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GOVERNMENT NOTICE

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

No. R. 62 15 January 1993

**WATER ACT, 1956: REGULATION IN RESPECT OF
SUBTERRANEAN WATER CONTROL BOARDS**

The Minister of Water Affairs and Forestry has, in terms of section 32K of the Water Act, 1956 (Act No. 54 of 1956) made the regulations in the schedule.

SCHEDULE DEFINITIONS

1. In these regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the Water Act, 1956, shall have the same meaning and —

“appointed member” means a person who has been appointed as a member of a water control board in accordance with regulation 7;

“elected member” means a person who has been elected as a member of a water control board in accordance with regulation 6;

“electoral officer” —

(a) in relation to the first meeting of voters of a water control district for the election of elected members, means an officer of the department designated by the Director-General as presiding officer at that meeting; and

(b) in relation to the second or any subsequent meeting of voters of a water control district for the election of such members, means the chairman of the water control board in

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN WATERWESE EN BOSBOU

No. R. 62 15 Januarie 1993

**WATERWET, 1956: REGULASIES TEN OPSIGTE
VAN ONDERGRONDSE WATERBEHEERRADE**

Die Minister van Waterwese en Bosbou het, kragtens artikel 32K van die Waterwet, 1956 (Wet No. 54 van 1956), die regulasies in die Bylae uitgevaardig.

BYLAE

WOORDOMSKRYWINGS

1. In hierdie regulasies, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Waterwet, 1956 'n betekenis geheg word, dieselfde betekenis en beteken —

“aangestelde lid” ’n persoon wat ooreenkomstig regulasie 7 as ’n lid van ’n waterbeheerraad aangestel is;

“die Wet” die Waterwet, 1956 (Wet Nr 54 van 1956);

“kiesbeampste” —

(a) met betrekking tot die eerste vergadering van kiesers van ’n waterbeheerdistrik vir die verkiesing van verkose lede, ’n beampste van die departement deur die Direkteur-generaal aangewys as voorsittende beampste by daardie vergadering; en

(b) met betrekking tot die tweede of enige daaropvolgende vergadering van kiesers van ’n waterbeheerdistrik vir die verkiesing van sodanige lede, die voorsitter van die

question or in his absence, the vice-chairman or in his absence, any other member of the water control board in question who has been designated by that board as presiding officer at that meeting;

"piece of land" means a piece of land as defined in section 27 of the Act;

"subterranean water" means subterranean water as defined in section 27 of the Act;

"the Act" means the Water Act, 1956 (Act No. 54 of 1956);

"voter" means a person whose name has, in terms of regulation 2, been included in the voters and rates roll referred to in regulation 4;

"water control board" means a subterranean water control board as defined in section 1 of the Act; and

"water control district" means a subterranean water control district as defined in section 1 of the Act.

Voters and voting rights in a water control district

2. (1) Each person who is the owner of one or more pieces of land in a water control district or who is a joint owner of an undivided share in one or more such pieces of land, shall, subject to subregulation (3), cause and permit his name to be included in the roll referred to in regulation 4 as a voter and if so included, he shall be entitled to be present at an election meeting of that water control district and unless —

- (a) any rate assessed by the water control board in question which is due by him, is, on the date of such meeting, in arrear by more than six months; or
- (b) on the said date, he is no longer the owner of the piece of land or any of the pieces of land in relation to which his name has been included in the roll referred to in regulation 4,

to nominate persons as candidates for election as elected members and in a ballot, to cast the number of votes to which he is entitled in accordance with subregulation (2), in respect of each candidate for whom he votes.

(2) Each voter in a water control district has, in respect of each vacancy for an elected member in respect of which a candidate is nominated at an election meeting, one vote for each 10 hectares or portion of 10 hectares of the total extent of the piece or pieces of land in relation to which his name has been included in the roll referred to in regulation 4, to a maximum of 20 votes: Provided that, in the case of a piece of land of which two or more persons are joint owners in undivided shares, each of those persons has the number of votes derived by dividing the extent in hectares of that piece of land by the number of persons being such owners and by dividing the result by 10 and rounding that result off to the next integral number.

betrokke waterbeheerraad of in sy afwesigheid, die ondervoorsitter of in sy afwesigheid, enige ander lid van die betrokke waterbeheerraad wat deur daardie raad aangewys is as voorsittende beamppte by daardie vergadering;

"kieser" 'n persoon wie se naam ingevolge regulasie 2 in die kiesers- en belastingslys bedoel in regulasie 4 opgeneem is;

"ondergrondse water" ondergrondse water soos omskryf in artikel 27 van die Wet;

"stuk grond" 'n stuk grond soos omskryf in artikel 27 van die Wet;

"verkose lid" 'n persoon wat ooreenkomstig regulasie 6 tot lid van 'n waterbeheerraad verkies is;

"waterbeheerdistrik" 'n ondergrondse waterbeheerdistrik soos omskryf in artikel 1 van die Wet; en

"waterbeheerraad" 'n ondergrondse waterbeheerraad soos omskryf in artikel 1 van die Wet.

Kiesers en stemreg in 'n waterbeheerdistrik

2. (1) Elke persoon wat die eienaar van een of meer stukke grond in 'n waterbeheerdistrik is of wat 'n gesamentlike eienaar van 'n onverdeelde aandeel in een of meer sodanige stuk of stukke grond is, moet, behoudens subregulasie (3), toesien en toelaat dat sy naam as 'n kieser in die lys bedoel in regulasie 4 opgeneem word en indien aldus opgeneem, is hy daarop geregtig om by 'n verkiesingsvergadering van daardie waterbeheerdistrik teenwoordig te wees en tensy —

- (a) enige belasting deur die betrokke waterbeheerraad gehef wat deur hom verskuldig is, op die datum van sodanige vergadering, meer as ses maande agterstallig is; of
- (b) hy op die bedoelde datum nie meer die eienaar is nie van die stuk grond of enige van die stukke grond met betrekking waartoe sy naam in die lys bedoel in regulasie 4 opgeneem is,

om persone as kandidate vir verkiesing tot verkose lede te nomineer en by 'n stemming, die getal stemme waarop hy ooreenkomstig subregulasie (2) geregtig is, ten opsigte van elke kandidaat waarvoor hy stem uit te bring.

(2) Elke kieser in 'n waterbeheerdistrik het, ten opsigte van elke vakature vir 'n verkose lid ten opsigte waarvan 'n kandidaat by 'n verkiesingsvergadering genomineer word, een stem vir elke 10 hektaar of gedeelte van 10 hektaar van die totale grootte van die stuk of stukke grond met betrekking waartoe sy naam in die lys bedoel in regulasie 4 opgeneem is, tot 'n maksimum van 20 stemme: Met dien verstande dat, in die geval van 'n stuk grond waarvan twee of meer persone gesamentlike eienaars van onverdeelde aandeel is, elkeen van daardie persone die getal stemme het wat verkry word deur die grootte in hektaar van daardie stuk grond te deel deur die getal persone wat aldus eienaar is en die resultaat deur 10 te deel en af te rond na die volgende heelgetal.

(3) In the event that the owner of a piece of land referred to in subregulation (1) is a company or other legal person, such owner shall be entitled to have the name of a nominee, who shall be a natural person, included in the roll referred to in regulation 4 as his nominee, to act on behalf of that owner at any election meeting or other meeting of voters of the water control district in question.

(4) A voter may by a written power of attorney authorise any other person to be present at an election meeting, to nominate persons as candidates for election and to vote on his behalf.

(5) A voter who sells or otherwise disposes of a piece of land in respect of which his name has in accordance with subregulation (1) been included in the roll referred to in regulation 4, shall, as soon as practicable, in writing notify the water control board in question of the sale or disposal of that piece of land and of the name and postal address of the person to whom the piece of land has been sold or disposed of.

Candidates for election as elected members

3. Only a voter and a nominee contemplated in regulation 2(3) may be nominated as a candidate for election as an elected member and be elected: Provided that —

- (a) any voter or nominee who, upon conviction of an offence has been sentenced to imprisonment without the option of a fine; or
- (b) any voter or nominee who is an unrehabilitated insolvent; or
- (c) any voter or nominee of a voter who, on the date of an election meeting, is in arrear by more than six months with the payment of any rate assessed by the water control board in question, which is due by him,

may not be nominated as a candidate for election as an elected member or be so elected.

Voters and rates roll of a water control district

4. (1) An electoral officer referred to in paragraph (a) of the definition of "electoral officer" in regulation 1 shall, upon his designation, compile a voters and rates roll in which shall be included —

- (a) the full name in alphabetical order, of each voter in the water control district in accordance with regulation 2(1) (including the nominee of a voter contemplated in regulation 2(3)) and his postal address;
- (b) opposite the name of each voter or such nominee, the description under which the relevant piece of land is registered in the office of a registrar of deeds and the number of the title deed under which that piece of land has last been transferred;
- (c) the extent of the piece of land in question according to the relevant title deed;

(3) In die geval waar die eienaar van 'n stuk grond bedoel in subregulasie (1) 'n maatskappy of ander regspersoon is, is sodanige eienaar daarop geregtig om die naam van 'n genomineerde wat 'n natuurlike persoon moet wees, in die lys bedoel in regulasie 4 te laat opneem as sy genomineerde, om namens daardie eienaar by enige verkiesingsvergadering of ander vergadering van kiesers van die betrokke waterbeheerdistrik op te tree.

(4) 'n Kieser kan deur 'n skriftelike volmag enige ander persoon magtig om namens hom by 'n verkiesingsvergadering teenwoordig te wees, om persone as kandidaat vir verkiesing te nomineer en om te stem.

(5) 'n Kieser wat enige stuk grond met betrekking waartoe sy naam ingevolge subregulasie (1) in die lys bedoel in regulasie 4 opgeneem is, verkoop of andersins vervreem, moet die betrokke waterbeheerraad so gou doenlik skriftelik van die verkoping of vervreemding van die stuk grond en van die naam en posadres van die persoon aan wie die stuk grond verkoop of vervreem is, verwittig.

Kandidate vir verkiesing tot verkose lede

3. Slegs 'n kieser en 'n genomineerde bedoel in regulasie 2(3) kan as kandidaat vir verkiesing tot 'n verkose lid genomineer en verkies word: Met dien verstande dat —

- (a) enige kieser of genomineerde wat, na skuldigbevinding aan 'n misdryf tot gevangenisstraf sonder die keuse van 'n boete gevonnis is; of
- (b) enige kieser of genomineerde wat 'n ongerehabiliteerde insolvent is; of
- (c) enige kieser of die genomineerde van 'n kieser wat, op die datum van 'n verkiesingsvergadering, meer as ses maande agterstallig is met die betaling van enige belasting deur die betrokke waterbeheerraad gehef, wat deur hom verskuldig is,

nie as kandidaat vir verkiesing tot 'n verkose lid genomineer of aldus verkies kan word nie.

Kiesers- en belastinglys van 'n waterbeheerdistrik

4. (1) 'n Kiesbeampte bedoel in paragraaf (a) van die omskrywing van "kiesbeampte" in regulasie 1, moet na sy aanwysing, 'n kiesers- en belastinglys saamstel waarin opgeneem word —

- (a) die volle naam in alfabetiese volgorde, van elke kieser in die waterbeheerdistrik ooreenkomstig regulasie 2(1) (met inbegrip van die genomineerde van 'n kieser bedoel in regulasie 2(3)) en sy posadres;
- (b) teenoor die naam van elke kieser of sodanige genomineerde, die beskrywing waaronder die betrokke stuk grond in die kantoor van 'n registrateur van aktes geregistreer is en die nommer van die titelbewys waaronder daardie stuk grond die laaste keer oorgedra is;
- (c) die grootte van die betrokke stuk grond soos in die betrokke titelbewys aangedui;

- (d) the number of votes which each voter is entitled to cast per candidate at an election for elected members in accordance with regulation 2; and
- (e) the quantity of subterranean water which may, by virtue of the provisions of section 30, 32A or 32B of the Act, be abstracted annually on each such piece of land.

