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DEPARTMENT OF THE PRIME MINISTER

No. 1190.

9 June 1978.

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

No. 73 of 1978: Water Amendment Act, 1978.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1190.

9 Junie 1978.

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

No. 73 van 1978: Waterwysigingswet, 1978.

Wet No. 73, 1978

WATERWYSIGINGSWET, 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 Waterwet, 1956, ten einde water wat ingevolge die bepalings van daardie Wet of enige ander wet deur die Minister gebruik of voorsien word, van die werking van artikel 11 uit te sluit; om die Minister te magtig om in sekere gevalle vrystelling te verleen van voldoening aan die bepalings van regulasies uitgevaardig ingevolge artikel 26; om duideliker te bepaal dat die bepalings van artikel 30 (4) van toepassing is op alle water wat ondergronds aangetref word; om ander voorsiening te maak betreffende assessors by waterhowe; om voorsiening te maak vir die vervreemding van grond deur besproeiingsrade op 'n ander wyse as per openbare veiling; om die Minister van Sport en Ontspanning te magtig om, handelende met die instemming van die Minister, die bepalings van Hoofstuk IX*bis* toe te pas; om die Minister se delegeringsbevoegdheid uit te brei; om die stigting of uitbreiding van dorpe te verbied tensy die betrokke uitlegplanne sekere besonderhede bevat met betrekking tot die maksimum hoogtes wat deur vloedwaters binne sekere tydperke waarskynlik bereik sal word; en om artikels 23A, 37, 38 en 63 (8) te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Mei 1978.)

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

Wysiging van artikel 11 van Wet 54 van 1956, soos gewysig deur artikel 2 van Wet 108 van 1977.

1. Artikel 11 van die Waterwet (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die woorde 5 wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„Behalwe vir sover **[in subartikel (3) van artikel ses-en-vyftig en artikel sewe-en-sestig bepaal]** water ingevolge die bepalings van hierdie Wet of enige ander wet 10 deur die Minister gebruik of deur hom uit 'n Staatswaterwerk aan enige persoon voorsien word, mag niemand, behalwe met vergunning van 'n waterhof, en waar die hoeveelheid gebruik driehonderd kubieke meter op enige dag of gemiddeld tweehonderd en vyftig kubieke meter per dag gedurende 15 enige maand te bowe gaan, kragtens 'n permit van die Minister, openbare water vir nywerheidsdoeleindes gebruik nie:”.

Herroeping van artikel 23A van Wet 54 van 1956, soos ingevoeg deur artikel 3 van Wet 36 van 1971.

2. (1) Artikel 23A van die Hoofwet word hierby herroep.
(2) Subartikel (1) tree in werking op 'n datum wat die 20 Staatspresident by proklamasie in die Staatskoerant bepaal.

WATER AMENDMENT ACT, 1978.

Act No. 73, 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 Water Act, 1956, so as to exclude water used or supplied by the Minister in terms of that Act or any other law from the operation of section 11; to authorize the Minister to grant exemption in certain cases from compliance with the provisions of regulations made in terms of section 26; to provide more clearly that the provisions of section 30 (4) shall apply to all water found underground; to make different provision relating to assessors in water courts; to provide for the disposal of land by irrigation boards in a manner other than by public auction; to authorize the Minister of Sport and Recreation, acting with the concurrence of the Minister, to administer the provisions of Chapter IXbis; to extend the Minister's power of delegation; to prohibit the establishment or extension of townships unless the lay-out plans in question contain certain particulars relating to the maximum levels likely to be reached by flood-waters within certain periods; and to repeal sections 23A, 37, 38 and 63 (8); and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 29 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 11 of the Water Act (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the words preceding the first proviso, of the following words:

“Save **[as is provided in sub-section (3) of section fifty-six and section sixty-seven]** in so far as water is, in terms of the provisions of this Act or any other law, used by the Minister or supplied by him to any person from a Government water work no person shall use public water for industrial purposes except with the permission of a water court and, where the quantity used exceeds three hundred cubic metre on any one day or two hundred and fifty cubic metre on an average per day during any month, under permit from the Minister.”.
2. (1) Section 23A of the principal Act is hereby repealed.
- (2) Subsection (1) shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

Amendment of section 11 of Act 54 of 1956, as amended by section 2 of Act 108 of 1977.

