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KANTOOR VAN DIE PRESIDENT

No. 2086. 7 Desember 1994

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

No. 32 van 1994: Rasionaliserings- en Wysigingswet op Waterwette, 1994.

OFFICE OF THE PRESIDENT

No. 2086. 7 December 1994

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

No. 32 of 1994: Water Laws Rationalisation and Amendment Act, 1994.

ALGEMENE VERDUIDELIKENDE NOTA:

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir die rasionalisering van sekere wette met betrekking tot wateraangeleenthede wat uit hoofde van artikel 229 van die Grondwet van krag gebly het in verskillende gebiede van die nasionale grondgebied van die Republiek; om die Private Wet op die Randwaterraadstatute, 1950, te wysig ten einde die Randwaterraad te magtig om waterverskaffings- en sanitasiedienste te lewer; om die Waterwet, 1956, te wysig ten einde sekere uitdrukkings te heromskryf; sekere bepalings van die Waterwet van toepassing te maak op die Randwaterraad; die Minister en waterrade te magtig om waterverskaffings- en sanitasiedienste te lewer; voorsiening te maak vir die instelling en funksionering van plaaslike waterverskaffings- en sanitasiekomitees; en die finansiële jaar van 'n waterraad verder te reël; om die "Water Act, 1988" (Bophuthatswana), te wysig ten einde sekere uitdrukkings te omskryf, te heromskryf of te skrap; om die "Bophuthatswana Water Supply Authority Act, 1988", te wysig ten einde die samestelling van die "Bophuthatswana Water Supply Authority Board" verder te reël; die ampstermyn van die lede van genoemde "Board" verder te reël; die kworum by vergaderings van genoemde "Board" verder te reël; die "Bophuthatswana Water Supply Authority" te magtig om waterverskaffings- en sanitasiedienste te lewer; die kort titel van die Wet te vervang, en die name van genoemde "Board" en "Authority" te verander; en om voorsiening te maak vir die funksionering van genoemde "Authority" in 'n uitgebreide regsgebied; om voorsiening te maak dat waterrade in sekere gedeeltes van die gebied van die voormalige Republiek van Bophuthatswana kan funksioneer; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 23 November 1994.)

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Herroeping van wette, en voorbehoude

1. (1) Behoudens die bepalings van subartikel (2) word die wette genoem in die tweede kolom van Deel 1 van Bylae 1 hierby herroep in die mate waarin sodanige wette van krag was onmiddellik voor die inwerkingtreding van die Grondwet in die onderskeie gebiede van die nasionale grondgebied van die Republiek soos uiteengesit in die vierde kolom van Deel 1 van Bylae 1.

(2) Enigiets wat gedoen is kragtens 'n wet genoem in die tweede kolom van Deel 1 van Bylae 1 en wat kragtens 'n bepaling van 'n wet genoem in die tweede kolom van Bylae 2 gedoen kan word, word geag kragtens sodanige bepaling van sodanige wet gedoen te wees.

GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

ACT

To provide for the rationalisation of certain laws relating to water matters that remained in force in various areas of the national territory of the Republic by virtue of section 229 of the Constitution; to amend the Rand Water Board Statutes (Private) Act, 1950, so as to authorise the Rand Water Board to render water supply and sanitation services; to amend the Water Act, 1956, so as to redefine certain expressions; to make certain provisions of the Water Act applicable to the Rand Water Board; to authorise the Minister and water boards to render water supply and sanitation services; to provide for the establishment and functioning of local water supply and sanitation committees; and to further regulate the financial year of a water board; to amend the Water Act, 1988 (Bophuthatswana), so as to define, redefine or delete certain expressions; to amend the Bophuthatswana Water Supply Authority Act, 1988, so as to further regulate the composition of the Bophuthatswana Water Supply Authority Board; to further regulate the term of office of the members of the said Board; to further regulate the quorum at meetings of the said Board; to authorise the Bophuthatswana Water Supply Authority to render water supply and sanitation services; to replace the short title of the Act, and to change the names of the said Board and Authority; and to provide for the functioning of the said Authority in an extended area of jurisdiction; to make provision that water boards may function in certain areas of the territory of the former Republic of Bophuthatswana; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 23 November 1994.)

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Repeal of laws, and savings

1. (1) Subject to the provisions of subsection (2), the laws mentioned in the second column of Part 1 of Schedule 1 are hereby repealed to the extent that such laws were in force in the various areas of the national territory of the Republic as set out in the fourth column of Part 1 of Schedule 1 immediately prior to the commencement of the Constitution.

(2) Anything done under a law mentioned in the second column of Part 1 of Schedule 1 which is capable of being done under a provision of a law mentioned in the second column of Schedule 2, shall be deemed to have been done under such provision of such law.

Beperking op toepassing van sekere wette

2. (1) Die wette genoem in die tweede kolom van Deel 2 van Bylae 1 hou, behoudens die bepalings van subartikel (2), vanaf 'n datum deur die Minister van Waterwese en Bosbou by kennisgewing in die *Staatskoerant* bepaal, op om van toepassing te wees ten opsigte van—

(a) grond geleë in die distrik van Thaba Nchu soos omskryf onder die opskrif van die Provinsie Oranje-Vrystaat in Deel 1 van Bylae 1 by die Grondwet;

(b) grond omskryf in Proklamasie R.142 van 30 September 1983; en

(c) grond omskryf onder die opskrif Provinsie van die Oranje-Vrystaat in Proklamasie R.98 van 30 Junie 1989.

(2) 'n Kennisgewing beoog in subartikel (1)—

(a) moet, ten opsigte van grond bedoel in subartikel (1), voorsiening maak vir—

(i) die voortgesette uitoefening van enige "water right" soos omskryf in artikel 1 van die "Water Act, 1988" (Wet No. 38 van 1988) (Bophuthatswana), of van enige ander magtiging kragtens genoemde Wet; en

(ii) die voortgesette erkenning van enige ander aanspraak op water wat kragtens genoemde Wet erken is,

ingevolge 'n bepaling van die Waterwet, 1956 (Wet No. 54 van 1956), genoem in die tweede kolom van Bylae 2 by hierdie Wet of ingevolge sodanige ander voorsiening deur die Minister van Waterwese en Bosbou in sodanige kennisgewing gemaak ten einde sodanige voortgesette uitoefening of erkenning te bewerkstellig;

(b) moet, ten opsigte van grond bedoel in subartikel (1), voorsiening maak vir die voortsetting, deur die Minister van Waterwese en Bosbou of 'n waterraad ingestel kragtens genoemde Waterwet, 1956, van die verskaffing en verspreiding van water of die suiwering en behandeling van en beskikking oor uitvloeisel wat onmiddellik voor die inwerkingtreding van hierdie Wet onderneem is deur die "Bophuthatswana Water Supply Authority" of enige ander aangewese liggaam of persoon soos beoog in Hoofstuk III van die "Bophuthatswana Water Supply Authority Act, 1988" (Wet No. 39 van 1988) (Bophuthatswana);

(c) kan voorsiening maak vir die oordra van enige bate of las van die "Bophuthatswana Water Supply Authority" of liggaam of persoon bedoel in paragraaf *(b)* aan die Staat of sodanige waterraad, wat die Minister van Waterwese en Bosbou wenslik ag vir of in verband met die voortsetting van sodanige verskaffing en verspreiding van water of sodanige suiwering en behandeling van en beskikking oor uitvloeisel.

Uitbreiding van toepassing van sekere wette

3. Die wette genoem in die tweede kolom van Bylae 2 wat onmiddellik voor die inwerkingtreding van die Grondwet van krag was in die nasionale grondgebied van die Republiek, met die uitsondering van die gebiede van die nasionale grondgebied uiteengesit in die vierde kolom van Deel 1 van Bylae 1, is vanaf die inwerkingtreding van hierdie Wet ook van toepassing ten opsigte van al die gebiede van die nasionale grondgebied uiteengesit in die vierde kolom van Deel 1 van Bylae 1, in die mate wat sodanige wette toegepas kan word: Met dien verstande dat ten opsigte van die gebied van die voormalige Republiek van Bophuthatswana, die wette genoem in items *(a)*, *(e)* en *(f)* van Bylae 2 slegs van toepassing is ten opsigte van daardie gedeelte van die gebied van die voormalige Republiek van Bophuthatswana genoem in artikel 2(1), welke toepassing in werking tree op die datum beoog in artikel 2(1).

Invoeging van artikel 31A in Wet 17 van 1950

4. Die volgende artikel word hierby in die Private Wet op die Randwaterraadstatute, 1950, na artikel 31 ingevoeg:

Restriction of application of certain laws

2. (1) The laws mentioned in the second column of Part 2 of Schedule 1 shall, subject to the provisions of subsection (2), from a date determined by the Minister of Water Affairs and Forestry by notice in the *Gazette*, cease to apply in respect of—

(a) land situated in the district of Thaba Nchu as described under the heading of the Province of the Orange Free State in Part 1 of Schedule 1 to the Constitution;

(b) land described in Proclamation R.142 of 30 September 1983; and

(c) land described under the heading of Province of the Orange Free State in Proclamation R.98 of 30 June 1989.

(2) A notice contemplated in subsection (1)—

(a) shall, in respect of land referred to in subsection (1), provide for—

(i) the continued exercise of any water right as defined in section 1 of the Water Act, 1988 (Act No. 38 of 1988) (Bophuthatswana), or of any other authorisation under the said Act; and

(ii) the continued recognition of any other entitlement to water recognised under the said Act,

in terms of a provision of the Water Act, 1956 (Act No. 54 of 1956), mentioned in the second column of Schedule 2 to this Act or in terms of such other provision made by the Minister of Water Affairs and Forestry in such notice, to effect such continued exercise or recognition;

(b) shall, in respect of land referred to in subsection (1), provide for the continuation, by the Minister of Water Affairs and Forestry or a water board established under the said Water Act, 1956, of the supply and distribution of water or the purification, treatment and disposal of effluent undertaken immediately prior to the commencement of this Act by the Bophuthatswana Water Supply Authority or any other designated body or person as contemplated in Chapter III of the Bophuthatswana Water Supply Authority Act, 1988 (Act No. 39 of 1988) (Bophuthatswana);

(c) may provide for the transfer of any asset or liability of the Bophuthatswana Water Supply Authority or body or person referred to in paragraph *(b)* to the State or such water board, as the Minister of Water Affairs and Forestry considers desirable for or in connection with the continuation of such supply and distribution of water or such purification, treatment and disposal of effluent.

Extension of application of certain laws

3. The laws mentioned in the second column of Schedule 2 which immediately prior to the commencement of the Constitution were in force in the national territory of the Republic, excluding the areas of the national territory set out in the fourth column of Part 1 of Schedule 1, shall, on the commencement of this Act, also apply in respect of all the areas of the national territory set out in the fourth column of Part 1 of Schedule 1, to the extent that such laws can be applied: Provided that with regard to the territory of the former Republic of Bophuthatswana, the laws mentioned under items *(a)*, *(e)* and *(f)* of Schedule 2 shall only apply in respect of that part of the territory of the former Republic of Bophuthatswana referred to in section 2(1), which application shall commence on the date contemplated in section 2(1).

