



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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[No. 7145]

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

1520.

1 Augustus 1980.

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

92 van 1980: Waterwysigingswet, 1980.

No. 1520.

1 August 1980.

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

No. 92 of 1980: Water Amendment Act, 1980.

Wet No. 92, 1980

WATERWYSIGINGSWET, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- _____** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Waterwet, 1956, ten einde die omskrywing van „gebruik vir nywerheidsdoeleindes” uit te brei; beheer oor die vervoer van private water vir sekere doeleindes oor die grense van die grond waarop dit aangetref word, af te skaf; die toepassing van artikel 9B te beperk; die gebruik van openbare water vir die was van sand en die ontwikkeling van krag sonder vergunning van 'n waterhof te magtig; sekere versuime strafbaar te maak; die onteieningsbevoegdhede van die Minister van Waterwese uit te brei en dié van besproeiingsrade en waterrade verder te reël; voorsiening te maak vir die inlysting van bykomende grond vir die doeleindes van besproeiing uit sekere Staatswaterwerke; genoemde Minister te magtig om belastinge te hef op grond wat van water uit of deur middel van 'n Staatswaterwerk vir ander doeleindes as besproeiing voorsien word of kan word; te bepaal dat rente op agterstallige belastinge en vorderings deur genoemde Minister of 'n besproeiingsraad gehef 'n las is op die grond ten opsigte waarvan dit gehef is; te bepaal dat sekere genomineerdes van maatskappye bevoeg is om as lede van besproeiingsrade gekies te word; die betaling van rente op onbetaalde belastinge en vorderings deur 'n besproeiingsraad gehef, verder te reël; die maksimum bedrag van besproeiingslenings wat die Staatspresident sonder Parlementêre goedkeuring kan toestaan, te verhoog; die Sekretaris van Waterwese te magtig om die paaielemente waarin besproeiingslenings gedolg moet word, vas te stel; en die maksimum bedrag van subsidies op waterwerke wat genoemde Minister sonder Parlementêre goedkeuring kan toeken, te verhoog; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 30 Junie 1980.)

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

Wysiging van artikel 1 van Wet 54 van 1956, soos gewysig deur artikel 1 van Wet 56 van 1961, artikel 57 van Wet 28 van 1966, artikel 1 van Wet 79 van 1967, artikel 1 van

1. Artikel 1 van die Waterwet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „gebruik vir nywerheidsdoeleindes” deur die volgende omskrywing te vervang:

„gebruik vir nywerheidsdoeleindes, met betrekking tot water, gebruik vir fabrieks-, meganiese of mynboudoeleindes, of vir die was van sand, of vir kragontwikkeling, of gebruik deur die Suid-Afrikaanse Spoorweg- en

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WATER AMENDMENT ACT, 1980

Act No. 92, 1980

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Water Act, 1956, so as to extend the definition of "use for industrial purposes"; to abolish control over the conveyance of private water for certain purposes beyond the boundaries of the land on which it is found; to limit the application of section 9B; to authorize the use of public water for the washing of sand and the generation of power without permission of a water court; to render certain omissions punishable; to extend the expropriation powers of the Minister of Water Affairs and to further regulate those of irrigation boards and water boards; to provide for the scheduling of additional land for the purposes of irrigation from certain Government water works; to authorize the said Minister to assess rates on land which is or can be supplied with water from or by means of a Government water work for purposes other than irrigation; to provide that interest on arrear rates and charges assessed by the said Minister or an irrigation board shall be a charge upon the land in respect of which they were assessed; to provide that certain nominees of companies shall be eligible for election as members of irrigation boards; to further regulate the payment of interest on unpaid rates and charges assessed by an irrigation board; to increase the maximum amount of irrigation loans which the State President may grant without Parliamentary approval; to authorize the Secretary for Water Affairs to fix the instalments in which irrigation loans are to be redeemed; and to increase the maximum amount of subsidies on water works which the said Minister may grant without Parliamentary approval; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 30 June 1980.)

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

1. Section 1 of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "use for industrial purposes" of the following definition:
- 10 "use for industrial purposes", in relation to water, means use for manufacturing, mechanical or mining purposes, or for the washing of sand, or for the generation of power, or use by the South African Railways and
- Amendment of section 1 of Act 54 of 1956, as amended by section 1 of Act 56 of 1961, section 57 of Act 28 of 1966, section 1 of Act 79 of 1967, section 1 of

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Wet 36 van 1971
en artikel 1 van
Wet 51 van 1979.

Haweadministrasie vir spoorwegdoeleindes, en ook gebruik vir huishoudelike doeleindes of vir doeleindes van waterriolering of as suiping vir vee of om strate en tuine nat te maak, vir sover dit met gebruik vir nywerheidsdoeleindes in verband staan;”.

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Wysiging van
artikel 5 van
Wet 54 van 1956,
soos vervang deur
artikel 2 van
Wet 45 van 1972.