(2) The electoral officer concerned shall, in addition, make provision in the voters and rates roll for the subsequent inclusion therein by the water control board in question, of any rate which is assessed in accordance with regulation 15(1)(a) or (b) by the board in terms of section 32J(1) of the Act and the amount due to the board by each voter in respect of such rate.

(3) After the first election meeting of a water control district, the voters and rates roll shall be revised by the water control board in question as often as it appears necessary in the opinion of the board, in the manner determined from time to time by the board: Provided that —

- (a) the roll shall be revised prior to each election meeting and as often as it becomes necessary in terms of regulation 15(2); and
- (b) no rectification of the said roll shall be effected by the board in relation to the particulars referred to in subregulation (1)(e), except with the written approval of the Director-General.

Constitution of a water control board

5. (1) The Minister may, at any time after the declaration of an area as a water control district, in the manner he deems fit, consult with the persons or bodies which in his opinion have an interest in the utilisation of subterranean water in that district, on the number of members constituting the board of that district, the number of appointed and the number of elected members and the representation of diverse interests on that board.

(2) After the declaration of an area as a water control district in terms of section 32G(1) of the Act, the Minister makes public, by notice in the *Gazette* and in a newspaper circulating in the district in question, the number of members constituting the water control board in question as well as the number of vacancies to be filled by elected members and the number to be filled by appointed members, as determined by him, and the Minister may at any time thereafter, after consultation with the board in question, in like manner amend the notice.

Election of elected members, their periods of office and vacating of their office

6. (1) Elected members are elected at a meeting of the voters of the water control district in question which —

- (a) in the case of the first election meeting of that district, is convened by the Director-General in accordance with subregulation (2)(a); and

- (d) die getal stemme wat elke kieser ooreenkomstig regulasie 2 geregtig is om per kandidaat by 'n verkiesing van verkose lede uit te bring; en
- (e) die hoeveelheid ondergrondse water wat jaarliks uit hoofde van die bepalings van artikel 30, 32A of 32B op elke sodanige stuk grond onttrek mag word.

(2) Die bedoelde kiesbeampte moet voorts op die kiesers- en belastingslys voorsiening maak vir die latere opname daarin deur die betrokke waterbeheerraad, van enige belasting wat kragtens artikel 32J(1) van die Wet deur die raad ooreenkomstig regulasie 15(1)(a) of (b) gehef word en die bedrag wat elke kieser ten opsigte van sodanige belasting aan die raad verskuldig is.

(3) Na die eerste verkiesingsvergadering van 'n waterbeheerdistrik, word die kiesers- en belastingslys so dikwels as wat dit na die oordeel van die betrokke waterbeheerraad nodig blyk, deur die raad hersien op die wyse wat die raad van tyd tot tyd bepaal: Met dien verstande dat —

- (a) die lys voor elke verkiesingsvergadering en so dikwels as wat dit ingevolge regulasie 15(2) nodig is, hersien moet word; en
- (b) geen regstelling van die bedoelde lys met betrekking tot die besonderhede bedoel in subregulasie (1)(e) deur die raad aangebring word nie, behalwe met die skriftelike goedkeuring van die Direkteur-generaal.

Samestelling van 'n waterbeheerraad

5. (1) Die Minister kan, te eniger tyd na die verklaring van 'n gebied tot 'n waterbeheerdistrik, op die wyse wat hy goed vind, die persone en liggame wat na sy oordeel 'n belang by die benutting van ondergrondse water in daardie distrik het, raadpleeg met betrekking tot die getal lede waaruit die raad van daardie distrik bestaan, die getal aangestelde en die getal verkose lede en die verteenwoordiging van uiteenlopende belange op die raad.

(2) Nadat 'n gebied kragtens artikel 32G(1) van die Wet tot 'n waterbeheerdistrik verklaar is, maak die Minister by kennisgewing in die *Staatskoerant* en in 'n nuusblad in omloop in die betrokke distrik, die getal lede bekend waaruit die betrokke waterbeheerraad bestaan asook die getal vakatures op die raad wat deur verkose lede en die getal wat deur aangestelde lede gevul word, soos deur hom bepaal, en die Minister kan te eniger tyd daarna, na raadpleging met die betrokke raad, die kennisgewing op dergelike wyse wysig.

Verkiesing van verkose lede, hul ampstermyne en ontruiming van hul amp

6. (1) Verkose lede word verkies by 'n vergadering van die kiesers van die betrokke waterbeheerdistrik wat —

- (a) in die geval van die eerste verkiesingsvergadering van daardie distrik, deur die Direkteur-generaal byeengeroep word ooreenkomstig subregulasie (2)(a); en

- (b) in the case of any subsequent election meeting of that district, is convened by the water control board in question in accordance with subregulation (2)(b).

(2) (a) In the case of the first election meeting of a water control district, the Director-General shall at least 21 days prior to the date determined by him for such meeting, by notice in the *Gazette* and in a newspaper circulating in the district in question and if he considers it expedient, in such other manner as he deems fit under the circumstances, give notice of the date, time and venue of the meeting and state in the notice —

- (i) the number of vacancies for elected members to be filled;
- (ii) that the voters and rates roll shall at least 14 days prior to the date of the meeting be open for inspection at the place or places stated in the notice;
- (iii) that an opportunity will be afforded at the meeting for the rectification of any particulars included in the voters and rates roll, except particulars contemplated in regulation 4(1)(e), if rectification is proved necessary to the satisfaction of the electoral officer; and
- (iv) that participation in proceedings at the meeting shall be restricted to voters and nominees contemplated in regulation 2(3) who are present in person and to any other person who is present on the authority of a written power of attorney, which power of attorney will have to be presented to the electoral officer and accepted by him as valid.

(b) In the case of the second or any subsequent election meeting of a water control district, the water control board in question shall at least 21 days prior to the date determined by the board for such meeting, give written notice to each voter of the date, time and venue of the meeting and state in the notice the particulars referred to in subparagraphs (i), (ii), (iii) and (iv) of paragraph (a).

(3) At any election meeting of a water control district —

- (a) the electoral officer firstly calls for the presentation of powers of attorney and any power of attorney presented and accepted by him as valid, shall be minuted;
- (b) the electoral officer shall in the second place call for applications for the rectification of any particulars included in the voters and rates roll, except particulars contemplated in regulation 4(1)(e), and if it is in his opinion justified, he shall effect any proposed rectification of such particulars in the voters and rates roll and minute the rectification, whereupon he shall certify the voters and rates roll as valid for the purposes of that meeting;
- (c) the electoral officer shall upon conclusion of the proceedings referred to in paragraphs (a) and (b)

- (b) in die geval van enige daaropvolgende verkiesingsvergadering van daardie distrik, deur die betrokke waterbeheerraad byeengeroep word ooreenkomstig subregulasie (2)(b).

(2) (a) In die geval van die eerste verkiesingsvergadering van 'n waterbeheerdistrik, moet die Direkteur-generaal minstens 21 dae voor die datum wat hy vasgestel het vir sodanige vergadering, by kennisgewing in die *Staatskoerant* en in 'n nuusblad in omloop in die betrokke distrik en indien hy dit wenslik ag, op so 'n ander wyse as wat hy onder die omstandighede goedvind, kennis gee van die datum, tyd en plek van die vergadering en in die kennisgewing meld —

- (i) die getal vakatures vir verkose lede wat gevul moet word;
- (ii) dat die kiesers- en belastingslys vir 'n tydperk van minstens 14 dae voor die datum van die vergadering ter insae beskikbaar sal wees by die plek of plekke in die kennisgewing vermeld;
- (iii) dat geleentheid op die vergadering gebied sal word vir die regstelling van enige besonderhede opgeneem in die kiesers- en belastingslys, uitgesonderd besonderhede bedoel in regulasie 4(1)(e), mits 'n regstelling tot die tevredenheid van die kiesbeampte as nodig bewys word; en
- (iv) dat deelname aan die verrigtinge by die vergadering beperk is tot kiesers en genomineerdes bedoel in regulasie 2(3) wat persoonlik teenwoordig is en enige ander persoon wat teenwoordig is op gesag van 'n skriftelike volmag aan hom deur 'n kieser verleen, welke volmag by die vergadering aan die kiesbeampte getoon en deur hom as geldig aanvaar moet word.

(b) In die geval van die tweede of enige daaropvolgende verkiesingsvergadering van 'n waterbeheerdistrik, moet die betrokke waterbeheerraad minstens 21 dae voor die datum wat deur die raad vasgestel is vir sodanige vergadering, skriftelik kennis gee aan elke kieser van die datum, tyd en plek van die vergadering en in die kennisgewing die besonderhede bedoel in subparagrafe (i), (ii), (iii) en (iv) van paragraaf (a) meld.

(3) By enige verkiesingsvergadering van 'n waterbeheerdistrik —

- (a) vra die kiesbeampte eerstens vir die voorlegging van volmagte en enige volmag wat voorgelê en deur hom as geldig aanvaar word, word genotuleer;
- (b) vra die kiesbeampte tweedens vir aansoeke ter regstelling van enige besonderhede opgeneem in die kiesers- en belastingslys, uitgesonderd besonderhede bedoel in regulasie 4(1)(e), en indien dit na sy oordeel geregverdig is, bring hy enige voorgestelde regstelling van sodanige besonderhede in die kiesers- en belastingslys aan en notuleer die regstelling, waarna hy die kiesers- en belastingslys as geldig vir die doeleindes van daardie vergadering sertifiseer;
- (c) gaan die kiesbeampte na afhandeling van die verrigtinge bedoel in paragrafe (a) en (b) oor tot

proceed to call for nominations of persons as candidates and state the number of vacancies to be filled by elected members.

(4) (a) Nomination of persons as candidates shall be in writing by stating the names of the persons nominated as candidates as well as the name of the proposer: Provided that each proposer may not nominate more persons than the number of vacancies which exists for elected members.

(b) The electoral officer shall, to the extent possible at the meeting, ascertain that the persons who have been nominated, are competent to be nominated and have been nominated by competent voters or nominees contemplated in regulation 2(3) or proxies contemplated in subregulation (3)(a) and are prepared to serve as elected member if elected, whereupon he shall announce the names of all the candidates to the meeting.

(5) If the number of candidates is less than or equal to the number of vacancies for elected members, the electoral officer shall forthwith declare each candidate as duly elected and in the event that all vacancies for elected members are not filled, the electoral officer shall again call for nominations and draw the attention of the meeting to the provisions of subregulation (9).

(6) (a) If the number of candidates exceeds the number of vacancies for elected members, a poll by ballot is held.

(b) Each voter, nominee or proxy, as the case may be, who is entitled to vote, notes on his ballot paper the names of all the candidates for whom he wants to vote (which shall not be more in number than the number of vacancies), as well as the number of votes which he may cast per candidate in accordance with the voters and rates roll and hands his ballot paper to the electoral officer.

(c) When handing in his ballot paper, the voter concerned, nominee or proxy, as the case may be, shall identify himself to the electoral officer or a person assisting him, who shall note the casting of his votes by or on behalf of that voter and compare the number of votes shown on the ballot paper with the number in the voters and rates roll, and if necessary, in the presence of that voter, nominee or proxy, as the case may be, rectify the number of votes shown on the ballot paper to correspond with the number of votes shown in the voters and rates roll.

(d) The electoral officer shall, upon conclusion of the poll, count the votes and compile a list of the candidates in order according to the number of votes cast in favour of each candidate, and shall declare the candidate who drew the most votes as duly elected and thereafter, in order according to the number of votes drawn, further candidates as duly elected to the extent necessary to fill all the vacancies for elected members, stating in the case of the first election meeting of a water control district, the period of office of each such elected member

die aanvra van nominasies van persone as kandidate en vermeld die getal vakatures wat deur verkose lede gevul moet word.

