

EXTRAORDINARY



BUITENGEWONE

THE REPUBLIC OF SOUTH AFRICA

Government Gazette

Staatskoerant

VAN DIE REPUBLIEK VAN SUID-AFRIKA

[Registered at the General Post Office as a Newspaper.]

[Geregistreer by die Hoofposkantoor as 'n Nuusblad.]

VOL. VIII]. PRICE 5c

CAPE TOWN, 3RD MAY, 1963.
KAAPSTAD, 3 MEI 1963

PRYS 5c

[No. 491.

DEPARTMENT OF THE PRIME MINISTER.

No. 648.]

3rd May, 1963.

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

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 648.]

[3 Mei 1963.

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

BLADSY

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No. 30, 1963.]

ACT**To amend the Admission of Persons to the Union Regulation Act, 1913, and the Aliens Act, 1937.***(English text signed by the State President.)
(Assented to 27th April, 1963.)***BE IT ENACTED** by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 24 of Act 22 of 1913, as inserted by section 3 of Act 27 of 1937 and amended by section 8 of Act 52 of 1956, section 1 of Act 8 of 1960 and section 1 of Act 69 of 1962.

Insertion of section 5bis in Act 1 of 1937.

Short title.

1. Section *twenty-four* of the Admission of Persons to the Union Regulation Act, 1913, is hereby amended by the addition of the following sub-sections:

“(4) Any person who is a prohibited person in terms of this section shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months, and whether he has or has not been convicted of that offence, a passport control officer may, if he is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Union under a warrant issued in terms of this Act and may pending such removal detain him or cause him to be detained in such custody as may be prescribed by regulation.

(5) The provisions of sub-sections (2) and (3) of section six shall *mutatis mutandis* apply with reference to any such prohibited person.”.

2. The following section is hereby inserted in the Aliens Act, 1937, after section five—

“Alien not 5bis. (1) An alien who is not and is not deemed in possession to be in possession of a permit issued under section of permit to apply for temporary five, and who fails on being called upon to do so by a passport control officer then and there to apply to such officer in the form prescribed by regulation and made available for the purpose by such officer for a temporary permit in terms of the provisions of section five, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months, and whether he has or has not been convicted of that offence, any passport control officer may, if he is not in custody, arrest him or cause him to be arrested without a warrant, and may remove him or cause him to be removed from the Union under warrant issued in terms of this Act and may pending such removal detain him or cause him to be detained in such custody as may be prescribed by regulation.

(2) The provisions of sub-sections (2) and (3) of section six of the principal Act shall *mutatis mutandis* apply with reference to any such alien in the same manner as they apply with reference to prohibited persons referred to in that section.”.

3. This Act shall be called the Aliens Control Act, 1963.

No. 30, 1963.]

WET

Tot wysiging van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913”, en die Wet op Vreemdelinge, 1937.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 April 1963.)*

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

1. Artikel vier-en-twintig van die „Wet tot Regeling van de Toelating van Personen tot de Unie, 1913”, word hierby gewysig deur die volgende sub-artikels by te voeg:

„(4) Iemand die ingevolge dit artikel een verboden persoon is, is aan een misdrijf schuldig en bij schuldigbevinding strafbaar met gevangenisstraf voor een tydperk van hoogstens zes maanden, en ongeacht of hij aan die misdrijf schuldig bevonden is al dan niet, kan een paspoortbeheer-beambte hem indien hij niet in hechtenis is, sonder lastbrief in hechtenis nemen of doen nemen en hem krachtens lastbrief ingevolge deze Wet uitgereikt uit de Unie verwijder-en of doen verwijderen en hem in afwachting van zodanige verwijdering in bij regulatie voorgeschreven bewaring aanhouden of doen aanhouden.

(5) Die bepalingen van sub-artikels (2) en (3) van artikel zes zijn *mutatis mutandis* met betrekking tot bulk een verboden persoon van toepassing.”.

2. Die volgende artikel word hierby na artikel vyf in die Wet op Vreemdelinge, 1937, ingevoeg:

„Vreem- 5bis. (1) 'n Vreemdeling wat nie in besit van 'n deling wat permit ingevolge artikel vier of 'n tydelike permit nie in besit is ingevolge artikel vyf aan hom uitgereik, is of geag van permit is moet om word te wees nie, en wat versuum om indien hy permit aan-deur 'n paspoortbeheerbeambte daartoe aangesê soek doen. word, daar en dan by dié beambte op die by regulasie voorgeskrewe vorm wat bedoelde beambte vir die doel aan hom beskikbaar stel, om die uitreiking aan hom van 'n tydelike permit kragtens die bepaling van artikel vyf aansoek te doen, is aan 'n misdrijf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande, en ongeag of hy aan dié misdrijf skuldig bevind is al dan nie, kan 'n paspoortbeheerbeambte hom, indien hy nie in hechtenis is nie, sonder lasbrief in hechtenis neem of laat neem en hom kragtens lasbrief ingevolge hierdie Wet uitgereik uit die Unie verwijder of laat verwijder en hom in afwachting van sodanige verwijdering in by regulasie voor-geskreve bewaring aanhou of laat aanhou.

(2) Die bepalingen van sub-artikels (2) en (3) van artikel ses van die Hoofwet is *mutatis mutandis* met betrekking tot so 'n vreemdeling van toepassing op dieselfde wyse as wat hulle met betrekking tot 'n in daardie artikel bedoelde verbode persoon van toepassing is.”.

3. Hierdie Wet het die Wet op die Beheer van Vreemdelinge, Kort titel. 1963.

artikel 24 van Wet
22 van 1913, soos
ingevoeg deur
artikel 3 van Wet
27 van 1937 en
gewysig deur artikel
8 van Wet 52 van
1956, artikel 1 van
Wet 8 van 1960 en
artikel 1 van Wet
69 van 1962.

Invoeging van
artikel 5bis in Wet
1 van 1937

ACT

To consolidate the laws relating to fences and the fencing of farms and other holdings and matters incidental thereto.

(Afrikaans text signed by the State President.)
(Assented to 27th April, 1963.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “boundary fence” means any fence (including, in an area in respect of which a proclamation under section *three* is in force, a jackal-proof fence), together with any necessary gate or any contrivance forming part or serving the purpose of such a gate, erected on or as near as possible to the boundary of any holding and separating such holding from any other holding; (iii)
 - (ii) “contributions” means contributions by owners to the cost of boundary fences in accordance with this Act, and “contribute” has a corresponding meaning; (i)
 - (iii) “cost”, in relation to the erection, alteration or repair of any fence, means any cost of or incidental to such erection, alteration or repair, including the cost of transport of materials; (vii)
 - (iv) “holding” means—
 - (a) land held by any person under separate grant, deed of transfer or certificate of title;
 - (b) land held under lease, licence or allotment from the State with an option to purchase it, provided the lease, licence or allotment is registered in a deeds office or other registration office;
 - (c) land which in terms of the Native Trust and Land Act, 1936 (Act No. 18 of 1936), vests in the South African Native Trust established by section *four* of that Act;
 - (d) land to which any of the provisions of the Mission Stations and Communal Reserves Act, 1909 (Act No. 29 of 1909), of the Cape of Good Hope, or of that Act as applied by any other law, apply and which vests in any Minister in trust for any Coloured persons,
 - but does not include any erf, stand or lot situated within a municipality or borough or proclaimed town, village or township unless such erf, stand or lot is at least three morgen in extent and is one of a number contiguous to each other on which farming operations are carried on; (v)
 - (v) “jackal-proof fence” means a boundary fence which is jackal-proof; (vi)
 - (vi) “Minister” means the Minister of Agricultural Technical Services; (viii)
 - (vii) “owner”, in relation to a holding, means—
 - (a) save as provided in paragraph (b), the person registered in any deeds office or other registration office as the owner of the land comprising the holding;
 - (b) where the land comprising the holding—
 - (i) is land referred to in paragraph (b) of the definition of “holding”, the person registered as the holder of the relevant lease, licence or allotment;
 - (ii) is land referred to in paragraph (c) of that definition, the South African Native Trust;
 - (iii) is land referred to in paragraph (d) of that definition, the Minister of Coloured Affairs;

No. 31, 1963.]

WET

Tot samevatting van die wette met betrekking tot heinings en die omheining van plase en ander hoeves en aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 April 1963.)*

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

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, Woordbepaling beteken:—

- (i) „bydraes” bydraes deur eienaars tot die koste van grensheinings ooreenkomsdig hierdie Wet, en het „bydra” ’n ooreenstemmende betekenis; (ii)
- (ii) „eienaar”, met betrekking tot ’n hoewe—
 - (a) behoudens die bepalings van paragraaf (b), die persoon wat in ’n aktekantoor of ander registrasiekantoor geregistreer is as die eienaar van die grond wat die hoewe uitmaak;
 - (b) waar die grond wat die hoewe uitmaak—
 - (i) grond is wat in paragraaf (b) van die omskrywing van „hoewe” vermeld word, die persoon wat as reghebbende ten aansien van die grond ingevolge die betrokke huurkontrak, lisensie of toekenning geregistreer is;
 - (ii) grond is wat in paragraaf (c) van daardie omskrywing vermeld word, die Suid-Afrikaanse Naturelletrust;
 - (iii) grond is wat in paragraaf (d) van daardie omskrywing vermeld word, die Minister van Kleurlingsake;
 - (iv) geregistreer is op naam van die Minister van Bantoe-administrasie en -ontwikkeling of ’n ander persoon of liggaam in trust vir ’n Bantoopersoon, ’n Bantoestam of ’n Bantogemeenskap, daardie Bantoopersoon, -stam of -gemeenskap;
 - (v) aan vruggebruik onderhewig is, die vruggebruiker; en, waar ’n voornoemde persoon oorlede is of ’n voornoemde persoon of vruggebruiker minderjarig is of insolvent of kranksinnig of andersins regtens onbevoeg is of word, ook ’n eksekuteur, administrateur, voog, trustee, likwidateur, kurator of ander persoon wat die boedel of bates van daardie persoon of vruggebruiker beheer of hom verteenwoordig; (vii)
 - (iii) „grensheining” ’n heining (met inbegrip, in ’n gebied ten opsigte waarvan ’n proklamasie kragtens artikel drie van krag is, ’n jakkalsheining), tesame met enige noodsaaklike hek of enige toestel wat deel van so ’n hek uitmaak of in die plek daarvan dien, wat op of so na as moontlik aan die grens van ’n hoewe opgerig is en daardie hoewe van ’n ander hoewe skei; (i)
 - (iv) „herstel”, met betrekking tot ’n grensheining, ook om die heining in goeie orde te bring en in stand te hou deur dit te snoei of te knip, of op enige ander wyse; (viii)
 - (v) „hoewe”—
 - (a) grond wat kragtens afsonderlike grondbrief, transportakte of sertifikaat van titel deur iemand besit word;
 - (b) grond wat kragtens ’n huurkontrak aangegaan met, of lisensie of toekenning toegestaan deur die Staat besit word met ’n opsie om dit te koop, mits die huurkontrak, lisensie of toekenning in ’n aktekantoor of ander registrasiekantoor geregistreer is;
 - (c) grond waarvan die eiendomsreg ingevolge die Naturelletrust en -grond Wet, 1936 (Wet No. 18 van 1936), by die Suid-Afrikaanse Naturelletrust ingestel by artikel vier van daardie Wet, berus;