2. Artikel 5 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Die bepalings van subartikel (2) is nie van toepassing nie op—

(a) die Suid-Afrikaanse Spoorweg- en Haweadministrasie 10
en ook nie op die verkoop, gee of vandiehandsetting op 'n ander wyse van water aan genoemde Administrasie nie;

(b) die vervoer van private water deur die eienaar van die 15
grond waarop dit aangetref word oor die grense van daardie grond vir sy huishoudelike doeleindes, of om sy vee te laat suip, of ooreenkomstig 'n voorskrif van die Minister van Landbou kragtens die Grondbewaringswet, 1969 (Wet No. 76 van 1969), of in die uitvoering van enige skriftelike advies van die Sekretaris van Landbou- 20
tegniese Dienste betreffende die beheerde afloop of afvoer van reënwater vir die doeleindes van grondbewaring of -verbetering.”.

Wysiging van
artikel 9B van
Wet 54 van 1956,
soos ingevoeg deur
artikel 2 van
Wet 36 van 1971
en gewysig deur
artikel 1 van
Wet 42 van 1975
en artikel 1 van
Wet 108 van 1977.

3. Artikel 9B van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg: 25

„(1A) Die bepalings van subartikel (1) is nie van toepassing nie ten opsigte van die oprigting, verandering of vergroting van 'n waterwerk met betrekking waartoe die vergunning van die Minister kragtens 'n ander bepaling van hierdie Wet of 'n bepaling van 'n ander wet vereis word.”. 30

Wysiging van
artikel 11 van
Wet 54 van 1956,
soos gewysig deur
artikel 2 van
Wet 108 van 1977
en artikel 1 van
Wet 73 van 1978.

4. Artikel 11 van die Hoofwet word hierby gewysig—

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

„(a) Behalwe vir sover water ingevolge die bepalings van hierdie Wet of enige ander wet deur die 35
Minister gebruik of deur hom uit 'n Staatswaterwerk aan enige persoon voorsien word, mag niemand, behalwe met vergunning van 'n waterhof, en waar die hoeveelheid gebruik driehonderd kubieke meter op enige dag of gemiddeld tweehon- 40
derd en vyftig kubieke meter per dag gedurende enige maand te bowe gaan, kragtens 'n permit van die Minister, openbare water vir nywerheidsdoeleindes gebruik nie: Met dien verstande dat vergunning van die waterhof nie nodig is nie in die geval 45
van—

(i) 'n plaaslike bestuur of 'n ander volgens wet ingestelde liggaam wat die reg het om of openbare of private water binne sy behoorlik bepaalde regsgebied te beheer en te voorsien [of in die geval van]; 50

(ii) iemand aan wie bedoelde water deur so 'n plaaslike bestuur of ander liggaam voorsien word [Met dien verstande voorts dat, behoudens die bepalings van artikel 9, iemand wat geregtig is of 'n reg verkry het 55
om openbare water vir landboudoeleindes te gebruik, sonder vergunning van die waterhof kragtens 'n permit van die Minister, en onderworpe aan sodanige voorwaardes as wat hy goedvind om op te lê, 60
water kan gebruik vir die ontwikkeling van krag wat vyftien kilowatt nie te bowe gaan nie.]; of

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Harbours Administration for railway purposes, and includes use for domestic purposes or for the purpose of water-borne sanitation or for the watering of stock or of streets and gardens in so far as may be incidental to use for industrial purposes;”.

Act 36 of 1971
and section 1 of
Act 51 of 1979.

2. Section 5 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of
section 5 of
Act 54 of 1956,
as substituted by
section 2 of
Act 45 of 1972.

- “(3) The provisions of subsection (2) shall not apply to—
- (a) the South African Railways and Harbours Administration and to the selling, giving or disposal in any other manner of any water to the said Administration;
- (b) the conveyance of private water by the owner of the land on which such water is found beyond the boundaries of that land for his domestic purposes, or for the watering of his stock, or in accordance with a direction of the Minister of Agriculture under the Soil Conservation Act, 1969 (Act No. 76 of 1969), or in implementing any written advice from the Secretary for Agricultural Technical Services regarding the controlled run-off or drainage of rain-water for purposes of soil conservation or improvement.”.

3. Section 9B of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of
section 9B of
Act 54 of 1956,
as inserted by
section 2 of
Act 36 of 1971
and amended by
section 1 of
Act 42 of 1975
and section 1 of
Act 108 of 1977.

- “(1A) The provisions of subsection (1) shall not apply in respect of the construction, alteration or enlargement of a water work with reference to which the Minister’s permission is required under any other provision of this Act or any provision of any other law.”.

4. Section 11 of the principal Act is hereby amended—

Amendment of
section 11 of
Act 54 of 1956,
as amended by
section 2 of
Act 108 of 1977
and section 1 of
Act 73 of 1978.

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

“(a) Save in so far as water is, in terms of the provisions of this Act or any other law, used by the Minister or supplied by him to any person from a Government water work, no person shall use public water for industrial purposes except with the permission of a water court and, where the quantity used exceeds three hundred cubic metres, on any one day or two hundred and fifty cubic metres on an average per day during any month, under permit from the Minister: Provided that the permission of the water court shall not be required in the case of—

- (i) a local authority or any other body constituted under any law which has the right to control and supply either private or public water within its duly constituted area of jurisdiction **[or in the case of];**
- (ii) any person to whom such water is supplied by such a local authority or other body **[Provided further that, subject to the provisions of section 9, a person who is entitled or has acquired a right to use public water for agricultural purposes may, under permit from the Minister, and subject to such conditions as he may deem fit to impose, use water for the development of power not exceeding fifteen kilowatt, without the permission of the water court]; or**