Insertion of section 31A in Act 17 of 1950

4. The following section is hereby inserted in the Rand Water Board Statutes (Private) Act, 1950, after section 31:

"Bevoegdheid om waterverskaffings- en sanitasiediens te lewer

31A. (1) *(a)* Behoudens subartikel (2) kan die raad binne die verskaffingsterrein aan 'n gemeenskap wat grond vir woon- en verwante doeleindes okkupeer, 'n waterverskaffings- en sanitasiediens lewer of laat lewer met die oog op die bevordering van die oogmerk van artikel 29 van die Grondwet of op die bevordering van openbare gesondheid, indien, ten opsigte van daardie gemeenskap, geen plaaslike owerheid bestaan nie of 'n plaaslike owerheid wat regsbevoegdheid het, nie in staat is om sodanige diens te lewer nie.

(b) Vir die doeleindes van hierdie artikel het 'waterverskaffings- en sanitasiediens' die betekenis wat daaraan geheg word in artikel 26A van die Waterwet, 1956 (Wet No. 54 van 1956).

(2) *(a)* Die lewering van 'n waterverskaffings- en sanitasiediens kragtens subartikel (1)*(a)*, is onderhewig aan die goedkeuring van die Minister wat betrekking kan hê—

(i) op die lewering van sodanige diens aan alle betrokke gemeenskappe binne die verskaffingsterrein;

(ii) op die lewering van sodanige diens aan 'n bepaalde gemeenskap of 'n kategorie gemeenskappe binne die verskaffingsterrein soos deur die Minister bepaal;

(iii) op die vermoë of enige ander kenmerk, soos deur die Minister bepaal, van enige fasiliteit wat voorsien, bedryf of in stand gehou staan te word deur of ten behoewe van die raad vir of in verband met die lewering van 'n waterverskaffings- en sanitasiediens,

en welke goedkeuring onderhewig is aan die voorwaardes wat die Minister bepaal en in die goedkeuring uiteengesit is.

(b) Voorwaardes beoog in paragraaf *(a)* kan voorwaardes insluit met betrekking tot—

(i) minimum standaarde wat gehandhaaf of riglyne wat in ag geneem moet word by die lewering van 'n waterverskaffings- en sanitasiediens;

(ii) die finansiering van sodanige diens;

(iii) vorderings wat gehef moet word ten opsigte van sodanige diens en die persone van wie sodanige vorderings verhaal moet word.".

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 Wet 36 van 1971, artikel 1 van Wet 51 van 1979, artikel 1 van Wet 92 van 1980, artikel 1 van Wet 96 van 1984, artikel 1 van Wet 68 van 1987, artikel 1 van Wet 68 van 1990 en artikel 1 van Wet 92 van 1993

5. Artikel 1 van die Waterwet, 1956, word hierby gewysig—

(a) deur die omskrywing van "gebruik vir stedelike doeleindes" deur die volgende omskrywing te vervang:

" 'gebruik vir stedelike doeleindes', met betrekking tot water, gebruik, deur stedelike en landelike mense, vir doeleindes waarvoor water gewoonlik deur 'n plaaslike owerheid of deur die inwoners van so 'n gebied gebruik word, en ook gebruik vir huishoudelike doeleindes of vir doeleindes van waterriolering of om tuine nat te maak of om strate nat of skoon te maak of vir nywerheidsdoeleindes;"; en

(b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

" 'Minister' die Minister van Waterwese en Bosbou;".

Wysiging van artikel 4 van Wet 54 van 1956, soos gewysig deur artikel 3 van Wet 68 van 1987

6. Artikel 4 van die Waterwet, 1956, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Die bepalings van hierdie Wet word nie so uitgelê dat dit op regte, bevoegdhede, pligte of werksaamhede ingevolge een of ander wet aan die Randwaterraad verleen, opgedra of toegewys, enige uitwerking het of daaraan afbreuk doen nie: Met dien verstande dat hierdie subartikel nie van toepassing is nie ten opsigte van enige bepaling van hierdie Wet wat die Staat bind.".

"Power to render water supply and sanitation service

31A. (1) *(a)* The board may, subject to subsection (2), render or cause a water supply and sanitation service to be rendered within the limits of supply to any community occupying land for residential and related purposes with a view to promoting the object of section 29 of the Constitution or to promoting public health, if in respect of that community, no local authority exists or a local authority having jurisdiction is not able to render such service.

(b) For the purposes of this section, 'water supply and sanitation service' shall have the meaning assigned thereto in section 26A of the Water Act, 1956 (Act No. 54 of 1956).

(2) *(a)* The rendering of a water supply and sanitation service under subsection (1)*(a)*, shall be subject to the approval of the Minister which may relate—

(i) to the rendering of such service to all communities concerned within the limits of supply;

(ii) to the rendering of such service to a particular community or to a category of communities within the limits of supply as may be determined by the Minister;

(iii) to the capacity or any other typical feature, as may be determined by the Minister, of any facility to be provided, operated or maintained by or on behalf of the board for or in connection with the rendering of a water supply and sanitation service,

and which approval shall be subject to such conditions as may be determined by the Minister and specified in the approval.

(b) Conditions contemplated in paragraph *(a)* may include conditions relating to—

(i) minimum standards to be maintained or guidelines to be taken into account in the rendering of a water supply and sanitation service;

(ii) the financing of such service;

(iii) charges to be assessed in respect of such service and the persons from whom such charges shall be recovered.".

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 Act 36 of 1971, section 1 of Act 51 of 1979, section 1 of Act 92 of 1980, section 1 of Act 96 of 1984, section 1 of Act 68 of 1987, section 1 of Act 68 of 1990 and section 1 of Act 92 of 1993

5. Section 1 of the Water Act, 1956, is hereby amended—

(a) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Water Affairs and Forestry;"; and

(b) by the substitution for the definition of "use for urban purposes" of the following definition:

" 'use for urban purposes', in relation to water, means use, by urban and rural people, for purposes for which water is ordinarily used by a local authority or by the inhabitants of such an area, including use for domestic purposes or for the purpose of water-borne sanitation or for the watering of gardens, the watering or cleaning of streets or for industrial purposes;".

Amendment of section 4 of Act 54 of 1956, as amended by section 3 of Act 68 of 1987

6. Section 4 of the Water Act, 1956, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) Nothing in this Act contained shall be construed as affecting or derogating from any rights, powers, duties or functions vested in, conferred upon or assigned to the Rand Water Board under any law: Provided that this subsection shall not apply in respect of any provision of this Act which binds the State.".

Invoeging van Hoofstuk IIA in Wet 54 van 1956

7. Die volgende Hoofstuk word hierby in die Waterwet, 1956, na artikel 26 ingevoeg:

"HOOFSTUK IIA

Waterverskaffing en Sanitasie

Woordomskrywing

26A. In hierdie Hoofstuk beteken—

'komitee' 'n plaaslike waterverskaffings- en sanitasiekomitee ingestel ingevolge artikel 26C(1);

'waterverskaffings- en sanitasiediens' die voorsiening, bedryf en instandhouding van enige fasiliteit—

(a) wat toegang verleen tot water van 'n gehalte wat geskik is vir gebruik vir huishoudelike doeleindes en in voldoende hoeveelhede om basiese menslike behoeftes te bevredig; en

(b) met betrekking tot die verwydering van nagvuil of rioolvuil van huishoudelike oorsprong uit 'n huishoudelike omgewing en die beskikking daaroor,

en ook maatreëls wat die bevordering van die doelmatige gebruik van sodanige fasiliteit ten doel het.

Lewering van waterverskaffings- en sanitasiedienste deur Minister

26B. (1) Die Minister kan, uit gelde vir die doel deur die Parlement bewillig, aan 'n gemeenskap wat grond vir woon- en verwante doeleindes okkupeer, 'n waterverskaffings- en sanitasiediens lewer of laat lewer met die oog op die bevordering van die oogmerk van artikel 29 van die Grondwet of op die bevordering van openbare gesondheid, indien, ten opsigte van daardie gemeenskap, geen plaaslike owerheid bestaan nie of 'n plaaslike owerheid wat regsbevoegdheid het, nie in staat is om sodanige diens te lewer nie.

(2) Enige fasiliteit wat voorsien, bedryf of in stand gehou word deur of ten behoewe van die Minister vir of in verband met die lewering van 'n waterverskaffings- en sanitasiediens ingevolge subartikel (1) word vir die doeleindes van artikels 56(4), 60 en 69 geag 'n Staatswaterwerk te wees.

(3) *(a)* Ter bestryding van enige uitgawes wat aangegaan is of staan te word in verband met die lewering van 'n waterverskaffings- en sanitasiediens, kan die Minister van tyd tot tyd die vorderings wat hy of sy goedvind, hef, en die vorderings aldus gehef ooreenkomstig die bepalings van paragraaf *(c)* verhaal: Met dien verstande dat sodanige vorderings gehef word met inagneming van die vermoë van die betrokke gemeenskap of gemeenskappe om sodanige vorderings te bekostig, en dat inkomste verkry uit sodanige heffings, in geen geval, die uitgawe aangegaan in die lewering van sodanige diens, mag oorskry nie.

(b) Vorderings kragtens paragraaf *(a)* kan gehef word—

(i) in die algemeen ten opsigte van alle waterverskaffings- en sanitasiedienste wat deur of ten behoewe van die Minister gelewer word;

(ii) ten opsigte van 'n bepaalde gemeenskap of kategorieë gemeenskappe deur die Minister bepaal met betrekking tot wie 'n waterverskaffings- en sanitasiediens gelewer word;

(iii) ten opsigte van 'n fasiliteit of kategorieë fasiliteite deur die Minister bepaal, wat voorsien, bedryf of in stand gehou word deur of ten behoewe van die Minister vir of in verband met die lewering van waterverskaffings- en sanitasiedienste.

(c) Vorderings gehef ingevolge hierdie subartikel word verhaal van sodanige lede van die betrokke gemeenskap op 'n grondslag en wyse deur die Minister bepaal—

Insertion of Chapter IIA in Act 54 of 1956

7. The following Chapter is hereby inserted in the Water Act, 1956, after section 26:

"CHAPTER IIA

Water supply and Sanitation

Definitions

26A. In this Chapter—

'committee' means any local water supply and sanitation committee established in terms of section 26C(1);

'water supply and sanitation service' means the provision, operation and maintenance of any facility—

(a) permitting access to water of a quality suitable for use for domestic purposes and in sufficient quantities to satisfy basic human needs; and

(b) relating to the removal of night-soil or sewage of domestic origin from a domestic environment and its disposal,

and includes measures intended to promote the effective use of such facility.

Rendering of water supply and sanitation services by Minister

26B. (1) The Minister may, out of moneys appropriated by Parliament for the purpose, render or cause a water supply and sanitation service to be rendered to any community occupying land for residential and related purposes with a view to promoting the object of section 29 of the Constitution or to promoting public health, if, in respect of that community, no local authority exists or a local authority having jurisdiction is not able to render such service.

(2) Any facility provided, operated or maintained by or on behalf of the Minister for or in connection with the rendering of a water supply and sanitation service in terms of subsection (1) shall, for the purposes of sections 56(4), 60 and 69, be deemed to be a Government water work.

(3) *(a)* In order to defray any expenditure incurred or to be incurred in connection with the rendering of a water supply and sanitation service, the Minister may from time to time assess such charges as he or she deems fit, and may recover the charges so assessed in accordance with the provisions of paragraph *(c)*: Provided that such charges shall be assessed with due regard to the ability of the community or communities concerned to afford such charges, and that revenue resulting from such charges shall not exceed in any case the cost incurred in the rendering of such service.

