



REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1057.

28 May 1975.

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

No. 42 of 1975: Water Amendment Act, 1975.

No. 1057.

28 Mei 1975.

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

No. 42 van 1975: Waterwysigingswet, 1975.

## ACT

To amend the Water Act, 1956, so as to further provide for the control of the impounding or abstraction of public water by means of water works; to apply certain provisions regarding the use of water for industrial purposes, and the purification and disposal of water so used, also to sea water which is so used; to provide that in prosecutions for a certain offence under the Sea Fisheries Act, 1973, the performance under a certain permit of the acts charged, shall not serve as a defence; to further define a certain offence regarding the pollution of water; to further regulate the circumstances under which the State President may declare any area to be a subterranean water control area; to provide for the making of adjustments or repairs to private water works in subterranean water control areas, and for the construction or erection of additional water works, by the Minister or the owner concerned; to further regulate the control of activities which may alter the natural occurrence of certain types of atmospheric precipitation; to further regulate the payment of allowances to certain members of water courts; to apply certain provisions regarding a right of access in connection with any servitude acquired under Chapter VIII, also to any servitude acquired under section 60; to apply certain provisions of the Expropriation Act, 1965, in respect of the serving of certain notices; to substitute the expression "Agricultural Credit Board" for the expression "Land Tenure Board" in section 63; to further regulate the levying of rates and charges by the Minister in respect of certain irrigable land; to further regulate the nomination of certain members of the advisory committees in respect of certain water works and areas, and the payment of allowances to certain such members; to empower the Minister to make certain regulations in respect of subterranean water control areas and catchment areas; to further regulate the circumstances under which irrigation districts may be disestablished; to alter the permissible interest rate in respect of unpaid rates or charges due to an irrigation board; to amend the text of section 94 (2); to provide that the writing-off of certain amounts due in respect of irrigation loans may be approved by the Senate and the House of Assembly on the submission by the Minister of a report instead of a petition; to further regulate the circumstances under which application may be made for further irrigation loans; to further regulate the determination of the maximum amount which may be granted in respect of a subsidy for the construction of a water work to any person or body other than an irrigation board or a local authority; to provide for the grant under certain circumstances of further subsidies in respect of water works; to repeal section 163A; to provide for the control, in certain respects, of the establishment or the extension of townships in certain areas; to substitute the long title of the

## WET

Tot wysiging van die Waterwet, 1956, ten einde verdere voorsiening te maak vir die beheer oor die opdam en die uitneem van openbare water deur middel van waterwerke; om sekere bepalings met betrekking tot die gebruik van water vir nywerheidsdoeleindes en die suiwering van en beskikking oor water wat aldus gebruik is, ook met betrekking tot seewater wat aldus gebruik word, van toepassing te maak; om voorsiening te maak dat by vervolgings vir 'n sekere misdryf kragtens die Wet op Seevisserye, 1973, die verrigting kragtens 'n sekere permit van die ten laste gelegde handeling, nie as verweer kan dien nie; om 'n sekere misdryf betreffende besoedeling van water verder te omskryf; om die omstandighede waaronder die Staatspresident 'n gebied tot 'n ondergrondse waterbeheergebied kan verklaar, verder te reël; om voorsiening te maak dat die Minister of die betrokke eenaar veranderings of herstelwerk aan private waterwerke in ondergrondse waterbeheergebiede kan aanbring, en addisionele waterwerke kan bou of oprig; om die beheer oor bedrywighede wat die natuurlike voorkoms van sekere tipes van atmosferiese neerslag kan verander, verder te reël; om die betaling van toelaes aan sekere lede van waterhowe verder te reël; om sekere bepalings met betrekking tot 'n reg van toegang in verband met 'n serwituut wat kragtens Hoofstuk VIII verkry is, ook ten opsigte van 'n serwituut wat kragtens artikel 60 verkry is, van toepassing te maak; om sekere bepalings van die Ont-eieningswet, 1965, ten opsigte van die bestelling van sekere kennisgewings van toepassing te maak; om in artikel 63 die uitdrukking „Raad op Grondbesit” deur die uitdrukking „Landboukredietraad” te vervang; om die heffing van belastingen en vorderings deur die Minister ten opsigte van sekere besproei-bare grond, verder te reël; om die nominasie van sekere lede van die adviserende komitees ten opsigte van sekere waterwerke en gebiede, en die betaling van toelaes aan sekere sodanige lede, verder te reël; om die Minister te magtig om sekere regulasies ten opsigte van ondergrondse waterbeheergebiede en opvanggebiede uit te vaardig; om die omstandighede waaronder besproeiingsdistrikte afgeskaf kan word, verder te reël; om die toelaatbare rentekoers ten opsigte van agterstallige belastingen of vorderings aan 'n besproeiingsraad verskuldig, te verander; om die teks van artikel 94 (2) te verbeter; om voorsiening te maak dat die afskrywing van sekere bedrae, verskuldig ten opsigte van sekere besproeiingslenings, deur die Senaat en die Volksraad goedgekeur kan word na voorlegging deur die Minister van 'n verslag in plaas van 'n versoekskrif; om die omstandighede waaronder aansoek gedoen kan word vir verdere besproeiingslenings, verder te reël; om die bepaling van die maksimum bedrag wat ten opsigte van 'n subsidie vir die aanbou van 'n waterwerk aan 'n persoon of liggaam uitgesonderd 'n besproeiingsraad of 'n plaaslike bestuur, toegestaan kan word, verder te reël; om voorsiening te maak vir die toestaan onder sekere omstandighede van verdere subsidies ten opsigte van waterwerke; om artikel 163A te herroep; om voorsiening te maak vir die beheer, in sekere opsigte, van die stigting of die

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## WATER AMENDMENT ACT, 1975.

said Act; to repeal certain Acts; and to provide for incidental matters.

*(English text signed by the State President.)  
(Assented to 16 May 1975.)*

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

Amendment of section 9B of Act 54 of 1956, as inserted by section 2 of Act 36 of 1971.

1. Section 9B of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Notwithstanding anything to the contrary contained in this Act or any other law, no person shall construct, alter or enlarge any water work on any land which on the date of commencement of the Water Amendment Act, 1975, was registered in the deeds registry as a separate piece of land, if more than one hundred morgen feet of public water are or, after completion of such construction, alteration or enlargement, will be capable of being impounded or stored, or more than four cubic feet of water per second are or, after such completion, will be capable of being abstracted or diverted from a public stream, in or by means of that water work, or that water work and any other waterwork or water works on that land, except under the authority of a permit issued by the Minister, and on such conditions as may be specified in that permit.”.

Amendment of section 12 of Act 54 of 1956, as amended by section 4 of Act 56 of 1961.

2. Section 12 of the principal Act is hereby amended by the substitution in subsection (1) for all the words preceding paragraph (a) of the following words:

“(1) Any person who desires to establish an industrial undertaking in respect of which any quantity of water, including sea water, is required to be used for industrial purposes or who desires to expand an industrial undertaking in respect of which any quantity of water, including sea water, is used or is required to be used for such purposes shall, before initiating or establishing or expanding such undertaking—”.

Amendment of section 21 of Act 54 of 1956, as amended by section 5 of Act 56 of 1961 and section 3 of Act 79 of 1967.

3. Section 21 of the principal Act is hereby amended—

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

“(a) The purification of any waste water or any effluent or waste produced by or resulting from the use of water for industrial purposes shall form an integral part of the process of such use and, subject to the provisions of subsection (5), any person using water, including sea water, for industrial purposes, shall purify such water, effluent or waste so as to conform to such requirements as the Minister may from time to time, after consultation with the South African Bureau of Standards, prescribe by notice in the *Gazette* either generally or in relation to water used for or in connection with any one or more specified industrial purposes or in relation to water derived from any specified public stream or the sea, or in relation to water used in any prescribed area.”;

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

“(2) Water which has been used for industrial purposes and any effluent produced by or resulting from such use, other than water or effluent referred to

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uitbreiding van dorpe in sekere gebiede; om die lang titel van genoemde Wet te vervang; om sekere wette te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 16 Mei 1975.)