- (iv) is registered in the name of the Minister of Bantu Administration and Development or any other person or body in trust for a Bantu person, a Bantu tribe or a Bantu community, that Bantu person, tribe or community;
 - (v) is subject to a usufruct, the usufructuary; and, where any person aforementioned is dead or any person or usufructuary aforementioned is a minor or is or becomes insolvent or of unsound mind or subject to some other legal disability, includes any executor, administrator, guardian, trustee, liquidator, curator or other person having the control of the estate or assets of, or representing that person or usufructuary; (ii)
 - (viii) "repair", in relation to any boundary fence, includes putting and maintaining such fence in good order by trimming, cutting or any other means. (iv)
- (2) Whenever under this Act it is necessary to determine in respect of the fencing of any public outspan the ownership thereof, the owner shall be deemed to be—
- (a) save as provided in paragraph (b), where the outspan is situated—
 - (i) in the area of jurisdiction of a local authority, that local authority;
 - (ii) in the area of jurisdiction of a divisional council, that divisional council;
 - (iii) in an area in which no local authority or divisional council has jurisdiction, the provincial council of the province in which it is situated;
 - (b) where the outspan is situated in an area included in the Schedule to the Natives Land Act, 1913 (Act No. 27 of 1913), and is controlled by the Department of Bantu Administration and Development, the South African Native Trust.

Areas where contributions are obligatory.

2. (1) The State President may, if he deems it expedient, by proclamation in the *Gazette* declare contributions to be obligatory as from a date to be specified in such proclamation—
- (a) throughout the area of jurisdiction of any divisional council or in any part of such an area if the provisions of sub-section (2) have been complied with in respect of the area concerned or the part of such an area concerned, as the case may be;
 - (b) subject to the provisions of sub-section (3), throughout any district in which no divisional council has jurisdiction, or in any ward of any such district or in any other area included in any such district and defined in such proclamation.
- (2) Whenever a divisional council has considered a proposal that it should recommend that contributions be declared obligatory in any area under its jurisdiction, it shall transmit to the Minister—
- (a) the terms of the proposal and proof that it was moved and put to the vote at an ordinary meeting of the council in accordance with the rules of the council;
 - (b) a statement of the council's decision;
 - (c) proof that notice of intention to move the proposal and of its terms had, at least one month before the date on which it was first moved, been published in the newspaper or newspapers in which notices of the council are usually published; and
 - (d) a statement showing the number of owners of holdings situated in such area who, within a time to be fixed by the council, have expressed themselves in favour of contributions being declared obligatory in such area and the total extent of their holdings, and the number of owners of such holdings who, within that time, have expressed themselves against contributions being declared obligatory in such area and the total extent of their holdings.
- (3) In respect of any such district, ward or other area as is referred to in paragraph (b) of sub-section (1), such a proclamation may be issued if—
- (a) the Minister is satisfied—
 - (i) that a meeting of owners of holdings situated in such district, ward or other area was convened on a written request signed by not less than twelve owners of such holdings;

- (d) grond waarop enige bepaling van die „Mission Stations and Communal Reserves Act, 1909” (Wet No. 29 van 1909), van die Kaap die Goeie Hoop, of van daardie Wet soos deur 'n ander wet toegepas, van toepassing is en waarvan die eiendomsreg by enige Minister in trust vir Kleurlinge berus, maar nie ook 'n erf, standplaas of perseel geleë in 'n munisipaliteit of stad of geproklameerde dorp of dorpsgebied nie tensy sodanige erf, standplaas of perseel minstens drie morg groot is en een is van 'n aantal wat aanmekaar grens en waarop geboer word; (iv)
- (v) „jakkalsheining” 'n grensheining wat jakkalsdig is; (v)
- (vi) „koste”, met betrekking tot die oprigting, verandering of herstel van 'n heining, enige koste van of verbonde aan sodanige oprigting, verandering of herstel, met inbegrip van die vervoerkoste van materiaal; (iii)
- (vii) „Minister” die Minister van Landbou-tegniese Dienste.
- (viii)
- (2) Wanneer dit ingevolge hierdie Wet nodig is om ten opsigte van die omheining van 'n openbare uitspanning te bepaal wie die eienaar daarvan is, word dit geag dat—
- (a) behoudens die bepalings van paragraaf (b), waar die uitspanning geleë is—
- (i) in die regssgebied van 'n plaaslike bestuur, daardie plaaslike bestuur die eienaar is;
 - (ii) in die regssgebied van 'n afdelingsraad, daardie afdelingsraad die eienaar is;
 - (iii) in 'n gebied waar geen plaaslike bestuur of afdelingsraad oor regsbevoegdheid beskik nie, die provinsiale raad van die provinsie waarin dit geleë is, die eienaar is;
- (b) waar die uitspanning geleë is in 'n gebied opgeneem in die Bylae by die „Naturellen Grond. Wet, 1913” (Wet No. 27 van 1913), en beheer word deur die Departement van Bantoe-administrasie en -ontwikkeling, die Suid-Afrikaanse Naturelletrust die eienaar is.

2. (1) Die Staatspresident kan, indien hy dit dienstig ag, by proklamasie in die *Staatskoerant* verklaar dat bydraes vanaf 'n datum wat in sodanige proklamasie genoem moet word, verpligtend is—

- (a) in die hele regssgebied van 'n afdelingsraad of in 'n deel van so 'n gebied indien daar ten opsigte van die betrokke gebied of die betrokke deel van so 'n gebied, na gelang van die geval, aan die bepalings van sub-artikel (2) voldoen is;
- (b) behoudens die bepalings van sub-artikel (3), in 'n hele distrik waar geen afdelingsraad oor regsbevoegdheid beskik nie of in 'n wyk van so 'n distrik of in 'n ander gebied wat deel van so 'n distrik uitmaak en in sodanige proklamasie omskryf is.
- (2) Wanneer 'n afdelingsraad 'n voorstel oorweeg het dat hy moet aanbeveel dat bydraes in 'n gebied waar hy oor regsbevoegdheid beskik verpligtend verklaar word, stuur hy aan die Minister—
- (a) die bewoording van die voorstel en bewys dat dit op 'n gewone vergadering van die raad ooreenkomsdig die reëls van die raad voorgestel en in stemming gebring is;
- (b) berig van die besluit van die raad;
- (c) bewys dat kennis van voorname om die voorstel voor te stel en van die bewoording daarvan minstens 'n maand voor die datum waarop dit die eerste maal voorgestel is, gegee is in die nuusblad of nuusblaie waarin kennisgewings van die raad gewoonlik aangekondig word; en
- (d) 'n opgawe van die getal eienaars van hoewes geleë in daardie gebied wat, binne 'n tydperk wat die raad moet bepaal, verklaar het dat hulle ten gunste daarvan is dat bydraes in daardie gebied verpligtend verklaar word en die totaalgrootte van hulle hoewes, en die getal eienaars van sodanige hoewes wat binne daardie tydperk verklaar het dat hulle daarteen is dat bydraes in daardie gebied verpligtend verklaar word en die totaalgrootte van hulle hoewes.

(3) Ten opsigte van 'n in paragraaf (b) van sub-artikel (1) bedoelde distrik, wyk of ander gebied kan so 'n proklamasie uitgereik word indien—

- (a) die Minister tevrede is—
- (i) dat 'n vergadering van eienaars van hoewes geleë in daardie distrik, wyk of ander gebied, belê is op 'n skriftelike versoek onderteken deur minstens twaalf eienaars van sodanige hoewes;

- (ii) that not less than one month's prior notice of the date, place and purpose of the meeting was given by advertisement in at least one newspaper circulating in such district, ward or other area; and
- (iii) that the magistrate of such district presided at the meeting and that a proposal that the meeting pass a resolution recommending that contributions be declared obligatory in such district, ward or other area, was put to the meeting; and

(b) the said magistrate has transmitted to the Minister a statement showing—

- (i) the number of owners of such holdings present or represented at the meeting who supported the proposal, and the total extent of their holdings; and
- (ii) the number of such owners who did not support the proposal, and the total extent of their holdings.

(4) The State President may, if he deems it expedient having regard to the circumstances prevailing in the area concerned, from time to time and for such period as he may deem fit, by proclamation in the *Gazette* suspend the operation of any proclamation issued under sub-section (1), or the operation of sub-section (3) of section *thirty-three* in respect of any area to which the latter sub-section relates.

Areas where contributions are obligatory in respect of jackal-proof fences.

3. (1) Subject to the provisions of sub-section (2), the State President may, if he deems it expedient, by proclamation in the *Gazette* declare contributions to the cost of jackal-proof fences to be obligatory in any area in which contributions to the cost of boundary fences are obligatory.

(2) The provisions of section *two* shall *mutatis mutandis* apply in respect of the issue and the operation of any such proclamation.

Jackal-proof fencing in an area where contributions are obligatory in respect of boundary fences other than jackal-proof fences.

