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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1350. 20 Julie 1977.

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

No. 108 van 1977: Waterwysigingswet, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 1350. 20 July 1977.

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

No. 108 of 1977: Water Amendment Act, 1977.

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ACT

To amend the Water Act, 1956, so as to replace, with a view to the metric system, certain measures; to increase the penalties which may be imposed in terms of the said Act; to replace the amount of the estimated costs of certain water works in respect of which a report shall be laid upon the Table in both Houses of Parliament prior to the commencement thereof; to provide that a right conferred under section 62, shall attach to the land in respect of which that right is conferred; to empower the Minister to issue, subject to conditions, an authorization according to which, in the case of any subdivision of land, the respective owners thereof may determine by agreement, or in the case of any owner of two or more pieces of land, that owner himself, may determine the water rights in respect of each of those pieces of land; to empower the Minister to amend or replace permits under certain circumstances; to replace the amount relating to a contract which certain persons may, without the consent of the Minister, enter into with an irrigation board without being disqualified to be a member of such board; to extend the maximum period in which a loan is, with the approval of the Minister, repayable by a water board; to increase the maximum amount which may be lent by a water board under certain circumstances to registered owners of immovable property for certain purposes; to increase the amount of the estimated costs of certain water works in respect of which no moneys may be advanced by the Minister to a water board unless a report on the water work has been laid upon the Table in both Houses of Parliament and the advance has been approved; to increase the amount of an irrigation loan which shall be approved by Parliament; to increase the total cost of a water work in respect of which a subsidy may be granted; to empower the Minister and certain bodies to supply or distribute water in territories outside the Republic in certain circumstances; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 11 July 1977.)

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

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

1. Section 9B of the Water Act, 1956 (hereinafter referred to as the principal Act), is hereby amended by the substitution in subsection (1) for the expressions "one hundred morgen feet" and "four cubic feet" of the expressions "two hundred and fifty thousand cubic meter" and "hundred and ten litre", respectively.

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WET

Tot wysiging van die Waterwet, 1956, ten einde, met die oog op die metrieke stelsel, sekere mate te vervang; om die strawwe wat ingevolge bedoelde Wet opgelê kan word, te verhoog; om die bedrag van die geraamde koste van sekere waterwerke ten opsigte waarvan daar voor die aanlê daarvan 'n verslag in albei Huise van die Parlement ter Tafel gelê moet word, te vervang; om voorsiening daarvoor te maak dat 'n reg kragtens artikel 62 verleen, verbonde is aan die grond ten opsigte waarvan daardie reg verleen word; om die Minister die bevoegdheid te verleen om, onderworpe aan voorwaardes, 'n magtiging uit te reik waarvolgens, in die geval van 'n onderverdeling van grond, die onderskeie eienaars daarvan by ooreenkoms, of in die geval van 'n eienaar van twee of meer stukke grond, daardie eienaar self, die waterregte ten opsigte van elkeen van daardie stukke grond kan bepaal; om die Minister die bevoegdheid te verleen om onder sekere omstandighede permitte te wysig of te vervang; om die bedrag wat betrekking het op 'n kontrak wat sekere persone sonder die Minister se toestemming met 'n besproeiingsraad mag aangaan sonder om gediskwalifiseer te wees om 'n lid van daardie raad te wees, te vervang; om die maksimum tydperk waarin 'n lening met die goedkeuring van die Minister deur 'n waterraad terugbetaalbaar is, te verleng; om die maksimum bedrag wat 'n waterraad onder sekere omstandighede aan geregistreerde eienaars van onroerende eiendom vir sekere doeleindes kan uitleen, te verhoog; om die bedrag van die geraamde koste van sekere waterwerke ten opsigte waarvan geen gelde deur die Minister aan 'n waterraad voorgeskiet word tensy 'n verslag oor die waterwerk in albei Huise van die Parlement ter Tafel gelê is en die voorskot goedgekeur is nie, te verhoog; om die bedrag van 'n besproeiingslening wat deur die Parlement goedgekeur moet word, te verhoog; om die totale koste van 'n waterwerk ten opsigte waarvan 'n subsidie toegestaan kan word, te verhoog; om die Minister en sekere liggame die bevoegdheid te verleen om onder sekere omstandighede water in gebiede buite die Republiek te voorsien of te distribueer; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)

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

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

1. Artikel 9B van die Waterwet, 1956 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die uitdrukkings „honderd morgvoet'' en „vier kubieke voet'' deur onderskeidelik die uitdrukkings „tweehonderd-en-vyftigduisend kubieke meter'' en „honderd-en-tien liter'' te vervang.

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Amendment of section 11 of Act 54 of 1956.

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

(a) by the substitution in paragraph *(a)* of subsection (1) for the expressions "sixty thousand gallons", "fifty thousand gallons" and "fifteen horse power" of the expressions "three hundred cubic meter", "two hundred and fifty cubic meter" and "fifteen kilowatt" respectively; and

(b) by the substitution in subsection (3) for the expressions "sixty thousand gallons" and "fifty thousand gallons" of the expressions "three hundred cubic meter" and "two hundred and fifty cubic meter" respectively.

Amendment of section 12 of Act 54 of 1956, as amended by section 4 of Act 56 of 1961 and section 2 of Act 42 of 1975.

3. Section 12 of the principal Act is hereby amended—

(a) by the substitution in paragraph *(b)* of subsection (1) for the expressions "sixty thousand gallons" and "fifty thousand gallons" of the expressions "three hundred cubic meter" and "two hundred and fifty cubic meter" respectively; and

(b) by the substitution in subsection (2) for the expression "fifty thousand gallons" of the expression "two hundred and fifty cubic meter".

