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GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1932.

23 October 1974.

No. 1932.

23 Oktober 1974.

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

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

No. 60 of 1974: Electricity Amendment Act, 1974.

No. 60 van 1974: Wysigingswet op Elektrisiteit, 1974.

Wet No. 60, 1974

WYSIGINGSWET OP ELEKTRISITEIT, 1974.

WET

Tot wysiging van die Elektrisiteitswet, 1958, om die belegging voor 31 Augustus 1973 van geld in die reserwefonds van die kommissie in sekere effekte en sekuriteite te bekragtig; om die bevoegdheid van sekere ondernemers om grond en sekere regte te verkry, uit te brei; en om die bepaling van vergoeding in daardie gevalle waar 'n eienaar toestem tot die verkryging van sy grond of sekere regte, te reël.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Oktober 1974.)

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

Wysiging van
artikel 13 van
Wet 40 van 1958,
soos vervang deur
artikel 2 van
Wet 49 van 1971.

1. Artikel 13 van die Elektrisiteitswet, 1958, word hierby gewysig deur na paragraaf (a) van subartikel (3) die volgende paragraaf in te voeg:

„(aA) Die effekte en sekuriteite waarin die kommissie die geld in sy reserwefonds voor 31 Augustus 1973 belê het en wat in paragraaf 13 van die Eerste Bylae vermeld word, word geag sekuriteite te wees wat, vir die doeleindes van sodanige belegging voor daardie datum, kragtens paragraaf (a) goedgekeur is.”

Vervanging van
artikel 43 van
Wet 40 van 1958,
soos gewysig deur
artikel 31 van
Wet 55 van 1965.

2. Artikel 43 van die Elektrisiteitswet, 1958, word hierby deur die volgende artikel vervang:

„Onteining
van grond
en belange
in grond.

43. (1) Ondanks andersluidende wetsbepalings kan 'n gemagtigde ondernemer of iemand wat geregtig is om elektrisiteit binne 'n bepaalde gebied te laat ontwikkel of te voorsien, met goedkeuring van die Staatspresident en onderworpe aan die voorwaardes wat hy mag oplê, deur verpligte koop grond of 'n reg in, oor of ten opsigte van grond wat so 'n ondernemer of so iemand vir die uitoefening van bedoelde bevoegdheid nodig het, verkry.

(2) Die Staatspresident mag sodanige goedkeuring nie verleen nie tensy hy oortuig is—

(a) dat so 'n ondernemer of so iemand nie in staat is om sodanige grond of reg op redelike voorwaardes deur ooreenkoms met die eienaar te verkry nie; en

(b) na oorweging van 'n verslag deur die raad, dat so 'n ondernemer of so iemand sodanige grond of reg redelikerwys nodig het vir die uitoefening van die bevoegdheid bedoel in subartikel (1).

(3) (a) Voordat die raad sy verslag ingevolge subartikel (2) (b) verstrek, moet hy by 'n openbare verhoor bepaal of so 'n ondernemer of so iemand die betrokke grond of reg aldus nodig het.

ELECTRICITY AMENDMENT ACT, 1974.

Act No. 60, 1974

ACT

To amend the Electricity Act, 1958, so as to validate the investment, prior to 31 August 1973, of moneys in the reserve fund of the commission in certain stocks and securities; so as to extend the power of certain undertakers to acquire land and certain rights; and so as to regulate the determination of compensation in those cases where an owner agrees to the acquisition of his land or certain rights.

(Afrikaans text signed by the State President.)

(Assented to 16 October 1974.)

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

1. Section 13 of the Electricity Act, 1958, is hereby amended by the insertion after paragraph (a) of subsection (3) of the following paragraph:

Amendment of section 13 of Act 40 of 1958, as substituted by section 2 of Act 49 of 1971.

“(aA) The stocks and securities in which the commission invested the moneys in its reserve fund prior to 31 August 1973 and which are mentioned in paragraph 13 of the First Schedule, shall be deemed to be securities which, for the purposes of such investment prior to that date, have been approved under paragraph (a).”.

2. The following section is hereby substituted for section 43 of the Electricity Act, 1958:

Substitution of section 43 of Act 40 of 1958, as amended by section 31 of Act 55 of 1965.

“Expropriation of land and interests in land.

43. (1) Notwithstanding anything to the contrary contained in any law, an authorized undertaker or any person entitled to cause electricity to be generated or to supply electricity in a particular area may, with the approval of the State President and subject to such conditions as he may impose, by compulsory purchase acquire such land or any such right in, over or in respect of land as such undertaker or person may require for the exercise of that power.

(2) The State President shall not grant such approval unless he is satisfied—

- (a) that such undertaker or person is unable to acquire any such land or right on reasonable terms by agreement with the owner; and
- (b) after considering a report by the board, that such land or right is reasonably required by such undertaker or person for the exercise of the power referred to in subsection (1).
- (3) Before furnishing its report under subsection (2) (b), the board shall at a public hearing determine whether the land or right in question is so required by such undertaker or person.

Wet No. 60, 1974

WYSIGINGSWET OP ELEKTRISITEIT, 1974.

(b) Die raad moet minstens veertien dae kennis van so 'n verhoor gee aan so 'n ondernemer of so iemand, en aan die betrokke eienaar, wat geregtig is om by sodanige verhoor sy besware teen die verpligte koop te opper.