(4) (a) Nominasie van persone as kandidate geskied skriftelik deur verstrekking van die name van die persone wat as kandidate genomineer word asook die naam van die voorsteller: Met dien verstande dat elke voorsteller nie meer persone mag nomineer as die getal vakatures wat vir verkose lede bestaan nie.

(b) Die kiesbeampte vergewis homself daarvan, vir so ver dit tydens die vergadering moontlik is, dat die persone wat genomineer is, bevoeg is om genomineer te word en deur kiesers of genomineerdes bedoel in regulasie 2(3) of gevolmagtigdes bedoel in subregulasie (3)(a) wat daartoe bevoeg is genomineer is en gewillig is om as verkose lede te dien indien hulle verkies word, waarna hy die name van al die kandidate aan die vergadering aankondig.

(5) Indien die getal kandidate minder of gelyk is aan die getal vakatures vir verkose lede, verklaar die kiesbeampte onverwyld elke kandidaat as behoorlik verkies en indien al die vakatures vir verkose lede nie gevul word nie, vra die kiesbeampte nogeens nominasies aan en wys die vergadering op die bepalings van subregulasie (9).

(6) (a) Indien die getal kandidate meer is as die getal vakatures vir verkose lede, word 'n stemming per stembriefie gehou.

(b) Elke kieser, genomineerde of gevolmagtigde, na gelang van die geval, wat geregtig is om te stem, noteer op sy stembriefie die name van al die kandidate vir wie hy wil stem (wat in getal nie meer mag wees nie as die getal vakatures), asook die getal stemme wat hy ooreenkomstig die kiesers- en belastingslys per kandidaat mag uitbring en oorhandig sy stembriefie aan die kiesbeampte.

(c) By die oorhandiging van sy stembriefie moet die betrokke kieser, genomineerde of gevolmagtigde, na gelang van die geval, homself aan die kiesbeampte of 'n persoon wat hom behulpzaam is identifiseer, wat die uitbring van sy stemme deur of namens daardie kieser aanteken en die getal stemme op die stembriefie aangetoon, met die getal in die kiesers- en belastingslys vergelyk en indien nodig, in die teenwoordigheid van daardie kieser, genomineerde of gevolmagtigde, na gelang van die geval, die getal stemme aangetoon op die stembriefie regstel om dit in ooreenstemming te bring met die getal stemme getoon in die kiesers- en belastingslys.

(d) Die kiesbeampte moet na die stemming die stemme tel en 'n lys saamstel van die kandidate in rangorde volgens die getal stemme wat ten gunste van elke kandidaat uitgebring is en verklaar die kandidaat op wie die meeste stemme uitgebring is as behoorlik verkose en daarna, in rangorde volgens die getal stemme uitgebring, verdere kandidate as behoorlik verkose vir so ver dit nodig is om al die vakatures vir verkose lede te vul, met vermelding in die geval van die eerste verkiesingsvergadering van 'n waterbeheerdis-

in accordance with subregulation (7): Provided that if an equality of votes occurs between two or more candidates, the order in which the vacancies are filled shall be determined by the drawing of lots.

(e) On the conclusion of the meeting, the ballot papers shall be retained by the electoral officer in safe keeping and destroyed by him not earlier than three months after the date of the meeting.

(7) An elected member shall, subject to subregulation (11), hold his office for a period of five years: Provided that from amongst the elected members elected at the first election meeting of a water control district, the half who drew the least number of votes or, if half of the elected members does not come to an integral number, the consecutive integral number which follows on half, shall hold office for a period of three years: Provided further that, if at such first election meeting the elected members are elected in terms of subregulation (5), it shall by the drawing of lots be determined which of the members shall hold office for three years.

(8) The electoral officer concerned shall prepare minutes of the proceedings at each election meeting of a water control district in which shall be noted —

- (a) particulars of each power of attorney accepted by him;
- (b) particulars of each rectification of the voters and rates roll effected by him;
- (c) the name of each person elected as an elected member and, in the case of the first election meeting of a water control district, the period of office applicable in respect of each such member, and hand the minutes at the first meeting of the water control board in question, to the member elected as chairman.

(9) The Minister may, in respect of any vacancy or vacancies for an elected member or members which, for any reason, are not filled at an election meeting, appoint any person he deems suitable (including an officer or officers of the department), by notice to that person and to the water control board involved, for a period of office determined by him with due regard to subregulation (7) or (11), as the case may be.

(10) An elected member vacates his office —

- (a) on the date on which his period of office expires in terms of subregulation (7) or (11), as the case may be;
- (b) if he submits his resignation in writing to the water control board in question or is deemed to have resigned in terms of regulation 10(2)(a);
- (c) if he, or in the case of a nominee contemplated in regulation 2(3), his principal ceases to be the owner of a piece or all pieces of land in relation to which his name has in terms of regulation 2(1) been included in the roll referred to in regulation 4;

trik, van die ampstermyn van elke sodanige verkose lid ooreenkomstig subregulasie (7): Met dien verstande dat indien 'n staking van stemme tussen enige twee of meer kandidate voorkom, word die rangorde waarin die vakatures gevul word, deur loting bepaal.

(e) Na afloop van die vergadering word die stembriefies deur die kiesbeampte in veilige bewaring gehou en deur hom vernietig nie vroeër nie as drie maande na die datum van die vergadering.

(7) 'n Verkose lid beklee, behoudens subregulasie (11), sy amp vir 'n termyn van vyf jaar: Met dien verstande dat van die verkose lede wat by die eerste verkiesingsvergadering van 'n waterbeheerdistrik verkies word, die helfte op wie die minste stemme uitgebring is of, indien die helfte van die verkose lede nie 'n heelgetal is nie, die daaropvolgende heelgetal wat op die helfte volg, hul amp vir 'n termyn van drie jaar beklee: Met dien verstande voorts dat, indien by sodanige eerste verkiesingsvergadering die verkose lede ingevolge subregulasie (5) verkies word, deur loting beslis word watter van die lede hul ampstermyn vir drie jaar beklee.

(8) Die betrokke kiesbeampte moet notule opstel van verrigtinge by elke verkiesingsvergadering van 'n waterbeheerdistrik waarin aangeteken word —

- (a) besonderhede van elke volmag wat deur hom aanvaar is;
- (b) besonderhede van elke regstelling van die kiesers- en belastingslys wat deur hom aangebring is; en
- (c) die naam van elke persoon wat tot verkose lid verkies is en, in die geval van die eerste verkiesingsvergadering van 'n waterbeheerdistrik, die ampstermyn wat ten opsigte van elke sodanige lid van toepassing is; en die notule by die eerste vergadering van die betrokke waterbeheerraad aan die lid wat tot voorsitter verkies word, oorhandig.

(9) Die Minister kan ten opsigte van enige vakature of vakatures vir 'n verkose lid of lede wat, om welke rede ook al, nie by 'n verkiesingsvergadering gevul word nie, enige persoon wat hy geskik ag (met inbegrip van 'n beampte of beamptes van die departement), by skriftelike kennisgewing aan daardie persoon en aan die betrokke waterbeheerraad, aanstel vir die termyn wat hy bepaal met inagneming van subregulasie (7) of (11), na gelang van die geval.

(10) 'n Verkose lid ontruim sy amp —

- (a) op die datum waarop sy ampstermyn ingevolge subregulasie (7) of (11), na gelang van die geval, verstryk;
- (b) indien hy skriftelik sy bedanking by die betrokke waterbeheerraad indien of ingevolge regulasie 10(2)(a) geag word te bedank het;
- (c) indien hy, of in die geval van 'n genomineerde bedoel in regulasie 2(3) sy prinsipaal, ophou om die eienaar te wees van 'n stuk of alle stukke grond met betrekking waartoe sy naam ingevolge regulasie 2(1) in die lys bedoel in regulasie 4 opgeneem is;

- (d) if any rate assessed by the water control board in question and due by him, or in the case of a nominee contemplated in regulation 2(3), his principal is in arrear for six months;
- (e) if he, upon conviction of an offence, is sentenced to imprisonment without the option of a fine;
- (f) if he is declared insolvent;
- (g) if he becomes of unsound mind and is so declared by a competent court; or
- (h) if his period of office is terminated in terms of regulation 21(1)(b).

(11) A water control board shall as soon as practicable after an elected member has vacated his office in terms of subregulation (10) (except paragraph (h)), convene an election meeting in accordance with the provisions of subregulation (2)(b) to fill the vacancy and in the case of a vacancy arising in terms of subregulation (10)(b), (c), (d), (e), (f) or (g), the period of office of the newly elected member shall extend from the date of his election for the unexpired portion of the period of office of his predecessor.

Appointment of appointed members, their periods of office and vacating of their office

7. (1) (a) The Minister may consult any person or body which in his opinion has an interest in the utilisation of subterranean water in a water control district regarding the appointment of appointed members to the water control board in question or invite such person or body to nominate persons for consideration by him for appointment as such members of that board.

(b) A person or body which has been invited to submit nominations, may nominate any number or persons who in the opinion of that person or body have an interest in the utilisation of subterranean water in the water control district in question or who possess skills or have experience which will enable them to make a contribution towards the performance of the functions of the water control board in question.

(c) Nominations referred to in paragraph (b) shall be in writing and shall be submitted to the Director-General for consideration by the Minister and shall, in respect of each person who is nominated —

- (i) state his full name and postal address;
- (ii) state the considerations on the basis of which the nomination is made; and
- (iii) confirm that the person who is nominated is aware of the nomination and is prepared to serve as an appointed member on the water control board in question if he is appointed.

(2) (a) After consideration of the candidature of all the persons who have been nominated in terms of subregulation (1), (if any), and any other relevant information available to him, the Minister with due regard to the provisions of paragraph (b), appoints the persons he deems fit (including officers of the department) as

- (d) indien enige belasting deur die betrokke waterbeheerraad gehef wat deur hom, of in die geval van 'n genomineerde bedoel in regulasie 2(3) sy prinsipaal, verskuldig is, ses maande agterstallig is;
- (e) indien hy, na skuldigbevinding aan 'n misdryf, tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (f) indien hy insolvent verklaar word;
- (g) indien hy in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is; of
- (h) indien sy ampstermyn ingevolge regulasie 21(1)(b) beëindig word.

(11) 'n Waterbeheerraad moet so gou doenlik nadat 'n verkose lid sy amp ingevolge subregulasie (10) (uitgesonderd paragraaf (h)) ontruim het, 'n verkiesingsvergadering ooreenkomstig die bepaling van subregulasie (2) (b) byeenroep om die vakature te vul en, in die geval van 'n vakature wat ingevolge subregulasie (10)(b), (c), (d), (e), (f) of (g) ontstaan het, strek die nuutverkose lid se ampstermyn vanaf die datum van sy verkiesing vir die onverstreke gedeelte van sy voorganger se ampstermyn.

Aanstelling van aangestelde lede, hul ampstermyne en ontruiming van hul amp

7. (1) (a) Die Minister kan enige persoon of liggaam wat na sy oordeel 'n belang het by die benutting van ondergrondse water in 'n waterbeheerdistrik raadpleeg oor die aanstelling van aangestelde lede van die betrokke waterbeheerraad of sodanige persoon of liggaam nooi om persone te nomineer vir oorweging deur hom vir aanstelling as sodanige lede van daardie raad.

(b) 'n Persoon of liggaam wat genooi is om nominasies te maak, kan enige getal persone nomineer wat na die oordeel van daardie persoon of liggaam 'n belang het by die benutting van ondergrondse water in die betrokke waterbeheerdistrik of wat oor kundigheid of ervaring beskik wat hulle in staat sal stel om 'n bydrae te maak tot die verrigting van die werksaamhede van die betrokke waterbeheerraad.