(b) Charges under paragraph *(a)* may be assessed—

(i) in general in respect of all water supply and sanitation services rendered by or on behalf of the Minister;

(ii) in respect of a particular community or categories of communities as may be determined by the Minister, in relation to which a water supply and sanitation service is rendered;

(iii) in respect of a facility or categories of facilities as may be determined by the Minister, that is provided, operated or maintained by or on behalf of the Minister for or in connection with the rendering of water supply and sanitation services.

(c) Charges assessed in terms of this subsection shall be recovered from such members of the community concerned on a basis and in a manner as may be determined by the Minister—

(i) in die algemeen ten opsigte van alle gemeenskappe met betrekking tot wie waterverskaffings- en sanitasiedienste gelewer word;

(ii) ten opsigte van 'n bepaalde gemeenskap of kategorieë gemeenskappe deur die Minister bepaal met betrekking tot wie waterverskaffings- en sanitasiedienste gelewer word; of

(iii) ten opsigte van 'n fasiliteit of kategorieë fasiliteite deur die Minister bepaal wat voorsien, bedryf of in stand gehou word vir of in verband met die lewering van waterverskaffings- en sanitasiedienste.

Minister kan plaaslike waterverskaffings- en sanitasiekomitees instel

26C. (1) Behoudens artikel 26B(1) kan die Minister, ooreenkomstig die regulasies kragtens artikel 26D uitgevaardig, 'n plaaslike waterverskaffings- en sanitasiekomitee instel om ooreenkomstig vermelde regulasies 'n waterverskaffings- en sanitasiediens soos van tyd tot tyd deur die Minister gelas, te lewer.

(2) 'n Komitee beoog in subartikel (1) word slegs ingestel en 'n lasgewing beoog in daardie subartikel word slegs uitgereik na raadpleging van die betrokke gemeenskap of enige deel van so 'n gemeenskap en van die ander persone of liggame wat die Minister in die algemeen of in 'n bepaalde geval bepaal, met betrekking tot—

(a) die aard en omvang van die waterverskaffings- en sanitasiediens wat gelewer staan te word;

(b) die gebied waarbinne of die gemeenskap met betrekking tot wie die waterverskaffings- en sanitasiediens gelewer staan te word;

(c) die samestelling van die komitee en die wyse waarop lede geïdentifiseer en aangestel moet word;

(d) enige bydrae, *in natura* of andersins, wat die gemeenskap of lede van die gemeenskap moet maak ten opsigte van die voorsiening, bedryf of instandhouding van enige fasiliteit betrokke by die lewering van die waterverskaffings- en sanitasiediens onder oorweging; en

(e) enige ander aangeleentheid wat die Minister of die gemeenskap tersaaklik ag by die lewering van die waterverskaffings- en sanitasiediens onder oorweging.

(3) *(a)* Die Minister kan te eniger tyd, behoudens die bepalings van subartikel (2), 'n komitee skriftelik gelas om die verskaffing van water onder die beheer van daardie komitee aan enige persoon te onderneem vir gebruik vir enige doel, op enige plek en op die voorwaardes uiteengesit in die lasgewing.

(b) 'n Lasgewing kragtens paragraaf *(a)* kan te eniger tyd deur die Minister ingetrek of gewysig word of enige voorwaarde daarin uiteengesit, gekanselleer of gewysig word, of die lasgewing kan onderhewig gemaak word aan sodanige nuwe of bykomstige voorwaardes deur die Minister opgelê.

(4) 'n Komitee ingevolge subartikel (1) ingestel, is 'n regspersoon.

(5) Die Minister kan, ooreenkomstig die regulasies uitgevaardig kragtens artikel 26D, 'n komitee by kennisgewing in die *Staatskoerant* afskaf.

Regulasies

26D. (1) Die Minister kan, behoudens subartikel (2), regulasies uitvaardig betreffende—

(a) die wyse waarop 'n komitee ingestel word;

(b) die samestelling van 'n komitee en die verkiesing of aanstelling van persone as lede van so 'n komitee;

(c) die kwalifikasies vir verkiesing of aanstelling as, die ampstermyn van, en die ontruiming van hul amp as, lede van 'n komitee en die vul van toevallige vakatures in 'n komitee;

(d) die verkiesing en die ampstermyn van 'n voorsitter en enige ander ampsbekleër van 'n komitee;

(i) in general in respect of all communities in relation to which water supply and sanitation services are rendered;
(ii) in respect of a particular community or categories of communities as may be determined by the Minister in relation to which water supply and sanitation services are rendered; or
(iii) in respect of a facility or categories of facilities as may be determined by the Minister that is provided, operated or maintained for or in connection with the rendering of water supply and sanitation services.

Minister may establish local water supply and sanitation committees

26C. (1) Subject to section 26B(1), the Minister may, in accordance with the regulations made under section 26D, establish a local water supply and sanitation committee to render in accordance with the said regulations any water supply and sanitation service as the Minister may from time to time direct.

(2) A committee contemplated in subsection (1) shall only be established and any direction contemplated in that subsection shall only be issued after consultation with the community concerned, or any constituency of such a community and with such other persons or bodies, as the Minister may determine in general or in any particular instance, with regard to—

(a) the nature and extent of the water supply and sanitation service to be rendered;
(b) the area within which or the community in relation to which the water supply and sanitation service is to be rendered;
(c) the composition of the committee and the manner in which members are to be identified and appointed;
(d) any contribution, in kind or otherwise, to be made by the community or members of the community in respect of the provision, operation or maintenance of any facility involved in the rendering of the water supply and sanitation service under consideration; and
(e) any other matter which the Minister or the community considers relevant to the rendering of the water supply and sanitation service under consideration.

(3) *(a)* The Minister may at any time, subject to the provisions of subsection (2), in writing direct a committee to undertake the supply of water under its control, to any person for use for any purpose, at any place and on such conditions as specified in the direction.

(b) Any direction under paragraph *(a)* may at any time be revoked or amended by the Minister or any condition specified therein be cancelled or amended, or the direction may be made subject to such new or additional conditions as the Minister may impose.

(4) Any committee established in terms of subsection (1) shall be a juristic person.

(5) The Minister may, in accordance with the regulations made under section 26D, disestablish any committee by notice in the *Gazette*.

Regulations

26D. (1) The Minister may, subject to subsection (2), make regulations as to—

(a) the manner in which a committee shall be established;
(b) the constitution of a committee and the election or appointment of persons as members of such committee;
(c) the qualifications for election or appointment as, the period of office of, and the vacating of their office as, members of a committee, and the filling of casual vacancies in a committee;
(d) the election and the period of office of a chairperson and any other functionary of a committee;

(e) die byeenroeping van, die prosedure by en die kworum vir vergaderings van 'n komitee;

(f) die besoldiging van, en die betaling van toelaes vir uitgawes aan, 'n lid van 'n komitee;

(g) die aanstelling, die salaris, loon of ander besoldiging, en die regte, voorregte en ander diensvoorwaardes, van enige beampte of werknemer van 'n komitee;

(h) die bevoegdhede, pligte en werksaamhede van 'n komitee, en die delegering of opdra van 'n bevoegdheid, plig of werksaamheid wat by of kragtens hierdie Wet aan 'n komitee toegewys is, aan 'n voorsitter of ander ampsbekleër van 'n komitee of 'n beampte of werknemer van 'n komitee;

(i) vorderings wat deur 'n komitee gehef moet word met betrekking tot die waterverskaffings- en sanitasiediens wat deur hom gelewer word, die verhaling van sodanige vorderings en die stappe wat 'n komitee kan doen in die geval van versuim om die vorderings betyds te betaal, met inbegrip van die betaling van rente op uitstaande vorderings;

(j) die hou van aantekeninge van gelde ontvang of bestee deur 'n komitee, en van sy bates, laste en finansiële transaksies, die opmaak van sy finansiële jaarstate, die ouditering en inspeksie van sodanige aantekeninge en state, en die opgawes wat aan die departement verstrek moet word;

(k) die byeenroeping van en die prosedure by 'n algemene jaarvergadering en 'n spesiale vergadering van die lede van die gemeenskap ten opsigte van wie 'n waterverskaffings- en sanitasiediens gelewer word of gelewer staan te word;

(l) die ondersoek van die sake van 'n komitee deur 'n beampte van die departement, die stappe wat die Minister of die Direkteur-generaal kan doen na aanleiding van so 'n ondersoek en die verteenwoordiging van die departement by vergaderings van 'n komitee;

(m) die verkryging van enige reg, fasiliteit, goed of diens benodig deur 'n komitee vir of in verband met die lewering van 'n waterverskaffings- en sanitasiediens, die aanneem van donasies *in natura* of andersins deur 'n komitee en die vervreemding van enige sodanige reg of bate deur 'n komitee;

(n) die afskaffing van 'n komitee en die afhandeling van sy sake;

(o) die mate waarin en die wyse waarop enige verordening uitgevaardig deur 'n komitee gepubliseer of andersins in die gemeenskap waarop dit van toepassing is, bekend gemaak moet word; en

(p) in die algemeen, 'n aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf by regulasie ten einde die oogmerke van hierdie Hoofstuk te verwesenlik.

(2) Verskillende regulasies kan kragtens subartikel (1) ten opsigte van verskillende komitees of kategorieë komitees deur die Minister bepaal, uitgevaardig word.

Komitees kan verordenings maak

26E. 'n Komitee kan verordenings uitvaardig wat nie met 'n bepaling van hierdie Wet of die regulasies kragtens artikel 26D uitgevaardig onbestaanbaar is nie betreffende—

(a) die metode van toesig of beheer oor die gebruik wat lede van die betrokke gemeenskap maak van 'n waterverskaffings- en sanitasiediens gelewer deur die komitee of van enige fasiliteit voorsien deur die komitee vir of in verband met sodanige diens;

(b) die verskaffing van water soos beoog in artikel 26C(3);

(c) die prosedure by sy vergaderings;

(d) die aanstelling, salaris, loon of ander besoldiging, en die regte, voorregte en ander diensvoorwaardes, van sy beamptes en werknemers;

(e) the convening of and the procedure and quorum at meetings of a committee;
(f) the remuneration of, and the payment of allowances for expenses to, a member of a committee;
(g) the appointment, the salary, wage or other remuneration, and the rights, privileges and other conditions of service, of any officer or employee of a committee;
(h) the powers, duties and functions of a committee, and the delegation or assignment of any power, duty or function entrusted to a committee by or under this Act to a chairperson or other functionary of a committee or an officer or employee of a committee;
(i) charges to be assessed by a committee in relation to the water supply and sanitation service rendered by it, the recovery of any such charges and the steps that a committee can take on failure to pay any such charges on time, including the payment of interest on outstanding charges;
(j) the keeping of records of moneys received or expended by a committee, and of its assets, liabilities and financial transactions, the preparation of its annual financial statements, the auditing and inspection of such records and statements, and the returns to be furnished to the department;
(k) the convening of and the procedure at an annual general meeting and a special meeting of the members of the community in respect of which a water supply and sanitation service is rendered or to be rendered;
(l) the investigation of the affairs of a committee by an officer of the department, any steps that may be taken by the Minister or the Director-General pursuant to such investigation and the representation of the department at meetings of a committee;
(m) the procurement of any right, facility, material or service required by a committee for or in connection with the rendering of a water supply and sanitation service, the acceptance of donations in kind or otherwise by a committee and the disposal of any such right or asset by a committee;
(n) the disestablishment of a committee and the winding up of its affairs;
(o) the extent to, and the manner in, which any by-law made by a committee shall be published or otherwise made known in the community to which it is applicable; and
(p) in general, any matter which the Minister may consider necessary or expedient to prescribe by regulation in order that the objects of this Chapter may be achieved.

