall, subject to the provisions of section *eleven*, take such steps as it may deem necessary to ensure that there is delivered, from time to time, for use on every piece of land included in the schedule of irrigable areas of the irrigation district, such quantity of conserved water and other water which may be flowing in the rivers during the conveyance therein of conserved water as will, in the opinion of the director, as far as practicable result in an equitable distribution of all public water available for use on the land included in the said schedule and for this purpose the board shall take into account any water abstracted from any of the said rivers in terms of the provisions of paragraph (a) of sub-section (1) of section *ten*, excluding water (other than conserved water and other water flowing in the rivers during the said conveyance) abstracted by a private individual referred to in the said paragraph who has complied with the provisions of sub-section (8) of that section: Provided that the value, in relation to conserved water, of any water which is not conserved water, shall be determined by the board from time to time in consultation with the director in such manner and for such period as the board may deem fit, either generally or in relation to specific works or persons, and any determination made by the board in terms of this proviso shall not be subject to appeal to any court of law.

Duty of board to distribute water under its control.

(2) If during any distribution of water in terms of sub-section (1), the board or a minor irrigation district or any other person abstracts more water than it or he is entitled to and the abstraction results in the board or any other such district or any person being deprived of any portion of its or his share of the water being so distributed, the board shall, in such manner as it deems fit, at any time thereafter grant to the last-mentioned board or person, out of any other water to which the first-mentioned board or person is or may become entitled, a quantity of water equal to not more than three times the excess quantity of water so abstracted.

(3) The director may from time to time direct the board in writing as to—

- (a) the methods it shall employ in carrying out the duty imposed upon it by sub-section (1) and as to the manner of conserving and distributing the water under its control; and
- (b) the personnel to be employed by the board from time to time which, in the opinion of the director, may be necessary to enable the board to carry out its duties, exercise its powers and perform its functions efficiently.

(4) The board shall subject to the provisions of sub-section (3) effect the distribution of water referred to in sub-section (1) in accordance with by-laws made by it under section *twenty*.

(5) Wanneer die raad water lewer vir gebruik op grond wat deur een eienaar of deur 'n groep eienaars van aangrensende grond besit word en daardie water na die bedoelde grond toegevoer word deur middel van vore of kanale wat onder die beheer van die raad van 'n klein besproeiingsdistrik, private eienaar of groep van private eienaars is, word die raad beskou aan die plig waarmee hy deur sub-artikel (1) belas word, te voldoen het wanneer hy die water wat daardie grond toekom, gelewer het by die inloopwerke van die voor of kanaal waardeur daardie grond van water voorsien word.

(6) Die raad kan, behoudens die bepalinge van sub-artikel (3), die water ingevolge sub-artikel (1) verdeel op sodanige tye en gedurende sodanige tydperke as wat hy mag bepaal met inagneming van die belange van al die eienaars van grond binne die besproeiingsdistrik geleë.

(7) Die by hierdie artikel bepaalde word nie so uitgelê nie dat dit die raad vrystel van die nakoming van die bevel van die waterhof vir waterhofdistrik No. 10, gedateer die sewende dag van November, 1938, insake die aansoek van die Hougham Abrahamson-besproeiingsraad aangaande die ondersoek na en die vasstelling van die normale stroming en surpluswater van 'n deel van die Groot-Visrivier by sekere punte op daardie rivier.

Beperking op uithaal van water uit die riviere deur sekere persone en beheer deur die raad oor aanbou of verandering van werke.

10. (1) Vanaf die inwerkingtreding van hierdie Wet—

- (a) mag niemand deur middel van 'n besproeiingswerk enige water uit enigeen van die riviere binne die grense van die besproeiingsdistrik vir gebruik vir sekondêre doeleindes op enige grond wat in die lys van besproei-bare grond van die besproeiingsdistrik opgeneem is, uithaal of verkry nie behalwe deur middel van besproeiingswerke uit hoofde waarvan die bedoelde grond in die genoemde lys opgeneem is, tensy bedoelde persoon 'n private individu is ten opsigte van wie se grond 'n besproeiingswerk aangelê was onderkant die voornoemde Grasrug- en Arthurmeer-bewaringsdam voor die aanleg van daardie damme begin is en sodanige besproeiingswerk by die inwerkingtreding van hierdie Wet bestaan en gebruik word om water uit enigeen van die riviere uit te haal, of tensy bedoelde persoon 'n persoon is op wie 'n in artikel *sewentien* bedoelde toestemming, vergunning of beslissing van toepassing is: Met dien verstande dat die laasbedoelde persoon nie water uit bedoelde riviere deur middel van 'n pomptoestel of ander besproeiingswerk waarop bedoelde toestemming, vergunning of beslissing van toepassing is, mag uithaal nie, vir sodanige tydperk as wat deur die direkteur bepaal word, indien na die mening van die direkteur sodanige uithaal gedurende bedoelde tydperk die voorraad water wat beskikbaar is vir voorsiening vir primêre en tersiêre doeleindes aan die inwoners van 'n dorp deur 'n plaaslike bestuur wat geregtig is om water uit bedoelde riviere te haal, nadelig kan affekteer;
- (b) mag niemand sonder skriftelike toestemming van die raad binne die besproeiingsdistrik 'n nuwe besproeiingswerk op enigeen van die riviere aanlê, of 'n bestaande besproeiingswerk wesenlik verander of vergroot ten einde water uit so 'n rivier uit te haal vir gebruik vir sekondêre doeleindes op enige grond binne die besproeiingsdistrik wat nie in die lys van besproei-bare grond van die besproeiingsdistrik opgeneem is nie;
- (c) mag niemand sonder skriftelike toestemming van die raad binne die besproeiingsdistrik 'n nuwe werk wat gebruik gaan word of gebruik word om water uit enigeen van die riviere uit te haal vir primêre of tersiêre doeleindes aanlê of so 'n bestaande werk wesenlik verander of vergroot nie.

(2) Indien die raad 'n aansoek om sy toestemming ingevolge paragraaf (b) of (c) van sub-artikel (1) weier, kan die applikant binne drie maande na die weiering teen die beslissing van die raad na die waterhof, wat in die besproeiingsdistrik regsbevoegdheid besit, appelleer.

(3) Indien die raad 'n aansoek om die aanleg of wesenlike verandering of vergroting van enige werke ingevolge paragraaf (b) of (c) van sub-artikel (1) toestaan, kan enigiemand wat waarskynlik deur die werke geraak sal word, binne drie maande na die toestaan van die aansoek teen die beslissing van die raad na genoemde hof appelleer.

(5) Whenever the board delivers water for use on land owned by one owner or by a group of owners of contiguous land and such water is conveyed to the said land by means of furrows or canals which are under the control of any board of a minor irrigation district, private owner or group of private owners, the board shall be regarded as having fulfilled the duty imposed upon it by sub-section (1) when it has delivered the water to which the land is entitled, at the intake works of the furrow or canal by which the land is served.

(6) The board may, subject to the provisions of sub-section (3), distribute the water in terms of sub-section (1) at such times or during such periods as it may determine having regard to the interests of all the owners of land situate within the irrigation district.

(7) The provisions of this section shall not be regarded as relieving the board from complying with the order of the water court for water court district No. 10 dated the seventh day of November, 1938, in the matter of the application of the Hougham Abrahamson Irrigation Board relating to the investigation and definition of the normal flow and surplus water of a portion of the Great Fish river at certain points on the said river.

10. (1) As from the commencement of this Act—

Restriction as to abstraction of water from rivers by certain persons and control by board of construction or alteration of works.

- (a) no person may abstract or obtain by means of any irrigation work any water from any of the rivers within the boundaries of the irrigation district for use for secondary purposes on any land which has been included in the schedule of irrigable areas of the irrigation district, otherwise than by means of irrigation works by virtue of which the said land has been included in the said schedule, unless such person is a private individual in respect of whose land an irrigation work was constructed below the aforesaid Grassridge and Lake Arthur conservation dams prior to the commencement of construction of those dams and such irrigation work is in existence as at the commencement of this Act and is being used for abstracting water from any of the rivers, or unless such person is a person to whom any consent, permission or decision referred to in section *seventeen* applies: Provided that such lastmentioned person shall not abstract water from the said rivers by means of any pumping plant or other irrigation work to which such consent, permission or decision applies, for such period as may be determined by the director, if in the opinion of the director such abstraction during the said period may adversely affect the supply of water available for supply for primary and tertiary purposes to the inhabitants of a town by a local authority entitled to abstract water from the said rivers;
- (b) no person may construct any new or materially alter or enlarge any existing irrigation work on any of the rivers within the irrigation district for the purpose of abstracting water from such river for use for secondary purposes on any land within the irrigation district which has not been included in the schedule of irrigable areas of the irrigation district without the consent in writing of the board;
- (c) no person may construct any new or materially alter or enlarge any existing work within the irrigation district which is to be used or is used for the purpose of abstracting water from any of the rivers for primary or tertiary purposes without the consent in writing of the board.