(c) Nominasies bedoel in paragraaf (b) moet skriftelik wees en aan die Direkteur-generaal voorgelê word vir oorweging deur die Minister en moet, ten opsigte van elke persoon wat genomineer word —

- (i) sy volle naam en posadres verstrek;
- (ii) die oorwegings op grond waarvan die nominasie gemaak word verstrek; en
- (iii) bevestig dat die persoon wat genomineer word bewus is van die nominasie en gewillig is om as aangestelde lid op die betrokke waterbeheerraad te dien indien hy aangestel word.

(2) (a) Na oorweging van die kandidatuur van al die persone wat ingevolge subregulasie (1) genomineer is (indien enige) en enige ander tersaaklike inligting tot sy beskikking, stel die Minister, met inagneming van die bepaling van paragraaf (b), die persone wat hy goed dink (met inbegrip van beampes van die departement)

appointed members to fill all the existing vacancies for appointed members on the water control board in question and determines, in each case, the period of office of such member.

(b) Persons appointed in terms of paragraph (a) shall, as far as it is practicable, be persons who are representative of the classes of persons which in the opinion of the Minister have an interest in the utilisation of subterranean water in the water control district in question or who possess skills or have experience which will enable them to make a contribution towards the performance of the functions of the water control board in question.

(c) The Director-General shall in writing notify each person who has been appointed in terms of paragraph (a) of his appointment as well as his period of office and inform —

- (i) a person or body which submitted a nomination in accordance with subregulation (1)(b); and
- (ii) the chairman of the water control board in question or, in the case of a water control board which has not yet elected a chairman, each elected member of that board,

of the names of all the persons who have been appointed by the Minister and their respective periods of office.

(3) An appointed member vacates his office —

- (a) on the date on which his period of office expires;
- (b) if he submits his resignation in writing to the Director-General for the information of the Minister and also to the water control board in question;
- (c) if he, upon conviction of an offence, is sentenced to imprisonment without the option of a fine;
- (d) if he is declared insolvent;
- (e) if his period of office is terminated in terms of regulation 21(1)(b); or
- (f) if his period of office is terminated by the Minister for any other reason which the Minister considers sufficient, of which the Director-General shall inform him and the relevant water control board in writing.

(4) After a vacancy for an appointed member, except a vacancy resulting from the operation of subregulation (3)(e), has come to his notice, the Minister shall appoint some other person in accordance with subregulations (1) and (2) to fill the vacancy and, in the case of a vacancy which resulted from the operation of subregulation (3)(b), (c), (d) or (f), the period of office of the newly appointed member shall extend from the date of his appointment for the unexpired portion of the period of office of his predecessor.

Convening of meetings of a water control board

8. (1) (a) The first meeting of a water control board shall, as soon as practicable after the elected and

as aangestelde lede aan om al die bestaande vakatures vir aangestelde lede op die betrokke waterbeheerraad te vul en bepaal, in elke geval, die ampstermyn van sodanige lid.

(b) Persone wat kragtens paragraaf (a) aangestel word, moet so ver dit prakties moontlik is, persone wees wat verteenwoordigend is van die klasse van persone wat na die oordeel van die Minister 'n belang het by die benutting van ondergrondse water in die betrokke waterbeheerdistrik of wat oor kundigheid of ervaring beskik wat hulle in staat sal stel om 'n bydrae te lewer tot die verrigting van die werksaamhede van die betrokke waterbeheerraad.

(c) Die Direkteur-generaal stel elke persoon wat kragtens paragraaf (a) aangestel is skriftelik van sy aanstelling in kennis asook van sy ampstermyn en verwittig —

- (i) 'n persoon of liggaam wat ooreenkomstig subregulasie (1)(b) 'n nominasie gemaak het; en
- (ii) die voorsitter van die betrokke waterbeheerraad of, in die geval van 'n waterbeheerraad wat nog nie 'n voorsitter gekies het nie, elke verkose lid van daardie raad,

van die name van al die persone wat deur die Minister aangestel is en hul onderskeie ampstermyne.

(3) 'n Aangestelde lid ontruim sy amp —

- (a) op die datum waarop sy ampstermyn verstryk;
- (b) indien hy skriftelik sy bedanking by die Direkteur-generaal indien vir die kennisname van die Minister en ook by die betrokke waterbeheerraad;
- (c) indien hy, na skuldigbevinding aan 'n misdryf, tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- (d) indien hy insolvent verklaar word;
- (e) indien sy ampstermyn ingevolge regulasie 21(1)(b) beëindig word; of
- (f) indien sy ampstermyn om enige ander rede wat die Minister voldoende ag, deur die Minister beëindig word, waarvan die Direkteur-generaal hom en die betrokke waterbeheerraad skriftelik verwittig.

(4) Nadat 'n vakature vir 'n aangestelde lid, uitgesonderd 'n vakature wat weens die werking van subregulasie (3)(e) ontstaan het, tot sy kennis gekom het, stel die Minister 'n ander persoon ooreenkomstig subregulasies (1) en (2) aan om die vakature te vul en, in die geval van 'n vakature wat weens die werking van subregulasie (3)(b), (c), (d) of (f) ontstaan het, strek die nuut aangestelde lid se ampstermyn vanaf die datum van sy aanstelling vir die onverstreke gedeelte van sy voorganger se ampstermyn.

Byeenroeping van vergaderings van 'n waterbeheerraad

8. (1) (a) Die eerste vergadering van 'n waterbeheerraad word, so gou doenlik nadat die verkose en

appointed members of that board have been elected and appointed in accordance with regulations 6 and 7, be convened in accordance with paragraph (b) by the electoral officer referred to in paragraph (a) of the definition of "electoral officer" in regulation 1.

(b) The electoral officer shall at least 21 days prior to the date determined by him for the meeting, notify each member of the board in writing of the date, time and venue of the meeting.

(2) (a) The second and all subsequent meeting of a water control board shall, subject to paragraph (b), be convened by the chairman and held on a date and at a time and venue determined by him, of which he shall, at least seven days prior to such date, give notice to each member of the board in the manner determined from time to time by the board: Provided that under urgent circumstances and with the oral concurrence of all the members of the board, this procedure may be deviated from.

(b) A meeting of a water control board shall be convened at least once in every six months and if not less than one-third of the members of a board request it, the chairman shall, within 14 days of the date of such request, convene a meeting of the board.

Offices of chairman and vice-chairman of a water control board

9. (1) At the first meeting of a water control board, the members of the board shall elect one of their number as chairman and a second as vice-chairman and until the chairman is elected, the electoral officer concerned shall act as chairman at that meeting: Provided that in the event of an equality of votes occurring, the chairman or vice-chairman, as the case may be, shall be determined by the drawing of lots.

(2) (a) The chairman or vice-chairman of a water control board shall hold office for a period of 12 months from the date on which he was elected to the office: Provided that a chairman or vice-chairman whose period of office has expired or who has resigned shall, unless he ceases to be a member of the board, remain in office until the next meeting of the board.

(b) A member of a water control board who has been elected as chairman or vice-chairman, may be re-elected at the expiry of his period of office.

(c) If the chairman of a water control board is unable to perform his official duties, the vice-chairman shall perform such duties as acting chairman and if at a meeting of a water control board both the chairman and the vice-chairman are absent, the members present at that meeting shall elect one of their number to act as chairman at that meeting.

(d) The chairman or vice-chairman of a water control board vacates his office —

(i) on the date on which his period of office expires in terms of subregulation (2)(a);

aangestelde lede van daardie raad ooreenkomstig regulasies 6 en 7 verkies en aangestel is, ooreenkomstig paragraaf (b) deur die betrokke kiesbeampte bedoel in paragraaf (a) van die omskrywing van "kiesbeampte" in regulasie 1 byeengeroep.

(b) Die kiesbeampte moet minstens 21 dae voor die datum wat hy vir sodanige vergadering vasgestel het, skriftelik elke lid van die raad in kennis stel van die datum, tyd en plek van die vergadering.

(2) (a) Die tweede en alle daaropvolgende vergaderings van 'n waterbeheerraad word, behoudens paragraaf (b), deur die voorsitter byeengeroep en gehou op 'n datum en tyd en by 'n plek deur hom vasgestel, waarvan hy minstens sewe dae voor die datum, aan elke lid van die raad kennis gee op die wyse soos van tyd tot tyd deur die raad bepaal: Met dien verstande dat onder dringende omstandighede en met die mondelinge instemming van al die lede van die raad, van hierdie prosedure afgewyk kan word.

(b) 'n Vergadering van 'n waterbeheerraad moet minstens elke ses maande byeengeroep word en indien nie minder nie as een-derde van die lede van 'n raad dit versoek, moet die voorsitter binne 14 dae vanaf die datum van die versoek, 'n vergadering van die raad byeenroep.

Ampse van voorsitter en ondervoorsitter van 'n waterbeheerraad

9. (1) By die eerste vergadering van 'n waterbeheerraad, kies die lede van die raad een uit hul geledere as voorsitter en 'n tweede as ondervoorsitter en totdat die voorsitter gekies is, tree die betrokke kiesbeampte as voorsitter by daardie vergadering op: Met dien verstande dat in die geval van 'n staking van stemme, die voorsitter of ondervoorsitter, na gelang van die geval, deur loting aangewys word.

(2) (a) Die voorsitter of ondervoorsitter van 'n waterbeheerraad beklee sy amp vir 'n tydperk van 12 maande vanaf die datum waarop hy tot die amp verkies is: Met dien verstande dat 'n voorsitter of ondervoorsitter wie se ampstermyn verstryk of wat bedank het, mits hy nie ophou om 'n lid van die raad te wees nie, in die amp aanbly tot die eersvolgende vergadering van die raad.

(b) 'n Lid van 'n waterbeheerraad wat as voorsitter of ondervoorsitter verkies is, is by die verstryking van sy ampstermyn herkiesbaar.

(c) Indien die voorsitter van 'n waterbeheerraad nie in staat is om sy ampspligte te vervul nie, vervul die ondervoorsitter die pligte as waarnemende voorsitter en indien by 'n vergadering van 'n waterbeheerraad sowel die voorsitter as die ondervoorsitter afwesig is, kies die lede wat by daardie vergadering teenwoordig is, en uit hul geledere om by daardie vergadering as voorsitter op te tree.

(d) Die voorsitter of ondervoorsitter van 'n waterbeheerraad ontruim sy amp —

(i) op die datum waarop sy ampstermyn ingevolge subregulasie (2)(a) verstryk;

- (ii) if he vacates his office as member of the board in terms of regulation 6(10) or 7(3), as the case may be; or
- (iii) if he submits his resignation from the office in writing to the board.

(e) If the office of chairman or vice-chairman of a water control board becomes vacant for any reason, the members of that board shall, at the next meeting of the board elect another member as chairman or vice-chairman, as the case may be.

(3) The chairman of a water control board shall see to it that —

- (a) an agenda containing the matters which in his opinion have to be dealt with at a meeting of the board, be made available to each member prior to the commencement of each meeting, in the manner determined by the board from time to time;
- (b) at each meeting of the board, the opportunity is afforded to members to make additions to the agenda if they wish to do so;
- (c) at each meeting of the board an attendance register is compiled of the members who are present;
- (d) minutes are kept of the proceedings at each meeting of the board in which all resolutions of the board shall be noted; and
- (e) all documents relating to the performance of the functions of the board shall be held secure.

Attendance of meetings of a water control board

10. (1) Except with the approval of the majority of the members of a water control board who are present at a meeting of the board, no person who is not a member of the board shall be present at such meeting: Provided that any officer of the department who has been authorised thereto in writing by the Director-General, may be present at any meeting of a water control board and participate in the proceedings at that meeting, except a vote.