Amendment of section 13 of Act 54 of 1956, as substituted by section 1 of Act 77 of 1969.

4. Section 13 of the principal Act is hereby amended by the substitution in paragraph *(a)* of subsection (3) for the expressions "forty-five morgen feet" and "one million gallons", wherever they appear, of the expressions "one hundred and twenty-five thousand cubic meter" and "five thousand cubic meter" respectively.

Amendment of section 16 of Act 54 of 1956.

5. Section 16 of the principal Act is hereby amended by the substitution for the expressions "twenty-five million gallons" and "ten cubic feet" wherever they appear, of the expressions "one hundred and fourteen thousand cubic meter" and "three hundred litre" respectively.

Amendment of section 46 of Act 54 of 1956.

6. Section 46 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) If any person who has been duly subpoenaed to attend the proceedings in a water court for the purpose of giving evidence or producing any book, record, document or thing in his possession or under his control, fails without reasonable cause to attend or to give evidence or to produce that book, record, document or thing according to the subpoena or, unless excused by the water court judge, to remain in attendance throughout the proceedings, the water court judge may, upon being satisfied upon oath or by return of the person by whom the subpoena was served, that such person has been duly subpoenaed and that his reasonable expenses have been paid or offered to him, impose upon the said person a fine not exceeding one hundred rand, or in default of payment, imprisonment for a period not exceeding three months.".

Amendment of section 48 of Act 54 of 1956.

7. Section 48 of the principal Act is hereby amended—

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

"(1) If during the sitting of a water court, any person wilfully insults a member of such court or any officer thereof attending at such sitting, or wilfully obstructs or interferes with an officer of a water court in the execution of his duties, or wilfully interrupts the proceedings of the court or otherwise misbehaves himself in the place where the court is held, the water court judge may order such person to pay a fine not exceeding one hundred rand or in default of payment to be imprisoned for a period not exceeding three months, or to be so imprisoned without the option of a fine."; and

(b) by the substitution for subsection (3) of the following subsection:

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2. Artikel 11 van die Hoofwet word hierby gewysig—
(a) deur in paragraaf *(a)* van subartikel (1) die uitdrukkings „sestigduisend gellings", „vyftigduisend gellings" en „vyftien perdekrag" deur onderskeidelik die uitdrukkings „driehonderd kubieke meter", „tweehonderd-en-vyftig kubieke meter" en „vyftien kilowatt" te vervang; en
(b) deur in subartikel (3) die uitdrukkings „sestigduisend gellings" en „vyftigduisend gellings" deur onderskeidelik die uitdrukkings „driehonderd kubieke meter" en „tweehonderd-en-vyftig kubieke meter" te vervang.

Wysiging van artikel 11 van Wet 54 van 1956.

3. Artikel 12 van die Hoofwet word hierby gewysig—
(a) deur in paragraaf *(b)* van subartikel (1) die uitdrukkings „sestigduisend gellings" en „vyftigduisend gellings" deur onderskeidelik die uitdrukkings „driehonderd kubieke meter" en „tweehonderd-en-vyftig kubieke meter" te vervang; en
(b) deur in subartikel (2) die uitdrukking „vyftigduisend gellings" deur die uitdrukking „tweehonderd-en-vyftig kubieke meter" te vervang.

Wysiging van artikel 12 van Wet 54 van 1956, soos gewysig deur artikel 4 van Wet 56 van 1961 en artikel 2 van Wet 42 van 1975.

4. Artikel 13 van die Hoofwet word hierby gewysig deur in paragraaf *(a)* van subartikel (3) die uitdrukkings „vyf-en-veertig morg-voet" en „'n miljoen gelling", oral waar hulle voorkom, deur onderskeidelik die uitdrukkings „eenhonderd vyf-en-twintigduisend kubieke meter" en „vyfduisend kubieke meter" te vervang.

Wysiging van artikel 13 van Wet 54 van 1956, soos vervang deur artikel 1 van Wet 77 van 1969.

5. Artikel 16 van die Hoofwet word hierby gewysig deur die uitdrukking „vyf-en-twintigmiljoen gellings" en „tien kubieke voet" oral waar hulle voorkom, deur onderskeidelik die uitdrukkings „honderd-en-veertienduisend kubieke meter" en „driehonderd liter" te vervang.

Wysiging van artikel 16 van Wet 54 van 1956.

6. Artikel 46 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:
„(2) Indien iemand wat behoorlik gedagvaar is om die verrigtings in 'n waterhof by te woon ten einde getuienis af te lê of 'n boek, aantekening, dokument of saak in sy besit of onder sy beheer oor te lê, sonder redelike oorsaak versuim om ooreenkomstig die dagvaarding te verskyn of getuienis af te lê of daardie boek, aantekening, dokument of saak oor te lê of, tensy hy deur die waterhofregter verskoon is, versuim om dwarsdeur die verrigtings aanwesig te bly, kan die waterhofregter, nadat hy onder eed of deur die relaas van die persoon deur wie die dagvaarding bestel was, oortuig is dat bedoelde persoon behoorlik gedagvaar is en dat sy redelike uitgawes aan hom betaal of aangebied is, aan bedoelde persoon 'n boete van hoogstens eenhonderd rand oplê of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens drie maande.".

Wysiging van artikel 46 van Wet 54 van 1956.

