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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 1213.] [18 Junie 1954.

Hierby word bekend gemaak dat dit Sy Eksellensie die Goewerneur-generaal behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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OFFICE OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 1213.] [18th June, 1954.

It is hereby notified that His Excellency the Governor-General has been pleased to assent to the following Acts, which are hereby published for general information:—

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No. 36, 1954.]

WET**Tot wysiging van die Naturelle-Verteenwoordigingswet, 1936.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1954.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Wysiging van artikel 31 van Wet 12 van 1936, soos gewysig deur artikel 19 van Wet 68 van 1951.

1. Artikel een-en-dertig van die Naturelle-Verteenwoordigingswet, 1936 (Wet No. 12 van 1936) (hieronder die Hoofwet genoem), word hiermee gewysig deur die volgende voorbehoudsbepaling daaraan by te voeg:

„Met dien verstande dat indien in die geval waar so 'n setel oopgeval het die vroegste dag wat as die stemdag bepaal kan word, binne 'n tydperk van ses maande voor die verstryking van die tydperk waarvoor die senator of die lid van die Volksraad of bedoelde provinsiale raad, wie se setel oopgeval het, verkies was, val, die uitvaardiging van die proklamasie en die hou van 'n verkiesing met die doel om die bedoelde setel wat oopgeval het te vul totdat bedoelde tydperk verstryk het, dan, ondanks andersluidende bepalings in hierdie Wet vervat, in die diskresie van die Goewerneur-generaal of die administrateur van die Provinsie Kaap die Goeie Hoop, na gelang van die geval, is.”

Wysiging van artikel 33 van Wet 12 van 1936, soos gewysig deur artikel 2 van Wet 23 van 1938, en artikel 19 van Wet 68 van 1951.

2. Artikel drie-en-dertig van die Hoofwet word hiermee gewysig—

(a) deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) As die aantal stemme wat die stemeenheid, of die gesamentlike aantal stemme wat al die stemeenhede, wat 'n kandidaat kragtens sub-artikel (2) van artikel twee-en-dertig nomineer, ingevolgé sub-artikel (5) van artikel sewe-en-dertig geregtig is om uit te bring, minder as tweeduisend is, of as iemand wat as kandidaat kragtens artikel twee-en-dertig genomineer is, in gebreke bly om, op die wyse en binne die tydperk bepaal by regulasie, 'n verklaring te maak dat hy bevoeg is om verkies te word, of in gebreke bly om binne daardie tydperk of op daardie wyse die nominasie te aanvaar of om die bedrag van vyftig pond, of sodanige sekerheidstelling vir daardie bedrag as wat die kiesbeampte voldoende mag ag, te deponeer, moet die kiesbeampte die nominasie van die hand wys, en daarop word sodanige nominasie geag nie behoorlik gemaak te gewees het nie.”; en

(b) deur die volgende sub-artikel daaraan by te voeg:

„(3) 'n Kandidaat kan sy aanname van nominasie te eniger tyd voor die verstryking van die in sub-artikel (2) bedoelde tydperk terugtrek deur skriftelik kennisgewing van sodanige terugtrekking by die kiesbeampte in te dien, en daarop verval die nominasie.”

Wysiging van artikel 34 van Wet 12 van 1936.

3. Artikel vier-en-dertig van die Hoofwet word hiermee gewysig deur die woorde „op of voor die nominasiedag” en die woorde „of indien die aantal behoorlik genomineerde kandidate kleiner is as die aantal lede wat verkies moet word,” te skrap.

Wysiging van artikel 35 van Wet 12 van 1936.

4. Artikel vyf-en-dertig van die Hoofwet word hiermee gewysig—

(a) deur na die woord „indien” die woorde „by die verstryking van die in sub-artikel (2) van artikel drie-en-dertig bedoelde tydperk” in te voeg; en

(b) deur die woorde „op of voor die nominasiedag” te skrap.

Wysiging van artikel 36 van Wet 12 van 1936.

5. Artikel ses-en-dertig van die Hoofwet word hiermee gewysig—

(a) deur na die woord „indien” die woorde „by die verstryking van die in sub-artikel (2) van artikel drie-en-dertig bedoelde tydperk” in te voeg; en

No. 36, 1954.]

ACT

To amend the Representation of Natives Act, 1936.

(Afrikaans text signed by the Governor-General.)
(Assented to 15th June, 1954.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *thirty-one* of the Representation of Natives Act, 1936 (Act No. 12 of 1936) (hereinafter referred to as the principal Act), is hereby amended by the addition thereto of the following proviso:

Amendment of section 31 of Act 12 of 1936, as amended by section 19 of Act 68 of 1951.

“Provided that if in the case of any such vacancy the earliest day which may be fixed for the polling day falls within a period of six months before the expiry of the period for which the senator or the member of the House of Assembly or the said provincial council whose seat has become vacant, was elected, then, notwithstanding anything to the contrary in this Act contained, the issue of the proclamation and the holding of any election for the purpose of filling the said vacancy until the said period has expired shall be in the discretion of the Governor-General or the administrator of the Province of the Cape of Good Hope, as the case may be.”.
2. Section *thirty-three* of the principal Act is hereby amended—

Amendment of section 33 of Act 12 of 1936, as amended by section 2 of Act 23 of 1938, and section 19 of Act 68 of 1951.

(a) by the substitution for sub-section (2) of the following sub-section:

“(2) If the number of votes which the voting unit, or the aggregate number of votes which all the voting units, nominating any candidate under sub-section (2) of section *thirty-two*, are entitled to exercise in terms of sub-section (5) of section *thirty-seven*, is less than two thousand, or if any person nominated as a candidate under section *thirty-two* fails to make a declaration, in the manner and within the period prescribed by regulation, that he is qualified to be elected, or fails within that period or in that manner to accept nomination or to deposit the sum of fifty pounds or such security for that sum as the returning officer may deem sufficient, the returning officer shall reject the nomination which shall thereupon be deemed not to have been duly made.”; and

(b) by the addition thereto of the following sub-section:

“(3) A candidate may withdraw his acceptance of nomination at any time before the expiry of the period referred to in sub-section (2) by lodging written notice of such withdrawal with the returning officer and thereupon the nomination shall lapse.”.
3. Section *thirty-four* of the principal Act is hereby amended by the deletion of the words “on or before the nomination day, or if the number of candidates duly nominated is smaller than the number of persons required to be elected,”.