(2) If the board refuses an application for its consent under paragraph (b) or (c) of sub-section (1), the applicant may within three months after the refusal, appeal from the decision of the board to the water court having jurisdiction within the irrigation district.

(3) If the board grants an application for the construction or material alteration or enlargement of any works under paragraph (b) or (c) of sub-section (1), any person who is likely to be affected by the works may, within three months after the granting of the application, appeal against the decision of the board to the said court.

(4) Die genoemde hof kan, wanneer ingevolge sub-artikel (2) of (3) na hom geappelleer word, die beslissing van die raad bekragtig, ter syde stel of wysig.

(5) Teen die beslissing van genoemde hof kan na die Appèl-afdeling van die Hooggeregshof geappelleer word.

(6) (a) (i) Behoudens die bepalings van paragraaf (b) van sub-artikel (1) kan 'n eienaar van oewergrond binne die besproeiingsdistrik wat nie in die lys van besproeibare grond van die besproeiingsdistrik opgeneem is nie, te eniger tyd aansoek doen by die raad om vergunning om deur middel van die besproeiingswerk in die aansoek beskryf, 'n vermelde hoeveelheid water uit een van die riviere vir gebruik vir sekondêre doeleindes uit te haal en die raad kan daarop, indien hy die toestemming wat deur bedoelde paragraaf vereis word, verleen of verleen het of indien die eienaar 'n besproeiingswerk om water uit te haal, wettiglik aangelê het, bedoelde eienaar by permit magtig om vir sy gebruik deur middel van bedoelde besproeiingswerk en onderworpe aan sodanige voorwaardes as wat die raad goedvind om op te lê, die hoeveelheid water wat die raad in bedoelde permit vermeld, uit een van die riviere uit te haal: Met dien verstande dat die eienaar van 'n gedeelte van grond wat by die inwerkingtreding van hierdie Wet of te eniger tyd daarna in die lys van besproeibare grond van die besproeiingsdistrik opgeneem is nie op so 'n permit geregtig is nie.

(ii) Behoudens die bepalings van paragraaf (c) van sub-artikel (1) kan enige eienaar (insluitende 'n plaaslike bestuur) van oewergrond binne die besproeiingsdistrik, of, met goedkeuring van die Minister, enige ander persoon te eniger tyd by die raad aansoek doen om vergunning om deur middel van werke in die aansoek beskryf 'n vermelde hoeveelheid water vir gebruik vir primêre of tersiêre doeleindes uit een van die riviere uit te haal, en die raad moet, waar bedoelde aansoek ten opsigte van primêre gebruik, met inbegrip (in die geval van 'n plaaslike bestuur) van huishoudelike gebruik is, en kan, waar bedoelde aansoek ten opsigte van tersiêre gebruik is, indien hy die toestemming wat deur bedoelde paragraaf vereis word, verleen of verleen het, of indien bedoelde eienaar of persoon 'n werk om water uit te haal wettiglik aangelê het, bedoelde eienaar of persoon by permit magtig om vir die gebruik in sodanige aansoek vermeld, deur middel van bedoelde werk en onderworpe aan sodanige voorwaardes as wat die raad goedvind om op te lê, so 'n hoeveelheid water in verhouding met die redelike vereistes van bedoelde eienaar of persoon, as wat die raad in bedoelde permit vermeld, uit een van die riviere uit te haal: Met dien verstande dat so 'n permit nie geag word bedoelde eienaar of persoon vry te stel van 'n verpligting deur een of ander wetsbepaling opgelê om enige vergunning of magtiging vir die gebruik van openbare water vir tersiêre doeleindes te verkry nie.

(b) Geen toestemming van die raad ingevolge paragraaf (b) of (c) van sub-artikel (1), of beslissing van die hof in sub-artikel (4) of (5) bedoel, verleen aan enigiemand die reg om uit enigeen van die riviere ander water as water waarop hy geregtig is volgens 'n permit wat aan hom ingevolge paragraaf (a) van hierdie sub-artikel uitgereik is, uit te haal nie.

(c) Teen 'n beslissing van die raad ingevolge paragraaf (a) kan geappelleer word na die direkteur wat die beslissing van die raad kan bekragtig, ter syde stel of wysig en sy beslissing in die saak is afdoende.

(d) Die beslissing van die direkteur kragtens paragraaf (c) word geag die beslissing van die raad ingevolge paragraaf (a) te wees.

(7) Enigiemand wat die bepalings van paragraaf (b) of (c) van sub-artikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond, en die hof wat hom skuldig bevind kan hom daarbenewens beveel om die ongeoorloofde werke binne 'n bepaalde tydperk te verwyder, of, na gelang van die geval, die werke wat deur hom wesenlik verander of vergroot is, binne 'n bepaalde tydperk in hul oorspronklike toestand te herstel.

(4) The said court may, whenever an appeal is made to it in terms of sub-section (2) or (3), confirm, set aside or vary the decision of the board.

(5) An appeal shall lie against the decision of the said court to the Appellate Division of the Supreme Court.

(6) (a) (i) Subject to the provisions of paragraph (b) of sub-section (1), any owner of riparian land within the irrigation district which has not been included in the schedule of irrigable areas of the irrigation district may at any time apply to the board for permission to abstract by means of the irrigation work described in the application a specified quantity of water from one of the rivers for use for secondary purposes and the board may thereupon, if it grants or has granted the consent required by the said paragraph or if such owner has lawfully constructed an irrigation work for abstracting water, authorize the said owner by permit to abstract from one of the rivers for his use by means of the said irrigation work and subject to such conditions as it may deem fit to impose, such quantity of water as it may specify in such permit: Provided that the owner of any sub-division of any land which at the commencement of this Act or at any time thereafter was included in the schedule of irrigable areas of the irrigation district shall not be entitled to such a permit.

(ii) Subject to the provisions of paragraph (c) of sub-section (1) any owner (including a local authority) of riparian land within the irrigation district, or, with the consent of the Minister, any other person may at any time apply to the board for permission to abstract by means of any works described in the application a specified quantity of water from one of the said rivers for use for primary or tertiary purposes, and the board shall where such application is in respect of primary use, including (in the case of a local authority) domestic use, and may, where such application is in respect of tertiary use, if it grants or has granted the consent required by the said paragraph or if such owner or person has lawfully constructed any work for abstracting water, by permit authorise such owner or person to abstract from one of the rivers, for such use as is specified in the application, by means of the said work and subject to such conditions as it may deem fit to impose, such quantity of water commensurate with the reasonable requirements of such owner or person, as it may specify in such permit: Provided that such permit shall not be deemed to exempt such owner or person from obtaining any other permission or authority required by law for the use of public water for tertiary purposes.

(b) No consent of the board in terms of paragraph (b) or (c) of sub-section (1) or decision of the court referred to in sub-section (4) or (5) shall entitle any person to abstract from any of the rivers any water other than water to which he is entitled in terms of a permit issued to him by the board in terms of paragraph (a) of this sub-section.

(c) An appeal shall lie against a decision of the board in terms of paragraph (a) to the director who may confirm, set aside or vary the decision of the board, and his decision in the matter shall be final.

(d) The decision of the director under paragraph (c) shall be deemed to be the decision of the board in terms of paragraph (a).

(7) Any person who contravenes the provisions of paragraph (b) or (c) of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds and the court convicting him may in addition order him to remove, within a specified time, the unauthorized works or, as the case may be, to restore within a specified time the works materially altered or enlarged by him to their original condition.

(8) 'n In paragraaf (a) van sub-artikel (1) bedoelde private indiuidu, stel binne ses maande vanaf die inwerkingtreding van verordeninge kragtens paragraaf (c) van sub-artikel (1) van artikel *twintig* uitgevaardig, die raad skriftelik in kennis van sodanige besonderhede aangaande die in genoemde paragraaf (a) bedoelde besproeiingswerk wat ten opsigte van sy grond aangelê is en die grond wat daardeur besproei kan word, soos volgens daardie verordeninge vereis word, en die raad moet die besonderhede aldus verskaf by die kantoor van die raad laat opteken.

(9) Indien enige persoon water uit enigeen van die riviere strydig met die bepalings van hierdie Wet of van 'n permit wat aan hom deur die raad kragtens paragraaf (a) van sub-artikel (6) uitgereik is, uithaal of indien 'n in sub-artikel (8) bedoelde private indiuidu versuim om ooreenkomstig die bepalings van die genoemde sub-artikel die raad in kennis te stel en na die verstryking van die tydperk van ses maande in bedoelde sub-artikel genoem, water uit enigeen van bedoelde riviere uithaal vir gebruik vir sekondêre doeleindes, behalwe water aan hom gelewer deur die raad ingevolge artikel *nege*, is sodanige persoon of private indiuidu, na gelang van die geval, aan 'n misdryf skuldig en strafbaar met die strawwe wat deur sub-paragraaf (i) van sub-artikel (1) en sub-artikel (4) van artikel *honderd drie-en-dertig* van die Besproeiingswet voorgeskryf word.

