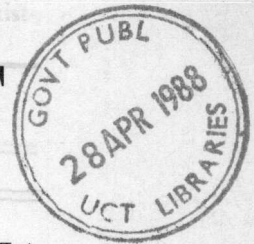




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S. 559

STAATSKOERANT



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GOVERNMENT GAZETTE

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KAAPSTAD, 8 APRIL 1988

CAPE TOWN, 8 APRIL 1988

No. 11236

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 673.

8 April 1988

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

No. 37 van 1988: Waterwysigingswet, 1988.

No. 673.

8 April 1988

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

No. 37 of 1988: Water Amendment Act, 1988.

Wet No. 37, 1988

WATERWYSIGINGSWET, 1988

Wysiging van artikel 69 van Wet 54 van 1956, soos gewysig deur artikel 24 van Wet 96 van 1984

2. Artikel 69 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan—

- (a) te eniger tyd vir 'n tydperk en op die bedinge en voorwaardes wat hy goedvind, enigeen van of al die bevoegdhede kragtens hierdie Wet of 'n ander wet aan hom verleen in verband met die beheer, werking, bestuur of instandhouding van 'n Staatswaterwerk of 'n elektrisiteitsonderneming in artikel 67 bedoel, of in verband met die beheer, voorsiening en distribusie van water van bedoelde Staatswaterwerk of van elektrisiteit deur middel van bedoelde onderneming, oordra aan enige persoon, met inbegrip van 'n plaaslike [bestuur] owerheid, besproeiingsraad of ander statutêre liggaam of 'n Staatsdepartement, met inbegrip van die Suid-Afrikaanse [Spoorweg- en Hawensadministrasie] Vervoerdienste, [of] 'n provinsiale administrasie [oordra] of die regering van 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), ingevolge 'n ooreenkoms tussen die Regering van die Republiek en die regering van daardie gebied;
- (b) te eniger tyd na goedkeuring daarvan by besluit van die [Volksraad] Parlement, en op die voorwaardes in bedoelde besluit uiteengesit, 'n Staatswaterwerk aan enigiemand, met inbegrip van 'n plaaslike [bestuur] owerheid of so 'n raad, liggaam, departement, [of] administrasie of regering, verkoop of andersins van die hand sit.”.

Wysiging van artikel 93 van Wet 54 van 1956

3. Artikel 93 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) 'n Besproeiingsraad kan op die wyse by regulasie voorgeskryf by wyse van lening geld opneem wat hy nodig het ten einde die werksaamhede te verrig of bevoegdhede of pligte uit te voer wat kragtens [subartikel (1) van] artikel [nege-en-tagtig] 89 (1) aan hom toegewys of opgelê is, of ten einde 'n lening of enige gedeelte van 'n lening wat reeds kragtens hierdie artikel aangegaan is, saam met enige rente daarop verskuldig, af te los: Met dien verstande dat so 'n lening nie anders as ooreenkomstig die bepalinge van Hoofstuk IX aangegaan mag word nie, tensy die goedkeuring van die Minister verkry is.”.

Wysiging van artikel 110 van Wet 54 van 1956, soos gewysig deur artikel 4 van Wet 58 van 1974, artikel 1 van Wet 89 van 1981 en artikel 43 van Wet 96 van 1984

4. Artikel 110 van die Hoofwet word hierby gewysig deur na paragraaf (i) van subartikel (1) die volgende paragraaf in te voeg:

“(iA) om met die instemming van die Minister met enige persoon, met inbegrip van die regering van 'n selfregerende gebied soos omskryf in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), 'n ooreenkoms aan te gaan vir die voorsiening van water buite die gebied waarvoor die raad ingestel is of vir die suiwering van of die beskikking oor afvalwater, afloop of afval wat ontstaan uit die gebruik van water deur so 'n persoon of regering;”.

