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STATE PRESIDENT'S OFFICE

No. 903.

24 April 1985

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

No. 43 of 1985: Advertising on Roads and Ribbon Development Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 903

24 April 1985

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

No. 43 van 1985: Wysigingswet op Adverteer Langs en Toeboou van Paaie, 1985.

Act No. 43, 1985

ADVERTISING ON ROADS AND RIBBON DEVELOPMENT
AMENDMENT ACT, 1985

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 Advertising on Roads and Ribbon Development Act, 1940, so as to exclude certain open spaces from the definitions of "township" and "urban area" in respect of which certain provisions of the said Act are not applicable, so that those provisions shall be applicable in respect of such open spaces; to do away with the requirement that notices of the proclamation of a building restriction road shall be erected along such road; to make further provision in connection with the prohibition of the depositing or leaving of certain objects or substances near certain roads; and to provide for the imposition of imprisonment for offences in terms of the said Act; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 12 April 1985.)

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

1. Section 1 of the Advertising on Roads and Ribbon Development Act, 1940 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of "township" of the following definition:

"'township' means a group of erven or lots, **[and public places other than]** with or without public open spaces, excluding commonage land and land which consists of any other open space which has not been developed or reserved for public purposes, which has been established or recognized under any law as a township or village, if those erven or lots are used or are intended to be used mainly for purposes other than farming, horticulture or the keeping of animals, or any village not established or recognized under any law as a township, which has been recognized by the controlling authority concerned, for the purposes of this Act, as a township"; and

(b) by the substitution for the definition of "urban area" of the following definition:

"'urban area' means the area consisting of the erven or lots, **[and public open spaces other than]** with or without public open spaces, excluding commonage land and land which consists of any other open space which has not been developed or reserved for public purposes and of the streets bounded by erven or lots or such public open spaces in a city, borough, town, village or township which is under the jurisdiction of a city council, municipal council,

Amendment of section 1 of Act 21 of 1940, as amended by section 11 of Act 22 of 1944, section 1 of Act 28 of 1952, section 1 of Act 16 of 1962, section 29 of Act 54 of 1971 and section 1 of Act 2 of 1979.

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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 Wet op Adverteer langs en Toebou van Paaie, 1940, ten einde sekere ope ruimtes uit te sluit van die omskrywings van "dorp" en "stadsgebied" ten opsigte waarvan sekere bepalings van genoemde Wet nie van toepassing is nie, sodat daardie bepalings wel ten opsigte van sulke ope ruimtes van toepassing is; weg te doen met die vereiste dat kennisgewings van die proklamering van 'n boubepad langs so 'n pad opgerig moet word; verdere voorsiening te maak in verband met die verbod op die plaas of laat van sekere voorwerpe of stowwe naby sekere paaie; en voorsiening te maak vir die oplegging van gevangenisstraf vir misdrywe ingevolge genoemde Wet; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 12 April 1985.)

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

1. Artikel 1 van die Wet op Adverteer langs en Toebou van Paaie, 1940 (hieronder die Hoofwet genoem), word hierby ge-

5 wysig—

(a) deur die omskrywing van "dorp" deur die volgende omskrywing te vervang:

"dorp", 'n kompleks erwe of persele, met of sonder
publieke ope ruimtes, uitgesonderd **[en ander pub-**
10 **lieke plekke as]** meentgrond en grond wat bestaan
uit 'n ander ope ruimte wat nie vir publieke doel-
eindes ontwikkel of voorbehou is nie, wat kragtens
15 een of ander wetsbepaling as dorp aangelê of er-
ken is, as daardie erwe of persele gebruik word of
bestem is om gebruik te word hoofsaaklik vir an-
der doeleindes as vir boerdery, tuinbou of aanhou
van diere, of 'n dorp wat nie kragtens een of ander
20 wetsbepaling as 'n dorp aangelê of erken is nie,
dog wat deur die betrokke beherende gesag by die
toepassing van hierdie Wet as 'n dorp erken is;"

en

(b) deur die omskrywing van "stadsgebied" deur die vol-
gende omskrywing te vervang:

"stadsgebied", die gebied bestaande uit die erwe of
25 persele, met of sonder publieke ope ruimtes, uit-
gesonderd **[en ander publieke ope ruimtes as]** meent-
grond en grond wat bestaan uit 'n ander ope
ruimte wat nie vir publieke doeleindes ontwikkel
30 of voorbehou is nie en uit die strate wat begrens
word deur erwe of persele of sulke publieke ope
ruimtes in 'n stad of dorp wat bestuur word deur 'n
stadsraad, munisipale raad, dorpsraad, dorpsbe-

Wysiging van
artikel 1 van
Wet 21 van 1940,
soos gewysig deur
artikel 11 van
Wet 22 van 1944,
artikel 1 van
Wet 28 van 1952,
artikel 1 van
Wet 16 van 1962,
artikel 29 van
Wet 54 van 1971
en artikel 1 van
Wet 2 van 1979.

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village council, town board, village management board, local board, local administration and health board, or health committee, and includes such an area as aforesaid under the jurisdiction of any other local authority which the Administrator concerned has, by notice in the *Provincial Gazette*, declared to be an urban area for the purposes of this Act.”

Amendment of
section 7 of
Act 21 of 1940.

2. Section 7 of the principal Act is hereby amended by the deletion of subsection (2). 10

Amendment of
section 8 of
Act 21 of 1940,
as substituted
by section 1 of
Act 16 of 1966
and amended by
section 29 of
Act 54 of 1971
and section 2 of
Act 2 of 1979.

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

(a) by the substitution for subsection (1) of the following subsection:

“(1) No person shall, within a distance of 200 m of the centre line of a **[building restriction road or of a 15 main road]** public road, deposit or leave, outside an urban area, so as to be visible from that road, a disused vehicle or machine or a disused part of a vehicle or machine or any rubbish or other refuse, except in accordance with the permission in writing granted by the controlling authority concerned.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The controlling authority may remove any object or substance referred to in subsection (1), found on a public road, and may recover the cost of the removal from the person who deposited or left such object or substance there.”; and 25

(c) by the substitution for subsection (3) of the following subsection: 30

“(3) When any person has deposited or has left **[or is deemed to have deposited or to have left]** any object or substance in contravention of subsection (1), but not on a public road as contemplated in subsection (2), the controlling authority concerned may direct the said person in writing to remove or destroy that object or substance within such period (which shall be not less than 14 days as from the date of the direction), as may be specified in the direction, and if he fails to comply with that direction, the controlling authority may cause the object or substance to be removed or destroyed and may recover from the said person the cost of the removal or destruction.”. 40

Amendment of
section 15 of
Act 21 of 1940,
as amended by
section 8 of
Act 16 of 1962,
section 29 of
Act 54 of 1971
and section 4 of
Act 6 of 1976.

4. Section 15 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively: 45

“(1) Any person who contravenes any provision of section 2, 8, 9 or 9A or who fails to comply with a lawful direction issued to him by a controlling authority under section 4 (1), 8 (3) or 9 (4) or by virtue of the provisions of section 9A (2), shall be guilty of an offence and liable to a fine not exceeding **[two hundred rand]** R200 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment. 50

(2) Any person who without the authority in writing of the controlling authority in question constructs any gate, bridge, stile or other passage to gain access to or exit from any land through, under or over a fence, wall, hedge, trench, ditch or similar obstacle along or near the edge of a building restriction road outside an urban area and outside a township, shall, unless such controlling authority was in terms of subsection (1) of section **[ten]** 10 required not to 55

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5 stuur, plaaslike bestuur, plaaslike administrasie- en
gesondheidsraad, of gesondheidskomitee, en dit
omvat so 'n gebied as voormeld wat beheer word
deur 'n ander plaaslike bestuur wat deur die be-
trokke Administrateur by kennisgewing in die *Pro-
vinsiale Koerant* verklaar is tot 'n stadsgebied in
die sin van hierdie Wet."

2. Artikel 7 van die Hoofwet word hierby gewysig deur subar-
tikel (2) te skrap.

Wysiging van
artikel 7 van
Wet 21 van 1940.

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

(a) deur subartikel (1) deur die volgende subartikel te ver-
vang:

Wysiging van
artikel 8 van
Wet 21 van 1940,
soos vervang deur
artikel 1 van
Wet 16 van 1966
en gewysig deur
artikel 29 van
Wet 54 van 1971
en artikel 2 van
Wet 2 van 1979.