Amendment of section 34 of Act 12 of 1936.
4. Section *thirty-five* of the principal Act is hereby amended—

Amendment of section 35 of Act 12 of 1936.

(a) by the insertion after the word “if” of the words “at the expiry of the period referred to in sub-section (2) of section *thirty-three*”; and

(b) by the deletion of the words “on or before the nomination day”.
5. Section *thirty-six* of the principal Act is hereby amended—

Amendment of section 36 of Act 12 of 1936.

(a) by the insertion after the word “if” of the words “at the expiry of the period referred to in sub-section (2) of section *thirty-three*”; and

(b) deur die woorde „op of voor die nominasiedag” te skrap.

Wysiging van artikel 38 van Wet 12 van 1936.

6. Artikel *agt-en-dertig* van die Hoofwet word hiermee gewysig deur na die woord „elke” die woorde „nominasie en” in te voeg.

Kort titel.

7. Hierdie Wet heet die Wysigingswet op Naturelleverteenswoordiging, 1954, en word geag op die tiende dag van Julie 1936 in werking te getree het.

(b) by the deletion of the words "on or before the nomination day".

6. Section *thirty-eight* of the principal Act is hereby amended by the insertion after the word "every" of the words "nomination and". Amendment of section 38 of Act 12 of 1936.

7. This Act shall be called the Representation of Natives Amendment Act, 1954, and shall be deemed to have come into operation on the tenth day of July, 1936. Short title.

No. 37, 1954.]

WET

Om voorsiening te maak dat sekere bevel deur die waterhof vir Waterhofdistrik No. 18 uitgevaardig met betrekking tot die bepaling en aantekening van regte op die gebruik van die water van die Mooirivier, in die distrik Potchefstroom, Provinsie Transvaal, die toebedeling van bedoelde water en die oprigting van sekere meettoestelle nie meer van krag sal wees nie; om voorsiening te maak vir die opgaar en bewaring van die water van bedoelde rivier in enige dam wat deur die Regering oor die Mooirivier binne die Rivierdistrik Mooirivier aangelê is of gaan word; om aan die Regering die beheer toe te wys van die water binne enige sodanige dam of binne enige ander besproeiingswerke wat deur die Regering aangelê is of gaan word binne die Rivierdistrik Mooirivier en van enige water wat in die Mooirivier of enige takrivier daarvan binne bedoelde rivierdistrik vloei; om alle regte op die gebruik van sodanige water aan die Regering toe te wys, behalwe die reg op primêre gebruik van enige ander persoon dan die Munisipaliteit van Potchefstroom; om vir die verdeling van sodanige water voorsiening te maak; om voorsiening te maak vir die vordering van gelde ten opsigte van water wat bo en behalwe sekere hoeveelhede vir gebruik op enige grond voorsien word of van water wat vir primêre of tersiêre doeleindes aan enige persoon voorsien word of van water wat bo en behalwe 'n sekere voorgeskrewe hoeveelheid aan die Munisipaliteit van Potchefstroom verskaf word; om die Regering te magtig om sekere sluise en meettoestelle aan te lê, om sekere kanale of vore te verander, te verlê, in stand te hou of skoon te maak en om sekere besproeiingswerke te verander; om voorsiening te maak vir die beheer en instandhouding van sekere sluise en meettoestelle; om voorsiening te maak vir die gebruik deur die Regering van besproeiingswerke geleë binne die Rivierdistrik Mooirivier, wat die eiendom van private persone is; om voorsiening te maak vir die van krag bly van die lys van belasbare oppervlaktes wat opgestel is vir bedoelde rivierdistrik kragtens artikel *sewe-en-sestig* van die „Besproeiings- en Waterbewarings Wet 1912”, en vir die wysiging van daardie lys deur die Minister van Besproeiing; om voorsiening te maak vir die aanvaarding deur die Rivierraad Mooirivier van sekere bevoegdhede, pligte en werksaamhede in verband met die beheer en administrasie van die dam wat deur die Regering aangelê gaan word en ander besproeiingswerke binne die Rivierdistrik Mooirivier en die beheer en verdeling van die water daarbinne wat die Minister van Besproeiing van tyd tot tyd aan bedoelde raad mag opdra; om voorsiening te maak vir die heffing deur die Minister van Besproeiing van belastinge op of ten opsigte van grond geleë binne bedoelde rivierdistrik wat op water geregtig is en om die bedrag van sekere belastinge wat aldus gehef mag word, te beperk; om voorsiening te maak dat die beperking wat by artikel *agt-en-sestig* van die „Besproeiings- en Waterbewarings Wet, 1912”, opgelê is aangaande die bedrag van die belasting wat deur 'n rivierraad gehef mag word, nie ten opsigte van die Rivierraad Mooirivier van toepassing sal wees nie; om die aanlê van nuwe besproeiingswerke of die wesenlike verandering of vergroting van bestaande besproeiingswerke op grond geleë binne die Rivierdistrik Mooirivier te verbied; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1954.)

Aanhef.

NADEMAAL die Rivierdistrik en -raad Mooirivier by Proklamasie No. 74 van 1909 (Transvaal) ingestel is:

EN NADEMAAL daar tans van krag is 'n bevel uitgevaardig deur die waterhof vir Waterhofdistrik No. 18 op die negentiende dag van Februarie 1915, insake die aansoek van die Unieregering met betrekking tot die ondersoek, bepaling en aantekening van regte op die gebruik van die water van die Mooirivier en ten opsigte van die toebedeling daarvan vir besproeiings- en ander doeleindes en 'n bevel uitgevaardig deur bedoelde hof op die sewende dag van Desember 1938, insake die aansoek van die Unieregering met betrekking tot die oprigting van sekere meettoestelle op die bedoelde rivier en in sekere vore en pomptoeestelle:

EN NADEMAAL die bestaande watervoorraad wat sonder bykomstige bewaring uit die Mooirivier verkry kan word onvoldoende is om in die behoeftes van eienaars van oewergrond te voorsien:

EN NADEMAAL die Goewerneur-generaal kragtens sub-artikel (1) van artikel *sewe* van die „Besproeiings- en Waterbewarings Wet 1912” (Wet No. 8 van 1912), gemagtig is om vir die doeleindes in bedoelde sub-artikel uiteengesit en onderworpe aan die goedkeuring van die Parlement en van sodanige regte as wat mag bestaan, besproeiingswerke aan te lê:

EN NADEMAAL die Unieregering besig is om 'n skema te ontwerp vir die aanlê van 'n dam oor die Mooirivier op die plase Naauwpoort 133 en Witkoppies 132 geleë in die distrik Potchefstroom, Provinsie Transvaal, vir die opgaar en bewaring van water wat in bedoelde rivier vloei, en vir die verbetering

No. 37, 1954.]

