



GC 8G
S. 559



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

WBT

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprys • Selling price
(AVB uitgesluit/GST excluded)

Plaaslik **50c** Local
Buitelands 70c Other countries
Posvry • Post free

Vol. 274

KAAPSTAD, 8 APRIL 1988

No. 11234

CAPE TOWN, 8 APRIL 1988

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 671.

8 April 1988

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

No. 35 van 1988: Wysigingswet op die Ontwikkeling van Kerkplein, Pretoria (Volksraad), 1988.

No. 671.

8 April 1988

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

No. 35 of 1988: Church Square, Pretoria, Development Amendment Act (House of Assembly), 1988.

Wet No. 35, 1988

WYSIGINGSWET OP DIE ONTWIKKELING VAN KERKPLEIN,
PRETORIA (VOLKSRAAD), 1988

- (b) word geen gebou of ander struktuur op 'n perseel, of gedeelte daarvan, wat geleë is binne die gebied omskrywe in Bylae B by hierdie Wet opgerig, vergroot, argitektonies verander of gesloop nie, behalwe met die voorafverkreë skriftelike goedkeuring van die Minister. 5
- (2) Die Minister kan sy in subartikel (1) bedoelde goedkeuring na goeddunke weerhou of verleen, en as hy dit verleen, kan hy die voorwaardes oplê wat hy goedvind, met inbegrip van voorwaardes in verband met hoogtebeperkings, argitektoniese afwerkings, argitektoniese style, of enige ander aangeleentheid wat na sy oordeel ter sake is. 10
- (3) 'n Bepaling van 'n dorpsaanleg- of dorpsbeplanningskema wat onbestaanbaar is met 'n voorwaarde kragtens subartikel (2) deur die Minister opgelê, verval in die mate van dié onbestaanbaarheid.
- (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 die komitee **[: 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]."** 15

Wysiging van artikel 2A van Wet 53 van 1972, soos ingevoeg deur artikel 3 van Wet 65 van 1978

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

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) (a) Die Minister stel 'n komitee in bestaande uit—

- (i) **[’n beampte in die Departement van Openbare Werke]** die Stads- 25
klerk van Pretoria, wat as voorsitter optree;
- [(ii) die Stadsklerk van Pretoria;**
- [(iii)] (ii)** die **[Direkteur]** Hoof van die Afdeling Argiteksdienste in die 30
Departement van **[Openbare Werke]** Plaaslike Bestuur, Behuising en Werke: Administrasie: Volksraad;
- [(iv)] (iii)** die Senior Direkteur van **[Geboue]** Werke en Eiendomme in die 35
Departement van Pos- en Telekommunikasiewese;
- [(v) die Direkteur van Werke in die Transvaalse Provinsiale Administrasie;**
- [(vi) die Direkteur van Kultuursake in die Departement van Nasionale Opvoeding;]** 35
- [(iv)]** 'n beampte in die Departement van Onderwys en Kultuur: Administrasie: Volksraad;
- [(vii)] (v)** 'n beampte in die Departement van **[Beplanning en die Omgewing]** Omgewingsake; 40
- [(viii)] (vi)** twee praktiserende argitekte in Pretoria **[wat deur die Minister aangestel word nadat hulle deur die Suid-Afrikaanse Raad vir Argitekte genomineer is];** en
- [(ix)] (vii)** twee persone **[wat deur die Minister aangestel word op grond van hulle]** wat na die oordeel van die Minister deskundige kennis het 45
van die ontwikkeling van die stuk grond en die gebied in artikel 2 (1) vermeld.
- (b) Die ampsduur van die persone in subparagrafe **[(viii)] (vi)** en **[(ix)] (vii)** van paragraaf (a) bedoel, word deur die Minister tydens aanstelling bepaal.”; en 50
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Die Minister stel 'n **[beampte in die Departement van Openbare Werke]** lid van die stadsraad 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 55
komitee wat so 'n plaasvervangende lid aldus bywoon, het hy al die bevoegdhede en verrig hy al die werksaamhede van die voorsitter.”.