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

1. Artikel 9B van die Waterwet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 9B van Wet 54 van 1956, soos ingevoeg deur artikel 2 van Wet 36 van 1971.

„(1) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet, mag niemand op grond wat op die datum van inwerkingtreding van die Waterwysigingswet, 1975, as 'n afsonderlike stuk grond in die registrasiekantoor van aktes geregistreer is, 'n waterwerk oprig, verander of vergroot nie indien daar in of deur middel van daardie waterwerk, of daardie waterwerk en enige ander waterwerk of waterwerke op daardie grond, meer as honderd morgvoet openbare water opgedam of opgegaar kan word of, na voltooiing van die oprigting, verandering of vergroting sal kan word, of meer as vier kubieke voet water per sekonde uit 'n openbare stroom geneem of gekeer kan word, of na bedoelde voltooiing geneem of gekeer sal kan word, behalwe op gesag van 'n permit deur die Minister uitgereik, en op die voorwaardes in daardie permit uiteengesit.”

2. Artikel 12 van die Hoofwet word hierby gewysig deur in subartikel (1) al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

Wysiging van artikel 12 van Wet 54 van 1956, soos gewysig deur artikel 4 van Wet 56 van 1961.

„(1) Iemand wat 'n nywerheidsonderneming ten opsigte waarvan enige hoeveelheid water, insluitende seewater, vir gebruik vir nywerheidsdoeleindes benodig is, wil oprig, of wat 'n nywerheidsonderneming ten opsigte waarvan enige hoeveelheid water, insluitende seewater, vir sodanige doeleindes gebruik word of vir gebruik benodig is, wil uitbrei, moet voordat hy so 'n onderneming begin of oprig of uitbrei—”.

3. Artikel 21 van die Hoofwet word hierby gewysig—

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

Wysiging van artikel 21 van Wet 54 van 1956, soos gewysig deur artikel 5 van Wet 56 van 1961 en artikel 3 van Wet 79 van 1967.

„(a) Die suiwering van afvalwater of afloop of afval wat verkry word deur of onstaan uit die gebruik van water vir nywerheidsdoeleindes, maak 'n integreerende deel van die proses van sodanige gebruik uit, en behoudens die bepalings van subartikel (5), moet enigiemand wat water, insluitende seewater, vir nywerheidsdoeleindes gebruik, sodanige water, afloop of afval suiwer sodat dit voldoen aan die vereistes wat die Minister van tyd tot tyd, na oorlegpleging met die Suid-Afrikaanse Buro vir Standaarde, by kennisgewing in die *Staatskoerant*, hetsy in die algemeen of met betrekking tot water gebruik vir of in verband met een of meer vermelde nywerheidsdoeleindes, of met betrekking tot water verkry uit een of ander vermelde openbare stroom, of die see, of met betrekking tot water gebruik in een of ander voorgeskrewe gebied, voorskryf.”;

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

„(2) Water wat vir nywerheidsdoeleindes gebruik is, en enige afloop wat deur sodanige gebruik verkry word of daaruit ontstaan, behalwe water of afloop in

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in subsection (3), shall, subject to the provisions of section 11, after purification in accordance with subsection (1), be returned by the user at the nearest convenient point to the bed of the public stream from which the said water was abstracted or, if it was abstracted from the sea, to the sea: Provided that where water has been so used at any place outside the natural watershed of the catchment area of the public stream from which it was abstracted and in the opinion of the water court it is for physical or economic reasons impracticable to return such water or any such effluent to the said stream, such water or effluent may be returned by the user to the bed of some other public stream at a point determined by the water court.”;

- (c) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

“(a) Any person or user referred to in subsection (1) or (2) may apply to the Minister for a permit exempting him from compliance with the provisions of either of those subsections, and the Minister may, after such investigation as he may consider necessary, if he is satisfied that compliance with the said provisions is impracticable in the particular circumstances, grant a permit subject to such conditions as he may deem fit to impose, exempting such person or user from compliance therewith to such extent as the Minister may determine, or authorizing such person or user to discharge any waste water, effluent or waste referred to in subsection (1) in an unpurified state or in such state of semi-purification as the Minister may determine, into any public stream or, as the case may be, into the sea at a point to be fixed by the Minister: Provided that, in the case of an application for exemption from compliance with the provisions of subsection (1), the Minister shall in considering such application have due regard to the regulations made under section 10 (1) (d) of the Sea-shore Act, 1935 (Act No. 21 of 1935), and section 13 (1) (g) of the Sea Fisheries Act, 1973 (Act No. 58 of 1973), and shall not issue such a permit unless he is satisfied that—

- (i) the conditions to be imposed in connection with any such permit will be at least as effective for the purpose of preventing the pollution of public or other water, including sea water, as any conditions or requirements which may have been recommended by the South African Bureau of Standards; and
- (ii) any point so fixed by him is in such proximity to the sea that it is unlikely that any person will be prejudicially affected and that the dilution of such waste water, effluent or waste by sea water or other water will be such that neither aquatic nor marine fauna or flora in the public stream or the sea will be detrimentally affected.”;

- (d) by the addition to subsection (5) of the following paragraph:

“(d) It shall be no defence in any prosecution for an offence in terms of section 16 (1) (j) of the Sea Fisheries Act, 1973 (Act No. 58 of 1973),

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subartikel (3) bedoel, moet behoudens die bepaling van artikel 11, na suiwering ooreenkomstig subartikel (1), deur die gebruiker by die naaste gerieflike plek na die bedding van die openbare stroom waaruit daardie water geneem is of, indien dit uit die see geneem is, na die see, teruggevoer word: Met dien verstande dat waar water aldus gebruik is op 'n plek geleë buite die natuurlike waterskeiding van die opvanggebied van die openbare stroom waaruit dit geneem is, en dit volgens die waterhof se oordeel weens fisiese of ekonomiese redes ondoenlik is om daardie water of sodanige afloop na bedoelde stroom terug te voer, daardie water of afloop deur die gebruiker op 'n plek wat die waterhof bepaal na die bedding van 'n ander openbare stroom teruggevoer mag word.”;

- (c) deur paragraaf (a) van subartikel (5) deur die volgende paragraaf te vervang:

„(a) Enige persoon of gebruiker in subartikel (1) of (2) bedoel, kan by die Minister om 'n permit wat hom vrystel van voldoening aan die bepaling van een of ander van daardie subartikels aansoek doen, en die Minister kan, na sodanige ondersoek as wat hy nodig ag, indien hy oortuig is dat voldoening aan bedoelde bepaling onder die besondere omstandighede onprakties is, 'n permit verleen onderworpe aan die voorwaardes wat hy mag goedvind om op te lê waarby bedoelde persoon of gebruiker van voldoening daaraan vrygestel word in die mate wat die Minister mag bepaal, of waarby bedoelde persoon of gebruiker gemagtig word om enige in subartikel (1) bedoelde afvalwater, afloop of afval in 'n ongesuiwerde toestand of in so 'n gedeeltelik gesuiwerde toestand as wat die Minister mag bepaal, by 'n plek deur die Minister vasgestel in 'n openbare stroom of, na gelang van die geval, in die see te stort: Met dien verstande dat in die geval van 'n aansoek om vrystelling van voldoening aan die bepaling van subartikel (1), die Minister by die oorweging van die aansoek behoorlik met die regulasies uitgevaardig kragtens artikel 10 (1) (d) van die Strandwet, 1935 (Wet No. 21 van 1935), en artikel 13 (1) (g) van die Wet op Seevisserye, 1973 (Wet No. 58 van 1973), rekening moet hou, en nie so 'n permit uitreik nie tensy hy oortuig is dat—