Wysiging van artikel 121 van Wet 54 van 1956, soos gewysig deur artikel 11 van Wet 36 van 1971, artikel 4 van Wet 27 van 1976, artikel 19 van Wet 108 van 1977, artikel 3 van Wet 21 van 1980 en artikel 48 van Wet 96 van 1984

5. Artikel 121 van die Hoofwet word hierby gewysig—

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

“(f) die aflossing van enige lening aangegaan vir die doeleindes van, of in verband met, die instelling van 'n watervoorsieningskema of 'n skema

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Amendment of section 69 of Act 54 of 1956, as amended by section 24 of Act 96 of 1984

2. Section 69 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection :

“(1) The Minister may—

- 5 (a) at any time and for such period and on such terms and conditions as he may deem fit, delegate all or any of the powers of control, operation, administration or maintenance of any Government water work or any electricity undertaking referred to in section 67, or of control, supply and distribution of water from such Government water work or of electricity by means of
10 such undertaking, assigned to him under this Act or any other law, to any person, including any local authority, irrigation board or other statutory body or any department of State, including the South African **[Railways and Harbours Administration]** Transport Services, **[or]** any provincial administration or the government of a self-governing territory as defined in
15 section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), in terms of an agreement between the Government of the Republic and the government of that territory;
- (b) at any time after approval thereof by resolution of **[the House of Assembly]** Parliament and on such conditions as may be set forth in such resolution,
20 sell or otherwise dispose of any Government water work to any person, including any local authority or any such board, body, department, **[or]** administration or government.”.

Amendment of section 93 of Act 54 of 1956

3. Section 93 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) An irrigation board may, in the manner prescribed by regulation, raise by way of loan any money required by it for the purpose of carrying out any of the functions, powers or duties assigned to or imposed upon it under **[subsection (1) of]** section **[eighty nine]** 89 (1), or for the purpose of redeeming any loan or
30 any portion of a loan already raised under this section together with any interest due thereon: Provided that no such loan shall be raised otherwise than in accordance with the provisions of Chapter IX, unless the approval of the Minister has been obtained.”.

Amendment of section 110 of Act 54 of 1956, as amended by section 4 of Act 58 of 1974, section 1 of Act 89 of 1981 and section 43 of Act 96 of 1984

4. Section 110 of the principal Act is hereby amended by the insertion after paragraph (i) of subsection (1) of the following paragraph:

- “(iA) with the concurrence of the Minister, to enter into an agreement with any
40 person, including the government of a self-governing territory as defined in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), for the supply of water outside the area for which the board was established or for the purification or disposal of waste water, effluent or waste arising from the use of water by such a person or government;”.

Amendment of section 121 of Act 54 of 1956, as amended by section 11 of Act 36 of 1971, section 4 of Act 27 of 1976, section 19 of Act 108 of 1977, section 3 of Act 21 of 1980 and section 48 of Act 96 of 1984

5. Section 121 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
50 “(f) redeeming any loan raised for the purposes of, or in connection with, the establishment of any water supply scheme or a scheme for the

vir die suiwering van of die beskikking oor afvalwater, afloop of afval, of die betaling van enige rente verskuldig ten opsigte van so 'n lening;"

- (b) deur die voorbehoudsbepaling by subartikel (5) deur die volgende voorbehoudsbepaling te vervang: 5
- "Met dien verstande dat geen voorskot vir die doeleindes van paragraaf (a) (i) of (ii) vir 'n bedrag van meer as **[R2 500 000]** die bedrag wat die Minister van Finansies van tyd tot tyd bepaal, en geen voorskot of lening, na gelang van die geval, vir die doeleindes van **[paragraawe]** paragraaf (a) (iii) of (b) ten opsigte van enige skema waarvan die totale koste (soos deur die Minister geraam) by verkryging of instelling as 'n selfstandige skema meer **[as R2 500 000]** bedra as die bedrag wat die Minister van Finansies van tyd tot tyd bepaal, gemaak of toegestaan word nie, tensy 'n verslag oor die doeleindes waarvoor die voorskot bestem is of die skema ten opsigte waarvan die lening verlang word in die **[Volksraad]** Parlement ter Tafel 15 gelê is en sodanige voorskot of lening by besluit van die **[Volksraad]** Parlement goedgekeur is.";
- (c) deur subartikel (6) deur die volgende subartikel te vervang: 10
- "(6) Indien die Minister te eniger tyd van oordeel is dat 'n wesenlike afwyking wenslik is ten opsigte van die omvang van 'n skema soos 20 uiteengesit in 'n verslag bedoel in subartikel (5), word behoudens subartikel (7) nie met die verkryging of instelling van daardie skema voortgegaan nie tensy die Minister 'n aanvullende verslag met betrekking tot daardie skema in die **[Volksraad]** Parlement ter Tafel gelê het.";
- (d) deur subartikel (7) deur die volgende subartikel te vervang: 25
- "(7) Die bepalinge van **[artikel]** artikels 157 (1A) en (1B), 160 en 161 is *mutatis mutandis* van toepassing ten opsigte van die toestaan van 'n lening bedoel in subartikel (5) aan '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 30 20 van Wet 42 van 1975, artikel 5 van Wet 27 van 1976, artikel 20 van Wet 108 van 1977, artikel 16 van Wet 92 van 1980 en artikel 59 van Wet 96 van 1984

