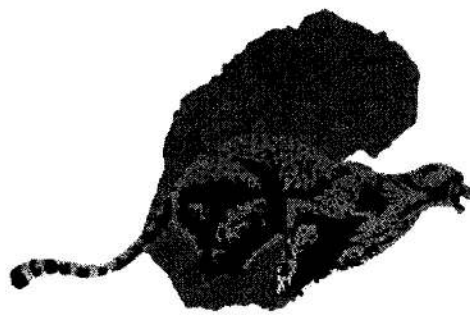




FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

Published by Authority

Uitgegee op Gesag

No. 57

BLOEMFONTEIN, 03 JULY 1998

BLOEMFONTEIN, 03 JULIE 1998

GENERAL NOTICE 8 OF 1998

**PUBLICATION OF THE ROADS ORDINANCE
AMENDMENT BILL**

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 124(a) of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, to reach her not later than 17 July 1998.

E ROCKMAN
SECRETARY: FREE STATE LEGISLATURE

ALGEMENE KENNISGEWING 8 VAN 1998

**PUBLIKASIE VAN DIE
WYSIGINGSWETSONTWERP OP DIE
ORDONNANSIE OP PAAIE**

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 124(a) van die Reëls en Orders van die Vrystaatse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, om haar nie later as 17 Julie 1998 te bereik nie.

E ROCKMAN
SEKRETARIS: VRYSTAATSE WETGEWER

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.

BILL

To amend the Roads Ordinance, 1968, so as to further define, to substitute or to delete certain expressions; to further regulate the declaration, deviation and closing of public roads; to extend the matters that may be investigated by a board; to further regulate inquiries by a special road board or a commission; to provide that a new road or deviation may also be brought into a serviceable state at the expense of any interested party; to extend the purposes for which strips of land adjacent to public road may be appropriated; to amend the size of road camps; to further regulate the entry and taking possession of land and the removal of material; to extend the payment of compensation; to further regulate the planting or removing of trees and other vegetation within the road reserve; to delete references to the expression "european"; to provide for and regulate the appointment of board members; to extend the grounds on which a person is disqualified to be a member of a board; to delete the provisions regarding stock-paths; to substitute certain obsolete references; to provide that the responsible Member and Head of Department may delegate their powers; to substitute further obsolete references; and to provide for connected matters.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

Amendment of section 1 of Ordinance 4 of 1968, as amended by section 9 of Ordinance 6 of 1970, section 1 of Ordinance 4 of 1971 and section 3 of Act 4 of 1994

1. Section 1 of the Roads Ordinance, 1968 (hereinafter referred to as the Ordinance), is amended-

(a) by the deletion of the definition of "arbitration";

(b) by the insertion after the definition of "board" of the following definition:

" 'Director General' means the Director General of the Administration;";

(c) by the deletion of the definition of "Director";

(d) by the insertion after the definition of "district" of the following definition:

" 'Head of Department' means the Head of the Department of Public Works, Roads and Transport of the Administration;";

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.

WETSONTWERP

Tot wysiging van die Ordonnansie op Paaie, 1968, ten einde sekere uitdrukkings nader te omskryf, te vervang of te skrap; om die verklaring, verlegging en sluiting van openbare paaie verder te reël; die aangeleenthede wat deur 'n raad ondersoek kan word uit te brei; om die ondersoeke deur 'n spesiale padraad en 'n kommissie verder te reël; voorsiening te maak dat 'n nuwe pad of verlegging ook op die koste van enige belanghebbende in 'n bruikbare toestand gebring kan word; om die doeleindes waarvoor stroke grond langs 'n openbare pad ontnem kan word uit te brei; om die grootte van padkampe te wysig; om die betreding en inbesitneming van grond en die verwydering van materiaal, verder te reël; om die betaling van vergoeding uit te brei; om die plant en verwydering van bome en plantegroei binne die padreserwe, verder te reël; om verwysings na die uitdrukking "blanke" te skrap; om voorsiening te maak vir die aanstelling van padraadslede en die regulering daarvan te reël; om die gronde waarop 'n persoon gediskwalifiseer is om 'n lid van 'n raad te wees, uit te brei; om die bepalings rakende veebane te skrap; sekere uitgediende verwysings te vervang; voorsiening te maak dat die verantwoordelike Lid en Departementshoof hul bevoegdhede kan delegeer; om verdere uitgediende verwysings te vervang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg :

Wysiging van artikel 1 van Ordonnansie 4 van 1968, soos gewysig deur artikel 9 van Ordonnansie 6 van 1970, artikel 1 van Ordonnansie 4 van 1971 en artikel 3 van Wet 4 van 1994

1. Artikel 1 van die Ordonnansie op Paaie, 1968 (hierna die Ordonnansie genoem), word gewysig -

(a) deur die omskrywing van "arbitrasie" te skrap;

(b) deur die omskrywing van "Direkteur" te skrap;

(c) deur voor die omskrywing van "distrik" die volgende omskrywings in te voeg:

"Departementshoof die Hoof van die Departement Openbare Werke, Paaie en Vervoer van die Administrasie;

'Direkteur-generaal' die Direkteur-generaal van die Administrasie;";

(d) deur die omskrywing van "Dorperaad" deur die volgende omskrywing te vervang:

- (e) by the deletion of the definition of "large stock";
- (f) by the substitution for the definition of "local authority" of the following definition:

" 'local authority' means a [municipal council, village management board or local board established in terms of the Local Government Ordinance, 1962 (Ordinance No 8 of 1962) or a peri-urban authority established in terms of the Small-Holdings Ordinance, 1954 (Ordinance No 17 of 1954)] transitional council, excluding a transitional rural council, established in terms of the Local Government Transition Act, 1993 (Act No 209 of 1993);";

- (g) by the substitution for the definition of "roadway" of the following definition:

" 'roadway' means [that part of a road which has been improved or constructed, or is intended, for vehicular traffic] the surface of a public road on which vehicles normally travel and which consists of one or more contiguous traffic lanes, including auxiliary lanes and the road shoulders;";

- (h) by the deletion of the definition of "small stock";
- (i) by the deletion of the definition of "stock-path";
- (j) by the substitution for the definition of "Townships Board" of the following definition:

" 'Townships Board' means the Townships Board referred to in section [4 of the Townships Ordinance, 1947 (Ordinance No 20 of 1947)] 2 of the Townships Ordinance, 1969 (Ordinance No 9 of 1969); and

- (k) by the insertion after the definition of "Townships Board" of the following definition:

" 'travelled way' means a roadway excluding the road shoulders.".

Amendment of section 3 of Ordinance 4 of 1968, as amended by section 1 of Ordinance 13 of 1986 and section 3 of Act 4 of 1994

2. Section 3 of the Ordinance is amended -

- (a) by the substitution in subsection (1) for the words preceding paragraph of the following words:

"(1) Subject to the provisions of subsection (2) and section 9 [and of the Mining Rights Act, 1967 (Act No 20 of 1967)], the responsible Member may by proclamation -";

“ ‘Dorperaad’ die Dorperaad in artikel [4 van die Dorpe-Ordonnansie, 1947 (Ordonnansie No 20 van 1947) genoem] 2 van die Ordonnansie op Dorpe, 1969 (Ordonnansie No 9 van 1969) bedoel;”;

- 5 (e) deur die omskrywing van “grootvee” te skrap;
- (f) deur die omskrywing van “kleinvee” te skrap;
- 10 (g) deur voor die omskrywing van “plaaslike bestuur” die volgende omskrywing in te voeg:

“ ‘padbaan’ die oppervlakte van ‘n openbare pad waarop voertuie normaalweg ry en wat uit een of meer aangrensende verkeerslane, insluitende hulplane en die padskouers, bestaan;”;

- 15 (h) deur die omskrywing van “plaaslike bestuur” deur die volgende omskrywing te vervang:

20 “ ‘plaaslike bestuur’ ‘n [munisipale raad, dorpsbestuur of plaaslike raad wat ingevolge die Ordonnansie op Plaaslike Bestuur, 1962 (Ordonnansie No 8 van 1962) ingestel is, of ‘n buitestedelike bestuur wat ingevolge die Ordonnansie op Kleinhoewes, 1954 (Ordonnansie No 17 van 1954) ingestel is] oorgangsraad, uitgesluit ‘n landelike oorgangsraad, wat ingevolge die Oorgangswet op Plaaslike Regering, 1993 (Wet No 209 van 1993), ingestel is;”;

- 25 (i) deur die omskrywing van “ryvlak” deur die volgende omskrywing te vervang:
- 30 “ [ryvlak] rybaan’ [die gedeelte van ‘n pad wat vir voertuigverkeer verbeter, aangelê of bedoel is] ‘n padbaan met uitsluiting van die padskouers;”;

- (j) deur die omskrywing van “veebaam” te skrap.

Wysiging van artikel 3 van Ordonnansie 4 van 1968, soos gewysig deur artikel 1 van Ordonnansie 13 van 1986 en artikel 3 van Wet 4 van 1994

2. Artikel 3 van die Ordonnansie word gewysig -

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“(1) Behoudens die bepalinge van subartikel (2) en artikel 9 [en van die Wet op Mynregte, 1967 (Wet No 20 van 1967)], kan die verantwoordelike Lid by proklamasie - ”;

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

“(2) A proclamation shall not be issued in terms of subsection (1), unless the responsible Member has -

(a) except in the cases referred to in subsections (3)(c)(i) and (4)(b), had the matter inquired into by either the board in whose area of jurisdiction the road concerned is, in the opinion of the responsible Member, mainly situated in accordance with the provisions of section 4, or a commission in accordance with the provisions of section 6, as the responsible Member may determine; **[and]**

(b) in the case of a proclamation which provides for the declaration of a public road over land in a township, consulted the Townships Board in the matter; **and**

~~(c) in the case where a person referred to in subsection (3)(a), is in terms of section 18(2) responsible for the payment of compensation, received security to his or her satisfaction from such person.”;~~

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

“(b) An application shall be submitted to the **[Director] Head of Department** together with a sketch plan indicating the situation of the road concerned and a fee of -

(i) **[three hundred and fifty rand] R2 000**, in the case where the matter is to be inquired into by a commission in terms of section 6;

(ii) **[two hundred and fifty rand] R1 500**, in the case where the matter is to be inquired into by a board in terms of section 4; and

(iii) **[fifty rand] R200**, in respect of a case involving a declaration referred to in subsection (1)(b).”; and

(d) by the insertion after paragraph (c) of subsection (3) of the following paragraph, the existing paragraph (d) becoming paragraph (e):

~~“(d) The Head of Department may direct it to the board or commission, as the case may be, to institute an inquiry regarding the desirability to declare, to deviate or to close another road which is not contained in the original application, if he or she is of the opinion that the declaration, deviation or closing of such other road appears to be necessary as a result of the declaration, deviation or closing of the road for which application has been made.”.~~

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ‘n Proklamasie word nie ingevolge subartikel (1) uitgevaardig nie tensy die verantwoordelike Lid -

(a) die aangeleentheid, behalwe in die gevalle in subartikels (3)(c)(i) en (4)(b) bedoel, laat ondersoek het deur of die raad binne wie se regsgebied die betrokke pad, na die mening van die verantwoordelike Lid, hoofsaaklik geleë is, ooreenkomstig die bepalings van artikel 4, of ‘n kommissie ooreenkomstig die bepalings van artikel 6, al na die verantwoordelike Lid mag bepaal; [en]

(b) in die geval van ‘n proklamasie wat voorsiening maak vir die verklaring van ‘n openbare pad oor grond in ‘n dorp, die Dorperaad daarvoor geraadpleeg het; en

(c) in die geval waar ‘n persoon in subartikel (3)(a) bedoel, ingevolge artikel 18(2) vir die betaling van vergoeding verantwoordelik is, sekuriteit tot sy of haar bevrediging vanaf sodanige persoon ontvang het.”;

(c) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

“(b) ‘n Aansoek word by die **[Direkteur]** Departementshoof ingedien tesame met ‘n sketsplan wat die ligging van die betrokke pad aandui, en ‘n bedrag van -

(i) **[driehonderd en vyftig rand]** R2 000, in die geval waar die aangeleentheid ingevolge artikel 6 deur ‘n kommissie ondersoek gaan word;

(ii) **[tweehonderd en vyftig rand]** R1 500, in die geval waar die aangeleentheid ingevolge artikel 4 deur ‘n raad ondersoek gaan word; en

(iii) **[vyftig rand]** R200, in die geval waar dit betrekking het op ‘n verklaring in subartikel (1)(b) bedoel.”; en

(d) deur na paragraaf (c) van subartikel (3) die volgende paragraaf in te voeg, terwyl die bestaande paragraaf (d) paragraaf (e) word:

“(d) Die Departementshoof kan dit na die raad of kommissie, na gelang van die geval, verwys om ook ondersoek in te stel na die wenslikheid om ‘n ander pad, wat nie in die oorspronklike aansoek inbegrepe is nie, te verklaar, te verlé of te sluit indien hy of sy van mening is dat die verklaring, verlegging of sluiting van sodanige ander pad nodig blyk te wees weens die verklaring, verlegging of sluiting van die pad waarvoor aansoek gedoen is.”.