4. The owner of a holding situated in an area in which contributions are obligatory in respect of boundary fences other than jackal-proof fences, may erect a jackal-proof fence in respect of that holding or convert any boundary fence in respect of that holding into a jackal-proof fence but shall, as against the owner of an adjoining holding who does not wish such fence to be jackal-proof, bear any additional cost necessary to make it jackal-proof.

Boundary fencing in an area where contributions are not obligatory.

5. If the owner of a holding situated in an area in which contributions are not obligatory, has lawfully erected a boundary fence in respect of that holding, and the owner of an adjoining holding adopts means whereby that fence is rendered of beneficial use to himself, either owner may, in default of agreement, claim that the value of the fence to each owner (regard being had to the extent to which such use is being or has been made) be determined in accordance with the provisions of the Second Schedule, and, upon the value being so determined, it shall be obligatory on the owner who has made beneficial use of the fence to contribute to the cost of the fence in accordance with the determination.

Boundary fencing where holding adjoins an area in which contributions are obligatory.

6. The owner of a holding situated outside any area in which contributions are obligatory, shall not be liable to contribute to the cost of a boundary fence between that holding and any holding situated in any such area, unless he adopts means whereby the fence is rendered of beneficial use to himself.

Notice in respect of erection of a boundary fence.

7. (1) An owner of a holding situated in an area in which contributions are obligatory, who intends to erect a boundary fence between that holding and any other such holding, shall, if he requires the owner of such other holding to contribute to the cost of the fence, give to that owner written notice (as nearly as possible in the form set out in the First Schedule) of his intention to erect the fence, which shall be dated and shall set out the specifications and the estimated cost of the fence and the proportion of such cost which he requires that owner to contribute.

(2) If, within a period of one month or, where the owner so required to contribute is the South African Native Trust or a Bantu tribe, two months or, where notice is given by publication in terms of paragraph (b) of sub-section (1) of section *eight*, three months after the date on which such notice was given, the owner so required to contribute—

- (ii) dat kennis van die dag, plek en doel van die vergadering minstens 'n maand tevore gegee is deur aankondiging in minstens een nuusblad in omloop in daardie distrik, wyk of ander gebied; en
- (iii) dat die landdros van die bedoelde distrik op die vergadering voorgesit het en dat 'n voorstel tot aanname deur die vergadering van 'n besluit waarby aanbeveel word dat bydraes in daardie distrik, wyk of ander gebied verpligtend verklaar word, aan die vergadering gestel is; en
- (b) gemelde landdros aan die Minister 'n opgawe gestuur het van—
 - (i) die getal eienaars van sodanige hoewes wat op die vergadering teenwoordig of verteenwoordig was en wat die voorstel gesteun het, en die totaal-grootte van hulle hoewes; en
 - (ii) die getal sodanige eienaars wat die voorstel nie gesteun het nie, en die totaalgrootte van hulle hoewes.

(4) Die Staatspresident kan, indien hy dit met inagneming van die omstandighede wat in die betrokke gebied heers dienstig ag, van tyd tot tyd en vir die tydperk wat hy goedvind, by proklamasie in die *Staatskoerant* die toepassing van 'n proklamasie uitgereik kragtens sub-artikel (1) of die toepassing van sub-artikel (3) van artikel *drie-en-dertig* ten opsigte van 'n gebied waarop laasgenoemde sub-artikel betrekking het, opskort.

3. (1) Behoudens die bepalings van sub-artikel (2), kan die Staatspresident, indien hy dit dienstig ag, by proklamasie in die *Staatskoerant* verklaar dat bydraes tot die koste van jakkalsheinings verpligtend is in 'n gebied waarin bydraes tot die koste van grensheinings verpligtend is.

(2) Die bepalings van artikel *twee* is *mutatis mutandis* van toepassing ten opsigte van die uitreiking en die toepassing van so 'n proklamasie.

4. Die eienaar van 'n hoewe geleë in 'n gebied waarin bydraes Jakkalsheinings verpligtend is ten opsigte van ander grensheinings as jakkalsheinings, kan 'n jakkalsheining ten opsigte van daardie hoewe oprig of 'n grensheining ten opsigte van daardie hoewe tot 'n jakkalsheining omskep maar dra, teenoor die eienaar van 'n ander grensheining aangrensende hoewe wat nie verlang dat die heining jakkalsdig moet wees nie, enige bykomende koste wat nodig is om dit jakkalsdig te maak.

5. Indien die eienaar van 'n hoewe geleë in 'n gebied waarin bydraes nie verpligtend is nie, wettiglik 'n grensheining ten opsigte van sodanige hoewe opgerig het, en die eienaar van 'n aangrensende hoewe wend middele aan waardeur hy voordelige gebruik aan daardie heining ontleen, kan enige van die twee eienaars, indien hulle daaroor nie ooreenkomm nie, eis dat die waarde van die heining vir elkeen (met inagneming van die mate waarin sodanige gebruik gemaak word of gemaak is) ooreenkomsdig die bepalings van die Tweede Bylae bepaal word, en wanneer die waarde aldus bepaal is, is die eienaar wat die heining voordelig benut het, verplig om ooreenkomsdig die bepaling tot die koste van die heining by te dra.

6. Die eienaar van 'n hoewe geleë buite 'n gebied waarin Grensheinings bydraes verpligtend is, is nie vir bydraes tot die koste van 'n grensheining tussen daardie hoewe en 'n hoewe geleë in so 'n gebied aan 'n gebied waarin bydraes nie verpligtend is nie.

7. (1) 'n Eienaar van 'n hoewe geleë in 'n gebied waarin bydraes verpligtend is, wat voornemens is om 'n grensheining tussen daardie hoewe en 'n ander sodanige hoewe op te rig, moet, indien hy verlang dat die eienaar van daardie ander hoewe tot die koste van die heining moet bydra, aan daardie eienaar skriftelike kennis gee (so na moontlik in die vorm uitengesit in die Eerste Bylae) van sy voorneme om die heining op te rig, en moet die kennisgewing dateer en daarin die spesifikasies en beraamde koste van die heining en die deel van daardie koste wat hy verlang daardie eienaar moet bydra, uiteensit.

(2) Indien die eienaar van wie dit aldus vereis word dat hy bydra, binne 'n tydperk van 'n maand of, waar daardie eienaar die Suid-Afrikaanse Naturelletrust of 'n Bantoestam is, twee maande of, waar kennisgewing deur aankondiging kragtens paraagraaf (b) van sub-artikel (1) van artikel *agt* geskied, drie maande na die datum waarop sodanige kennis gegee is—

- (a) lodges with the owner who gave the notice an objection thereto, stating that he wishes to erect a boundary fence of a different type and setting out the specifications and the estimated cost of such fence, either owner may, in default of agreement, claim that the matter shall be determined as a dispute in accordance with the provisions of the Second Schedule;
- (b) does not lodge such an objection, the owner who gave the notice may forthwith proceed to erect the fence.

(3) The provisions of this section shall *mutatis mutandis* apply in respect of any boundary fence existing at the date as from which contributions become obligatory in the area concerned, provided such fence is in good order.

(4) If an owner has erected a boundary fence without complying with the provisions of sub-section (1) and the owner of an adjoining holding adopts means whereby such fence is rendered of beneficial use to himself, the provisions of section five shall *mutatis mutandis* apply.

**Notice to
absentee owner.**

8. (1) Any notice to be given in terms of section seven to an owner who cannot be traced or is absent from the Republic, shall be deemed to be duly given—

- (a) when it is given to any person generally or specially authorized by such owner as his representative; or
- (b) if no such person is known to the owner giving the notice, when it has been published once in the *Gazette* and three times in a newspaper circulating in the district in which the holding is situated.

(2) The cost of any such publication as is referred to in paragraph (b) of sub-section (1), shall be added to the contribution required from the owner to whom the notice is so deemed to be given.

**Notice to
the South African
Native Trust
or any Bantu
tribe.**

9. Where the South African Native Trust or any Bantu tribe is the owner of any holding, any notice to be given under this Act to such Trust or tribe in that capacity, shall be given to the Bantu Affairs Commissioner having jurisdiction in the area in which such holding is situated.

**Repair of
boundary fences.**

10. (1) An owner shall be liable for the cost of repairs to any boundary fence in respect of his holding to the extent to which he would under this Act be liable to contribute to the cost of such fence.

(2) An owner may serve upon the owner of the adjoining holding separated by such fence a notice in writing requiring him to assist, within a period of one week, in repairing such fence and, if the owner of the adjoining holding fails to comply with the notice, may repair such fence and recover from that owner the proportion of the cost due from him.

**Alteration of
boundary fences.**

11. An owner may at any time alter any boundary fence in respect of his holding so as to make it a fence of a superior type: Provided that the owner of the adjoining holding separated by such fence shall not be liable to contribute to the alteration unless and until he derives beneficial use from the type of the fence as altered.

**Right of owners
to obtain
advances from
the Land Bank.**

12. (1) Any owner of a holding (other than a usufructuary thereof) who wishes to erect a boundary fence in respect of that holding, and any owner of a holding who is, in accordance with the provisions of this Act, required by the owner of an adjoining holding to contribute to the cost of a boundary fence in respect of the two holdings or the cost of any such alteration to a boundary fence in respect of those holdings as is referred to in section eleven, shall, if the cost of the erection or the contribution, as the case may be, exceeds forty rand, be entitled to obtain, subject to the provisions of the Land Bank Act, 1944 (Act No. 13 of 1944), from the Land and Agricultural Bank of South Africa an advance to defray such cost or such contribution, as the case may be.

(2) The provisions of the Dipping Tanks (Advances) Act, 1911 (Act No. 20 of 1911), except those contained in sub-sections (4) and (6) of section two thereof, shall *mutatis mutandis* apply in respect of any such advance or any application therefor, with the following modifications, namely—

- (a) the application shall be made to the said bank;
- (b) no advance shall be made by the said bank except upon a certificate of the Secretary for Agricultural

- (a) by die eienaar wat die kennis gegee het 'n beswaar daarteen indien en verklaar dat hy 'n ander soort grensheining wil oprig, en die spesifikasies en beraamde koste van sodanige heining uiteensit, kan enigeen van die twee eienars, indien hulle daaroor nie ooreenkoms nie, eis dat die saak ooreenkomsdig die bepalings van die Tweede Bylae as 'n geskil beslis word;
- (b) nie so 'n beswaar indien nie, kan die eienaar wat kennis gegee het, onverwyd tot die oprigting van die heining oorgaan.