Sekere eienaars
moet kompensasie-
water ontvang.

11. Benewens die water wat—

- (a) die Gannavlake-besproeiingsraad ingestel by Proklamasie No. 16 van 1946;
- (b) die Tarkabrug-besproeiingsraad ingestel by Proklamasie No. 398 van 1909; en
- (c) die in sub-artikel (1) van artikel *sewe* bedoelde eienaars, wie se grond ingevolge sub-artikel (4) van artikel *sewe* in die lys van besproeibare grond van die besproeiingsdistrik opgeneem is,

geregtig is om volgens sub-artikel (1) van artikel *nege* te ontvang vir verdeling deur die genoemde rade onder die eienaars van die grond wat opgeneem is in die lys van besproeibare grond wat deur hulle kragtens artikel *negentig* van die Besproeiingswet opgestel is of vir gebruik deur bedoelde eienaars, is die genoemde besproeiingsrade en bedoelde eienaars geregtig om 'n verdere hoeveelheid water, wat deel uitmaak van die water wat in die Regeringsdam of in die Arthurmeer-bewaringsdam, na gelang van die geval, bewaar is, en deur die raad ingevolge artikel *agt* beheer word, te ontvang, gelykstaande—

- (i) in die geval van die Gannavlake-besproeiingsraad, aan sestig persent;
- (ii) in die geval van die Tarkabrug-besproeiingsraad, aan vyf-en-dertig persent; en
- (iii) in die geval van bedoelde eienaars, aan vyftig persent, van die hoeveelheid bewaarde water waarop die genoemde rade en bedoelde eienaars onderskeidelik ingevolge sub-artikel (1) van artikel *nege* geregtig mag wees.

Bevoegdheid van
die raad om
besproeiingswerke
in private besit te
beheer of die
instandhouding,
ens., daarvan
oor te neem en om
'n spesiale
belasting te hef
om onkoste te
dek.

12. (1) Die raad kan beheer uitoefen oor sodanige gedeeltes van besproeiingswerke in private besit of sodanige gedeeltes van besproeiingswerke wat deur die raad van 'n klein besproeiingsdistrik besit of beheer word, wat binne die besproeiingsdistrik aangelê is om water uit enigeen van die riviere uit te haal of te lei, as wat hy van tyd tot tyd nodig mag ag ten einde 'n behoorlike verdeling van die in artikel *nege* bedoelde water te bewerkstellig, en kan, met die skriftelike toestemming van die Minister, vir sodanige tydperk as wat die raad mag bepaal die instandhouding van en beheer oor sodanige werke oorneem, indien volgens die mening van die raad die water aldus uitgehaal of gelei nie onder die persone wat daarop geregtig is, op die wyse by daardie artikel bepaal, verdeel word nie: Met dien verstande dat die bepalings van hierdie sub-artikel nie op enige werke wat ten tyde van die inwerkingtreding van hierdie Wet die eiendom of onder die beheer is van die Munisipaliteit van Cradock solank hulle die eiendom of onder die beheer bly van daardie Munisipaliteit, van toepassing is nie.

(2) Die raad kan op die grond wat van water voorsien word deur middel van die werke wat ingevolge sub-artikel (1) deur die raad oorgeneem word, 'n belasting hef wat voldoende is om die koste van die instandhouding en beheer van bedoelde werke te dek. Sodanige belasting word gehef benewens, en nie ter vervanging nie van, 'n belasting wat ingevolge artikel *een-en-negentig* van die Besproeiingswet gehef word.

(8) A private individual referred to in paragraph (a) of sub-section (1) shall, within six months of the coming into operation of by-laws made under paragraph (c) of sub-section (1) of section *twenty*, notify the board in writing of such details concerning the irrigation work constructed in respect of his land as in the said paragraph (a) referred to and the land irrigable thereby as may be required in terms of those by-laws, and the board shall cause the details so supplied to be recorded at the office of the board.

(9) If any person abstracts water from any of the rivers contrary to the provisions of this Act or of a permit issued to him by the board under paragraph (a) of sub-section (6) or if a private individual referred to in sub-section (8) fails to notify the board in accordance with the provisions of the said sub-section and after the expiration of the period of six months referred to in the said sub-section abstracts any water from any of the said rivers for use for secondary purposes, other than water delivered to him by the board in terms of section *nine*, such person or private individual, as the case may be, shall be guilty of an offence and liable to the penalties prescribed in sub-paragraph (i) of sub-section (1) and sub-section (4) of section *one hundred and thirty-three* of the Irrigation Act.

11. In addition to the water which—

- (a) the Gannavlake Irrigation Board, constituted by Proclamation No. 16 of 1946;
- (b) the Tarka Bridge Irrigation Board, constituted by Proclamation No. 398 of 1909; and
- (c) the owners referred to in sub-section (1) of section *seven* whose land has been included in the schedule of irrigable areas of the irrigation district in terms of sub-section (4) of section *seven*,

Certain owners
to receive com-
pensation water.

are entitled to receive in terms of sub-section (1) of section *nine* for distribution by the said boards amongst the owners of the land included in the schedules of irrigable areas prepared by them under section *ninety* of the Irrigation Act or for use by the said owners, the said irrigation boards and the said owners shall be entitled to receive a further quantity of water, being portion of the water conserved in the Government dam or in the Lake Arthur conservation dam, as the case may be, and controlled by the board in terms of section *eight*, equal—

- (i) in the case of the Gannavlake Irrigation Board, to sixty per centum;
- (ii) in the case of the Tarka Bridge Irrigation Board, to thirty-five per centum; and
- (iii) in the case of the said owners, to fifty per centum,

of such quantity of conserved water as the said boards and the said owners may respectively be entitled to in terms of sub-section (1) of section *nine*.

12. (1) The board may exercise control over such portions of privately owned irrigation works or such portions of irrigation works owned or controlled by the board of a minor irrigation district constructed within the irrigation district for the purpose of abstracting or conveying water from any of the rivers, as it may from time to time deem necessary for the purpose of effecting a proper distribution of the water referred to in section *nine*, and may, with the written consent of the Minister, take over for such period as it may determine the maintenance and control of such works, if in the opinion of the board the water so abstracted or conveyed is not being distributed among the persons entitled thereto in the manner provided in the said section: Provided that nothing in this sub-section contained shall apply to any works which are at the date of commencement of this Act owned or controlled by the Municipality of Cradock so long as they are owned or controlled by such Municipality.

Power of the
board to control
or take over the
maintenance, etc.,
of privately owned
works and to
levy a special
rate to cover
expenditure.

(2) The board may in addition to any rate levied in terms of section *ninety-one* of the Irrigation Act levy a rate upon the land served by any works taken over by the board in terms of sub-section (1), sufficient to defray the costs of maintenance and control of such works.

Bevoegdheid van die raad om die aanleg van addisionele werke om uitgehaalde water te meet en te reël, te verplig.

13. Die raad kan skriftelik kennis gee aan die eienaar van enige werke of aan 'n besproeiingsraad van 'n klein besproeiingsdistrik wat beheer uitoefen oor enige werke wat gebruik word vir die doel om water uit enigteen van die riviere in die besproeiingsdistrik uit te haal, om sodanige addisionele werke aan te lê, of om sodanige veranderings of herstelwerk aan die bestaande werke aan te bring as wat na die mening van die raad nodig is om die aldus uitgehaalde water behoorlik te meet en te reël, en indien sodanige eienaar of besproeiingsraad nalaat om sodanige werke tot bevrediging van die raad aan te lê, te verander of te herstel binne drie maande vanaf die datum van die kennisgewing of binne die verdere tydperk wat die raad mag toestaan, kan die raad sodanige aanleg, verandering of herstelwerk onderneem op koste van die bedoelde eienaar of besproeiingsraad (na gelang van die geval), en kan hy by aksie in 'n bevoegde hof die koste aldus aangegaan op die eienaar of besproeiingsraad verhaal.

Beheer oor Regeringsdam en kanaal berus by die raad vanaf datum van voltooiing.

14. Die administrasie, instandhouding en beheer van en oor die Regeringsdam en die kanaal berus by, en die koste van sodanige administrasie, instandhouding en beheer word gedra deur die raad vanaf die datum waarop die raad skriftelik deur die direkteur in kennis gestel word dat bedoelde dam en kanaal voltooi is.

Minister se magte ten opsigte van die raad.