7. Artikel 48 van die Hoofwet word hierby gewysig—
(a) deur subartikel (1) deur die volgende subartikel te vervang:
„(1) Indien iemand gedurende die sitting van 'n waterhof opsetlik 'n lid van daardie hof, of 'n amptenaar daarvan wat bedoelde sitting bywoon, beledig, of opsetlik 'n beampte van 'n waterhof by die uitvoering van sy pligte hinder of belemmer, of opsetlik die verrigtings van die hof onderbreek of hom andersins aan wangedrag skuldig maak in die plek waar die hofsitting plaasvind, kan die waterhofregter beveel dat so iemand 'n boete van hoogstens eenhonderd rand betaal, of by wanbetaling gevangenisstraf vir 'n tydperk van hoogstens drie maande ondergaan of sodanige gevangenisstraf sonder die keuse van 'n boete ondergaan."; en
(b) deur subartikel (3) deur die volgende subartikel te vervang:

Wysiging van artikel 48 van Wet 54 van 1956.

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"(3) Any person who wilfully disobeys an order of a water court or fails to carry out any order which a water court has required him to carry out, shall be guilty of an offence and liable, upon conviction, to a fine not exceeding one thousand rand or, in default of payment, imprisonment for a period not exceeding six months, or to such imprisonment without the option of a fine.".

Amendment of section 58 of Act 54 of 1956, as amended by section 2 of Act 77 of 1969.

8. Section 58 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The construction of a Government water work or any subsequent works in connection therewith whereof the estimated cost exceeds one million rand shall not be commenced by the Minister unless he has before the date on which the appropriation of money for the purposes of such work was first considered by the House of Assembly laid upon the Tables of both Houses of Parliament a report in regard to such work.".

Amendment of section 62 of Act 54 of 1956, as amended by section 11 of Act 56 of 1961, section 3 of Act 11 of 1966, section 6 of Act 79 of 1967, section 5 of Act 77 of 1969 and section 1 of Act 27 of 1976.

9. (1) Section 62 of the principal Act is hereby amended—

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

"(iv) in the case of a pumping installation, the quantity of water, expressed in litre per second, which such installation is capable of abstracting;" and

(b) by the substitution for subsection (6) of the following subsection:

"(6) *(a)* Subject to the provisions of paragraph *(b)*, any permit or right issued or conferred under this section shall attach to the land in respect of which it is issued or conferred and shall while such permit or right remains of force be available to any successor in title of the person to whom such permit was issued or to whom such right was conferred, as the case may be.

(b) Notwithstanding the provisions of paragraph *(a)*, the Minister may with a view to the beneficial use of water for agricultural purposes and subject to such conditions as he may deem fit—

(i) issue, in respect of land of which the owner concerned is entitled to the abstraction, impounding, storage or use of a fixed amount of water under this section and which is subdivided, an authorization to the owners of the respective subdivisions to determine by agreement that part of the said amount of water which may in respect of each such subdivision be abstracted, impounded, stored or used after such subdivision;

(ii) authorize any owner of two or more pieces of land to determine, in respect of the total amount of water which may be abstracted, impounded, stored or used in respect of that piece of land under this section, that part of the said amount of water which may in respect of each of those pieces of land separately be abstracted, impounded, stored or used;

(iii) issue, in respect of land in possession of the South African Bantu Trust established by section 4 of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), and land registered in the name of any Bantu, or the Minister of Bantu Administration and Development or any other person and held in trust for any Bantu, Bantu tribe or Bantu community, an authorization to the respective possessors and owners to determine by agree-

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„(3) Iemand wat opsetlik 'n bevel van 'n waterhof verontagsaam, of versuim om 'n bevel uit te voer wat 'n waterhof hom gelas het om uit te voer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens eenduisend rand of, by wanbetaling, gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met sodanige gevangenisstraf sonder die keuse van 'n boete.".

Wysiging van artikel 58 van Wet 54 van 1956, soos gewysig deur artikel 2 van Wet 77 van 1969.

8. Artikel 58 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Staatswaterwerk of enige daaropvolgende werke in verband daarmee waarvan die geraamde koste meer as eenmiljoen rand is, word nie deur die Minister aangelê nie, tensy hy voor die datum waarop die bewilliging van geld vir die doeleindes van bedoelde werk die eerste maal deur die Volksraad oorweeg is 'n verslag in verband met daardie werk in beide Huise van die Parlement ter Tafel gelê het.".

Wysiging van artikel 62 van Wet 54 van 1956, soos gewysig deur artikel 11 van Wet 56 van 1961, artikel 3 van Wet 11 van 1966, artikel 6 van Wet 79 van 1967, artikel 5 van Wet 77 van 1969 en artikel 1 van Wet 27 van 1976.

9. (1) Artikel 62 van die Hoofwet word hierby gewysig—

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

„(iv) in die geval van 'n pompinstallasie, die hoeveelheid water, uitgedruk in liter per sekonde, wat daardie installasie kan uitpomp;" en

(b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) *(a)* Behoudens die bepalings van paragraaf *(b)*, is enige permit of reg kragtens hierdie artikel uitgereik of verleen verbonde aan die grond ten opsigte waarvan dit uitgereik of verleen word, en is solank so 'n permit of reg van krag is, beskikbaar vir enige regsopvolger van die persoon aan wie daardie permit uitgereik was of aan wie daardie reg verleen is, na gelang van die geval.

