



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

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

Vol. 145]

KAAPSTAD, 20 JULIE 1977

CAPE TOWN, 20 JULY 1977

[No. 5657

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1347.

20 Julie 1977.

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

No. 105 van 1977: Wysigingswet op die Vaalrivier-uitbreidingskema, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 1347.

20 July 1977.

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

No. 105 of 1977: Vaal River Development Scheme Amendment Act, 1977.

ACT

To amend the Vaal River Development Scheme Act, 1934, so as to provide that a right conferred under section 6, shall attach to the land in respect of which that right is conferred; to empower the Minister to issue, subject to conditions, an authorization according to which, in the case of any subdivision of land, the respective owners thereof may determine by agreement, or in the case of any owner of two or more pieces of land, that owner himself, may determine the water rights in respect of each of such pieces of land; to empower the Minister to amend or replace permits under certain circumstances; to provide for the levying of interest on arrear taxes and charges referred to in section 7; to provide for the delegation of powers of the Minister; to increase the fines which may be imposed in terms of the said Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 11 July 1977.)

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 6 of
Act 38 of 1934.

1. (1) Section 6 of the Vaal River Development Scheme Act, 1934 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (4) of the following subsection:

- “(4) (a) Subject to the provisions of paragraph (b), any permit issued under this Act or any right conferred under this section shall attach to the land or undertaking in respect of which it is issued or conferred and shall, while such permit or right remains of force, be available to any successor in title of the person to whom such permit was issued or to whom such right was conferred, as the case may be.
- (b) Notwithstanding the provisions of paragraph (a), the Minister may with a view to the beneficial use of water for agricultural purposes and subject to such conditions as he may deem fit—
- (i) issue, in respect of land of which the owner concerned is entitled to the abstraction of a fixed amount of water under this section and which is subdivided, an authorization to the owners of the respective subdivisions to determine by agreement that part of the said amount of water which may in respect of each such subdivision be abstracted after such subdivision;

WYSIGINGSWET OP DIE VAALRIVIER-
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WET

Tot wysiging van die Vaalrivier Uitbreidingskema Wet, 1934, ten einde voorsiening daarvoor te maak dat 'n reg kragtens artikel 6 verleen, verbonde is aan die grond ten opsigte waarvan daardie reg verleen word; om die Minister die bevoegdheid te verleen om, onderworpe aan voorwaardes, 'n magtiging uit te reik waarvolgens, in die geval van 'n onderverdeling van grond, die onderskeie eienaars daarvan by ooreenkoms, of in die geval van 'n eienaar van twee of meer stukke grond, daardie eienaar self, die waterreëte ten opsigte van elkeen van sodanige stukke grond kan bepaal; om die Minister die bevoegdheid te verleen om onder sekere omstandighede permitte te wysig of te vervang; om voorsiening te maak vir die heffing van rente op agterstallige belastinge en fooie in artikel 7 bedoel; om voorsiening te maak vir die delegering van bevoegdhede van die Minister; om die boetes wat ingevolge genoemde Wet opgelê kan word, te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)*

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

1. (1) Artikel 6 van die Vaalrivier Uitbreidingskema Wet, 1934 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van
artikel 6 van
Wet 38 van 1934.

- „(4) (a) Behoudens die bepalings van paragraaf (b), is 'n permit ingevolge hierdie Wet uitgereik of 'n reg kragtens hierdie artikel verleen verbonde aan die grond of onderneming ten opsigte waarvan dit uitgereik is of verleen word en, solank so 'n permit of reg van krag bly, is dit ter beskikking van 'n regsopvolger van die persoon aan wie daardie permit uitgereik was of aan wie daardie reg verleen is, na gelang van die geval.
- (b) Ondanks die bepalings van paragraaf (a), kan die Minister met die oog op die voordelige gebruik van water vir landboudoeleindes en onderworpe aan die voorwaardes wat hy goedvind—
- (i) ten opsigte van grond waarvan die betrokke eienaar kragtens hierdie artikel op die uithaal van 'n bepaalde hoeveelheid water geregtig is en wat onderverdeel word, 'n magtiging uitreik aan die eienaars van die onderskeie onderverdelings om by ooreenkoms, die deel van die bedoelde hoeveelheid water te bepaal wat na so 'n onderverdeling ten opsigte van elke sodanige onderverdeling uitgehaal kan word;