15. (1) Die direkteur kan van tyd tot tyd enigiemand skriftelik magtig om die grond of besproeiingswerke wat deur die raad besit word of die werke wat in die Eerste Bylae by hierdie Wet beskryf word, te inspekteer, of om die sake van die raad te ondersoek, en so iemand kan te eniger tyd enige grond of perseel betree wat dit vir die doel van die inspeksie of ondersoek nodig mag wees om te betree.

(2) Indien die direkteur oortuig is as gevolg van sodanige inspeksie of ondersoek dat genoemde werke nie na behore geadministreer, in stand gehou of beheer is nie, of indien hy oortuig is dat die raad die pligte waarmee hy deur hierdie Wet of die Besproeiingswet belas word, nie nagekom het nie of nagelaat het om aan enige voorskrifte wat kragtens sub-artikel (3) van artikel *nege* aan hom gegee is, te voldoen, moet hy dit rapporteer aan die Minister, wat daarop by skriftelike kennisgewing die raad kan aansê om binne 'n tydperk in die kennisgewing vermeld die stappe wat aldus vermeld word te doen en indien die raad versuim om binne genoemde tydperk of binne die verdere tydperk wat die Minister mag toestaan, aan die bepalings van die kennisgewing te voldoen, kan hy—

(a) bedoelde stappe op rekening van die raad laat doen; of

(b) by kennisgewing in die *Staatskoerant* en aan die raad, die ampstermyn van die lede van die raad beëindig, en die werksaamhede van die raad vir die tydperk wat hy mag goedvind, op hom neem, of by sodanige beëindiging of te eniger tyd daarna, al die nodige stappe vir die verkiesing van 'n nuwe raad doen.

(3) Indien die Minister kragtens paragraaf (b) van sub-artikel (2) die werksaamhede van die raad op hom neem, gaan vir die betrokke tydperk al die bevoegdhede, regte, bates en verpligtings van die raad op hom oor en kan hy die uitoefening daarvan en die beheer daarvoor aan enige amptenaar van die departement delegeer.

(4) Die Minister kan, by aksie in 'n bevoegde hof of op sodanige ander wyse as wat hy mag goedvind (met inbegrip van die heffing van Regeringsbelastinge) die koste van enige stappe wat hy kragtens sub-artikel (2) gedoen het, op die raad verhaal.

Heffing en invordering van Regeringsbelastinge.

16. (1) Die Minister kan van tyd tot tyd belastinge (Regeringsbelastinge genoem) hef op grond wat in die lys van besproeibare grond van die besproeiingsdistrik opgeneem is en sodanige belastinge is deur die eienaar van bedoelde grond betaalbaar.

(2) Bedoelde belastinge kan ten opsigte van die hele besproeibare oppervlakte in die besproeiingsdistrik vervat, teen dieselfde som per morg gehef word, of die Minister kan, na goedgefinke, verskillende belastinge ten opsigte van verskillende stukke grond hef.

(3) Die Minister kan die raad skriftelik gelas om die in sub-artikel (1) van hierdie artikel of sub-artikel (4) van artikel *vyftien* bedoelde belastinge in te vorder en enige belastinge aldus deur die raad ingevorder, word aan die direkteur oorbetalen op die datums wat die Minister van tyd tot tyd mag bepaal.

(4) Die bepalings van artikels *sewentig* en *drie-en-negentig* van die Besproeiingswet is *mutatis mutandis* op enige belastinge wat ingevolge sub-artikel (1) gehef word, van toepassing.

13. The board may give written notification to the owner of any works or to any irrigation board of a minor irrigation district which controls any works used for the purpose of abstracting water from any of the rivers in the irrigation district to construct such additional works, or to make such adjustments or repairs to the existing works as may in the opinion of the board be necessary for the proper measurement and regulation of the water so abstracted and if such owner or irrigation board fails to construct, adjust or repair such works to the satisfaction of the board within three months of the date of notification or within such further period as the board may allow, the board may undertake such construction, adjustment or repair at the expense of the said owner or irrigation board (as the case may be), and may, by action in a competent court, recover the costs so incurred from the owner or irrigation board.

Power of the board to compel construction of additional works for measurement and regulation of water abstracted.

14. The administration, maintenance and control of the Government dam and the canal shall vest in, and the cost of such administration, maintenance and control shall be borne by the board as from the date upon which the board is notified by the director in writing that the said dam and canal have been completed.

Control of Government dam and canal vested in board as from date of completion.

15. (1) The director may, from time to time, authorize any person in writing to inspect the land or irrigation works belonging to the board or the works described in the First Schedule to this Act or to investigate the affairs of the board and such person may at any time enter upon any land or premises which it may be necessary to enter for the purpose of such inspection or investigation.

Minister's powers in respect of board.

(2) If the director is satisfied as a result of such inspection or investigation that the said works have not been properly administered, maintained or controlled, or if he is satisfied that the board has not carried out the duties imposed upon it by this Act or the Irrigation Act, or has failed to comply with any directions given to it under sub-section (3) of section *nine* he shall report the fact to the Minister, who may thereupon, by notice in writing call upon the board to take, within a period specified in the notice, such action as may be so specified and if the board fails to comply with the terms of the notice within the said period, or within such further period as the Minister may allow, he may—

- (a) cause such action to be taken at the expense of the board; or
- (b) by notice in the *Gazette* and to the board, determine the period of office of the members of the board and assume the functions of the board for such period as he may deem fit, or upon such determination or any time thereafter take all such steps as may be necessary for the election of a new board.

(3) If the Minister assumes the functions of the board under paragraph (b) of sub-section (2), he shall, for the relevant period be vested with all the powers, rights, assets and liabilities of the board and he may delegate the exercise and control thereof to any officer of the department.

(4) The Minister may, by action in a competent court or in such other manner as he may deem fit (including the levying of Government rates), recover the costs of any action taken by him under sub-section (2) from the board.

16. (1) The Minister may, from time to time, levy rates (to be called Government rates) upon land which has been included in the schedule of irrigable areas of the irrigation district and such rates shall be payable by the owner of the said land.

Levy and recovery of Government rates.

(2) The said rates may be levied at a uniform sum per morgen of the entire irrigable area comprised in the irrigation district, or the Minister may, in his discretion, levy different rates in respect of different pieces of land.

(3) The Minister may direct the board in writing to collect the rates referred to in sub-section (1) of this section or sub-section (4) of section *fifteen* and any rates so collected by the board shall be paid to the director on such dates as the Minister may from time to time determine.

(4) The provisions of sections *seventy* and *ninety-three* of the Irrigation Act shall apply *mutatis mutandis* to any rates levied in terms of sub-section (1).

Herroeping van artikel 4 van Wet 41 van 1930, soos vervang deur artikel 1 van Wet 11 van 1934, maar vergunnings kragtens daardie artikel verleen nie geraak nie.

Samestelling van die Groot-Visrivier-besproeiingsraad.

17. Artikel vier van die Wet tot Reëling van Besproeiingsdistrikte, 1930, word hierby herroep: Met dien verstande dat ondanks bedoelde herroeping, 'n toestemming, vergunning of beslissing wat deur die raad of die Minister kragtens sub-artikel (10) of (13) van bedoelde artikel verleen of gegee is en enige voorwaardes wat in verband met so 'n toestemming, vergunning of beslissing opgelê is, van dieselfde krag bly asof genoemde artikel nie herroep was nie en word nie deur hierdie Wet geraak nie behalwe vir sover die in artikels *twaalf* en *dertien* bedoelde bevoegdhede van die raad toegepas kan word op enige besproeiingswerke wat ooreenkomstig so 'n toestemming, vergunning of beslissing aangelê is.

18. (1) Vanaf die inwerkingtreding van hierdie Wet, word die besproeiingsdistrik geag verdeel te wees in sub-distrikte soos beskryf in die Tweede Bylae by hierdie Wet, en die Goewerneur-generaal kan van tyd tot tyd, by Proklamasie in die *Staatkoerant*, die grense van so 'n sub-distrik verander of enige nuwe sub-distrik instel.

(2) Ondanks die bepalinge van artikel vier-en-tagtig van die Besproeiingswet, bestaan die raad uit soveel lede as wat daar sub-distrikte van die besproeiingsdistrik is.

(3) (a) Binne ses maande vanaf die inwerkingtreding van hierdie Wet—

(i) kies die besproeiingsraad van elke klein besproeiingsdistrik binne die besproeiingsdistrik een van sy lede om sy klein besproeiingsdistrik op die raad te verteenwoordig;

(ii) stel die raad, ooreenkomstig die toepaslike regulasies kragtens die Besproeiingswet uitgevaardig 'n besproeiingskieserslys op vir elke sub-distrik, behalwe 'n sub-distrik, die gebied waarvan uit die gebied van 'n klein besproeiingsdistrik bestaan.