(b) Ondanks die bepalings van paragraaf *(a)*, kan die Minister met die oog op die voordelige gebruik van water vir landboudoeleindes en onderworpe aan die voorwaardes wat hy goedvind—

(i) ten opsigte van grond waarvan die betrokke eienaar kragtens hierdie artikel op die uitneem, opdamming, opgaring of gebruik van 'n bepaalde hoeveelheid water geregtig is en wat onderverdeel word, 'n magtiging uitreik aan die eienaars van die onderskeie onderverdelings om by ooreenkoms die deel van die bedoelde hoeveelheid water te bepaal wat na so 'n onderverdeling ten opsigte van elke sodanige onderverdeling uitgeneem, opgedam, opgegaar of gebruik kan word;

(ii) enige eienaar van twee of meer stukke grond magtig om, met betrekking tot die totale hoeveelheid water wat kragtens hierdie artikel ten opsigte van daardie grond uitgeneem, opgedam, opgegaar of gebruik kan word, die deel van bedoelde hoeveelheid water te bepaal wat ten opsigte van elkeen van daardie stukke grond afsonderlik uitgeneem, opgedam, opgegaar of gebruik kan word;

(iii) ten opsigte van grond in die besit van die Suid-Afrikaanse Bantoetrust ingestel deur artikel 4 van die Bantoetrust en -grond Wet, 1936 (Wet No. 18 van 1936), en grond wat op naam van 'n Bantoe, of die Minister van Bantoeadministrasie en -ontwikkeling of enige ander persoon geregistreer is en in trust vir 'n Bantoe, Bantoestam of Bantoegemeenskap gehou word, 'n magtiging aan die onderskeie besitters en eienaars uitreik om, met betrekking tot die totale hoeveelheid water wat

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ment, in respect of the total amount of water which may be abstracted, impounded, stored or used in respect of that land under this section, that part of the said amount of water which may in respect of each of those pieces of land separately be abstracted, impounded, stored or used.

(c) The Minister may in his discretion or on application by any holder of a permit, amend any permit issued in terms of this Act before or after the commencement of the Water Amendment Act, 1977, in order to bring the provisions thereof in accordance with the provisions of any agreement or any determination, as the case may be, referred to in paragraph *(b)*, or revoke such a permit and substitute a new permit in which provision is made for such provisions.

(d) The conditions subject to which the Minister may authorize a determination referred to in paragraph *(b)* (ii), may include a condition in respect of the separate alienation of any of the relevant pieces of land, and the Minister may in writing order the registrar of deeds of the deeds registry in which the title deeds of that land are registered, to cause a note of such condition to be made free of charge in his registers and an endorsement on the office copies of the respective title deeds.

(e) Whenever the original title deeds of the properties are at any time lodged in his office for any purpose, the registrar shall make the endorsement referred to in paragraph *(d)* also thereon.".

(2) The provisions of paragraph *(b)* of subsection (6) of section 62 of the principal Act, as added by subsection (1) of this section, and the amendment of the existing provisions of the said subsection (6) in so far as it relates to the said paragraph *(b)* shall be deemed to have come into operation on 13 July 1956: Provided that if land referred to in subparagraph (i) of the said paragraph *(b)* was subdivided prior to the promulgation of this Act in the *Gazette*, and the amount of water which was determined by agreement prior to such promulgation without the authorization of the Minister of Water Affairs, such determination shall be deemed to have been authorized by the said Minister under the said subparagraph (i), if the amount of water which may be abstracted in respect of any such subdivision in terms of such subdivision, bears to the amount of water which could have been abstracted in respect of such land, the same proportion as such subdivision bears to such land.

Amendment of section 63 of Act 54 of 1956, as amended by section 12 of Act 56 of 1961, section 1 of Act 63 of 1963, section 6 of Act 77 of 1969, section 6 of Act 36 of 1971 and section 12 of Act 42 of 1975.

10. Section 63 of the principal Act is hereby amended by the substitution in paragraphs *(a)* and *(d)* of subsection (8) for the expression "twenty morgen" of the expression "seventeen hectare".

Amendment of section 81 of Act 54 of 1956.

11. Section 81 of the principal Act is hereby amended by the substitution for the words preceding the proviso of the following words:

"Every person whose name is on the voters' list of an irrigation district prepared under section 83, shall be eligible for election as a member of the irrigation board of the said district, unless he is disqualified from voting in terms of

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kragtens hierdie artikel ten opsigte van daardie grond uitgeneem, opgedam, opgegaar of gebruik kan word, by ooreenkoms die deel van bedoelde hoeveelheid water te bepaal wat ten opsigte van elkeen van daardie stukke grond afsonderlik uitgeneem, opgedam, opgegaar of gebruik kan word.

(c) Die Minister kan na goeddunke of op aansoek van enige permithouer, enige permit wat voor of na die inwerkingtreding van die Waterwysigingswet, 1977, ingevolge hierdie Wet uitgereik is, wysig ten einde die bepalings daarvan in ooreenstemming te bring met die bepalings van 'n ooreenkoms of 'n bepaling, na gelang van die geval, in paragraaf *(b)* bedoel, of so 'n permit intrek en vervang deur 'n nuwe permit waarin vir sodanige bepalings voorsiening gemaak word.

(d) Die voorwaardes onderworpe waaraan die Minister 'n bepaling bedoel in paragraaf *(b)* (ii) kan magtig, kan 'n voorwaarde insluit ten opsigte van die afsonderlike vervreemding van enige van die betrokke stukke grond, en die Minister kan die registrateur van aktes van die registrasiekantoor waarin die titelbewyse van daardie grond geregistreer is, skriftelik gelas om 'n aantekening van sodanige voorwaarde gratis in sy registers te laat aanbring en te laat endosseer op die kantoorafskrifte van die onderskeie titelbewyse.