(2) Different regulations may be made under subsection (1) in respect of different committees or categories of committees as may be determined by the Minister.

Committees may make by-laws

26E. A committee may make by-laws not inconsistent with a provision of this Act or the regulations made under section 26D as to—

(a) the method of supervising or controlling the use made by members of the community concerned of a water supply and sanitation service rendered by the committee or of any facility provided by the committee for or in connection with such service;
(b) the supply of water as contemplated in section 26C(3);
(c) the procedure at its meetings;
(d) the appointment, salary, wage or other remuneration, and the rights, privileges and other conditions of service, of its officers and employees;

(e) die bevoegdhede, pligte en werksaamhede van die onderskeie ampsbekleërs van die komitee en van sy beamptes en werknemers; en

(f) in die algemeen, enige aangeleentheid wat die komitee nodig of wenslik ag om voor te skryf of te reël ten einde sy bevoegdhede, pligte en werksaamhede uit te oefen of te verrig.

Geldigheid van handelinge verrig deur komitees

26F. (1) 'n Handeling te goeder trou verrig deur 'n komitee of 'n ampsbekleër of 'n beampte of 'n werknemer daarvan by die uitoefening of verrigting van 'n bevoegdheid, plig of werksaamheid wat by of kragtens hierdie Wet aan 'n komitee toegewys is, is, al word daarna ontdek dat daar 'n gebrek in die samestelling, verkiesing of aanstelling van die komitee, ampsbekleër, beampte of werknemer was, of dat die komitee, ampsbekleër, beampte of werknemer andersins onbevoeg was om aldus op te tree, net so geldig asof die komitee, ampsbekleër, beampte of werknemer behoorlik saamgestel, verkies, aangestel of bevoeg was.

(2) 'n Komitee word nie geag gebrekkig saamgestel te wees nie bloot vanweë 'n versuim om die voorgeskrewe getal lede daarvan te verkies of aan te stel of vanweë 'n vakature wat daarin bestaan, mits daar 'n voldoende getal lede in die komitee is om 'n kworum uit te maak.

Minister kan bystand verleen aan komitees

26G. (1) Die Minister kan uit gelde vir die doel deur die Parlement bewillig en op die voorwaardes wat hy of sy, met die instemming van die Minister van Finansies, by kennisgewing in die *Staatskoerant* bepaal—

(a) in die algemeen, ten opsigte van alle komitees of ten opsigte van verskillende kategorieë komitees; of

(b) in enige bepaalde geval,

'n komitee of komitees subsidieer ten opsigte van enige koste deur 'n komitee of komitees aangegaan by die lewering van 'n waterverskaffings- en sanitasiediens: Met dien verstande dat geen subsidie kragtens hierdie subartikel betaal word nie, tensy die Minister die subsidiëring goedgekeur het voordat die betrokke uitgawe aangegaan is.

(2) Die Minister kan deur beamptes van die departement of sodanige ander persone wat die Minister dienstig ag, op die koste van die departement, tegniese, administratiewe, rekeningkundige of ander bystand aan 'n komitee verleen by die uitoefening of verrigting van die komitee se bevoegdhede, pligte of werksaamhede.

(3) Die Minister kan uit gelde vir die doel deur die Parlement bewillig en op die voorwaardes wat hy of sy, met die instemming van die Minister van Finansies, bepaal, geld aan 'n komitee voorskiet ten einde die komitee in staat te stel om enige van sy bevoegdhede, pligte of werksaamhede uit te oefen of te verrig in afwagting van inkomste ontvang te word uit vorderings gehef deur die komitee ten opsigte van die lewering van 'n waterverskaffings- en sanitasiediens.

Misdrywe

26H. Iemand wat—

(a) 'n bepaling van 'n regulasie uitgevaardig kragtens artikel 26D oortree of versuim om daaraan te voldoen; of

(b) 'n bepaling van 'n verordening uitgevaardig kragtens artikel 26E*(a)* of *(b)* oortree of versuim om daaraan te voldoen,

is aan 'n misdryf skuldig.".

(e) the powers, duties and functions of the various functionaries of the committee and of its officers and employees; and

(f) in general, any matter which the committee may consider necessary or desirable to prescribe or regulate in order to exercise or perform its powers, duties and functions.

Validity of acts performed by committees

26F. (1) Any act performed in good faith by a committee or any functionary or officer or employee thereof in the exercise or performance of any power, duty or function entrusted to a committee by or under this Act shall, although it may afterwards be discovered that there was some defect in the constitution, election or appointment of the committee, functionary, officer or employee, or that the committee, functionary, officer or employee was otherwise disqualified from so acting, be as valid as if the committee, functionary, officer or employee had been duly constituted, elected, appointed or qualified.

(2) A committee shall not be deemed to be defectively constituted merely by reason of any failure to elect or appoint the prescribed number of members thereof, or by reason of any vacancy existing therein, provided that there is a sufficient number of members on the committee to form a quorum.

Minister may render assistance to committees

26G. (1) The Minister may out of moneys appropriated by Parliament for such purpose and on such conditions as he or she may by notice in the *Gazette* determine, with the concurrence of the Minister of Finance—

(a) in general, in respect of all committees or in respect of different categories of committees; or

(b) in any particular case,

subsidise a committee or committees in respect of any cost incurred by a committee or committees in rendering any water supply and sanitation service: Provided that no subsidy shall be paid under this subsection unless the Minister has approved the subsidisation before the cost in question has been incurred.

(2) The Minister may through officers of the department or through such other persons as the Minister deems expedient, at the cost of the department, render technical, administrative, accounting or other assistance to a committee in the exercise or performance of its powers, duties and functions.

(3) The Minister may out of moneys appropriated by Parliament for such purpose and on such conditions as he or she may determine, with the concurrence of the Minister of Finance, advance moneys to a committee to enable it to exercise or perform any of its powers, duties or functions in anticipation of revenue to be raised from charges assessed by the committee in respect of a water supply and sanitation service rendered by it.

Offences

26H. Any person who—

(a) contravenes or fails to comply with a provision of any regulation made under section 26D; or

(b) contravenes or fails to comply with any provision of a by-law made under section 26E*(a)* or *(b)*,

shall be guilty of an offence.".

Invoeging van artikel 110C in Wet 54 van 1956

8. Die volgende artikel word hierby in die Waterwet, 1956, na artikel 110B ingevoeg:

"**Bevoegdheid van waterraad om waterverskaffings- en sanitasiediens te lewer**

110C. (1) *(a)* Behoudens subartikel (2) kan 'n waterraad binne die gebied waarvoor dit ingestel is, aan 'n gemeenskap wat grond vir woon- en verwante doeleindes okkupeer, 'n waterverskaffings- en sanitasiediens lewer of laat lewer met die oog op die bevordering van die oogmerk van artikel 29 van die Grondwet of op die bevordering van openbare gesondheid, indien, ten opsigte van daardie gemeenskap, geen plaaslike owerheid bestaan nie of 'n plaaslike owerheid wat regsbevoegdheid het, nie in staat is om sodanige diens te lewer nie.

(b) Vir die doeleindes van hierdie artikel het 'waterverskaffings- en sanitasiediens' die betekenis wat daaraan geheg word in artikel 26A.

(2) *(a)* Die lewering van 'n waterverskaffings- en sanitasiediens kragtens subartikel (1)*(a)* is onderhewig aan die goedkeuring van die Minister wat betrekking kan hê—

(i) op die lewering van sodanige diens aan alle betrokke gemeenskappe binne die gebied waarvoor daardie waterraad ingestel is;

(ii) op die lewering van sodanige diens aan 'n bepaalde gemeenskap of 'n kategorie van gemeenskappe binne die gebied waarvoor die waterraad ingestel is soos deur die Minister bepaal;

(iii) op die vermoë of enige ander kenmerk, soos deur die Minister bepaal, van enige fasiliteit wat voorsien, bedryf of in stand gehou staan te word deur of ten behoewe van die raad vir of in verband met die lewering van 'n waterverskaffings- en sanitasiediens,

en welke goedkeuring onderhewig is aan die voorwaardes wat die Minister bepaal en in die goedkeuring uiteengesit is.

(b) Voorwaardes beoog in paragraaf *(a)* kan voorwaardes insluit met betrekking tot—

(i) minimum standaarde wat gehandhaaf of riglyne wat in ag geneem moet word by die lewering van 'n waterverskaffings- en sanitasiediens;

(ii) die finansiering van sodanige diens;

(iii) vorderings wat gehef moet word ten opsigte van sodanige diens en die persone van wie sodanige vorderings verhaal moet word.".

Wysiging van artikel 123 van Wet 54 van 1956, soos gewysig deur artikel 49 van Wet 96 van 1984

9. Artikel 123 van die Waterwet, 1956, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) Die boekjaar van 'n waterraad eindig op **[die laaste dag van Februarie van]** 'n dag in elke jaar soos van tyd tot tyd deur die waterraad bepaal.".

Wysiging van artikel 2 van Wet 38 van 1988 (Bophuthatswana)

10. Artikel 2 van die "Water Act, 1988" word hierby gewysig—

(a) deur die omskrywing van "Department" deur die volgende omskrywing te vervang:

" 'Department' means the Department of Water Affairs and Forestry;";

(b) deur die volgende omskrywing na die omskrywing van "Department" in te voeg:

" 'Director-General' means the Director-General: Water Affairs and Forestry;";

(c) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

" 'Minister' means the Minister of Water Affairs and Forestry;";

Insertion of section 110C in Act 54 of 1956

8. The following section is hereby inserted in the Water Act, 1956, after section 110B:

"Power of water board to render water supply and sanitation service

110C. (1) *(a)* A water board may, subject to subsection (2), render or cause a water supply and sanitation service to be rendered within the area for which it has been established to any community occupying land for residential and related purposes with a view to promoting the object of section 29 of the Constitution or to promoting public health, if in respect of that community, no local authority exists or a local authority having jurisdiction is not able to render such service.

(b) For the purposes of this section 'water supply and sanitation service' shall have the meaning assigned thereto in section 26A.

(2) *(a)* The rendering of a water supply and sanitation service under subsection (1)*(a)* shall be subject to the approval of the Minister which may relate—

(i) to the rendering of such service to all communities concerned within the area for which that water board has been established;

(ii) to the rendering of such service to a particular community or to a category of communities within the area for which that water board has been established as may be determined by the Minister;

(iii) to the capacity or any other typical feature, as may be determined by the Minister, of any facility to be provided, operated or maintained by or on behalf of that water board for or in connection with the rendering of a water supply and sanitation service,

and which approval shall be subject to such conditions as may be determined by the Minister and specified in the approval.

(b) Conditions contemplated in paragraph *(a)* may include conditions relating to—

(i) minimum standards to be maintained or guidelines to be taken into account in the rendering of a water supply and sanitation service;

(ii) the financing of such service;

(iii) charges to be assessed in respect of such service and the persons from whom such charges shall be recovered.".

Amendment of section 123 of Act 54 of 1956, as amended by section 49 of Act 96 of 1984

9. Section 123 of the Water Act, 1956, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The financial year of a water board shall end on **[the last day of February]** a date in each year as determined from time to time by the water board.".