(2) A member of a water control board may only with the approval of the chairman or vice-chairman be absent from any meeting of the board and —

- (a) an elected member who, without such approval, is absent from more than three consecutive meetings, shall be deemed to have resigned with effect from the date of the fourth such meeting unless the board, after such consultation with that member as the board considers appropriate, resolves otherwise; and
- (b) if an appointed member is so absent from more than three consecutive meetings, his conduct shall be reported in writing to the Director-General for the information of the Minister, unless the board, after such consultation with that member as the board considers appropriate, resolves otherwise.

- (ii) indien hy ingevolge regulasie 6(10) of 7(3), na gelang van die geval, sy amp as lid van die raad ontruim; of
- (iii) indien hy skriftelik sy bedanking uit die amp by die raad indien.

(e) Indien die amp van voorsitter of ondervoorsitter van 'n waterbeheerraad om enige rede vakant raak, kies die lede van daardie raad by die eersvolgende vergadering van die raad 'n ander lid as voorsitter of ondervoorsitter, na gelang van die geval.

(3) Die voorsitter van 'n waterbeheerraad moet toesien dat —

- (a) 'n sakelys wat die aangeleenthede vermeld wat na sy oordeel by 'n vergadering van die raad behandel moet word, op die wyse wat die raad van tyd tot tyd bepaal, voor die aanvang van elke vergadering aan elke lid van die raad beskikbaar gestel word;
- (b) by elke vergadering van die raad aan lede die geleentheid gebied word om toevoegings tot die sakelys te maak indien hulle dit wil doen;
- (c) by elke vergadering van die raad 'n presensielys opgestel word van die lede wat teenwoordig is;
- (d) notule gehou word van die verrigtinge by elke vergadering van die raad waarin alle besluite van die raad aangeteken word; en
- (e) alle dokumente wat verband hou met die verrigting van die raad se werksaamhede in veilige bewaring gehou word.

Bywoning van vergaderings van 'n waterbeheerraad

10. (1) Behalwe met die goedkeuring van die meerderheid van die lede van 'n waterbeheerraad wat by 'n vergadering van die raad teenwoordig is, mag niemand wat nie 'n lid van die raad is nie, by sodanige vergadering teenwoordig wees nie: Met dien verstande dat enige beamppte van die departement wat skriftelik deur die Direkteur-generaal daartoe gemagtig is, by enige vergadering van 'n waterbeheerraad teenwoordig mag wees en aan die verrigtinge by daardie vergadering, uitgesonderd 'n stemming, mag deelneem.

(2) 'n Lid van 'n waterbeheerraad mag slegs met die goedkeuring van die voorsitter of ondervoorsitter afwesig wees van enige vergadering van die raad en —

- (a) 'n verkose lid wat sonder sodanige goedkeuring van meer as drie opeenvolgende vergaderings afwesig is, word geag te bedank het as lid met ingang van die datum van die vierde sodanige vergadering tensy die raad, na sodanige oorlegpleging met daardie lid as wat die raad toepaslik ag, anders besluit; en
- (b) indien 'n aangestelde lid aldus van meer as drie opeenvolgende vergaderings afwesig is, word sy optrede skriftelik deur die raad by die Direkteur-generaal aangemeld vir kennisname deur die Minister tensy die raad, na sodanige oorlegpleging met daardie lid as wat die raad toepaslik ag, anders besluit.

(3) A member of a water control board who has any financial interest in any matter to be dealt with at a meeting of the board, shall beforehand make his interest known to the members who are present and such member may not be present when that matter is dealt with or vote thereon.

Procedure at meetings of a water control board —

11. (1) At a meeting of a water control board —

- (a) the minutes of the previous meeting, if not made available in writing to each member of the board, shall be read by the chairman to the meeting and after they have, with or without amendments, been adopted by the majority of the members present, shall be certified by the chairman as a true account of the proceedings at that meeting;
- (b) only matters contained in the agenda shall be dealt with as well as matters which are added to the agenda with the concurrence of the majority of the members present at a meeting;
- (c) a vote on any matter before the meeting shall be conducted by a show of hands.

(2) The minimum number of members of a water control board which constitutes a majority of the number of members of that board contemplated in regulation 5(2), shall be the quorum for a valid resolution at any meeting of that board.

(3) The resolution of the majority of the members of a water control board who are present at a meeting of that board, shall, subject to subregulation (2), constitute the resolution of the board in relation to any matter which is put to the vote: Provided that, in the event of an equality of votes occurring on such matter, the member who is chairman at that meeting shall, in addition to his deliberative vote as a member, have a casting vote.

Committees of a water control board

12. (1) A water control board may establish such committees of the board as the board deems necessary from time to time to perform the functions which the board assigns to such committee, subject to any conditions determined by the board and the board may at any time dissolve such committee.

(2) A committee of a water control board consists of one or more members of the board as determined from time to time by the board and may, in the discretion of the board, include any other person who, in the opinion of the board, can contribute to the performance of the functions of the committee by virtue of his skills or experience: Provided that such person shall not be entitled to vote on any matter dealt with by the committee and that the conditions subject to which he serves as a member of the committee (including any compensation payable to him) shall be approved by the board beforehand.

(3) The chairman of a committee of a water control board is appointed by that board and shall be a member of that board.

(3) 'n Lid van 'n waterbeheerraad wat enige finansiële belang het by enige aangeleentheid wat by 'n vergadering van die raad behandel staan te word, moet vooraf sy belang aan die lede wat teenwoordig is bekend maak en sodanige lid mag nie by die behandeling van daardie aangeleentheid teenwoordig wees of daaroor stem nie.

Prosedure by vergaderings van 'n waterbeheerraad

11. (1) By 'n vergadering van 'n waterbeheerraad word —

- (a) die notule van die vorige vergadering, indien dit nie skriftelik aan elke lid van die raad voorsien word nie, deur die voorsitter aan die vergadering voorgelees en nadat dit, met of sonder wysiging, deur die meerderheid van die lede wat teenwoordig is goedgekeur is, deur die voorsitter as 'n ware weergawe van die verrigtinge by daardie vergadering gesertifiseer;

- (b) slegs aangeleenthede behandel wat op die sakelys voorkom asook aangeleenthede wat met die instemming van die meerderheid van die lede wat by 'n vergadering teenwoordig is, tot die sakelys toegevoeg word;

- (c) 'n stemming oor enige aangeleentheid wat voor die raad dien, deur die opsteek van hande gehou.

(2) Die minimum getal van die lede van 'n waterbeheerraad wat 'n meerderheid uitmaak van die getal lede van daardie raad bedoel in regulasie 5(2), is die kworum vir 'n geldige besluit op enige vergadering van daardie raad.

(3) Die besluit van die meerderheid van die lede van 'n waterbeheerraad wat by 'n vergadering van daardie raad teenwoordig is, maak, behoudens subregulasie (2), die besluit van die raad uit met betrekking tot 'n aangeleentheid waarvoor die raad tot stemming oorgaan: Met dien verstande dat, in die geval van 'n staking van stemme oor sodanige aangeleentheid, die lid wat by daardie vergadering voorsitter is, benewens sy beraadslagende stem as lid, oor 'n beslissende stem beskik.

Komitees van 'n waterbeheerraad

12. (1) 'n Waterbeheerraad kan sodanige komitees van die raad instel wat die raad van tyd tot tyd nodig ag om, onderworpe aan enige voorwaardes wat die raad bepaal, die werksaamhede wat die raad aan so 'n komitee opdra te verrig en die raad kan te eniger tyd so 'n komitee afskaf.

(2) 'n Komitee van 'n waterbeheerraad bestaan uit een of meer lede van die raad soos van tyd tot tyd deur die raad bepaal en kan, na goeddunke van die raad, enige ander persoon insluit wat na die oordeel van die raad 'n bydrae tot die verrigting van die werksaamhede van die komitee kan lewer op grond van sy kundigheid of ervaring: Met dien verstande dat so 'n persoon geen stemreg het met betrekking tot enige aangeleentheid wat deur die komitee behandel word nie en dat die voorwaardes onderworpe waaraan hy as lid van die komitee dien (met inbegrip van enige vergoeding wat aan hom betaalbaar is), vooraf deur die raad goedgekeur word.

(3) Die voorsitter van 'n komitee van 'n waterbeheerraad word deur daardie raad aangewys en moet 'n lid van die raad wees.

(4) The provisions of regulation 11 shall *mutatis mutandis* apply in respect of a meeting of a committee of a water board.

(5) Any resolution of a committee of a water board may be amended or revoked by that board.

Secretary and employees of a water control board

13. (1) A water control board may designate one of its members, or appoint any other person as employee or otherwise, to perform the duties determined from time to time by the board, as secretary of the board, under the supervision of the chairman.

(2) A water control board may from time to time employ or otherwise appoint such other persons, as the board deems necessary to perform the duties determined from time to time by the board under the supervision of a member of the board.

(3) The conditions subject to which a secretary who is not a member of a water control board, and any other person referred to in subregulation (2), is employed or otherwise appointed, shall be determined by the board and may from time to time be reviewed by the board.

Allowances payable to members of a water control board

14. Actual expenses reasonably incurred by a member of a water control board in the performance of his duties as a member of the board or a committee of the board or as chairman, vice-chairman or secretary of the board, shall, on the submission of a claim in writing, signed by that member and which is evidenced as far as is practicable by supporting vouchers, be recompensed from funds available to the board: Provided that travelling costs, if use is made of own transport, shall only be recompensed at a fixed rate as determined from time to time by the board.

Assessment and recovery of rates by a water control board

15. (1) If a water control board assesses a rate referred to in section 32J(1) of the Act, the rate shall be assessed in respect of a particular financial year of that board, at a uniform rate per cubic metre in the discretion of the board, with regard to —

- (a) either the volume of subterranean water which, in terms of regulation 4(1)(e), has been included in respect of each piece of land in the voters and rates roll referred to in regulation 4; or
- (b) that portion of such volume of subterranean water which actually has been abstracted on each such piece of land during the financial year in question.

(2) (a) A resolution by a water control board to assess a rate in accordance with subregulation (1), shall be taken by the board at least three months prior to the commencement of the financial year in question, whereupon the board shall, subject to paragraph (b), revise the voters and rates roll referred to in regulation 4.

(4) Die bepalinge van regulasie 11 is *mutatis mutandis* van toepassing ten opsigte van 'n vergadering van 'n komitee van 'n waterbeheerraad.

(5) Enige besluit van 'n komitee van 'n waterbeheerraad kan deur daardie raad gewysig of ingetrek word.

Sekretaris en werknemers van 'n waterbeheerraad

13. (1) 'n Waterbeheerraad kan een van die lede van die raad aanwys, of enige ander persoon as werknemer of andersins aanstel, om as sekretaris van die raad, die pligte wat die raad van tyd tot tyd bepaal, onder die toesig van die voorsitter te verrig.

(2) 'n Waterbeheerraad kan van tyd tot tyd sodanige ander persone in diens neem of andersins aanstel, as wat die raad nodig ag om die pligte wat die raad van tyd tot tyd bepaal, onder die toesig van 'n lid van die raad te verrig.

(3) Die voorwaardes waarop 'n sekretaris wat nie 'n lid van 'n waterbeheerraad is nie, en enige ander persoon bedoel in subregulasie (2), in diens geneem of andersins aangestel word, word deur die raad bepaal en kan van tyd tot tyd deur die raad hersien word.

Toelaes betaalbaar aan lede van 'n waterbeheerraad

14. Werklike uitgawes wat redelikerwys deur 'n lid van 'n waterbeheerraad aangegaan word in die uitvoering van sy pligte as lid van die raad of 'n komitee van die raad of as voorsitter, ondervoorsitter of sekretaris van die raad, word, teen die voorlegging van 'n skriftelike eis wat deur daardie lid onderteken is en wat so ver dit doenlik is deur stawende bewys bevestig word, uit fondse tot die beskikking van die raad vergoed: Met dien verstande dat reiskoste, indien van eie vervoer gebruik gemaak word, slegs teen 'n vaste tarief soos van tyd tot tyd deur die raad bepaal, vergoed word.