Amendment of section 4 of Ordinance 4 of 1968, as amended by section 2 of Ordinance 13 of 1986 and section 3 of Act 4 of 1994

3. Section 4 of the Ordinance is amended -

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

“(1) When a matter has, in terms of section 3(3)(c)(ii), 3(3)(d) or 3(4)(a), been referred to a board for inquiry, the inquiry shall be conducted by the committee established, in terms of section 33, for the ward which, in the opinion of the **[chairman]** chairperson of the board, is mainly concerned with the matter, and a decision taken or recommendation made by such committee in connection with such matter shall be deemed to be a decision or recommendation of the board.”; and

- (b) by the substitution for paragraphs (b) and (c) of subsection (3) of the following paragraphs respectively:

“(b) After completion of the inquiry the committee shall submit its report, through the **[Director]** Head of Department, to the **[Provincial Secretary]** Director General who may, after consideration thereof, decide -

(i) to make a recommendation to the responsible Member that a declaration be made in terms of section 3(1); or

(ii) not to make any **[such]** recommendation to the responsible Member.

(c) The applicant and the persons who made objections to or representations regarding the proposed declaration shall immediately be informed, by notice sent to them by **[certified]** registered post, of the decision taken by the **[Provincial Secretary]** Director General.”.

Amendment of section 5 of Ordinance 4 of 1968, as amended by section 3 of Ordinance 13 of 1986 and section 3 of Act 4 of 1994

4. Section 5 of the Ordinance is amended -

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

“(1) A person or body of persons having a direct interest in a matter about which the **[Provincial Secretary]** Director General has, in terms of section 4(3)(b), taken a decision, and who is aggrieved at such decision, may, within **[twenty-one]** 30 days after the date of the notice referred to in section 4(3)(c), apply in writing to the **[Director]** Head of Department that the matter be further inquired into by a special road board constituted in terms of subsection (3).”;

Wysiging van artikel 4 van Ordonnansie 4 van 1968, soos gewysig deur artikel 2 van Ordonnansie 13 van 1986 en artikel 3 van Wet 4 van 1994

3. Artikel 4 van die Ordonnansie word gewysig -

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

“(1) Wanneer ‘n aangeleentheid ingevolge artikel 3(3)(c)(ii), 3(3)(d) of 3(4)(a) na ‘n raad vir ondersoek verwys is, word die ondersoek uitgevoer deur die komitee wat ingevolge artikel 33 ingestel is vir die wyk waarin die betrokke pad, na die mening van die voorsitter van die raad, hoofsaaklik geleë is, en word dit geag dat ‘n besluit wat geneem is of ‘n aanbeveling wat gemaak is deur die komitee oor die aangeleentheid, ‘n besluit of aanbeveling van die raad is.”; en

(b) deur paragrawe (b) en (c) van subartikel (3) deur onderskeidelik die volgende paragrawe te vervang:

“(b) Na voltooiing van die ondersoek lê die komitee sy verslag, deur bemiddeling van die **[Direkteur] Departementshoof**, voor aan die **[Provinsiale Sekretaris] Direkteur-generaal** wat na oorweging daarvan kan besluit -

(i) om **[by]** ‘n aanbeveling aan die verantwoordelike Lid **[aan te beveel]** te maak dat ‘n verklaring ingevolge artikel 3(1) gemaak moet word; of

(ii) om **[geen sodanige]** nie ‘n aanbeveling aan die verantwoordelike Lid te maak nie.

(c) Die aansoeker en die persone wat besware geopper het teen of vertoë aangaande die voorgestelde verklaring gerig het, word onverwyld, by kennisgewing wat per **[gesertifiseerde]** geregistreerde pos aan hulle gerig is, in kennis gestel van die besluit van die **[Provinsiale Sekretaris] Direkteur-generaal**.”.

Wysiging van artikel 5 van Ordonnansie 4 van 1968, soos gewysig deur artikel 3 van Ordonnansie 13 van 1986 en artikel 3 van Wet 4 van 1994

4. Artikel 5 van die Ordonnansie word gewysig -

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

“(1) ‘n Persoon of liggaam van persone wat ‘n direkte belang het by ‘n saak waarvoor die **[Provinsiale Sekretaris] Direkteur-generaal** ingevolge artikel 4(3)(b) ‘n besluit geneem het en wat veronreg voel oor die besluit, kan binne **[een-en-twintig]** 30 dae na die datum van die kennisgewing in artikel 4(3)(c) genoem, skriftelik by die **[Direkteur] Departementshoof** aansoek doen dat die saak verder ondersoek moet word deur ‘n spesiale padraad wat ingevolge subartikel (3) saamgestel is.”;

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

“(2) An application in terms of subsection (1) shall be accompanied by a fee of **[three hundred and fifty rand] R2 000.**”;

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

“(b) A special road board shall consist of three members of whom one shall be designated **[chairman] chairperson** by the responsible Member. Provided that a person shall **[except if he is the chairman of such a board,]** not serve on such board if he or she is resident, or the owner of land, in the district in which the road which is the subject of the inquiry is situated.”;

- (d) by the substitution for paragraph (b) of subsection (4) of the following paragraph:

“(b) A copy of such notice shall be sent by **[certified] registered** post to the applicant and every person referred to in section 4(3)(c).”; and

- (e) by the substitution for subsection (6) of the following subsection:

“(6) (a) If no application has been received in terms of subsection (1) in a matter in connection with which the **[Provincial Secretary] Director General** has given a decision or if the responsible Member has, after the submission to him or her of the documents referred to in subsection (5)(b), given a decision in the matter, such matter shall not be reopened unless the responsible Member is satisfied that circumstances have arisen which render the reopening of the matter necessary.

(b) If the responsible Member decides under paragraph (a) to reopen the matter, the applicant shall lodge an application in terms of section 3(3) anew.”.

Amendment of section 6 of Ordinance 4 of 1968, as amended by section 4 of Ordinance 13 of 1986 and section 3 of Act 4 of 1994

5. Section 6 of the Ordinance is amended -

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

“(a) Whenever a matter is, in terms of section 3(3)(c)(ii), 3(3)(d) or 3(4)(a), to be referred to a commission for inquiry, the responsible Member shall appoint a commission, consisting of three members, to inquire into the proposed declaration, and shall designate one of the members as **[chairman] chairperson** of the commission.”; and

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ‘n Aansoek ingevolge subartikel (1) moet vergesel gaan van ‘n bedrag van [driehonderd en vyftig rand] R2 000.”;

(c) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

“(b) ‘n Spesiale padraad bestaan uit drie lede waarvan een deur die verantwoordelike Lid as voorsitter aangewys word: Met dien verstande dat ‘n persoon [behalwe as hy die voorsitter van so ‘n raad is,] nie in sodanige raad mag dien nie as hy of sy woonagtig, of die eenaar van grond is in die distrik waarin die pad waaroor die ondersoek gaan, geleë is.”;

(d) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

“(b) ‘n Afskrif van die kennisgewing word per [gesertifiseerde] geregistreerde pos gestuur aan die aansoeker en elke persoon in artikel 4(3)(c) bedoel.”; en

(e) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) (a) Indien geen aansoek ingevolge subartikel (1) ontvang is oor ‘n saak in verband waarmee die [Provinsiale Sekretaris] Direkteur-generaal ‘n besluit geneem het nie, of indien die verantwoordelike Lid, na voorlegging aan hom of haar van die dokumente in subartikel (5)(b) genoem, ‘n beslissing in die saak gegee het, word die saak nie weer heropen nie, tensy die verantwoordelike Lid oortuig is dat toestande ontstaan het wat ‘n heropening van die saak noodsaaklik maak.

(b) Indien die verantwoordelike Lid kragtens paragraaf (a) besluit om die saak te heropen, moet die aansoeker opnuut ‘n aansoek ingevolge artikel 3(3) indien.”.

Wysiging van artikel 6 van Ordonnansie 4 van 1968, soos gewysig deur artikel 4 van Ordonnansie 13 van 1986 en artikel 3 van Wet 4 van 1994

5. Artikel 6 van die Ordonnansie word gewysig -

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) Wanneer ‘n aangeleentheid ingevolge artikel 3(3)(c)(ii), 3(3)(d) of 3(4)(a) na ‘n kommissie vir ondersoek verwys word, stel die verantwoordelike Lid ‘n kommissie, bestaande uit drie lede, aan om ondersoek in te stel na die voorgestelde verklaring, en wys hy of sy een van die lede as voorsitter van die kommissie aan.”; en

- (b) by the substitution for subsection (4) of the following subsection:

“(4) (a) A matter which has been before a commission shall not be reopened, unless the responsible Member is satisfied that circumstances have arisen which render the reopening of the matter necessary. 5

(b) If the responsible Member decides under paragraph (a) to reopen the matter, the applicant shall lodge an application in terms of section 3(3) anew.”. 10

Substitution of section 10 of Ordinance 4 of 1968, as amended by section 6 of Ordinance 13 of 1986

6. The following section is substituted for section 10 of the Ordinance: 15

“Applicant or interested party to bring public road into serviceable state at his own expense.

10. [(a)] Whenever a new public road or a deviation of a public road has been declared in terms of section 3(1), such new road or deviation shall not be opened for use by the public, until the applicant [therefor] or any other interested party has, at his or her own expense and to the satisfaction of the [Director] Head of Department brought the road or deviation concerned into a serviceable state and has carried out such works (including the erection of a gate or fence) thereon as the [Director] Head of Department may determine.”. 20 25

Amendment of section 12 of Ordinance 4 of 1968, as amended by section 2 of Ordinance 4 of 1971 and section 3 of Act 4 of 1994 30

7. Section 12 of the Ordinance is amended -

- (a) by the substitution for subsection (1) of the following subsection: 35

“(1) The width of the road reserve of public roads shall be as follows: 35

[(a) **primary roads which are declared roads as defined in section 1 of the National Roads Act, 1935 (Act No 42 of 1935), eighty metres;**] 40

[(b)] (a) primary roads **[except primary roads referred to in paragraph a)]-**

(i) with one roadway, thirty-two metres; 45

(ii) with more than one roadway, sixty-four metres;

[(c)] (b) secondary roads, twenty-five metres;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) (a) ‘n Saak wat voor ‘n kommissie gedien het, word nie weer heropen nie, tensy die verantwoordelike Lid oortuig is dat toestande ontstaan het wat ‘n heropening van die saak noodsaaklik maak.

(b) Indien die verantwoordelike Lid kragtens paragraaf (a) besluit om die saak te heropen, moet die aansoeker opnuut ‘n aansoek ingevolge artikel 3(3) indien.”.

Vervanging van artikel 10 van Ordonnansie 4 van 1968, soos gewysig deur artikel 6 van Ordonnansie 13 van 1986

6. Artikel 10 van die Ordonnansie word deur die volgende artikel vervang:

“Aansoeker of belanghebbende moet openbare pad op eie koste in bruikbare toestand bring.