Amendment of section 2 of Act 38 of 1988 (Bophuthatswana)

10. Section 2 of the Water Act, 1988, is hereby amended—

(a) by the substitution for the definition of "Department" of the following definition:

" 'Department' means the Department of Water Affairs and Forestry;";

(b) by the insertion after the definition of "Department" of the following definition:

" 'Director-General' means the Director-General: Water Affairs and Forestry;";

(c) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Water Affairs and Forestry;";

(d) deur die volgende omskrywing na die omskrywing van "repealed law" in te voeg:

" 'Republic' means the territory of the former Republic of Bophuthatswana;"; en

(e) deur die omskrywing van "Secretary" te skrap.

Vervanging van sekere uitdrukkings in Wet 38 van 1988 (Bophuthatswana)

11. Die "Water Act, 1988" word hierby gewysig—

(a) deur die uitdrukking "Bophuthatswana Water Supply Authority", oral waar dit voorkom, deur die uitdrukking "North-West Water Supply Authority" te vervang; en

(b) deur die uitdrukking "Secretary", oral waar dit voorkom, deur die uitdrukking "Director-General" te vervang.

Wysiging van artikel 2 van Wet 39 van 1988 (Bophuthatswana)

12. Artikel 2 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby gewysig—

(a) deur die omskrywing van "Department" deur die volgende omskrywing te vervang:

" 'Department' means the Department of Water Affairs and Forestry;";

(b) deur die volgende omskrywing na die omskrywing van "designated water supply authority" in te voeg:

" 'Director-General' means the Director-General: Water Affairs and Forestry;";

(c) deur die volgende omskrywing na die omskrywing van "General Reserve Fund" in te voeg:

" 'Government of the Republic' means the Government of the Republic of South Africa;";

(d) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

" 'Minister' means the Minister of Water Affairs and Forestry;";

(e) deur die volgende omskrywing na die omskrywing van "regulation" in te voeg:

" 'Republic' means the territory of the former Republic of Bophuthatswana;"; en

(f) deur die omskrywing van "Secretary" te skrap.

Vervanging van artikels 3 en 4 van Wet 39 van 1988 (Bophuthatswana)

13. Artikels 3 en 4 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby deur onderskeidelik die volgende artikels vervang:

"Establishment of North-West Water Supply Authority, and objects thereof

3. (1) There is hereby established the **[Bophuthatswana]** North-West Water Supply Authority, which shall, subject to the provisions of the Water Act, 1988, and in accordance with the provisions of this Act—

(a) supply and distribute and ensure the provision of water, whether in purified or unpurified form, on a co-ordinated basis to consumers on a national scale;

(b) render effluent treatment or purification services to persons in the Republic and, where necessary, dispose of effluent, including water recovered from effluent.

(2) The **[Bophuthatswana]** North-West Water Supply Authority shall, under that name, be a body corporate with perpetual succession and, for the purposes of carrying on its business and operations and exercising and performing its powers, functions and duties under this Act, be capable in law of instituting or defending or opposing legal proceedings of whatever nature, of purchasing or otherwise acquiring and holding and alienating movable and immovable property and

(d) by the insertion after the definition of "repealed law" of the following definition:

" 'Republic' means the territory of the former Republic of Bophuthatswana;"; and

(e) by the deletion of the definition of "Secretary".

Substitution of certain expressions in Act 38 of 1988 (Bophuthatswana)

11. The Water Act, 1988, is hereby amended—

(a) by the substitution for the expression "Bophuthatswana Water Supply Authority", wherever it occurs, of the expression "North-West Water Supply Authority"; and

(b) by the substitution for the expression "Secretary", wherever it occurs, of the expression "Director-General".

Amendment of section 2 of Act 39 of 1988 (Bophuthatswana)

12. Section 2 of the Bophuthatswana Water Supply Authority Act, 1988, is hereby amended—

(a) by the substitution for the definition of "Department" of the following definition:

" 'Department' means the Department of Water Affairs and Forestry;";

(b) by the insertion after the definition of "designated water supply authority" of the following definition:

" 'Director-General' means the Director-General: Water Affairs and Forestry;";

(c) by the insertion after the definition of "General Reserve Fund" of the following definition:

" 'Government of the Republic' means the Government of the Republic of South Africa;";

(d) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Water Affairs and Forestry;";

(e) by the insertion after the definition of "regulation" of the following definition:

" 'Republic' means the territory of the former Republic of Bophuthatswana;"; and

(f) by the deletion of the definition of "Secretary".

Substitution of sections 3 and 4 of Act 39 of 1988 (Bophuthatswana)

13. The following sections are hereby substituted for sections 3 and 4 of the Bophuthatswana Water Supply Authority Act, 1988, respectively:

"Establishment of North-West Water Supply Authority, and objects thereof

3. (1) There is hereby established the **[Bophuthatswana]** North-West Water Supply Authority, which shall, subject to the provisions of the Water Act, 1988, and in accordance with the provisions of this Act—

(a) supply and distribute and ensure the provision of water, whether in purified or unpurified form, on a co-ordinated basis to consumers on a national scale;

(b) render effluent treatment or purification services to persons in the Republic and, where necessary, dispose of effluent, including water recovered from effluent.

(2) The **[Bophuthatswana]** North-West Water Supply Authority shall, under that name, be a body corporate with perpetual succession and, for the purposes of carrying on its business and operations and exercising and performing its powers, functions and duties under this Act, be capable in law of instituting or defending or opposing legal proceedings of whatever nature, of purchasing or otherwise acquiring and holding and alienating movable and immovable prop-

acquiring real and other rights thereto or any interests therein, of entering into contracts and agreements and, generally, of performing and doing such other acts and things as bodies corporate may by law perform and do, subject to the provisions of this Act.

(3) As from the commencement of this Act and subject to the provisions thereof, the Authority shall be controlled and represented by the **[Bophuthatswana]** North-West Water Supply Authority Board as hereinafter provided, and all acts of that Board shall be deemed to be acts of the Authority.

Composition of North-West Water Supply Authority Board

4. (1) The **[Bophuthatswana]** North-West Water Supply Authority Board shall consist of **[not more than eleven and not fewer than seven members]** such number of members as the Minister may from time to time determine of whom—

(a) **[one shall be the Chief Executive Officer;**

*(b)***]** one shall be **[the Secretary]** an officer of the Department designated by the Director-General; and

[*(c)***]***(b)* the remaining members shall be appointed in terms of subsection (3) by virtue of being suitable for membership in view of—

(i) their professional, technical or administrative qualifications, expertise or experience; or

(ii) being representative of the broad classes of consumers within the Republic.

(2) There may for each or any member of the Board referred to in subsection (1)**[***(c)***]** — hereinafter referred to as an appointed member — be appointed an alternate member, and for the purposes of the appointment of **[such]** an alternate member in respect of a member contemplated in subsection (1)*(b)*, the considerations in subparagraphs (i) and (ii) of that subsection which are relevant to the appointment of the member of the Board for whom he or she is an alternate, shall *mutatis mutandis* apply.

(3) The members of the board referred to in **[subsections (1)***(c)***]** subsection (1)*(b)* and referred to in subsection (2), excluding the alternate member to the member referred to in subsection (1)*(a)*, shall be appointed by the Minister for such period (not exceeding three years) as the Minister may generally or in relation to any particular member determine, and any such member who is not in the full-time service of the State shall, in connection with the performance of his or her functions and duties as a member of the Board, be paid such remuneration and allowances and be entitled to such perquisites as the Minister in consultation with the Minister of Finance may from time to time determine.

(4) Upon the expiration of the term of office of any appointed member or alternate member, he or she shall be eligible for re-appointment.

(5) Whenever an appointed member of the Board in respect of whom a person has been appointed as alternate, is for any reason unable to attend a meeting of the Board or to exercise and perform his or her powers, functions and duties as a member of the Board, such alternate member may in the place of the appointed member for whom he or she is the alternate attend such meeting of the Board and participate in the proceedings and voting thereat and fully exercise and perform all the other powers, functions and duties of that appointed member: Provided that the person appointed as the alternate for the **[chairman]** chairperson shall not at any meeting of the Board at which the **[chairman]** chairperson is absent, exercise or perform any of the powers, functions or duties pertaining to the office of **[chairman]** chairperson.".

Wysiging van artikel 6 van Wet 39 van 1988 (Bophuthatswana)

14. Artikel 6 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

erty and acquiring real and other rights thereto or any interests therein, of entering into contracts and agreements and, generally, of performing and doing such other acts and things as bodies corporate may by law perform and do, subject to the provisions of this Act.

(3) As from the commencement of this Act and subject to the provisions thereof, the Authority shall be controlled and represented by the **[Bophuthatswana]** North-West Water Supply Authority Board as hereinafter provided, and all acts of that Board shall be deemed to be acts of the Authority.

Composition of North-West Water Supply Authority Board

4. (1) The **[Bophuthatswana]** North-West Water Supply Authority Board shall consist of **[not more than eleven and not fewer than seven members]** such number of members as the Minister may from time to time determine of whom—

(a) **[one shall be the Chief Executive Officer;**

(b)] one shall be **[the Secretary]** an officer of the Department designated by the Director-General; and

[*(c)***]***(b)* the remaining members shall be appointed in terms of subsection (3) by virtue of being suitable for membership in view of—

(i) their professional, technical or administrative qualifications, expertise or experience; or

(ii) being representative of the broad classes of consumers within the Republic.

(2) There may for each or any member of the Board referred to in subsection (1)**[***(c)***]** — hereinafter referred to as an appointed member — be appointed an alternate member, and for the purposes of the appointment of **[such]** an alternate member in respect of a member contemplated in subsection (1)*(b)*, the considerations in subparagraphs (i) and (ii) of that subsection which are relevant to the appointment of the member of the Board for whom he or she is an alternate, shall *mutatis mutandis* apply.

(3) The members of the board referred to in **[subsections (1)***(c)***]** subsection (1)*(b)* and referred to in subsection (2), excluding the alternate member to the member referred to in subsection (1)*(a)*, shall be appointed by the Minister for such period (not exceeding three years) as the Minister may generally or in relation to any particular member determine, and any such member who is not in the full-time service of the State shall, in connection with the performance of his or her functions and duties as a member of the Board, be paid such remuneration and allowances and be entitled to such perquisites as the Minister in consultation with the Minister of Finance may from time to time determine.

(4) Upon the expiration of the term of office of any appointed member or alternate member, he or she shall be eligible for re-appointment.

(5) Whenever an appointed member of the Board in respect of whom a person has been appointed as alternate, is for any reason unable to attend a meeting of the Board or to exercise and perform his or her powers, functions and duties as a member of the Board, such alternate member may in the place of the appointed member for whom he or she is the alternate attend such meeting of the Board and participate in the proceedings and voting thereat and fully exercise and perform all the other powers, functions and duties of that appointed member: Provided that the person appointed as the alternate for the **[chairman]** chairperson shall not at any meeting of the Board at which the **[chairman]** chairperson is absent, exercise or perform any of the powers, functions or duties pertaining to the office of **[chairman]** chairperson.".

Amendment of section 6 of Act 39 of 1988 (Bophuthatswana)

14. Section 6 of the Bophuthatswana Water Supply Authority Act, 1988, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding the provisions of section 4(3), the term of office of any appointed or alternate member may, before the expiration thereof, be terminated at any time by the Minister if in the opinion of the Minister there are good reasons for doing so (whereupon the member concerned shall be removed from office) **[**—

(a) **on account of his misconduct;**

(b) **on account of unfitness for the duties of his office;**

(c) **on the ground of a permanent infirmity of mind or body which renders him incapable of discharging the duties of his office or discharging them properly;**

(d) **if he is or has become disqualified in terms of section 5;**

(e) **when he ceases to hold any qualification which, in terms of section 4(1)*(c)*, is a prerequisite for his appointment as a member under that section]**.".