Heffing en verhaling van belastinge deur 'n waterbeheerraad

15. (1) Indien 'n waterbeheerraad 'n belasting bedoel in artikel 32J(1) van die Wet hef, word die belasting vir 'n bepaalde finansiële jaar van daardie raad, teen 'n eenvormige tarief per kubieke meter na die keuse van daardie raad gehef, met betrekking tot —

- (a) óf die hoeveelheid ondergrondse water wat ingevolge regulasie 4(1)(e) ten opsigte van elke stuk grond in die kiesers- en belastinglys bedoel in regulasie 4 opgeneem is; óf
- (b) die gedeelte van sodanige hoeveelheid ondergrondse water wat werklik gedurende die betrokke finansiële jaar op elke sodanige stuk grond onttrek is.

(2) (a) 'n Besluit van 'n waterbeheerraad om ooreenkomstig subregulasie (1) 'n belasting te hef, word deur die raad geneem minstens drie maande voor die aanvang van die betrokke finansiële jaar, waarna die raad, behoudens paragraaf (b), die kiesers- en belastinglys bedoel in regulasie 4 hersien.

(b) At such revision of the said voters and rates roll, in the case of a piece of land of which two or more persons are joint owners of undivided shares, it shall be shown on the said roll that each of the owners is jointly and severally liable for the payment of a rate assessed by the board on that piece of land.

(3) Prior to the commencement of the financial year in respect of which a rate is assessed, a water control board shall send to each owner of a piece of land who, according to the voters and rates roll, is liable for the payment of the rate assessed, an assessment in which is reflected —

- (a) the basis in accordance with subregulation (1)(a) or (b) on which the rate is assessed;
- (b) the tariff per cubic metre at which the rate is assessed;
- (c) the amount due by him in respect of each piece of land which is subject to the rate and the volume of subterranean water involved;
- (d) that the amount is payable not later than 90 days from the date of the assessment;
- (e) the address at which payment must be made; and
- (f) that, in the event that the amount due is not paid on or before the date determined for the payment thereof, interest shall be charged at a rate equal to the rate determined in accordance with section 66(2) of the Act.

(4) Upon failure of an owner to pay the rate due on or before the date determined for the payment thereof, a water control board shall send a reminder to such owner and may, after 30 days from the date of the reminder, recover any amount which is then still outstanding and any interest charged, by action in a competent court.

Recording by a water control board of servitudes and other rights pertaining to subterranean water

16. (1) (a) A water control board shall as soon as practicable after the first meeting of that board, in writing direct each owner of a piece of land whose name has been included in the voters and rates roll referred to in regulation 4, to notify the board in writing, within 90 days of the date of such direction, of each servitude or other right as more fully described in paragraph (b), to which he lays claim in relation to each piece of land in the water control district in question of which he is the owner and, in respect of each such servitude or right, to furnish the particulars referred to in paragraph (c) to the board.

(b) A servitude or other right contemplated in paragraph (a), means any servitude or right, regardless of whether it is registered against the title deeds of the pieces of land in question or not, by virtue of which the said owner, in relation to a piece of land in the water control district of which he is the owner, claims a right to the abstraction of subterranean water —

- (i) on any other piece of land in the water control district of which he is not the owner; or

(b) By sodanige hersiening van bedoelde kiesers- en belastingslys word, in die geval van 'n stuk grond waarvan twee of meer persone gesamentlike eienaars van onverdeelde aandele is, op die genoemde lys aangetoon dat elkeen van die eienaars gesamentlik en afsonderlik aanspreeklik is vir die betaling van 'n belasting wat deur die raad op daardie stuk grond gehef word.

(3) Voor die aanvang van die finansiële jaar ten opsigte waarvan 'n belasting gehef word, stuur 'n waterbeheerraad aan elke eienaar van 'n stuk grond wat volgens die kiesers- en belastingslys vir die betaling van die belasting aanspreeklik is, 'n aanslag waarin aange- toon word —

- (a) die grondslag ooreenkomstig subregulasie (1)(a) of (b) waarop die belasting gehef word;
- (b) die tarief per kubieke meter waarteen die belasting gehef word;
- (c) die bedrag wat deur hom verskuldig is ten opsigte van elke stuk grond wat belasbaar is en die volume ondergrondse water wat betrokke is;
- (d) dat die bedrag betaalbaar is nie later nie as 90 dae na die datum van die aanslag;
- (e) die adres waar betaling moet geskied; en
- (f) dat indien die verskuldigde bedrag nie voor of op die datum wat vir die betaling daarvan vasgestel is, betaal is nie, rente teen 'n koers gelyk aan die koers bepaal ooreenkomstig artikel 66(2) van die Wet, gehef sal word.

(4) By versuim van 'n eienaar om die verskuldigde belasting te betaal voor of op die dag wat vir die betaling daarvan vasgestel is, stuur 'n waterbeheerraad 'n aanmaning aan so 'n eienaar en kan na verloop van 30 dae vanaf die datum van die aanmaning, enige bedrag wat dan nog uitstaande is en enige rente wat gehef is, by wyse van aksie in 'n bevoegde hof verhaal.

Aantekening deur waterbeheerraad van serwitute en ander regte met betrekking tot ondergrondse water

16. (1) (a) 'n Waterbeheerraad moet so gou doenlik na die eerste vergadering van daardie raad, elke eienaar van 'n stuk grond wie se naam in die kiesers- en belastingslys bedoel in regulasie 4 opgeneem is, skriftelik gelas om binne 90 dae vanaf die datum van sodanige lasgewing, die raad skriftelik te verwittig van elke serwituut of ander reg soos meer volledig beskryf in paragraaf (b), waarop hy met betrekking tot elke stuk grond in die betrokke waterbeheerdistrikt waarvan hy die eienaar is, aanspraak maak en, om ten opsigte van elke sodanige serwituut of reg, die besonderhede vermeld in paragraaf (c) aan die raad te verstrek.

(b) 'n Serwituut of ander reg bedoel in paragraaf (a), beteken enige serwituut of ander reg, ongeag of dit teen die titelbewyse van die betrokke stukke grond geregistreer is aldan nie, uit hoofde waarvan die bedoelde eienaar met betrekking tot 'n stuk grond in die waterbeheerdistrikt waarvan hy die eienaar is, aanspraak maak op 'n reg tot die onttrekking van ondergrondse water —

- (i) op enige ander stuk grond in die waterbeheerdistrikt waarvan hy nie die eienaar is nie; of

(ii) on any other piece of land in the water control district of which his is also the owner, for use on the first-mentioned piece of land.

(c) the particulars referred to in paragraph (a) relate to —

- (i) the volume of subterranean water which, in the opinion of the said owner, is so abstracted and used annually by virtue of each such servitude or other right or may be so abstracted and used;
- (ii) the purpose for which the subterranean water is used; and
- (iii) a copy of any document, if applicable, as proof or in support of a claim to the servitude or right.

(2) (a) A water control board shall, after such investigation as the board deems necessary regarding the validity of each servitude or other right to which the said owner lays claim, submit particulars of each such servitude or other right and the findings of the board in connection therewith, to the Director-General.

(b) The Director-General shall, after such investigation as he deems necessary, including any further investigation which he may direct the water control board in question to undertake, consider each such claim to a servitude or other right and notify the board in writing whether in his opinion, the servitude or right as claimed is legally valid or not.

(c) If a water control board disagrees with a finding arrived at by the Director-General in terms of paragraph (b), the Director-General and the board shall jointly investigate and consider the relevant claim further with a view to reaching consensus on the legal validity of the servitude or right as claimed.

(d) If a water control board agrees with a finding arrived at by the Director-General in terms of paragraph (b), the board shall in writing inform the owner concerned that the board accepts or denies, as the case may be, the legal validity of the relevant servitude or right and in the case of a servitude or right, the validity of which is accepted by the board, the board shall —

- (i) in writing inform any other owner of a piece of land who in the opinion of the board has an interest in the matter, of the board's decision; and
- (ii) enter particulars of the servitude or right in a register which shall be maintained by the board for this purpose.

(e) The acceptance or denial by a water control board of the legal validity of a servitude or right in terms of paragraph (d), shall for the purposes of section 98 read with section 32M(3) of the Act, be deemed to be a decision of the board made on the date of the applicable written notice in terms of the said paragraph (d).

(3) A water control board shall perform and exercise its duties, functions and powers with due regard to all servitudes or other rights which have been entered in the register referred to in subregulation (2)(d)(ii).

(ii) op enige ander stuk grond in die waterbeheerdistrik waarvan hy ook die eienaar is, vir gebruik op die eersgenoemde stuk grond.

(c) Die besonderhede bedoel in paragraaf (a) het betrekking op —

- (i) die hoeveelheid ondergrondse water wat na die oordeel van die genoemde eienaar uit hoofde van elke sodanige serwituut of ander reg jaarliks aldus onttrek en gebruik word of onttrek en gebruik mag word;
- (ii) die doel waarvoor die ondergrondse water gebruik word; en
- (iii) 'n afskrif van enige dokument, indien van toepassing, as bewys of ter ondersteuning van 'n aanspraak op die serwituut of reg.

(2) (a) 'n Waterbeheerraad moet, na die ondersoek wat die raad nodig ag met betrekking tot die geldigheid van elke serwituut of ander reg waarop die genoemde eienaar aanspraak maak, besonderhede van elke sodanige serwituut of ander reg en die bevindinge van die raad in verband daarmee, aan die Direkteur-generaal voorlê.

(b) Die Direkteur-generaal moet, na die ondersoek wat hy nodig ag, met inbegrip van enige verdere ondersoek wat hy die betrokke waterbeheerraad kan gelas om te doen, elke sodanige aanspraak op 'n serwituut of ander reg oorweeg en die raad skriftelik verwittig of die serwituut of reg waarop aanspraak gemaak word na sy oordeel regsgeldig is aldan nie.

(c) Indien 'n waterbeheerraad verskil van 'n bevinding bereik deur die Direkteur-generaal ingevolge paragraaf (b), moet die Direkteur-generaal en die raad gesamentlik die betrokke aanspraak verder ondersoek en oorweeg met die oog daarop om eenstemmigheid te bereik oor die regsgeldigheid van die serwituut of reg waarop aanspraak gemaak word.

(d) Indien 'n waterbeheerraad akkoord gaan met 'n bevinding van die Direkteur-generaal ingevolge paragraaf (b), moet die raad skriftelik die betrokke eienaar verwittig dat die raad die regsgeldigheid van die betrokke serwituut of reg aanvaar of ontken, na gelang van die geval, en in die geval van 'n serwituut of reg waarvan die regsgeldigheid deur die raad aanvaar word, moet die raad —

- (i) skriftelik elke ander eienaar van 'n stuk grond wat na die oordeel van die raad 'n belang by die aangeleentheid het, van die raad se besluit verwittig; en
- (ii) besonderhede van die serwituut of reg aanteken in 'n register wat vir die doel deur die raad bygehou moet word.

(e) Die aanvaarding of ontkenning deur 'n waterbeheerraad ingevolge paragraaf (d) van die regsgeldigheid van 'n serwituut of reg word vir die doeleindes van artikel 98 saamgelees met artikel 32M(3) van die Wet, geag 'n besluit van die raad te wêes wat geneem is op die datum van die toepaslike kennisgewing ingevolge die genoemde paragraaf (d).

(3) 'n Waterbeheerraad verrig sy pligte en werksaamhede en oefen sy bevoegdhede uit met behoorlike inagneming van alle serwitute of ander regte wat in die register bedoel in subregulasie (2)(d)(ii) aangeteken is.