(e) Wanneer die oorspronklike titelbewyse van die eiendomme te eniger tyd vir enige doel by sy kantoor ingedien word, moet die registrateur die in paragraaf *(d)* bedoelde endossement ook daarop aanbring.".

(2) Die bepalings van paragraaf *(b)* van subartikel (6) van artikel 62 van die Hoofwet, soos bygevoeg deur subartikel (1) van hierdie artikel, en die wysiging van die bestaande bepalings van die genoemde subartikel (6) vir sover dit betrekking het op die genoemde paragraaf *(b)*, word geag op 13 Julie 1956 in werking te getree het: Met dien verstande dat indien grond bedoel in subparagraaf (i) van genoemde paragraaf *(b)* onderverdeel is voor die afkondiging van hierdie Wet in die *Staatskoerant*, en die hoeveelheid water wat ten opsigte van elke onderverdeling daarvan sonder die magtiging van die Minister van Waterwese by ooreenkoms bepaal is voor daardie afkondiging, sodanige bepaling geag word deur genoemde Minister kragtens genoemde subparagraaf (i) gemagtig te gewees het, mits die hoeveelheid water wat ingevolge sodanige bepaling ten opsigte van die een of ander sodanige onderverdeling uitgehaal mag word, in dieselfde verhouding staan tot die hoeveelheid water wat ten opsigte van daardie grond uitgehaal kon geword het, as dié waarin daardie onderverdeling tot daardie grond staan.

10. Artikel 63 van die Hoofwet word hierby gewysig deur in paragrawe *(a)* en *(d)* van subartikel (8) die uitdrukking „twintig morg" deur die uitdrukking „sewentien hektaar" te vervang.

Wysiging van artikel 63 van Wet 54 van 1956, soos gewysig deur artikel 12 van Wet 56 van 1961, artikel 1 van Wet 63 van 1963, artikel 6 van Wet 77 van 1969, artikel 6 van Wet 36 van 1971 en artikel 12 van Wet 42 van 1975.

11. Artikel 81 van die Hoofwet word hierby gewysig deur die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

Wysiging van artikel 81 van Wet 54 van 1956.

„Elke persoon wie se naam op die volgens artikel 83 opgestelde kieserslys van 'n besproeiingsdistrik voorkom, is bevoeg om as lid van die besproeiingsraad van daardie distrik gekies te word, tensy hy volgens artikel 82 (1) onbevoeg is

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section 82 (1) or is without the permission of the Minister a party to any subsisting contract with the board exceeding one thousand rand in value, or is without such permission interested in any such contract:".

Amendment of section 82 of Act 54 of 1956.

12. Section 82 of the principal Act is hereby amended by the substitution in subparagraph (i) of paragraph *(b)* of subsection (1) for the expression "five morgen" wherever it appears, of the expression "five hectare".

Amendment of section 83 of Act 54 of 1956.

13. Section 83 of the principal Act is hereby amended by the substitution in subparagraphs (ii) and (iii) of subsection (1) for the expression "five morgen" of the expression "five hectare".

Amendment of section 88 of Act 54 of 1956, as amended by section 14 of Act 56 of 1961, section 5 of Act 71 of 1965 and section 8 of Act 36 of 1971.

14. Section 88 of the principal Act is hereby amended by the substitution in subparagraph (ii) of paragraph *(b)* of subsection (1) for the word "morgen" wherever it appears, of the word "hectare".

Amendment of section 90 of Act 54 of 1956.

15. Section 90 of the principal Act is hereby amended by the substitution in paragraph *(b)* of subsection (1) for the word "morgen" of the word "hectare".

Amendment of section 91 of Act 54 of 1956, as amended by section 15 of Act 56 of 1961.

16. Section 91 of the principal Act is hereby amended by the substitution in paragraph *(c)* of subsection (1) for the word "morgen" of the word "hectare".

Amendment of section 99 of Act 54 of 1956.

17. Section 99 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A member of an irrigation board shall not, except in so far as the Minister otherwise directs, receive any salary, allowance, fee or reward for, on account of, or by reason of his being a member of such board, or, without the permission of the Minister, enter into a contract with such board exceeding one thousand rand in value or be directly interested in any such contract.".

Amendment of section 120 of Act 54 of 1956.

18. Section 120 of the principal Act is hereby amended by the substitution in paragraph *(a)* of subsection (3) for the word "morgen" of the word "hectare".

Amendment of section 121 of Act 54 of 1956, as amended by section 11 of Act 36 of 1971 and section 4 of Act 27 of 1976.

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

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

"*(e)* meeting the administrative and incidental expenses of the said board up to the date on which it commences to supply water, such loan being repayable on or before the last day of the financial year of the board during which it so commences to supply, or, with the approval of the Minister, on or before such later date as may be fixed by him, not being more than ten years after the said day;";

(b) by the substitution for paragraph *(g)* of the said subsection (1) of the following paragraph:

"*(g)* making loans, not exceeding in any case five hundred rand, to registered owners of immovable property for the installation thereon of water piping and fittings in connection with the supply of water for domestic purposes, every such loan being a debt due to the water board by the owner and his successors in title, bearing interest at a rate to be fixed by the said board (which rate shall be sufficient to cover the costs incurred by the board in connection with such loan) and shall be repay-

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om te stem, of sonder toestemming van die Minister by 'n bestaande kontrak met die raad ter waarde van meer as eenduisend rand party is of by so 'n kontrak belang het:".