10. [(1)] Wanneer ‘n nuwe openbare pad of die verlegging van ‘n openbare pad ingevolge artikel 3(1) verklaar is, word sodanige nuwe pad of verlegging nie vir die gebruik van die publiek oopgestel nie, alvorens die aansoeker of enige ander belanghebbende [daarom] op eie koste die betrokke pad of verlegging, tot bevrediging van die **[Direkteur] Departementshoof**, in ‘n bruikbare toestand gebring het en sodanige ander werke (met inbegrip van die aanbring van ‘n hek of omheining), as wat die **[Direkteur] Departementshoof** mag bepaal, daarop uitgevoer het.”.

Wysiging van artikel 12 van Ordonnansie 4 van 1968, soos gewysig deur artikel 2 van Ordonnansie 4 van 1971 en artikel 3 van Wet 4 van 1994

7. Artikel 12 van die Ordonnansie word gewysig -

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

“(1) Die breedte van die padreserwe van openbare paaie is soos volg:

[(a) **primêre paaie wat verklaarde paaie is, soos omskryf in artikel 1 van die Wet op Nasionale Paaie, 1935 (Wet No 42 van 1935), tagtig meter;**

[(b)] (a) **primêre paaie [behalwe primêre paaie bedoel in paragraaf (a)] -**

(i) **met een [ryvlak] padbaan, twee-en-dertig meter;**

(ii) **met meer as een [ryvlak] padbaan, vier-en-sestig meter;**

[(c)] (b) **sekondêre paaie, vyf-en-twintig meter;**

[(d)] (c) tertiary roads, sixteen metres.”; and

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

- “(2) The responsible Member may appropriate such further strips of land alongside any section of a public road in order to make such section of the road wider than the width prescribed in subsection (1), if he or she considers it necessary -
- (a) for the construction of an intersection, bridge, subway or similar structure;
- (b) for the erection of a gate with a funnel-shaped access to a primary road;
- (c) in order to make proper provision for the slopes of any cutting or embankment in the construction or reconstruction of a road;
- (d) for the establishment of a rest camp for users of such road; **[or]**
- (e) for any other works in connection with the construction **[or]**, repair or use of such road;
- (f) for the erection of a weigh bridge; or
- (g) for the establishment of a road camp in terms of section 15(1).”.

Amendment of section 15 of Ordinance 4 of 1968, as amended by section 4 of Ordinance 4 of 1971, section 10 of Ordinance 13 of 1986 and section 3 of Act 4 of 1994

8. Section 15 of the Ordinance is amended by the substitution in paragraph (a) of subsection (1) for the expression “two” of the expression “five”.

Amendment of section 17 of Ordinance 4 of 1968, as amended by section 11 of Ordinance 13 of 1986 and section 3 of Act 4 of 1994

9. Section 17 of the Ordinance is amended -

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

- “(1) The **[Director]** Head of Department may, after consultation with the owner or occupier of land, enter upon and take possession of such land **[-]** in order

[(d)] (c) tersiêre paaie, sestien meter.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

- 5 “(2) Die verantwoordelike Lid kan langs enige gedeelte van ‘n openbare pad sodanige verdere stroke grond van die eienaar daarvan ontnem om sodanige gedeelte van die pad breër as wat in subartikel (1) voorgeskryf is, te maak indien hy of sy dit nodig ag -
- 10 (a) vir die bou van ‘n kruising, ‘n brug, ‘n duikweg of soortgelyke struktuur;
- 15 (b) vir die oprigting van ‘n hek met ‘n tregtervormige toegang tot ‘n primêre pad;
- (c) om behoorlike voorsiening te maak vir die hellings van enige uitgraving of wal by die bou of herbou van ‘n pad
- 20 (d) vir die aanlê van ‘n ruskamp vir gebruikers van die pad; [of]
- (e) vir enige ander werke in verband met die aanlê [of], herstel of gebruik van die pad;
- 25 (f) vir die oprigting van ‘n weegbrug; of
- (g) vir die aanlê van ‘n padkamp ingevolge artikel 15(1).”

30 Wysiging van artikel 15 van Ordonnansie 4 van 1968, soos gewysig deur artikel 4 van Ordonnansie 4 van 1971, artikel 10 van Ordonnansie 13 van 1986 en artikel 3 van Wet 4 van 1994

8. Artikel 15 van die Ordonnansie word gewysig deur in paragraaf (a) van subartikel (1) die uitdrukking “twee” deur die uitdrukking “vyf” te vervang.

35 Wysiging van artikel 17 van Ordonnansie 4 van 1968, soos gewysig deur artikel 11 van Ordonnansie 13 van 1986 en artikel 3 van Wet 4 van 1994

9. Artikel 17 van die Ordonnansie word gewysig -

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

“(1) Die [Direkteur] Departementshoof kan, na raadpleging met die eienaar of bewoner van grond, sodanige grond betree [-] en in besit neem ten einde

- [(a)]** to take measurements or make surveys or observations or carry out any other inspections for the purpose of the construction or maintenance of a road or pont or for any purpose incidental thereto **[and]** 5
- (b)** take possession of so much thereof as may be necessary for the construction or maintenance of a public road or pont or for any purpose incidental thereto].”;
- (b)** by the substitution for subsection (2) of the following subsection: 10
- “(2) The **[Director]** Head of Department may enter upon and take possession of any land and, **[there take, without]** against payment of compensation [save as otherwise provided by this Ordinance,] for the surface area and improvements thereon, calculated in the manner referred to in section 18, take possession of so much stone, gravel, sand, lime, water or other material as may be necessary for or in connection with the construction or maintenance of a public road, **[or]** pont or outspan or work incidental thereto, and may for this purpose make such excavations, sink such boreholes for water and carry out such other works as he or she may consider necessary: Provided that no such material shall be taken -
- (a)** without prior consultation with the owner or occupier of the land as to the place from which such material shall be taken, and in the event of a dispute arising in the matter the committee established in terms of section 33 for the ward in which such land is situated shall decide the issue; 25
- (b)** on land situated in a township; 30
- (c)** from land that forms part of a railway or graveyard; 30
- (d)** from any garden, orchard or cultivated land under irrigation;
- (e)** from any quarry **[,]** or gravelpit upon land that was burdened with a valid mining authorisation and which have been opened up, and are being used, by the holder of such authorisation, or from any artificially constructed waterworks or other like works which have been [opened up] created, and are being used, by the owner or occupier of such land, except on payment of compensation determined in the manner provided by section [18(3)] 18(1)(a).” 35 40

Substitution of section 18 of Ordinance 4 of 1968, as amended by section 3 of Act 4 of 1994

- 10.** The following section is substituted for section 18 of the Ordinance: 45

[(a) om] opmetings of opnames te maak of waarnemings te doen of om enige ander ondersoek uit te voer vir die doeleindes van die aanlê, aanbring of instandhouding van 'n pad of pont, of vir enige doel in verband daarmee [en

5

(b) soveel daarvan in besit neem as wat nodig mag wees vir die aanlê, aanbring of instandhouding van 'n openbare pad of pont, of vir enige doel in verband daarmee].”;

10

(b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

15

“(2) Die [Direkteur] Departementshoof kan enige grond betree en in besit neem en daar, [sonder] teen betaling van vergoeding [behalwe waar hierdie Ordonnansie anders bepaal,] vir die grondoppervlakte en verbeterings daarop, bereken op die wyse bedoel in artikel 18, soveel klip, gruis, sand, kalk, water of ander materiaal neem as wat nodig mag wees vir of in verband met die aanlê, aanbring of instandhouding van 'n openbare pad, [of] pont of uitspanning of 'n bykomende werk, en kan vir dié doel sodanige uitgrawings maak, boorgate vir water sink en ander werke uitvoer as wat hy of sy nodig mag ag. Met dien verstande dat geen sodanige materiaal geneem word nie -

20

25

(a) voordat die eienaar of bewoner van die grond geraadpleeg is met betrekking tot die plek waar sodanige materiaal geneem sal word, en in die geval van 'n geskil oor die aangeleentheid word dit besleg deur die komitee wat ingevolge artikel 33 ingestel is vir die wyk waarin die grond geleë is;

30

(b) op grond geleë in 'n dorp;

(c) op grond wat deel van 'n spoorweg of begraafplaas uitmaak;

(d) uit 'n tuin, vrugteboord of beboude grond onder besproeiing;

35

(e) uit 'n steengroef [,] of gruisgat waarvan die grond ingevolge die Mineraalwet, 1991 (Wet No 50 van 1991) met 'n geldige ontginningsmagtigingsmagtiging beswaar is en wat deur die houer van sodanige magtiging geopen is en gebruik word, of uit kunsmatig aangelegde waterwerke of ander soortgelyke werke wat deur die eienaar of bewoner van die grond [oorgemaak] daargestel en gebruik word, behalwe teen vergoeding soos bepaal op die wyse soos in artikel [18(3)] 18(1)(a) bedoel.”.

40

45

Vervanging van artikel 18 van Ordonnansie 4 van 1968, soos gewysig deur artikel 3 van Wet 4 van 1994

10. Artikel 18 van die Ordonnansie word deur die volgende artikel vervang:

"Compensation.

- 18.** (1) In the case of land which is acquired for the declaration, construction or maintenance of a public road, pont or outspan or the exercise of a power in terms of section 12(2), 15, 17 or Chapter IV of this Ordinance without such land being expropriated, the following provisions shall apply: 5
- (a) the compensation to which the owner is entitled, shall be calculated, determined and paid in accordance with section 12 of the Expropriation Act, 1975 (Act No 63 of 1975), as if the land to which the declaration or acquisition relates had been expropriated in terms of the provisions of the Expropriation Act, 1975, provided that where stone, gravel, sand, lime, water or other material is taken in accordance with section 17(2)(e) of this Ordinance, the compensation which is payable in accordance with section 12(1)(a)(i) of the Expropriation Act, 1975, shall be based on the volume measure of the material taken; 10 15
 - (b) no compensation shall be paid in respect of land which at the time of the declaration or acquisition already existed, or was being used, as a road; 20
 - (c) compensation in respect of unregistered rights shall be paid in accordance with section 13 of the Expropriation Act, 1975; 25
 - (d) the amount of the compensation shall be determined in terms of section 14 of the Expropriation Act, 1975, if the amount of the compensation cannot be agreed upon; 30
 - (e) the rights to precious metals, precious stones, base minerals and natural oil shall continue to vest in the person (including the State) in whom they vested prior to such declaration or acquisition; 35
 - (f) the date on which the Administration becomes liable for the payment of compensation in terms of the provisions of the Ordinance in question shall be regarded as the date of expropriation; 40
 - (g) the responsible Member shall within sixty days of the declaration of the land to be a road, notify the owner thereof, *mutatis mutandis* in the manner contemplated in section 7 of the Expropriation Act, 1975, if the land was not already a road at the time of the declaration;

“Vergoeding.