Wysiging van artikel 10 van Wet 39 van 1988 (Bophuthatswana)

15. Artikel 10 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) At any meeting of the Board the quorum shall be

[*(a)* **four members where the Board has seven or eight members;**

(b) **five members where the Board has nine or ten members; or**

(c) **six members where the Board has eleven members]**

such number of members as constitutes half of the total number of members constituting the Board at the time of the meeting or, if the Board is constituted of an unequal number of members, such number as just exceeds half of the total number of members.".

Wysiging van artikel 17 van Wet 39 van 1988 (Bophuthatswana), soos gewysig deur artikel 8 van Wet 40 van 1989 (Bophuthatswana)

16. Artikel 17 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby gewysig—

(a) deur na subartikel (5) die volgende subartikel in te voeg:

"(5A) The Chief Executive Officer shall not, without his or her own consent, be removed from his or her office, nor shall his or her salary or his or her emoluments be reduced, without the approval of the Minister: Provided that the Board may suspend the Chief Executive Officer from the duties or emoluments of his or her office for gross incapacity, neglect or misconduct pending the sanction of the Minister to his or her dismissal, in which event the Chief Executive Officer shall, upon sanction being granted, be deemed to have been removed from office as from the date of such suspension."; en

(b) deur subartikels (6), (7) en (8) te skrap.

Wysiging van artikel 22 van Wet 39 van 1988 (Bophuthatswana)

17. Artikel 22 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby gewysig—

(a) deur die uitdrukking "State President", oral waar dit in subartikels (1), (2), (3) en (4) voorkom, deur die uitdrukking "Minister" te vervang; en

(b) deur die uitdrukking "Minister", oral waar dit in subartikels (2) en (3) voorkom, deur die uitdrukking "Director-General" te vervang.

Wysiging van artikel 34 van Wet 39 van 1988 (Bophuthatswana), soos gewysig deur artikel 1 van Wet 33 van 1991 (Bophuthatswana)

18. Artikel 34 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) The Board shall, not later than 30 days after receipt of the auditor's report referred to in subsection (2), submit a copy of the audited financial statements of the Authority, together with such report and the report referred to in subsection (3), to the Minister **[who shall, within fourteen days**

"(1) Notwithstanding the provisions of section 4(3), the term of office of any appointed or alternate member may, before the expiration thereof, be terminated at any time by the Minister if in the opinion of the Minister there are good reasons for doing so (whereupon the member concerned shall be removed from office) **[—**

(a) **on account of his misconduct;**

(b) **on account of unfitness for the duties of his office;**

(c) **on the ground of a permanent infirmity of mind or body which renders him incapable of discharging the duties of his office or discharging them properly;**

(d) **if he is or has become disqualified in terms of section 5;**

(e) **when he ceases to hold any qualification which, in terms of section 4(1)*(c)*, is a prerequisite for his appointment as a member under that section]**.".

Amendment of section 10 of Act 39 of 1988 (Bophuthatswana)

15. Section 10 of the Bophuthatswana Water Supply Authority Act, 1988, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) At any meeting of the Board the quorum shall be

[*(a)* four members where the Board has seven or eight members;

(b) **five members where the Board has nine or ten members; or**

(c) **six members where the Board has eleven members]**

such number of members as constitutes half of the total number of members constituting the Board at the time of the meeting or, if the Board is constituted of an unequal number of members, such number as just exceeds half of the total number of members.".

Amendment of section 17 of Act 39 of 1988 (Bophuthatswana), as amended by section 8 of Act 40 of 1989 (Bophuthatswana)

16. Section 17 of the Bophuthatswana Water Supply Authority Act, 1988, is hereby amended—

(a) by the insertion after subsection (5) of the following subsection:

"(5A) The Chief Executive Officer shall not, without his or her own consent, be removed from his or her office, nor shall his or her salary or his or her emoluments be reduced, without the approval of the Minister: Provided that the Board may suspend the Chief Executive Officer from the duties or emoluments of his or her office for gross incapacity, neglect or misconduct pending the sanction of the Minister to his or her dismissal, in which event the Chief Executive Officer shall, upon sanction being granted, be deemed to have been removed from office as from the date of such suspension."; and

(b) by the deletion of subsections (6), (7) and (8).

Amendment of section 22 of Act 39 of 1988 (Bophuthatswana)

17. Section 22 of the Bophuthatswana Water Supply Authority Act, 1988, is hereby amended—

(a) by the substitution for the expression "State President", wherever it occurs in subsections (1), (2), (3) and (4), of the expression "Minister"; and

(b) by the substitution for the expression "Minister", wherever it occurs in subsections (2) and (3), of the expression "Director-General".

Amendment of section 34 of Act 39 of 1988 (Bophuthatswana), as amended by section 1 of Act 33 of 1991 (Bophuthatswana)

18. Section 34 of the Bophuthatswana Water Supply Authority Act, 1988, is hereby amended by the substitution for subsection (4) of the following subsection:

"(4) The Board shall, not later than 30 days after receipt of the auditor's report referred to in subsection (2), submit a copy of the audited financial statements of the Authority, together with such report and the report

after receipt thereof, lay it on the table in the National Assembly, if the National Assembly is then in session, or, if the National Assembly is not then in session, within fourteen days after the commencement of its next ensuing session].".

Invoeging van Hoofstuk IIIA in Wet 39 van 1988 (Bophuthatswana)

19. Die volgende Hoofstuk word hierby in die "Bophuthatswana Water Supply Authority Act, 1988" na artikel 40 ingevoeg:

"CHAPTER IIIA

Water supply and Sanitation

Power of Authority to render water supply and sanitation service

40A. (1) *(a)* The Authority may, subject to subsection (2), render or cause a water supply and sanitation service to be rendered within an area of supply as determined in terms of section 36(1) to any community occupying land for residential and related purposes with a view to promoting the object of section 29 of the Constitution or to promoting public health, if in respect of that community, no local authority exists or a local authority having jurisdiction is not able to render such service.

(b) For the purposes of this section 'water supply and sanitation service' shall have the meaning assigned thereto in section 26A of the Water Act, 1956 (Act No. 54 of 1956).

(2) *(a)* The rendering of a water supply and sanitation service under subsection (1)*(a)* shall be subject to the approval of the Minister which may relate—

(i) to the rendering of such service to all communities concerned within the Authority's area of supply as determined in terms of section 36(1);

(ii) to the rendering of such service to a particular community or to a category of communities within the Authority's area of supply as determined in terms of section 36(1) as may be determined by the Minister;

(iii) to the capacity or any other typical feature, as may be determined by the Minister, of any facility to be provided, operated or maintained by or on behalf of the Authority for or in connection with the rendering of a water supply and sanitation service,

and which approval shall be subject to such conditions as may be determined by the Minister and specified in the approval.

(b) Conditions contemplated in paragraph *(a)* may include conditions relating to—

(i) minimum standards to be maintained or guidelines to be taken into account in the rendering of a water supply and sanitation service;

(ii) the financing of such service;

(iii) charges to be assessed in respect of such service and the persons from whom such charges shall be recovered.".

Vervanging van artikel 47 van Wet 39 van 1988 (Bophuthatswana)

20. Artikel 47 van die "Bophuthatswana Water Supply Authority Act, 1988" word hierby deur die volgende artikel vervang:

"Short title

47. This Act shall be called the **[Bophuthatswana]** North-West Water Supply Authority Act, 1988.".

referred to in subsection (3), to the Minister **[who shall, within fourteen days after receipt thereof, lay it on the table in the National Assembly, if the National Assembly is then in session, or, if the National Assembly is not then in session, within fourteen days after the commencement of its next ensuing session]**.".

Insertion of Chapter IIIA in Act 39 of 1988 (Bophuthatswana)

19. The following Chapter is hereby inserted in the Bophuthatswana Water Supply Authority Act, 1988, after section 40:

"CHAPTER IIIA

Water supply and Sanitation

Power of Authority to render water supply and sanitation service

40A. (1) *(a)* The Authority may, subject to subsection (2), render or cause a water supply and sanitation service to be rendered within an area of supply as determined in terms of section 36(1) to any community occupying land for residential and related purposes with a view to promoting the object of section 29 of the Constitution or to promoting public health, if in respect of that community, no local authority exists or a local authority having jurisdiction is not able to render such service.

(b) For the purposes of this section 'water supply and sanitation service' shall have the meaning assigned thereto in section 26A of the Water Act, 1956 (Act No. 54 of 1956).

(2)*(a)* The rendering of a water supply and sanitation service under subsection (1)*(a)* shall be subject to the approval of the Minister which may relate—

(i) to the rendering of such service to all communities concerned within the Authority's area of supply as determined in terms of section 36(1);

(ii) to the rendering of such service to a particular community or to a category of communities within the Authority's area of supply as determined in terms of section 36(1) as may be determined by the Minister;

(iii) to the capacity or any other typical feature, as may be determined by the Minister, of any facility to be provided, operated or maintained by or on behalf of the Authority for or in connection with the rendering of a water supply and sanitation service,

and which approval shall be subject to such conditions as may be determined by the Minister and specified in the approval.

(b) Conditions contemplated in paragraph *(a)* may include conditions relating to—

(i) minimum standards to be maintained or guidelines to be taken into account in the rendering of a water supply and sanitation service;

(ii) the financing of such service;

(iii) charges to be assessed in respect of such service and the persons from whom such charges shall be recovered.".

Substitution of section 47 of Act 39 of 1988 (Bophuthatswana)

20. The following section is hereby substituted for section 47 of the Bophuthatswana Water Supply Authority Act, 1988:

"Short title

47. This Act shall be called the **[Bophuthatswana]** North-West Water Supply Authority Act, 1988.".

Vervanging van sekere uitdrukkings in Wet 39 van 1988 (Bophuthatswana)

21. (1) Die "Bophuthatswana Water Supply Authority Act, 1988" word hierby gewysig—

(a) deur die uitdrukking "Bophuthatswana Water Supply Authority", oral waar dit voorkom, deur die uitdrukking "North-West Water Supply Authority" te vervang;

(b) deur die uitdrukking "Bophuthatswana Water Supply Authority Board", oral waar dit voorkom, deur die uitdrukking "North-West Water Supply Authority Board" te vervang; en

(c) deur die uitdrukking "Secretary", oral waar dit voorkom, deur die uitdrukking "Director-General" te vervang.

(2) Tensy dit in 'n bepaalde geval klaarblyklik onvanpas sou wees, word 'n verwysing in enige wet of stuk na "Bophuthatswana Water Supply Authority" of "Bophuthatswana Water Supply Authority Board" uitgelê as 'n verwysing na onderskeidelik "North-West Water Supply Authority" en "North-West Water Supply Authority Board".

Uitbreiding van regsgebied van "North-West Water Supply Authority"

22. (1) Ondanks enige bepaling van die "Water Act, 1988" (Wet No. 38 van 1988) (Bophuthatswana), die "North-West Water Supply Authority Act, 1988" (Wet No. 39 van 1988) (Bophuthatswana), of enige ander wet, is die "North-West Water Supply Authority" (in hierdie artikel die "Authority" genoem) wat ingestel is by artikel 3 van genoemde "North-West Water Supply Authority Act, 1988", bevoeg om, behoudens subartikels (2) en (3), enige bevoegdheid, werksaamheid of plig wat deur of kragtens enige wet bedoel of beoog in hierdie subartikel aan hom opgedra is, binne die gebied van die Provinsie Noordwes soos omskryf in Deel 1 van Bylae 1 by die Grondwet wat nie normaalweg binne die regsgebied van die "Authority" is nie, uit te oefen of te verrig.