ACT

To provide that certain orders made by the water court for Water Court District No. 18 relating to the definition and recording of rights to the use of the water of the Mooi River, in the district of Potchefstroom, Transvaal Province, the apportionment of the said water and the erection of certain gauging devices shall cease to be in force; to provide for the impoundment and conservation of the waters of the said river in any dam constructed or to be constructed by the Government across the Mooi River within the Mooi River River District; to vest in the Government the control of the water contained in any such dam or in any other irrigation works constructed or to be constructed by the Government within the Mooi River River District and of any water flowing in the Mooi River or any tributary thereof within the said river district; to vest in the Government all rights to the use of such water, excluding the right of primary use of any person other than the Municipality of Potchefstroom; to provide for the distribution of such water; to provide for the imposition of charges in respect of water supplied for use on any land in excess of certain quantities or of water supplied to any person for primary or tertiary purposes or of water supplied to the Municipality of Potchefstroom in excess of a certain prescribed quantity; to empower the Government to construct certain sluice gates and measuring devices, to alter, re-align, maintain or clean certain canals or furrows and to alter certain irrigation works; to provide for the control and maintenance of certain sluice gates and measuring devices; to provide for the use by the Government of privately owned irrigation works situate within the Mooi River River District; to provide for the remaining in force of the schedule of rateable areas prepared for the said river district under section *sixty-seven* of the Irrigation and Conservation of Waters Act, 1912, and for the amendment of that schedule by the Minister of Irrigation; to provide for the assumption by the Mooi River River Board of certain powers, duties and functions in connection with the control and administration of the dam to be constructed by the Government and other irrigation works within the Mooi River River District and the control and distribution of the water contained therein which the Minister of Irrigation may from time to time assign to the said board; to provide for the levying of rates by the Minister of Irrigation upon or in respect of land situate within the said river district which is entitled to water and to restrict the amount of certain rates that may be so levied; to provide that the limitation imposed by section *sixty-eight* of the Irrigation and Conservation of Waters Act, 1912 as to the amount of the rate which may be levied by a river board shall not apply in respect of the Mooi River River Board; to prohibit the construction of new irrigation works or the material alteration or enlargement of existing irrigation works on land situate within the Mooi River River District; and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 15th June, 1954.)

WHEREAS the Mooi River River District and Board were Preamble.
 constituted by Proclamation No. 74 of 1909 (Transvaal):

AND WHEREAS there is at present in force an order made by the water court for Water Court District No. 18 on the nineteenth day of February, 1915, in the matter of the application of the Government of the Union, relating to the investigation, definition and recording of rights to the use of the water of the Mooi River and for the apportionment thereof for irrigation and other purposes, and an order made by the said court on the seventh day of December, 1938, in the matter of the application of the Government of the Union relating to the erection of certain gauging devices on the said river and in certain furrows and pumping works:

AND WHEREAS the existing supply of water which can be obtained from the Mooi River without additional storage is insufficient to meet the requirements of the owners of the land riparian thereto:

AND WHEREAS the Governor-General is empowered in terms of sub-section (1) of section *seven* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), to construct irrigation works for the purposes set out in the said sub-section and subject to the approval of Parliament and to such rights as may exist:

AND WHEREAS the Government of the Union is preparing a scheme for the construction of a dam across the Mooi River on the farms Naauwpoort 133 and Witkoppies 132, situate in the district of Potchefstroom, Transvaal Province, for impounding and conserving waters flowing in the said river, and for the

van bestaande kanale en vore wat die eiendom van private persone is of die aanlê van sekere nuwe kanale en vore vir die beter besproeiing van die grond wat in die Rivierdistrik Mooirivier geleë is:

EN NADEMAAL dit raadsaam is om vir die opgaar en bewaring van alle water wat in bedoelde dam invloei, voorsiening te maak:

EN NADEMAAL dit nie moontlik is nie om al die bedoelde water in bedoelde dam regtens op te gaar solank die bepalings van voormelde bevel van die waterhof van krag bly:

EN NADEMAAL dit derhalwe raadsaam is om bedoelde bevel nietig te verklaar behalwe vir sover die bevel wat op 19 Februarie 1915 uitgevaardig is, betrekking het op sekere water wat as private water verklaar is:

EN NADEMAAL dit raadsaam is om alle regte op die gebruik van die water wat in bedoelde dam opgegaar en bewaar gaan word of wat binne enige ander besproeiingswerke is wat in die Rivierdistrik Mooirivier deur die Regering aangelê is of nog aangelê gaan word en van enige water wat in die Mooirivier of enige takrivier daarvan binne die bedoelde rivierdistrik vloei, aan die Regering toe te wys, behalwe die reg op primêre gebruik van enige ander persoon dan die Munisipaliteit van Potchefstroom:

EN NADEMAAL dit raadsaam is om die Regering te magtig om bedoelde water te beheer en te verdeel vir gebruik op grond geleë binne die bedoelde rivierdistrik en vir ander doeleindes insluitende gebruik deur die Munisipaliteit van Potchefstroom vir munisipale doeleindes, en om bepalings vas te stel tot reëling van sodanige beheer en verdeling:

EN NADEMAAL dit vir sodanige doeleindes raadsaam is om die Regering te magtig om sekere sluise en meettoestelle aan te lê by of naby die inloop of langs die loop van kanale of vore wat die eiendom van private persone is of op ander besproeiingswerke binne die Rivierdistrik Mooirivier, om sodanige kanale of vore te verander, te verlê, in stand te hou of skoon te maak en om sulke ander besproeiingswerke te verander, sonder betaling van vergoeding aan die eienaar van die betrokke grond en om aan die Regering die beheer van enige sluise of meettoestelle wat deur hom in bedoelde rivierdistrik aangelê is of gaan word, toe te wys:

EN NADEMAAL dit raadsaam is om die Regering te magtig om sonder betaling van vergoeding enige besproeiingswerke geleë binne die Rivierdistrik Mooirivier, wat die eiendom van private persone is, oor te neem en te gebruik:

EN NADEMAAL dit raadsaam is om te bepaal dat die lys van belasbare oppervlaktes vir die Rivierdistrik Mooirivier van krag sal bly en om die Minister van Besproeiing te magtig om die bedoelde lys te wysig:

EN NADEMAAL dit raadsaam is om aan die Minister van Besproeiing bevoegdheid te verleen om die Rivierraad Mooirivier te gelas om enige van of al die bevoegdhede, pligte en werksaamhede wat vir die beheer en administrasie van die voormelde dam of ander besproeiingswerke en vir die verdeling van die water onder die beheer van die Minister aan die Minister of aan die Direkteur van Besproeiing toegewys is, te aanvaar:

EN NADEMAAL dit raadsaam is om aan bedoelde Minister bevoegdheid te verleen om sekere belastings te hef, op grond wat met water onder sy beheer besproei word of daaruit voordeel trek, om die bedrag van sekere belastings wat aldus gehef mag word te beperk, om voorsiening te maak vir die vordering van gelde vir sekere water wat verskaf word en om aan bedoelde Minister bevoegdheid te verleen om die Rivierraad Mooirivier te gelas om sodanige belastings en gelde in te vorder:

EN NADEMAAL dit raadsaam is om te bepaal dat die beperking wat by artikel *agt-en-sestig* van die „Besproeiings- en Waterbewarings Wet, 1912”, opgelê is aangaande die bedrag van die belasting wat deur 'n rivierraad gehef mag word, nie ten opsigte van die Rivierraad Mooirivier van toepassing sal wees nie:

EN NADEMAAL dit raadsaam is om die aanlê van nuwe besproeiingswerke of die wesenlike verandering of vergroting van bestaande besproeiingswerke aan die Mooirivier of enige takrivier daarvan binne die Rivierdistrik Mooirivier, wat vir die opgaar of uithaal van water uit bedoelde rivier of enige takrivier daarvan aangewend word, behalwe met die toestemming van die Minister van Besproeiing, te verbied:

EN NADEMAAL dit raadsaam is om vir ander bykomstige aangeleenthede voorsiening te maak:

betterment of existing privately owned canals and furrows or the construction of certain new canals and furrows for the better irrigation of the land situate in the Mooi River River District:

AND WHEREAS it is expedient to provide for the impoundment and conservation of all water flowing into the said dam:

AND WHEREAS it is not possible to impound lawfully all the said water in the said dam while the provisions of the aforesaid orders of the water court remain in force:

AND WHEREAS it is therefore expedient to annul the said orders, except in so far as the order made on the 19th February, 1915, relates to certain water declared to be private water:

AND WHEREAS it is expedient to vest in the Government all rights to the use of the water to be impounded and conserved in the said dam or contained in any other irrigation works constructed or still to be constructed by the Government in the Mooi River River District and of any water flowing in the Mooi River or any tributary thereof within the said river district, excluding the right of primary use of any person other than the Municipality of Potchefstroom:

AND WHEREAS it is expedient to empower the Government to control and distribute the said water for use on land situate within the said river district and for other purposes including use by the Municipality of Potchefstroom for municipal purposes, and to enact provisions governing such control and distribution:

AND WHEREAS it is expedient for such purposes to empower the Government to construct certain sluice gates and measuring devices at or near the intake or along the course of privately owned canals or furrows or on other irrigation works within the Mooi River River District, to alter, re-align, maintain or clean such canals or furrows and to alter such other irrigation works, without payment of compensation to the owner of the land concerned and to vest in the Government the control of any sluice gates and measuring devices constructed or to be constructed by it within the said river district:

AND WHEREAS it is expedient to empower the Government to take over and use, without payment of compensation, any privately owned irrigation works situate within the Mooi River River District:

AND WHEREAS it is expedient to prescribe that the schedule of rateable areas for the Mooi River River District shall remain in force and to empower the Minister of Irrigation to amend the said schedule:

AND WHEREAS it is expedient to empower the Minister of Irrigation to direct the Mooi River River Board to assume any or all of the powers, duties and functions assigned to him or to the Director of Irrigation for the control and administration of the aforesaid dam or other irrigation works and for the distribution of the water under the control of the Minister:

AND WHEREAS it is expedient to empower the said Minister to levy certain rates on land irrigated or benefiting by the water under his control, to restrict the amount of certain rates which may be so levied, to provide for the payment of charges for certain water supplied and to empower the said Minister to direct the Mooi River River Board to collect such rates or charges:

AND WHEREAS it is expedient to provide that the limitation imposed by section *sixty-eight* of the Irrigation and Conservation of Waters Act, 1912, as to the amount of the rate which may be levied by a river board shall not apply in respect of the Mooi River River Board:

AND WHEREAS it is expedient to prohibit the construction of new irrigation works or the material alteration or enlargement of existing irrigation works on the Mooi River, or any tributary thereof, within the Mooi River River District used for the storage or abstraction of water from the said river or any tributary thereof, except with the consent of the Minister of Irrigation:

AND WHEREAS it is expedient to provide for other incidental matters:

WORD DIT DERHALWE BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Woordbepaling.

1. In hierdie Wet, tensy die teendeel uit die samehang blyk, beteken—

- (i) „Besproeiingswet”, die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912); (ii)
- (ii) „die omvang van die werke”, die hele bedding van die Mooirivier en die bedding van enige takrivier daarvan binne die rivierdistrik en ook enige dam of enige kanaal van sodanige dam af wat die Regering op die Mooirivier mag aanlê of aangelê het; (v)
- (iii) „Mooirivier”, die Mooirivier geleë binne die rivierdistrik; (iii)
- (iv) „raad”, die by Proklamasie No. 74 van 1909 (Transvaal) ingestelde Rivierraad Mooirivier; (i)
- (v) „rivierdistrik”, die by Proklamasie No. 74 van 1909 (Transvaal) ingestelde Rivierdistrik Mooirivier en ook enige uitbreiding daarvan; (iv)

en het enige uitdrukking waaraan in die Besproeiingswet 'n betekenis toegeskryf is, waar dit in hierdie Wet voorkom, dieselfde betekenis.