(c) Die raad moet bedoelde eienaar en ondernemer of persoon van sy bevinding in kennis stel.

(4) Sodra die goedkeuring van die Staatspresident tot so 'n verkryging verleen is, geld die bepalings van artikels 4 tot en met 13 van die Onteieningswet, 1965 (Wet No. 55 van 1965), *mutatis mutandis* in verband met sodanige verkryging, en by sodanige toepassing daarvan word 'n verwysing in daardie artikels—

(a) na die 'Minister' en die 'Staat' as 'n verwysing na die betrokke ondernemer of persoon uitgelê;

(b) na 'artikel 2' as 'n verwysing na hierdie artikel uitgelê.

(5) Indien die eienaar van grond inwillig tot die verkryging van dié grond of 'n reg in, oor of ten opsigte van dié grond deur so 'n ondernemer of so 'n persoon vir die uitoefening van 'n bevoegdheid bedoel in subartikel (1), maar nie bereid is om die vergoeding wat daarvoor aangebied word, te aanvaar nie, kan die partye ooreenkom dat die ondernemer of persoon, na gelang van die geval, die grond of reg verkry onderworpe aan die vasstelling van die vergoeding wat betaalbaar is ooreenkomstig die bepalings van artikels 7, 8, 9 en 10 van die Onteieningswet, 1965, na gelang van watter bepalings van toepassing sou gewees het indien die grond of reg ingevolge die bepalings van genoemde Wet onteien was: Met dien verstande dat in so 'n geval die kennisgewingsdatum, soos in artikel 1 van genoemde Wet omskryf, geag word die datum te wees waarop bedoelde ooreenkoms aangegaan is: Met dien verstande voorts dat indien 'n aansoek om sodanige vasstelling van die vergoeding nie binne ses maande na dié datum by die gepaste hof ingedien word nie, die vergoeding wat deur daardie ondernemer of persoon aangebied is, die vergoeding is wat betaalbaar is vir die verkryging van daardie grond of reg.”.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Elektrisiteit, 1974.

ELECTRICITY AMENDMENT ACT, 1974.

Act No. 60, 1974

(b) The board shall give at least fourteen days' notice of such hearing to such undertaker or person, and to the owner concerned, who shall be entitled to raise at such hearing his objections against the compulsory purchase.

(c) The board shall notify the said owner and undertaker or person of its finding.

(4) Upon the approval of the State President to such acquisition being granted, the provisions of sections 4 to 13 inclusive, of the Expropriation Act, 1965 (Act No. 55 of 1965), shall *mutatis mutandis* apply in connection with such acquisition, and in such application thereof any reference in those sections—

(a) to the 'Minister' and the 'State' shall be construed as a reference to the undertaker or person in question;

(b) to 'section 2' shall be construed as a reference to this section.

(5) If the owner of any land agrees to such land or any right in, over or in respect of such land being acquired by such undertaker or person for the exercise of any power referred to in subsection (1), but is not prepared to accept the compensation offered therefor, the parties may agree to the land or right being acquired by the undertaker or person, as the case may be, subject to the determination of the compensation payable in accordance with the provisions of sections 7, 8, 9 and 10 of the Expropriation Act, 1965, according to which provisions would have been applicable if the land or right had been expropriated in terms of the provisions of the said Act: Provided that in any such case the date of notice, as defined in section 1 of the said Act, shall be deemed to be the date on which that agreement was concluded: Provided further that if an application for such determination of the compensation is not made within six months after that date to the appropriate court, the compensation offered by such undertaker or person shall be the compensation payable for the acquisition of such land or right."

3. This Act shall be called the Electricity Amendment Act, Short title.
1974.

Act No. 60, 1974

ELECTRICITY AMENDMENT ACT, 1974

- (b) The board shall give at least fourteen days' notice of such hearing to such undertaker or person, and to the owner concerned, who shall be entitled to raise at such hearing his objections against the compulsory purchase.
- (c) The board shall notify the said owner and undertaker or person of its finding.
- (d) Upon the approval of the State President to such acquisition being granted, the provisions of sections 4 to 13 inclusive of the Expropriation Act, 1962 (Act No. 22 of 1962), shall mutatis mutandis apply in connection with such acquisition, and in such application thereof any reference in those sections—
- (i) to the 'Minister' and the 'State' shall be construed as a reference to the undertaker or person in question;
- (ii) to 'section 2' shall be construed as a reference to this section.
- (3) If the owner of any land agrees to such land or any right in, over or in respect of such land being acquired by such undertaker or person for the exercise of any power referred to in subsection (1), but is not prepared to accept the compensation offered therefor, the parties may agree to the land or right being acquired by the undertaker or person as the case may be, subject to the determination of the compensation payable in accordance with the provisions of sections 7, 8, 9 and 10 of the Expropriation Act, 1962, according to which provisions would have been applicable if the land or right had been expropriated in terms of the provisions of the said Act: Provided that in any such case the date of notice, as defined in section 1 of the said Act, shall be deemed to be the date on which that agreement was concluded: Provided further that if an application for such determination of the compensation is not made within six months after that date to the appropriate court, the compensation offered by such undertaker or person shall be the compensation payable for the acquisition of such land or right.

3. This Act shall be called the Electricity Amendment Act, 1974.

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