12. Artikel 82 van die Hoofwet word hierby gewysig deur in subparagraaf (i) van paragraaf *(b)* van subartikel (1) die uitdrukking „vyf morg", oral waar dit voorkom, deur die uitdrukking „vyf hektaar" te vervang.

Wysiging van artikel 82 van Wet 54 van 1956.

13. Artikel 83 van die Hoofwet word hierby gewysig deur in subparagrawe (ii) en (iii) van subartikel (1) die uitdrukking „vyf morg" deur die uitdrukking „vyf hektaar" te vervang.

Wysiging van artikel 83 van Wet 54 van 1956.

14. Artikel 88 van die Hoofwet word hierby gewysig deur in subparagraaf (ii) van paragraaf *(b)* van subartikel (1) die woord „morge" oral waar dit voorkom, met die woord „hektaar" te vervang.

Wysiging van artikel 88 van Wet 54 van 1956, soos gewysig deur artikel 14 van Wet 56 van 1961, artikel 5 van Wet 71 van 1965 en artikel 8 van Wet 36 van 1971.

15. Artikel 90 van die Hoofwet word hierby gewysig deur in paragraaf *(b)* van subartikel (1) die woord „morg" deur die woord „hektaar" te vervang.

Wysiging van artikel 90 van Wet 54 van 1956.

16. Artikel 91 van die Hoofwet word hierby gewysig deur in paragraaf *(c)* van subartikel (1) die woord „morge" deur die woord „hektaar" te vervang.

Wysiging van artikel 91 van Wet 54 van 1956, soos gewysig deur artikel 15 van Wet 56 van 1961.

17. Artikel 99 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Lid van 'n besproeiingsraad ontvang, behalwe vir sover die Minister anders gelas, geen salaris, toelae, geld of beloning vir of uit hoofde of omrede van sy lidmaatskap van daardie raad nie, en mag nie sonder toestemming van die Minister 'n kontrak met so 'n raad ter waarde van meer as eenduisend rand aangaan of regstreeks by so 'n kontrak belang hê nie.".

Wysiging van artikel 99 van Wet 54 van 1956.

18. Artikel 120 van die Hoofwet word hierby gewysig deur in paragraaf *(a)* van subartikel (3) die woord „morg" deur die woord „hektaar" te vervang.

Wysiging van artikel 120 van Wet 54 van 1956.

19. Artikel 121 van die Hoofwet word hierby gewysig—

Wysiging van artikel 121 van Wet 54 van 1956, soos gewysig deur artikel 11 van Wet 36 van 1971 en artikel 4 van Wet 27 van 1976.

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

„*(e)* die bestryding van administratiewe en bykomende uitgawes van bedoelde raad tot op die datum waarop hy water begin verskaf, in watter geval die lening terugbetaal moet word op of voor die laaste dag van die boekjaar van die raad waarin hy aldus begin verskaf, of, met goedkeuring van die Minister, op of voor so 'n latere datum as wat hy mag bepaal, maar nie meer as tien jaar na bedoelde dag nie;";

(b) deur paragraaf *(g)* van die genoemde subartikel (1) deur die volgende paragraaf te vervang:

„*(g)* die toestaan van lenings in geen geval vyfhonderd rand te bowe gaande nie, aan geregistreerde eienaars van onroerende eiendom vir die aanlê daarop van waterpype en toebehore in verband met die verskaffing van water vir huishoudelike doeleindes, en so 'n lening is 'n skuld deur die eienaar en sy regsopvolgers aan die waterraad verskuldig, wat rente dra teen 'n koers deur bedoelde raad bepaal (welke koers voldoende moet wees om die koste deur die raad in verband met sodanige lening aangegaan, te dek) en is terugbetaalbaar in gelyke

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able in equal monthly instalments together with interest over such period not exceeding five years from the date of the loan as may be determined by the water board."; and

(c) by the substitution for the proviso to subsection (5) of the following proviso:

"Provided that no advance shall be made in respect of any water work the total cost of which (as estimated by the Minister) will exceed when completed as an independent scheme two hundred thousand rand, unless a report on the proposed work has been laid on the Tables of both Houses of Parliament and such advance has been approved by resolution of both such Houses.".

Amendment of section 157 of Act 54 of 1956, as amended by section 16 of Act 56 of 1961, section 10 of Act 77 of 1969, section 11 of Act 102 of 1972, section 20 of Act 42 of 1975 and section 5 of Act 27 of 1976.

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

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

"*(b)* an irrigation loan—

(i) which is repayable within a period exceeding thirty years; or

(ii) in respect of any water works the total estimate (as made by the Minister) of the cost of which exceeds, when completed as an independent scheme, two hundred thousand rand,

shall not be granted unless such loan has been approved by resolution of both Houses of Parliament, and, in the case of a loan in respect of a water work referred to in subparagraph (ii), a report on the proposed work has been laid on the Tables of both such Houses."; and

(b) by the substitution for the proviso to paragraph *(a)* of subsection (1A) of the following proviso:

"Provided that if—

(i) the original estimate or a previously revised estimate does not exceed two hundred thousand rand and such revised estimate exceeds two hundred thousand rand; or

(ii) such revised estimate exceeds the original estimate or a previously revised estimate which exceeds two hundred thousand rand, by two hundred thousand rand;

such further irrigation loan shall not be granted unless the provisions of subsection (1) *(b)* (ii) have been complied with;".