(i) die voorwaardes wat in verband met so 'n permit opgelê staan te word, minstens so doeltreffend sal wees om besoedeling van openbare of ander water, insluitende see-water, te verhoed as enige voorwaardes of vereistes wat deur die Suid-Afrikaanse Buro vir Standaarde aanbeveel mag gewees het; en

(ii) enige aldus deur hom vasgestelde plek so naby die see geleë is, dat dit onwaarskynlik is dat enigiemand benadeel sal word, en dat bedoelde afvalwater, afloop of afval in so 'n mate deur seewater of ander water verdun sal word, dat nóg water- nóg seefauna of -flora in die openbare stroom of in die see nadelig getref sal word.”;

- (d) deur die volgende paragraaf by subartikel (5) te voeg:

„(d) Dit is geen verweer by 'n vervolging weens 'n misdryf ingevolge artikel 16 (1) (j) van die Wet op Seevisserye, 1973 (Wet No. 58 van 1973), dat 'n

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that any act charged was performed under the authority of a permit issued under paragraph (a)."; and

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

"(a) The Minister may, in prescribing any requirements under subsection (1) or imposing any conditions under subsection (5), also specify the steps to be taken by any person carrying on any mining or other industrial operations, in order to prevent the pollution of public or private water, including underground water or the sea, by seepage or drainage from any area on which those operations are carried on, both while such operations are in progress and after the abandonment thereof."

Amendment of section 23 of Act 54 of 1956, as amended by section 3 of Act 45 of 1972.

4. Section 23 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) (a) Any person who wilfully or negligently, and, where any provision of section 21 or 22 applies, contrary to that provision, does any act which could pollute any public or private water, including underground water, or sea water in such a way as to render it less fit—

- (i) for the purposes for which it is or could be ordinarily used by other persons (including the Government, the South African Railways and Harbours Administration and any provincial administration); or
- (ii) for the propagation of fish or other aquatic life; or
- (iii) for recreational or other legitimate purposes, shall be guilty of an offence.

- (b) If in any prosecution under paragraph (a) it is proved that the accused committed any act which could pollute water referred to in that paragraph in any manner mentioned therein, it shall be presumed, until the contrary is proved, that the accused committed such act wilfully or negligently."

Amendment of section 28 of Act 54 of 1956.

5. Section 28 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The State President may from time to time by proclamation in the *Gazette* declare any area defined in the proclamation to be a subterranean water control area if the Minister is of opinion that it is in the public interest to do so, or that such area is a dolomite or artesian geological area or that the abstraction of water naturally existing underground in such area may result in undue depletion of its underground water resources, and may in like manner withdraw or amend such proclamation."

Amendment of section 30 of Act 54 of 1956, as amended by section 7 of Act 56 of 1961, section 4 of Act 36 of 1971 and section 4 of Act 45 of 1972.

6. Section 30 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

"(2A) (a) The Minister may, after notice in writing to the owner of any privately owned water work situated within any subterranean water control area, make such adjustments or repairs to such water work, or construct or erect such additional works, or in writing direct any such owner to make such adjustments or repairs or construct or erect such additional works, within a

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ten laste gelegde handeling op gesag van 'n permit kragtens paragraaf (a) uitgereik, verrig is nie.”; en

- (e) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:

„(a) Die Minister kan, wanneer hy enige vereistes kragtens subartikel (1) voorskryf, of enige voorwaardes kragtens subartikel (5) oplê, ook die stappe vermeld wat deur enige persoon wat mynbou- of ander nywerheidswerksaamhede dryf, gedoen moet word ten einde die besoedeling van openbare of private water, insluitende onderaardse water of die see, deur sydeling of dreinerings vanaf enige gebied waar sodanige werksaamhede gedryf word, te voorkom, sowel terwyl bedoelde werksaamhede aan die gang is as nadat dit gestaak is.”.

4. Artikel 23 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 23 van Wet 54 van 1956, soos gewysig deur artikel 3 van Wet 45 van 1972.

„(1) (a) Iemand wat opsetlik of op nalatige wyse, en, waar enige bepaling van artikel 21 of 22 van toepassing is, in stryd met daardie bepaling, enigiets doen wat openbare of private water, insluitende onderaardse water, of seewater op so 'n wyse kan besoedel dat dit minder geskik word—

(i) vir die doeleindes waarvoor dit gewoonlik gebruik word, of gebruik kan word, deur ander persone (met inbegrip van die Regering, die Suid-Afrikaanse Spoorweg- en Hawensadministrasie en 'n provinsiale administrasie); of

(ii) vir die voortplanting van vis of ander waterlewe; of

(iii) vir ontspannings- of ander regmatige doeleindes, is aan 'n misdryf skuldig.

(b) Indien daar by 'n vervolging kragtens paragraaf (a) bewys word dat die beskuldigde iets gedoen het wat water in daardie paragraaf bedoel kan besoedel op enige wyse daarin vermeld, word dit vermoed, totdat die teendeel bewys word, dat die beskuldigde die betrokke handeling opsetlik of op nalatige wyse verrig het.”.

5. Artikel 28 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 28 van Wet 54 van 1956.

„(1) Die Staatspresident kan van tyd tot tyd by proklamasie in die *Staatskoerant* 'n in die proklamasie omskrewe gebied tot 'n ondergrondse waterbeheergebied verklaar indien die Minister van oordeel is dat dit in die openbare belang is om dit te doen, of dat daardie gebied 'n dolomiet- of artesies-geologiese gebied is, of dat die uithaal van water wat natuurlik ondergronds in bedoelde gebied bestaan, tot buitensporige vermindering van ondergrondse watervoorrade in daardie gebied mag lei, en kan so 'n proklamasie op dergelike wyse intrek of wysig.”.

6. Artikel 30 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (2) in te voeg:

Wysiging van artikel 30 van Wet 54 van 1956, soos gewysig deur artikel 7 van Wet 56 van 1961, artikel 4 van Wet 36 van 1971 en artikel 4 van Wet 45 van 1972.

„(2A) (a) Die Minister kan, na skriftelike kennisgewing aan die eienaar van 'n waterwerk in private besit geleë binne 'n ondergrondse waterbeheergebied, veranderings of herstelwerk aan so 'n waterwerk aanbring, of addisionele werke bou of oprig, of so 'n eienaar skriftelik gelas om binne 'n deur die Minister bepaalde tydperk op eie koste veranderings of herstelwerk aan

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period stipulated by the Minister and at his own expense, as may, in the opinion of the Minister, be necessary for the proper measurement and regulation of any subterranean water abstracted or conveyed by, or flowing over, such works.

- (b) The Minister may recover from any person who in his opinion derives or is likely to derive any benefit from any adjustments or repairs made by him under paragraph (a), or any additional works constructed or erected by him thereunder, such portion of the cost of such adjustments, repairs or works as he may deem equitable.
- (c) If the owner in question fails to comply with any direction under paragraph (a) within the period mentioned therein, or such further period as the Minister may allow, the Minister may cause the adjustments or repairs specified in that direction to be made or, as the case may be, the additional works so specified to be constructed or erected by the department, and recover the cost thereof from the owner concerned."

Substitution of Chapter IIIA of Act 54 of 1956, as inserted by section 6 of Act 45 of 1972.

7. The following Chapter is hereby substituted for Chapter IIIA of the principal Act:

## "CHAPTER IIIA

## CONTROL OF ACTIVITIES WHICH MAY ALTER THE NATURAL OCCURRENCE OF CERTAIN TYPES OF ATMOSPHERIC PRECIPITATION

Definitions. 33A. In this Chapter—

'advisory committee' means the advisory committee referred to in section 33F;

'licence' means a licence issued under section 33C;

'licence holder' means any person to whom a licence has been issued;

'modification of precipitation' means a modification of the natural occurrence of atmospheric precipitation which may have an effect on the run-off of water or on the quantity of underground water;

'permit' means a permit issued under section 33D;

'permit holder' means any person to whom a permit has been issued.

Modification of precipitation by State and other persons.