Vervanging van artikel 2B van Wet 53 van 1972, soos ingevoeg deur artikel 3 van Wet 65 van 1978

4. Artikel 2B van die Hoofwet word hierby deur die volgende artikel vervang: 60

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(b) no building or other structure on any site, or portion thereof, situated within the area described in Schedule B to this Act, may be erected, extended, architecturally adapted or demolished, without the prior written approval of the Minister having been obtained.

(2) The Minister may in his discretion withhold or grant his approval referred to in subsection (1), and if he grants it, he may impose such conditions as he may deem fit, including conditions relating to height restrictions, architectural finishes, styles of architecture, or any other matter which in his opinion is relevant.

(3) Any provision of any lay-out or town planning scheme which is inconsistent with any condition imposed by the Minister under subsection (2) shall, to the extent of such inconsistency, lapse.

(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 the committee **[: 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].**

Amendment of section 2A of Act 53 of 1972, as inserted by section 3 of Act 65 of 1978

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

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

“(1) (a) The Minister shall appoint a committee consisting of—

(i) **[an officer in the Department of Public Works]** the Town Clerk of Pretoria, who shall act as chairman;

[(ii) the Town Clerk of Pretoria;

[(iii) (ii) the [Director] Head of the Architectural Services Section in the Department of [Public Works] Local Government, Housing and Works: Administration: House of Assembly;

[(iv) (iii) the Senior Director of [Buildings] Works and Estates 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;]

[(iv) an officer in the Department of Education and Culture: Administration: House of Assembly;

[(vii) (v) an officer in the Department of [Planning and the Environment] Environment Affairs;

[(viii) (vi) two practising architects in Pretoria [appointed by the Minister after having been nominated by the South African Council for Architects]; and

[(ix) (vii) two persons [appointed by the Minister on account of their] who in the opinion of the Minister have professional knowledge of the development of the piece of land and area referred to in section 2 (1).

(b) The period of office of the persons referred to in subparagraphs **[(viii)] (vi)** and **[(ix) (vii)]** of paragraph (a) shall be determined by the Minister at the time of appointment.”; and

(b) by the substitution for subsection (3) of the following subsection:

“(3) The Minister shall appoint **[an officer in the Department of Public Works]** a member of the City Council 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.”.

55 Substitution of section 2B of Act 53 of 1972, as inserted by section 3 of Act 65 of 1978

4. The following section is hereby substituted for section 2B of the principal Act:

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WYSIGINGSWET OP DIE ONTWIKKELING VAN KERKPLEIN,
PRETORIA (VOLKSRAAD), 1988**“Delegering van bevoegdhede deur Minister**

2B. (1) Die Minister kan die bevoegdheid wat deur subartikels (1), (2) en (4) van artikel 2 aan hom verleen word aan die bestuurskomitee delegeer, en enigiets wat deur die bestuurskomitee gedoen word kragtens en binne die bestek van die bevoegdheid wat aldus aan hom gedelegeer is, is net so geldig en bindend asof dit deur die Minister self gedoen is. 5

(2) Die Minister kan enige bevoegdheid in subartikel (1) bedoel, delegeer onderworpe aan enige voorwaardes wat hy mag bepaal, en hy kan gevolglik voorskrifte uitreik met betrekking tot die uitoefening van enige bevoegdheid aldus deur hom gedelegeer. 10

(3) 'n Delegering kragtens subartikel (1) belet nie die uitoefening van die betrokke bevoegdheid deur die Minister self nie.”.

Wysiging van artikel 3 van Wet 53 van 1972

5. Artikel 3 van die Hoofwet word hierby gewysig deur subartikel (1) deur die 15 volgende subartikel te vervang:

“(1) Iemand wat artikel 2 (1) oortree, of wat 'n voorwaarde kragtens artikel 2 (2) opgelê, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens **[eenduiseid rand]** R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met 20 sowel sodanige boete as sodanige gevangenisstraf, en, in die geval van 'n voortdurende misdryf, met 'n boete van minstens **[vyftig rand]** R100 vir elke dag wat die misdryf voortduur.”.