(2) Die uitoefening of verrigting van 'n bevoegdheid, plig of werksaamheid bedoel in subartikel (1), is onderhewig aan die publikasie van 'n kennisgewing in die *Staatskoerant* deur die Direkteur-generaal: Waterwese en Bosbou, waarin—

(a) die bevoegdheid, werksaamheid of plig wat uitgeoefen of verrig staan te word deur die "Authority" uiteengesit word; en

(b) die gebied waarin sodanige bevoegdheid, werksaamheid of plig uitgeoefen of verrig staan te word, omskryf word.

(3) Die Minister van Waterwese en Bosbou kan in die algemeen of met betrekking tot 'n bepaalde kennisgewing bedoel in subartikel (2), by kennisgewing in die *Staatskoerant*—

(a) verklaar dat enige bepaling in die Waterwet, 1956 (Wet No. 54 van 1956), met betrekking tot 'n gebied ten opsigte waarvan 'n waterraad kragtens artikel 108 van genoemde Wet ingestel is, of met betrekking tot so 'n waterraad, ten opsigte van die "Authority" van toepassing is vir soverre in die kennisgewing bepaal word;

(b) in die mate wat hy of sy dit nodig ag vir die doeltreffende uitoefening of verrigting van sodanige bevoegdheid, werksaamheid of plig deur die "Authority" of vir die doeltreffende uitvoering van genoemde Waterwet, 1956, of enige wet bedoel of beoog in subartikel (1)—

(i) die Waterwet, 1956, of sodanige ander wet wysig of aanpas ten einde die toepassing of interpretasie daarvan te reël;

(ii) daardie bepalings van die Waterwet, 1956, of sodanige ander wet wat betrekking het op die uitoefening of verrigting van so 'n bevoegdheid, plig of werksaamheid deur die "Authority", herroep en herverorden;

(iii) enige ander aangeleentheid reël wat vir die uitoefening of verrigting van so 'n bevoegdheid, plig of werksaamheid nodig is.

(4) Die Minister van Waterwese en Bosbou kan te eniger tyd 'n kennisgewing in subartikel (3) bedoel, by kennisgewing in die *Staatskoerant* wysig of intrek.

Substitution of certain expressions in Act 39 of 1988 (Bophuthatswana)

21. (1) The Bophuthatswana Water Supply Authority Act, 1988, is hereby amended—

(a) by the substitution for the expression "Bophuthatswana Water Supply Authority", wherever it occurs, of the expression "North-West Water Supply Authority";

(b) by the substitution for the expression "Bophuthatswana Water Supply Authority Board", wherever it occurs, of the expression "North-West Water Supply Authority Board"; and

(c) by the substitution for the expression "Secretary", wherever it occurs, of the expression "Director-General".

(2) Unless it is clearly inappropriate in any particular case, any reference in any law or document to "Bophuthatswana Water Supply Authority" or "Bophuthatswana Water Supply Authority Board" shall be construed as a reference to "North-West Water Supply Authority" and "North-West Water Supply Authority Board", respectively.

Extension of area of jurisdiction of North-West Water Supply Authority

22. (1) Notwithstanding any provision of the Water Act, 1988 (Act No. 38 of 1988) (Bophuthatswana), the North-West Water Supply Authority Act, 1988 (Act No. 39 of 1988) (Bophuthatswana), or any other law, the North-West Water Supply Authority (in this section referred to as "the Authority") established by section 3 of the said North-West Water Supply Authority Act, 1988, shall, subject to subsections (2) and (3), be capable of exercising any power and performing any function or duty conferred or imposed on it by or under any law referred to or contemplated in this subsection, within the area of the Province of North-West as defined in Part 1 of Schedule 1 to the Constitution that is not normally in its area of jurisdiction.

(2) The exercise or performance of any power, function or duty as contemplated in subsection (1), shall be subject to the publication in the *Gazette* of a notice by the Director-General: Water Affairs and Forestry in which—

(a) the power, function or duty to be exercised or performed by the Authority shall be set out; and

(b) the area in which such power, function or duty shall be exercised or performed shall be described.

(3) The Minister of Water Affairs and Forestry may in general or in relation to any particular notice referred to in subsection (2), by notice in the *Gazette*—

(a) declare that any provision of the Water Act, 1956 (Act No. 54 of 1956), relating to an area for which a water board has been established under section 108 of the said Act, or relating to such water board, shall apply to the Authority to the extent stated in the declaration;

(b) in so far as he or she considers it necessary for the efficient exercise or performance by the Authority of such power, function or duty or for the efficient carrying out of the said Water Act, 1956, or any law referred to or contemplated in subsection (1)—

(i) amend or adapt the Water Act, 1956, or such other law in order to regulate its application or interpretation;

(ii) repeal and re-enact those provisions of the Water Act, 1956, or any such other law to which the exercise or performance of any such power, function or duty by the Authority relates;

(iii) regulate any other matter which is necessary for the exercise or performance of such power, function or duty.

(4) The Minister of Water Affairs and Forestry may at any time amend or withdraw a notice referred to in subsection (3) by notice in the *Gazette*.

Uitoefening of verrigting van bevoegdhede, werksaamhede of pligte deur waterrade binne sekere gebiede van die Provinsie Noordwes

23. (1) Die Minister van Waterwese en Bosbou kan, ondanks die bepalings van die "North-West Water Supply Authority Act, 1988" (Wet No. 39 van 1988) (Bophuthatswana), maar behoudens subartikels (2) en (3) van hierdie artikel, by kennisgewing in die *Staatskoerant*, 'n waterraad ingestel kragtens artikel 108 van die Waterwet, 1956 (Wet No. 54 van 1956), gelas om enige bevoegdheid, werksaamheid of plig wat genoemde Waterwet, 1956, in so 'n waterraad vestig of aan hom opdra, uit te oefen of te verrig in enige gebied van die Provinsie Noordwes soos omskryf in Deel 1 van Bylae 1 by die Grondwet, ten opsigte waarvan genoemde "North-West Water Supply Authority Act, 1988" van toepassing is.

(2) Die uitoefening of verrigting van 'n bevoegdheid, werksaamheid of plig bedoel in subartikel (1), is onderhewig aan die bepalings van die "Water Act, 1988" (Wet No. 38 van 1988) (Bophuthatswana): Met dien verstande dat enige verwysing in daardie Wet na die "North-West Water Supply Authority" uitgelê word as 'n verwysing na die betrokke waterraad.

(3) 'n Kennisgewing bedoel in subartikel (1) moet—

(a) die bevoegdheid, werksaamheid of plig wat uitgeoefen of verrig staan te word, uiteensit; en

(b) die gebied waarin sodanige bevoegdheid, werksaamheid of plig uitgeoefen of verrig staan te word, omskryf.

Kort titel

24. Hierdie Wet heet die Rasionaliserings- en Wysigingswet op Waterwette, 1994.

Exercise and performance of powers, functions or duties by water boards in certain areas of the Province of North-West

23. (1) The Minister of Water Affairs and Forestry may, notwithstanding the provisions of the North-West Water Supply Authority Act, 1988 (Act No. 39 of 1988) (Bophuthatswana), but subject to subsections (2) and (3) of this section, by notice in the *Gazette*, direct a water board established under section 108 of the Water Act, 1956 (Act No. 54 of 1956), to exercise or perform any power, function or duty vested in or assigned to such water board by the provisions of the said Water Act, 1956, within any area of the Province of North-West as defined in Part 1 of Schedule 1 to the Constitution, in respect of which the said North-West Water Supply Authority Act, 1988, applies.

(2) The exercise or performance of any power, function or duty referred to in subsection (1), shall be subject to the provisions of the Water Act, 1988 (Act No. 38 of 1988) (Bophuthatswana): Provided that any reference in that Act to the North-West Water Supply Authority, shall be construed as a reference to the water board in question.

(3) A notice referred to in subsection (1) shall—

(a) set out the power, function or duty to be exercised or performed; and

(b) describe the area in which such power, function or duty is to be exercised or performed.

Short title

24. This Act shall be called the Water Laws Rationalisation and Amendment Act, 1994.

Bylae 1

DEEL 1

Wette herroep deur artikel 1(1)

	Nommer en jaar van wet	Kort titel	Omvang van wette herroep	Gebied van nasionale grondgebied ten opsigte waarvan wet herroep word
(a)	Wet No. 11 van 1919	Oevergrond (Erven en Dorpsgronden) Wet, 1919	Die geheel	Die gebiede van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
(b)	Wet No. 24 van 1921	Durban Waterwerken Konsolidatie (Private) Wet, 1921	Die geheel	Die gebied van die voormalige selfregerende gebied van KwaZulu
	Wet No. 20 van 1937	Durban Waterwerke (Private) Wet, 1937	Die geheel	
(c)	Wet No. 37 van 1946	Wet tot Reëling van die N'Jelele-besproeiingsdistrik, 1946	Die geheel	Die gebied van die voormalige Republiek van Venda
(d)	Wet No. 24 van 1949	Wet op die Besproeiingskema Bospoort, 1949	Die geheel	Die gebied van die voormalige Republiek van Bophuthatswana
(e)	Wet No. 54 van 1956	Waterwet, 1956	Die geheel	Die gebiede van die voormalige Republieke van Transkei, Venda en Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
	Wet No. 75 van 1957	Waterwysigingswet, 1957	Die geheel	
	Wet No. 56 van 1961	Waterwysigingswet, 1961	Die geheel	
	Wet No. 63 van 1963	Waterwysigingswet, 1963	Die geheel	
	Wet No. 71 van 1965	Waterwysigingswet, 1965	Die geheel	
	Wet No. 11 van 1966	Waterwysigingswet, 1966	Die geheel	
	Wet No. 28 van 1966	Wet op Landboukrediet, 1966	Artikel 57	
	Wet No. 79 van 1967	Waterwysigingswet, 1967	Die geheel	
	Wet No. 15 van 1969	Wet op die Instelling van die Noord-Kaapse Afdeling van die Hooggeregshof van Suid-Afrika, 1969	Artikel 19	
	Wet No. 77 van 1969	Waterwysigingswet, 1969	Die geheel	
	Wet No. 36 van 1971	Waterwysigingswet, 1971	Die geheel	
	Wet No. 45 van 1972	Waterwysigingswet, 1972	Die geheel	

Schedule 1

PART 1

Laws repealed by section 1(1)

Number and year of law	Short title	Extent of laws repealed	Area of national territory in respect of which law is repealed
(a) Act No. 11 of 1919	Riparian Land (Erven and Commonages) Act, 1919	The whole	The territories of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
(b) Act No. 24 of 1921	Durban Waterworks Consolidation (Private) Act, 1921	The whole	The territory of the former self-governing territory of KwaZulu
Act No. 20 of 1937	The Durban Waterworks (Private) Act, 1937	The whole	
(c) Act No. 37 of 1946	N'Jelele Irrigation District Adjustment Act, 1946	The whole	The territory of the former Republic of Venda
(d) Act No. 24 of 1949	Bospoort Irrigation Scheme Act, 1949	The whole	The territory of the former Republic of Bophuthatswana
(e) Act No. 54 of 1956	Water Act, 1956	The whole	The territories of the former Republics of Transkei, Venda and Ciskei and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
Act No. 75 of 1957	Water Amendment Act, 1957	The whole	
Act No. 56 of 1961	Water Amendment Act, 1961	The whole	
Act No. 63 of 1963	Water Amendment Act, 1963	The whole	
Act No. 71 of 1965	Water Amendment Act, 1965	The whole	
Act No. 11 of 1966	Water Amendment Act, 1966	The whole	
Act No. 28 of 1966	Agricultural Credit Act, 1966	Section 57	
Act No. 79 of 1967	Water Amendment Act, 1967	The whole	
Act No. 15 of 1969	Establishment of the Northern Cape Division of the Supreme Court of South Africa Act, 1969	Section 19	
Act No. 77 of 1969	Water Amendment Act, 1969	The whole	
Act No. 36 of 1971	Water Amendment Act, 1971	The whole	
Act No. 45 of 1972	Water Amendment Act, 1972	The whole	