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- (iii) iemand wat openbare water uit hoofde van 'n permit uitgereik ingevolge subartikel (1A) vir die ontwikkeling van krag of die was van sand gebruik."; en
- (b) deur na subartikel (1) die volgende subartikel in te voeg: 5
 „(1A) (a) Die Minister kan aan iemand wat geregtig is of 'n reg verkry het om openbare water vir landboudoeleindes te gebruik, 'n permit uitreik wat hom magtig om water, behoudens die bepalings van artikel 9 en die voorwaardes wat die Minister 10 bepaal en in die permit uiteengesit is, vir die ontwikkeling van krag of die was van sand te gebruik.
- (b) Iemand wat van voorneme is om aansoek te doen om 'n permit bedoel in paragraaf (a) moet minstens 15 30 dae voordat hy aansoek doen, aan belanghebbende persone van sy voorneme kennis gee in 'n Afrikaanse en in 'n Engelse nuusblad wat in omloop is in die gebied waar hy beoog om die betrokke openbare water te gebruik, en hulle 20 versoek om enige besware teen die voorgestelde aansoek binne 'n vermelde tydperk, wat nie korter mag wees nie as 30 dae vanaf die datum waarop aldus kennis gegee is, skriftelik aan die Minister 25 voor te lê.
- (c) 'n Kennisgewing bedoel in paragraaf (b) moet in die vorm wees en die besonderhede bevat wat by regulasie kragtens artikel 26 voorgeskryf word.
- (d) Indien die Minister 'n aansoek om 'n permit bedoel in paragraaf (a) toestaan, moet die sekretaris, binne 30 14 dae nadat die permit aan die aansoeker uitgereik is, 'n afskrif daarvan stuur aan elke persoon wat binne die tydperk in die kennisgewing vermeld skriftelike besware teen die aansoek aan die Minister voorgelê het, en daarop kan so 'n 35 persoon, mits hy op die gebruik van openbare water vir enige doel geregtig is en waarskynlik by die uitoefening van sy reg met betrekking tot daardie openbare water deur die gebruik van water deur die 40 applikant uit hoofde van die permit benadeel sal word, nie later nie as 60 dae na die datum van uitreiking van die permit by 'n waterhof beswaar aanteken teen die uitreiking van die permit of 'n aangeleentheid in verband daarmee.
- (e) 'n Permit in paragraaf (a) bedoel, moet 'n kennis- 45 gewing bevat wat die aandag vestig op die bepalings van paragraaf (d) dat beswaar teen die uitreiking van die permit of 'n aangeleentheid in verband daarmee binne 60 dae na die datum van uitreiking van die permit by 'n waterhof aangeteken 50 kan word.
- (f) 'n Waterhof by wie beswaar ingevolge paragraaf (d) aangeteken is, kan die betrokke permit bekragtig of tersyde stel, of enige voorwaardes waaraan 55 dit onderworpe is, intrek of wysig, of nuwe voorwaardes in die plek van sodanige voorwaardes stel of byvoeg, of in verband met sodanige permit die bevel uitreik wat hy goedvind.
- (g) Voorwaardes deur 'n waterhof kragtens paragraaf (e) gewysig, in die plek van ander voorwaardes 60 gestel of bygevoeg, word by die toepassing van hierdie Wet geag deur die Minister aldus gewysig, in die plek van sodanige ander voorwaardes gestel of bygevoeg te gewees het.”.

Wysiging van
artikel 26 van
Wet 54 van 1956,
soos gewysig deur
artikel 3 van
Wet 73 van 1978.

5. Artikel 26 van die Hoofwet word hierby gewysig deur na 65
paragraaf (a) die volgende paragrawe in te voeg:
 „(aA) die vorm van 'n aansoek om 'n permit in artikel 11 (1A)
bedoel en die besonderhede wat in verband met so 'n aansoek
verstrek moet word;

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(iii) a person who uses public water in pursuance of a permit issued in terms of subsection (1A) for the development of power or the washing of sand.”; and

5 (b) by the insertion after subsection (1) of the following subsection:

“(1A) (a) The Minister may issue to a person who is entitled or has acquired a right to use public water for agricultural purposes, a permit authorizing him to use water, subject to the provisions of section 9 and such conditions as may be determined by the Minister and specified in the permit, for the development of power and the washing of sand.

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(b) Any person intending to apply for a permit referred to in paragraph (a) shall at least 30 days before lodging his application, give notice of his intention to interested persons in an Afrikaans and in an English newspaper circulating in the area in which he contemplates to use the public water in question, and call upon them to submit to the Minister in writing any objections against the proposed application within a specified period, which shall not be less than 30 days as from the date on which notice was thus given.

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25 (c) A notice referred to in paragraph (b) shall be in such form and shall include such particulars as may be prescribed by regulation under section 26.

(d) If the Minister grants an application for a permit referred to in paragraph (a) the secretary shall, within 14 days after the permit has been issued to the applicant, send a copy thereof to each person who within the period specified in the notice submitted written objections against the application to the Minister, and thereupon such a person, provided he is entitled to the use of public water and is likely to be prejudiced in the exercise of his right relating to such public water by the use of water by the applicant in pursuance of the permit, may not later than 60 days as from the date on which the permit was issued, lodge an objection with a water court against the issue of the permit or any matter in connection therewith.