(3) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n grensheining wat op die datum bestaan met ingang waarvan bydraes in die betrokke gebied verpligtend word, mits sodanige heining in goeie orde is.

(4) Indien 'n eienaar 'n grensheining opgerig het sonder om aan die bepalings van sub-artikel (1) te voldoen, en die eienaar van 'n aangrensende hoeve middele aanwend waardeur hy voordeelige gebruik aan daardie heining ontleen, is die bepalings van artikel vyf *mutatis mutandis* van toepassing.

8. (1) 'n Kennisgewing wat ingevolge artikel *sewe* verstrek **Kennisgewing aan afwesige eienaar.**
moet word aan 'n eienaar wat nie opgespoor kan word nie of uit die Republiek afwesig is, word geag behoorlik verstrek te wees—

- (a) wanneer dit verstrek word aan iemand wat deur sodanige eienaar by algemene of spesiale magtiging as sy agent aangestel is; of
- (b) indien so iemand nie aan die eienaar wat kennis gee, bekend is nie, wanneer dit een maal in die *Staatskoerant* en drie maal in 'n nuusblad in omloop in die distrik waarin die hoeve geleë is, afgekondig is.

(2) Die koste van 'n in paragraaf (b) van sub-artikel (1) bedoelde aankondiging word by die bydrae gevoeg wat vereis word van die eienaar aan wie die kennisgewing aldus geag word verstrek te wees.

9. Waar die Suid-Afrikaanse Naturelletrust of 'n Bantoestam die eienaar van 'n hoeve is, word 'n kennisgewing wat kragtens hierdie Wet aan bedoelde Trust of stam in daardie hoedanigheid verstrek moet word, aan die Bantoesakekommissaris in wie se reggebied sodanige hoeve geleë is, verstrek.

10. (1) 'n Eienaar is vir die koste van herstel van 'n grensheining ten opsigte van sy hoeve in die mate aanspreeklik waarin hy kragtens hierdie Wet aanspreeklik sou wees om tot die koste van sodanige heining by te dra. **Herstel van grensheinings.**

(2) 'n Eienaar kan aan die eienaar van die aangrensende hoeve wat deur sodanige heining geskei word 'n skriftelike kennisgewing besorg waarin van hom vereis word om binne 'n tydperk van 'n week met die herstel van sodanige heining te help, en, indien die eienaar van die aangrensende hoeve nie aan die kennisgewing voldoen nie, sodanige heining herstel en die deel van die koste wat deur daardie eienaar verskuldig is, op hom verhaal.

11. 'n Eienaar kan te eniger tyd 'n grensheining ten opsigte van sy hoeve so verander dat dit 'n beter soort heining uitmaak: **Verandering van grensheinings.**
Met dien verstande dat die eienaar van die aangrensende hoeve wat deur sodanige heining geskei word nie vir 'n bydrae tot die verandering aanspreeklik is nie tensy en totdat hy voordeelige gebruik aan die aldus veranderde soort heining ontleen.

12. (1) 'n Eienaar van 'n hoeve (behalwe 'n vruggebruiker daarvan) wat 'n grensheining ten opsigte van daardie hoeve wil oprig, en 'n eienaar van 'n hoeve van wie dit ooreenkomsdig die bepalings van hierdie Wet deur die eienaar van 'n aangrensende hoeve vereis word dat hy tot die koste van 'n grensheining ten opsigte van die twee hoeves of die koste van 'n in artikel *elf* bedoelde verandering aan 'n grensheining ten opsigte van daardie hoeves bydra, het, indien die koste van die oprigting of die bydrae, na gelang van die geval, veertig rand te bowe gaan, die reg om, behoudens die bepalings van die Landbankwet, 1944 (Wet No. 13 van 1944), van die Land- en Landboubank van Suid-Afrika 'n voorskot te verkry om daardie koste of daardie bydrae, na gelang van die geval, te dek. **Reg van eienars om voorskotte van die Landbank te verkry.**

(2) Die bepalings van die „Dipbakken (Voorschotten) Wet, 1911” (Wet No. 20 van 1911), behalwe dié in sub-artikels (4) en (6) van artikel *twee* daarvan vervat, is *mutatis mutandis* van toepassing ten opsigte van so 'n voorskot of 'n aansoek daarom, met die volgende veranderings, naamlik—

- (a) die aansoek word by gemelde bank gedoen;
- (b) geen voorskot word deur gemelde bank gegee nie behalwe teen 'n sertifikaat van die Sekretaris van Landbou-

Technical Services that the provisions of the said Act as applied by this sub-section and of this Act have been complied with;

- (c) all powers and duties conferred or imposed on any department by the relevant provisions of the said Act shall for the purposes of this sub-section be deemed to have been conferred or imposed on the said bank;
- (d) any such advance and the interest thereon shall be repaid within a period not exceeding eighteen years.

Usufructuary's claim in respect of contributions paid by him as owner,

13. A usufructuary who is in terms of the definition of "owner" in section one the owner of a holding and has under any provision of this Act been required by the owner of an adjoining holding to contribute to the cost of erection, conversion or alteration of any boundary fence in respect of the two holdings, or the estate of any such usufructuary who has died, may, on the termination of the usufruct, claim from the owner who succeeds him an amount equal to the amount contributed less—

- (a) if the owner who succeeds him is in terms of section thirty-three of the Land Bank Act, 1944 (Act No. 13 of 1944), liable in respect of any advance made to the usufructuary in respect of such cost, the amount of the capital of such advance for which that owner is so liable; and
- (b) such amount, if any, in respect of depreciation of such fence or, as the case may be, of such converted or altered part thereof, as shall, in default of agreement between the usufructuary or his estate and the owner who succeeds him, be determined in accordance, *mutatis mutandis*, with the provisions of the Second Schedule.

Rights where holding held under lease is fenced.

14. (1) Where any holding fenced under this Act is held under lease, the owner may during the term of the lease claim from the lessee, as from the date when such holding became so fenced, a payment of six per cent per annum on any sum which he has paid in respect of the fence and shall, in respect of the recovery of any such payment, have the same rights as he has in law to recover rent due to him from the lessee.

(2) Upon receiving notice from the owner that he requires such payment to be made, the lessee may determine the lease, unless the owner's liability to contribute to the cost of the fence arose from any act of the lessee.

(3) If any civil proceedings are taken under this Act against a lessee for which the owner will ultimately incur any liability, the owner may intervene in and defend such proceedings, and any defence which is available to the lessee shall be available to the owner in addition to any other available defence.

Rights pertaining to boundary fencing where holding is subject to certain servitudes.

15. (1) An owner may fence his holding or contribute to the cost of erecting a boundary fence in respect of his holding notwithstanding that such holding is subject to a servitude of grazing or a servitude of watering livestock thereon in favour of any other person, provided he allows reasonable means of ingress and egress to the livestock of the servitude holder through suitable and sufficient gates.

(2) The holder of a servitude of grazing as in sub-section (1) described, shall be liable to pay to the owner of the holding a fair share of the cost of erection, maintenance and repair of the fence proportionate to his interest in the grazing rights over the holding.

(3) In default of agreement between the owner and a servitude holder as to the suitability or sufficiency of the gates referred to in sub-section (1), or as to the amount of the share of the cost referred to in sub-section (2), either of them may claim that the matter shall be determined as a dispute in accordance, *mutatis mutandis*, with the provisions of the Second Schedule.

Give-and-take line.

16. (1) Where a dividing line between any two holdings is formed by a watercourse or river (not being of such a nature as to form a natural barrier for stock) or range of hills, outcrops of solid rock or kopjes, along which it is impracticable or inexpedient to erect a fence, the owners concerned may agree on a fair give-and-take line as a dividing line to be fenced in accordance with this Act, and, in default of agreement, any

tegniese Dienste dat daar aan die bepalings van gemelde Wet soos by hierdie sub-artikel toegepas, en van hierdie Wet voldoen is;

- (c) alle bevoegdhede en pligte wat deur die betrokke bepalings van gemelde Wet aan 'n departement verleen of hom opgelê is, word by die toepassing van hierdie sub-artikel geag aan gemelde bank verleen of hom opgelê te gewees het;
- (d) so 'n voorskot en die rente daarop moet terugbetaal word binne 'n tydperk van hoogstens agtien jaar.

13. 'n Vruggebruiker wat ingevolge die omskrywing van Vorderingsreg „eienaar“ in artikel een die eienaar van 'n hoeve is en van wie van vruggebruiker dit kragtens 'n bepaling van hierdie Wet deur die eienaar van 'n aangrensende hoeve vereis is dat hy tot die koste van oprigting, omskepping of verandering van 'n grensheining ten opsigte van die twee hoeves bydra, of die boedel van so 'n vruggebruiker wat oorlede is, kan, by beëindiging van die vruggebruik, van die eienaar wat hom opvolg 'n bedrag vorder wat gelyk is aan die bygedrae bedrag min—

- (a) indien die eienaar wat hom opvolg, ingevolge artikel drie-en-dertig van die Landbankwet, 1944 (Wet No. 13 van 1944), aanspreeklik is ten opsigte van 'n voorskot aan die vruggebruiker ten opsigte van daardie koste gegee, die kapitaalbedrag van daardie voorskot waarvoor daardie eienaar aldus aanspreeklik is; en
- (b) die bedrag, indien daar is, ten opsigte van waardevermindering van bedoelde heining of, na gelang van die geval, van bedoelde omgeskepte of veranderde deel daarvan, wat, indien die vruggebruiker of sy boedel en die eienaar wat hom opvolg daaroor nie ooreenkom nie, *mutatis mutandis* ooreenkomstig die bepalings van die Tweede Bylae bepaal word.