Repeal of section 23A of Act 54 of 1956, as inserted by section 3 of Act 36 of 1971.

Wet No. 73, 1978

WATERWYSIGINGSWET, 1978.

Wysiging van
artikel 26 van
Wet 54 van 1956.

3. Artikel 26 van die Hoofwet word hierby gewysig deur paragraaf (d) deur die volgende paragraaf te vervang:

„(d) oor die algemeen enige ander aangeleentheid wat hy nodig of dienstig ag om voor te skryf sodat die oogmerke van artikels *een-en-twintig* tot en met *vier-en-twintig* verwesenlik kan word: Met dien verstande dat die Minister onderworpe aan die voorwaardes wat hy goedvind om op te lê, aan enigiemand vrystelling kan verleen van voldoening aan die bepalings van enige regulasie ingevolge hierdie artikel uitgevaardig, indien hy van oordeel is dat sodanige voldoening uitermate beswarend sal wees.”

Wysiging van
artikel 30 van
Wet 54 van 1956,
soos gewysig deur
artikel 7 van
Wet 56 van 1961,
artikel 4 van
Wet 36 van 1971,
artikel 4 van
Wet 45 van 1972
en artikel 6 van
Wet 42 van 1975.

4. Artikel 30 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (a) van subartikel (4) die woorde „ondergrondse water” deur die woorde „water wat ondergronds aangetref word” te vervang;
- (b) deur in paragraaf (b) van subartikel (5) die woord „ondergrondse” te skrap; en
- (c) deur in subartikel (5A) die woord „ondergrondse” deur die woord „bedoelde” te vervang.

Vervanging van
artikel 35 van
Wet 54 van 1956.

5. Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang:

„Samestelling van waterhof. **35. [Op 'n waterhof sit 'n waterhofregter voor 'n Sitting van 'n waterhof geskied voor 'n waterhofregter** wat 'n regter is van die afdeling 25 van die Hooggeregshof van Suid-Afrika wat regsbevoegdheid in die gebied van daardie waterhof uitoefen. **[of, in die geval van die Waterhof van Suidwes-Afrika, 'n regter van die Hoëhof van Suidwes-Afrika, en so 'n hof bestaan uit bedoelde waterhofregter wat alleen of, indien hy dit gelas, met assessors aangestel soos hieronder bepaal, sit.]**”

Vervanging van
artikel 36 van
Wet 54 van 1956,
soos gewysig deur
artikel 1 van
Wet 11 van 1966.

6. Artikel 36 van die Hoofwet word hierby deur die volgende artikel vervang:

„Assessors. **36. 'n Waterhofregter kan in enige geding voor 'n waterhof die hulp inroep van hoogstens twee persone wat in die saak kundig en ervare is en bereid is om as assessors in 'n raadgewende hoedanigheid sitting te neem.**”

Herroeping van
artikel 37 van
Wet 54 van 1956.

7. Artikel 37 van die Hoofwet word hierby herroep.

Herroeping van
artikel 38 van
Wet 54 van 1956,
soos gewysig deur
artikel 2 van
Wet 11 van 1966.

8. Artikel 38 van die Hoofwet word hierby herroep.

Vervanging van
artikel 39 van
Wet 54 van 1956.

9. Artikel 39 van die Hoofwet word hierby deur die volgende artikel vervang:

„Dood of onbevoegdheid van assessor. **39. Indien gedurende die verhoor van 'n geding, of 45 so kort voor die aanvang van die verrigtinge in verband daarmee dat die vakature nie betyds vir die verhoor gevul kan word nie, 'n assessor te sterwe kom, of sy boedel gesekwestreer word, of hy andersins onbevoeg word of nie in staat is om sitting te neem of, nadat hy sitting geneem het, nie in staat is om daarmee voort te gaan nie, kan die betrokke waterhofregter na goëddunke die verrigtinge verdaag ten einde 'n ander assessor se hulp in te roep of met**

WATER AMENDMENT ACT, 1978.