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- (ii) authorize any owner of two or more pieces of land to determine, in respect of the total amount of water which may be abstracted in respect of those pieces of land under this section, that part of the said amount of water which may in respect of each of those pieces of land separately be so abstracted.
- (c) The Minister may in his discretion or on application by any holder of a permit, amend any permit issued in terms of this Act before or after the commencement of the Vaal River Development Scheme Amendment Act, 1977, in order to bring the provisions thereof in accordance with the provisions of any agreement or any determination, as the case may be, referred to in paragraph (b), or revoke such permit and substitute a new permit in which provision is made for such provisions.
- (d) The conditions subject to which the Minister may authorize a determination referred to in paragraph (b) (ii), may include a condition in respect of the separate alienation of any of the relevant pieces of land, and the Minister may in writing order the registrar of deeds of the deeds registry in which the title deeds of that land are registered, to cause a note of such condition to be made free of charge in his registers and an endorsement on the office copies of the respective title deeds.
- (e) Whenever the original title deeds of the properties are at any time lodged in his office for any purpose, the registrar shall make the endorsement referred to in paragraph (d) also thereon."

(2) The provisions of paragraph (b) of subsection (4) of section 6 of the principal Act as added by subsection (1) of this section and the amendment of the existing provisions of the said subsection (4) in so far as it relates to the said paragraph (b) shall be deemed to have come into operation on 7 June 1934: Provided that if land referred to in subparagraph (i) of the said paragraph (b) was subdivided prior to the promulgation of this Act in the *Gazette*, and the amount of water which was determined by agreement prior to such promulgation in respect of each subdivision thereof without authorization of the Minister of Water Affairs, such determination shall be deemed to have been authorized by the said Minister under the said subparagraph (i), if the amount of water which may be abstracted in respect of any such subdivision in terms of such determination, bears to the amount of water which could have been abstracted in respect of such land, the same proportion as such subdivision bears to such land.

Amendment of
section 7 of
Act 38 of 1934,
as amended by
section 3 of
Act 21 of 1948.

2. Section 7 of the principal Act is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

"(2) The Minister may charge interest on any rates and charges referred to in subsection (1), assessed by him and which are due and payable but unpaid, as from the date fixed for payment thereof, at a rate not exceeding the standard interest rate which at that date applies in respect of loans granted by the State out of the State Revenue Fund under section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and the amount of any such rate or charge which is unpaid shall for the purposes of this Act be increased by the amount of such interest accrued in respect thereof: Provided that no interest shall be payable in respect of such last-mentioned amount."

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- (ii) enige eienaar van twee of meer stukke grond magtig om, met betrekking tot die totale hoeveelheid water wat kragtens hierdie artikel ten opsigte van daardie stukke grond uitgehaal kan word, die deel van bedoelde hoeveelheid water te bepaal wat ten opsigte van elkeen van daardie stukke grond afsonderlik uitgehaal kan word.
- (c) Die Minister kan na goeddunke of op aansoek van enige permithouer, enige permit wat voor of na die inwerking-treding van die Wysigingswet op die Vaalrivier-uitbreidingskema, 1977, ingevolge hierdie Wet uitgereik is, wysig ten einde die bepalings daarvan in ooreenstemming te bring met die bepalings van 'n ooreenkoms of 'n bepaling, na gelang van die geval, in paragraaf (b) bedoel, of so 'n permit intrek en vervang deur 'n nuwe permit waarin vir sodanige bepalings voorsiening gemaak word.
- (d) Die voorwaardes onderworpe waaraan die Minister 'n bepaling bedoel in paragraaf (b) (ii) kan magtig, kan 'n voorwaarde insluit ten opsigte van die afsonderlike vervreemding van enige van die betrokke stukke grond, en die Minister kan die registrateur van aktes van die registrasiekantoor waarin die titelbewyse van daardie grond geregistreer is, skriftelik gelas om 'n aantekening van sodanige voorwaarde gratis in sy registers te laat aanbring en te laat endosseer op die kantoorafskrifte van die onderskeie titelbewyse.
- (e) Wanneer die oorspronklike titelbewyse van die eiendomme te eniger tyd vir enige doel by sy kantoor ingedien word, moet die registrateur die in paragraaf (d) bedoelde endossement ook daarop aanbring."