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(e) A permit referred to in paragraph (a) shall contain a notice drawing attention to the provisions of paragraph (d) that an objection against the issue of the permit or any matter in connection therewith may within 60 days as from the date of issue of the permit be lodged with a water court.

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(f) A water court to which an objection has been lodged in terms of paragraph (d) may confirm or cancel the permit in question, or cancel or vary any conditions to which it may be subject, or substitute for such conditions, or add, new conditions, or make such order in connection with such permit as it may deem fit.

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(g) Any conditions amended, substituted for other conditions or added by a water court under paragraph (e) shall for the purposes of this Act be deemed to have been so amended, substituted for such other conditions or added by the Minister.”.

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5. Section 26 of the principal Act is hereby amended by the insertion after paragraph (a) of the following paragraphs:

“(aA) the form of any application for a permit referred to in section 11 (1A) and the particulars to be furnished in connection with any such application;

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Amendment of section 26 of Act 54 of 1956, as amended by section 3 of Act 73 of 1978.

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WATERWYSIGINGSWET, 1980

(aB) die vorm van 'n kennisgewing in artikel 11 (1A) (b) bedoel en die besonderhede wat so 'n kennisgewing moet bevat;".

Vervanging van artikel 33 van Wet 54 van 1956, soos vervang deur artikel 4 van Wet 51 van 1979.

6. Artikel 33 van die Hoofwet word hierby deur die volgende artikel vervang: 5

„Misdrywe. 33. Iemand wat 'n op hom toepaslike bepaling van artikel 30 of 32 oortree of versuim om daaraan of aan 'n lasgewing deur die Minister kragtens artikel 30 (4) (b), te voldoen, is aan 'n misdryf skuldig.'".

Wysiging van artikel 60 van Wet 54 van 1956, soos vervang deur artikel 8 van Wet 45 van 1972 en gewysig deur artikel 10 van Wet 42 van 1975 en artikel 41 van Wet 63 van 1975.

7. Artikel 60 van die Hoofwet word hierby gewysig deur 10 subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan, onderworpe aan 'n verpligting om vergoeding te betaal, goed **[binne 'n Staatswater-beheergebied of 'n opvangbeheergebied]** onteien of die reg neem om **[sodanige]** goed tydelik te gebruik, indien hy 15 dit nodig ag vir of in verband met 'n Staatswaterwerk **[binne so 'n Staatswaterbeheergebied]** of om hom in staat te stel om toegangspaaie na **[sodanige]** 'n Staatswaterwerk te bou vir gebruik deur die publiek of deur enige persoon, of vir die doeltreffende uitvoering **[binne so 'n 20 opvangbeheergebied]** van 'n werk wat hy in verband met een of ander doeleinde vermeld in artikel 59 (2) nodig ag.'".

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, artikel 6 van Wet 36 van 1971, artikel 12 van Wet 42 van 1975, artikel 10 van Wet 108 van 1977, artikel 12 van Wet 73 van 1978 en artikel 7 van Wet 51 van 1979.

8. Artikel 63 van die Hoofwet word hierby gewysig—

(a) deur subartikel (2A) deur die volgende subartikels te 25 vervang:

„(2A) By die toepassing van **[subartikel (2)] hierdie artikel** word water wat in 'n openbare stroom of natuurlike bedding in 'n gebied vermeld in **[genoemde subartikel]** paragraaf (a) of (b) van subartikel (1) vloei of aangetref word of daaruit afkomstig is, geag 30 water te wees wat uit 'n Staatswaterwerk uitgelaat is.

(2B) (a) Indien die Minister te eniger tyd nadat hy

'n bepaling kragtens artikel (2) ten opsigte van 'n gebied gemaak het, van oordeel is dat die kapasiteit van 'n Staatswaterwerk waaruit grond in daardie gebied besproei word en die hoeveelheid water wat normaalweg daarin aanwesig is die inlysting van verdere grond vir besproeiing regverdig, kan hy, op die voorwaardes wat hy bepaal, ten opsigte van elke stuk grond of grond behorende aan elke 40 eienaar ten opsigte waarvan water uit genoemde waterwerk kragtens bedoelde bepaling voorsien kan word, die omvang of maksimum omvang van grond wat bykomend besproei kan word, bepaal, en na goeëddunke terselfdertyd of te eniger tyd daarna 45 bepaal watter gedeelte van so 'n stuk grond of van die grond wat aan so 'n eienaar behoort aldus bykomend besproei kan word.

(b) Geen water word uit 'n Staatswaterwerk uit hoofde van 'n bepaling kragtens paragraaf (a) gemaak vir die besproeiing van enige bepaalde grond voorsien 50 nie, tensy daar ten opsigte van daardie grond aan die voorwaardes van daardie bepaling voldoen is.

(c) Die Minister kan benewens ander voorwaardes wat hy kragtens paragraaf (a) kan bepaal, 'n voorwaarde op lê wat voorskryf dat die eienaar van elke stuk grond wat uit hoofde van 'n bepaling kragtens daardie paragraaf gemaak bykomend besproei kan word 'n bedrag geld ten opsigte van elke 55 hektaar grond wat aldus bykomend besproei kan word aan die Staat moet betaal.'"; en 60

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(aB) the form of any notice referred to in section 11 (1A) (b) and the particulars to be included in any such notice;”.