Act No. 73, 1978

3. Section 26 of the principal Act is hereby amended by the substitution for paragraph (d) of the following paragraph:

Amendment of section 26 of Act 54 of 1956.

“(d) generally, any other matter which he considers it necessary or expedient to prescribe in order that the objects of sections *twenty-one* to *twenty-four*, inclusive, may be achieved: Provided that the Minister may, subject to such conditions as he may deem fit to impose, grant to any person exemption from compliance with the provisions of any regulation made in terms of this section if he is of the opinion that such compliance will be unduly onerous.”.

4. Section 30 of the principal Act is hereby amended—

Amendment of

(a) by the substitution in paragraph (a) of subsection (4) for the words “subterranean water” of the words “water found underground”;

section 30 of Act 54 of 1956, as amended by section 7 of

(b) by the deletion in paragraph (b) of subsection (5) of the word “subterranean”; and

Act 56 of 1961, section 4 of

(c) by the substitution in subsection (5A) for the word “subterranean” of the word “such”.

Act 36 of 1971, section 4 of Act 45 of 1972 and section 6 of Act 42 of 1975.

5. The following section is hereby substituted for section 35 of the principal Act:

Substitution of section 35 of Act 54 of 1956.

“**Constitution of water court.** 35. **[A water court shall be presided over by a water court judge]** A session of a water court shall take place before a water court judge who shall be a judge of the division of the Supreme Court of South Africa which exercises jurisdiction in the area of that water court. **[or, in the case of the South-West Africa Water Court, by a judge of the High Court of South-West Africa and shall consist of such water court judge sitting alone or if he so directs, with assessors, appointed as hereinafter provided.]**”.

6. The following section is hereby substituted for section 36 of the principal Act:

Substitution of section 36 of Act 54 of 1956, as amended by section 1 of Act 11 of 1966.

“Assessors. 36. A water court judge may in any proceedings before a water court, invoke the assistance of not more than two persons who are skilled and experienced in the matter and are prepared to sit as assessors in an advisory capacity.”.

7. Section 37 of the principal Act is hereby repealed.

Repeal of section 37 of Act 54 of 1956.

8. Section 38 of the principal Act is hereby repealed.

Repeal of section 38 of Act 54 of 1956, as amended by section 2 of Act 11 of 1966.

9. The following section is hereby substituted for section 39 of the principal Act:

Substitution of section 39 of Act 54 of 1956.

“Death or incapacity of assessor. 39. If during the hearing of a case, or so shortly before the commencement of the proceedings in connection therewith that the vacancy cannot be filled in time for the hearing, an assessor dies or his estate is sequestered or he otherwise becomes incapable or is not in a position to take his seat or, after he has taken his seat, is unable to carry on therewith, the water court judge concerned may at his discretion adjourn the proceedings in order to invoke the assistance of some other assessor or may proceed with

Wet No. 73, 1978

WATERWYSIGINGSWET, 1978.

die verhoor voortgaan met die oorblywende assessor, indien daar een is, of sonder enige assessor, indien daar geen oorblywende assessor is nie.”.

Wysiging van artikel 41 van Wet 54 van 1956.

10. Artikel 41 van die Hoofwet word hierby gewysig deur subparagraaf (iii) van paragraaf (a) van subartikel (1) te skrap. 5

Vervanging van artikel 54A van Wet 54 van 1956, soos ingevoeg deur artikel 8 van Wet 42 van 1975.

11. Artikel 54A van die Hoofwet word hierby deur die volgende artikel vervang:

„Toelaes betaalbaar aan assessors van 'n waterhof. **54A. Aan [lede] assessors** van 'n waterhof wat nie in die voltydse diens van die Staat is nie, **[kan deur die departement]** word die toelaes wat die Minister met die instemming van die Minister van Finansies bepaal, betaal. **[word.]**”.

Wysiging van artikel 63 van Wet 54 van 1956, soos gewysig deur artikel 12 van Wet 56 van 1961, artikel 1 van Wet 63 van 1963, artikel 6 van Wet 77 van 1969, artikel 6 van Wet 36 van 1971, artikel 12 van Wet 42 van 1975 en artikel 10 van Wet 108 van 1977.