33B. (1) The State may carry out or cause to be carried out operations to effect any modification of precipitation.

(2) No person shall wilfully effect any modification of precipitation or wilfully perform any act to effect any such modification, except in pursuance of an agreement with a permit holder and under the authority of a licence, or under the authority of an exemption granted under subsection (3), and subject to such conditions as may be specified in the relevant permit or exemption.

(3) (a) The Minister may, after consultation with the advisory committee, and if he is satisfied that compliance with any provision of this Chapter is impracticable in the particular circumstances, or that an exemption from such compliance in those circumstances is not likely to cause any loss or damage, or for any other reason deemed sufficient by him, grant to any person written

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te bring, of addisionele werke te bou of op te rig, wat na die oordeel van die Minister nodig is vir die behoorlike meet en reëling van ondergrondse water wat deur middel van daardie werke uitgeneem of vervoer word, of wat daaroor vloei.

- (b) Die Minister kan op enigiemand wat na sy oordeel uit veranderings of herstelwerk deur hom kragtens paragraaf (a) aangebring, of addisionele werke deur hom daarkragtens gebou of opgerig, voordeel trek of waarskynlik sal trek, die deel van die koste van daardie veranderings, herstelwerk of werke wat hy billik ag, verhaal.
- (c) Indien die betrokke eienaar versuim om aan 'n lasgewing ingevolge paragraaf (a) te voldoen binne die tydperk daarin vermeld of die verdere tydperk wat die Minister toelaat, kan die Minister die in daardie lasgewing vermelde veranderings of herstelwerk laat aangebring of, na gelang van die geval, die aldus vermelde addisionele werke laat bou of oprig deur die departement, en die koste daarvan op die betrokke eienaar verhaal."

7. Hoofstuk IIIA van die Hoofwet word hierby deur die volgende Hoofstuk vervang:

Vervanging van Hoofstuk IIIA van Wet 54 van 1956, soos ingevoeg deur artikel 6 van Wet 45 van 1972.

## „HOOFSTUK IIIA

BEHEER OOR BEDRYGWIGHEDE WAT DIE NATUURLIKE VOORKOMS VAN SEKERE Tipes VAN ATMOSFERIESE NEERSLAG KAN VERANDER

Woordomskrywings.

33A. In hierdie Hoofstuk beteken—

- „adviserende komitee' die adviserende komitee in artikel 33F bedoel;
- „lisensie' 'n lisensie ingevolge artikel 33C uitgereik;
- „lisensiehouer' 'n persoon aan wie 'n lisensie uitgereik is;
- „permit' 'n permit ingevolge artikel 33D uitgereik;
- „permithouer' 'n persoon aan wie 'n permit uitgereik is;
- „wysiging van neerslag' 'n wysiging van die natuurlike voorkoms van atmosferiese neerslag wat 'n uitwerking kan hê op die afloop van water of op die hoeveelheid ondergrondse water.

Wysiging van neerslag deur Staat en ander persone.

33B. (1) Die Staat kan werksaamhede verrig of laat verrig om 'n wysiging van neerslag teweeg te bring.

(2) Niemand mag opsetlik enige wysiging van neerslag teweegbring of opsetlik 'n handeling verrig om so 'n wysiging teweeg te bring nie, behalwe ingevolge 'n ooreenkoms met 'n permithouer en op gesag van 'n lisensie, of op gesag van 'n vrystelling kragtens subartikel (3) verleen, en onderworpe aan die voorwaardes in die betrokke permit of vrystelling uitengesit.

(3) (a) Die Minister kan, na oorlegpleging met die adviserende komitee, en indien hy oortuig is dat voldoening aan 'n bepaling van hierdie Hoofstuk onder die besondere omstandighede onprakties is, of dat 'n vrystelling van sodanige voldoening onder daardie omstandighede waarskynlik nie verlies of skade sal veroorsaak nie, of om enige ander rede wat hy voldoende ag, aan enigiemand skriftelik vrystelling verleen

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exemption from compliance with the provision in question to the extent determined by the Minister, and subject to the conditions imposed by him.

- (b) The Minister may at any time withdraw any exemption granted under paragraph (a), or amend or withdraw any condition subject to which any such exemption was granted.

Issue of licences.

33C. (1) The Minister may, in consultation with the Minister of Transport and subject to the payment of such fee as the Minister may determine (if so), issue to any person who, in the opinion of the Minister, possesses adequate technical knowledge and skill, a licence authorizing such person to effect such modification of precipitation as may be authorized in any permit.

(2) The Minister shall not issue any such licence unless he is satisfied that the technical knowledge and skill referred to in subsection (1), possessed by the person concerned, are at least as adequate as the Minister of Transport may have recommended.

Issue of permits, and furnishing of security by permit holders.

33D. (1) The Minister may, after consultation with the advisory committee, and subject to such conditions as he may deem fit, issue to any person who, in the opinion of the Minister, commands sufficient financial means, a permit authorizing him to cause such modification of precipitation to be effected by any licence holder in such area and during such period as may be specified in the permit.

(2) (a) An application for a permit in terms of subsection (1) shall be submitted to the secretary together with proof of the publication of the notices referred to in paragraph (b).

- (b) Not earlier than six weeks and not later than three weeks before the date on which any person submits the application referred to in paragraph (a) to the secretary, he shall make known his intention to do so by notice in the *Gazette*, and in both official languages in a newspaper circulating in the area where he intends to cause any modification of precipitation to be effected.

(c) The said notices shall state—

- (i) the name and address of the applicant;
- (ii) the nature and anticipated consequences of the intended operations to effect any modification of precipitation;
- (iii) the area where and the period during which it is intended to cause such operations to be effected; and
- (iv) the date on which the application will be submitted to the secretary,

and shall also state that written representations supporting or opposing the application must reach the secretary not later than the date on which the application will be submitted to the secretary.

- (d) The advisory committee shall only make a recommendation in terms of subsection (1) after the committee has considered all the representations received as a result of the said notices.

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van voldoening aan die betrokke bepaling in die mate wat die Minister bepaal, en onderworpe aan die voorwaardes wat hy ople.

- (b) Die Minister kan na goeë dunnke te eniger tyd 'n vrystelling wat ingevolge paragraaf (a) verleen is, intrek, of 'n voorwaarde onderworpe waaraan so 'n vrystelling verleen is, wysig of intrek.

Uitreiking  
van lisensies.

**33C.** (1) Die Minister kan in oorleg met die Minister van Vervoer en onderworpe aan die betaling van die gelde wat die Minister bepaal (indien wel), aan iemand wat na die oordeel van die Minister oor toereikende tegniese kennis en vaardigheid beskik, 'n lisensie uitreik wat so iemand magtig om die wysiging van neerslag wat in enige permit gemagtig word, teweeg te bring.

(2) Die Minister reik nie so 'n lisensie uit nie tensy hy oortuig is dat die tegniese kennis en vaardigheid in subartikel (1) bedoel, waaroor die betrokke persoon beskik, minstens so toereikend is as wat die Minister van Vervoer aanbeveel het.

Uitreiking  
van permitte,  
en sekuriteits-  
stelling deur  
permit-  
houers.

**33D.** (1) Die Minister kan, na oorlegpleging met die adviserende komitee, en onderworpe aan die voorwaardes wat hy goeë vind, aan iemand wat na die oordeel van die Minister oor voldoende finansiële middele beskik, 'n permit uitreik wat hom magtig om dié wysiging van neerslag in die gebied en gedurende die tydperk in die permit vermeld, te laat teweegbring deur 'n lisensiehouer.

(2) (a) 'n Aansoek om 'n permit ingevolge subartikel (1) word gerig aan die sekretaris, tesame met bewys van die publikasie van die kennisgewings bedoel in paragraaf (b).