6. The following section is hereby substituted for section 33 of the principal Act:

Substitution of section 33 of Act 54 of 1956, as substituted by section 4 of Act 51 of 1979.

- 5 “Offences. 33. Any person who contravenes or fails to comply with any provision of section 30 or 32 which is applicable to him, or fails to comply with any directions by the Minister under section 30 (4) (b), shall be guilty of an offence.”.

10 7. Section 60 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“ (1) The Minister may, subject to an obligation to pay compensation, expropriate, or take the right to use temporarily, any property, **[within a Government water control area or a catchment control area]** if he considers it necessary for or in connection with any Government water work **[within such Government water control area]** or to enable him to construct access roads to **[such]** a Government water work for use by the public or by any person or for the effective carrying out of any work: **[within such catchment control area]** which he may consider necessary in connection with any of the purposes mentioned in section 59 (2).”.

25 8. Section 63 of the principal Act is hereby amended—
(a) by the substitution for subsection (2A) of the following subsections:

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, section 6 of Act 36 of 1971, section 12 of Act 42 of 1975, section 10 of Act 108 of 1977, section 12 of Act 73 of 1978 and section 7 of Act 51 of 1979.

30 “(2A) For the purposes of **[subsection (2)]** this section any water flowing or found in or derived from a public stream or natural channel in any area referred to in **[the said subsection]** paragraph (a) or (b) of subsection (1) shall be deemed to be water released from a Government water work.

35 (2B) (a) If the Minister at any time after he has made a determination in respect of an area under subsection (2) is of opinion that the capacity of a Government water work from which land in that area is irrigated and the amount of water which is normally present therein justify the scheduling of further land for irrigation, he may on such conditions as may be determined by him, determine in respect of each piece of land or land belonging to each owner in respect of which water may be supplied from the said water work under the said determination, the extent or maximum extent of land which may be additionally irrigated, and may, if he deems fit, at the same time or at any time thereafter determine the portion of any such piece of land or of the land belonging to such owner which may be so additionally irrigated.

40 (b) No water shall be supplied from a Government water work in pursuance of a determination made under paragraph (a) for the irrigation of any particular land, unless the conditions of that determination have in respect of that land been complied with.

55 (c) The Minister may in addition to any other conditions which he may determine under paragraph (a), impose a condition requiring the owner of each piece of land which may in pursuance of a determination made under that paragraph be additionally irrigated, to pay to the State an amount of money in respect of each hectare of land which may be so additionally irrigated.”; and

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- (b) deur in paragraaf (a) van subartikel (7) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

„(a) Wanneer die Minister kragtens **[sub-artikel (2)] hierdie artikel** 'n bepaling gemaak het, moet hy ten opsigte van die betrokke gebied 'n lys laat opstel waarin uiteengesit word—”.

Wysiging van artikel 66 van Wet 54 van 1956, soos gewysig deur artikel 7 van Wet 36 van 1971, artikel 10 van Wet 45 van 1972, artikel 13 van Wet 42 van 1975, artikel 2 van Wet 27 van 1976 en artikel 8 van Wet 51 van 1979.

9. Artikel 66 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) (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 bevoegdheid 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 of deur middel van 'n Staatswaterwerk, of 'n waterwerk in artikel 56 (3) (b) bedoel, of uit 'n openbare stroom of natuurlike bedding wat in 'n Staatswaterbeheergebied is of waarin water uit 'n Staatswaterwerk of so 'n werk losgelaat word, of op grond wat van water uit of deur middel van 'n Staatswaterwerk voorsien word vir gebruik vir 'n ander doel as besproeiing of deur blote aansluiting by 'n Staatswaterwerk aldus vir genoemde doel voorsien kan 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, tesame met rente wat ingevolge subartikel (2) daarop betaalbaar mag wees, op die eienaars van bedoelde grond of, na gelang van die geval, op die persone deur wie sodanige water uitgeneem of aan wie dit voorsien of gedistribueer is of wat geregtig is om dit te gebruik, verhaal.

- (b) Belastings of vorderings kragtens paragraaf (a) gehef ten opsigte van water wat vir landboudoeleindes gebruik word, en rente wat ingevolge subartikel (2) daarop betaalbaar is, is 'n las op die grond ten opsigte waarvan dit gehef is, en iemand wat die eienaar van daardie grond word, is aanspreeklik vir enige sodanige belastings of vorderings wat op die tydstop waarop hy die eienaar word nie betaal is nie, en vir enige rente daarop wat dan betaalbaar is of daarna betaalbaar mag word.”.

Vervanging van artikel 81 van Wet 54 van 1956, soos gewysig deur artikel 11 van Wet 108 van 1977.

10. Artikel 81 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kwalifikasies van kandidate vir besproeiingsrade.

81. Elke persoon wie se naam op die volgens artikel 83 opgestelde kieserslys van 'n besproeiingsdistrik voorkom, behalwe 'n regspersoon (met inbegrip van die Staat en 'n plaaslike bestuur), is bevoeg om as lid van die besproeiingsraad van daardie distrik gekies te word, tensy hy volgens artikel 82 (1) onbevoeg is om te stem, of sonder toestemming van die Minister by 'n bestaande kontrak met die raad ter waarde van meer as R1 000 party is of by so 'n kontrak belang het: Met dien verstande dat indien 'n besproeiingsdistrik in sub-distrikte ingedeel is, 'n persoon slegs bevoeg is om ten opsigte van die sub-distrik waaronder sy naam op bedoelde lys voorkom as lid van daardie besproeiingsraad gekies te word.”.