12. Artikel 63 van die Hoofwet word hierby gewysig deur subartikel (8) te skrap.

Wysiging van artikel 79 van Wet 54 van 1956.

13. Artikel 79 van die Hoofwet word hierby gewysig deur 15 subartikel (2) deur die volgende subartikel te vervang:

„(2) 'n Besproeiingsraad is met regs persoonlikheid bekleed en bevoeg om in sy naam as regs persoon as eiser en verweerder in regte op te tree en alle handeling te verrig wat vir die uitvoering van sy pligte of die verrigting van sy werksaamhede nodig is of daarmee in verband staan: Met dien verstande dat 'n besproeiingsraad geen grond aankoop, besit of verkoop nie, behalwe met goedkeuring van die Minister, en dat geen grond wat aan hom behoort behalwe met die goedkeuring van die Minister en onderworpe aan die voorwaardes wat hy nodig ag, anders as by openbare veiling verkoop word nie.”.

Wysiging van artikel 88 van Wet 54 van 1956, soos gewysig deur artikel 14 van Wet 56 van 1961, artikel 5 van Wet 71 van 1965, artikel 8 van Wet 36 van 1971 en artikel 14 van Wet 108 van 1977.

14. Artikel 88 van die Hoofwet word hierby gewysig deur subartikel (8) te skrap.

Wysiging van artikel 162 van Wet 54 van 1956, soos gewysig deur artikel 18 van Wet 56 van 1961, artikel 6 van Wet 71 van 1965, artikel 11 van Wet 77 van 1969, artikel 13 van Wet 36 van 1971, artikel 21 van Wet 42 van 1975, artikel 6 van Wet 27 van 1976 en artikel 21 van Wet 108 van 1977.

15. Artikel 162 van die Hoofwet word hierby gewysig deur 30 subartikel (4) deur die volgende subartikel te vervang:

„(4) 'n Raad of ander liggaam wat kragtens 'n spesiale wet ingestel is en ingevolge daardie wet gemagtig en verplig is om bevoegdhede uit te oefen en pligte te verrig wat aan besproeiingsrade verleen en opgedra is of mag word, en om waterwerke aangewend vir die besproeiing van grond binne die regsgebied van bedoelde raad of liggaam te beheer en te onderhou, en om die water van daardie werke aan sodanige grond te distribueer, word by die toepassing van hierdie Hoofstuk geag 'n besproeiingsraad te wees, en die bepalings van artikel 63 **[(8) (a) en (b) en]** (9) en (10) en van artikels 93, 95 en 95A is *mutatis mutandis* ten opsigte van so 'n raad of liggaam van toepassing asof so 'n raad of liggaam 'n besproeiingsraad was.”.

WATER AMENDMENT ACT, 1978.

Act No. 73, 1978

the hearing with the remaining assessor, if there be one, or without any assessor should there be no remaining assessor.”.

10. Section 41 of the principal Act is hereby amended by the deletion of subparagraph (iii) of paragraph (a) of subsection (1). Amendment of section 41 of Act 54 of 1956.

11. The following section is hereby substituted for section 54A of the principal Act: Substitution of section 54A of Act 54 of 1956, as inserted by section 8 of Act 42 of 1975.

- 10 “Allowances payable to assessors of a water court. 54A. The **[members]** assessors of a water court who are not in the full-time service of the State **[may be]** shall be paid such allowances **[by the department]** as may be determined by the Minister with the concurrence of the Minister of Finance.”.

12. Section 63 of the principal Act is hereby amended by the deletion of subsection (8). Amendment of section 63 of Act 54 of 1956, as amended by section 12 of Act 56 of 1961, section 1 of Act 63 of 1963, section 6 of Act 77 of 1969, section 6 of Act 36 of 1971, section 12 of Act 42 of 1975 and section 10 of Act 108 of 1977.

- 15 13. Section 79 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 79 of Act 54 of 1956.

- 20 “(2) An irrigation board shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the carrying out of its duties or the performance of its functions: Provided that an irrigation board shall not buy, hold or sell land without the approval of the Minister and that no land belonging to it shall be sold, except with the approval of the Minister and subject to such conditions as he may consider necessary, otherwise than by public auction.”.