(b) Nie vroeër nie as ses weke en nie later nie as drie weke voor die datum waarop iemand 'n aansoek aan die sekretaris rig, moet hy sy voorneme om dit te doen bekend maak by kennisgewing in die *Staatskoerant* en in albei amptelike tale in 'n nuusblad in omloop in die omgewing waar hy voornemens is om 'n wysiging van neerslag te laat teweegbring.

(c) Bedoelde kennisgewings moet—

- (i) die naam en adres van die applikant;
- (ii) die aard en verwagte gevolge van die voorgenome werksaamhede om 'n wysiging van neerslag teweeg te bring;
- (iii) die omgewing waar en die tydperk waarin dit die voorneme is om sodanige werksaamhede te laat uitvoer; en
- (iv) die datum waarop die aansoek aan die sekretaris gerig gaan word,

vermeld, en ook vermeld dat skriftelike vertoë ter ondersteuning of bestryding van die aansoek die sekretaris moet bereik nie later nie as die datum waarop die aansoek aan die sekretaris gerig gaan word.

(d) Die adviserende komitee doen 'n aanbeveling ingevolge subartikel (1) slegs nadat alle vertoë wat as gevolg van bedoelde kennisgewings ontvang is, deur die komitee oorweeg is.

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(3) The conditions referred to in subsection (1) may include conditions relating to the method, equipment and material which may be used to effect the modification of precipitation in question, the furnishing of information to the secretary during and after the operations in question, and any other conditions which the Minister may deem necessary, and different conditions may be specified in respect of different periods of any year.

(4) (a) Any permit holder shall, before causing the modification of precipitation in question to be effected by any licence holder, and for the purpose of paying compensation for any damage, furnish such security by way of insurance as may be determined by the Minister on the recommendation of the advisory committee.

(b) The security referred to in paragraph (a) shall be limited to security in respect of damage which may possibly arise within such area and within such period as the Minister may on the recommendation of the advisory committee determine in any particular case.

Withdrawal  
of licences  
and permits.

33E. (1) The Minister may at any time withdraw a permit, or vary any condition specified therein, if in his opinion the method, equipment or material specified in such permit to be used to effect modification of precipitation has caused or may cause undesirable changes in the weather conditions or damage or if the permit holder has not observed any condition specified in such permit, and may, in consultation with the Minister of Transport, cancel any licence if in his opinion the licence holder no longer qualifies for a licence in terms of section 33C.

(2) The State or the Minister shall not be liable for any loss sustained by any person consequent upon any such variation of any condition or withdrawal of any permit, or cancellation of any licence.

Advisory  
committee.

33F. (1) The Minister shall appoint an advisory committee consisting of such persons as he may determine, including any officer of a department of State, to advise him on any matter referred to in section 33B (3) (a), 33D or 33E.

(2) Members of the advisory committee who are not in the full-time employment of the State shall be paid in respect of the performance of their duties as such members, such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine.

Exemption  
from re-  
sponsibility  
for com-  
pensation.

33G. The State or an officer of the State shall not be liable for any damage suffered as a result of the performance of any act authorized by a permit or a licence.

Remedial  
steps.

33H. If the Minister is of the opinion that any person is unintentionally causing any modification of precipitation, the Minister may in writing direct such person to take such remedial steps at his own cost as the Minister may deem necessary and specify in such direction, and may, if such person fails to carry out such steps to the satisfaction of the Minister within the time specified in the direction, cause such steps to be carried out and recover the cost thereby incurred from that person.

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(3) Die voorwaardes in subartikel (1) bedoel kan voorwaardes insluit met betrekking tot die metode, die toerusting en die materiaal wat aangewend kan word om die betrokke wysiging van neerslag teweeg te bring, en die verstrekking van inligting aan die sekretaris tydens en na afloop van die betrokke bedrywighede, asook die ander voorwaardes wat die Minister nodig ag, en verskillende voorwaardes kan ten opsigte van verskillende tydperke in 'n jaar voorgeskryf word.

- (4) (a) Alvorens 'n permithouer die gemagtigde wysiging van neerslag deur 'n lisensiehouer laat teweegbring, moet hy ter betaling van vergoeding vir skade, die sekuriteit by wyse van versekering verstrek wat die Minister op aanbeveling van die adviserende komitee bepaal.
- (b) Die sekuriteit beoog in paragraaf (a) is beperk tot sekuriteit ten opsigte van skade wat moontlik kan ontstaan binne die gebied en binne die tydperk wat die Minister op aanbeveling van die adviserende komitee in elke afsonderlike geval bepaal.

Intrekking  
van lisensies  
en permitte.

33E. (1) Die Minister kan te eniger tyd 'n permit intrek, of 'n voorwaarde wysig wat daarin vermeld word, indien na sy oordeel die metode, toerusting of materiaal wat in dié permit vermeld word vir aanwending vir wysiging van neerslag, onwenslike veranderinge in weersomstandighede of skade veroorsaak het, of kan veroorsaak, of indien die permithouer 'n voorwaarde in die permit vermeld, nie nagekom het nie, en kan in oorleg met die Minister van Vervoer, 'n lisensie intrek, indien na sy oordeel, die lisensiehouer nie meer ingevolge artikel 33C vir 'n lisensie kwalifiseer nie.

(2) Die Staat of die Minister is nie aanspreeklik nie vir verlies deur iemand gelyk as gevolg van enige sodanige wysiging van 'n voorwaarde of intrekking van 'n permit, of intrekking van 'n lisensie.

Adviserende  
komitee.

33F. (1) Die Minister stel 'n adviserende komitee aan wat uit die persone bestaan wat hy bepaal, met inbegrip van 'n beampte van 'n staatsdepartement, om hom van advies te dien oor 'n aangeleentheid in artikel 33B (3) (a), 33D of 33E bedoel.

(2) Aan lede van die adviserende komitee wat nie in die heeltidse diens van die Staat is nie, word daar ten opsigte van die verrigting van hul pligte as sodanige lede die besoldiging en toelaes betaal wat die Minister in oorleg met die Minister van Finansies bepaal.

Vrystelling  
van aanspreeklik-  
heid vir  
skadever-  
goeding.

33G. Die Staat of 'n beampte van die Staat is nie aanspreeklik nie vir enige skade gelyk as gevolg van die verrigting van 'n handeling gemagtig deur 'n permit of 'n lisensie.

Verhelping.

33H. Indien die Minister van oordeel is dat iemand onopsetlik 'n wysiging van neerslag veroorsaak, kan die Minister so iemand skriftelik gelas om op eie koste die verhelpende stappe te doen wat hy nodig ag en in die lasgewing vermeld, en as so iemand versuim om sodanige stappe tot bevrediging van die Minister binne die tydperk in die lasgewing vermeld, te doen, kan die Minister daardie stappe laat doen en die koste daardeur aangegaan op so iemand verhaal.

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## Offences.

**33I.** Any person who contravenes a provision of this Chapter, or neglects to comply with a condition imposed by the Minister under section 33D, or a direction given under section 33H, shall be guilty of an offence and liable on conviction to the penalties prescribed by section 170 (2)."

Insertion of section 54A in Act 54 of 1956.

**8.** The following section is hereby inserted in the principal Act after section 54:

"Allowances payable to members of water courts. **54A.** The members of a water court who are not in the full-time service of the State may be paid such allowances by the department as may be determined by the Minister in consultation with the Minister of Finance."

Amendment of section 55 of Act 54 of 1956.

**9.** Section 55 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph:

"(b) the fees which may be charged in water courts;"

Amendment of section 60 of Act 54 of 1956, as substituted by section 8 of Act 45 of 1972.

**10.** Section 60 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

"(6) The provisions of sections 141 (3), 142, 145 (1) (c) and 151 (2) shall *mutatis mutandis* apply in relation to any servitude acquired under this section."

Amendment of section 61 of Act 54 of 1956.

**11.** Section 61 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) The provisions of section 4 (1), (4), (5) and (6) of the Expropriation Act, 1965 (Act No. 55 of 1965) shall *mutatis mutandis* apply in respect of the service of any notice under subsection (1) (b) or (2) of this section."