Nietigverklaring van bevele van waterhof.

2. Die bevele uitgevaardig deur die waterhof vir die Waterhofdistrik No. 18—

- (a) op die negentiende dag van Februarie 1915, insake die aansoek van die Unie-regering, met betrekking tot die ondersoek, bepaling en aantekening van regte op die gebruik van die water van die Mooirivier en ten opsigte van die toebedeling daarvan vir besproeiings- en ander doeleindes; en
- (b) op die sewende dag van Desember 1938, insake die aansoek van die Unie-regering, met betrekking tot die oprigting van sekere meettoestelle op die Mooirivier en in sekere vore en pomptoestelle;

is hierna nie meer van krag nie, behalwe vir sover die in paragraaf (a) bedoelde bevel op die reg op en gebruik van enige water wat deur bedoelde hof as private water verklaar is, betrekking het.

Beheer deur Minister van Besproeiing van water binne die omvang van die werke.

3. Die Minister kan, deur middel van enige dam wat deur die Regering in die Mooirivier aangelê is, of mag word, enige van of al die water wat in enige sodanige dam invloei en op die gebruik waarvan enige persoon geregtig is, opgaar en bewaar en kan, onderworpe aan die bepalings van hierdie Wet, bedoelde water en enige ander water binne die omvang van die werke beheer.

Toewysing van waterregte van persone binne Rivierdistrik Mooirivier aan Minister van Besproeiing.

4. Behoudens die reg op primêre gebruik waarop enige ander persoon as die Munisipaliteit van Potchefstroom geregtig mag wees, word alle regte op die gebruik van die water binne die omvang van die werke waarop enige persoon geregtig is, hiermee aan die Minister oorgedra en toegewys, en moet ooreenkomstig die bepalings van hierdie Wet deur die Direkteur en amptenare van die departement uitgeoefen word.

Verdeling van water.

5. (1) Die Direkteur moet, onderworpe aan die bepalings van sub-artikel (2), maatreëls aanwend wat redelikerwys afdoende is om te verseker dat daar vir gebruik op elke stuk grond wat op die in artikel *agt* bedoelde lys van belasbare oppervlaktes voorkom 'n hoeveelheid water, wat deel van die in artikel *vier* bedoelde water uitmaak nadat voorsiening vir die benodighede van die Munisipaliteit van Potchefstroom ingevolge sub-artikel (4) gemaak is, gelewer word wat sover doenlik in dieselfde verhouding staan tot die totale hoeveelheid water wat vir sodanige gebruik beskikbaar is, as die verhouding waarin die ingelyste oppervlakte van daardie stuk grond staan tot die totale oppervlakte van die grond in bedoelde lys van belasbare oppervlaktes opgeneem.

(2) Ondanks die bepalings van sub-artikel (1) kan die Direkteur van tyd tot tyd die maksimum hoeveelheid water vasstel wat jaarliks ten opsigte van elke morg grond wat in bedoelde lys van belasbare oppervlaktes ingesluit is, verskaf mag word.

(3) Geen bepaling van sub-artikel (2) word so uitgelê dat dit die Direkteur verhoed om water aan enige persoon vir primêre of tersiêre doeleindes te verskaf nie of om aan die eienaar van grond in daardie sub-artikel bedoel, water benewens die hoeveelheid wat sodanige eienaar geregtig sou wees om te ontvang ingevolge enige vasstelling kragtens bedoelde sub-

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context indicates otherwise—

- (i) "board" means the Mooi River River Board constituted by Proclamation No. 74 of 1909 (Transvaal); (iv)
- (ii) "Irrigation Act" means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912); (i)
- (iii) "Mooi River" means the Mooi River situate within the river district; (iii)
- (iv) "river district" means the Mooi River River District constituted by Proclamation No. 74 of 1909 (Transvaal) and includes any extension thereof; (v)
- (v) "the limits of the works" means the whole of the channel of the Mooi River and the channel of any tributary thereof within the river district and includes any dam or any canal from such dam which the Government may construct or has constructed on the Mooi River; (ii)

Definitions.

and any expression to which a meaning has been assigned in the Irrigation Act bears, when used in this Act, the same meaning.

2. The orders made by the water court for the Water Court District No. 18—

- (a) on the nineteenth day of February, 1915, in the matter of the application of the Government of the Union relating to the investigation, definition and recording of rights to the use of the water of the Mooi River and for the apportionment thereof for irrigation and other purposes; and
- (b) on the seventh day of December, 1938, in the matter of the application of the Government of the Union relating to the erection of certain gauging devices on the Mooi River and in certain furrows and pumping works,

Annulment of water court orders.

shall hereafter cease to be of force and effect, save in so far as the order referred to in paragraph (a) relates to the right to and use of any water declared by the said court to be private water.

3. The Minister may by means of any dam which has been or may be constructed by the Government across the Mooi River impound and conserve any or all of the water flowing into any such dam to the use of which any person is entitled and may, subject to the provisions of this Act, control the said water and any other water contained within the limits of the works.

Control by Minister of Irrigation of water contained within the limits of the works.

4. Saving the right of primary use to which any person other than the Municipality of Potchefstroom may be entitled, all rights to the use of the water contained within the limits of the works to which any person is entitled, are hereby transferred to and vested in the Minister and shall be exercised through the Director and the officers of the department in accordance with the provisions of this Act.

Vesting of water rights of persons within Mooi River River District in Minister of Irrigation.

5. (1) The Director shall, subject to the provisions of sub-section (2), adopt reasonably adequate measures for ensuring that there is delivered for use on every piece of land included in the schedule of rateable areas referred to in section eight, a quantity of water, being portion of the water referred to in section four, after provision has been made for the requirements of the Municipality of Potchefstroom in terms of sub-section (4), which as nearly as may be practicable bears to the whole quantity of water available for such use, the same ratio as the ratio which the scheduled area of that piece of land bears to the whole area of land included in the said schedule of rateable areas.

Distribution of water.

(2) Notwithstanding the provisions of sub-section (1) the Director may from time to time determine the maximum quantity of water that may be supplied annually in respect of each morgen of land included in the said schedule of rateable areas.

