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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1683.

10 Augustus 1984

No. 1683.

10 August 1984

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

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

No. 104 van 1984: Wysigingswet op Fisiese Beplanning, 1984.

No. 104 of 1984: Physical Planning Amendment Act, 1984.

Wet No. 104, 1984

WYSIGINGSWET OP FISIESE BEPLANNING, 1984

**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 Fisiese Beplanning, 1967, ten einde die gebruik van grond in beheerde gebiede vir sekere doeleindes opnuut te reël, en in verband daarmee die uitreiking van permitte te magtig en 'n nuwe misdryf te skep; ander voorsiening te maak met betrekking tot landbougrond in gidsplangebiede geleë en die wysiging of intrekking van gidsplanne; voorsiening te maak vir die verval van sekere permitte onder sekere omstandighede; en 'n nuwe vermoede te skep wat van toepassing is by vervolgings weens sekere misdrywe; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)*

*(Goedgekeur op 12 Julie 1984.)*

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

Wysiging van artikel 6 van Wet 88 van 1967, soos vervang deur artikel 4 van Wet 51 van 1981.

1. Artikel 6 van die Wet op Fisiese Beplanning, 1967 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 5

“(1) Behoudens die bepalinge van subartikel (2) mag niemand—

(a) grond in 'n beheerde gebied gebruik nie anders as vir 'n doel waarvoor dit gebruik is onmiddellik voor die datum met ingang waarvan die betrokke gebied tot 'n beheerde gebied of tot deel van 'n beheerde gebied verklaar is of word; of 10

(b) grond in 'n beheerde gebied gebruik nie wat te eniger tyd na die datum in paragraaf (a) bedoel, hetsy voor of na die inwerkingtreding van die Wysigingswet op Fisiese Beplanning, 1984, vir 'n ononderbroke tydperk van twee jaar nie vir 'n doel in genoemde paragraaf (a) beoog, of vir enige ander deur of kragtens hierdie Wet gemagtigde doel, gebruik is nie, 15

behalwe uit hoofde van 'n permit en vir die doel en ooreenkomstig die voorwaardes daarin vermeld.” 20

Wysiging van artikel 6A van Wet 88 van 1967, soos ingevoeg deur artikel 6 van Wet 73 van 1975, vervang deur artikel 5 van Wet 51 van 1981 en gewysig deur artikel 2 van Wet 87 van 1983.

2. Artikel 6A van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf by subartikel (12) te voeg:

“(e) word alle grond in die betrokke gidsplangebied, 25

behalwe grond wat ingevolge die betrokke gidsplan slegs vir landboudoeleindes gebruik mag word en wat landbougrond is soos omskryf in artikel 1 van die Wet op die Onderverdeling van Landbougrond, 1970 (Wet No. 70 van 1970), uitgesluit van die bepalinge van genoemde Wet: Met dien verstande dat sonder die voorafgaande skriftelike goedkeuring van die Minister van Landbou geen toestemming ingevolge enige wet verleen word nie vir die onderverdeling van grond wat ingevolge die gidsplan vir landboudoeleindes sowel as enige ander doel gebruik mag word.”; 30 35

## PHYSICAL PLANNING AMENDMENT ACT, 1984

Act No. 104, 1984

## 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 Physical Planning Act, 1967, so as to regulate anew the use of land in controlled areas for certain purposes, and in connection therewith to authorize the issue of permits and to create a new offence; to make different provision in relation to agricultural land situated in guide plan areas and the amendment or withdrawal of guide plans; to provide that certain permits shall lapse under certain circumstances; and to create a new presumption which shall apply in prosecutions for certain offences; and to provide for matters connected therewith.

*(English text signed by the State President.)*

*(Assented to 12 July 1984.)*

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

1. Section 6 of the Physical Planning Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 6 of Act 88 of 1967, as substituted by section 4 of Act 51 of 1981.

“(1) Subject to the provisions of subsection (2), no person shall—  
 (a) use land in a controlled area otherwise than for a purpose for which it was being used immediately prior to the date as from which the area concerned was or is declared a controlled area or part of a controlled area; or  
 (b) use land, in a controlled area, which at any time after the date referred to in paragraph (a), whether before or after the commencement of the Physical Planning Amendment Act, 1984, was not used for a purpose contemplated in the said paragraph (a), or for any other purpose authorized by or under this Act, for a continuous period of two years,  
 except under the authority of a permit and for the purpose and in accordance with the conditions specified therein.”.

2. Section 6A of the principal Act is hereby amended—

Amendment of section 6A of Act 88 of 1967, as inserted by section 6 of Act 73 of 1975, substituted by section 5 of Act 51 of 1981 and amended by section 2 of Act 87 of 1983.