Amendment of section 63 of Act 54 of 1956, as amended by section 12 of Act 56 of 1961, section 1 of Act 63 of 1963, section 6 of Act 77 of 1969 and section 6 of Act 36 of 1971.

**12.** Section 63 of the principal Act is hereby amended by the substitution in subsections (8) (a), (9) (a) and (10) for the expression "Land Tenure Board" of the expression "Agricultural Credit Board".

Amendment of section 66 of Act 54 of 1956, as amended by section 7 of Act 36 of 1971 and section 10 of Act 45 of 1972.

**13.** Section 66 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

"(a) Notwithstanding anything to the contrary contained in this Act or any other law, or any existing right or any other right to any water or to the use thereof, and notwithstanding any restriction imposed by or under any such law or right in respect of the powers of the Minister mentioned in this paragraph, the Minister may from time to time assess such rates as he may deem fit on land which may be irrigated with water abstracted, supplied or distributed from a Government water work, or from a public stream or natural channel which is in a Government water control area or into which water from such a work is released, or assess such charges as he may deem fit for water so abstracted, supplied or distributed for any purpose, or assess both such rates and such charges, and may recover the rates or charges so assessed from the owners of the said land or, as the case may be, from the persons entitled to use such water."

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Misdrywe. 33I. Iemand wat 'n bepaling van hierdie Hoofstuk oortree, of versuim om te voldoen aan 'n voorwaarde deur die Minister kragtens artikel 33D opgelê, of 'n lasgewing kragtens artikel 33H uitgereik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe by artikel 170 (2) voorgeskryf."

8. Die volgende artikel word hierby in die Hoofwet na artikel 54 ingevoeg: Invoeging van artikel 54A in Wet 54 van 1956.

„Toelaes betaalbaar aan lede van 'n waterhof. 54A. Aan lede van 'n waterhof wat nie in die voltydse diens van die Staat is nie, kan deur die departement die toelaes wat die Minister in oorleg met die Minister van Finansies bepaal, betaal word."

9. Artikel 55 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang: Wysiging van artikel 55 van Wet 54 van 1956.  
„(b) die gelde wat in waterhowe gevorder kan word;"

10. Artikel 60 van die Hoofwet word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang: Wysiging van artikel 60 van Wet 54 van 1956.  
„(6) Die bepalings van artikels 141 (3), 142, 145 (1) (c) en 151 (2) is *mutatis mutandis* van toepassing in verband met 'n serwituut wat kragtens hierdie artikel verkry word." soos vervang deur artikel 8 van Wet 45 van 1972.

11. Artikel 61 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang: Wysiging van artikel 61 van Wet 54 van 1956.  
„(4) Die bepalings van artikel 4 (1), (4), (5) en (6) van die Onteieningswet, 1965 (Wet No. 55 van 1965), is *mutatis mutandis* van toepassing ten opsigte van die bestelling van 'n kennisgewing ingevolge subartikel (1) (b) of (2) van hierdie artikel."

12. Artikel 63 van die Hoofwet word hierby gewysig deur in subartikels (8) (a), (9) (a) en (10) die uitdrukking „Raad op Grondbesit" deur die uitdrukking „Landboukredietraad" te vervang. Wysiging van artikel 63 van Wet 54 van 1956, soos gewysig deur artikel 12 van Wet 56 van 1961, artikel 1 van Wet 63 van 1963, artikel 6 van Wet 77 van 1969 en artikel 6 van Wet 36 van 1971.

13. Artikel 66 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: Wysiging van artikel 66 van Wet 54 van 1956, soos gewysig deur artikel 7 van Wet 36 van 1971 en artikel 10 van Wet 45 van 1972.  
„(a) Ondanks andersluidende bepalings van hierdie Wet of 'n ander wet, of 'n bestaande reg of 'n ander reg op water of op die gebruik daarvan, en ondanks enige beperking deur of kragtens so 'n wet of reg opgelê ten opsigte van die bevoegdhede van die Minister in hierdie paragraaf genoem, kan die Minister van tyd tot tyd die belastings wat hy goetvind, hef op grond wat besproei kan word deur middel van water uitgeneem, voorsien of gedistribueer uit 'n Staatswaterwerk, of uit 'n openbare stroom of natuurlike bedding wat in 'n Staatswaterbeheergebied is of waarin water uit so 'n werk losgelaat word, of die vorderings wat hy goetvind, hef vir water aldus vir enige doel uitgeneem, voorsien of gedistribueer, of kan hy sodanige belastings sowel as sodanige vorderings hef, en die belastings of vorderings aldus gehef op die eienaars van bedoelde grond of, na gelang van die geval, op die persone wat geregtig is om sodanige water te gebruik, verhaal."

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Amendment of  
section 68 of  
Act 54 of 1956,  
as amended by  
section 2 of  
Act 71 of 1965.

## 14. Section 68 of the principal Act is hereby amended—

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

“(a) One-half of the members of an advisory committee shall be selected from amongst persons nominated in such manner as may be prescribed by regulation.”; and

- (b) by the substitution for subsection (5) of the following subsection:

“(5) The members of an advisory committee who are not in the full-time service of the State may be paid such allowances by the department as may be determined by the Minister in consultation with the Minister of Finance.”.

Amendment of  
section 70 of  
Act 54 of 1956.

## 15. Section 70 of the principal Act is hereby amended—

- (a) by the substitution for all the words preceding paragraph (a) of the following words:

“The Minister may, in respect of any Government water work, Government water control area, subterranean water control area, catchment area or catchment control area, make regulations relating to—” and

- (b) by the deletion of paragraph (h).

Amendment of  
section 78 of  
Act 54 of 1956.

## 16. Section 78 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) the Minister has assumed the functions of an irrigation board in terms of section 95 (2) (a) (iii), or any power referred to in section 95A (1) (a) or (b) has been vested in him, and at any time thereafter he deems it desirable in the interests of the majority of the persons liable for the payment of rates to such board that the said board be disestablished.”.

Amendment of  
section 92 of  
Act 54 of 1956,  
as amended by  
section 2 of  
Act 63 of 1963  
and section 9 of  
Act 36 of 1971.

## 17. Section 92 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) An irrigation board may charge interest on any rates or charges assessed by it which are due and payable but unpaid, as from the date fixed for payment thereof, at a rate not exceeding the rate which at that date applies in respect of State loans and advances by virtue of a notice referred to in section 1 of the Financial Adjustments Act, 1917 (Act No. 42 of 1917), and the amount of any such rate or charge which is unpaid shall for the purposes of this Act be increased by the amount of such interest accrued in respect thereof: Provided that no interest shall be payable in respect of such last-mentioned amount.”.

Amendment of  
section 94 of  
Act 54 of 1956.

## 18. Section 94 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The provisions of subsections (2) (b) and (3) to (6) inclusive of section 60 shall *mutatis mutandis* apply in connection with any such expropriation.”.

Amendment of  
section 95A of  
Act 54 of 1956,  
as inserted by  
section 8 of  
Act 77 of 1969.

## 19. Section 95A of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) If an irrigation loan has under the provisions of this Act been granted to an irrigation board in respect of any water work the control of which has been vested in the Minister in terms of subsection (1), any amount still owing in respect of such loan, together with the amount of any interest payable in respect of such loan, may, with the approval, by resolution, of the Senate and of the House of Assembly, on a report by the Minister, submitted after consultation with the Minister of Finance, be written off.”.