14. (1) Waar 'n hoeve wat kragtens hierdie Wet omhein is, ingevolge 'n huurkontrak besit word, kan die eienaar gedurende die huurtermyn vanaf die datum waarop sodanige hoeve aldus omhein is, van die huurder betaling vorder van 'n bedrag bereken teen ses persent per jaar op die som wat hy ten opsigte van die heining betaal het, en het hy ten opsigte van die verhaal van so 'n bedrag die regte wat hy volgens wet het om huurgeld te verhaal wat deur die huurder aan hom verskuldig is.

Regte waar ver-
huurde hoeve
omhein word.

(2) By ontvangs van 'n kennisgewing van die eienaar dat hy betaling van so 'n bedrag verlang, kan die huurder die huurkontrak beëindig, tensy die aanspreeklikheid van die eienaar om tot die koste van die heining by te dra, uit 'n handeling van die huurder voortgespruit het.

(3) Indien 'n siviele geding kragtens hierdie Wet teen 'n huurder ingestel word waarvoor die eienaar uiteindelik aanspreeklikheid sal oploop, kan die eienaar in sodanige geding tussenbei tree en as verweerde daarby verskyn, en 'n verweer wat ter beskikking van die huurder is, is benewens enige ander beskikbare verweer ter beskikking van die eienaar.

15. (1) 'n Eienaar kan sy hoeve omhein of tot die oprigtingskoste van 'n grensheining ten opsigte van sy hoeve bydra ondanks die bestaan oor daardie hoeve van 'n serwituit van weiding of 'n serwituit van suiping ten gunste van iemand anders, mits hy redelike in- en uitgangsgeriewe vir die vee van die serwituuthouer verskaf deur middel van genoeg geskikte hekke.

Regte met
betrekking tot
grensheinings
waar hoeve
onderhewig is
aan sekere
serwitute.

(2) Die houer van 'n in sub-artikel (1) bedoelde serwituit van weiding kan deur die eienaar van die hoeve aangespreek word vir 'n billike deel van die oprigtings-, instandhoudings- en herstelkoste van die heining, eweredig met sy belang in die weidingsregte oor die hoeve.

(3) Indien die eienaar en 'n serwituuthouer nie oor die geskiktheid van die in sub-artikel (1) vermelde hekke of die voldoende hoeveelheid sodanige hekke, of oor die bedrag van die in sub-artikel (2) vermelde deel van die koste ooreenkom nie, kan enige van hulle eis dat die saak *mutatis mutandis* ooreenkomstig die bepalings van die Tweede Bylae as 'n geskil beslis word.

16. (1) Waar twee hoeves van mekaar geskei word deur 'n waterloop of rivier (wat nie van so 'n aard is dat dit 'n natuurlike versperring vir vee uitmaak nie) of 'n reeks heuwels, klipriwwe of koppies waarslangs dit ondoenlik of ondienstig is om 'n heining op te rig, kan die betrokke eienaars op 'n billike akkoordlyn besluit as 'n skeidingslyn waarslangs 'n heining kragtens hierdie Wet opgerig moet word, en, indien hulle daaroor nie

such owner may claim that the matter shall be determined as a dispute in accordance with the provisions of the Second Schedule.

(2) Any give-and-take line so agreed on or determined, shall be deemed to be the boundary line for the purposes of this Act but shall not otherwise affect the titles to such holdings.

Clearing bush for boundary fencing.

17. (1) Any person erecting a boundary fence may clear any bush along the line of the fence up to five feet on each side thereof and remove any tree standing in the immediate line of the fence.

(2) The cost of such clearing shall be deemed to be part of the cost of erecting the fence.

Access to land for purpose of boundary fencing.

18. (1) Any person erecting, converting, altering or repairing any boundary fence, whether under this Act or otherwise, shall at all times have access to any land for himself and his servants, implements, materials, animals and vehicles for the purpose of carrying out the work reasonably required therefor.

(2) Nothing in sub-section (1) contained shall authorize the entry, without the consent of the occupier, upon land under cultivation or any garden, plantation, orchard or pleasure ground, or the cutting down, lopping or damaging of any fruit tree, ornamental tree or shrub.

Access to land by authorized persons for certain purposes.

19. Any person authorized by the Department of Agricultural Technical Services acting through an officer delegated thereto by the Minister, and any person appointed or nominated to determine a dispute in accordance with the provisions of the Second Schedule, may enter upon any land and value, measure, survey, take grades and levels, fell trees, cut fences and do all other acts necessary for the purpose of inspection, valuation or survey or of carrying out any provision of this Act: Provided that any damage caused by the exercise of the powers conferred by this section shall be repaired and, in so far as repair is not possible, the amount of the damage (which in default of agreement, shall be determined in accordance, *mutatis mutandis*, with the provisions of the Second Schedule) shall be paid to the owner.

Fencing-off of railway lines.

20. (1) The owner of any railway line which traverses any holding shall, at his own expense, erect and maintain on either side of such line a sufficient fence with adequate crossing facilities at every place where a public road traverses such line and at any other place where such facilities are reasonably necessary in order to enable livestock to cross such line from one part of such holding to another: Provided that half the cost of any such facilities required at any such other place shall be paid by the owner of the holding affected.

(2) Subject, in any case where a public road traverses the line, to the approval of the road authority concerned, gates of such number and structure as may be agreed on between the owner of such line and the owner of such holding or as may, in default of agreement, be determined in accordance, *mutatis mutandis*, with the provisions of the Second Schedule, shall be erected in such fence at any place where such crossing facilities are provided.

(3) The State President may by proclamation in the *Gazette* exempt any area from the operation of this section.

Gates.

21. (1) (a) Subject to the provisions of paragraphs (b) and (c), the owner of any fence crossing a public road, shall allow an opening of not less than fifteen feet across the road and shall erect and maintain in good order a gate made of iron or wood or of an iron or wooden frame spanned with wire, placed as near as possible at right angles to the road and properly fixed by means of hinges or pivots to posts erected for the purpose, so as to facilitate the opening and closing of the gate and to ensure that it will swing clear of the ground.

(b) Where any road authority exists, such authority shall prescribe the types and width of gates which may be erected across any road in its area.

(c) Nothing in this sub-section contained shall apply in any area in which the provisions of section *twenty* of The Road Boards Act, 1901 (Act No. 35 of 1901), of Natal, are in force, or in which any road authority lawfully prohibits the erection of gates across public roads.

ooreenkom nie, kan enigeen van daardie eienaars eis dat die saak ooreenkomsdig die bepalings van die Tweede Bylae as 'n geskil beslis word.

(2) 'n Akkoordlyn waarop aldus besluit of wat aldus bepaal is, word by die toepassing van hierdie Wet geag die grenslyn te wees maar raak andersins nie die eiendomsreg op daardie hoeves nie.

17. (1) Iemand wat 'n grensheining oprig, kan die lyn waarlangs die heining loop tot vyf voet weerskante daarvan van bos skoonmaak en bome verwijder wat reg op die lyn staan. **Skoonmaak van lyn vir grensheining.**

(2) Die koste van sodanige skoonmaak word geag deel van die oprigtingskoste van die heining te wees.

18. (1) Iemand wat 'n grensheining kragtens hierdie Wet of andersins oprig, omskep, verander of herstel, het te alle tye vir homself en sy werknemers, gereedskap, materiaal, diere en voertuie reg van toegang tot enige grond vir die doeleindeste van grensheinings. **Toegang tot grond vir doeleindeste in verband met werkverrigting wat redelikerwys daarvoor nodig is.**

(2) Die bepalings van sub-artikel (1) verleen geen reg om bewerkte grond of 'n tuin, plantasie, boord of ontspanningsterrein sonder toestemming van die bewoner te betree nie of om 'n vrugteboom, sierboom of struik te vel, te snoei of te beskadig nie.

19. Iemand wat daartoe gemagtig is deur die Departement van Landbou-tegniese Dienste handelende deur 'n beampete deur die Minister vir die doel aangewys, en iemand wat aangestel of benoem is om 'n geskil ooreenkomsdig die bepalings van die Tweede Bylae te beslis, kan enige grond betree en waardes bepaal, mate neem, opmetings doen, hellings en hoogtes bepaal, bome vel, heinings deursny en alle ander handelinge verrig wat vir inspeksie, waardebepaling of opmeting of vir die uitvoering van 'n bepaling van hierdie Wet nodig is: Met dien verstande dat skade veroorsaak deur die uitoefening van die magte by hierdie artikel verleen, herstel word en, in soverre herstel nie moontlik is nie, die bedrag van die skade (wat, indien 'n ooreenkoms daaroor nie bereik word nie, *mutatis mutandis* ooreenkomsdig die bepalings van die Tweede Bylae bepaal word) aan die eienaar betaal word. **Toegang tot grond deur gemagtigde persone vir sekere doeleindeste.**

Tweede Bylae te beslis, kan enige grond betree en waardes bepaal, mate neem, opmetings doen, hellings en hoogtes bepaal, bome vel, heinings deursny en alle ander handelinge verrig wat vir inspeksie, waardebepaling of opmeting of vir die uitvoering van 'n bepaling van hierdie Wet nodig is: Met dien verstande dat skade veroorsaak deur die uitoefening van die magte by hierdie artikel verleen, herstel word en, in soverre herstel nie moontlik is nie, die bedrag van die skade (wat, indien 'n ooreenkoms daaroor nie bereik word nie, *mutatis mutandis* ooreenkomsdig die bepalings van die Tweede Bylae bepaal word) aan die eienaar betaal word.

20. (1) Die eienaar van 'n spoorlyn wat oor 'n hoewe loop, moet op eie koste aan weerskante van sodanige spoorlyn 'n toereikende heining oprig en in stand hou, met geskikte oorweggeriewe op elke plek waar 'n openbare pad oor sodanige spoorlyn loop en op elke ander plek waar sodanige geriewe redelikerwys nodig is ten einde vee in staat te stel om oor sodanige spoorlyn van een deel van die hoewe na 'n ander te gaan: Met dien verstande dat helfte van die koste van sodanige geriewe wat op so 'n ander plek benodig word deur die eienaar van die betrokke hoewe betaal word.