(2) Die bepalings van paragraaf (b) van subartikel (4) van artikel 6 van die Hoofwet soos bygevoeg deur subartikel (1) van hierdie artikel en die wysiging van die bestaande bepalings van die genoemde subartikel (4) vir sover dit betrekking het op die genoemde paragraaf (b) word geag op 7 Junie 1934 in werking te getree het: Met dien verstande dat indien grond bedoel in subparagraaf (i) van die genoemde paragraaf (b) onderverdeel is voor die afkondiging van hierdie Wet in die *Staatskoerant*, en die hoeveelheid water wat ten opsigte van elke onderverdeling daarvan sonder magtiging van die Minister van Waterwese by ooreenkoms bepaal is voor daardie afkondiging, sodanige bepaling geag word deur genoemde Minister kragtens genoemde subparagraaf (i) gemagtig te gewees het, mits die hoeveelheid water wat ingevolge sodanige bepaling ten opsigte van die een of ander sodanige onderverdeling uitgehaal mag word, in dieselfde verhouding staan tot die hoeveelheid water wat ten opsigte van daardie grond uitgehaal kon geword het, as dié waarin daardie onderverdeling tot daardie grond staan.

2. Artikel 7 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

- „(2) Die Minister kan op belastinge of fooie in subartikel (1) bedoel, wat deur hom vasgestel is en wat verskuldig en betaalbaar is maar nie betaal is nie, vanaf die datum wat vir betaling daarvan vasgestel is, rente hef teen hoogstens die standaardrentekoers wat op daardie datum kragtens artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), van toepassing is op lenings wat uit die Staatsinkomstefonds deur die Staat toegestaan word, en die bedrag van enige sodanige belasting of fooi wat nie betaal is nie, word vir die doeleindes van hierdie Wet verhoog met die bedrag van sodanige rente wat ten opsigte daarvan opgeloopt het: Met dien verstande dat geen rente ten opsigte van laasgenoemde bedrag betaalbaar is nie."

Wysiging van
artikel 7 van
Wet 38 van 1934,
soos gewysig deur
artikel 3 van
Wet 21 van 1948.

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Insertion of
section 13A in
Act 38 of 1934.

3. The following section is hereby inserted in the principal Act after section 13:

“Delegation
of Minister’s
powers.

13A. (1) The Minister may by notice in the *Gazette* delegate to the Secretary for Water Affairs or any other officer in the Department of Water Affairs any of the powers conferred on him by or under this Act.

(2) The Minister may at any time revoke in the same manner any delegation under subsection (1), and no delegation of any power shall prevent the exercise of that power by the Minister himself.”

Amendment of
section 15 of
Act 38 of 1934.

4. Section 15 of the principal Act is hereby amended by the substitution for subparagraphs (i) and (ii) of the following subparagraphs:

- “(i) in the case of a first conviction, to a fine not exceeding five hundred rand, or in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and such imprisonment;
- (ii) in the case of a second or subsequent conviction to a fine not exceeding one thousand rand, or, in default of payment, to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.”

Short title.

5. This Act shall be called the Vaal River Development Scheme Amendment Act, 1977.

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3. Die volgende artikel word hierby in die Hoofwet na artikel 13 ingevoeg:

Invoeging van
artikel 13A in
Wet 38 van 1934.

„Delegering
van Minister
se bevoegd-
hede.

13A. (1) Die Minister kan by kennisgewing in die *Staatskoerant* enige van die bevoegdhede wat deur of kragtens hierdie Wet aan hom verleen word, aan die Sekretaris van Waterwese of 'n ander beamppte in die Departement van Waterwese delegeer.

(2) Die Minister kan te eniger tyd 'n delegering kragtens subartikel (1) op dieselfde wyse intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van sodanige bevoegdheid deur die Minister self nie.”.

4. Artikel 15 van die Hoofwet word hierby gewysig deur subparagrafe (i) en (ii) deur die volgende subparagrafe te vervang:

Wysiging van
artikel 15 van
Wet 38 van 1934.

- „(i) by 'n eerste veroordeling met 'n boete van nie meer as vyfhonderd rand of, by wanbetaling, met gevangenisstraf van hoogstens drie maande, of met beide daardie boete en daardie gevangenisstraf;
- (ii) by 'n tweede of volgende veroordeling, met 'n boete van nie meer as eenduisend rand of, by wanbetaling, met gevangenisstraf van hoogstens ses maande, of met beide daardie boete en daardie gevangenisstraf.”.

5. Hierdie Wet heet die Wysigingswet op die Vaalrivier-
uitbreidingskema, 1977.

Kort titel.