18. (1) In die geval van grond wat vir die verklaring, konstruksie of instandhouding van ‘n openbare pad, pont of uitspanning of die uitoefening van ‘n bevoegdheid ingevolge artikel 12(2), 15, 17 of Hoofstuk IV van hierdie Ordonnansie verkry word sonder dat dié grond onteien word, geld die volgende bepalings:

- (a) die vergoeding waarop die eienaar geregtig is, word bereken, vasgestel en betaal ooreenkomstig artikel 12 van die Onteieningswet, 1975 (Wet No 63 van 1975), asof die grond waarop die verklaring of verkryging betrekking het, ingevolge die bepalings van die Onteieningswet, 1975, onteien is, met dien verstande dat waar klip, gruis, sand, kalk, water of ander materiaal ooreenkomstig artikel 17(2)(e) van hierdie Ordonnansie geneem word, word die vergoeding wat ooreenkomstig artikel 12(1)(a)(i) van die Onteieningswet, 1975, daarvoor betaalbaar is, gebaseer op die volume materiaal wat geneem is;
- (b) geen vergoeding word betaal nie ten opsigte van grond wat ten tyde van die verklaring of verkryging reeds as ‘n pad bestaan het of gebruik is;
- (c) vergoeding ten opsigte van ongeregistreerde regte word ooreenkomstig artikel 13 van die Onteieningswet, 1975, betaal;
- (d) die bedrag van die vergoeding word vasgestel ingevolge artikel 14 van die Onteieningswet, 1975, indien daar nie ooreengekom kan word omtrent die bedrag van die vergoeding nie;
- (e) die regte op edelmetale, edelgesteentes, onedele minerale en aardolie bly by die persoon (met inbegrip van die Staat) berus by wie dit voor die verklaring of verkryging berus het;
- (f) die datum waarop die Administrasie ingevolge die bepalings van hierdie Ordonnansie aanspreeklik word vir die betaling van vergoeding, word as die onteieningsdatum beskou;
- (g) die verantwoordelike Lid moet binne 60 dae vanaf die verklaring van die grond tot ‘n pad die eienaar daarvan in kennis stel *mutatis mutandis* op die wyse beoog in artikel 7 van die Onteieningswet, 1975, indien die grond nie ten tye van die verklaring reeds ‘n pad was nie;

- (h) the responsible Member shall furnish the local authority in whose area of jurisdiction the land is situated and the Registrar of Deeds in whose deeds registry the title deed to the land is registered, with a copy of the notice referred to in paragraph (g); and
- (i) the compensation is payable on the date of possession.
- (2) The compensation to which an owner is entitled in terms of subsection (1), shall be paid by the responsible Member, unless he or she has determined that a person referred to in section 17(6) or 3(3)(a) of this Ordinance shall, as the case may be, be liable for payment thereof, in which case the responsible Member may require from the person referred to in section 3(3)(a) of this Ordinance to provide security to his or her satisfaction for payment of the said amount.
- (3) The Registrar of Deeds referred to in subsection (1)(h) shall on receipt of the said copy cause an appropriate endorsement of the declaration of the land to be a road to be made in his registers.
- (4) For purposes of the application of this section -
 - (a) any reference to "Minister", "State" and "*Government Gazette*" in the relevant sections of the Expropriation Act, 1975, must be construed as being a reference to responsible Member, Administration and *Provincial Gazette*,
 - (b) "road" means a road as defined in this Ordinance and includes any land acquired or used for quarries, outspans or camps or other purposes in connection with such a road;
 - (c) "date of possession" means the date on which damage is caused to the land, including any improvements, or the date on which the land is fenced off or any earlier date determined by the responsible Member."

Substitution of section 19 of Ordinance 4 of 1968

11. The following section is substituted for section 19 of the Ordinance:

"19. The [Director] Head of Department may -

- (a) plant trees [and] or any vegetation;
- (b) remove trees or any vegetation;
- (c) effect such improvements; [and] or

(h) die verantwoordelike Lid moet 'n afskrif van die kennisgewing bedoel in paragraaf (g) aan die plaaslike bestuur binne wie se regsgebied die grond geleë is en aan die Registrateur van Aktes in wie se registrasiekantoor die titelbewys van die grond geregistreer is, besorg;

(i) die vergoeding is betaalbaar op die datum van besitname.

(2) Die vergoeding waarop 'n eienaar ingevolge subartikel (1) geregtig is, word deur die verantwoordelike Lid betaal tensy hy of sy bepaal het dat 'n persoon in artikel 17(6) of 3(3)(a) van hierdie Ordonnansie bedoel, na gelang van die geval, vir die betaling daarvan aanspreeklik moet wees, in welke geval die verantwoordelike Lid van die persoon in artikel 3(3)(a) van hierdie Ordonnansie bedoel, kan vereis om sekuriteit tot sy of haar bevrediging te stel vir die betaling van bedoelde bedrag.

(3) Die Registrateur van Aktes bedoel in subartikel (1)(h) moet by ontvangs van genoemde afskrif, 'n toepaslike aantekening van die verklaring van die grond tot 'n pad in sy registers laat aanbring.

(4) Vir doeleindes van die toepassing van hierdie artikel -

(a) moet "Minister", "Staat" en "*Staatskoerant*" in die toepaslike artikels van die Onteiningswet, 1975, uitgelê word as 'n verwysing na verantwoordelike Lid, Administrasie en *Provinsiale Koerant*;

(b) beteken "pad" 'n pad soos omskryf in hierdie Ordonnansie en ook grond wat vir groewe, uitspannings of kampe of ander doeleindes in verband met so 'n pad verkry of gebruik word;

(c) beteken "datum van besitname" die datum waarop die skade aan die grond, insluitende enige verbeterings, aangerig word of die datum waarop die grond afgespan word of enige vroeëre datum deur die verantwoordelike Lid bepaal."

Vervanging van artikel 19 van Ordonnansie 4 van 1968

11. Artikel 19 van die Ordonnansie word met die volgende artikel vervang.

"19. [Die Direkteur] Departementshoof kan, binne die padreserwe van 'n openbare pad [i] -

(a) bome of plantegroei plant; [en]

(b) bome of plantegroei verwyder;

(c) sodanige verbeterings aanbring; [en] of

(d) provide such amenities,

within the road reserve of a public road, as he or she may deem fit.

Amendment of section 21 of Ordinance 4 of 1968

5

12. Section 21 of the Ordinance is amended –

(a) by the substitution in paragraph (d) of subsection (1) for the word “roadway” of the words “travelled way”; and

10

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

“(3) For the purpose of this section “public road” includes **[a rest or road camp]** any land appropriated in accordance with section 12(2), a temporary deviation and a quarry.

15

Substitution of section 25 of Ordinance 4 of 1968

13. The following subsection is substituted for subsection (3) of section 25 of the Ordinance:

20

“(3) A district road board shall consist of eight members who are appointed by the responsible Member and consist of –

(a) four persons who shall each represent a different ward of the district concerned;

25

(b) two persons who possess knowledge of the value of land in the district; and

(c) two persons who are conversant with the road system in the concerned district.”.

30

Substitution of section 26 of Ordinance 4 of 1968, as amended by section 3 of Act 4 of 1994

14. The following section is substituted for section 26 of the Ordinance:

35

“Appointment of board members.

26. (1) The members of the board shall not be appointed unless the responsible Member has invited interested parties by notice in the *Provincial Gazette* and in at least two newspapers circulating in the district concerned, to nominate candidates for his or her consideration within 21 days of the publication of such notice.

40

(d) sodanige geriewe aanbring,

as wat hy of sy mag goeddunk.”.

5 **Wysiging van artikel 21 van Ordonnansie 4 van 1968**

12. Artikel 21 van die Ordonnansie word gewysig –

10 (a) deur in paragraaf (d) van subartikel (1) die woord “ryvlak” deur die woord “rybaan” te vervang; en

(b) deur subartikel (3) met die volgende subartikel te vervang:

15 “(3) Vir die toepassing van hierdie artikel sluit “openbare pad” [‘n rus- of padkamp] enige grond wat ooreenkomstig artikel 12(2) ontnem is, ‘n tydelike verlegging en ‘n groef in.”.

Vervanging van artikel 25 van Ordonnansie 4 van 1968

20 13. Subartikel 3 van artikel 25 van die Ordonnansie word deur die volgende subartikel vervang:

“(3) ‘n Distrikpadraad bestaan uit agt lede wie deur die verantwoordelike Lid aangestel is en bestaan uit –

25 (a) vier persone wat elk ‘n verskillende wyk van die betrokke distrik verteenwoordig;

(b) twee persone wat oor kennis beskik van die waarde van grond in die distrik; en

30 (c) twee persone wat vertrouwd is met die padstelsel in die betrokke distrik.”.

Vervanging van artikel 26 van Ordonnansie 4 van 1968, soos gewysig deur artikel 3 van Wet 4 van 1994

35 14. Artikel 26 van die Ordonnansie word deur die volgende artikel vervang:

“Aanstelling van raadslede.

40 26. (1) Die lede van die raad word nie aangestel nie tensy die verantwoordelike Lid belanghebbendes by kennisgewing in die *Provinsiale Koerant* en minstens twee nuusblaaie wat in die distrik in omloop is, uitgenooi het om, binne 21 dae na die publikasie van sodanige kennisgewing, kandidate te nomineer vir sy of haar oorweging.

- (2) The notice shall determine a day, time and place for the receipt of the nominations.
- (3) Any person of full age who -
- (a) resides in a ward or is an owner or lessee of land in a ward, may be nominated as a candidate to represent a ward, referred to in section 25(3)(a), on the board; 5
 - (b) resides in a district or is an owner or lessee of land in a district and possesses knowledge of the value of land in the district, may be nominated as a candidate to be appointed as a member of the board, as referred to in section 25(3)(b); and 10
 - (c) resides in a district or is an owner or lessee of land in a district and is conversant with the road system in the district, may be nominated as a candidate to be appointed as a member of the board, as referred to in section 25(3)(c), 15
- provided he or she is not disqualified, in terms of section 27, to serve as a member of a board and he or she has for the period of at least two years immediately preceding the nomination day resided, leased or owned land continuously in such a ward or district. 20
- (4) The nomination of a candidate shall be -
- (a) in writing; 25
 - (b) signed by the proposer and seconder of whom both must reside, lease or own land in the district or ward, as the case may be in terms of subsection (3); and 30
 - (c) accepted in writing by the candidate.
- (5) The nomination of a candidate shall be accompanied by -
- (a) the full names of the nominee, his or her address and the curriculum vitae of such person; and 35
 - (b) an affidavit by the nominee wherein the nominee shall affirm that he or she is not disqualified in terms of section 27. 40
- (6) If at the closing time for the receipt of nominations in respect of a category referred to in section 25(3) -
- (a) only the required number of valid nominations have been received, the responsible Member shall appoint the nominated as members of the board; 45

- 5
- (2) Die kennisgewing moet 'n dag, tyd en plek vir die ontvangs van nominasies bepaal.
- (3) Enige mondigte persoon wat –
- 10
- (a) in 'n wyk woon of die eienaar of huurder van grond in 'n wyk is, kan as kandidaat genomineer word om die wyk, soos in artikel 25(3)(a) bedoel, in die raad te verteenwoordig;
- (b) in 'n distrik woon of die eienaar of huurder van grond in 'n distrik is en wie oor kennis van die waarde van grond in die betrokke distrik beskik, kan as kandidaat genomineer word om as lid van die raad, soos in artikel 25(3)(b) bedoel, aangestel te word;
- 15
- (c) in 'n distrik woon of die eienaar of huurder van grond in 'n distrik is en wie vertrouwd is met die padstelsel in die betrokke distrik, kan as kandidaat genomineer word om as lid van die raad, soos in artikel 25(3)(c) bedoel, aangestel te word,
- 20
- mits hy of sy nie ingevolge artikel 27 onbevoeg is om as lid van 'n raad te dien nie en hy of sy vir 'n tydperk van ten minste twee jaar wat die nominasiedag onmiddellik voorafgaan onafgebroke in die wyk of distrik, na gelang van die geval, gewoon het of die eienaar of huurder van grond was.
- 25
- (4) Die nominasies van 'n kandidaat moet –
- (a) skriftelik wees;
- 30
- (b) onderteken wees deur 'n voorsteller en sekondant wat albei in die bedoelde wyk of distrik, na gelang van die geval soos in subartikel (3) bedoel, woon of die eienaar of die huurder van grond is; en
- (c) skriftelik deur die kandidaat aanvaar word.
- 35
- (5) Die nominasie van 'n kandidaat moet vergesel word van –
- (a) die volle name van die genomineerde, sy of haar adres en die curriculum vitae van sodanige persoon; en
- 40
- (b) 'n beëdigde verklaring deur die genomineerde waarin die genomineerde sal bevestig dat hy of sy nie gediskwalifiseerd is ingevolge artikel 27 nie.
- 45
- (6) Indien by die sluitingstyd vir die ontvangs van nominasies daar ten opsigte van 'n kategorie soos in artikel 25(3) bedoel –
- (a) slegs die benodigde aantal, geldige nominasies ontvang is, stel die verantwoordelike Lid die genomineerdes as lede van die raad aan;

- (b) more than the required number of valid nominations have been received, the responsible Member shall appoint the members of the board from the nominations;
- (c) no nominations have been received, the responsible Member shall –
- (i) appoint a member of a transitional rural council, who was, on request of the responsible Member, nominated by the transitional rural council and who is qualified to be a member of the board;
 - (ii) appoint a person who is qualified to be a member of the board, although he or she was not nominated, when the number of nominations are still inadequate; and
- (d) less than the required number of valid nominations have been received, the responsible Member shall appoint the members in accordance with paragraphs (a) and (c).”.