14. Section 88 of the principal Act is hereby amended by the deletion of subsection (8). Amendment of section 88 of Act 54 of 1956, as amended by section 14 of Act 56 of 1961, section 5 of Act 71 of 1965, section 8 of Act 36 of 1971 and section 14 of Act 108 of 1977.

15. Section 162 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: Amendment of section 162 of Act 54 of 1956, as amended by section 18 of Act 56 of 1961, section 6 of Act 71 of 1965, section 11 of Act 77 of 1969, section 13 of Act 36 of 1971, section 21 of Act 42 of 1975, section 6 of Act 27 of 1976 and section 21 of Act 108 of 1977.
- 30 “(4) Any board or other body constituted by any special law and empowered and required by such law to exercise such powers and carry out such duties as are or may be conferred and imposed upon irrigation boards and to control and maintain water works used for the irrigation of land within the area of jurisdiction of the board or body aforesaid, and to distribute the water from such works to such land, shall, for the purposes of this Chapter, be deemed to be an irrigation board, and the provisions of section 63 **[(8) (a) and (b) and]** (9) and (10) and of sections 93, 95 and 95A shall *mutatis mutandis* apply in respect of such board or body, as if such board or body were an irrigation board.”.
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Wet No. 73, 1978

WATERWYSIGINGSWET, 1978.

Invoeging van
artikel 164^{quat} in
Wet 54 van 1956.

16. Die volgende artikel word hierby in die Hoofwet na artikel 164^{ter} ingevoeg:

„Uitoefening
van bevoegd-
hede.

164^{quat}. In hierdie Hoofstuk en in enige regulasies uitgevaardig kragtens artikel 164^{ter} beteken „Minister” die Minister van Sport en Ontspanning handelende met die instemming van die Minister van Waterwese.”.

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Vervanging van
artikel 165 van
Wet 54 van 1956.

17. Artikel 165 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oordrag van
Minister se
bevoegdhe.

165. Die Minister kan by kennisgewing in die 10 *Staatskoerant* enige van die bevoegdhede **[deur]** ingevolge hierdie Wet aan hom verleen, aan die sekretaris of 'n ander amptenaar in die departement oordra.”.

Wysiging van
artikel 169A van
Wet 54 van 1956,
soos gewysig deur
artikel 7 van
Wet 27 van 1976.

18. Artikel 169A van die Hoofwet word hierby gewysig deur 15 subartikel (1) deur die volgende subartikel te vervang:

„(1) Na die inwerkingtreding van die Waterwysigingswet, **[1975]** 1978 word geen dorp kragtens enige wet op enige grond gestig of uitgebrei nie tensy—

(a) die volgende besonderhede aangebring is op die 20

betrokke uitlegplan op 'n wyse tot bevrediging van die gesag wat kragtens die toepaslike wet met die bevoegdheid beklee is om die betrokke stigting of uitbreiding goed te keur—

(i) ten opsigte van enige waterbaan met 'n bekende en bepaalde bedding en met 'n opvanggebied van meer as een vierkante kilometer, die lyne wat die maksimum hoogte aandui wat vloedwaters gemiddeld elke twintig jaar op die betrokke grond, waarskynlik sal bereik, en 25 30

(ii) ten opsigte van enige laagliggende grond sonder oppervlakte-dreinerings waarop water vanaf 'n gebied wat meer as vyf vierkante kilometer beslaan natuurlikerwys versamel, die lyne wat die maksimum hoogte aandui wat sodanige water 35 gemiddeld elke vyftig jaar op die betrokke grond, waarskynlik sal bereik; en

(b) indien die betrokke grond geleë is in 'n gebied wat na die oordeel van die Minister waarskynlik deur **[die vloedwaters van 'n openbare stroom]** vloedwater 40 oorstrom sal word, en wat hy by kennisgewing in die *Staatskoerant* omskryf het, die Minister, behoudens subartikel (2), sodanige stigting of uitbreiding vooraf goedgekeur het, en die betrokke stigting of uitbreiding ooreenkomstig die voorwaardes wat die Minister na 45 goeddunke by bedoelde goedkeuring opgelê het, geskied.”.

Wysiging van
artikel 177 van
Wet 54 van 1956.