(3) Nothing in sub-section (2) contained shall be construed as preventing the Director from supplying water to any person for primary or tertiary purposes or from supplying to the owner of land referred to in the said sub-section, for use on such land, water additional to the quantity such owner would be entitled to receive in terms of any determination made under the said

artikel gemaak, vir gebruik op daardie grond te verskaf nie, en wel op die voorwaardes wat hy goeuvind en onderworpe aan betaling van die gelde wat die Minister van tyd tot tyd mag bepaal.

(4) (a) Die Munisipaliteit van Potchefstroom kan, vanuit die omvang van die werke, 'n hoeveelheid water uithaal of 'n hoeveelheid kan aan hom verskaf word wat, bereken oor 'n tydperk van twaalf maande gereken vanaf die datum waarop water vir die eerste keer ingevolge hierdie artikel uitgehaal of verskaf word of enige agtereenvolgende tydperk van twaalf maande daarna, drieduisend tweehonderd-en-tagtig morg-voet nie te bowe gaan nie en bedoelde Munisipaliteit kan sodanige water na enige plek binne sy regsgebied neem en voer of oorbring en kan self sodanige water vir enige doel gebruik of dit in 'n drinkbare of ondrinkbare toestand aan enige persoon vir gebruik vir enige doel binne sodanige gebied verskaf: Met dien verstande dat die stroom wat deur die Munisipaliteit uitgehaal word of wat aan hom verskaf word nooit vier-en-twintig kubieke voet water per sekonde mag oorskry nie.

(b) Wanneer die hoeveelheid water wat ingevolge paragraaf (a) deur bedoelde Munisipaliteit uitgehaal word of aan hom verskaf word in enige tydperk van twaalf maande, agthonderd vier-en-veertig morg-voet oorskry, moet die Munisipaliteit ten opsigte van die hoeveelheid bo voormelde hoeveelheid sulke gelde per duisend gellings water aan die departement betaal as wat die Minister van tyd tot tyd mag bepaal: Met dien verstande dat die gelde aldus bepaal ten opsigte van enige hoeveelheid sodanige water bo tweeduisend driehonderd een-en-sestig morg-voet tweekeer soveel moet wees as die gelde wat aldus bepaal word ten opsigte van enige hoeveelheid sodanige water wat nie meer as laasgenoemde hoeveelheid is nie.

(c) Die gelde deur die Minister ingevolge paragraaf (b) bepaal, moet aan die Direkteur op sodanige datums as wat die Direkteur van tyd tot tyd mag bepaal en waarvan die Munisipaliteit skriftelik in kennis gestel moet word, betaal word.

(d) Ondanks andersluidende bepalings in die Besproeiingswet vervat, moet die oppervlakte wat in die deur die raad kragtens artikel *sewe-en-sestig* van die Besproeiingswet opgestelde lys van belasbare oppervlaktes ten opsigte van bedoelde Munisipaliteit opgeneem is en wat by die inwerkingtreding van hierdie artikel bestaan aan die end van enige in paragraaf (a) vermelde tydperk van twaalf maande vir die daaropvolgende tydperk van twaalf maande verminder word deur 'n oppervlakte wat in dieselfde verhouding tot die totale aldus opgeneemde oppervlakte staan as die verhouding waarin die hoeveelheid water uitgehaal of verskaf ingevolge paragraaf (a) bo agthonderd drie-en-sestig morg-voet, staan tot die totale hoeveelheid water waarop die Munisipaliteit ingevolge genoemde paragraaf geregtig is.

(e) Die Direkteur moet in oorlegpleging met bedoelde Munisipaliteit van tyd tot tyd, sulke redelike stappe doen as wat nodig mag wees om te verseker dat, sover doenlik, die hoeveelheid water wat die Munisipaliteit mag uithaal of wat aan hom verskaf mag word vir die Munisipaliteit beskikbaar is.

(f) Bedoelde Munisipaliteit moet op sy eie koste sulke meettoestelle in die werke wat aan hom behoort voorsien as wat, na die mening van die direkteur, nodig mag wees vir die behoorlike meet van die water wat ingevolge hierdie artikel deur die Munisipaliteit uitgehaal word of aan hom verskaf word en enige persoon deur die Direkteur daartoe gemagtig, het te eniger tyd die reg van toegang tot sodanige meettoestelle om seker te maak dat hulle in 'n behoorlike werkende toestand is of om van tyd tot tyd die hoeveelheid water aldus uitgehaal of verskaf te bepaal.

(5) Dit is vir die Direkteur nie nodig om te onderskei tussen die normale stroming van die Mooirivier en enige ander water wat genoemde rivier mag bereik en wat ooreenkomstig die bepalings van hierdie artikel verdeel moet word nie.

(6) Vir die doeleindes van hierdie artikel word beskou dat die Direkteur die plig wat by sub-artikel (1) aan hom opgelê is, vervul het wanneer hy die water wat enige grond toekom in enige privaatkanaal of -voor waardeur sodanige grond bedien word, gelewer het.

sub-section on such conditions as he may deem fit to impose and subject to the payment of such charges as the Minister may from time to time determine.

- (4) (a) The Municipality of Potchefstroom may, from the limits of the works, abstract or be supplied with a quantity of water which, calculated over a period of twelve months reckoned from the date on which water is first abstracted or supplied in terms of this section or any successive period of twelve months thereafter, shall not exceed three thousand two hundred and eighty morgen feet and the said Municipality may take and convey or transmit such water to any place within its area of jurisdiction and may itself use such water for any purpose or supply it in a potable or non-potable condition to any persons for use for any purpose within such area: Provided that the rate of flow abstracted by or supplied to the Municipality shall at no time exceed twenty-four cubic feet of water per second.
- (b) Whenever the quantity of water abstracted by or supplied to the said Municipality in terms of paragraph (a) exceeds eight hundred and forty-four morgen feet in any period of twelve months the Municipality shall pay to the department in respect of the excess such charges per thousand gallons of water as may from time to time be determined by the Minister: Provided that the charges so determined in respect of any quantity of such water in excess of two thousand three hundred and sixty-one morgen feet shall be twice the charges so determined in respect of any quantity of such water not exceeding such last-mentioned quantity.
- (c) The charges determined by the Minister in terms of paragraph (b) shall be paid to the Director on such dates as may from time to time be determined by the Director and notified to the said Municipality in writing.
- (d) Notwithstanding anything to the contrary contained in the Irrigation Act, the area included in the schedule of rateable areas prepared by the board in terms of section *sixty-seven* of the Irrigation Act in respect of the said Municipality and existing as at the commencement of this section shall at the end of any period of twelve months referred to in paragraph (a) be reduced for the ensuing period of twelve months by an area which bears to the total area so included the same ratio as the ratio which the quantity of water abstracted or supplied in terms of paragraph (a), in excess of eight hundred and sixty-three morgen feet, bears to the total quantity of water to which the Municipality is entitled in terms of the said paragraph.
- (e) The Director shall, in consultation with the said Municipality from time to time, take such reasonable steps as may be necessary to ensure that, as far as is practicable, the quantity of water which the Municipality may abstract or be supplied with is available to the Municipality.
- (f) The said Municipality shall at its expense, provide such measuring devices in the works belonging to it as may, in the opinion of the Director, be necessary for the proper measurement of the water abstracted by or supplied to the Municipality in terms of this section and any person authorized thereto by the Director shall at any time have the right of access to such devices for the purpose of ensuring that they are in proper working order or for determining from time to time the quantity of water so abstracted or supplied.