Financial administration of a water control board

17. (1) A water control board shall —

- (a) determine the financial year of the board and may from time to time change the financial year of the board;
- (b) open an account in the name of the board with any deposit-taking institution referred to in section 1 of the Deposit-taking Institutions Act, 1990 and the board may from time to time close such account and open another such account, in which all money received by the board shall be deposited and from which all payments made by or on behalf of the board, shall be made; and
- (c) appoint a person as auditor of the board: Provided that if such person is not registered as an accountant and auditor in terms of the Public Accountants and Auditors Act, 1991, the appointment of such person shall only be made with the written approval of the Regional Director concerned of the department.

(2) Funds of the board shall comprise —

- (a) rates assessed in terms of section 32J(1) of the Act and received by the board;
- (b) the proceeds of any loan taken up by the board in accordance with regulation 18;
- (c) interest earned on money invested by the board; and
- (d) any other money which legally accrues to the board.

(3) A water control board shall cause full and correct entries to be made of all money received and expended by it as well as revenue due to the board but not yet received and financial obligations incurred by the board but not yet paid.

(4) A water control board shall in respect of each financial year, cause financial statements to be prepared comprising a statement of income and expenditure for the financial year in question and a balance sheet of assets and liabilities reflecting the board's financial position at the end of that financial year.

(5) The financial statements referred to in subregulation (4) shall —

- (a) as soon as possible after the closing of the financial year to which they relate, be audited by the water control board's auditor and for this purpose the auditor shall have access to all financial entries and supporting vouchers of the board;
- (b) after certification by the board's auditor as a reasonable reflection of the board's financial transactions for, and the board's financial position at the end of, the financial year in question, be signed by two members of the board designated by the board and submitted to the general annual meeting of voters referred to in regulation 19, for confirmation.

Finansiële administrasie van 'n waterbeheerraad

17. (1) 'n Waterbeheerraad moet —

- (a) die finansiële jaar van die raad vasstel en kan die finansiële jaar van die raad van tyd tot tyd wysig;
- (b) 'n rekening in die naam van die raad by 'n depositonemende instelling bedoel in artikel 1 van die Wet op Depositonemende Instellings, 1990 oopmaak en die raad kan van tyd tot tyd sodanige rekening sluit en 'n ander sodanige rekening oopmaak, waarin alle geld wat die raad ontvang gedeponeer word en waaruit alle uitbetalings deur of namens die raad, gedoen word; en
- (c) 'n persoon as ouditeur van die raad aanstel: Met dien verstande dat indien die bedoelde persoon nie as 'n rekenmeester en ouditeur ingevolge die Wet op Openbare Rekenmeesters en Ouditeure, 1991 geregistreer is nie, die aanstelling van bedoelde persoon slegs met die skriftelike goedkeuring van die betrokke Streekdirekteur van die departement mag geskied.

(2) Die fondse van 'n waterbeheerraad bestaan uit —

- (a) belastinge kragtens artikel 32J(1) van die Wet gehef en deur die raad ontvang;
- (b) die opbrengs van enige lening deur die raad ooreenkomstig regulasie 18 opgeneem;
- (c) rente verdien op geld deur die raad belê; en
- (d) enige ander geld wat die raad wettiglik toeval.

(3) 'n Waterbeheerraad laat volledige en juiste aantekeninge hou van alle geld wat die raad ontvang en bestee asook van inkomste aan die raad verskuldig wat nog nie ontvang is nie en finansiële verpligtinge deur die raad aangegaan wat nog nie betaal is nie.

(4) 'n Waterbeheerraad moet ten opsigte van elke finansiële jaar, finansiële state laat opstel bestaande uit 'n staat van inkomste en uitgawe vir die betrokke finansiële jaar en 'n balansstaat van bates en laste wat die raad se finansiële posisie aan die einde van daardie finansiële jaar aantoon.

(5) Die finansiële state bedoel in subregulasie (4) word —

- (a) so gou doenlik na die afsluiting van die finansiële jaar waarop dit betrekking het, deur die waterbeheerraad se ouditeur nagesien en vir die doel het die ouditeur toegang tot alle finansiële aantekeninge en stawende bewysstukke van die raad;
- (b) na sertifisering deur die ouditeur as 'n redelike weergawe van die raad se finansiële transaksies vir, en die raad se finansiële posisie aan die einde van, die betrokke finansiële jaar, deur twee lede van die raad wat deur die raad aangewys word, onderteken en aan die algemene jaarvergadering van kiesers bedoel in regulasie 19 voorgelê vir bekragtiging.

18. (1) (a) A water control board which intends taking up money by way of a loan in terms of section 32I(2)(b) of the Act, for the procurement of movable and immovable property required by the board in the exercise or performance of its powers, duties and functions shall, before taking any decision on the loan, in writing, in accordance with paragraph (b), give notice to each voter of the board's intention.

(b) A notice referred to in paragraph (a) shall be given at least 30 days prior to the date of the meeting of the board at which the matter will be dealt with, stating —

- (i) the amount which the board intends to borrow and the interest rate which it is anticipated will be applicable;
- (ii) the purpose for which the proceeds of the loan is intended and the considerations on which the board deems it necessary to borrow the money;
- (iii) the anticipated term and redemption conditions of the loan;
- (iv) the effect which the redemption of the loan will in the opinion of the board have on rates to be assessed by the board,

and in the notice, any voter who is opposed to the loan shall be invited to submit his objections in writing to the board before, or make oral representation to the board at, the meeting of the board, the date, time and venue of which shall be stated.

(2) A water control board shall with due regard to the objections of voters (if any), take a decision on the loan and if the board decides to proceed with the loan, the board shall in writing apply to the Regional Director concerned of the department, for approval by the Minister of the loan, which application shall contain a written confirmation signed by the chairman of the board, that the requirements of subregulation (1) have been complied with.

(3) A water control board may with the written approval of the Regional Director concerned of the department, borrow money by way of overdraft from its banker to finance the administrative costs of the board in anticipation of revenue to be procured from the assessment of rates in terms of section 32J(1) of the Act.

General annual meeting and special meetings of voters of a water control board

19. (1) A water control board shall annually, within four months after the end of the preceding financial year convene a general annual meeting of the voters of the board in accordance with subregulation (3), at which —

- (a) the board shall report on the activities of the board during the financial year in question; and
- (b) the financial statements of the board for the financial year in question shall be submitted for confirmation.

18. (1) (a) 'n Waterbeheerraad wat ingevolge artikel 32I(2)(b) van die Wet, van voorneme is om geld by wyse van 'n lening op te neem vir die verkryging van roerende of onroerende goed wat die raad vir die uitoefening of verrigting van sy bevoegdhede, pligte en werksaamhede nodig ag, moet, voordat die raad 'n besluit oor die lening neem, skriftelik, ooreenkomstig paragraaf (b), aan elke kieser kennis gee van die raad se voorneme.

(b) 'n Kennisgewing bedoel in paragraaf (a) moet gegee word minstens 30 dae voor die datum van die vergadering van die raad waarop die aangeleentheid behandel gaan word, met vermelding van —

- (i) die bedrag wat die raad van voorneme is om te leen en die rentekoers wat na verwagting van toepassing sal wees;
- (ii) die doel waarvoor die opbrengs van die lening bestem is en die oorwegings op grond waarvan die raad dit nodig ag om die geld te leen;
- (iii) die verwagte termyn en aflossingsvoorwaardes van die lening;
- (iv) die invloed wat die aflossing van die lening na die oordeel van die raad, op belastinge deur die raad gehef te word, gaan hê,

en in die kennisgewing moet enige kieser wat gekant is teen die lening uitgenooi word om sy besware skriftelik voor of mondelings by die vergadering van die raad, waarvan die datum, tyd en plek vermeld moet word, voor te lê.

(2) 'n Waterbeheerraad moet met inagneming van die besware van kiesers (indien enige), 'n besluit neem met betrekking tot die lening en, indien die raad besluit om voort te gaan met die lening, moet die raad skriftelik by die betrokke Streekdirekteur van die departement aansoek doen vir goedkeuring van die voorgestelde lening deur die Minister, welke aansoek 'n bevestiging moet bevat, onderteken deur die voorsitter van die raad, dat aan die vereistes van subregulasie (1) voldoen is.

(3) 'n Waterbeheerraad kan, met die skriftelike goedkeuring van die betrokke Streekdirekteur van die departement, geld by wyse van 'n oortrekking by sy bankier leen om die administratiewe koste van die raad te finansier, in afwagting van inkomste verkry te word uit die heffing van 'n belasting deur die raad ingevolge artikel 32J(1) van die Wet.

Algemene jaarvergadering en spesiale vergaderings van kiesers van 'n waterbeheerraad

19. (1) 'n Waterbeheerraad moet jaarliks, binne vier maande na die afsluiting van die voorafgaande finansiële jaar, 'n algemene jaarvergadering van alle kiesers van die raad ooreenkomstig subregulasie (3) byeenroep, waartydens —

- (a) die raad verslag doen oor die werksaamhede van die raad gedurende die betrokke finansiële jaar; en
- (b) die finansiële state van die raad vir die betrokke finansiële jaar voorgelê word vir bekragtiging.

(2) A water control board may at any time if it deems it necessary or desirable, convene a special meeting of voters of the board in accordance with subregulation (3). Provided that if not less than one-third of the number of voters in a water control district, in writing requests the board to convene a special meeting in order to debate any matter, the board shall convene such meeting: Provided further that the board may refuse such request if, during the preceding 12 months, a special meeting was convened at which the same of substantially the same matter was debated and dealt with.

(3) A water control board shall, at least 21 days prior to the date determined by the board for a meeting contemplated in subregulation (1) or (2), in writing give notice to each voter of the date, time and venue of the meeting —

(a) to which notice, in the case of a general annual meeting, a copy of the financial statements for the financial year in question shall be attached or in which the place or places shall be mentioned where the financial statements will be available for inspection for a period of at least 14 days prior to the date of the meeting;

(b) in which, in the case of a special meeting, the matter is mentioned which is to be debated at the meeting.

(4) The chairman of a water control board or, in his absence, the vice-chairman or, in his absence, another member of the board who has been designated by the board to act as chairman at a general annual meeting or a special meeting, as the case may be, shall see to it that —

(a) at each such meeting an attendance register is compiled of all the voters who are present;

(b) minutes are kept of the proceedings at the meeting in which all resolutions of that meeting shall be noted; and

(c) in the case of a general annual meeting at which financial statements of the board have been confirmed, a copy of the financial statements in respect of which he shall in writing certify that they were confirmed by the meeting, be submitted to the Regional Director concerned of the department.

(5) The number of voters which is equal to the number of members of a water control board which, in terms of regulation 11(2), constitutes the quorum for any decision of a meeting of that board, shall be the quorum for a decision at a general annual meeting or a special meeting.

(6) At a general annual meeting and, if applicable, a special meeting —

(a) the minutes of the previous general annual meeting, if not supplied in writing to each voter, shall be read to the meeting by the chairman and after they have, with or without amendments, been ap-

(2) 'n Waterbeheerraad kan te eniger tyd wanneer die raad dit nodig of wenslik ag, ooreenkomstig subregulasie (3), 'n spesiale vergadering van kiesers van die raad byeenroep: Met dien verstande dat indien nie minder nie as een-derde van die getal kiesers in 'n waterbeheerdistrik skriftelik die raad versoek om 'n spesiale vergadering byeen te roep vir die bespreking van die een of ander aangeleentheid, die raad sodanige vergadering moet byeenroep: Met dien verstande voorts dat die raad sodanige versoek kan weier indien gedurende die voorafgaande 12 maande 'n spesiale vergadering byeengeroep is, waartydens dieselfde of wesenlik dieselfde aangeleentheid bespreek en afgehandel is.