19. Artikel 177 van die Hoofwet word hierby gewysig deur die woorde „paragrafe (a) en (b) van subartikel (8) en” te skrap.

Kort titel.

20. Hierdie Wet heet die Waterwysigingswet, 1978.

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WATER AMENDMENT ACT, 1978.

Act No. 73, 1978

16. The following section is hereby inserted in the principal Act after section 164^{ter}:

Insertion of section 164^{quat} in Act 54 of 1956.

“Exercise of powers.

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164^{quat}. In this Chapter, and in any regulations made in terms of section 164^{ter}, “Minister” means the Minister of Sport and Recreation acting with the concurrence of the Minister of Water Affairs.”.

17. The following section is hereby substituted for section 165 of the principal Act:

Substitution of section 165 of Act 54 of 1956.

“Delegation of Minister’s powers.

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165. The Minister may by notice in the *Gazette* delegate to the secretary or any other officer in the department any of the powers conferred upon him **[by]** in terms of this Act.”.

18. Section 169A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 169A of Act 54 of 1956, as amended by section 7 of Act 27 of 1976.

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“(1) No township shall, after the commencement of the Water Amendment Act, **[1975]** 1978 be established or extended under any law on any land unless—

(a) the following particulars have been inserted on the

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relevant lay-out plan in a manner to the satisfaction of the authority empowered under the relevant law to approve of the establishment or extension in question—

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(i) in respect of any water course with a known and defined channel and with a catchment area exceeding one square kilometre, the lines indicating the maximum level likely to be reached on an average every twenty years by flood-waters on the land in question, and

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(ii) in respect of any lowlying land without surface drainage on which water from an area exceeding five square kilometres collects naturally, the lines indicating the maximum level likely to be reached on an average every fifty years by such water on the land in question; and

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(b) if the land in question is situated in an area which, in the opinion of the Minister, is likely to be inundated by **[the flood-waters of a public stream]** flood-water and which he has defined by notice in the *Gazette*, the Minister has, subject to subsection (2), previously approved of such establishment or extension, and the establishment or extension in question is effected in accordance with the conditions which the Minister may have deemed fit to impose on giving the said approval.”.

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19. Section 177 of the principal Act is hereby amended by the deletion of the words “paragraphs (a) and (b) of subsection (8) and”.

Amendment of section 177 of Act 54 of 1956.

20. This Act shall be called the Water Amendment Act, 1978. Short title.

Act No. 78 of 1978

WATER AMENDMENT ACT, 1978

10. The following section is hereby inserted in the principal Act after section 10(9):

10A. In this Chapter, and in any regulations made in terms of section 10(1), the Minister means the Minister of Sport and Recreation acting with the concurrence of the Minister of Water Affairs.

11. The following section is hereby substituted for section 10(1) of the principal Act:

10(1) The Minister may, by notice in the Gazette, delegate to the secretary or any other officer in the department any of the powers conferred upon him by this Act.

12. Section 10A of the principal Act is hereby amended by the substitution of subsection (1) of the following subsection:

(1) No township shall after the commencement of the Water Amendment Act, 1978, be established or extended under any law or any land unless—

(a) the following particulars have been furnished on the relevant township in a manner to the satisfaction of the authority empowered under the relevant law to approve of the establishment or extension in question—

(i) in respect of any water course with a known and defined channel and with a channel not exceeding one square kilometre, the lines indicating the maximum level likely to be reached on an average every twenty years by flood-waters on the land in question; and

(ii) in respect of any flowing land without surface drainage on which water from an area exceeding five square kilometres collects naturally, the lines indicating the maximum level likely to be reached on an average every fifty years by such water on the land in question; and

(b) if the land in question is situated in an area which, in the opinion of the Minister, is likely to be inundated by the flood-waters of a public sewer, flood-waters, the which he has defined by notice in the Gazette, the Minister has, subject to subsection (2), previously approved of such establishment or extension, and the establishment or extension in question is effected in accordance with the conditions which the Minister may have deemed fit to impose on giving the said approval.

13. Section 17 of the principal Act is hereby amended by the deletion of the words "paragraph (a) and (b) of subsection (2) and

59. This Act shall be called the Water Amendment Act, 1978.