(a) by the addition to subsection (12) of the following paragraph:  
 “(e) all land in the guide plan area concerned, other than land which in terms of the guide plan concerned may be used for agricultural purposes only and which is agricultural land as defined in section 1 of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), shall be excluded from the provisions of the said Act: Provided that without the prior written approval of the Minister of Agriculture, no permission shall be granted in terms of any law for the subdivision of land which in terms of the guide plan may be used for agricultural purposes as well as any other purpose.”;

## Wet No. 104, 1984

## WYSIGINGSWET OP FISIESE BEPLANNING, 1984

- (b) deur subartikel (18) te skrap; en  
 (c) deur paragraaf (b) van die voorbehoudsbepaling by subartikel (19) deur die volgende paragraaf te vervang:  
 “(b) die kommentaar van [die Minister van Landbou en Visserye en] die betrokke Administrateur en, in dien grond wat ingevolge die gidsplan vir landbou-doeleindes gebruik mag word na die oordeel van die Minister deur die beoogde wysiging of intrekking geraak kan word, die kommentaar van die Minister van Landbou verkry moet word.”.

Wysiging van artikel 8 van Wet 88 van 1967, soos vervang deur artikel 7 van Wet 51 van 1981.

## 3. Artikel 8 van die Hoofwet word hierby gewysig—

- (a) deur by paragraaf (a) van subartikel (1) die volgende subparagraaf te voeg:  
 “(iv) die gebruik van grond in ’n beheerde gebied vir ’n doel waarvoor dit onmiddellik voor die datum in subparagraaf (iii) bedoel, gebruik is, in ’n geval waar die betrokke grond te eniger tyd na daardie datum vir ’n ononderbroke tydperk van twee jaar nie aldus gebruik is nie.”; en  
 (b) deur die volgende subartikel by te voeg:  
 “(3) ’n Permit uitgereik kragtens subartikel (1) (a) (iii) of (iv) vervall indien te eniger tyd na die uitreiking daarvan die betrokke grond vir ’n ononderbroke tydperk van twee jaar nie vir ’n doel in die permit gemagtig, gebruik word nie.”.

Wysiging van artikel 12 van Wet 88 van 1967, soos vervang deur artikel 6 van Wet 104 van 1977 en gewysig deur artikel 6 van Wet 87 van 1983.

## 4. Artikel 12 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

- “(4) Wanneer by ’n vervolging weens ’n oortreding van artikel 6 (1) beweer word dat grond vir ’n ononderbroke tydperk van twee jaar nie vir ’n doel in daardie bepaling beoog, gebruik is nie, word daar vermoed, totdat die teen-deel bewys word, dat daardie grond nie aldus gebruik is nie.”.

Kort titel.

## 5. Hierdie Wet heet die Wysigingswet op Fisiese Beplanning, 1984.

Section 1 of the principal Act is hereby amended—  
 (a) by the addition to subsection (1) of the following words:  
 “(b) all land in the grade class then concerned, other than land which is in the grade class then concerned, shall be used for agricultural purposes only, and which is agricultural land as defined in section 1 of the Subdivision of Agricultural Land Act, 1954 (Act No. 28 of 1954), shall be excluded from the provisions of the said Act; provided that where the prior written approval of the Minister of Agriculture, no permission shall be granted in terms of any law for the subdivision of land which in terms of the grade plan may be used for agricultural purposes as well as any other purpose.”.

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- (b) by the deletion of subsection (18); and  
 (c) by the substitution for paragraph (b) of the proviso to subsection (19) of the following paragraph:

5       “(b) the comments of **[the Minister of Agriculture and Fisheries and]** the Administrator concerned and, if  
 land which in terms of the guide plan may be used  
 for agricultural purposes can in the opinion of the  
 Minister be affected by the proposed amendment  
 or withdrawal, the comments of the Minister of  
 10       Agriculture shall be obtained.”.

## 3. Section 8 of the principal Act is hereby amended—

- (a) by the addition to paragraph (a) of subsection (1) of the following subparagraph:

15       “(iv) the use of land in a controlled area for a purpose  
for which it was being used immediately prior to  
the date referred to in subparagraph (iii), in a case  
where the land concerned at any time after that  
date was not so used for a continuous period of  
two years.”; and

Amendment of  
 section 8 of  
 Act 88 of 1967,  
 as substituted by  
 section 7 of  
 Act 51 of 1981.

- 20       (b) by the addition of the following subsection:

“(3) A permit issued under subsection (1) (a) (iii) or  
(iv) shall lapse if at any time after the issue thereof the  
land concerned is not used for a continuous period of  
two years for any purpose authorized in the permit.”.

## 25   4. Section 12 of the principal Act is hereby amended by the addition of the following subsection:

30       “(4) When in any prosecution for a contravention of sec-  
tion 6 (1) it is alleged that land was not used for a continu-  
ous period of two years for any purpose contemplated in  
that provision, it shall be presumed, until the contrary is  
proved, that such land was not so used.”.

Amendment of  
 section 12 of  
 Act 88 of 1967,  
 as substituted by  
 section 6 of  
 Act 104 of 1977  
 and amended by  
 section 6 of  
 Act 87 of 1983.

## 5. This Act shall be called the Physical Planning Amendment Act, 1984.

Short title.