(5) It shall not be necessary for the Director to draw any distinction between the normal flow of the Mooi River and any other water which may reach that river and which falls to be distributed in accordance with the provisions of this section.

(6) For the purposes of this section, the Director shall be regarded as having fulfilled the duty imposed upon him by sub-section (1) when he has delivered the water to which any land is entitled, into any privately owned canal or furrow by which such land is served.

Aanleg van sekere werke deur Direkteur.

6. (1) Die Direkteur of enige persoon deur die Direkteur daartoe gemagtig kan, uit gelde wat vir die doel deur die Parlement beskikbaar gestel word, sodanige sluise en meettoestelle by of naby die inloop of langs die loop van enige privaatkanaal of -voor of op enige ander besproeiingswerk binne die rivierdistrik aangelê of enige sodanige kanaal of voor of gedeelte daarvan verander, verlê, in stand hou of skoonmaak of enige sodanige ander besproeiingswerk verander soos die Minister mag nodig ag om 'n regverdige verdeling van water ingevolge artikel vyf te bewerkstellig.

(2) Die Regering is nie aanspreeklik vir die betaling van vergoeding aan enige eienaar van grond ten opsigte van die aangelê op sy grond van werke ingevolge sub-artikel (1) nie en die Direkteur of enige persoon deur die Direkteur daartoe gemagtig het te eniger tyd die reg van toegang tot sodanige werke en tot enige privaatkanale, -vore, studamme of ander besproeiingswerke binne die rivierdistrik.

(3) Die Direkteur het die uitsluitlike beheer van sluise en meettoestelle wat voor die inwerkingtreding van hierdie artikel deur die Regering aangelê is of wat ingevolge sub-artikel (1) aangelê word en moet, uit gelde wat vir die doel deur die Parlement beskikbaar gestel word, enige sluis of meettoestel aldus aangelê behoorlik in stand hou, tensy die eienaar van die grond waarop sodanige sluis of meettoestel aangelê is onderneem om dit op sy koste in stand te hou.

Minister kan werke wat aan private persone behoort oorneem, gebruik en in stand hou.

7. (1) Die Minister kan van tyd tot tyd, en vir die tydperk wat hy goedvind, sodanige gedeeltes van besproeiingswerke, geleë binne die rivierdistrik, wat die eiendom van private persone is, sonder betaling van vergoeding oorneem en gebruik, soos hy nodig ag vir die behoorlike besproeiing van die belasbare oppervlaktes in bedoelde distrik of vir die dreinerings van grond daarin.

(2) Enige werke wat ingevolge sub-artikel (1) deur die Minister oorgeneem en gebruik word, moet, behoudens die bepalinge van artikel nege, gedurende die tydperk van sodanige gebruik deur hom, uit gelde wat vir die doel deur die Parlement beskikbaar gestel word, in stand gehou word.

Lys van belasbare oppervlaktes.

8. (1) Die lys van belasbare oppervlaktes vir die rivierdistrik opgestel kragtens artikel *sewe-en-sestig* van die Besproeiingswet en wat by die datum van inwerkingtreding van hierdie artikel bestaan, bly van krag: Met dien verstande dat die Minister, onderworpe aan die bepalinge van enige regulasies wat kragtens artikel *twaalf* uitgevaardig mag word, bedoelde lys van tyd tot tyd en op die wyse wat hy goedvind, kan wysig.

(2) Met ingang van die datum van inwerkingtreding van hierdie artikel hou die bepalinge van artikel *sewe-en-sestig* van die Besproeiingswet op om ten opsigte van die rivierdistrik van toepassing te wees.

Minister kan bevoegdhede, pligte en werksaamhede aan Rivierraad Mooirivier opdra.

9. (1) Indien die Minister dit raadsaam ag, kan hy te eniger tyd by skriftelike kennisgewing aan die raad, en onderworpe aan die voorwaardes wat hy na goeddunke oplê, die raad gelas om vir so 'n tydperk as wat die Minister bepaal, enige van of al die bevoegdhede, pligte en werksaamhede te aanvaar wat ingevolge hierdie Wet of die Besproeiingswet toegewys is aan die Minister of die Direkteur ten opsigte van die instandhouding, administrasie of beheer van enige Staatsbesproeiingswerke wat binne die rivierdistrik aangelê is of die instandhouding en beheer van enige van die in sub-artikel (3) van artikel *ses* bedoelde werke, die oorneem, gebruik en instandhouding van enige van die in artikel *sewe* bedoelde werke, die gebruik en verdeling van water, en oor die algemeen alle aangeleenthede met betrekking tot die beheer van water wat binne die omvang van die werke is.

(2) Die raad moet vanaf 'n datum deur die Minister in bedoelde kennisgewing aangedui, die bevoegdhede, pligte en werksaamhede wat aldus aan hom opgedra is, aanvaar.

(3) Die koste deur die raad opgeloopt in verband met die uitoefening van die bevoegdhede en die uitvoering van die pligte en werksaamhede in sub-artikel (2) bedoel, moet vir die tydperk wat die raad daardie bevoegdhede uitoefen en daardie pligte en werksaamhede uitvoer, deur die raad gedra word.