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14. Artikel 68 van die Hoofwet word hierby gewysig—  
 (a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:  
 „(a) Die helfte van die lede van 'n adviserende komitee word gekies uit persone genomineer op die wyse wat by regulasie voorgeskryf word.”; en  
 (b) deur subartikel (5) deur die volgende subartikel te vervang:  
 „(5) Aan die lede van 'n adviserende komitee wat nie in die voltydse diens van die Staat is nie, kan deur die departement die toelaes wat die Minister in oorleg met die Minister van Finansies bepaal, betaal word.”.
- Wysiging van artikel 68 van Wet 54 van 1956, soos gewysig deur artikel 2 van Wet 71 van 1965.
15. Artikel 70 van die Hoofwet word hierby gewysig—  
 (a) deur al die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:  
 „Die Minister kan ten opsigte van 'n Staatswaterwerk, Staatswaterbeheergebied, ondergrondse waterbeheergebied, opvanggebied of opvangbeheergebied regulasies uitvaardig betreffende—”; en  
 (b) deur paragraaf (h) te skrap.
- Wysiging van artikel 70 van Wet 54 van 1956.
16. Artikel 78 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:  
 „(c) die Minister kragtens artikel 95 (2) (a) (iii) die werksaamhede van 'n besproeiingsraad aanvaar het, of 'n bevoegdheid bedoel in artikel 95A (1) (a) of (b) aan hom oorgedra is en hy dit te eniger tyd daarna in die belang van die meerderheid van die persone aanspreeklik vir die betaling van belastinge aan daardie raad wenslik ag dat genoemde raad afgeskaf word.”.
- Wysiging van artikel 78 van Wet 54 van 1956.
17. Artikel 92 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:  
 „(5) 'n Besproeiingsraad kan op belastinge of vorderings wat deur hom gehef is en wat verskuldig en betaalbaar is maar nie betaal is nie, vanaf die datum wat vir die betaling daarvan vasgestel is, rente hef teen hoogstens die koers wat op daardie datum uit hoofde van 'n kennisgewing bedoel in artikel 1 van die Finansiële Regelings Wet, 1917 (Wet No. 42 van 1917), van toepassing is op Staatslenings en -voorskotte, en die bedrag van enige sodanige belasting of vordering wat nie betaal is nie, word vir die doeleindes van hierdie Wet verhoog met die bedrag van sodanige rente wat ten opsigte daarvan opgeloop het: Met dien verstande dat geen rente ten opsigte van sodanige laasgenoemde bedrag betaalbaar is nie.”.
- Wysiging van artikel 92 van Wet 54 van 1956, soos gewysig deur artikel 2 van Wet 63 van 1963 en artikel 9 van Wet 36 van 1971.
18. Artikel 94 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:  
 „(2) Die bepalings van subartikels (2) (b) en (3) tot en met (6) van artikel 60 is *mutatis mutandis* in verband met so 'n onteining van toepassing.”.
- Wysiging van artikel 94 van Wet 54 van 1956.
19. Artikel 95A van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:  
 „(b) Indien 'n besproeiingslening kragtens die bepalings van hierdie Wet aan 'n besproeiingsraad toegestaan is ten opsigte van 'n waterwerk waarvan die beheer ingevolge subartikel (1) aan die Minister oorgedra is, kan 'n bedrag wat nog ten opsigte van dié lening betaalbaar is, tesame met rente wat ten opsigte van dié lening betaalbaar is, met die goedkeuring, by besluit, van die Senaat en van die Volksraad, na 'n verslag deur die Minister, voorgelê na oorleg met die Minister van Finansies, afgeskryf word.”.
- Wysiging van artikel 95A van Wet 54 van 1956, soos ingevoeg deur artikel 8 van Wet 77 van 1969.

## Act No. 42, 1975

## WATER AMENDMENT ACT, 1975.

Amendment of section 157 of Act 54 of 1956, as amended by section 16 of Act 56 of 1961, section 10 of Act 77 of 1969 and section 11 of Act 102 of 1972.

20. Section 157 of the principal Act is hereby amended by the substitution in subsection (1A) for the words preceding paragraph (a) and for that paragraph of the following words and paragraph:

“(1A) The Minister may, at the request of an applicant to whom an irrigation loan has been granted and whether or not the construction of the water works in respect of which such loan was granted has commenced or has been completed—

(a) revise the total estimate of the probable cost of the said water works and, if the total estimate so revised exceeds the original total estimate, the State President may, on the recommendation of the Minister, order that a further irrigation loan for the amount by which such revised estimate exceeds such original estimate be granted to the applicant: Provided that if such revised estimate exceeds one hundred and fifty thousand rand, such further irrigation loan shall not be granted unless the provisions of subsection (1) (b) (ii) have been complied with;”.

Amendment of section 162 of Act 54 of 1956, as amended by section 18 of Act 56 of 1961, section 6 of Act 71 of 1965, section 11 of Act 77 of 1969 and section 13 of Act 36 of 1971.

21. Section 162 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) the amount of the subsidy to be granted to any person or body, other than an irrigation board or a local authority, shall not exceed thirty-three and one-third per centum of the cost of the work in respect of which it is granted, or the amount determined by the Minister for the purpose of this paragraph by regulation, whichever amount is the lesser: Provided that if a group of persons desire to construct a joint water work for the use of water for agricultural purposes and the Minister is of opinion that their purpose may be conveniently and efficiently achieved without the establishment of an irrigation district and the constitution of an irrigation board to carry out the said work, such group of persons may, subject to the provisions of paragraph (a), be granted a subsidy not exceeding the amount so determined, in respect of each such person, but not exceeding in the aggregate thirty-three and one-third per centum of the cost of such work.”.

Insertion of section 162ter in Act 54 of 1956.

22. The following section is hereby inserted in the principal Act after section 162bis:

“Extension of powers to grant subsidies in respect of certain water works.

162ter. The Minister may, at the request of an applicant to whom a subsidy has been granted and whether or not the construction of the water work in respect of which such subsidy has been granted has commenced or has been completed, revise the total estimate of the probable cost of the said water work, and, if the total estimate so revised exceeds the original total estimate, the Minister may, subject to the provisions of this Chapter, grant a further subsidy in respect of the amount by which such revised estimate exceeds such original estimate.”.

Repeal of section 163A of Act 54 of 1956, as inserted by section 12 of Act 102 of 1972.

23. Section 163A of the principal Act is hereby repealed.

Amendment of section 164 of Act 54 of 1956.

24. Section 164 of the principal Act is hereby amended by the insertion after paragraph (d) of the following paragraph:

“(dA) any matter which in terms of any provision of this Chapter is permitted or required to be prescribed or determined by regulation;”.

## WATERWYSIGINGSWET, 1975.

Wet No. 42, 1975

20. Artikel 157 van die Hoofwet word hierby gewysig deur in subartikel (1A) die woorde wat paragraaf (a) voorafgaan, en daardie paragraaf, deur die volgende woorde en paragraaf te vervang:

„(1A) Die Minister kan, op aansoek van 'n applikant aan wie 'n besproeiingslening toegestaan is, hetsy die aanbou van die waterwerke ten opsigte waarvan die lening toegestaan is 'n aanvang geneem het of voltooi is al dan nie—

(a) die totale raming van die waarskynlike koste van bedoelde waterwerke hersien en indien die aldus hersiene totale raming die aanvanklike totale raming oorskry, kan die Staatspresident, op aanbeveling van die Minister, gelas dat 'n verdere besproeiingslening vir die bedrag waarmee bedoelde hersiene raming bedoelde aanvanklike raming oorskry aan die applikant toegestaan word: Met dien verstande dat indien bedoelde hersiene raming honderd en vyftigduisend rand oorskry, so 'n verdere besproeiingslening nie toegestaan word nie tensy die bepalings van subartikel (1) (b) (ii) nagekom is;”.

Wysiging van artikel 157 van Wet 54 van 1956, soos gewysig deur artikel 16 van Wet 56 van 1961, artikel 10 van Wet 77 van 1969 en artikel 11 van Wet 102 van 1972.