Amendment of section 162 of Act 54 of 1956, as amended by section 18 of Act 56 of 1961, section 6 of Act 71 of 1965, section 11 of Act 77 of 1969, section 13 of Act 36 of 1971, section 21 of Act 42 of 1975 and section 6 of Act 27 of 1976.

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

"*(a)* no subsidy shall be granted in respect of any water work the total cost of which in the opinion of the Minister, is likely to exceed two hundred thousand rand;".

Amendment of section 170 of Act 54 of 1956, as amended by section 5 of Act 63 of 1963, section 7 of Act 79 of 1967 and section 12 of Act 77 of 1969.

22. Section 170 of the principal Act is hereby amended—

(a) by the substitution for all the words after paragraph *(h)* in subsection (1) of the following words:

"shall be guilty of an offence and liable, in the case of a first conviction, to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment, and, in the case of a second or

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maandelikse paaiemente, tesame met rente, oor so 'n tydperk van hoogstens vyf jaar vanaf die datum van die lening as wat die waterraad mag bepaal."; en

(c) deur die voorbehoudsbepaling by subartikel (5) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat geen voorskot gemaak word nie ten opsigte van enige waterwerk waarvan die totale koste (soos deur die Minister geraam) by voltooiing as 'n selfstandige skema meer as tweehonderdduisend rand bedra, tensy 'n verslag oor die voorgestelde werk in beide Huise van die Parlement ter Tafel gelê is en sodanige voorskot by besluit van beide bedoelde Huise goedgekeur is.".

Wysiging van artikel 157 van Wet 54 van 1956, soos gewysig deur artikel 16 van Wet 56 van 1961, artikel 10 van Wet 77 van 1969, artikel 11 van Wet 102 van 1972, artikel 20 van Wet 42 van 1975 en artikel 5 van Wet 27 van 1976.

20. Artikel 157 van die Hoofwet word hierby gewysig—

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

„*(b)* 'n besproeiingslening—

(i) terugbetaalbaar binne 'n tydperk van meer as dertig jaar; of

(ii) ten opsigte van waterwerke waarvan die totale raming (soos deur die Minister gedoen) van die koste by voltooiing as 'n selfstandige skema meer as tweehonderdduisend rand bedra,

nie toegestaan word nie tensy sodanige lening by besluit van beide Huise van die Parlement goedgekeur is en, in die geval van 'n lening vir 'n in subparagraaf (ii) bedoelde waterwerk, 'n verslag oor die voorgestelde werk in beide bedoelde Huise ter Tafel gelê is."; en

(b) deur die voorbehoudsbepaling by paragraaf *(a)* van subartikel (1A) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat indien—

(i) die aanvanklike of 'n vorige hersiene raming nie tweehonderdduisend rand oorskry nie en bedoelde hersiene raming tweehonderdduisend rand oorskry; of

(ii) bedoelde hersiene raming die aanvanklike raming of 'n vorige hersiene raming wat tweehonderdduisend rand oorskry, met tweehonderdduisend rand oorskry;

so 'n verdere besproeiingslening nie toegestaan word nie tensy die bepalings van subartikel (1) *(b)* (ii) nagekom is;".

Wysiging van artikel 162 van Wet 54 van 1956, soos gewysig deur artikel 18 van Wet 56 van 1961, artikel 6 van Wet 71 van 1965, artikel 11 van Wet 77 van 1969, artikel 13 van Wet 36 van 1971, artikel 21 van Wet 42 van 1975 en artikel 6 van Wet 27 van 1976.

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

„*(a)* word geen subsidie ten opsigte van 'n waterwerk waarvan die totale koste volgens die Minister se oordeel waarskynlik tweehonderdduisend rand sal oorskry, toegestaan nie;".

Wysiging van artikel 170 van Wet 54 van 1956, soos gewysig deur artikel 5 van Wet 63 van 1963, artikel 7 van Wet 79 van 1967 en artikel 12 van Wet 77 van 1969.

22. Artikel 170 van die Hoofwet word hierby gewysig—

(a) deur al die woorde na paragraaf *(h)* in subartikel (1) deur die volgende woorde te vervang:

„is aan 'n misdryf skuldig en strafbaar, in die geval van 'n eerste skuldigbevinding, met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande of met daardie boete sowel as daardie gevangenisstraf, en, in die geval van 'n tweede of latere skuldigbevin-

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subsequent conviction, to a fine not exceeding one thousand rand or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.";

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

"(2) Any person who is convicted of an offence under section 21, 22 or 23 shall be liable, in the case of a first conviction, to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment, and, in the case of a second or subsequent conviction, to a fine of not less than one thousand rand or to imprisonment for a period of not less than six months or to both such fine and such imprisonment.";

(c) by the substitution for subsection (3) of the following subsection:

"(3) Any person who contravenes or fails to comply with any regulation made under this Act or any by-law made under this Act by an irrigation board or a water board, or commits any offence against the provisions of this Act for which no penalty is expressly provided, shall be liable on conviction to a fine not exceeding one hundred rand or to imprisonment for a period not exceeding three months or to both such fine and such imprisonment."; and

(d) by the substitution for subsection (4) of the following subsection:

"(4) Any person who has been convicted of any offence under this Act, and who after such conviction persists in the course of conduct which constituted the said offence, shall be guilty of a continuing offence and liable on conviction, in the case of an offence referred to in subsection (2), to a fine not exceeding one hundred rand, and, in the case of any other offence, to a fine not exceeding twenty-five rand, in respect of every day that he so persists or has so persisted.".