15 "(1) Niemand mag binne 'n afstand van 200 m vanaf
die middellyn van 'n **[boubeperkingspad of van 'n hoof-
pad]** publieke pad buite 'n stadsgebied, sodat dit vanuit
daardie pad sigbaar is, 'n onbruikbare voertuig of ma-
sjien of 'n onbruikbare deel van 'n voertuig of masjien
of vuilgoed of ander afval plaas of laat nie, tensy dit ge-
doen word ooreenkomstig 'n skriftelike vergunning ver-
leen deur die betrokke beherende gesag.";

20 (b) deur subartikel (2) deur die volgende subartikel te ver-
vang:

25 "(2) Die beherende gesag kan 'n voorwerp of stof in
subartikel (1) bedoel, wat op 'n publieke pad gevind
word, verwyder en kan die koste van die verwydering
verhaal op die persoon wat bedoelde voorwerp of stof
daar geplaas of gelaat het."; en

30 (c) deur subartikel (3) deur die volgende subartikel te ver-
vang:

35 "(3) Wanneer iemand 'n voorwerp of stof in stryd
met subartikel (1) maar nie op 'n publieke pad soos
beoog in subartikel (2) nie, geplaas of gelaat het **[of
vermoed word te geplaas of te gelaat het,]** dan kan die
betrokke beherende gesag bedoelde persoon skriftelik
aansê om daardie voorwerp of stof, binne die tydperk
40 (wat nie korter mag wees nie as 14 dae vanaf die datum
van die aansegging) in die aansegging vermeld, te ver-
wyder of te vernietig, en as hy in gebreke bly om aan
daardie aansegging gevolg te gee, dan kan die behe-
rende gesag die voorwerp of stof laat verwyder of vernietig
en die koste van die verwydering of vernietiging
op bedoelde persoon verhaal."

4. Artikel 15 van die Hoofwet word hierby gewysig deur sub-
artikels (1) en (2) deur onderskeidelik die volgende subartikels
45 te vervang:

50 "(1) Iemand wat 'n bepaling van artikel 2, 8, 9 of 9A oor-
tree of wat versuim om te voldoen aan 'n wettige aanseg-
ging wat 'n beherende gesag ingevolge artikel 4 (1), 8 (3) of
9 (4) of uit hoofde van die bepalings van artikel 9A (2) wet-
tig aan hom gerig het, is aan 'n misdryf skuldig en strafbaar
met 'n boete van hoogstens **[tweehonderd rand] R200** of
met gevangenisstraf vir 'n tydperk van hoogstens ses
maande of met sowel sodanige boete as sodanige gevangeni-
nisstraf.

Wysiging van
artikel 15 van
Wet 21 van 1940,
soos gewysig deur
artikel 8 van
Wet 16 van 1962,
artikel 29 van
Wet 54 van 1971
en artikel 4 van
Wet 6 van 1976.

55 (2) Iemand wat sonder die skriftelike magtiging van die
betrokke beherende gesag 'n hek, brug, trap of ander oor-
of deurgang oprig om toegang tot of uitgang uit enige grond
te verkry deur, onder of oor 'n heining, muur, hek, voor,
sloot of soortgelyke versperring langs of naby die rand van
60 'n boubeperkingspad buite 'n stadsgebied en buite 'n dorp,
is, tensy dit van daardie beherende gesag ingevolge subarti-
kel (1) van artikel **[tien]** 10 vereis was om nie sy magtiging

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withhold its authorization for the construction of such gate, bridge, stile or other passage, be guilty of an offence and liable to a fine not exceeding **[two hundred rand]** R200 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment." 5

Short title.

5. This Act shall be called the Advertising on Roads and Ribbon Development Amendment Act, 1985.

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- 5 tot die oprigting van dié hek, brug, trap of ander oor- of deurgang te weier nie, skuldig aan 'n misdryf en strafbaar met 'n boete van hoogstens **[tweehonderd rand] R200 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met sowel sodanige boete as sodanige gevangenisstraf.**".

5. Hierdie Wet heet die Wysigingswet op Adverteer langs en Kort titel. Toebou van Paaie, 1985.