21. Artikel 162 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

„(c) mag die bedrag van die subsidie wat aan enige persoon of liggaam, uitgesonderd 'n besproeiingsraad of plaaslike bestuur, toegestaan word, nie drie-en-dertig en 'n derde persent van die koste van die werk ten opsigte waarvan dit toegestaan word, of die bedrag deur die Minister vir die doel van hierdie paragraaf by regulasie bepaal, na gelang watter bedrag die kleinste is, oorskry nie: Met dien verstande dat indien 'n groep persone 'n gesamentlike waterwerk wil bou vir die gebruik van water vir landboudoeleindes en die Minister van oordeel is dat hul doel gerieflik en doeltreffend bereik kan word sonder die instelling van 'n besproeiingsdistrik en die daarstelling van 'n besproeiingsraad om bedoelde werk uit te voer, daar behoudens die bepalings van paragraaf (a) aan bedoelde groep persone 'n subsidie van hoogstens die aldus bepaalde bedrag ten opsigte van elk van daardie persone, maar in die geheel hoogstens drie-en-dertig en 'n derde persent van die koste van daardie werk, toegestaan kan word.”.

Wysiging van artikel 162 van Wet 54 van 1956, soos gewysig deur artikel 18 van Wet 56 van 1961, artikel 6 van Wet 71 van 1965, artikel 11 van Wet 77 van 1969 en artikel 13 van Wet 36 van 1971.

22. Die volgende artikel word hierby in die Hoofwet na artikel 162*bis* ingevoeg:

„Uitbreiding van bevoegdhede om subsidies ten opsigte van sekere waterwerke toe te staan. 162*ter*. Die Minister kan, op aansoek van 'n applikant aan wie 'n subsidie toegestaan is, hetsy die aanbou van die waterwerk ten opsigte waarvan die subsidie toegestaan is 'n aanvang geneem het of voltooi is al dan nie, die totale raming van die waarskynlike koste van bedoelde waterwerk hersien, en indien die aldus hersiene totale raming die aanvanklike totale raming oorskry, kan die Minister, behoudens die bepalings van hierdie Hoofstuk, 'n verdere subsidie toestaan ten opsigte van die bedrag waarmee bedoelde hersiene raming bedoelde aanvanklike raming oorskry.”.

Invoeging van artikel 162*ter* in Wet 54 van 1956.

23. Artikel 163A van die Hoofwet word hierby herroep.

Herroeping van artikel 163A van Wet 54 van 1956, soos ingevoeg deur artikel 12 van Wet 102 van 1972.

24. Artikel 164 van die Hoofwet word hierby gewysig deur na paragraaf (d) die volgende paragraaf in te voeg:

„(dA) enige aangeleentheid wat ingevolge 'n bepaling van hierdie Hoofstuk by regulasie voorgeskryf of bepaal kan of moet word;”.

Wysiging van artikel 164 van Wet 54 van 1956.

## Act No. 42, 1975

## WATER AMENDMENT ACT, 1975.

Insertion of  
section 169A in  
Act 54 of 1956.

25. The following section is hereby inserted in the principal Act after section 169:

"Insertion of  
certain lines  
on certain  
plans, and  
approval by  
Minister in  
respect of  
establish-  
ment or  
extension of  
townships  
in certain  
areas.

**169A.** (1) No township shall, after the commencement of the Water Amendment Act, 1975, be established or extended under any law on any land unless—

- (a) a line indicating the maximum level likely to be reached on an average every fifty years by flood-waters in any public stream on, or along any portion of any boundary of, the land in question, has been inserted on the relevant general plan in a manner to the satisfaction of the authority empowered under the relevant law to approve of the establishment or extension in question; and
- (b) if the land in question is situated in an area which, in the opinion of the Minister, is likely to be inundated by the flood-waters of a public stream and which he has defined by notice in the *Gazette*, the Minister has, subject to subsection (2), previously approved of such establishment or extension, and the establishment or extension in question is effected in accordance with the conditions which the Minister may have deemed fit to impose on giving the said approval.

(2) If the whole or any portion of an area which the Minister has defined under subsection (1) (b), is situated within any guide plan area as defined in section 1 of the Environment Planning Act, 1967, the Minister shall only grant the approval referred to in subsection (1) (b), in consultation with the Minister of Planning and the Environment."

Substitution of  
long title of  
Act 54 of 1956,  
as substituted by  
section 13 of  
Act 45 of 1972.

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

"To consolidate and amend the laws relating to the control, conservation and use of water for domestic, agricultural, urban and industrial purposes; to make provision for the control, in certain respects, of the use of sea water for certain purposes; for the control of certain activities on or in water in certain areas; for the control of activities which may alter the natural occurrence of certain types of atmospheric precipitation; for the control, in certain respects, of the establishment or the extension of townships in certain areas; and for incidental matters."

Repeal of  
Act 78 of 1972  
and Act 25 of  
1974.

27. The Weather Modification Control Act, 1972 (Act No. 78 of 1972), and the Weather Modification Control Amendment Act, 1974 (Act No. 25 of 1974), are hereby repealed.

Short title.

28. This Act shall be called the Water Amendment Act, 1975.

## WATERWYSIGINGSWET, 1975.

Wet No. 42, 1975

25. Die volgende artikel word hierby in die Hoofwet na artikel 169 ingevoeg:

Invoeging van artikel 169A in Wet 54 van 1956.

„Aanbring van sekere lyne op sekere planne, en verlening van goedkeuring deur Minister ten opsigte van stigting of uitbreiding van dorpe in sekere gebiede.

169A. (1) Na die inwerkingtreding van die Waterwysigingswet, 1975, word geen dorp kragtens enige wet op enige grond gestig of uitgebrei nie, tensy—

- (a) 'n lyn wat die maksimum hoogte aandui wat vloedwaters gemiddeld elke vyftig jaar in enige openbare stroom op, of langs enige gedeelte van 'n grens van, die betrokke grond waarskynlik sal bereik, op die betrokke algemene plan op 'n wyse tot bevrediging van die gesag wat kragtens die toepaslike wet met die bevoegdheid bekleed is om die betrokke stigting of uitbreiding goed te keur, aangebring is; en
- (b) indien die betrokke grond geleë is in 'n gebied wat na die oordeel van die Minister waarskynlik deur die vloedwaters van 'n openbare stroom oorstroom sal word en wat hy by kennisgewing in die *Staatskoerant* omskryf het, die Minister, behoudens subartikel (2), sodanige stigting of uitbreiding vooraf goedgekeur het, en die betrokke stigting of uitbreiding ooreenkomstig die voorwaardes wat die Minister na goeddunke by bedoelde goedkeuring opgelê het, geskied.

(2) Indien die geheel of 'n gedeelte van 'n gebied wat die Minister ingevolge subartikel (1) (b) omskryf het, geleë is binne 'n gidsplangebied soos omskryf in artikel 1 van die Wet op Omgewingsbeplanning, 1967, verleen die Minister die goedkeuring in subartikel (1) (b) bedoel, slegs in oorleg met die Minister van Beplanning en die Omgewing.”

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

Vervanging van lang titel van Wet 54 van 1956, soos vervang deur artikel 13 van Wet 45 van 1972.

„Tot samevatting en wysiging van die wette met betrekking tot die beheer, bewaring en gebruik van water vir huishoudelike, landbou-, stedelike, en nywerheidsdoeleindes; om voorsiening te maak vir die beheer, in sekere opsigte, van die gebruik van seewater vir sekere doeleindes; vir die beheer van sekere bedrywighede op of in water in sekere gebiede; vir die beheer van bedrywighede wat die natuurlike voorkoms van sekere tipes van atmosferiese neerslag kan verander; vir die beheer, in sekere opsigte, van die stigting of die uitbreiding van dorpe in sekere gebiede; en vir bykomstige aangeleenthede.”

27. Die Wet op Beheer oor Wysiging van Weersgesteldheid, 1972 (Wet No. 78 van 1972), en die Wysigingswet op Beheer oor Wysiging van Weersgesteldheid, 1974 (Wet No. 25 van 1974), word hierby herroep.

Herroeping van Wet 78 van 1972 en Wet 25 van 1974.

28. Hierdie Wet heet die Waterwysigingswet, 1975.

Kort titel.

