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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 964. 17 May 1978.

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

No. 65 of 1978: Church Square, Pretoria, Development Amendment Act, 1978.

No. 964. 17 Mei 1978.

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

No. 65 van 1978: Wysigingswet op die Ontwikkeling van Kerkplein, Pretoria, 1978.

Wet No. 65, 1978

WYSIGINGSWET OP DIE ONTWIKKELING
VAN KERKPLEIN, PRETORIA, 1978.**ALGEMENE VERDUIDELIKENDE NOTA:**

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

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

WET

Tot wysiging van die Wet op die Ontwikkeling van Kerkplein, Pretoria, 1972, ten einde voorsiening te maak vir 'n verandering in die samestelling van die komitee; die aanstelling van 'n plaasvervangende voorsitter van die komitee; die kworum vir 'n vergadering van die komitee; en die delegering deur die Minister van sy bevoegdhede; om sekere handeling wat ingevolge daardie Wet gedoen heet te wees, geldig te verklaar; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Mei 1978.)

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

Wysiging van
artikel 1 van
Wet 53 van 1972.

1. Artikel 1 van die Wet op die Ontwikkeling van Kerkplein, Pretoria, 1972 (hieronder die Hoofwet genoem), word hierby 5
gewysig deur voor die omskrywing van „Minister” die volgende omskrywing in te voeg:
„„komitee” die komitee in artikel 2A vermeld.”.

Wysiging van
artikel 2 van
Wet 53 van 1972.

2. Artikel 2 van die Hoofwet word hierby gewysig deur 10
subartikel (4) deur die volgende subartikel te vervang:
„(4) Die Minister weerhou of verleen sy in subartikel (1) bedoelde goedkeuring slegs nadat hy die skriftelike advies van die Stadsraad verkry en oorweeg het en nadat hy oorleg gepleeg het met **[’n]** die komitee: **[deur die Minister aangestel, bestaande uit ’n beamppte in die Departement 15**
van Openbare Werke wat as voorsitter optree, ’n verteenwoordiger van die Hoofstadsbeplanningskomitee, die Stadsklerk van Pretoria, die Direkteur van Argiteks-
dienste in die Departement van Openbare Werke, die Direkteur van Geboue in die Departement van Pos- en 20
Telegraafwese, die Direkteur van Werke in die Transvaalse Provinsiale Administrasie, die Direkteur van Kul-
tuursake in die Departement van Nasionale Opvoeding, ’n beamppte in die Departement van Beplanning en twee 25
praktiserende argitekte in Pretoria wat deur die Suid-
Afrikaanse Raad vir Argitekte benoem word:] Met dien verstande dat die Minister kan optree sonder dat sodanige advies van die Stadsraad verkry is indien dit nie binne negentig dae nadat die Stadsraad daarom gevra is, aan die Minister verstrek word nie.”. 30

Invoeging van
artikels 2A en 2B
in Wet 53 van 1972.

3. Die volgende artikels word hierby in die Hoofwet na artikel 2 ingevoeg:

„Komitee.

2A. (1) (a) Die Minister stel ’n komitee in bestaande uit—

(i) ’n beamppte in die Departement van Openbare 35
Werke wat as voorsitter optree;

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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 Church Square, Pretoria, Development Act, 1972, so as to provide for a change in the constitution of the committee; the appointment of an alternate chairman of the committee; the quorum for a meeting of the committee; and the delegation by the Minister of his powers; to validate certain acts purporting to have been done in terms of that Act; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 2 May 1978.)*

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

1. Section 1 of the Church Square, Pretoria, Development Act, 1972 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "City Council" of the following definition:

Amendment of
section 1 of
Act 53 of 1972.

"committee" means the committee referred to in section 2A."

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of
section 2 of
Act 53 of 1972.

"(4) The Minister may withhold or grant his approval referred to in subsection (1) only after he has obtained and considered the written advice of the City Council and after he has consulted **[a] the committee: [appointed by the Minister, consisting of an officer in the Department of Public Works who shall act as chairman, a representative of the Capital Planning Committee, the Town Clerk of Pretoria, the Director of Architectural Services in the Department of Public Works, the Director of Buildings in the Department of Posts and Telegraphs, the Director of Works in the Transvaal Provincial Administration, the Director of Cultural Affairs in the Department of National Education, an officer in the Department of Planning and two practising architects in Pretoria nominated by the South African Council for Architects:]** Provided that the Minister may act without such advice having been obtained from the City Council if it is not submitted to him within ninety days after the City Council was asked therefor."

3. The following sections are hereby inserted in the principal Act after section 2:

Insertion of
sections 2A and 2B
in Act 53 of 1972.