Substitution of section 27 of Ordinance 4 of 1968

15. The following section is substituted for section 27 of the Ordinance:

“Persons not qualified to be board members.

27. A person may not be nominated **[, elected]** or appointed as a member of a board, or may not serve as such, if he or she **[is]** -

- (a) is an unrehabilitated insolvent;
- [(b)]** **in terms of section 6 of the Electoral Consolidation Act, 1946 (Act No 46 of 1946), not entitled to be registered as a voter or to the continuance of such registration; or]**
- [(c)]** **(b) [not resident in the district concerned] does not qualify in terms of section 26(3);**
- (c) is not a South African citizen;
- (d) is mentally ill as defined in the Mental Health Act, 1973 (Act No 18 of 1973) and has been so declared by a competent court;
- (e) has at any time been removed from an office of trust on account of misconduct;
- (f) has at any time been convicted, whether in the Republic or elsewhere, of a criminal offence and is sentenced to imprisonment of not less than six months without the option of a fine; or

(b) meer as die benodigde aantal geldige nominasies ontvang is, stel die verantwoordelike Lid die lede van die raad uit die nominasies aan;

5 (c) geen nominasies ontvang is nie, moet die verantwoordelike Lid -

10 (i) 'n lid van 'n landelike oorgangsraad aanstel wie, op versoek van die verantwoordelike Lid, deur die landelike oorgangsraad genomineer is en wie bevoeg is om 'n lid van die raad te wees; of

15 (ii) 'n persoon wat bevoeg is om 'n lid van die raad te wees, alhoewel hy of sy nie genomineer is nie, aanstel wanneer die getal nominasies steeds onvoldoende is;

(d) minder as die benodigde aantal geldige nominasies ontvang is, stel die verantwoordelike Lid die lede ooreenkomstig paragrafe (a) en (c) aan."

20

Vervanging van artikel 27 van Ordonnansie 4 van 1968

15. Artikel 27 van die Ordonnansie word deur die volgende artikel vervang:

25

"Persone wat nie bevoeg is om raadslede te wees nie.

27. 'n Persoon is nie bevoeg om as lid van 'n raad genomineer [, verkies] of aangestel te word of om as sodanig te dien nie, as hy of sy -

30

(a) 'n ongerehabiliteerde insolvent is;

35 [(b) ingevolge artikel 6 van die Wet tot Konsolidasie van die Kieswette, 1946 (Wet No 46 van 1946) nie geregtig is om as kieser geregistreer te word of te bly nie;]

40 [(c)] (b) [nie in die betrokke distrik woonagtig is nie] nie ingevolge artikel 26(3) kwalifiseer nie;

(c) nie 'n Suid-Afrikaanse burger is nie; of

(d) geestelik ongesteld is soos bepaal in die Wet op Geestesongesteldheid, 1973 (Wet No 18 van 1973), en as sodanig deur 'n bevoegde hof verklaar is;

45

(e) te eniger tyd weens wangedrag uit 'n vertrouensamp ontslaan is;

(f) te eniger tyd, hetsy in die Republiek of elders, skuldig bevind is aan 'n kriminele oortreding en gevonnisd is tot gevangenisstraf van nie minder as 6 maande sonder die opsie van 'n boete nie; of

50

(g) is a political office-bearer, excluding a member of a transitional rural council or, with the exception of section 31(5), a public servant."

Amendment of section 28 of Ordinance 4 of 1968

16. Section 28 is amended –

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

"(1) [(a)] The members of a board [elected] appointed in terms of section [25(3)(a)] 26 shall hold office for a period of five years."; and

(b) by the deletion of paragraph (b) of subsection (1).

Amendment of section 29 of Ordinance 4 of 1968

17. Section 29 of the Ordinance is amended by the substitution for subsection (2) of the following subsection:

"(2) Whenever the seat of a member of the board has, in terms of subsection (1) or for any other reason, become vacant before the expiry of the period for which he or she was [elected or] appointed, the responsible Member may appoint any other person who is qualified to fill the vacancy until the expiry of the period for which the retiring member was [elected or] appointed."

Amendment of section 33 of Ordinance 4 of 1968

18. Section 33 of the Ordinance is amended by the substitution for subsection (2) of the following subsection:

"(2) A committee shall consist of three members of whom –

(a) one shall be the member of the board appointed in terms of section 25(3)(a), 29(2) or (3), to represent the ward in respect of which the committee is constituted;

(b) one shall be a member of the board appointed in terms of section 25(3)(b) or 29(2) or (3) and who was appointed by the board to serve on the committee for so long as it may please the board; and

(c) one shall be a member of the board appointed in terms of section 25(3)(c) or 29(2) or (3) and who was appointed by the board to serve on the committee for so long as it may please the board."

(g) 'n politieke ampsbekleër, uitgesluit 'n lid van 'n landelike oorgangsraad of, met die uitsondering van artikel 31(5), 'n staatsamptenaar is.'

5 **Wysiging van artikel 28 van Ordonnansie 4 van 1968**

16. Artikel 28 word gewysig –

10 (a) deur paragraaf (a) van subartikel (1) van die Ordonnansie deur die volgende subartikel te vervang:

“(1) [(a)] Die lede van 'n raad wat kragtens artikel [25(3)(a)] 26 [verkies] aangestel is, bekleë hulle amp vir 'n tydperk van vyf jaar.”; en

15 (b) deur paragraaf (b) van subartikel (1) te skrap.

Wysiging van artikel 29 van Ordonnansie 4 van 1968

20 17. Artikel 29 van die Ordonnansie word gewysig deur subartikel (2) met die volgende subartikel te vervang:

25 “(2) Wanneer die setel van 'n lid van die raad, ingevolge subartikel (1) of om 'n ander rede, vakant raak voor die verloop van die tydperk waarvoor hy of sy [verkies of] aangestel is, kan die Administrateur iemand anders wat bevoeg is, aantal om die vakature te vul totdat die tydperk waarvoor die uitgetrede lid [verkies of] aangestel was, verstryk het.”.

Wysiging van artikel 33 van Ordonnansie 4 van 1968

30 18. Artikel 33 van die Ordonnansie word gewysig deur subartikel (2) met die volgende subartikel te vervang:

“(2) 'n Komitee bestaan uit drie lede van wie –

35 (a) een die lid van die raad moet wees wat ingevolge artikel 25(3)(a) of 29(2) of (3) aangestel is om die wyk ten opsigte waarvan die komitee saamgestel is, te verteenwoordig.

40 (b) een lid van die raad moet wees wat ingevolge artikel 25(3)(b) of 29(2) of (3) aangestel is en wat deur die raad aangestel word en vir solank as wat dit die raad mag behaag, in die komitee dien; en

45 (c) een lid van die raad moet wees wat ingevolge artikel 25(3)(c) of 29(2) of (3) aangestel is en wat deur die raad aangestel word en vir solank as wat dit die raad mag behaag, in die komitee dien.”.

Amendment of section 35 of Ordinance 4 of 1968, as amended by section 3 of Act 4 of 1994

19. Section 35 of the Ordinance is amended by the deletion in subparagraph (ii) of paragraph (b) of the expression “stock-paths”.

5

Repeal of Chapter III of Ordinance 4 of 1968

20. Chapter III of the Ordinance is repealed.

Amendment of section 46 of Ordinance 4 of 1968, as amended by section 9 of Ordinance 4 of 1971 and section 3 of Act 4 of 1994

10

21. Section 46 of the Ordinance is amended by the deletion in subsection (1) of the words “or a stock-path”.

15

Substitution of section 52 of Ordinance 4 of 1968, as amended by section 9 of Act 94 of 1970

22. The following section is substituted for section 52 of the Ordinance:

20

“Limitation of actions.

52. [(2)] The Administration or an officer [or employee] of the Administration shall not be liable for any damages sustained by a person whilst using any part of a primary road other than the [roadway] travelled way.”.

25

Amendment of section 53 of Ordinance 4 of 1968, as amended by section 3 of Act 4 of 1994

23. Section 53 of the Ordinance is amended –

30

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

- “(1) When an animal is on a public road, [stock-path,] outspan, rest or road camp contrary to the provisions of this Ordinance or the [Road Traffic Ordinance, 1966 (Ordinance No 21 of 1966)] Road Traffic Act, 1989 (Act No 29 of 1989), or trespasses thereon, a [police] traffic officer, as defined in section 1 of the last-mentioned [Ordinance] Act, or any other person authorised thereto by the responsible Member, may impound such animal in accordance with the provisions of the Pound Ordinance, 1952 (Ordinance No 18 of 1952): Provided that the prohibition contained in section 19 of the last-mentioned Ordinance shall not apply in connection with the impounding of such animal.”; and

35

40

- (b) by the deletion in subsection (3) of the expressions “stock-path,” and “path,”.

Wysiging van artikel 35 van Ordonnansie 4 van 1968, soos gewysig deur artikel 3 van Wet 4 van 1994

19. Artikel 35 van die Ordonnansie word gewysig deur in subparagraaf (ii) van paragraaf (b) die uitdrukking “, veebane” te skrap.

Herroeping van Hoofstuk III van Ordonnansie 4 van 1968

20. Hoofstuk III van die Ordonnansie word herroep.

Wysiging van artikel 46 van Ordonnansie 4 van 1968, soos gewysig deur artikel 9 van Ordonnansie 4 van 1971 en artikel 3 van Wet 4 van 1994

21. Artikel 46 van die Ordonnansie word gewysig deur in subartikel (1) die woorde “of veebaan” te skrap.

Vervanging van artikel 52 van Ordonnansie 4 van 1968, soos gewysig deur artikel 9 van Wet 94 van 1970

22. Artikel 52 van die Ordonnansie word deur die volgende artikel vervang:

“Beperking op gedinge.

52. [(2)] Die Administrasie of ‘n beampte [of werknemer] van die Administrasie is nie aanspreeklik vir die skade wat iemand gely het by die gebruik van enige gedeelte van ‘n primêre pad uitgesonderd die [ryvlak] rybaan nie.”.

Wysiging van artikel 53 van Ordonnansie 4 van 1968, soos gewysig deur artikel 3 van Wet 4 van 1994

23. Artikel 53 van die Ordonnansie word gewysig -

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

“(1) Wanneer ‘n dier in stryd met die bepalings van hierdie Ordonnansie of die [Ordonnansie op Padverkeer, 1966 (Ordonnansie No 21 van 1966)] Padverkeerswet, 1989 (Wet No 29 van 1989), op ‘n openbare pad, [veebaan,] uitspanning, rus- of padkamp is of daarop oortree, kan ‘n [polisiebeampte] verkeersbeampte, soos in artikel 1 van laasgenoemde [Ordonnansie] Wet omskryf, of iemand anders wat deur die verantwoordelike Lid daartoe gemagtig is, sodanige dier ooreenkomstig die bepalings van die Skut-Ordonnansie, 1952 (Ordonnansie No 18 van 1952), skut. Met dien verstande dat die verbod vervat in artikel 19 van laasgenoemde Ordonnansie nie van toepassing is met betrekking tot die skut van sodanige dier nie.”; en

- (b) deur in subartikel (3) die uitdrukking “,veebaan” te skrap.