(2) Onderworpe aan die goedkeuring van die betrokke padowerheid in 'n geval waar 'n openbare pad oor die spoorlyn loop, word op elke plek waar sodanige oorweggeriewe verskaf word die getal en die soort hekke in bedoelde heining aangebring wat by ooreenkoms tussen die spoorlyneienaar en die hoewe-eienaar bepaal word of, indien hulle daaroor nie ooreenkoms nie, wat *mutatis mutandis* ooreenkomsdig die bepalings van die Tweede Bylae bepaal word.

(3) Die Staatspresident kan by proklamasie in die *Staatskoerant* enige gebied van die toepassing van hierdie artikel vrystel.

21. (1) (a) Behoudens die bepalings van paragrawe (b) en Hekke.

(c) moet die eienaar van 'n heining wat oor 'n openbare pad loop, 'n opening van minstens vyftien voet oor die pad laat en so na moontlik reghoekig op die pad 'n hek aanbring en in goeie orde hou, wat van yster of hout of van 'n yster- of houtraam met draad bespan gemaak is en behoorlik deur middel van skarniere of spille aan vir die doel opgerigte pale vasgemaak is sodat die hek maklik oop- en toegebring kan word en vry bo die grond kan swaai.

(b) Waar 'n padowerheid bestaan, word die soort hekke en die wydte van hekke wat oor enige pad in sy gebied aangebring kan word, deur sodanige owerheid voorgeskrif.

(c) Die bepalings van hierdie sub-artikel is nie van toepassing nie in 'n gebied waarin die bepalings van artikel *twintig* van „The Road Boards Act, 1901“ (Wet No. 35 van 1901), van Natal, van krag is, of waarin 'n padowerheid die aanbring van hekke oor openbare paaie wettiglik verbied.

(2) A provincial council may make ordinances in regard to contrivances in gaps in fences crossing or near public roads, which are designed to permit the passage of motor vehicles but to prevent the passage of livestock over or through such contrivances.

Leaving gates open.

22. Any person who—

- (a) opens and leaves open or unfastened; or
- (b) finding open on passing through, neglects to shut and fasten,

a gate in any fence shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months or, in the case of a second or subsequent conviction, to such imprisonment without the option of a fine.

Climbing or crawling over or through fences without permission.

23. Any person who climbs or crawls over or through any fence or gate without the permission of the owner or lessee of the land upon which such fence or gate is situated, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.

Wilful damaging or removal of fences.

24. Any person who wilfully damages or removes any fence or gate or any contrivance forming part or serving the purpose of a gate, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred and fifty rand or, in default of payment, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.

Climbing or crawling over or through, and damaging or removing fences authorized in connection with destruction of vermin.

25. The provisions of section *twenty-three* or *twenty-four* shall not render it unlawful for any member of a club registered in terms of any ordinance relating to the destruction of vermin or for any person in the service of a divisional council or provincial administration to climb or to crawl over or through any fence or gate without the permission referred to in section *twenty-three* or to damage or to remove any fence or gate with the intent contemplated by section *twenty-four* if such member or such person does so in the exercise of powers conferred by such ordinance and during the course and for the purposes of a hunt organized and carried out in terms of such ordinance by the club to which such member belongs or the divisional council or provincial administration employing such person, provided the said club, council or administration, as the case may be—

(a) gives prior notice, by publication in a newspaper circulating in the area in which the hunt is to be carried out or to the owner or occupier of the land on which such fence or gate is situated personally, of the hunt and the week during which it is to be carried out;

(b) within seven days after such fence or gate is so damaged or removed, restores it to the condition in which it was immediately prior to being so damaged or removed, and, until it is so restored, places a guard at any opening in such fence or gate caused by such damage or removal and, in the case of a jackal-proof fence, places such fence, on the day it is so damaged or removed, in such a condition that the passage of jackals at the place where it is so damaged or removed, is prevented.

Unintentional damaging of fencing.

26. (1) Any person who unintentionally damages any fence or gate situated on a holding or on a public road within a holding, shall forthwith repair the damage or, if he is unable to repair it, report the damage and his inability to repair it to the owner or any lessee of the holding and deposit or give security for such sum as may be reasonably sufficient to cover the cost of the repair, and the owner or such lessee shall thereupon on request give such person a written acknowledgement of the sum deposited or secured.

(2) Any person who fails to comply with the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.

Failure to give name after damaging fence.

27. Any person who, having climbed or crawled over or through any fence or gate without permission, or having damaged any fence or gate, fails to give his correct name and address, on request by the owner or lessee of the land on which

(2) 'n Provinciale raad kan ordonnansies maak in verband met toestelle in openings in heinings oor of naby openbare paaie, wat bedoel is om motorvoertuie daaroor of daardeur te laat dog die oor- of deurgang van vee te verhinder.

22. Iemand wat 'n hek in 'n heining—

Ooplaat van hekke.

(a) oopmaak en oop of los laat bly; of

(b) wat hy oop aantref as hy daardeur gaan, nie toe- en vasmaak nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande, of, in die geval van 'n tweede of daaropvolgende skuldigbevinding, met sodanige gevangenisstraf sonder die keuse van 'n boete.

23. Iemand wat oor of deur 'n heining of hek klim of kruip Klim of kruip oor of deur sonder die toestemming van die eienaar of huurder van die heinings sonder grond waarop sodanige heining of hek geleë is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

24. Iemand wat 'n heining of hek of 'n toestel wat deel uit- maak of in die plek dien van 'n hek opsetlik beskadig of ver- Opsetlike be- wyder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar skadiging of verwydering van met 'n boete van hoogstens honderd-en-vyftig rand of, by wan- betaling, met gevangenisstraf vir 'n tydperk van hoogstens ses heinings. maande, of met sodanige gevangenisstraf sonder die keuse van 'n boete.

25. Die bepalings van artikel *drie-en-twintig* of *vier-en-twintig* Klim of kruip oor of deur, en maak dit nie vir 'n lid van 'n klub geregistreer ingevolge 'n beskadiging of ordonnansie met betrekking tot die uitroeiling van ongedierte of verwydering van vir 'n persoon in diens van 'n afdelingsraad of provinsiale heinings administrasie onwettig nie om sonder die in artikel *drie-en- twintig* bedoelde toestemming oor of deur 'n heining of hek te gemagtig in klim of te kruip of met die in artikel *vier-en-twintig* beoogde verband met uitroeiling van opset 'n heining of hek te beskadig of te verwyder, indien sodanige lid of sodanige persoon aldus optree by die uitoefening van bevoegdhede deur sodanige ordonnansie verleen en gedurende die loop en vir die doeleindes van 'n jag ingevolge sodanige ordonnansie georganiseer en uitgevoer deur die klub waaraan sodanige lid behoort of die afdelingsraad of provinsiale administrasie wat sodanige persoon in diens het, mits sodanige klub, raad of administrasie, na gelang van die geval—

(a) vooraf, deur afkondiging in 'n nuusblad in omloop in die gebied waarin die jag sal plaasvind of aan die eienaar of bewoner van die grond waarop sodanige heining of hek geleë is persoonlik kennis gee van die jag en die week waartydens dit sal plaasvind;

(b) binne sewe dae nadat sodanige heining of hek aldus beskadig of verwyder word dit in dieselfde toestand waarin dit onmiddellik voor die jag was, herstel en tot-dat dit aldus herstel word 'n wag by 'n opening in sodanige heining of hek wat deur bedoelde beskadiging of verwydering veroorsaak is, plaas en, in die geval van 'n jakkalsheining, sodanige heining op die dag waarop dit aldus beskadig of verwyder word, in so 'n toestand bring dat die deurgaan van jakkalse by die plek waar dit aldus beskadig of verwyder word, voorkom word.

26. (1) Iemand wat 'n heining of hek op 'n hoewe of op 'n openbare pad binne die grense van 'n hoewe onopsetlik beskadig, moet die skade onverwyld herstel of, indien hy nie in staat is om dit te herstel nie, die skade en sy onvermoë om dit te herstel aan die eienaar of 'n huurder van die eiendom rapporteer en die som wat redelikerwys voldoende is om die herstelkoste te dek, deponeer of sekuriteit daarvoor gee, en vervolgens moet die eienaar of sodanige huurder op versoek die ontvangs van die gedeponeerde of versekerde som skriftelik erken.

(2) Iemand wat versuim om aan die bepalings van sub-artikel (1) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

27. Iemand wat sonder toestemming oor of deur 'n heining of hek geklim of gekruip het of wat 'n heining of hek beskadig het naam te verstrek en versuim om op versoek van die eienaar of huurder van die na beskadiging grond waarop dit geleë is of van iemand deur die eienaar of van heining. huurder daartoe gemagtig, sy korrekte naam en adres te verstrek,

such fence or gate is situated or by some person authorized thereto by such owner or lessee, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.

Penalties where not expressly provided.

28. Any person who contravenes or wilfully fails to comply with any provision of this Act in respect of which no penalty is expressly provided, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rand or, in default of payment, to imprisonment for a period not exceeding three months.

Settlement of disputes.

29. Whenever, under this Act, two owners are unable to agree as to—

- (a) the specifications of any boundary fence proposed to be erected or altered;
- (b) the value to either owner of any boundary fence;
- (c) the use which either owner is making of any boundary fence and whether such use is beneficial use and, if so, the extent to which it is being made; or
- (d) any other matter in respect of which a dispute has arisen between them,

the provisions set out in the Second Schedule shall apply.

Civil jurisdiction of magistrates' courts.

30. The magistrate's court of the district in which the defendant in any civil proceedings under this Act resides, shall have jurisdiction to entertain such proceedings and give judgment for the amount claimed, notwithstanding that the proceedings or the amount claimed is under the law relating to magistrates' courts, outside the ordinary jurisdiction of that court.

Non-liability of owner or occupier of holding in respect of certain injuries or damage.

31. No owner or occupier of a holding shall be held liable in damages in respect of an injury or damage caused to any person or property by such person or property coming into contact with any fence, unless the injury was occasioned by the negligence of such owner or occupier in erecting, altering, maintaining or repairing such fence.

The State's rights and duties.

32. The State shall in relation to any holding in respect of which it is the owner or lessee, whether by registration or otherwise, have all the rights, obligations and duties conferred or imposed on the owner or lessee of a holding by or under this Act.

Repeal of laws, and savings.