"Committee. 2A. (1) (a) The Minister shall appoint a committee consisting of—
(i) an officer in the Department of Public Works who shall act as chairman;

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- (ii) die Stadsklerk van Pretoria;
- (iii) die Direkteur van Argiteksdienste in die Departement van Openbare Werke;
- (iv) die Direkteur van Geboue in die Departement van Pos- en Telekommunikasiewese; 5
- (v) die Direkteur van Werke in die Transvaalse Provinsiale Administrasie;
- (vi) die Direkteur van Kultuursake in die Departement van Nasionale Opvoeding;
- (vii) 'n beampte in die Departement van Beplanning en die Omgewing; 10
- (viii) twee praktiserende argitekte in Pretoria wat deur die Minister aangestel word nadat hulle deur die Suid-Afrikaanse Raad vir Argitekte genomineer is; en 15
- (ix) twee persone wat deur die Minister aangestel word op grond van hulle deskundige kennis van die ontwikkeling van die stuk grond en die gebied in artikel 2 (1) vermeld.
- (b) Die ampsduur van die persone in subparagrafe (viii) en (ix) van paragraaf (a) bedoel, word deur die Minister tydens aanstelling bepaal. 20
- (2) Die meerderheid van die lede van die komitee maak 'n kworum vir 'n vergadering van die komitee uit. 25
- (3) Die Minister stel 'n beampte in die Departement van Openbare Werke as plaasvervangende lid aan om namens die voorsitter van die komitee 'n vergadering van die komitee wat die voorsitter nie kan bywoon nie, by te woon, en op 'n vergadering van die komitee wat so 'n plaasvervangende lid aldus bywoon, het hy al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter. 30
- 2B.** (1) Die Minister kan in die mate wat hy goedvind, 'n bevoegdheid vermeld in subartikels (1) en (2) van artikel 2 deleger aan die voorsitter van die komitee. 35
- (2) Die bepalings van artikel 2, uitgesonderd die bepaling betreffende die oorlegpleging met die komitee, is *mutatis mutandis* van toepassing ten opsigte van die uitoefening van 'n bevoegdheid kragtens hierdie artikel gedeleger. 40
- (3) Die Minister kan te eniger tyd 'n delegering kragtens subartikel (1) intrek, en geen delegering van 'n bevoegdheid belet die uitoefening van daardie bevoegdheid deur die Minister nie.''. 45

Delegering
van bevoegd-
hede deur
Minister.

Geldigverklaring.

4. (1) Die delegering van enige bevoegdheid deur die Minister voor die inwerkingtreding van die Wysigingswet op die Ontwikkeling van Kerkplein, Pretoria, 1978, wat gedoen heet te wees ingevolge die Hoofwet en wat gedoen sou kon word ingevolge die Hoofwet soos deur gemelde Wysigingswet gewysig, word hierby gewettig. 50

(2) Die weerhouding of toestaan deur die Minister van sy goedkeuring, ingevolge artikel 2 (1) van die Hoofwet, ten opsigte van die een of ander aangeleentheid is nie ongeldig nie bloot vanweë die feit dat die Hoofstadsbeplanningskomitee nie meer bestaan het toe die Minister met die komitee, vermeld in artikel 2 (4) van die Hoofwet soos dit bestaan het voor die wysiging daarvan deur hierdie Wet, in verband met daardie aangeleentheid oorleg gepleeg het nie. 60

Kort titel.

5. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van Kerkplein, Pretoria, 1978.

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- (ii) the Town Clerk of Pretoria;
- (iii) the Director of Architectural Services in the Department of Public Works;
- 5 (iv) the Director of Buildings in the Department of Posts and Telecommunications;
- (v) the Director of Works in the Transvaal Provincial Administration;
- (vi) the Director of Cultural Affairs in the Department of National Education;
- 10 (vii) an officer in the Department of Planning and the Environment;
- (viii) two practising architects in Pretoria appointed by the Minister after having been nominated by the South African Council for Architects; and
- 15 (ix) two persons appointed by the Minister on account of their professional knowledge of the development of the piece of land and area referred to in section 2 (1).
- 20 (b) The period of office of the persons referred to in subparagraphs (viii) and (ix) of paragraph (a) shall be determined by the Minister at the time of appointment.
- 25 (2) The majority of the members of the committee shall constitute a quorum for a meeting of the committee.
- (3) The Minister shall appoint an officer in the Department of Public Works as alternate member to attend on behalf of the chairman of the committee any meeting of the committee which the chairman is unable to attend, and such alternate member shall, at any meeting of the committee which he so attends, have all the powers and perform all the functions of the chairman of the committee.
- 30
- 35 Delegation of powers by Minister. **2B.** (1) The Minister may to such extent as he may deem fit, delegate a power referred to in subsections (1) and (2) of section 2 to the chairman of the committee.
- (2) The provisions of section 2, except the provision relating to the consultation with the committee, shall *mutatis mutandis* apply in respect of the exercise of any power delegated under this section.
- 40
- (3) The Minister may at any time withdraw a delegation under subsection (1), and no delegation of a power shall prohibit the exercise of that power by the Minister."
- 45

4. (1) The delegation of any power by the Minister before the commencement of the Church Square, Pretoria, Development Amendment Act, 1978, purporting to have been made in terms of the principal Act and which could have been made in terms of the principal Act as amended by the said Amendment Act, is hereby validated.

(2) The withholding or granting by the Minister of his approval, in terms of section 2 (1) of the principal Act, in respect of any matter shall not be invalid merely by reason of the fact that the Capital Planning Committee no longer existed when the Minister consulted the committee, referred to in section 2 (4) of the principal Act as it existed before the amendment thereof by this Act, in relation to such matter.

60 **5.** This Act shall be called the Church Square, Pretoria, Development Amendment Act, 1978. Short title.