(b) So spoedig doenlik na die voltooiing ingevolge sub-paragraaf (ii) van paragraaf (a) van die besproeiingskieserslyste, maar nie later as ses maande na die inwerkingtreding van hierdie Wet nie, moet die persone wie se name op die besproeiingskieserslys vir elke sub-distrik verskyn, op die wyse voorgeskryf by regulasies kragtens die Besproeiingswet uitgevaardig vir die verkiesing van lede van besproeiingsrade, 'n lid kies om elk van die sub-distrikte waarop sodanige kieserslyste van toepassing is, op die raad te verteenwoordig.

(4) Die lede van die raad wat by die inwerkingtreding van hierdie Wet hul amp bekleë, bly in hul amp tot, maar nie later nie as, die datum van publikasie in die *Staatkoerant* van die kennisgewing van die verkiesing van lede ingevolge sub-paragraaf (i) van paragraaf (a) en paragraaf (b) van sub-artikel (3).

(5) Ondanks andersluidende bepalinge in artikel sewe-en-veertig van die Besproeiingswet, soos op besproeiingsrade van toepassing gemaak deur artikel agt-en-tagtig van daardie Wet, bekleë lede van die raad hul amp vir 'n tydperk van drie jaar vanaf die datum van die publikasie in die *Staatkoerant* van die kennisgewing van hul verkiesing: Met dien verstande dat indien 'n lid van die raad ophou om die kwalifikasies te besit wat hom bevoeg sou maak om sy naam in 'n kieserslys opgestel kragtens sub-paragraaf (ii) van paragraaf (a) van sub-artikel (3) of opgestel vir 'n klein besproeiingsdistrik kragtens die Besproeiingswet (na gelang van die geval) te laat opneem as 'n nuwe lys op daardie tydstip opgestel sou word, of as hy sterf of bedank of by skriftelike kennisgewing aan die voorsitter van die Raad weier om op te tree, of andersins onbevoeg word om 'n lid van die raad te wees, of van twee agtereenvolgende vergaderings van die raad afwesig is sonder voorafgaande verlof van die raad, word sy amp vakant.

(6) Wanneer so 'n vakature ontstaan, word dit onverwyld gevul op die wyse by sub-artikel (3) van hierdie artikel voorgeskryf: Met dien verstande dat die lid gekies om die vakature te vul sy amp bekleë vir die oorblywende gedeelte van die tydperk waarvoor die persoon wat oorlede is of andersins sy amp ont-ruim het en wie se plek gevul is anders in sy amp sou aangebly het.

(7) (a) Op die eerste vergadering van die raad ingevolge hierdie artikel saamgestel, kies die lede daarvan 'n voorsitter en 'n onder-voorsitter van die raad.

17. Section *four* of the Irrigation Districts Adjustment Act, 1930, is hereby repealed: Provided that notwithstanding the said repeal, any consent, permission or decision given or made by the board or the Minister in terms of sub-section (10) or (13) of the said section and any conditions imposed in connection with any such consent, permission or decision shall remain of the same force and effect as if the said section had not been repealed and shall not be affected by this Act save in so far as the powers of the board referred to in sections *twelve* and *thirteen* may be applied to any irrigation works constructed in terms of any such consent, permission or decision.

Repeal of section 4 of Act 41 of 1930, as substituted by section 1 of Act 11 of 1934, but permissions granted under that section not affected.

18. (1) As from the commencement of this Act, the irrigation district shall be deemed to be divided into sub-districts as described in the Second Schedule to this Act, and the Governor-General may from time to time, by proclamation in the *Gazette* alter the boundaries of any such sub-district or constitute any new sub-district.

Constitution of Great Fish River Irrigation Board.

(2) Notwithstanding the provisions of section *eighty-four* of the Irrigation Act, the board shall consist of as many members as there are sub-districts of the irrigation district.

(3) (a) Within six months of the commencement of this Act—

(i) the irrigation board of every minor irrigation district comprised within the irrigation district shall elect one of its members to represent its minor irrigation district on the board;

(ii) the board shall prepare, in accordance with the relevant regulations made under the Irrigation Act, an irrigation voters' list for each sub-district other than a sub-district the area of which consists of the area of a minor irrigation district.

(b) As soon as may be after the completion in terms of sub-paragraph (ii) of paragraph (a) of irrigation voters' lists, but not later than six months after the commencement of this Act, the persons whose names appear on the irrigation voters' list for each sub-district shall, in the manner prescribed by regulations made under the Irrigation Act for the election of members of irrigation boards, elect a member to represent on the board each of the sub-districts to which such voters' lists apply.

(4) The members of the board in office at the commencement of this Act shall continue in office until, but not later than, the date of the publication in the *Gazette* of the notice of election of members in terms of sub-paragraph (i) of paragraph (a) and paragraph (b) of sub-section (3).

(5) Notwithstanding anything contained in section *fifty-seven* of the Irrigation Act, as applied to irrigation boards by section *eighty-eight* of that Act, the members of the board shall hold office for a period of three years from the date of the publication in the *Gazette* of the notice of their election: Provided that if a member of the board ceases to possess the qualifications which would render him eligible to have his name included in a voters' list prepared in terms of sub-paragraph (ii) of paragraph (a) of sub-section (3) or prepared for any minor irrigation district in terms of the Irrigation Act (as the case may be) if a new list were at that time framed, or if he dies or resigns or by notice in writing to the chairman of the board refuses to act, or otherwise becomes disqualified from being a member of the board, or absents himself from two consecutive meetings of the board without having previously obtained the leave thereof, his office shall become vacant.

(6) Whenever any such vacancy occurs, it shall forthwith be filled in manner prescribed in sub-section (3) of this section: Provided that the member elected to fill the vacancy shall hold office for the remainder of the period for which the person who has died or otherwise vacated his office and whose place has been filled would otherwise have continued in office.

(7) (a) At the first meeting of the board constituted in terms of this section, the members thereof shall elect a chairman and a vice-chairman of the board.

- (b) Die raad moet jaarliks 'n nuwe voorsitter en 'n nuwe ondervoorsitter van die raad kies, wat hul amp as sodanig vir 'n tydperk van twaalf maande vanaf die datum van hul verkiesing daartoe bekleed en herkiesbaar is: Met dien verstande dat 'n voorsitter of ondervoorsitter wie se ampstermyn verstryk het, solank hy 'n lid van die raad bly, die amp van voorsitter of ondervoorsitter, na gelang van die geval, tot die eersvolgende vergadering van die raad bly bekleed: Met dien verstande voorts dat indien 'n voorsitter of ondervoorsitter sterf of op 'n ander manier sy pos ontruim, die raad onverwyld oorgaan tot die kiesing van 'n ander voorsitter of ondervoorsitter, na gelang van die geval, vir die oorblywende gedeelte van die tydperk ten opsigte waarvan die betrokke amp vakant geraak het.
- (c) Indien die voorsitter van die raad van enige vergadering van die raad afwesig is, moet die ondervoorsitter by daardie vergadering voorsit en indien die ondervoorsitter ook van daardie vergadering afwesig is, moet die lede wat op die vergadering aanwesig is, een uit hul midde kies om by daardie vergadering voor te sit.

Appèlle teen beslissings van rade van klein besproeiingsdistrikte.

19. (1) Enigiemand wat meen dat by benadeel word deur 'n bevel of beslissing van die raad van 'n klein besproeiingsdistrik wat binne die besproeiingsdistrik val, kan binne drie maande nadat die bevel of beslissing gegee is, teen so 'n bevel of beslissing in hoër beroep gaan na die raad en die raad kan die bevel of beslissing waarteen geappelleer word, bekragtig, ter syde stel of wysig.

(2) Teen 'n beslissing van die raad kragtens sub-artikel (1) gegee, kan geappelleer word na die waterhof wat binne die besproeiingsdistrik regsbevoegdheid besit, en teen die beslissing van bedoelde waterhof kan verder geappelleer word na die Appèlafdeling van die Hooggeregshof.

Verordeninge.

20. (1) Die raad kan, benewens die verordeninge wat hy ingevolge artikel *vyf-en-negentig* van die Besproeiingswet gemagtig word om uit te vaardig, verordeninge uitvaardig—

- (a) wat die manier van reëling van die stroming van water in en die verdeling van water uit die bedding van enigeen van die riviëre binne die besproeiingsdistrik voorskryf;
- (b) wat die manier waarop die bevoegdhede verleen aan en die werksaamhede en pligte opgelê op die raad deur hierdie Wet, uitgeoefen en nagekom moet word, voorskryf;
- (c) wat die inligting wat hy nodig het ten opsigte van 'n in sub-artikel (8) van artikel *tien* bedoelde besproeiingswerk voorskryf; en
- (d) oor die algemeen met betrekking tot alle sodanige aangeleenthede as wat nodig is ten einde die oogmerke van hierdie Wet uit te voer.