33. (1) Subject to the provisions of sub-sections (2), (3) and (4), the Fencing Act, 1912 (Act No. 17 of 1912), the Fencing Act Amendment Act, 1922 (Act No. 11 of 1922), the Fencing Act Amendment Act, 1934 (Act No. 24 of 1934), the Fencing Act Amendment Act, 1940 (Act No. 11 of 1940), and the Fencing Amendment Act, 1962 (Act No. 57 of 1962), are hereby repealed.

(2) Any proclamation, notice, order or appointment issued, given or made, or any other action taken or thing done under any provision of a law repealed by sub-section (1), shall be deemed to have been issued, given, made, taken or done under the corresponding provision of this Act.

(3) Every area which at the commencement of this Act is in terms of sub-section (5) of section *five* of the said Fencing Act, 1912, deemed to be an area proclaimed under that section, shall be deemed to be an area in respect of which a proclamation under section *two* has been issued.

(4) The repeal of the said Fencing Act, 1912, shall not affect any act or right to which at the commencement of this Act the provisions of section *forty-one* of that Act apply.

Short title.

34. This Act shall be called the Fencing Act, 1963.

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

28. Iemand wat 'n bepaling van hierdie Wet ten opsigte waarvan geen straf uitdruklik bepaal word nie, oortree of opsetlik versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig rand of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

29. Wanneer ingevolge hierdie Wet twee eienaars nie ooreenstemming kan bereik nie aangaande—

- (a) die spesifikasies van 'n grensheining wat opgerig of verander staan te word;
- (b) die waarde van 'n grensheining vir enigeen van die twee eienaars;
- (c) die gebruik wat enigeen van die twee eienaars van 'n grensheining maak en of daardie gebruik voordelige gebruik is en, indien wel, die mate waarin dit gemaak word; of
- (d) enige ander aangeleentheid ten opsigte waarvan 'n geskil tussen hulle ontstaan het,

is die bepalings wat in die Tweede Bylae uiteengesit is, van toepassing.

Strawwe waar nie uitdruklik bepaal nie.

Beslissing van geskille.

30. Die landdroshof van die distrik waarin die verweerde by 'n siviele geding kragtens hierdie Wet woon, is bevoeg om bedoelde geding te bereg en die geëiste bedrag aan die eiser toe te ken, nieteenstaande die geding of die geëiste bedrag kragtens die wet met betrekking tot landdroshowe buite die gewone reg-bevoegdheid van daardie hof is.

Siviele bevoegdheid van landdroshowe.

31. Geen eienaar of okkuperer van 'n hoeve word ten opsigte van 'n besering aan 'n persoon of beskadiging van eiendom wat veroorsaak word deurdat sodanige persoon of eiendom met 'n heining in aanraking kom, vir skadevergoeding aanspreeklik gehou nie tensy die besering of beskadiging deur die nalatigheid beserings of skade van die eienaar of okkuperer met die oprigting, verandering, instandhouding of herstel van die heining teweeggebring is.

Nie-aanspreeklikheid van eienaar of bewoner van hoeve ten opsigte van sekere

32. Die Staat het met betrekking tot 'n hoeve waarvan hy het sy deur registrasie of andersins die eienaar of huurder is, al die regte, verpligtings en pligte by of kragtens hierdie Wet aan die eienaar of huurder van 'n hoeve verleen of hom opgelê.

Die Staat se regte en pligte.

33. (1) Behoudens die bepalings van sub-artikels (2), (3) en (4), word die Omheiningswet, 1912 (Wet No. 17 van 1912), die „Omheiningswet Wijzigings Wet, 1922“ (Wet No. 11 van 1922), die Omheinings-Wysigingswet, 1934 (Wet No. 24 van 1934), die Omheinings-wysigingswet, 1940 (Wet No. 11 van 1940), en die Omheiningswysigingswet, 1962 (Wet No. 57 van 1962), hierby herroep.

Herroeping van wette, en voorbehoud.

(2) 'n Proklamasie, kennisgewing, bevel of aanstelling uitgereik, verstrek of gemaak, of enige ander stappe of enigiets gedoen ingevolge die bepalings van 'n by sub-artikel (1) herroep wet, word geag ingevolge die ooreenstemmende bepaling van hierdie Wet uitgereik, verstrek, gemaak of gedoen te gewees het.

(3) Elke gebied wat by die inwerkingtreding van hierdie Wet ingevolge sub-artikel (5) van artikel vyf van die gemelde Omheiningswet, 1912, geag word 'n kragtens daardie artikel geproklameerde gebied te wees, word geag 'n gebied te wees ten opsigte waarvan 'n proklamasie kragtens artikel twee uitgereik is.

(4) Die herroeping van die gemelde Omheiningswet, 1912, raak nie 'n handeling of reg waarop die bepalings van artikel een-en-veertig van daardie Wet by die inwerkingtreding van hierdie Wet van toepassing is nie.

34. Hierdie Wet heet die Omheiningswet, 1963.

Kort titel.

First Schedule.**NOTICE OF INTENTION TO FENCE.**

To.....

Owner/Agent of Owner of farm or holding.....

Address.....

Take notice in terms of section *seven* of the Fencing Act, 1963, that I intend to erect a fence along the boundary between my farm/holding

No..... and your farm/holding.....

No.....

The work will be commenced on or about the day of

..... 19..... in accordance with the specifications annexed hereto, and I request you to inform me whether it is your intention to contribute either labour or material, or both, towards this fencing.

If no reply or objection to the proposed specifications reaches me within the period prescribed by the said section *seven*, the work will be proceeded with in the usual manner.

Signature.....
Owner/Agent for Owner.

Date.....

SPECIFICATIONS OF FENCE.

1. Height of fence: feet, inches.

2. Number of wires: Barbed..... Plain.....

3. Distance apart of wires in inches from ground upwards:.....

4. Nature of straining posts:.....

5. Distance apart of straining posts: yards.

6. Nature of standards:
(i.e. stone pillars, iron standards—lbs., wooden posts—minimum diameter in inches; etc.).

7. Distance apart of standards yards.

8. Nature of droppers:.....

9. Distance apart of droppers: feet.

10. Number of gates: single.....
double.....

11. Length of proposed fence: yards.

12. Remarks:.....

.....

.....

13. Estimated cost including erection: R.....

Owner/Agent for Owner.

Second Schedule.**DISPUTES.**

1. An owner who is a party to the dispute may serve on the other owner a notice in writing stating that he desires the matter in dispute to be determined by a board appointed in accordance with and having the powers set out in this Schedule.

2. The board shall consist of three members (of whom none shall be related to any of the parties) appointed as in this Schedule provided, unless the two owners mutually agree that one person shall determine the matter, and further agree as to who that person shall be. Such person shall have all the powers conferred on the board by this Schedule.

3. In default of such agreement each owner shall within fourteen days after the date of the notice aforesaid nominate one person as a member of the board, and shall inform the other owner of the name and address of the person so nominated.

4. If after the expiry of the said period either owner has made default in complying with paragraph 3 the other owner may request—

(a) the magistrate of the district in which the two holdings are situated; or,

(b) if the holdings are situated in different districts, the magistrate whose seat of magistracy is nearest to the place which is or will be the central point of the boundary fence,

Eerste Bylae.**KENNISGEWING VAN VOORNEME OM TE OMHEIN.**

Aan.....

Eienaar/Agent van Eienaar van plaas of hoeve.....

Adres.....
Neem kennis ingevolge artikel *sewe* van die Omheiningswet, 1963, dat ek van voorneme is om 'n heining op te rig langs die grenslyn van my plaas/hoeve.....No. en u plaas/hoewe.....
No.'n Aanvang met die werk sal op of ongeveer die dag van
19 gemaak word ooreenkomstig die spesifikasies hierby aangeheg, en ek versoek u om my mee te deel of dit u voorneme is om arbeid of materiaal, of albei, tot hierdie omheining by te dra.Indien geen antwoord op of beswaar teen die voorgestelde spesifikasies my binne die tydperk by die gemelde artikel *sewe* voorgeskryf, bereik nie sal op die gewone wyse met die werk voortgegaan word.Handtekening.....
Eienaar/Agent van Eienaar.

Datum.....

SPESIFIKASIES VAN HEINING.

1. Hoogte van heining: voet, duim.
2. Getal drade: Doringdraad , gladde draad
3. Afstand in duime tussen drade vanaf grond na bo:
4. Soort trekpale:
5. Afstand tussen trekpale: jaarts.
6. Soort staanpale: (d.w.s. klippale, ysterpale—lbs., houtpale—minimum deursnee in duime; ens.).
7. Afstand tussen staanpale: jaarts.
8. Soort sparre:
9. Afstand tussen sparre: voet.
10. Aantal hekke: enkel.....
dubbel.....
11. Lengte van voorgestelde heining: jaarts.
12. Opmerkings:
13. Beraamde koste, insluitende oprigting: R.....

*Eienaar/Agent van Eienaar.***Tweede Bylae.****GESKILLE.**

1. 'n Eienaar wat 'n party is by die geskil kan aan die ander eienaar skriftelik kennis gee dat hy verlang dat die saak in geskil deur 'n raad aangestel ooreenkomstig hierdie Bylae en met die bevoegdhede daarin uiteengesit, beslis word.

2. Die raad bestaan uit drie lede (van wie geeneen aan enigeen van die partye verwant is nie) aangestel soos in hierdie Bylae bepaal, tensy die twee eienars onderling ooreenkomen dat een persoon die saak moet beslis en verder ooreenkomen wie daardie persoon moet wees. Sodanige persoon het al die magte wat by hierdie Bylae aan die raad verleen word.

3. By gebreke van sodanige ooreenkoms benoem elke eienaar binne veertien dae na die datum van voormelde kennisgewing, een persoon as 'n lid van die raad en verwittig hy die ander eienaar van die naam en adres van die persoon aldus benoem.

4. Indien enigeen van die twee eienars na verstryking van gemelde tydperk in gebreke bly om aan paragraaf 3 te voldoen, kan die ander eienaar—

- (a) die landdros van die distrik waarin die twee hoeves geleë is; of
- (b) indien die hoeves in verskillende distrikte geleë is, die landdros, wie se setel naaste is aan die plek wat die middelpunt van die grensheining is of sal wees,

to appoint forthwith a member of the board to act in the place of the person who should have been nominated by the defaulting owner, and the magistrate shall forthwith comply with the request.