6. Artikel 157 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang: 35
- "(b) 'n lening wat betrekking het op 'n waterwerk waarvan die koste, soos deur die Minister beraam, by voltooiing as 'n selfstandige skema, waarskynlik **[R2 500 000]** die bedrag wat die Minister van Finansies van tyd tot tyd bepaal, sal oorskry, nie toegestaan word nie tensy die lening by besluit van die **[Volksraad]** Parlement goedgekeur is en nie 40 aldus goedgekeur word nie tensy 'n verslag oor die voorgestelde waterwerk vooraf in die **[Volksraad]** Parlement ter Tafel gelê is.";
- (b) deur die voorbehoudsbepaling by paragraaf (a) van subartikel (1A) deur die volgende voorbehoudsbepaling te vervang: 45
- "Met dien verstande dat indien—
- (i) die aanvanklike of 'n vorige hersiene raming nie **[R2 500 000]** die bedrag kragtens paragraaf (b) van die voorbehoudsbepaling by subartikel (1) bepaal, oorskry nie en bedoelde hersiene raming **[R2 500 000]** die aldus bepaalde bedrag oorskry; of
- (ii) bedoelde hersiene raming die aanvanklike raming of 'n vorige 50 hersiene raming wat **[R2 500 000]** die aldus bepaalde bedrag oorskry, met minstens **[R2 500 000]** die aldus bepaalde bedrag oorskry,
- so 'n verdere besproeiingslening nie toegestaan word nie tensy die bepalinge van paragraaf (b) van die voorbehoudsbepaling by subartikel (1) 55 nagekom is;"
- (c) deur subartikel (1B) deur die volgende subartikel te vervang: 60
- "(1B) Indien die Minister te eniger tyd van oordeel is dat 'n wesenlike afwyking wenslik is ten opsigte van die doel of die omvang van 'n waterwerk ten opsigte waarvan 'n verslag beoog in subartikel (1) in die **[Volksraad]** Parlement ter Tafel gelê is, word daar nie met die bou van

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- purification or disposal of waste water, effluent or waste, or the payment of any interest due in respect of such loan;”;
- (b) by the substitution for the proviso to subsection (5) of the following proviso:
- 5 “Provided that no advance for the purposes referred to in paragraph (a) (i) or (ii) for an amount exceeding **[R2 500 000]** the amount which the Minister of Finance may from time to time determine and no advance or loan, as the case may be, for the purposes referred to in **[paragraphs]**
- 10 paragraph (a) (iii) or (b) in respect of any scheme the total cost of which (as estimated by the Minister) will exceed when acquired or established as an independent scheme **[R2 500 000]** the amount which the Minister of Finance may from time to time determine, shall be made or granted unless a report on the purposes for which the advance is destined or the scheme in respect of which the loan is required, has been laid on the Table of **[the**
- 15 **House of Assembly]** Parliament and such advance or loan has been approved by resolution of **[the House of Assembly]** Parliament.”;
- (c) by the substitution for subsection (6) of the following subsection:
- 20 “(6) If the Minister is at any time of the opinion that a substantial deviation is desirable with respect to the capacity of a scheme as set out in a report referred to in subsection (5), the acquisition or establishment of such scheme shall, subject to subsection (7), not be continued with, unless the Minister has laid upon the Table of **[the House of Assembly]** Parliament a supplementary report in connection with such scheme.”; and
- (d) by the substitution for subsection (7) of the following subsection:
- 25 “(7) The provisions of **[section]** sections 157 (1A) and (1B), 160 and 161 shall be *mutatis mutandis* applicable with respect to the granting of a loan referred to in subsection (5) to a water board.”.