Amendment of section 54 of Ordinance 4 of 1968, as amended by section 3 of Act 4 of 1994**24. Section 54 of the Ordinance is amended –**

- (a) by the substitution for paragraph (a) of the following paragraph: 5
- “(a) contravenes or fails to comply with a provision of section 14(1), 20, 21(1), 34(1), **[40, 41, 43, 44(1),]** 49, 50(2) or (3) or 53(3) or of a notice posted up in terms of section 23;”;
- (b) by the substitution for paragraph (b) of the following paragraph: 10
- “(b) without reasonable cause removes, alters the position of or in any manner causes damage to a notice, direction board or barrier posted up, erected or placed on a public road, **[stock-path,]** outspan, rest or road camp by an officer **[or employee]** of the Administration in the execution of his or her duties;”;
- (c) by the deletion in paragraph (f) of the words “or stock-path”; 20
- (d) by the substitution for paragraph (f) of the following paragraph: 25
- “(f) hinders or interferes with the **[Director]** Head of Department or an officer **[or employee]** of the Administration in the exercise of a power or the carrying out of a duty in connection with the construction or maintenance of a public road, pont, **[stock-path,]** outspan, rest or road camp or other work incidental thereto;”;
- (e) by the substitution for the words following on paragraph (f) of the following words: 30
- “shall be guilty of an offence and liable on conviction to a fine **[not exceeding two hundred rand]** or to imprisonment for a period not exceeding **[twelve]** 6 months, or to both such fine and imprisonment.”.

Amendment of section 55 of Ordinance 4 of 1968, as amended by section 3 of Act 4 of 1994**25. Section 55 of the Ordinance is amended -**

- (a) by the deletion of paragraph (a) of subsection (1); 40
- (b) by the substitution for the word “election” of the word “appointment” in paragraph (b) of subsection (1); and
- (c) by the deletion in paragraph (e) of subsection (1) of the expression “stock-paths”.

Wysiging van artikel 54 van Ordonnansie 4 van 1968, soos gewysig deur artikel 3 van Wet 4 van 1994

24. Artikel 54 van die Ordonnansie word gewysig -

(a) deur paragraaf (a) deur die volgende paragraaf te vervang:

“(a) ‘n bepaling van artikel 14(1), 20, 21(1), 34(1), [40, 41, 43, 44(1),] 49, 50(2) of (3) of 53(3) of van ‘n ingevolge artikel 23 opgeplakte kennisgewing oortree of versuim om daaraan te voldoen;”;

(b) deur paragraaf (b) deur die volgende paragraaf te vervang :

“(b) sonder redelike oorsaak ‘n kennisgewing, aanwysingsbord of versperring wat deur ‘n beampte [of werknemer] van die Administrasie in die uitvoering van sy of haar pligte op ‘n openbare pad, pont, [veebaam,] uitspanning, rus- of padkamp opgeplak, aangebring of geplaas is, verwyder of die posisie daarvan verander of dit op enige wyse beskadig;”;

(c) deur in paragraaf (d) die woorde “of veebaan” te skrap;

(d) deur paragraaf (f) deur die volgende paragraaf te vervang:

“(f) die [Direkteur] Departementshoof of ‘n beampte [of werknemer] in diens van die Administrasie by die uitoefening van ‘n bevoegdheid of die uitvoering van ‘n plig in verband met die aanlê, aanbring of instandhouding van ‘n openbare pad, pont, [veebaam,] uitspanning, rus- of padkamp, of ander bykomstige werk, hinder of belemmer;” en

(e) deur die woorde wat volg op paragraaf (f) deur die volgende woorde te vervang:

“is aan ‘n misdryf skuldig en by skuldigbevinding strafbaar met ‘n boete [van hoogstens tweehonderd rand] of gevangenisstraf vir ‘n tydperk van hoogstens [twaalf] 6 maande of met sodanige boete sowel as sodanige gevangenisstraf.”.

Wysiging van artikel 55 van Ordonnansie 4 van 1968, soos gewysig deur artikel 3 van Wet 4 van 1994

25. Artikel 55 van die Ordonnansie word gewysig -

(a) deur paragraaf (a) van subartikel (1) te skrap;

(b) deur in paragraaf (b) van subartikel (1) die woord “verkiesing” met die woord “aanstelling” te vervang; en

(c) deur in paragraaf (e) van subartikel (1) die uitdrukking “veebane,” te skrap.

Insertion of section 55A in Ordinance 4 of 1968

26. The following section is inserted in the Ordinance after section 55:

"Delegations.

- 55A.** (1) The responsible Member may, subject to such conditions as he or she may determine, delegate any power or function conferred upon him or her by or under this Ordinance, except the power to make regulations or to promulgate proclamations, to the Head of Department and he or she may authorise the Head of Department to delegate that power or function to any officer on the establishment of the Department.
- (2) The Head of Department may, subject to such conditions as he or she may determine, delegate any of his or her powers or functions under this Ordinance, to an officer on the establishment of the Department.
- (3) Any delegation under subsection (1) or (2) –
- (a) must be in writing;
- (b) does not prevent the person who made the delegation from exercising that power or performing that duty himself or herself; and
- (c) may at any time be withdrawn in writing by such person.

Substitution of certain expressions in Ordinance 4 of 1968

27. The Ordinance is amended –

- (a) by the substitution for the expressions "Director", "*Gazette*", "Orange Free State" and "Provincial Secretary", wherever they occur, of the expressions "Head of Department", "*Provincial Gazette*", "Free State" and "Director General", respectively; and
- (b) by the substitution for the expressions "he", "him", "his", "chairman" and "vice-chairman", wherever they occur, of the expressions "he or she", "him or her", "his or her", "chairperson" and "vice-chairperson", respectively.

Short title

28. This Act shall be called the Roads Ordinance Amendment Act, 1998.

Invoeging van artikel 55A in Ordonnansie 4 van 1968

26. Die volgende artikel word in die Ordonnansie na artikel 55 ingevoeg:

5 **"Delegasies.**

55A. (1) Die verantwoordelike Lid kan, onderworpe aan sodanige voorwaardes as
wat hy of sy bepaal, enige bevoegdheid of werksaamheid aan hom of haar
by of kragtens hierdie Ordonnansie verleen, behalwe die bevoegdheid om
regulasies te maak of proklamasies uit te vaardig, aan die Departementshoof
delegeer en hy of sy kan die Departementshoof magtig om daardie
bevoegdheid of werksaamheid aan enige beamppte op die diensstaat van die
Departement te delegeer.

(2) Die Departementshoof kan, onderworpe aan sodanige voorwaardes as wat
hy of sy bepaal, enige van sy of haar bevoegdhede of werksaamhede
kragtens hierdie Ordonnansie aan 'n beamppte op die diensstaat van die
Departement delegeer.

(3) Enige delegasie kragtens subartikel (1) of (2) -

(a) moet skriftelik wees;

(b) belet nie die persoon wat die delegering gedoen het, om daardie
bevoegdheid of plig self uit te oefen of te verrig nie; en

(c) kan te eniger tyd skriftelik deur sodanige persoon ingetrek word."

Vervanging van sekere uitdrukkings in Ordonnansie 4 van 1968

27. Die Ordonnansie word gewysig -

(a) deur die uitdrukkings "Direkteur", "Offisiële Koerant", "Oranje-Vrystaat" en
"Provinsiale Sekretaris", oral waar dit voorkom, deur onderskeidelik die
uitdrukkings "Departementshoof", "Provinsiale Koerant", "Vrystaat" en "Direkteur-
generaal" te vervang; en

(b) deur die uitdrukkings "hy", "hom" en "sy" (behalwe met verwysing na die
Administrasie, 'n distrikspadraad of 'n komitee), oral waar dit voorkom, deur
onderskeidelik die uitdrukkings "hy of sy", "hom of haar" en "sy of haar" te
vervang.

Kort titel

28. Hierdie Wet heet die Wysigingswet op die Ordonnansie op Paaie, 1998.

MEMORANDUM

A. Purpose

The purpose of the proposed amendment of the Roads Ordinance, 1968 (Ordinance 4 of 1968) is to further define, to substitute, to insert or to delete certain expressions. Many sections have to be updated in order to keep up with change. The Department wants to move away from the expensive process of electing members for a road board and it is therefore necessary to provide for the appointment of these members. The Department has to calculate and pay compensation for land in accordance with the Expropriation Act, 1975 (Act No 63 of 1975). The payment of compensation must be regulated in the Ordinance.

B. Clause-by-clause analysis

Clause 1

This clause amends section 1. New definitions are inserted, for example "Head of Department", other outdated definitions are either amended or deleted, for example the definition of "local authority" is amended to concur with new legislation and the definitions of "large stock" and "small stock" are deleted as these words are not used anymore in the Ordinance.

Clause 2

- 2.1 It is stated in section 3(1) that the responsible Member may declare new roads, close, deviate or regrade existing roads, subject to the provisions of the Mining Rights Act, 1967 (Act No 20 of 1967). Section 179 of the Mining Rights Act, 1967, which stated that a strip of land in a proclaimed goldmine area should be reserved for road purposes before it could be declared a road, was repealed by the Mineral Act, 1991 (Act No 50 of 1991). In view hereof it is suggested that the saving clause in respect of the Mining Rights Act be deleted in section 3(1) of the Ordinance.
- 2.2 In terms of the provisions of the Expropriation Act, 1975, the payment of compensation for property is compulsory. Section 18(2) already provides that the responsible Member may determine who is responsible for the payment of compensation. In view of the fact that an offer for compensation has to be made to the landowner(s) within 60 days after the promulgation of the proclamation in terms of the Expropriation Act, a bank guaranteed cheque for the amount of compensation will have to be obtained before the promulgation of the proclamation. The insertion of subsection 3(2)(c) to obtain surety for the compensation from the applicant, is therefore suggested.
- 2.3 Due to the immense increase in publication costs (notices in connection with application for the declaration, closing or deviation of roads are published in the *Provincial Gazette* and two newspapers), as well as an increase in allowances for sessions and travel costs payable to members of commissions of inquiry, special road boards and road boards over the past years, the application fees, are not realistic anymore. The average direct expenditure involved with the different matters, amounts to the following:

MEMORANDUM

A. Doel

Die voorgestelde wysiging van die Ordonnansie op Paaie, 1968 (Ordonnansie 4 van 1968) het ten doel om sekere uitdrukkings nader te omskryf, te vervang, in te voeg of te skrap. Baie artikels moet in pas gebring word met veranderinge wat plaasgevind het. Die Departement wil wegbeweeg van die proses om vir 'n padraad te verkies en dit is dus nodig om voorsiening te maak vir die aanstelling van hierdie lede. Die Departement moet vergoeding vir grond bereken en betaal ooreenkomstig die Onteieningswet, 1975 (Wet No 63 van 1975). Dit is dus nodig om die betaling van vergoeding te reël.

B. Uiteensetting per klousule

Klousule 1

Hierdie klousule wysig artikel 1. Nuwe woordskrywings word ingevoeg, byvoorbeeld "Departementshoof", ander verouderde woordskrywings word gewysig of geskrap, byvoorbeeld die definisie van "plaaslike bestuur" word gewysig om met nuwe wetgewing ooreen te kom en die woordskrywings van "grootvee" en "kleinvee" word geskrap aangesien hierdie woorde nie meer in die Ordonnansie gebruik word nie.