5. Notice of appointment shall forthwith be given by the appointing owner or the appointing magistrate, as the case may be, to a member appointed as aforesaid, and the two members so appointed shall within fourteen days after the giving of such notice nominate a third person to be a member of the board.

6. If at the expiry of the lastmentioned period of fourteen days the said two members have made default in agreeing upon a third member, the magistrate aforesaid shall, at the request of either owner, appoint a third member. Notice of the appointment shall forthwith be given to the third member by one or other of the owners or by the appointing magistrate, as the case may be.

7. The board shall proceed to determine the matter in dispute as soon as possible after the third member has received his notice of appointment.

8. The third member shall be chairman of the board and shall summon all meetings of the board.

9. For the purpose of determining the matter in dispute the board shall have power to summon and hear witnesses, to administer the oath to witnesses, to call for the production of papers and documents, and to enter upon and inspect the holdings concerned or any adjacent holding.

10. The decision of the majority of the members shall be the decision of the board and shall be binding on both owners.

11. The board shall have power to award to either owner as against the other owner the costs of or incidental to the determination of the matter in dispute, including such reasonable remuneration of and expenditure by the board as does not exceed six rand per day for each member.

12. Any decision of the board, including any decision as to costs, may be enforced in the same manner and by the same persons as a judgment or order of the magistrate's court of the district.

13. For the purposes of carrying out any of the powers of the board and of the payment of allowances to witnesses, the law relating to magistrates' courts shall, save as otherwise provided in this Schedule, *mutatis mutandis* apply.

14. Any costs awarded by the board may at the request of the owner against whom the award was made, be taxed by the clerk of the magistrate's court of the district in accordance with the law relating to magistrates' courts.

No. 33, 1963.]

ACT

To amend the Electricity Act, 1958.

(Afrikaans text signed by the State President.)
(Assented to 27th April, 1963.)

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

Amendment of
section 4 of
Act 40 of 1958.

1. Section *four* of the Electricity Act, 1958 (hereinafter referred to as the principal Act), is hereby amended by the addition to sub-section (1) of the following paragraphs:

- "(t) to undertake research in connection with generating, conducting or distributing electricity;
- "(u) to make donations to the Atomic Energy Board established by the Atomic Energy Act, 1948 (Act No. 35 of 1948), for purposes of research.”.

Amendment of
section 16 of
Act 40 of 1958.

2. Section *sixteen* of the principal Act is hereby amended by the insertion in sub-section (2) after the words “administration charges” of the expression “(which shall include any expenditure incurred by virtue of the powers conferred by paragraph (t) or (u) of sub-section (1) of section *four*)”.

Short title
and date of
commencement.

3. This Act shall be called the Electricity Amendment Act, 1963, and shall be deemed to have come into operation on the first day of January, 1959.

versoek om onverwyld 'n lid van die raad aan te stel om in die plek van die persoon op te tree wat deur die versuimende eienaar benoem moes gewees het, en die landdros voldoen onverwyld aan die versoek.

5. Kennis van aanstelling word onverwyld deur die eienaar of landdros wat die aanstelling doen, na gelang van die geval, aan 'n aldus aangestelde lid gegee en die twee lede aldus aangestel, benoem binne veertien dae na sodanige kennisgewing 'n derde persoon as lid van die raad.

6. Indien gemelde twee lede na verstryking van laasgenoemde tydperk van veertien dae in gebreke bly om oor 'n derde lid ooreen te kom, benoem voormalde landdros, op versoek van enigeen van die twee eienaars, 'n derde lid. Kennis van die aanstelling word onverwyld deur die een of ander eienaar of deur die landdros wat die aanstelling doen, na gelang van die geval, aan die derde lid gegee.

7. Die raad gaan so spoedig moontlik na ontvangs deur die derde lid van sy aanstellingskennisgewing oor tot beslissing van die saak in geskil.

8. Die derde lid is voorsitter van die raad en belê alle vergaderings van die raad.

9. By beslissing van die saak in geskil is die raad bevoeg om getuies te dagvaar en aan te hoor, die eed van getuies af te neem, die oorlegging van stukke en dokumente te vereis en die betrokke hoeves of 'n aangrensende hoeve te betree en te inspekteer.

10. Die besluit van die meerderheid van die lede is die besluit van die raad en is bindend op albei eienaars.

11. Die raad is bevoeg om die koste van of verbonde aan die beslissing van die saak, met inbegrip van die redelike beloning en uitgawes van die raad wat ses rand per dag ten opsigte van elke lid nie te bowe gaan nie, aan enigeen van die twee eienaars teenoor die ander eienaar toe te ken.

12. 'n Besluit van die raad, met inbegrip van 'n besluit aangaande koste, kan afgedwing word op die manier waarop en deur die persone deur wie 'n uitspraak of bevel van die landdroshof van die distrik afgedwing word.

13. Behoudens wat hierdie Bylae bepaal, is die wet met betrekking tot landdroshowe *mutatis mutandis* van toepassing by die uitoefening van 'n bevoegdheid van die raad en die betaling van toelaes aan getuies.

14. Koste deur die raad toegeken, kan op versoek van die eienaar teen wie dit toegeken is, deur die klerk van die landdroshof van die distrik getakseer word ooreenkomsdig die wet met betrekking tot landdroshowe.

No. 33, 1963.]

WET

Tot wysiging van die Elektrisiteitswet, 1958.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 April 1963.)

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

5 1. Artikel vier van die Elektrisiteitswet, 1958 (hieronder die Wysiging van Hoofwet genoem), word hierby gewysig deur die volgende artikel 4 van paragrawe by sub-artikel (1) te voeg: Wet 40 van 1958.

- “(t) om navorsing in verband met die ontwikkeling, geleiding of distribusie van elektrisiteit te onderneem;
- 10 (u) om aan die by die Wet op Atoomkrag, 1948 (Wet No. 35 van 1948), ingestelde Raad op Atoomkrag skenkings vir navorsingsdoeleindes te doen.”.

2. Artikel sesien van die Hoofwet word hierby gewysig deur in sub-artikel (2) na die woord “bestuurkoste” die uit-drukking “waarby enige uitgawes aangegaan uit hoofde van die bevoegdhede verleen by paragraaf (t) of (u) van sub-artikel (1) van artikel vier inbegrepe is” in te voeg.

3. Hierdie Wet heet die Wysigingswet op Elektrisiteit, 1963, Kort titel en en word geag op die eerste dag van Januarie 1959 in werking te datum van getree het. inwerkingtreding.

No. 32, 1963.]

ACT**To amend the Removal of Restrictions in Townships Act, 1946.**

*(English text signed by the State President.)
(Assented to 27th April, 1963.)*

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

Amendment of section 1 of Act 48 of 1946, as amended by section 1 of Act 6 of 1948 and section 1 of Act 58 of 1951.

1. Section *one* of the Removal of Restrictions in Townships Act, 1946, is hereby amended—

- (a) by the addition to sub-section (2) of the words “except in so far as such condition relates to the occupation of land which is used or is intended to be used for public purposes by the State or an urban local authority (as defined in section *one* of the Natives (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945));” and
 - (b) by the substitution for paragraph (b) of sub-section (3) of the following paragraph:
- “(b) the land in question is required—
- (i) for ecclesiastical purposes; or
 - (ii) for public purposes by the State or an urban local authority (as defined in section *one* of the Natives (Urban Areas) Consolidation Act, 1945); or
 - (iii) for the use or erection of any building by the State or an urban local authority, as so defined, or for purposes incidental thereto.”.

2. Any variation of a restrictive condition imposed in respect of land under a law relating to the establishment of townships, which purports to have been effected by the Administrator of a province in accordance with an Ordinance of that province prior to the first day of October, 1962, is hereby validated.

Validation of variation of restrictive conditions on land under ordinance of provincial council.

Short title.

3. This Act shall be called the Removal of Restrictions in Townships Amendment Act, 1963.

No. 32, 1963.]

WET**Tot wysiging van die Wet op Opheffing van Beperkings in Dorpe, 1946.**

(Engelse teks deur die Staatspresident geteken.)
 (Goedgekeur op 27 April 1963.)

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

1. Artikel een van die Wet op Opheffing van Beperkings in Dorpe, 1946, word hierby gewysig—

- (a) deur by sub-artikel (2) die woorde „behalwe vir sover so 'n voorwaarde betrekking het op die okkupasie van grond wat deur die Staat of 'n stedelike plaaslike bestuur (soos in artikel een van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945) omskryf), vir openbare doeleindeste gebruik word of bestem is vir gebruik vir sodanige doeleindeste“ by te voeg; en
- (b) deur paragraaf (b) van sub-artikel (3) deur die volgende paragraaf te vervang:
 „(b) die betrokke grond—
 (i) vir kerklike doeleindeste; of
 (ii) vir openbare doeleindeste deur die Staat of 'n stedelike plaaslike bestuur (soos in artikel een van die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, omskryf); of
 (iii) vir die gebruik of oprigting van 'n gebou deur die Staat of 'n stedelike plaaslike bestuur soos aldus omskryf,
 of daarmee in verband staande doeleindeste benodig word.“.

Wysiging van artikel 1 van Wet 48 van 1946, soos gewysig deur artikel 1 van Wet 6 van 1948 en artikel 1 van Wet 58 van 1951.

2. Enige wysiging van 'n beperkende voorwaarde ingevolge 'n wetsbepaling op die stigting van dorpe ten opsigte van grond opgelê, wat voor die eerste dag van Oktober 1962 deur 'n Administrateur van 'n provinsie teweeggebring heet te gewees het ooreenkomsdig die bepalings van 'n Ordonnansie van daardie provinsie, word hierby geldig verklaar.

Wettiging van wysiging van beperkende voorwaardes op grond kragtens ordonnansie van provinsiale raad.

3. Hierdie Wet heet die Wysigingswet op Opheffing van Kort titel. Beperkings in Dorpe, 1963.