



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 432.

10 Maart 1978.

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

No. 3 van 1978: Wysigingswet op Onteining, 1978.

No. 432.

10 March 1978.

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

No. 3 of 1978: Expropriation Amendment Act, 1978.

Wet No. 3, 1978

WYSIGINGSWET OP ONTEIENING, 1978

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die bepalings van die Onteieningswet, 1975, betreffende die vasstelling van die bedrag wat bygevoeg moet word by die bedrag wat as markwaarde ten opsigte van onteierende grond betaalbaar is; ten einde te bepaal dat sekere reëls wat in 'n provinsiale afdeling van die Hooggeregshof ten opsigte van die vordering en taksasie van advokaatsgelde geld, ook van toepassing is in verband met verrigtinge van 'n vergoedingshof; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 3 Maart 1978.)

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

Wysiging van
artikel 12 van
Wet 63 van 1975.

1. Artikel 12 van die Onteieningswet, 1975 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (2) deur 5 die volgende subartikel te vervang:

„(2) Ondanks andersluidende bepalings van hierdie Wet word daar **[in die geval van onroerende goed]** by die totale bedrag **[betaalbaar]** wat ooreenkomstig subartikel (1) (a) (i) betaalbaar is ten opsigte van al die grond, met inbegrip van 10 enige gedeelte van 'n stuk grond, wat ingevolge die betrokke onteieningskennisgewing onteien is, 'n bedrag gevoeg gelyk aan tien persent **[daarvan]** van sodanige totale bedrag, maar hoogstens tienduiseend rand.”

Wysiging van
artikel 16 van
Wet 63 van 1975,
soos gewysig deur
artikel 2 van
Wet 19 van 1977.

2. Artikel 16 van die Hoofwet word hierby gewysig deur die 15 volgende subartikel by te voeg:

„(7) Die reëls wat in 'n provinsiale afdeling in subartikel (1) bedoel of, in die geval van 'n vergoedingshof in subartikel (2) bedoel, in 'n provinsiale afdeling deur die Minister van Justisie bepaal, van tyd tot tyd geld betreffende 20 die bedrae wat as advokaatsgelde gevorder kan word in verband met siviele gedinge, en die taksasie van bedoelde bedrae, is *mutatis mutandis* van toepassing in verband met verrigtinge van die betrokke vergoedingshof.”

Wysiging van
artikel 25 van
Wet 63 van 1975.

3. Artikel 25 van die Hoofwet word hierby gewysig deur 25 paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

„(c) die tarief van hof- en ander gelde (behalwe advokaatsgelde) en kostebevele in verband met verrigtinge van 'n vergoedingshof;”

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Kort titel
en inwerkingtreding.

4. Hierdie Wet heet die Wysigingswet op Onteiening, 1978, en word geag op 1 Januarie 1977 in werking te getree het.

EXPROPRIATION AMENDMENT ACT, 1978

Act No. 3, 1978

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Expropriation Act, 1975, relating to the determination of the amount to be added to the amount payable as market value in respect of expropriated land; to provide that certain rules applying in a provincial division of the Supreme Court in respect of the charging and taxation of advocates' fees shall apply also in connection with proceedings before a compensation court; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 3 March 1978.)

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

- 5 1. Section 12 of the Expropriation Act, 1975 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 12 of Act 63 of 1975.

10 “(2) Notwithstanding anything to the contrary contained in this Act there shall be added to the total amount payable in accordance with subsection (1) (a) (i) in **[the case]** respect of all [immovable property] land, including any portion of a piece of land, expropriated in terms of the notice of expropriation in question, an amount equal to ten per cent **[thereof]** of such total amount, but not exceeding ten thousand rand.”.

- 15 2. Section 16 of the principal Act is hereby amended by the addition of the following subsection: Amendment of section 16 of Act 63 of 1975, as amended by section 2 of Act 19 of 1977.

20 “(7) The rules which apply from time to time in a provincial division referred to in subsection (1) or, in the case of a compensation court referred to in subsection (2), in a provincial division determined by the Minister of Justice, relating to the amounts which may be charged as advocates' fees in connection with civil matters, and the taxation of such amounts, shall *mutatis mutandis* apply in connection with proceedings before the compensation court in question.”.

- 25 3. Section 25 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph: Amendment of section 25 of Act 63 of 1975.

30 “(c) the tariff of court and other fees (excluding advocates' fees) and orders as to costs in connection with proceedings before a compensation court;”.

4. This Act shall be called the Expropriation Amendment Act, 1978, and shall be deemed to have come into operation on 1 January 1977. Short title and commencement.