Klousule 2

- 2.1 Ingevolge artikel 3(1) is die verantwoordelike Lid bevoeg om paaie te verklaar, te sluit, te verlê of te hergradeer, behoudens die vereistes van die Wet op Mynregte, 1967 (Wet No 20 van 1967). Artikel 179 van die Wet op Mynregte, 1967, wat bepaal dat stroke grond in 'n geproklameerde goudmyng gebied, gereserveer moet word vir paddoeleindes, alvorens dit tot 'n pad verklaar kan word, is herroep deur die Wet op Minerale, 1991 (Wet No 50 van 1991). Daar word dus voorgestel dat die verwysing na die Wet op Minerale in artikel 3(1) geskrap word.
- 2.2 Ingevolge die bepalings van die Onteieningswet, 1975, is die betaling van sodanige vergoeding nou verpligtend. Artikel 18(2) van die Ordonnansie maak reeds daarvoor voorsiening dat die verantwoordelike Lid kan bepaal wie verantwoordelik is vir die betaling van sodanige vergoeding. Aangesien 'n aanbod vir vergoeding binne 60 dae na proklamasie, ingevolge die Onteieningswet, aan die grondeienaar gemaak moet word, moet 'n bankgewaarborgde tjek vir die bedrag van die vergoeding deur die applikant gelewer word. Daar word dus voorgestel dat artikel (3)(2)(c) met betrekking tot die lewering van sekuriteit ingevoeg word.
- 2.3 As gevolg van die enorme styging in publikasiekoste (kennisgewings in verband met aansoek vir die verklaring, sluiting of verlegging van paaie word in die *Provinsiale Koerant* en twee nuusblaaie geplaas) en die verhoging in die sittingstoelae en reiskoste van lede van kommissies van ondersoek, spesiale padrade en padrade oor die afgelope jare is die aansoekgeld nie meer realisties nie. Die gemiddelde direkte uitgawe verbonde aan die onderskeie sake beloop die volgende:

- (i) Commissions of inquiry and special road boards : two thousand rand;
- (ii) Road board cases : one thousand five hundred rand;
- (iii) Applications for the regrading of roads : two hundred rand.

It is proposed that section 3(3)(b) be amended, accordingly.

- 2.4 It could happen that when a person apply for the closing or deviation of a section of a road, and the application is granted, another section of this road or another road could become redundant. To empower the road board to consider such a closing without the applicant altering his application, it is suggested that the Head of Department may direct it to the board or commission to institute an inquiry regarding the desirability to declare, to deviate or to close another road or section of a road. It is therefore recommended that section 3(3)(d) be amended.

Clause 3

- 3.1 It is recommended that section 4(1) be amended to ensure that the road board may consider the closing, deviation or declaration of a road, which was added to an original application, as described in paragraph 2.4.
- 3.2 It is recommended that section 4(3)(b) be amended, because of the interpretation problems which exist regarding the procedure to be followed. It is therefore recommended that the procedure regarding the submission of road board cases to the MEC is stated more clearly, where the Director General did not recommend the declaration, closing or deviation of a road.
- 3.3 As the word certified post is not available anymore, it is recommended that the word "certified" post be substituted for "registered" post in sections 4(3)(c) and 5(4)(b).

Clause 4

- 4.1 Section 5(1) makes it possible for a person, who has a direct interest in a matter in which the Director General gave his decision and who is aggrieved at such decision, to apply within a fixed period of 21 days for a special road board to investigate the matter further. Many representations were received from the public regarding lengthening the period of 21 days to 30 days.
- 4.2 It is proposed that the fee in section 5(2) that have to accompany an application for an investigation by a special road board be raised to two thousand rand.
- 4.3 It is not desirable that a member of a road board be appointed as chairperson of a special road board in a district where he is resident. It is thus recommended that the words "except if he is the chairman of such a board" be omitted in section 5(3)(b).

- (i) Kommissies van ondersoek en spesiale padrade : tweeduisend rand;
- (ii) Padraadsake : eenduisend-vyfhonderd rand;
- (iii) Aansoeke vir die hergradering van paaie : tweehonderd rand.

Daar word voorgestel dat artikel 3(3)(b) dienooreenkomstig gewysig word.

- 2.4 Dit gebeur soms dat wanneer 'n persoon aansoek doen vir die sluiting of verlegging van 'n gedeelte pad, dit dan blyk dat indien die aansoek sou slaag 'n ander gedeelte van dieselfde pad of 'n ander pad moontlik oorbodig kan raak. Ten einde die padraad in staat te stel om sodanige sluiting te oorweeg sonder dat die applikant sy aansoek moet wysig, word voorgestel dat die Departementshoof sodanige byvoeging kan maak om die moontlikheid van die sluiting, verklaring of verlegging van 'n ander pad of gedeelte van 'n pad ook te kan ondersoek. Daar word dus voorgestel dat artikel 3(3)(d) gewysig word.

Klousule 3

- 3.1 Daar word aanbeveel dat artikel 4(1) gewysig word om die padraad in staat te stel om die sluiting, verlegging of verklaring van 'n pad, wat bygevoeg is tot die oorspronklike aansoek te ondersoek, soos uiteengesit in paragraaf 2.4.
- 3.2 Daar word voorgestel dat artikel 4(3)(b) gewysig word, aangesien interpretasieprobleme met betrekking tot die prosedure, wat gevolg moet word, ondervind word. Daar word dus voorgestel dat die prosedure met betrekking tot die voorlegging van padraadsake aan die LUR duideliker gedefinieer word in gevalle waar die Direkteur-generaal nie die verklaring, sluiting of verlegging van 'n pad aanbeveel het nie.
- 3.3 Aangesien gesertifiseerde pos nie meer beskikbaar is nie, word voorgestel dat die woord "gesertifiseerde" pos in artikels 4(3)(c) en 5(4)(b) vervang word met "geregistreerde" pos.

Klousule 4

- 4.1 Artikel 5(1) maak daarvoor voorsiening dat 'n persoon, wat 'n direkte belang in 'n saak het en wat verontreg voel deur sodanige besluit, binne 'n gegewe tydperk van 21 dae aansoek kan doen dat die saak verder deur 'n spesiale padraad ondersoek word. Verskeie vertoë is van die publiek ontvang dat die tydperk van 21 dae verleng word na 30 dae. Geen wesenlike probleme word voorsien met die versoek nie en daar word voorgestel dat die tydperk waarbinne aansoek gedoen moet word vir 'n aansoek deur 'n spesiale padraad gewysig word na 30 dae.
- 4.2 Daar word voorgestel dat die aansoekgeld in artikel 5(2) verbonde aan 'n spesiale padraadondersoek verhoog word na tweeduisend rand.
- 4.3 Dit is nie wenslik dat 'n padraadslid as voorsitter optree van 'n spesiale padraad in dieselfde distrik waar hy woonagtig is nie. Daar word dus voorgestel dat die woorde "behalwe as hy die voorsitter van so 'n raad is" in artikel 5(3)(b) geskrap word.

- 4.4 Section 5(6) does not indicate clearly that an applicant has to pay the application fee again when he applies for the reopening of a case. It is thus recommended that it be stated clearly that if the responsible Member decides to reopen the matter, that the applicant must lodge a new application in terms of section 3(3).

Clause 5

- 5.1 To ensure that a commission of inquiry may also consider the closing, deviation or declaration of a road, which was added to an original application, it is proposed that a cross-reference in section 6(1)(a) be made to the relevant subsection, i.e. subsection 3(3)(d) in this subsection.
- 5.2 It is proposed that section 6(4)(b) be inserted in order that a person who applies for the reopening of a case which served before a commission of inquiry be in the same position as a person who applies for the reopening of a road board case.

Clause 6

The Ordinance states presently that only the applicant can bring a road into a serviceable state, but this leads to many practical problems. It is therefore recommended that section 10(1) be amended to enable that any interested party be able to build a road that was proclaimed as a result of an application.

Clause 7

- 7.1 Section 12(1) describes the width of the road reserve of different public roads. Due to the fact that the Administration does not declare roads as defined in the National Roads Act, 1935 (Act No 42 of 1935), it is therefore recommended that subsection (1)(a) and the saving clause in paragraph (b) be omitted.
- 7.2 Because it is not always clear what the term "ryvlak" in the Afrikaans version of section 12 of the Ordinance refers to, it is recommended that this term be altered to "padbaan". In the English version of the Ordinance no such problem occurs, because the correct translation of "padbaan", namely "roadway" is referred to.
- 7.3 It is sometimes necessary to appropriate strips of land alongside the road reserve. Section 12 makes it possible for these strips of land to be appropriated alongside the road reserve. Because this section does not provide for the appropriation of strips of land alongside a road reserve for the erection of a weighbridge or the establishment of a road camp, it is recommended that paragraphs (f) and (g) be inserted which will regulate the above-mentioned.

- 4.4 Artikel 5(6) stel dit nie duidelik genoeg dat 'n persoon wat aansoek doen vir die heropening van 'n saak weer die voorgestelde aansoekgelde moet betaal nie. Daar word aan die hand gedoen dat dit duidelik gestel moet word dat in gevalle waar die verantwoordelike Lid besluit om 'n saak te heropen, die applikant 'n nuwe aansoek ingevolge artikel 3(3) moet in dien.

Klousule 5

- 5.1 Om te verseker dat 'n kommissie van ondersoek ook die verlegging, verklaring of sluiting van 'n pad, wat bygevoeg is tot die ondersoek, kan ondersoek, word voorgestel dat daar 'n kruisverwysing in artikel 6(1)(a) na artikel 3(3)(d) gemaak word.
- 5.2 Artikel 6(4)(b) behoort ingevoeg te word om te verseker dat 'n persoon wat aansoek doen vir die heropening van 'n saak, wat deur 'n kommissie ondersoek is, in dieselfde posisie is as 'n persoon wat aansoek doen vir die heropening van 'n padraadsaak.

Klousule 6

Ingevolge die Ordonnansie kan slegs die aansoeker van 'n saak 'n pad in 'n bruikbare toestand bring. Aangesien dit tot baie praktiese probleme aanleiding gee, word voorgestel dat artikel 10(1) gewysig word sodat enige belanghebbende voortaan 'n pad, wat geproklameer is op grond van 'n aansoek in die verband, kan bou.

Klousule 7

- 7.1 Artikel 12(1) word die breedtes van die padreserwes van openbare paaie aangedui. Aangesien die Administrasie nie paaie ingevolge die Wet op Nasionale Paaie verklaar nie, word aan die hand gedoen dat subartikel 1(a) en die voorbehoudsklousule in paragraaf (b) geskrap word.
- 7.2 Aangesien daar dikwels onduidelikheid is wat met die term "ryvlak" in die Afrikaanse weergawe van artikel 12 van die Ordonnansie bedoel word, word aan die hand gedoen dat "ryvlak" verander word na "padbaan". In die Engelse weergawe bestaan bogenoemde probleem nie, aangesien die korrekte Engelse vertaling van "padbaan" wel "roadway" is.
- 7.3 Dit is soms nodig om stroke grond langs die padreserwe te ontnem. Artikel 12 maak daarvoor voorsiening dat grond addisioneel tot die padreserwe ontnem kan word. Daar word egter nie voorsiening gemaak om grond addisioneel te ontnem vir die oprigting van weegbrûe of padkampe nie. Daar word dus voorgestel dat paragraawe (f) en (g) ingevoeg word om bogenoemde aangeleenthede te reguleer.

Clause 8

Section 15(1)(a) enables the Provincial Administration to take possession of a portion of land not larger than two hectare in extent and situated alongside a public road, to establish thereon a road camp. It happens more and more, especially at the construction units because of the large machinery they have to accommodate, that the prescribed two hectares is inadequate. It is thus recommended that a road camp be 5 hectares in extent.

Clause 9

- 9.1 Section 17(1)(a) authorises the Head of Department to enter upon any land to take measurements, or make surveys or observations or carry out other inspections for the purpose of the construction of a road. To ensure that the purpose of paragraph (b) is stated clearly, being that the taking up by land in terms of this section is only permitted for the purpose of taking measurements, making surveys or observations, it should accordingly be amended.
- 9.2 It is in section 17(2)(a) determined, among other things, that the Head of Department may without compensation take as much stone, gravel, sand, lime, water or other material as may be necessary for or in connection with the construction or maintenance of a road or pont, etc. With the commencement of the Expropriation Amendment, 1992, the Provincial Administration is committed to the terms of the Expropriation Act, 1975, and according to that, all compensation is claimable. It is necessary to amend the above-mentioned paragraph accordingly.
- 9.3 To conform to the Mineral Act, 1991, it is stipulated that no material may be taken from land that forms part of a railway or graveyard.
- 9.4 Section 17(2)(e) refers to section 18(3). As the calculation of the compensation is now described in section 18(1)(a), it is proposed that the reference to section 18(3) be amended to 18(1)(a).