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(b) by the substitution in paragraph (a) of subsection (7) for the words preceding subparagraph (i) of the following words:

5 “(a) Whenever the Minister has made a determination under **[subsection (2)]** this section, he shall cause to be prepared in respect of the area in question a schedule setting forth—”.

9. Section 66 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

10 “(1) (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 or by means of a Government water work or a water work referred to in section 56 (3) (b), or from a public stream or natural channel which is in a Government water control area or into which water from a Government water work or such a work is released, or on land which is supplied with water from or by means of a Government water work for use for any purpose other than irrigation or which can be so supplied for such purpose by mere connection to a Government water work, 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, together with any interest which may be payable thereon in terms of subsection (2), from the owners of the said land or, as the case may be, from the persons by whom such water was abstracted or to whom it was supplied or distributed or who are entitled to use it.

30 (b) Rates or charges assessed in terms of paragraph (a) in respect of water used for agricultural purposes and interest which may be payable thereon in terms of subsection (2), shall be a charge upon the land in respect of which they have been assessed, and any person who becomes the owner of any such land shall be liable for any such rates or charges which remain unpaid at the time when he becomes the owner, and for any interest which may then be payable thereon or which may thereafter become payable thereon.”.

Amendment of section 66 of Act 54 of 1956, as amended by section 7 of Act 36 of 1971, section 10 of Act 45 of 1972, section 13 of Act 42 of 1975, section 2 of Act 27 of 1976 and section 8 of Act 51 of 1979.

10. The following section is hereby substituted for section 81 of the principal Act:

50 “Qualifications of candidates for irrigation boards.
55 81. Every person whose name is on the voters’ list of an irrigation district prepared under section 83, other than a corporate body (including the State and a local authority), shall be eligible for election as a member of the irrigation board of the said district, unless he is disqualified from voting in terms of section 82 (1), or is without the permission of the Minister a party to any subsisting contract with the board exceeding R1 000 in value, or is without such permission interested in any such contract: Provided that, if an irrigation district is divided into sub-districts, a person shall be eligible for election as a member of the said irrigation board only in respect of the sub-district under which his name appears on the said list.”.

Substitution of section 81 of Act 54 of 1956, as amended by section 11 of Act 108 of 1977.

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Wysiging van
artikel 82 van
Wet 54 van 1956,
soos gewysig deur
artikel 12 van
Wet 108 van 1977.

11. Artikel 82 van die Hoofwet word hierby gewysig—

- (a) deur aan die end van subparagraaf (iii) van paragraaf (a) van subartikel (1) die woord „of” by te voeg; en
(b) deur die volgende subparagraaf by paragraaf (a) van subartikel (1) te voeg:

„(iv) daardie persoon die genomineerde van 'n maatskappy is wat opgehou het om die eienaar te wees van die grond ten opsigte waarvan daardie persoon se naam op genoemde lys voorkom, of daardie persoon opgehou het om 'n direkteur of aandeelhouer van daardie maatskappy te wees;”.

Wysiging van
artikel 83 van
Wet 54 van 1956,
soos gewysig deur
artikel 13 van
Wet 108 van 1977.

12. Artikel 83 van die Hoofwet word hierby gewysig deur die volgende paragraaf by die voorbehoudsbepaling by subartikel (1) te voeg:

- „(v) 'n maatskappy wat die eienaar is van aldus ingelyste grond die naam van 'n genomineerde wat 'n direkteur of aandeelhouer van daardie maatskappy is in die plek van die maatskappy op bedoelde kieserslys kan laat opneem.”.

Wysiging van
artikel 92 van
Wet 54 van 1956,
soos gewysig deur
artikel 2 van
Wet 63 van 1963,
artikel 9 van
Wet 36 van 1971
en artikel 17 van
Wet 42 van 1975.

13. Artikel 92 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:

„(a) Belastings of vorderings deur 'n besproeiingsraad gehef ten opsigte van water wat vir landboudoeleindes gebruik word, en rente wat ingevolge subartikel (5) daarop betaalbaar is, is 'n las op die grond ten opsigte waarvan dit gehef is, en iemand wat die eienaar word van daardie grond is aanspreeklik vir sodanige belastings of vorderings wat op die tydstip waarop hy eienaar word, nie betaal is nie, en vir enige rente daarop wat dan betaalbaar is of daarna betaalbaar mag word.”; en

- (b) deur subartikel (5) deur die volgende subartikel te vervang:

„(5) Rente teen 'n koers gelyk aan die koers wat ten opsigte van lenings ingevolge artikel 26 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), bepaal is en wat van toepassing is op die datum wat vasgestel is vir die betaling van enige belastings of vorderings ingevolge artikel 90 gehef, is vanaf genoemde datum betaalbaar ten opsigte van onbetaalde belastings of vorderings aldus gehef.”.

Vervanging van
artikel 94 van
Wet 54 van 1956,
soos gewysig deur
artikel 18 van
Wet 42 van 1975.

14. Artikel 94 van die Hoofwet word hierby deur die volgende artikel vervang:

„Onteiening
van goed
deur besproeiings-
rade.