	Wet No. 102 van 1972	Algemene Regswysigingswet, 1972	Artikels 11 en 12	
	Wet No. 58 van 1974	Waterwysigingswet, 1974	Die geheel	
	Wet No. 42 van 1975	Waterwysigingswet, 1975	Die geheel	
	Wet No. 63 van 1975	Onteieningswet, 1975	Artikel 41	
	Wet No. 27 van 1976	Waterwysigingswet, 1976	Die geheel	
(f)	Wet No. 108 van 1977	Waterwysigingswet, 1977	Die geheel	Die gebiede van die voormalige Republieke van Venda en Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
	Wet No. 73 van 1978	Waterwysigingswet, 1978	Die geheel	
	Wet No. 51 van 1979	Waterwysigingswet, 1979	Die geheel	
(g)	Wet No. 21 van 1980	Finansiewet, 1980	Artikel 3 in soverre dit Wet No. 54 van 1956 wysig	Die gebied van die voormalige Republiek van Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
	Wet No. 92 van 1980	Waterwysigingswet, 1980	Die geheel	
	Wet No. 89 van 1981	Waterwysigingswet, 1981	Die geheel	
(h)	Wet No. 96 van 1984	Waterwysigingswet, 1984	Die geheel	Die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
	Wet No. 97 van 1986	Wet op die Oordrag van Bevoegdhede en Pligte van die Staatspresident, 1986	Artikels 10 tot en met 26, en artikels 46 en 47 in soverre hulle Wet No. 54 van 1956 wysig	
	Wet No. 110 van 1986	Waterwysigingswet, 1986	Die geheel	
	Wet No. 68 van 1987	Waterwysigingswet, 1987	Die geheel	
	Wet No. 37 van 1988	Waterwysigingswet, 1988	Die geheel	
	Wet No. 9 van 1989	Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989	Artikel 36(6) in soverre dit Wet No. 54 van 1956 wysig	
	Wet No. 68 van 1990	Waterwysigingswet, 1990	Die geheel	
	Wet No. 16 van 1991	Waterwysigingswet, 1991	Die geheel	
	Wet No. 45 van 1992	Wysigingswet op Onteiening, 1992	Artikel 28	
	Wet No. 92 van 1993	Waterwysigingswet, 1993	Die geheel	
(i)	Wet No. 34 van 1971	Waternavorsingswet, 1971	Die geheel	Die gebiede van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
	Wet No. 16 van 1974	Waternavorsingswysigingswet, 1974	Die geheel	
	Wet No. 37 van 1975	Waternavorsingswysigingswet, 1975	Die geheel	

	Act No. 102 of 1972	General Laws Amendment Act, 1972	Sections 11 and 12	
	Act No. 58 of 1974	Water Amendment Act, 1974	The whole	
	Act No. 42 of 1975	Water Amendment Act, 1975	The whole	
	Act No. 63 of 1975	Expropriation Act, 1975	Section 41	
	Act No. 27 of 1976	Water Amendment Act, 1976	The whole	
(f)	Act No. 108 of 1977	Water Amendment Act, 1977	The whole	The territories of the former Republics of Venda and Ciskei and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
	Act No. 73 of 1978	Water Amendment Act, 1978	The whole	
	Act No. 51 of 1979	Water Amendment Act, 1979	The whole	
(g)	Act No. 21 of 1980	Finance Act, 1980	Section 3 in so far as it amends Act No. 54 of 1956	The territory of the former Republic of Ciskei and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
	Act No. 92 of 1980	Water Amendment Act, 1980	The whole	
	Act No. 89 of 1981	Water Amendment Act, 1981	The whole	
(h)	Act No. 96 of 1984	Water Amendment Act, 1984	The whole	The territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
	Act No. 97 of 1986	Transfer of Powers and Duties of the State President Act, 1986	Sections 10 to 26 inclusive, and sections 46 and 47 in so far as they amend Act No. 54 of 1956	
	Act No. 110 of 1986	Water Amendment Act, 1986	The whole	
	Act No. 68 of 1987	Water Amendment Act, 1987	The whole	
	Act No. 37 of 1988	Water Amendment Act, 1988	The whole	
	Act No. 9 of 1989	Legal Succession to the South African Transport Services Act, 1989	Section 36(6) in so far as it amends Act No. 54 of 1956	
	Act No. 68 of 1990	Water Amendment Act, 1990	The whole	
	Act No. 16 of 1991	Water Amendment Act, 1991	The whole	
	Act No. 45 of 1992	Expropriation Amendment Act, 1992	Section 28	
	Act No. 92 of 1993	Water Amendment Act, 1993	The whole	
(i)	Act No. 34 of 1971	Water Research Act, 1971	The whole	The territories of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
	Act No. 16 of 1974	Water Research Amendment Act, 1974	The whole	
	Act No. 37 of 1975	Water Research Amendment Act, 1975	The whole	

(j)	Wet No. 106 van 1977	Waternavorsings-wysigingswet, 1977	Die geheel	Die gebiede van die voormalige Republieke van Venda en Ciskei en die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
(k)	Wet No. 10 van 1982	Waternavorsings-wysigingswet, 1982	Die geheel	Die gebiede van die voormalige selfregerende gebiede van Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele en KaNgwane
	Wet No. 93 van 1985	Waternavorsings-wysigingswet, 1985	Die geheel	

Bylae 1

DEEL 2

Wette beperk in toepassing deur artikel 2(1)

Nommer en jaar van wet	**Kort titel**	**Omvang van beperking van toepassing**
Wet No. 38 van 1988	"Water Act, 1988" (Bophuthatswana)	Die geheel
Wet No. 39 van 1988	"Bophuthatswana Water Supply Authority Act, 1988" (Bophuthatswana)	Die geheel
Wet No. 17 van 1989	"Water Amendment Act, 1989" (Bophuthatswana)	Die geheel
Wet No. 40 van 1989	"General Laws Amendment Act, 1989" (Bophuthatswana)	Artikels 8 en 9
Wet No. 33 van 1991	"Bophuthatswana Water Supply Authority Amendment Act, 1991" (Bophuthatswana)	Die geheel

(j)	Act No. 106 of 1977	Water Research Amendment Act, 1977	The whole	The territories of the former Republics of Venda and Ciskei and the territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa, KwaZulu, KwaNdebele and KaNgwane
(k)	Act No. 10 of 1982	Water Research Amendment Act, 1982	The whole	The territories of the former self-governing territories of Lebowa, Gazankulu, Qwaqwa KwaZulu, KwaNdebele and KaNgwane
	Act No. 93 of 1985	Water Research Amendment Act, 1985	The whole	

Schedule 1

PART 2

Laws restricted in application by section 2(1)

Number and year of law	Short title	Extent of restriction of application
Act No. 38 of 1988	Water Act, 1988 (Bophuthatswana)	The whole
Act No. 39 of 1988	Bophuthatswana Water Supply Authority Act, 1988 (Bophuthatswana)	The whole
Act No. 17 of 1989	Water Amendment Act, 1989 (Bophuthatswana)	The whole
Act No. 40 of 1989	General Laws Amendment Act, 1989 (Bophuthatswana)	Sections 8 and 9
Act No. 33 of 1991	Bophuthatswana Water Supply Authority Amendment Act, 1991 (Bophuthatswana)	The whole

Bylae 2

Uitbreiding van die toepassing van sekere wette deur artikel 3(1)

Nommer en jaar van wet	Kort titel	Omvang van uitbreiding van toepassing
(a) Wet No. 11 van 1919	Oevergrond (Erven en Dorpsgronden) Wet, 1919	Die geheel
(b) Wet No. 24 van 1921	Durban Waterwerken Konsolidatie (Private) Wet, 1921	Die geheel
Wet No. 20 van 1937	Durban Waterwerke (Private) Wet, 1937	Die geheel
(c) Wet No. 37 van 1946	Wet tot Reëling van die N'Jelele-besproeiingsdistrik, 1946	Die geheel
(d) Wet No. 24 van 1949	Wet op die Besproeiingskema Bospoort, 1949	Die geheel
(e) Wet No. 54 van 1956	Waterwet, 1956	Die geheel
Wet No. 56 van 1961	Waterwysigingswet, 1961	Artikel 1(3), (4) en (5)
Wet No. 108 van 1977	Waterwysigingswet, 1977	Artikel 9(2)
Wet No. 96 van 1984	Waterwysigingswet, 1984	Artikels 7(2), 20(2) en 73
Wet No. 68 van 1987	Waterwysigingswet, 1987	Artikels 17(2), 36 en 37
Wet No. 68 van 1990	Waterwysigingswet, 1990	Artikels 14(2), (3) en (4), 30(2) en 31(2)
Wet No. 92 van 1993	Waterwysigingswet, 1993	Artikel 20(2)
(f) Wet No. 34 van 1971	Waternavorsingswet, 1971	Die geheel
Wet No. 93 van 1985	Waternavorsingswysigingswet, 1985	Artikel 5
(g) Wet No. 73 van 1989	Wet op Omgewingsbewaring, 1989	Artikels 20, 24 en 29(4), en artikels 33(1) en 35(1) en (3) in soverre hulle betrekking het op artikel 20

Schedule 2

Extension of the application of certain laws by section 3(1)

Number and year of law	Short title	Extent of extension of application
(a) Act No. 11 of 1919	Riparian Land (Erven and Commonages) Act, 1919	The whole
(b) Act No. 24 of 1921	Durban Waterworks Consolidation (Private) Act, 1921	The whole
Act No. 20 of 1937	The Durban Waterworks (Private) Act, 1937	The whole
(c) Act No. 37 of 1946	N'Jelele Irrigation District Adjustment Act, 1946	The whole
(d) Act No. 24 of 1949	Bospoort Irrigation Scheme Act, 1949	The whole
(e) Act No. 54 of 1956	Water Act, 1956	The whole
Act No. 56 of 1961	Water Amendment Act, 1961	Section 1(3), (4) and (5)
Act No. 108 of 1977	Water Amendment Act, 1977	Section 9(2)
Act No. 96 of 1984	Water Amendment Act, 1984	Sections 7(2), 20(2) and 73
Act No. 68 of 1987	Water Amendment Act, 1987	Sections 17(2), 36 and 37
Act No. 68 of 1990	Water Amendment Act, 1990	Sections 14(2), (3) and (4), 30(2) and 31(2)
Act No. 92 of 1993	Water Amendment Act, 1993	Section 20(2)
(f) Act No. 34 of 1971	Water Research Act, 1971	The whole
Act No. 93 of 1985	Water Research Amendment Act, 1985	Section 5
(g) Act No. 73 of 1989	Environment Conservation Act, 1989	Sections 20, 24 and 29(4), and sections 33(1) and 35(1) and (3) in so far as they relate to section 20

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