Clause 10

The Department has now to calculate and pay compensation to landowners in accordance with the stipulations of the Expropriation Act, 1975 (Act No 63 of 1975). It is recommended that section 18 be amended to regulate the payment of compensation.

Clause 11

Confusion exist amongst landowners and officials of the different regional and district offices regarding the right of the Department to plant or remove trees, vegetation, etc. It is necessary to further define section 19.

Klousule 8

In artikel 15(1)(a) word daarvoor voorsiening gemaak dat 'n gedeelte van 'n eiendom wat hoogstens 2 hektaar groot is en aan 'n openbare pad grens deur die Administrasie in besit geneem kan word vir 'n padkamp. Daar word egter al meer gevind dat, veral by konstruksie-eenhede, 2 hektaar nie voldoende is om al die groot toerusting te huisves nie en daar word aan die hand gedoen dat die oppervlakte wat so 'n padkamp kan beslaan, vergroot word na 5 hektaar.

Klousule 9

- 9.1 Artikel 17(1)(a) maak daarvoor voorsiening dat die Departementshoof grond kan betree om opmetings, opnames of waarnemings te doen na die geskiktheid van materiaal vir padboudoeleindes. Ten einde enige onduidelikheid uit die weg te ruim, sodat die bedoeling van paragraaf (b) duidelik blyk, naamlik dat die besitname van grond ingevolge hierdie artikel slegs vir doeleindes van opmetings, opnames of waarnemings bedoel is, word aan die hand gedoen dat paragraaf (b) dienoreenkomstig gewysig word.
- 9.2 In artikel 17(2)(a) word onder andere bepaal dat die Departementshoof sonder vergoeding, soveel klip, gruis, sand, kalk, water of ander materiaal kan neem as wat nodig mag wees in verband met die aanlê, instandhouding of aanbring van 'n pad of pont, ensovoorts. Met die inwerkingtreding van die Wysigingswet op Onteining, 1992, is die Administrasie egter gebind aan die bepalings van die Onteieningswet, 1975, en daarvolgens is alle vergoeding nou opeisbaar. Dit is dus noodsaaklik dat bogenoemde paragraaf dienoreenkomstig gewysig word.
- 9.3 Om aan die Mineraalwet, 1991, gehoor te gee, word daar bepaal dat geen materiaal geneem mag word uit grond wat deel van 'n spoorweg of begraafplaas uitmaak nie.
- 9.4 Artikel 17(2)(e) verwys na artikel 18(3). Aangesien die berekening van die vergoeding in artikel 18(1) beskryf word, word voorgestel dat die verwysing na artikel 18(3) na 18(1) verander word.

Klousule 10

Die Departement is nou verplig om vergoeding aan grondeienaars ooreenkomstig die bepalings van die Onteieningswet, 1975 (Wet No 63 van 1975), te bereken en te betaal. Daar word dus voorgestel dat artikel 18 gewysig word om die betaling van vergoeding te reguleer.

Klousule 11

Daar bestaan verwarring by grondeienaars en beamptes van die verskillende streek- en distrikkantore met betrekking tot die Departement se reg om bome of plantegroei te plant of te verwyder in die padreserwe. Dit is dus nodig om artikel 19 verder te verfyn.

Clause 12

- 12.1 It is proposed that section 21 be amended by the substitution for the word "roadway" of the word "travelled way" so that the meaning is stated more clearly.
- 12.2 The prohibition of obstructions and encroachments on public roads must be made applicable to land appropriated in terms of section 12(2), temporary deviations and quarries. Section 21 is amended.

Clauses 13 and 14

This Department wants to move away from the expensive, cumbersome and time-consuming process to hold an election when more than once valid nomination has been received. The allocated budget is cut back every year and costs must be minimized on all spheres, without prejudice to democracy or quality, to enable the Roads Component of this Department to use the available funds to fulfil its primary purpose, namely the building and maintaining of public roads. Therefore the Ordinance is amended to provide only for the appointment of members by the responsible Member. Sections 25 and 26 regulate the constitution of Road boards and the appointment of board members.

Clause 15

Section 27 indicates which persons are not qualified to be members of a board. Paragraph (b) refers to the Electoral Consolidation Act of 1946, this is outdated and must be deleted. It is recommended that the current paragraph (c) be renumbered to paragraph (b) and that paragraphs (c) to (g) be inserted.

Clauses 16 and 17

As members will not be elected but be appointed on the road board, it is suggested that the word "elected" be deleted in sections 28 and 29.

Clause 18

As members will not be elected as road board members but be appointed in terms of 26(3), it is necessary to amend section 33(2) which regulates the constitution of a road board committee.

Clause 20

Chapter III deals with stock paths. Since only two paths have been proclaimed since 1968, and since such land is now appropriated as part of the road reserve in terms of section 12, it is recommended that this chapter be deleted as a whole.

Clauses 19, 21, 23, 24 and 25

It is proposed that the words "stock-path" and its punctuation or any words in connection with the words "stock-path" be deleted, as it will become redundant if Chapter III which regulates stock-paths is deleted. It is also recommended that the word "elected" be deleted in section 55.

Klousule 12

- 12.1 Daar word verder aan die hand gedoen dat artikel 21 gewysig word deur die woord "ryvlak" te vervang met "rybaan", sodat die bedoeling duideliker blyk.
- 12.2 Die verbod op versperrings en oorskrydings as openbare paaie moet uitgebrei word tot grond wat ingevolge artikel 12(2) ontnem word, tydelike verleggings en groewe. Daar word voorgestel dat artikel 21 gewysig word.

Klousules 13 en 14

Hierdie Departement wil wegbeweeg van die duur, lomp en tydrowende proses om verkiesings te hou in gevalle waar meer as een geldige nominasie ontvang is. Die toegewysde begroting word jaarliks gesny en koste moet op alle terreine bespaar word, sonder dat kwaliteit of demokrasie ingeboet word, sodat die beskikbare fondse aangewend word om die primêre doel van die Paaie Komponent van hierdie Departement, naamlik die daargestelling en instandhouding van openbare paaie, tot uitvoer te bring. Die Ordonnansies word dus gewysig om voorsiening te maak vir die aanstelling van lede deur die verantwoordelike Lid. Artikels 25 en 26 reël die samestelling en aanstelling van raadslede.

Klousule 15

In artikel 27 word aangedui watter persone nie bevoeg is om padraadslede te wees nie. In paragraaf (b) word verwys na die Wet op Konsolidasie van die Kieswette, 1946, dit is verouderd en moet geskrap word. Daar word voorgestel dat die huidige paragraaf (c) hernommer word na paragraaf (b) en dat paragrafe (c) tot (g) ingevoeg word.

Klousules 16 en 17

Aangesien lede nie verkies sal word nie, maar op die padraad aangestel sal word, word voorgestel dat die woord "verkies" in artikels 28 en 29 geskrap word.

Klousule 18

Aangesien lede nie verkies sal word nie, maar aangestel sal word ingevolge artikel 26(3), is dit nodig om artikel 33(2) wat die samestelling van 'n padraadkomitee reël, te wysig.

Klousule 20

Hoofstuk III handel oor veebane. Gesien in die lig daarvan dat daar sedert 1968 nog net twee veebane geproklameer is en aangesien sodanige grond voortaan as deel van die padreserwe ingevolge artikel 12 ontnem word, word aan die hand gedoen dat hierdie hoofstuk in geheel geskrap word.

Klousules 19, 21, 23, 24 en 25

Daar word voorgestel dat die woord "veebaai" en die saamgaande leestekens of woorde geskrap word, aangesien dit oorbodig sal word as Hoofstuk III geskrap word. Daar word ook voorgestel dat die woord "verkies" in artikel 55 geskrap word.

Clause 22

As there is a difference between the meaning of "travelled way" and "roadway", as explained by their definitions, it will be more appropriate to use the words "travelled way" in section 52 in stead of "roadway".

Clause 23

As the Road Traffic Ordinance, 1966, was substituted by the Road Traffic Act, 1989, it is recommended that the reference to section 53(1) be amended accordingly.

Clause 24

Section 54(f) makes provision for any person who prevents the Provincial Administration in the execution of his duties to be liable on conviction to a fine not exceeding two hundred rand. This amount, however is insufficient. It is recommended that the fine or imprisonment be in accordance with the Adjustment of Fines Act, 1991 (Act No 101 of 1991).

Clause 26

Section 55A will regulate the delegation of powers from the MEC to the Head of Department, as well as the delegation of powers from the Head of the Department to any other officer.

Clause 27

- 27.1 The Ordinance refers to certain outdated expressions such as "Director, Provincial Secretary, Orange Free State and Gazette". It is recommended that these expressions in the Ordinance be substituted for "Head of Department, Director General, Free State and *Provincial Gazette*", respectively.
- 27.2 It is furthermore proposed that the expressions "he", "him", "his", "chairman", wherever they occur be substituted for "he or she", "him or her", "his or her", "chairperson" and "vice-chairperson", respectively.

Clause 28

This clause contains the short title.

Klousule 22

As gevolg van die verskil in betekenis van "padbaan" en "rybaan", soos in hul onderskeie definisies verduidelik, word voorgestel dat in artikel 52 melding gemaak word van "rybaan".

Klousule 23

Die Padverkeersordonnansie, 1966, is vervang met die Padverkeerswet, 1989. Daar word dus aan die hand gedoen dat artikel 53(1) dienooreenkomstig gewysig word.

Klousule 24

Artikel 54(f) maak daarvoor voorsiening dat 'n boete van hoogstens tweehonderd rand opgelê kan word aan 'n persoon wat die werksaamhede van die Administrasie verhinder of belemmer. Die bedrag van tweehonderd rand is nou ontoereikend. Daar word dus aan die hand gedoen dat die boete en tronkstraf in ooreenstemming moet wees met die Wet op die Aanpassing van Boetes, 1991 (Wet No 101 van 1991).

Klousule 26

Artikel 55A reël die delegasie van bevoegdhede deur die LUR aan die Departementshoof en ook die delegasie van bevoegdhede deur die Departementshoof aan enige ander beampte.

Klousule 27

- 27.1 Die Ordonnansie verwys na sekere verouderde uitdrukkings soos "Direkteur", "Provinsiale Sekretaris", "Oranje-Vrystaat" en "Offisiële Koerant". Daar word dus voorgestel dat bogenoemde uitdrukkings onderskeidelik vervang word met "Departementshoof", "Direkteur-generaal", "Vrystaat" en "Provinsiale Koerant".
- 27.2 Daar word ook voorgestel dat die uitdrukkings "hy", "hom" of "sy" (behalwe met verwysing na die Administrasie, 'n distrikraad of 'n komitee), oral onderskeidelik vervang word met "hy of sy", "hom of haar" en "sy of haar".

Klousule 28

Hierdie klousule bevat die kort titel.

PROVINCIAL GAZETTE

(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied. If copies of the Provincial Gazette are required, R2,70 must be sent for each copy.

Subscription Rates (payable in advance)

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

Half-yearly (post free)	R 122,50
Yearly (post free)	R 245,00
Price per single copy (post free)	R 4,70

Stamps are not accepted

Closing time for acceptance of copy

All advertisements must reach the Officer in Charge of the Provincial Gazette not later than 12:00, seven working days prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge not later than 10:30 on the Thursday of the week preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

Advertisement Rates

Notices required by Law to be inserted in the Provincial Gazette: R2,00 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300.

Printed and published by the Free State Provincial Administration

PROVINSIALE KOERANT

(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie. Indien eksemplare van die Provinsiale Koerant verlang word, moet R2,70 vir elke eksemplaar gestuur word.

Intekengeld (vooruitbetaalbaar)

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

Halfjaarliks (posvry)	R122,50
Jaarliks (posvry)	R 245,00
Prys per los eksemplaar (posvry)	R 4,70

Seëls word nie aanvaar nie.

Sluitingstyd vir die Aanname van Kopie

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik nie later nie as 12:00 sewe werksdae voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word nie later nie as 10:30 op die Donderdag van die week voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R2,00 per sentimeter of deel daarvan, enkelkolom.

Advertensiegeelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Administrasie