94. (1) Onderworpe aan 'n verpligting om vergoeding te betaal, kan 'n besproeiingsraad [kan] met toestemming van die Minister en ten einde enige werkzaamheid te verrig of bevoegdheid uit te oefen of plig te vervul wat ingevolge hierdie Wet aan hom toegewys of opgelê is, goed, soos in artikel 60 (2) (a) omskryf, binne sy besproeiingsdistrik [grond of 'n serwituut oor grond of 'n bestaande reg onteien of enige stof of materiaal op grond toe-eien of grond of 'n waterwerk tydelik gebruik] onteien of die reg neem om sodanige goed tydelik te gebruik, soos hy nodig ag: Met dien verstande dat die bepalinge van hierdie subartikel nie op [grond] goed, soos aldus omskryf, wat aan die Regering, insluitende die Suid-Afrikaanse Spoorweg- en Haweadministrasie of enige provinsiale administrasie, of die Suid-Afrikaanse Ontwikkelingstrust ingestel deur artikel 4 (1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), behoort, of op werke of

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11. Section 82 of the principal Act is hereby amended—

- (a) by the addition at the end of subparagraph (iii) of paragraph (a) of subsection (1) of the word "or"; and
 (b) by the addition to paragraph (a) of subsection (1) of the following subparagraph;

Amendment of section 82 of Act 54 of 1956, as amended by section 12 of Act 108 of 1977.

5 “(iv) such person is the nominee of a company which
 has ceased to be the owner of the land in respect of
 10 which that person's name appears on the said list,
 or that person has ceased to be a director or
 shareholder of that company;”.

12. Section 83 of the principal Act is hereby amended by the addition to the proviso to subsection (1) of the following paragraph:

Amendment of section 83 of Act 54 of 1956, as amended by section 13 of Act 108 of 1977.

15 “(v) a company which is the owner of land so scheduled may
 cause the name of a nominee who is a director or
 shareholder in that company to be placed on the said
 voters' list in the stead of such company.”.

13. Section 92 of the principal Act is hereby amended—

- 20 (a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

Amendment of section 92 of Act 54 of 1956, as amended by section 2 of Act 63 of 1963, section 9 of Act 36 of 1971 and section 17 of Act 42 of 1975.

25 “(a) Rates or charges assessed by an irrigation board in respect of water used for agricultural purposes, and interest which may be payable thereon in terms of subsection (5), shall be a charge upon the land in respect of which they have been assessed, and any person who becomes the owner of any such land shall be liable for any such rates or charges which remain unpaid at the time when he becomes the owner, and for any interest thereon which may then be payable thereon or which may thereafter become payable thereon.”; and

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

35 “(5) Interest at a rate equal to the rate determined in respect of loans in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and applicable on the date fixed for the payment of any rates or charges assessed in terms of section 90, shall be payable from the said date in respect of unpaid rates or charges so assessed.”.

14. The following section is hereby substituted for section 94 of the principal Act:

Substitution of section 94 of Act 54 of 1956, as amended by section 18 of Act 42 of 1975.

45 “Expropriation of property by irrigation boards. 94. (1) Subject to an obligation to pay compensation an irrigation board may with the consent of the Minister and for the purpose of exercising any function or power or carrying out any duty assigned to or imposed upon it by this Act, expropriate, or take the right to use temporarily, any [land or servitude over land or any existing right or appropriate any substance or material on any land or temporarily use any land or any water work] property, as defined in section 60 (2) (a), within its irrigation district as it may consider necessary: Provided that nothing in this subsection contained shall apply to [land] property, as so defined, belonging to the Government, including the South African Railways and Harbours Administration or any provincial administration, or the South African Development Trust constituted in terms of section 4 (1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936),

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ondernemings wat deur of namens die Staat of die Elektrisiteitsvoorsieningskommissie **[ingestel deur subartikel (1) van artikel 1 van die Elektrisiteit Wet, 1922 (Wet No. 42 van 1922)]** bedoel in artikel 1 van die Elektrisiteitswet, 1958 (Wet No. 40 van 1958), gedryf word, van toepassing is nie. 5

(2) Die bepalings van **[subartikels (2) (b) en (3) tot en met (6) van]** artikel 60 (2) (b), (4), (5) en (6) is *mutatis mutandis* in verband met **[so 'n]** die onteiening van goed of die neem van 'n reg ingevolge hierdie 10 artikel van toepassing, en 'n verwysing in genoemde bepalings na 'Minister' (behalwe in artikel 60 (2) (b) (i)), 'Minister van Waterwese' en 'sekretaris' word uitgelê as 'n verwysing na 'n besproeiingsraad.'.

Vervanging van artikel 112 van Wet 54 van 1956.

15. Artikel 112 van die Hoofwet word hierby deur die volgende 15 artikel vervang:

„Onteiening van goed deur water-rade.