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, section 20 of Act 108 of 1977, section 16 of Act 92 of 1980 and section 59 of Act 96 of 1984

6. Section 157 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the proviso to subsection (1) of the following paragraph:
- 35 “(b) a loan pertaining to a water work of which the cost as estimated by the Minister, when completed as an independent scheme, is likely to exceed **[R2 500 000]** the amount which the Minister of Finance may from time to time determine, shall not be granted unless such loan is approved by resolution of **[the House of Assembly]** Parliament and shall not be so approved unless a report on the proposed water work has previously been laid upon the Table of **[the House of Assembly]**
- 40 **Parliament.**”;
- (b) by the substitution for the proviso to paragraph (a) of subsection (1A) of the following proviso:
- 45 “Provided that if—
- (i) the original estimate or a previously revised estimate does not exceed **[R2 500 000]** the amount determined under paragraph (b) of the proviso to subsection (1) and such revised estimate exceeds **[R2 500 000]** the amount so determined; or
- 50 (ii) such revised estimate exceeds the original estimate or a previously revised estimate which exceeds **[R2 500 000]** the amount so determined, by at least **[R2 500 000]** the amount so determined,
- such further irrigation loan shall not be granted unless the provisions of paragraph (b) of the proviso to subsection (1) have been complied with;”;
- 55 (c) by the substitution for subsection (1B) of the following subsection:
- “(1B) If the Minister is at any time of the opinion that a substantial deviation is desirable with respect to the purpose or the capacity of a water work in respect of which a report contemplated in subsection (1) was laid upon the Table of **[the House of Assembly]** Parliament, the construction of

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daardie waterwerk voortgegaan nie tensy die Minister 'n aanvullende verslag met betrekking tot daardie werk in die **[Volksraad]** Parlement ter Tafel gelê het.”; en

(d) deur subartikel (1)*bis* deur die volgende subartikel te vervang:

“(1)*bis* Indien daar nadat 'n besproeiingslening ten opsigte van enige waterwerke toegestaan is 'n verdere besproeiingslening toegestaan word ten opsigte van waterwerke verbonde aan sodanige eersgenoemde werke word sodanige verdere lening by die toepassing van **[sub-paragraaf (ii) van]** paragraaf (b) van die voorbehoudsbepaling by subartikel (1) geag een ten opsigte van 'n aparte selfstandige skema te wees.”.

Vervanging van artikel 157*bis* van Wet 54 van 1956, soos ingevoeg deur artikel 3 van Wet 63 van 1963

7. Artikel 157*bis* van die Hoofwet word hierby deur die volgende artikel vervang:

“Toestaan van lenings aan besproeiingsrade

157*bis*. (a) 'n Lening kan *mutatis mutandis* ooreenkomstig die bepalings van artikel 157, vir sover hulle toegepas kan word, toegestaan word aan 'n besproeiingsraad om—

- (i) grond of 'n bestaande reg te verkry ten einde 'n werksaamheid te verrig, 'n bevoegdheid uit te oefen of 'n plig te vervul wat by of kragtens hierdie Wet aan hom toegewys of opgelê is; of
- (ii) enige bestaande lening of enige gedeelte van sodanige lening saam met enige rente daarop verskuldig, af te los,

asof die verkryging van sodanige grond of reg of die aflossing van sodanige lening die bou van 'n waterwerk was.

(b) 'n Lening aldus toegestaan, word by die toepassing van hierdie Wet geag 'n besproeiingslening te wees.”.

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, artikel 15 van Wet 73 van 1978, artikel 18 van Wet 92 van 1980, artikel 63 van Wet 96 van 1984 en artikel 33 van Wet 68 van 1987

8. Artikel 162 van die Hoofwet word hierby gewysig—

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

“(1) Behoudens die bepalings van subartikels (2) en (3), kan die Minister op aansoek, uit gelde deur die Parlement vir dié doel bewillig en op die voorwaardes wat hy in die algemeen by kennisgewing in die *Staatskoerant*, of in enige besondere geval na goeddunke bepaal, aan enigiemand 'n subsidie **[betaal]** toestaan ten opsigte van die koste verbonde aan die aanbou van 'n waterwerk, hetsy daardie werk deur bedoelde persoon of ingevolge artikel 57 deur die Minister gebou word: Met dien verstande dat geen subsidie kragtens hierdie subartikel **[betaal]** toegestaan word nie tensy die Minister die **[betaling van die subsidie]** aanbou van die betrokke waterwerk goedgekeur het voordat daar met die bou van die waterwerk begin is.”; en

(b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) word geen subsidie ten opsigte van 'n waterwerk waarvan die totale koste volgens die Minister se oordeel waarskynlik **[R2 500 000]** die bedrag wat die Minister van Finansies van tyd tot tyd bepaal, sal oorskry, toegestaan nie;”.