Insertion of section 174A in Act 54 of 1956.

23. The following section is hereby inserted in the principal Act after section 174:

"Supply of water at points on the borders of the Republic, and in territories outside the Republic.

174A. (1) Notwithstanding anything to the contrary contained in this Act or any other law, the Minister or, with the approval of the Minister any body empowered under this Act or any other law to supply or distribute water, whether private or public water, within the area for which it is established, may supply water in bulk or otherwise to any person (including any government or administration) at any point on the border between the Republic and any territory adjoining it or, with the approval of the government concerned, within such territory for use by such person in such territory or to supply or distribute on behalf of such person to others for use therein.

(2) Subject to the provisions of subsection (3), the provisions of this Act or any other law, shall, in so far as they can be applied, apply *mutatis mutandis* in connection with the supply or distribution of water in terms of subsection (1) at any point on the border of the Republic or at any place in such territory as if such point or place were an area within the Republic and, in the case of such supply or distribution by a body referred to in subsection (1), within the area of such body, and as if any water so supplied or distributed were intended for use in such an area.

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ding, met 'n boete van hoogstens eenduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande, of met daardie boete sowel as daardie gevangenisstraf.";

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

„(2) Iemand wat skuldig bevind word weens 'n misdryf ingevolge artikel 21, 22 of 23 is strafbaar, in die geval van 'n eerste skuldigbevinding, met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf, en, in die geval van 'n tweede of latere skuldigbevinding, met 'n boete van minstens eenduisend rand of met gevangenisstraf vir 'n tydperk van minstens ses maande of met daardie boete sowel as daardie gevangenisstraf.";

(*c*) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand wat 'n regulasie ingevolge hierdie Wet uitgevaardig, of 'n verordening ingevolge hierdie Wet deur 'n besproeiingsraad of 'n waterraad uitgevaardig, oortree of versuim om daaraan te voldoen, of 'n misdryf teen die bepalings van hierdie Wet begaan waarvoor geen boete uitdruklik voorgeskryf is nie, is by skuldigbevinding strafbaar met 'n boete van hoogstens eenhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens drie maande, of met daardie boete sowel as daardie gevangenisstraf."; en

(*d*) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Iemand wat weens 'n misdryf ingevolge hierdie Wet skuldig bevind is, en wat na die skuldigbevinding voortgaan met die gedragslyn wat daardie misdryf uitgemaak het, is aan 'n voortdurende misdryf skuldig en by skuldigbevinding strafbaar, in die geval van 'n in subartikel (2) bedoelde misdryf, met 'n boete van hoogstens eenhonderd rand, en, in die geval van enige ander misdryf, met 'n boete van hoogstens vyf-en-twintig rand, ten opsigte van elke dag waarop hy aldus daarmee voortgaan of voortgegaan het.".

Invoeging van artikel 174A in Wet 54 van 1956.

23. Die volgende artikel word hierby in die Hoofwet na artikel 174 ingevoeg:

„Voorsiening van water by punte op die grense van die Republiek, en in gebiede buite die Republiek.

174A. (1) Ondanks andersluidende bepalings van hierdie Wet of die een of ander wet, kan die Minister of, met die goedkeuring van die Minister, enige liggaam wat kragtens hierdie Wet of die een of ander wet die bevoegdheid verleen word om water, hetsy private of openbare water, binne die gebied waarvoor hy ingestel is, te voorsien of distribueer, water in groot maat of andersins voorsien aan iemand (met inbegrip van enige regering of administrasie) by enige punt op die grens tussen die Republiek en enige gebied wat daaraan grens of, met die goedkeuring van die betrokke regering, in sodanige gebied vir gebruik deur so iemand in sodanige gebied of namens so iemand vir ander vir gebruik daarin voorsien of distribueer.

(2) Behoudens die bepalings van subartikel (3), is die bepalings van hierdie Wet of die een of ander wet, vir sover hulle toegepas kan word, *mutatis mutandis* van toepassing in verband met die voorsiening of distribusie van water ingevolge subartikel (1) by enige punt op die grens van die Republiek of op 'n plek in sodanige gebied asof sodanige punt of plek 'n gebied is binne die Republiek en, in die geval van sodanige voorsiening of distribusie deur 'n liggaam bedoel in subartikel (1), binne die gebied van daardie liggaam, en asof enige water wat aldus voorsien of distribueer word vir gebruik in so 'n gebied bestem is.

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(3) Notwithstanding anything to the contrary contained in this Act or any other law, the terms and conditions on which water may be supplied or distributed in terms of subsection (1), shall be such as may be mutually agreed upon between the Minister or, in the case of a body referred to in subsection (1), with the approval of the Minister, the body concerned and the person (including any government or administration) to be supplied with water or on whose behalf water is to be supplied or distributed.".

Short title.

24. This Act shall be called the Water Amendment Act, 1977.

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(3) Ondanks andersluidende bepalings van hierdie Wet of die een of ander wet, is die bedinge en voorwaardes waarop water ingevolge subartikel (1) voorsien of distribueer word, dié waarop onderling deur die Minister of, in die geval van 'n liggaam in subartikel (1) bedoel, met die goedkeuring van die Minister, die betrokke liggaam en die persoon (met inbegrip van enige regering of administrasie) aan wie die water voorsien of namens wie water voorsien of distribueer word, ooreengekom word.".

24. Hierdie Wet heet die Waterwysigingswet, 1977. Kort titel.