(3) 'n Waterbeheerraad moet minstens 21 dae voor die datum wat die raad vir 'n vergadering bedoel in subregulasie (1) of (2) bepaal het, skriftelik aan elke kieser kennis gee van die datum, tyd en plek van die vergadering —

(a) by welke kennisgewing, in die geval van 'n algemene jaarvergadering, 'n afskrif van die finansiële state vir die betrokke finansiële jaar aangeheg moet word of waarin die plek of plekke vermeld word waar die finansiële state vir 'n tydperk van minstens 14 dae voor die datum van die vergadering ter insae beskikbaar sal wees;

(b) waarin, in die geval van 'n spesiale vergadering, die aangeleentheid vermeld word wat by die vergadering bespreek gaan word.

(4) Die voorsitter van 'n waterbeheerraad of in sy afwesigheid, die ondervoorsitter of, in sy afwesigheid, 'n ander lid van die raad wat deur die raad aangewys is om by 'n algemene jaarvergadering of 'n spesiale vergadering, na gelang van die geval, as voorsitter op te tree, moet toesien dat —

(a) by elke sodanige vergadering 'n presensielys opgestel word van die kiesers wat teenwoordig is;

(b) notule gehou word van die verrigtinge by die vergadering waarin alle besluite van die vergadering aangeteken word; en

(c) in die geval van 'n algemene jaarvergadering waartydens die finansiële state van die raad bekragtig is, 'n afskrif van die state ten opsigte waarvan hy skriftelik moet sertifiseer dat dit deur die vergadering bekragtig is, aan die betrokke Streekdirekteur van die departement voorgelê word.

(5) Die getal kiesers wat gelyk is aan die getal van die lede van 'n waterbeheerraad wat ingevolge regulasie 11(2) die kworum vir enige besluit op 'n vergadering van daardie raad uitmaak, is die kworum vir 'n besluit op 'n algemene jaarvergadering of 'n spesiale vergadering.

(6) By 'n algemene jaarvergadering en, indien van toepassing, 'n spesiale vergadering —

(a) word die notule van die vorige algemene jaarvergadering, indien dit nie skriftelik aan elke kieser voorsien word nie, deur die voorsitter aan die vergadering voorgelees en nadat dit, met of

proved by the majority of the voters present, be certified by the chairman as a true account of the proceedings at that meeting;

- (b) in the case of a general annual meeting, only the matters mentioned in subregulation (1) shall be dealt with and, in the case of a special meeting, only a matter contemplated in subregulation (3)(b); and

- (c) a vote on any matter is held by a show of hands.

(7) The decision of the majority of the voters present at a general annual meeting or a special meeting shall, subject to subregulation (5), be the decision of the meeting in respect of a matter which may be dealt with at such meeting and which is put to the vote: Provided that in the event of an equality of votes, the member of the water control board who acts as chairman at that meeting shall, in addition to his deliberative vote as voter, have a casting vote.

(8) An officer of the department referred to in regulation 10(1), may be present at any general annual meeting or special meeting of voters of a water control board and participate in the proceedings (except a vote) at that meeting.

Investigation of the affairs of a water control board by an officer of the department

20. (1) The Minister may, in the event that —

- (a) at an annual meeting or a special meeting of voters of a water control board, the financial statements are not confirmed or, as the case may be, a motion of no confidence in the board is accepted; or
- (b) he is of the opinion that the powers, functions or duties of a water control board are not properly exercised or performed, or that there is reason to suspect that a member or employee of the board is conducting himself improperly in the exercise or performance of his powers, duties or functions,

appoint a committee consisting of one or more officers of the department to investigate the affairs of the board and to report to him thereon.

(2) For the purposes of an investigation referred to in subregulation (1), any member of the committee in question shall have free and unhindered access to any property of the board and any books or other documents of the board and he may make such enquiries or take such statements from any person as he deems necessary.

(3) If the Minister after considering the report of a committee referred to in subregulation (1) and any representations made to him by the water control board in question or a member of the board or a voter, is convinced that it is necessary or desirable to do so, the Minister may —

- (a) by notice in writing to all the members of that board, terminate the period of office of any or all

sonder wysiging, deur die meerderheid van die kiesers wat teenwoordig is goedgekeur is, deur die voorsitter as 'n ware weergawe van die verrigtinge by daardie vergadering gesertifiseer;

- (b) word in die geval van 'n algemene jaarvergadering, slegs die aangeleentheid genoem in subregulasie (1) behandel en, in die geval van 'n spesiale vergadering, slegs 'n aangeleentheid bedoel in subregulasie (3)(b); en

- (c) word 'n stemming oor enige aangeleentheid deur die opsteek van hande gehou.

(7) Die besluit van die meerderheid van die kiesers wat by 'n algemene jaarvergadering of 'n spesiale vergadering teenwoordig is, maak, behoudens subregulasie (5), die besluit van die vergadering uit ten opsigte van 'n aangeleentheid wat by so 'n vergadering behandel kan word en waarvoor die vergadering tot stemming oorgaan: Met dien verstande dat by 'n staking van stemme oor sodanige aangeleentheid, die lid van die waterbeheerraad wat by daardie vergadering as voorsitter optree, benewens sy beraadslagende stem as kieser, oor 'n beslissende stem beskik.

(8) 'n Beampte van die departement bedoel in regulasie 10(1), kan by enige algemene jaarvergadering of spesiale vergadering van kiesers van 'n waterbeheerraad teenwoordig wees en aan verrigtinge by daardie vergadering (uitgesonderd 'n stemming), deelneem.

Ondersoek van die sake van 'n waterbeheerraad deur 'n beampte van die departement

20. (1) Die Minister kan, indien —

- (a) by 'n algemene jaarvergadering of 'n spesiale vergadering van die kiesers van 'n waterbeheerraad, die finansiële state nie bekragtig word nie of, na gelang van die geval, 'n mosie van wantroue in die raad aangeneem word; of
- (b) hy van oordeel is dat die bevoegdhede, werksaamhede of pligte van 'n waterbeheerraad nie na behore uitgeoefen of verrig word nie of dat daar rede is om te vermoed dat 'n lid of werknemer van die raad hom onbehoorlik gedra by die uitoefening of verrigting van sy bevoegdhede, pligte of werksaamhede,

'n komitee bestaande uit een of meer beamptes van die departement aanstel om die sake van die raad te ondersoek, en daarvoor aan hom verslag te doen.

(2) Vir die doel van 'n ondersoek bedoel in subregulasie (1), het enige lid van die betrokke komitee vrye en onbelemmerde toegang tot enige eiendom van die raad en insae in enige boeke of ander dokumente van die raad en kan hy die navrae doen of verklarings afneem van enige persoon wat hy nodig ag.

(3) Indien die Minister na oorweging van 'n verslag van 'n komitee bedoel in subregulasie (1) en van enige vertoë wat die betrokke waterbeheerraad of 'n lid van die raad of 'n kieser aan hom gerig het, oortuig is dat dit nodig of wenslik is om dit te doen, kan die Minister —

- (a) by skriftelike kennisgewing aan al die lede van daardie raad, die ampstermyn van enige of al die

the elected members with effect from a date mentioned in the notice and, in the event that the period of office of all the elected members is terminated, direct that an election meeting be convened in accordance with regulation 6, as if it is the first election meeting of that water control district; or

- (b) by notice in writing to the board, make known his intention to disestablish the water control district in question in terms of section 32G(4) of the Act.

Disposal of the affairs of a water control board on the disestablishment of the water control district

21. (1) If the Minister gives notice in accordance with regulation 20(3)(b) of his intention to disestablish a water control district —

- (a) he shall cause such action as he may deem necessary to be taken at the expense of the water control board in question, or assess and recover a rate and collect any dues payable to the board sufficient to cover the cost of any action so taken and to pay any amount payable by the board to any person, together with all expenses incidental to the assessment, recovery, or collection of a rate he may so assess; and
- (b) he shall by notice in writing to each member of the board, terminate the period of office of all the members of that board.

(2) For the purpose of subregulation (1)(a), the Minister shall, from the date of a notice in terms of subregulation (1)(b), be vested with all the powers, rights, assets, liabilities and duties of the water control board in question and he may delegate the control thereof to any officer of the department, and shall for the purposes of assessing and recovery of a rate and the collection of dues, have the same powers and rights as are in terms of the Act or otherwise vested in the board in question in connection with the assessment and recovery of such rate or the collection of such dues by the board.

(3) After compliance with the requirements of subregulation (2), the water control district shall be disestablished in terms of section 32G(4) of the Act.

Short title

22. These regulations are called the Subterranean Water Control Board Regulations.

verkose lede op 'n datum in die kennisgewing vermeld beëindig en, in die geval van die beëindiging van die ampstermyne van al die verkose lede, gelas dat 'n verkiesingsvergadering ooreenkomstig regulasie 6 byeengeroep word, asof dit die eerste verkiesingsvergadering van daardie waterbeheerdistrik is; of

- (b) by skriftelike kennisgewing aan die raad, sy voorneme bekend maak om die waterbeheerdistrik ingevolge artikel 32G(4) van die Wet, op te hef.

Afhandeling van die sake van 'n waterbeheerraad by die opheffing van die waterbeheerdistrik

21. (1) Indien die Minister ooreenkomstig regulasie 20(3)(b) kennis gee van sy voorneme om 'n waterbeheerdistrik op te hef —

- (a) laat hy die stappe wat hy nodig ag op koste van die raad doen, 'n belasting hef en verhaal en aan die raad verskuldigde bedrae invorder wat voldoende is om die koste van die aldus gedane stappe te dek en enige bedrag wat deur die raad aan enige persoon betaalbaar is, te betaal, tesame met alle koste verbonde aan die heffing, verhaling of invordering van 'n belasting wat hy aldus mag hef; en
- (b) beëindig hy by skriftelike kennisgewing aan elke lid van die raad die ampstermyne van al die lede van daardie raad.

(2) Vir die doeleindes van subregulasie (1)(a), is die Minister vanaf die datum van 'n kennisgewing ingevolge subregulasie (1)(b), beklee en belas met al die bevoegdhede, regte, bates, laste en verpligtinge van die betrokke waterbeheerraad en kan hy die beheer daarvan aan 'n beampte van die departement opdra, en het hy vir die doeleindes van die heffing en verhaling van 'n belasting en die invordering van bedrae aan die raad verskuldig, dieselfde regte en bevoegdhede as wat in verband met die heffing en verhaling van sodanige belasting of die invordering van sodanige bedrae deur die raad, ingevolge die Wet of andersins in die betrokke raad gevestig is.

(3) Na voldoening aan die vereistes van subregulasie (2) word die betrokke waterbeheerdistrik ingevolge artikel 32G(4) van die Wet opgehef.

Kort titel

22. Hierdie regulasies heet die Ondergrondse Waterbeheerraderegulasies.

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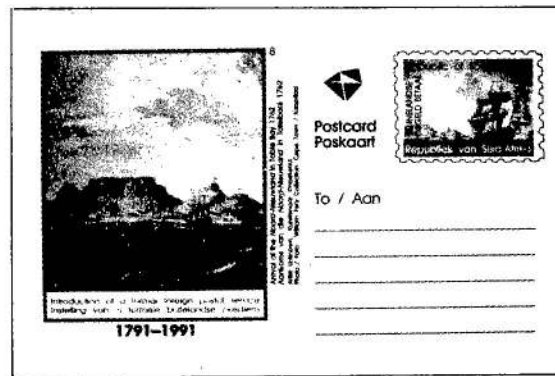
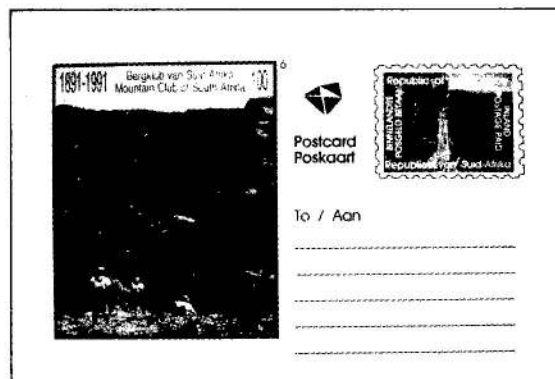
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