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such work shall not be proceeded with unless the Minister has laid upon the Table of **[the House of Assembly]** Parliament a supplementary report relating to that work.”; and

(d) by the substitution for subsection (1)*bis* of the following subsection:

5 “(1)*bis* If after an irrigation loan has been granted in respect of any water works any further irrigation loan is granted in respect of water works connected with such first-mentioned works such further loan shall for the purposes of **[sub-paragraph (ii) of]** paragraph (b) of the proviso to subsection (1) be regarded as being one in respect of a separate independent scheme.”.

Substitution of section 157*bis* of Act 54 of 1956, as inserted by section 3 of Act 63 of 1963

7. The following section is hereby substituted for section 157*bis* of the principal Act:

15 **“Granting of loans to irrigation boards**

157*bis*. (a) A loan may, *mutatis mutandis* in accordance with the provisions of section 157, in so far as they can be applied, be granted to an irrigation board—

20 (i) to acquire any land or an existing right for the purpose of exercising any function or power or carrying out any duty assigned to or imposed upon it by or under this Act; or

(ii) to redeem any existing loan or any part of such loan together with any interest due thereon,

25 as if the acquisition of such land or right or the redemption of such loan were the construction of a water work.

(b) A loan so granted shall for the purposes of this Act be deemed to be an irrigation loan.”.

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 30 1971, section 21 of Act 42 of 1975, section 6 of Act 27 of 1976, section 21 of Act 108 of 1977, section 15 of Act 73 of 1978, section 18 of Act 92 of 1980, section 63 of Act 96 of 1984 and section 33 of Act 68 of 1987

8. Section 162 of the principal Act is hereby amended—

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

35 “(1) Subject to the provisions of subsections (2) and (3), the Minister may, on application, out of moneys provided by Parliament for the purpose, and on such conditions as he may determine in general by notice in the *Gazette*, or in any particular case as he may deem fit, **[pay]** grant to any person a subsidy towards the cost of constructing a water work, whether such work is constructed by such person or by the Minister in terms of section 57: Provided that no subsidy shall be **[paid]** granted under this subsection unless the Minister has approved the [payment of the subsidy] construction of the water work concerned before the construction of the water work has commenced.”; and

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

45 “(a) no subsidy shall be granted in respect of any water work the total cost of which in the opinion of the Minister is likely to exceed **[R2 500 000]** the amount which the Minister of Finance may from time to time determine;”.

Short title

9. This Act shall be called the Water Amendment Act, 1988.

such work shall not be proceeded with unless the Minister has laid upon the Table of the House of Assembly a supplementary report relating to that work, and

(d) by the substitution for subsection (1) of the following subsection:—
“(1) If after an irrigation loan has been granted in respect of any water works any further irrigation loan is granted in respect of water works connected with such first-mentioned works such further loan shall for the purposes of [sub-paragraph (a)] of paragraph (b) of the proviso to subsection (1) be regarded as being one in respect of a separate independent scheme.”

Substitution of section 157A of Act 54 of 1956, as inserted by section 3 of Act 63 of 1963

7. The following section is hereby substituted for section 157A of the principal Act:

157A. (a) A loan may, subject to the provisions of section 157, in so far as they can be applied, be granted to an irrigation board—
(i) to acquire any land or an existing right for the purpose of exercising any function or power or carrying out any duty assigned to or imposed upon it by or under this Act; or
(ii) to redeem any existing loan or any part of such loan together with any interest due thereon.
as if the acquisition of such land or right or the redemption of such loan were the construction of a water work.
(b) A loan so granted shall for the purposes of this Act be deemed to be an irrigation loan.”

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 43 of 1975, section 6 of Act 27 of 1976, section 11 of Act 108 of 1977, section 15 of Act 73 of 1978, section 18 of Act 92 of 1980, section 63 of Act 96 of 1984 and section 23 of Act 68 of 1987

8. Section 162 of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:
“(1) Subject to the provisions of subsections (2) and (3) the Minister may, on application, out of moneys provided by Parliament for the purpose, and on such conditions as he may determine in general by notice in the Gazette, or in any particular case as he may deem fit, [pay] grant to any person a subsidy towards the cost of constructing a water work, whether such work is constructed by such person or by the Minister in terms of section 57. Provided that no subsidy shall be [paid] granted under this subsection unless the Minister has approved the [payment of the subsidy] construction of the water work concerned before the construction of the water work has commenced.”; and
(b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
“(a) no subsidy shall be granted in respect of any water work the total cost of which in the opinion of the Minister is likely to exceed [R1 500 000] the amount which the Minister of Finance may from time to time determine.”

Short title

9. This Act shall be called the Water Amendment Act, 1988.