(2) Die raad moet indien die Minister aan hom skriftelik voorskryf sulks te doen, verordeninge maak oor enigeen van die aangeleenthede bedoel of ingevolge enigeen van sy bevoegdhede uiteengesit in sub-artikel (1), of enige verordening voorheen deur die raad gemaak soos voormeld, wysig of intrek.

(3) Indien die raad nalaat om aan so 'n voorskrif binne drie maande vanaf die datum waarop die voorskrif aan hom oorgedra is of binne die verdere tydperk wat die Minister mag toestaan, te voldoen, kan die Minister self so 'n verordening maak, wysig of intrek.

(4) Die bepalinge van sub-artikels (2) en (3) van artikel *ses-en-sewentig* en van sub-artikel (2) van artikel *honderd drie-en-dertig* van die Besproeiingswet is *mutatis mutandis* van toepassing op verordeninge kragtens sub-artikel (1) of (3) uitgevaardig.

Minister kan bevoegdhede, ens., aan direkteur oordra.

21. Die Minister kan, na goedgekeurde, van tyd tot tyd enigeen of almal van sy bevoegdhede, pligte of werksaamhede ingevolge hierdie Wet aan die direkteur oordra.

Kort titel.

22. Hierdie Wet heet die Wet tot Reëling van die Groot-Visrivier-besproeiingsdistrik, 1956.

- (b) The board shall annually elect a new chairman and a new vice-chairman of the board who shall hold office as such for a period of twelve months from the date of their election thereto and shall be eligible for re-election: Provided that a chairman or vice-chairman whose period of office has expired shall, so long as he remains a member of the board, remain in office as chairman or vice-chairman, as the case may be, until the next succeeding meeting of the board: Provided further that if a chairman or vice-chairman dies or otherwise vacates his office, the board shall forthwith proceed to elect another chairman or vice-chairman, as the case may be, for the remainder of the period in respect of which the office in question has become vacant.
- (c) If the chairman of the board be absent from any meeting of the board, the vice-chairman shall preside at that meeting and if the vice-chairman be also absent from such meeting, the members of the board who are present thereat shall elect one of their number to preside at the said meeting.

19. (1) Any person aggrieved by any order or decision of the board of a minor irrigation district comprised within the irrigation district may, within three months after the making of the order or decision appeal to the board against any such order or decision and the board may confirm, set aside or vary the order or decision appealed against. Appeals from decisions of boards of minor irrigation districts.

(2) An appeal shall lie against any decision of the board made under sub-section (1) to the water court having jurisdiction within the irrigation district and a further appeal shall lie against any decision of the said water court to the Appellate Division of the Supreme Court.

20. (1) The board may, in addition to the by-laws which it is empowered to make in terms of section *ninety-five* of the Irrigation Act, make by-laws— By-laws.

- (a) prescribing the manner of regulating the flow of water into and the distribution of water from the channel of any of the rivers within the irrigation district;
- (b) prescribing the manner of exercising the powers conferred and fulfilling the functions and duties imposed upon the board by this Act;
- (c) prescribing the information required by it in respect of any irrigation work referred to in sub-section (8) of section *ten*; and
- (d) generally relating to all such matters as are necessary for carrying out the purposes of this Act.

(2) The board shall, if the Minister directs it in writing to do so, make by-laws prescribing any of the matters referred to, or in terms of any of its powers set out, in sub-section (1), or amend or revoke any by-laws previously made by it as aforesaid.

(3) If the board fails to comply with any such direction within three months from the date upon which such direction was conveyed to it or within such further period as the Minister may allow, the Minister may himself make, amend or revoke any such by-law.

(4) The provisions of sub-sections (2) and (3) of section *seventy-six* and of sub-section (2) of section *one hundred and thirty-three* of the Irrigation Act, shall *mutatis mutandis* apply to by-laws made under sub-section (1) or (3).

21. The Minister may in his discretion from time to time delegate any or all of his powers, duties or functions under this Act to the director. Minister may delegate powers, etc., to director.

22. This Act shall be called the Great Fish River Irrigation District Adjustment Act, 1956. Short title.

Eerste Bylae.

Beskrywing van die in artikels *een* en *vier* bedoelde Regeringsdam en kanaal:

- (a) 'n Opgaardam van die sone-verdeelde-grondwal-tipe met rotsdekking aan beide stroomop- en stroomafkant van die wal, met 'n kruinlengte van 1,580 voet en ontwerp vir toekomstige verhoging; in aanbou deur die Regering in die Tarkarivier op die plaas Commando Drift (Crad. Q. 4.25) in die afdeling Cradock, Provinsie Kaap die Goeie Hoop; die dam sluit die opgaarkom bokant die wal in.
- (b) 'n Kanaal- en tunnelstelsel in aanbou vanaf Arthurmeer oor die plase Tekenfontein „A”, Annex Thorn Part en Narine Kloof, almal in die afdeling Cradock, na 'n punt op die Groot-Visrivier in die omgewing van die studam behorende aan die Scanlen-besproeiingsraad, ingestel by Proklamasie No. 187 van 1917, die gemelde kanaal- en tunnelstelsel synde ongeveer 14.5 myl lank.

Tweede Bylae.

Beskrywing van sub-distrikte waarna in sub-artikel (1) van artikel *agtien* verwys word:

- Sub-distrik No. 1: Die Brakrivier-besproeiingsdistrik, ingestel by Proklamasie No. 108 van 1945.
- Sub-distrik No. 2: Die Knutsford-besproeiingsdistrik, ingestel by Proklamasie No. 6 van 1934.
- Sub-distrik No. 3: Die Baroda-besproeiingsdistrik, ingestel by Proklamasie No. 203 van 1912, soos gewysig.
- Sub-distrik No. 4: Die Marlow-besproeiingsdistrik, ingestel by Proklamasie No. 186 van 1917.
- Sub-distrik No. 5: Die Scanlen-besproeiingsdistrik, ingestel by Proklamasie No. 187 van 1917.
- Sub-distrik No. 6: Die Tarkabrug-besproeiingsdistrik, ingestel by Proklamasie No. 398 van 1909.
- Sub-distrik No. 7: Die Gannavlake-besproeiingsdistrik, ingestel by Proklamasie No. 16 van 1946.
- Sub-distrik No. 8: Die Mortimer-besproeiingsdistrik, ingestel by Proklamasie No. 306 van 1911, soos gewysig.
- Sub-distrik No. 9: Die Klipfontein-besproeiingsdistrik, ingestel by Proklamasie No. 257 van 1909.
- Sub-distrik No. 10: Die Renfield-besproeiingsdistrik, ingestel by Proklamasie No. 11 van 1928.
- Sub-distrik No. 11: Die Hougham Abrahamson-besproeiingsdistrik, ingestel by Proklamasie No. 151 van 1912, soos gewysig.
- Sub-distrik No. 12: Die Middleton-besproeiingsdistrik, ingestel by Proklamasie No. 103 van 1913, soos gewysig.
- Sub-distrik No. 13: Omvat daardie gebied van die Groot-Visrivier-besproeiingsdistrik noord van die Scanlen-besproeiingsdistrik wat nie in sub-distrikte Nos. 1 tot 4 ingesluit is nie, tesame met—
 - (a) die gebied wat geleë is onder wat bekend staan as die Brakvallei-privaatkanaal op die regter- of westelike wal van die Groot-Visrivier op die eiendom bekend as gedeelte 4 (Reveille) van die plaas Brakvallei, wat sy inloop by die studam van die Baroda-besproeiingsdistrik het; en
 - (b) die gebied wat geleë is onder die private kanaal op die regter- of westelike wal van die Groot-Visrivier op die plaas Halesowen en wat bekend is as die Halesowen-privaatkanaal.
- Sub-distrik No. 14: Omvat daardie gebied van die Groot-Visrivier-besproeiingsdistrik wat nie in enigeen van die voormelde sub-distrikte ingesluit is nie.

First Schedule.

Description of the Government dam and the canal referred to in sections one and four:

- (a) A storage dam of the zoned earth embankment type, with rockfill placed on both the upstream and downstream faces of the wall, having a crest length of 1,580 feet, the design allowing for future raising; in course of construction by the Government in the Tarka river on the farm Commando Drift (Crad. Q. 4.25) in the division of Cradock, Province of the Cape of Good Hope; the dam including the storage area above the embankment.
- (b) A canal and tunnel system, in course of construction, commencing from Lake Arthur and traversing the farms Tekenfontein "A", Annex Thorn Part and Narine Kloof, all in the division of Cradock, and continuing to a point in the Great Fish river in the vicinity of the weir belonging to the Scanlen Irrigation Board, constituted by Proclamation No. 187 of 1917, the said canal and tunnel system being approximately 14.5 miles in length.

