



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

VOL. 354

KAAPSTAD, 2 DESEMBER 1994

CAPE TOWN, 2 DECEMBER 1994

No. 16123

KANTOOR VAN DIE PRESIDENT

No. 2075. 2 Desember 1994

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

No. 27 van 1994: Algemene Wysigingswet op Nasionale Paaie, 1994.

OFFICE OF THE PRESIDENT

No. 2075. 2 December 1994

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

No. 27 of 1994: National Roads General Amendment Act, 1994.

ALGEMENE VERDUIDELIKENDE NOTA:

- 1** 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 Nasionale Paaie, 1971, ten einde verdere voorsiening te maak vir die verklaring van tolpaaië; en tot wysiging van die Wet op die Suid-Afrikaanse Padraad, 1988, ten einde die werksaamhede van die Tolpad-komitee verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 23 November 1994.)

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

Wysiging van artikel 9 van Wet 54 van 1971, soos ingevoeg deur artikel 4 van Wet 79 van 1983 en gewysig deur artikel 7 van Wet 100 van 1992

1. Artikel 9 van die Wet op Nasionale Paaië, 1971, word hierby gewysig—
- (a) deur in subartikel (3) paragraaf (c) deur die volgende paragraaf te vervang:
- “(c) die Raad op die by regulasie voorgeskrewe wyse **[persone wat woonagtig is of sake doen binne ’n radius van 20 kilometer vanaf die beoogde tolhek, uitgenooi het om vertoë wat hulle in verband daarmee wil rig, tot hom te rig]** belanghebbendes uitgenooi het om skriftelike vertoë tot hom te rig, wat vertoë oor die ligging van die tolhek kan insluit, en sodanige vertoë, indien daar is, oorweeg het;”;
- (b) deur die volgende paragraaf by subartikel (3) te voeg:
- “(d) die Raad in sy beraadslaging met enige plaaslike bestuur en in sy uitnodiging beoog in paragraaf (c) ’n aanduiding van die benaderde ligging van die beoogde tolhek gegee het.”; en
- (c) deur die volgende subartikel na subartikel (3) in te voeg:
- “(3A) Die Raad kan, nadat ’n nasionale pad of enige gedeelte daarvan tot ’n tolpad verklaar is, aan belanghebbendes, met inbegrip van ’n plaaslike bestuur beoog in subartikel (3)(b), die geleentheid bied om verdere skriftelike vertoë aangaande die ligging van ’n tolhek op sodanige pad voor te lê, en neem nie ’n finale besluit aangaande die ligging van die betrokke tolhek nie alvorens hy nie enige sodanige verdere vertoë wat ontvang is asook die vertoë beoog in subartikel (3)(c) oorweeg het nie.”.

GENERAL EXPLANATORY NOTE:

[**]** Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the National Roads Act, 1971, so as to make further provision for the declaration of toll roads; and to amend the South African Roads Board Act, 1988, so as to further regulate the functions of the Toll Roads Committee; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 23 November 1994.)

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

Amendment of section 9 of Act 54 of 1971, as inserted by section 4 of Act 79 of 1983 and amended by section 7 of Act 100 of 1992

- 5 1. Section 9 of the National Roads Act, 1971, is hereby amended—
 (a) by the substitution in subsection (3) for paragraph (c) of the following paragraph:
 “(c) the Board has invited, in the manner prescribed by regulation, **[persons residing or carrying on business within a radius of 20 kilometres from any proposed toll gate, to make such representations to it as they may wish to make in regard thereto]** interested parties to make written representations to it, which may include representations on the position of the toll gate, and has considered such representations, if any;”;
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- 15 (b) by the addition to subsection (3) of the following paragraph:
 “(d) the Board has in its consultation with any local authority and in its invitation contemplated in paragraph (c) given an indication of the approximate position of the proposed toll gate.”; and
- 20 (c) by the insertion after subsection (3) of the following subsection:
 “(3A) The Board may, after a national road or any portion thereof has been declared as a toll road, give interested parties, including any local authority contemplated in subsection (3)(b), the opportunity of submitting further written representations regarding the position of a toll gate on such road, and shall not take a final decision regarding the position of the toll gate in question before considering any such further representations received as well as the representations contemplated in subsection (3)(c).”.
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Wysiging van artikel 8 van Wet 74 van 1988

2. Artikel 8 van die Wet op die Suid-Afrikaanse Padraad, 1988, word hierby gewysig deur paragraaf (c) deur die volgende paragraaf te vervang:

“(c) neem ook by die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede en pligte die **[uitwerking wat die oprigting van ’n tolhek soos bedoel in artikel 9 van die Wet op Nasionale Paaie, 1971, sal hê op die vervoer van persone woonagtig binne ’n radius van 20 kilometer vanaf sodanige tolhek, in aanmerking]** vertoë beoog in artikel 9(3)(c) en (3A) van die Wet op Nasionale Paaie, 1971, in ag.”.

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Geldigverklaring van verklaring van sekere paaie tot tolpaaie

3. ’n Nasionale pad of enige gedeelte daarvan wat voorgee om voor die inwerkingtreding van hierdie Wet tot ’n tolpad ingevolge artikel 9 van die Wet op Nasionale Paaie, 1971 (Wet No. 54 van 1971), verklaar te wees, word geag geldig ooreenkomstig die bepalings van daardie artikel en artikel 8(c) van die Wet op die Suid-Afrikaanse Padraad, 1988 (Wet No. 74 van 1988), aldus verklaar te wees.

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Kort titel

4. Hierdie Wet heet die Algemene Wysigingswet op Nasionale Paaie, 1994.

Amendment of section 8 of Act 74 of 1988

2. Section 8 of the South African Roads Board Act, 1988, is hereby amended by the substitution for paragraph (c) of the following paragraph:

- 5 “(c) in exercising its powers and performing its functions and duties also take into consideration the [effect which the erection of any toll gate as contemplated in section 9 of the National Roads Act, 1971, will have on the transport of persons residing within a radius of 20 kilometres from such toll gate] representations contemplated in section 9(3)(c) and (3A) of the National Roads Act, 1971.”

10 **Validation of declaration of certain roads as toll roads**

3. Any national road or any portion thereof purporting to have been declared as a toll road in terms of section 9 of the National Roads Act, 1971 (Act No. 54 of 1971), before the commencement of this Act shall be deemed to have been validly so declared in accordance with the provisions of that section and section 15 8(c) of the South African Roads Board Act, 1988 (Act No. 74 of 1988).

Short title

4. This Act shall be called the National Roads General Amendment Act, 1994.