Herroeping van artikel 5 van Wet 53 van 1972

6. Artikel 5 van die Hoofwet word hierby herroep. 25

Vervanging van artikel 6 van Wet 53 van 1972

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

“Aansoek om goedkeuring

6. 'n Aansoek om 'n in artikel 2 (1) bedoelde goedkeuring moet gerig word aan die **[Sekretaris]** Stadsclerk van Pretoria in die vorm wat die 30 Minister van tyd tot tyd voorskryf en moet vergesel gaan van die stukke en besonderhede wat die Minister verlang.”.

Vervanging van lang titel van Wet 53 van 1972

8. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“WET 35

Om die ontwikkeling van Kerkplein, Pretoria, en van sekere persele aangrensend daaraan en in die onmiddellike omgewing daarvan onderhewig te maak aan die goedkeuring van die Minister van **[Openbare Werke]** Plaaslike Bestuur, Behuising en Werke: Administrasie: Volksraad; en om vir bykomstige aangeleenthede voorsiening te maak.”. 40

Oorgangsbepaling

9. 'n Lid van 'n komitee bedoel in artikel 2A (1) (a) (viii) en (ix) van die Hoofwet wat onmiddellik voor die datum van inwerkingtreding van hierdie Wet uit hoofde van genoemde artikel 2A (1) (a) (viii) en (ix) aangestel was, word geag uit hoofde van artikel 2A (1) (a) (vi) en (vii) van die Hoofwet aangestel te wees, en daardie lid 45 dien in die komitee vir die oorblywende gedeelte van sy ampstermyn.

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"Delegation of powers by Minister

5 2B. (1) The Minister may delegate to the management committee the powers conferred upon him by subsections (1), (2) and (4) of section 2, and anything done by the management committee under and within the scope of the power so delegated to it shall be as valid and effective as if done by the Minister himself.

10 (2) The Minister may delegate any power referred to in subsection (1) subject to any conditions he may determine, and he may accordingly issue directives with regard to the exercise of any power so delegated by him.

(3) Any delegation under subsection (1) shall not prevent the exercise of the relevant power by the Minister himself."

Amendment of section 3 of Act 53 of 1972

5. Section 3 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

15 "(1) Any person who contravenes section 2 (1) or contravenes or fails to comply with a condition imposed under section 2 (2) shall be guilty of an offence and liable on conviction to a fine not exceeding **[one thousand rand]** R10 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, and, in the case of a continuing offence, to a fine of not less than **[fifty rand]** R100 for every day during which the offence is continued."

Repeal of section 5 of Act 53 of 1972

6. Section 5 of the principal Act is hereby repealed.

Substitution of section 6 of Act 53 of 1972

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

"Application for approval

30 6. Any application to obtain an approval referred to in section 2 (1), shall be addressed to the **[Secretary]** Town Clerk of Pretoria in the form prescribed by the Minister from time to time and shall be accompanied by all such documents and particulars as the Minister may require."

Substitution of long title of Act 53 of 1972

8. The following long title is hereby substituted for the long title of the principal Act:

"ACT

35 To make the development of Church Square, Pretoria, and of certain sites bordering thereon and in the immediate vicinity thereof subject to the approval of the Minister of **[Public Works]** Local Government, Housing and Works: Administration: House of Assembly; and to provide for incidental matters."

Transitional provision

40 9. Any member of a committee referred to in section 2A (1) (a) (viii) and (ix) of the principal Act who immediately prior to the date of commencement of this Act was appointed by virtue of the said section 2A (1) (a) (viii) and (ix), shall be deemed to have been appointed by virtue of section 2A (1) (a) (vi) and (vii) of the principal Act, and that member shall serve on the committee for the remaining portion of his
45 period of office.

Wet No. 35, 1988

WYSIGINGSWET OP DIE ONTWIKKELING VAN KERKPLEIN,
PRETORIA (VOLKSRAAD), 1988**Kort titel en inwerkingtreding**

10. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van Kerkplein, Pretoria (Volksraad), 1988, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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ACT (HOUSE OF ASSEMBLY), 1988

Act No. 35, 1988

Short title and commencement

10. This Act shall be called the Church Square, Pretoria, Development Amendment Act (House of Assembly), 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement

10. This Act shall be called the Churches and Pretoria Development Amendment Act (House of Assembly) 1988, and shall come into operation on a date fixed by the State President by proclamation in the Gazette.