Second Schedule.

Description of sub-districts referred to in sub-section (1) of section eighteen:

- Sub-district No. 1: The Brak River Irrigation District, constituted by Proclamation No. 108 of 1945.
- Sub-district No. 2: The Knutsford Irrigation District, constituted by Proclamation No. 6 of 1934.
- Sub-district No. 3: The Baroda Irrigation District, constituted by Proclamation No. 203 of 1912, as amended.
- Sub-district No. 4: The Marlow Irrigation District, constituted by Proclamation No. 186 of 1917.
- Sub-district No. 5: The Scanlen Irrigation District, constituted by Proclamation No. 187 of 1917.
- Sub-district No. 6: The Tarka Bridge Irrigation District, constituted by Proclamation No. 398 of 1909.
- Sub-district No. 7: The Gannavlake Irrigation District, constituted by Proclamation No. 16 of 1946.
- Sub-district No. 8: The Mortimer Irrigation District, constituted by Proclamation No. 306 of 1911, as amended.
- Sub-district No. 9: The Klipfontein Irrigation District, constituted by Proclamation No. 257 of 1909.
- Sub-district No. 10: The Renfield Irrigation District, constituted by Proclamation No. 11 of 1928.
- Sub-district No. 11: The Hougham Abrahamson Irrigation District, constituted by Proclamation No. 151 of 1912, as amended.
- Sub-district No. 12: The Middleton Irrigation District, constituted by Proclamation No. 103 of 1913, as amended.
- Sub-district No. 13: Comprising that area of the Great Fish River Irrigation District north of the Scanlen Irrigation District not included in sub-districts Nos. 1 to 4, together with—
 - (a) the area commanded by what is known as the Brakvallei private canal on the right or west bank of the Great Fish river on the property known as portion 4 (Reveille) of the farm Brakvallei, having its intake at the weir of the Baroda Irrigation District; and
 - (b) the area commanded by the private canal on the right or west bank of the Great Fish river on the farm Halesowen and known as the Halesowen private canal.
- Sub-district No. 14: Comprising that area of the Great Fish River Irrigation District not included in any of the aforementioned sub-districts.

No. 48, 1956.]

WET**Tot wysiging van die „Diamant Uitvoerbelasting Wet, 1917”.***(Engelse teks deur die Goewerneur-generaal geteken.)**(Goedgekeur op 7 Junie 1956.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Vervanging van artikel 2 van Wet 27 van 1917, soos deur artikel 1 van Wet 34 van 1919 gewysig.

1. Artikel twee van die „Diamant Uitvoerbelasting Wet, 1917” (hieronder die Hoofwet genoem) word hiermee deur die volgende artikel vervang:

„Heffing van uitvoerbelasting op ruwe en ongeslepen diamanten.

2. Behoudens die bepalingen van artikel vier *bis* wordt een diamant uitvoerbelasting (hierna de belasting genoem) opgelegd op de waarde van enige diamant in de Unie gevonden en daaruit uitgevoerd, niet een diamant zijnde dat naar de Federatie van Rhodesië en Nyasaland uitgevoerd wordt en ten aanzien waarvan, vòór of ten tijde van de registratie van die diamant voor uitvoer, de uitvoerder aan een belastingbeambte bij de plaats waar de diamant voor uitvoer geregistreerd wordt een certificaat verstrekt heeft in de vorm door de Kommissaris voorgeschreven en namens de Regering van bedoelde Federatie uitgereikt ten effekte dat die diamant in die Federatie slechts voor industriële doeleinden gebruikt zal worden.”.

Invoeging van artikel 4*bis* in Wet 27 van 1917.

2. Die volgende artikel word hiermee na artikel vier in die Hoofwet ingevoeg:

„Uitstel van en vrijstelling van belasting.

4*bis*. (1) De Kommissaris kan, behoudens die voorwaarden die hij vaststelt, uitstel van betaling van de belasting machtigen voor een tijdperk van hoogstens acht maanden vanaf de datum van uitvoer, ten aanzien van een diamant ten opzichte waarvan hij overtuigd is dat dezelve waarschijnlijk binnen zes maanden vanaf de datum van uitvoer zonder verkocht te zijn naar de uitvoerder in de Unie teruggezonden zal worden en dat dezelve uitgevoerd wordt alleenlik voor het doel van uitstalling of vertoning, in het belang van de diamant industrie, of, in het geval van een diamant van buitengewone grootte of waarde, in een poging om een koper te vinden.

(2) De belasting is niet hefbaar ten aanzien van een diamant, ten opzichte waarvan de betaling van belasting ingevolge sub-artikel (1) uitgesteld is, indien de Kommissaris binnen acht maanden vanaf de datum voormeld overtuigd is geworden dat de diamant binnen zes maanden vanaf bedoelde datum wettiglik naar de uitvoerder in de Unie zonder verkocht te zijn teruggezonden is.

(3) Indien, ten tijde van uitvoer van een diamant, de Kommissaris overtuigd was dat dezelve uitgevoerd werd voor een doel in sub-artikel (1) genoem en die diamant binnen zes maanden vanaf de datum van uitvoer zonder verkocht te zijn wettiglik naar de uitvoerder in de Unie teruggezonden wordt, moet hij aan de uitvoerder terugbetalen de belasting door de uitvoerder ten aanzien van de diamant betaald.”.

Wysiging van artikel 5 van Wet 27 van 1917.

3. Artikel vyf van die Hoofwet word hiermee gewysig—

(a) deur in sub-artikel (1) na die woord „Wet” die woorde „of ten aanzien waarvan een certificaat ingevolge artikel twee verstrekt is” en na die woord „betaald” die woorde „of aan wie het certificaat verstrekt is” in te voeg;

(b) deur in paragraaf (d) van sub-artikel (1) die woorde „waarop de betaling van belasting wordt aangeboden” deur die woorde „van de diamanten” te vervang;

No. 48, 1956.]

ACT

To amend the Diamond Export Duty Act, 1917.

(English text signed by the Governor-General.)
(Assented to 7th June, 1956.)

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. The following section is hereby substituted for section *two* of the Diamond Export Duty Act, 1917 (hereinafter referred to as the principal Act):

Substitution of section 2 of Act 27 of 1917, as amended by section 1 of Act 34 of 1919.

"Levy of export duty on rough and uncut diamonds.

2. Subject to the provisions of section *four bis*, there shall be levied a diamond export duty (hereinafter referred to as the duty) on the value of any diamond found in the Union and exported therefrom, not being a diamond which is exported to the Federation of Rhodesia and Nyasaland and in respect of which, prior to or at the time of registration of such diamond for export, the exporter has submitted to a revenue officer at the place at which the diamond is being registered for export a certificate in the form prescribed by the Commissioner and issued on behalf of the Government of the said Federation to the effect that such diamond will be used in the said Federation for industrial purposes only."

2. The following section is hereby inserted in the principal Act after section *four*:

Insertion of section 4bis in Act 27 of 1917.

"Deferment of and exemption from duty.

4bis. (1) The Commissioner may, subject to such conditions as he may determine, authorize the deferment of payment of the duty, for any period not exceeding eight months from the date of export, in respect of any diamond in regard to which he is satisfied that it is likely to be returned unsold to the exporter in the Union within six months from the date of export and that it is being exported solely for the purpose of exhibition or display, in the interests of the diamond industry, or, in the case of any diamond of unusual size or value, in an endeavour to find a purchaser.

(2) The duty shall not be leviable in respect of any diamond, in regard to which the payment of duty has been deferred in terms of sub-section (1), if the Commissioner has within eight months from the date aforesaid been satisfied that such diamond has been lawfully returned unsold to the exporter in the Union within six months from the said date.

(3) If, at the time of export of any diamond, the Commissioner was satisfied that it was being exported for any purpose mentioned in sub-section (1) and such diamond is lawfully returned unsold to the exporter in the Union within six months from the date of export, he shall refund to the exporter the duty paid by the exporter in respect of such diamond."

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

Amendment of section 5 of Act 27 of 1917.

- (a) by the insertion in sub-section (1) after the word "Act" of the words "or in respect of which a certificate has been submitted in terms of section *two*" and after the word "made" of the words "or to whom such certificate has been submitted";
- (b) by the substitution in paragraph (d) of sub-section (1) for the words "upon which duty is tendered for payment" of the words "of the diamonds";

- (c) deur in sub-artikel (2) na die woord „als” waar dit die derde keer voorkom, die woorde „in het geval van diamanten ten aanzien waarvan belasting ingevolge deze Wet verschuldigd is,” in te voeg; en
- (d) deur sub-artikel (4) deur die volgende sub-artikel te vervang:
- „(4) De uitvoerder moet van de belastingbeambte een uitvoerregistratiekwitantie of, naar gelang van het geval, een certificaat aantonende dat de belasting niet verschuldigd is, verkrijgen.”.