112. (1) 'n Waterraad het by die uitoefening van die bevoegdhede ingevolge hierdie Hoofstuk aan hom verleen, dieselfde bevoegdhede om goed binne die gebied waarvoor hy ingestel is, te onteien of die reg te 20 neem om sodanige goed tydelik te gebruik, as wat deur artikel 94 aan 'n besproeiingsraad verleen word **[en die bepalings van daardie artikel is mutatis mutandis van toepassing met betrekking tot 'n waterraad]**. 25

(2) Die bepalings van artikel 60 (2) (b), (4), (5) en (6) is *mutatis mutandis* in verband met die onteiening van goed of die neem van 'n reg ingevolge hierdie artikel van toepassing, en 'n verwysing in genoemde bepalings na 'Minister' (behalwe in artikel 60 (2) (b) 30 (i)), 'Minister van Waterwese' en 'sekretaris' word uitgelê as 'n verwysing na 'n waterraad.'.

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, artikel 11 van Wet 102 van 1972, artikel 20 van Wet 42 van 1975, artikel 5 van Wet 27 van 1976 en artikel 20 van Wet 108 van 1977.

16. Artikel 157 van die Hoofwet word hierby gewysig deur in subparagraaf (ii) van paragraaf (b) van die voorbehoudsbepaling by subartikel (1) en in die voorbehoudsbepaling by paragraaf (a) 35 van subartikel (1A) die woorde „tweehonderdduisend rand”, oral waar hulle voorkom, deur die uitdrukking „R400 000” te vervang.

Wysiging van artikel 160 van Wet 54 van 1956, soos gewysig deur artikel 17 van Wet 56 van 1961.

17. Artikel 160 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te 40 vervang:

„(a) moet 'n besproeiingslening afgelos word deur die betaling, op die eerste dag van Januarie en die eerste dag van Julie in elke jaar, **[van een helfte van die jaarlikse betaling vereis tot delging van die lening, ooreen-** 45 **komstig 'n algemene skaal van tyd tot tyd deur die Minister vasgestel en in die Staatskoerant gepubliseer,]** van die bedrae aangetoon in 'n tabel wat deur die sekretaris vir die doel van die betrokke lening opgestel is, en moet bedoelde betalings geskied totdat die hele 50 lening met rente daarop terugbetaal is; en”.

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or to any works or undertakings conducted by or on behalf of the State or the Electricity Supply Commission **[constituted in terms of subsection (1) of section 1 of the Electricity Act, 1922 (Act No. 42 of 1922)]** referred to in section 1 of the Electricity Act, 1958 (Act No. 40 of 1958).

(2) The provisions of **[subsections (2) (b) and (3) to (6) inclusive of]** section 60 (2) (b), (4), (5) and (6) shall *mutatis mutandis* apply in connection with **[any such]** the expropriation of any property or the taking of the right in terms of this section, and any reference in the said provisions to 'Minister' (except in section 60 (2) (b) (i)), 'Minister of Water Affairs' and 'secretary' shall be construed as a reference to an irrigation board."

15. The following section is hereby substituted for section 112 of the principal Act: Substitution of section 112 of Act 54 of 1956.

“Expropriation of property by water boards. 112. (1) A water board shall in the exercise of the powers conferred upon it under this Chapter have the same powers to expropriate or to take the right to use temporarily property within the area for which it was constituted, as are by section 94 vested in an irrigation board **[and the provisions of that section shall *mutatis mutandis* apply in relation to a water board]**.

(2) The provisions of section 60 (2) (b), (4), (5) and (6) shall *mutatis mutandis* apply in connection with the expropriation of any property or the taking of any right in terms of this section, and any reference in the said provisions to 'Minister' (except in section 60 (2) (b) (i)), 'Minister of Water Affairs' and 'secretary' shall be construed as a reference to a water board.”

16. Section 157 of the principal Act is hereby amended by the substitution in subparagraph (ii) of paragraph (b) of the proviso to subsection (1) and in the proviso to paragraph (a) of subsection (1A) for the words “two hundred thousand rand”, wherever they appear, of the expression “R400 000”. 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, section 11 of Act 102 of 1972, section 20 of Act 42 of 1975, section 5 of Act 27 of 1976 and section 20 of Act 108 of 1977.

17. Section 160 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: Amendment of section 160 of Act 54 of 1956, as amended by section 17 of Act 56 of 1961.

“(a) an irrigation loan shall be redeemed by the payment, on the first day of January and the first day of July in every year, of **[one-half of the annual payment required to redeem the loan, in accordance with a general scale to be framed by the Minister from time to time and published in the Gazette]** the amounts shown in a table compiled by the secretary for the purpose of the loan in question, and such payments shall continue to be made until the whole loan with interest has been paid; and”.

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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,
artikel 13 van
Wet 36 van 1971,
artikel 21 van
Wet 42 van 1975,
artikel 6 van
Wet 27 van 1976,
artikel 21 van
Wet 108 van 1977
en artikel 15 van
Wet 73 van 1978.

Kort titel.

18. Artikel 162 van die Hoofwet word hierby gewysig deur in paragraaf (a) van subartikel (2) die woorde „tweehonderdduisend rand” deur die uitdrukking „R400 000” te vervang.

19. Hierdie Wet heet die Waterwysigingswet, 1980.

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18. Section 162 of the principal Act is hereby amended by the substitution in paragraph (a) of subsection (2) for the words "two hundred thousand rand" of the expression "R400 000".

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, section 13 of Act 36 of 1971, section 21 of Act 42 of 1975, section 6 of Act 27 of 1976, section 21 of Act 108 of 1977 and section 15 of Act 73 of 1978.

19. This Act shall be called the Water Amendment Act, 1980. Short title.