Wysiging van artikel 8 van Wet 27 van 1917.

4. Artikel *agt* van die Hoofwet word hiermee gewysig deur in paragraaf (a) na die woord „belasting” die woorde „ten aanzien daarvan verschuldigd” in te voeg.

Wysiging van artikel 10 van Wet 27 van 1917, soos deur artikel 5 van Wet 34 van 1919 gewysig.

5. Artikel *tien* van die Hoofwet word hiermee gewysig deur die omskrywing van „belastingbeambte” deur die volgende omskrywing te vervang:
- „belastingbeambte” sluit in de Kommissaris en een beambte die onder het beheer of in opdracht van de Kommissaris de bepalingen van deze Wet uitvoert;”.

Herroeping van Wet 10 van 1934.

6. Die Diamantuitvoerbelasting Wysigingswet, 1934, word hiermee herroep.

Kort titel en datum van inwerkingtreding.

7. Hierdie Wet heet die Wysigingswet op Diamantuitvoerbelasting, 1956, en artikels *een*, *twee* en *drie* word geag op die eerste dag van Julie 1955 in werking te getree het.

- (c) by the insertion in sub-section (2) after the word "if" where it occurs for the second time of the words "in the case of diamonds in respect of which duty is payable under this Act,"; and
- (d) by the substitution for sub-section (4) of the following sub-section:
- "(4) The exporter shall obtain from the revenue officer an export registration receipt or a certificate indicating that the duty is not payable, as the case may be."

4. Section *eight* of the principal Act is hereby amended by the insertion in paragraph (a) after the word "duty" where it occurs for the second time of the words "due in respect thereof".

Amendment of section 8 of Act 27 of 1917.

5. Section *ten* of the principal Act is hereby amended by the substitution for the definition of "revenue officer" of the following definition:

Amendment of section 10 of Act 27 of 1917, as amended by section 5 of Act 34 of 1919.

"'revenue officer' includes the Commissioner and any officer carrying out the provisions of this Act under the control or direction of the Commissioner,".

6. The Diamond Export Duty (Amendment) Act, 1934, is hereby repealed.

Repeal of Act 10 of 1934.

7. This Act shall be called the Diamond Export Duty Amendment Act, 1956, and sections *one*, *two* and *three* shall be deemed to have come into operation on the first day of July, 1955.

Short title and date of commencement.

No. 49, 1956.]

WET

Tot wysiging van die „Licenties Konsolidatie Wet, 1925”.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 7 Junie 1956.)**DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 10 van Wet 32 van 1925, soos gewysig deur artikel 30 van Wet 38 van 1945.

1. Artikel *tien* van die „Licenties Konsolidatie Wet, 1925” (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende voorbehoudsbepaling by te voeg:

„: Met dien verstande dat boeten ontvangende of borgstellingen verbeurdverklaard in verband met zodanige overtredingen ten opzichte van rechten die een municipale raad of een stadsraad ondernomen heeft ten behoeve van de Unieregering te innen, aan die municipale raad of stadsraad betaald moeten worden.”.

Wysiging van Item 3 van Eerste Bylae by Wet 32 van 1925, soos vervang deur artikel 2 van Wet 31 van 1946.

2. Item 3 van die Eerste Bylae by die Hoofwet word hierby gewysig deur die volgende paragraaf by die voorbehoudsbepaling by sub-item (2) te voeg:

„(iv) van een vertegenwoordiger, reiziger, agent of werknemer van een godsdienstige inrichting van een publieke aard, voor het vragen, kolporteren, zoeken of aannemen van orders voor de verkoop of levering door die inrichting van Bijbels of andere godsdienstige boeken of brochures.”.

Wysiging van Item 11 van Deel I van Tweede Bylae by Wet 32 van 1925.

3. Item 11 van Deel I van die Tweede Bylae by die Hoofwet word hierby gewysig deur in paragrafe (4), (5) en (6) die woord „beëdigde” waar dit ook al voorkom te skrap.

Wysiging van Item 12 van Deel I van Tweede Bylae by Wet 32 van 1925, soos vervang deur artikel 3 van Wet 26 van 1927, en gewysig deur artikel 7 van Wet 31 van 1946 en artikel 8 van Wet 28 van 1948.

4. Item 12 van Deel I van die Tweede Bylae by die Hoofwet word hierby gewysig deur die volgende vrystelling by te voeg:

„(d) Iemand die als de *bona fide* agent of bediende van een godsdienstige inrichting van een publieke aard, als een marskramer van Bijbels of andere godsdienstige boeken of brochures handel drijft.”.

Wysiging van Item 19 van Deel I van Tweede Bylae by Wet 32 van 1925, soos vervang deur artikel 3 van Wet 26 van 1927.

5. Item 19 van Deel I van die Tweede Bylae by die Hoofwet word hierby gewysig deur die volgende vrystelling by te voeg:

„(d) Iemand die als de *bona fide* agent of bediende van een godsdienstige inrichting van een publieke aard, als een venter van Bijbels of andere godsdienstige boeken of brochures handel drijft.”.

Wysiging van Item 21 van Deel I van Tweede Bylae by Wet 32 van 1925.

6. Item 21 van Deel I van die Tweede Bylae by die Hoofwet word hierby gewysig deur die woorde „tentoonstelling, landbouw of veetentoonstelling op enige plaats in die Unie” deur die woorde „vertoning of tentoonstelling ergens in die Unie, georganiseerd, bestuurd of beheerd door een vereniging of inrichting van een publieke aard die voor de bevordering van de landbouw, handel, nijverheid, kunst of wetenschap opgericht is”.

Kort titel en inwerkingtreding.

7. Hierdie Wet heet die Wysigingswet op Lisensies, 1956, en artikels *een*, *twee*, *vier* en *vyf* word geag op die eerste dag van Januarie 1956 in werking te getree het.

No. 49, 1956.]

ACT

To amend the Licences Consolidation Act, 1925.

(Afrikaans text signed by the Governor-General.)
(Assented to 7th June, 1956.)

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 Licences Consolidation Act, 1925 (hereinafter referred to as the principal Act), is hereby amended by the addition of the following proviso:
 “: Provided that any fines received or bails estreated in connection with any such contraventions in respect of duties which any municipal council, borough council or town council has undertaken to collect on behalf of the Union Government, shall be paid to such municipal council, borough council or town council.”
Amendment of section 10 of Act 32 of 1925, as amended by section 30 of Act 38 of 1945.
2. Item 3 of the First Schedule to the principal Act is hereby amended by the addition to the proviso to sub-item (2) of the following paragraph:
 “(iv) by any representative, traveller, agent or employee of any religious institution of a public character for inviting, canvassing, soliciting or accepting orders for the sale or supply by such institution of Bibles or other religious books or pamphlets.”
Amendment of Item 3 of First Schedule to Act 32 of 1925, as substituted by section 2 of Act 31 of 1946.
3. Item 11 of Part I of the Second Schedule to the principal Act is hereby amended by the substitution in paragraphs (4) and (5) for the words “an affidavit” wherever they occur of the words “a declaration” and in paragraph (6) for the word “affidavit” of the word “declaration”.
Amendment of Item 11 of Part I of Second Schedule to Act 32 of 1925.
4. Item 12 of Part I of the Second Schedule to the principal Act is hereby amended by the addition of the following exemption:
 “(d) Any person who as the *bona fide* agent or employee of any religious institution of a public character trades as a hawker in Bibles or other religious books or pamphlets.”
Amendment of Item 12 of Part I of Second Schedule to Act 32 of 1925, as substituted by section 3 of Act 26 of 1927, and amended by section 7 of Act 31 of 1946 and section 8 of Act 28 of 1948.
5. Item 19 of Part I of the Second Schedule to the principal Act is hereby amended by the addition of the following exemption:
 “(d) Any person who as the *bona fide* agent or employee of any religious institution of a public character trades as a pedlar in Bibles or other religious books or pamphlets.”
Amendment of Item 19 of Part I of Second Schedule to Act 32 of 1925, as substituted by section 3 of Act 26 of 1927.
6. Item 21 of Part I of the Second Schedule to the principal Act is hereby amended by the substitution for the words “exhibition, agricultural or stock show at any place within the Union” of the words “exhibition or show anywhere in the Union which is organized, conducted or controlled by any society or institution of a public character formed for the advancement of agriculture, commerce, industry, art or science”.
Amendment of Item 21 of Part I of Second Schedule to Act 32 of 1925.
7. This Act shall be called the Licences Amendment Act, 1956, and sections *one, two, four* and *five* shall be deemed to have come into operation on the first day of January, 1956.
Short title and commencement.