(4) Die Minister kan te eniger tyd by skriftelike kennisgewing aan die raad 'n opdrag kragtens sub-artikel (1) deur hom gegee, intrek, en daarop moet die Minister of die Direkteur, na gelang van die geval, onverwyld weer die bevoegdhede, pligte en werksaamhede, wat die onderwerp van die kennisgewing is, aanvaar.

6. (1) The Director or any person authorized thereto by the Director may, out of moneys appropriated by Parliament for the purpose, construct such sluice gates and measuring devices at or near the intake or along the course of any privately owned canal or furrow or on any other irrigation work within the river district or alter, re-align, maintain or clean any such canal or furrow or portion thereof or alter any such other irrigation work as the Minister may consider necessary for an equitable distribution of water in terms of section *five*.

Construction of certain works by Director.

(2) The Government shall not be liable for the payment of any compensation to any owner of land in respect of the construction on his land of works in terms of sub-section (1) and the Director or any person authorized thereto by the Director shall at any time have the right of access to such works and to any privately owned canals, furrows, weirs or other irrigation works within the river district.

(3) The Director shall have the exclusive control of sluice gates and measuring devices constructed by the Government before the commencement of this section or constructed in terms of sub-section (1) and shall out of moneys appropriated by Parliament for the purpose, maintain in proper condition any sluice gate or measuring device so constructed, unless the owner of the land on which such sluice gate or measuring device has been constructed undertakes to maintain it at his expense.

7. (1) The Minister may from time to time and for such period as he may deem fit, take over and use, without payment of compensation, such portions of privately owned irrigation works situate within the river district as he may deem necessary for the proper irrigation of the rateable areas in the said district or for the drainage of land therein.

Minister may take over, use and maintain privately owned works.

(2) Any works taken over and used by the Minister in terms of sub-section (1) shall, subject to the provisions of section *nine*, during the period of such use be maintained by him out of moneys appropriated by Parliament for the purpose.

8. (1) The schedule of rateable areas for the river district prepared under section *sixty-seven* of the Irrigation Act and existing as at the date of commencement of this section shall remain in force: Provided that the Minister may, subject to the provisions of any regulations which may be made under section *twelve*, from time to time and in such manner as he deems fit amend the said schedule.

Schedule of rateable areas.

(2) As from the date of commencement of this section the provisions of section *sixty-seven* of the Irrigation Act shall cease to apply in respect of the river district.

9. (1) If the Minister deems it expedient he may at any time by notice in writing to the board and subject to such conditions as he may deem fit to impose, direct the board, for such period as he may stipulate, to assume any or all of the powers, duties or functions assigned to him or to the Director under this Act or the Irrigation Act in respect of the maintenance, administration or control of any Government irrigation works constructed within the river district or the maintenance and control of any works referred to in sub-section (3) of section *six*, the taking over, use and maintenance of any works referred to in section *seven*, the use and distribution of water, and generally as to all matters relating to the control of water contained within the limits of the works.

Minister may delegate powers, duties or functions to Mooi River River Board.

(2) The board shall, with effect from a date to be specified by the Minister in the said notice, assume such powers, duties and functions as have been so assigned to it.

(3) The costs incurred by the board in the exercise of the powers and the performance of the duties and functions referred to in sub-section (2), shall be borne by the board for the period during which the board exercises those powers and performs those duties and functions.

(4) The Minister may at any time by notice in writing to the board cancel any direction made by him under sub-section (1), and thereupon the Minister or Director, as the case may be, shall forthwith reassume the powers, duties or functions forming the subject of the notice.

(5) Die bepalings van hierdie Wet word nie so uitgelê dat dit aan die bevoegdheids van die Minister of die Direkteur ingevolge artikel *honderd sewe-en-twintig* van die Besproeiingswet afbreuk doen nie.

Hefing en verhaal van belastinge en gelde.

10. (1) (a) Die Minister kan van tyd tot tyd—
- (i) algemene Regeringsbelastinge hef; en
 - (ii) spesiale Regeringsbelastinge hef om uitgawes wat deur die Minister of die Direkteur aangegaan is of aangegaan gaan word by die uitoefening van die bevoegdheids of die uitvoering van die pligte of werksaamhede wat aan die Minister of die Direkteur kragtens hierdie Wet opgedra is, te bestry; op of ten opsigte van grond wat binne die rivierdistrik geleë is en wat ingevolge sub-artikel (1) van artikel *vyf* op water geregtig is en in die in artikel *agt* bedoelde lys van belasbare oppervlaktes opgeneem is.
- (b) Belastinge ingevolge paragraaf (a) gehef kan òf teen dieselfde bedrag per morg òf teen verskillende bedrae ten opsigte van verskillende stukke grond, soos die Minister goeddink, vasgestel word: Met dien verstande dat, behalwe vir die doeleindes van sub-artikel (3) van artikel *honderd sewe-en-twintig* van die Besproeiingswet, enige kragtens sub-paragraaf (i) van bedoelde paragraaf gehefde belastinge nie meer dan *twintig* sjielings per morg per jaar mag bedra nie.

(2) Die Minister kan skriftelik aan die raad opdrag gee om die in sub-artikel (1) van hierdie artikel bedoelde belastinge, of die in sub-artikel (3) van artikel *vyf* of die in paragraaf (b) van sub-artikel (4) van artikel *vyf* bedoelde gelde, in te vorder, en enige belasting of gelde wat aldus deur die raad ingevorder word, moet aan die Direkteur oorbetal word op die datums wat die Minister van tyd tot tyd bepaal.

(3) Indien enige in sub-artikel (2) bedoelde belasting of gelde na die datum vir betaling daarvan vasgestel, geheel of ten dele onbetaal is, kan die Minister tot tyd en wyl die belasting of gelde, na gelang van die geval, betaal is, of vir so 'n korter tydperk as wat hy goetvind, die hoeveelheid water wat uit die werke verskaf word aan die grond ten opsigte waarvan die belasting betaalbaar is, of aan die persoon deur wie die gelde verskuldig is, na gelang van die geval, verminder of die verskaffing van die water geheel en al weerhou.

(4) Niemand word onthef, hetsy geheel of gedeeltelik, van aanspreeklikheid vir die betaling van enige belastinge of gelde kragtens hierdie wet gehef of gevorder ten opsigte van enige tydperk waarin die Minister, kragtens sub-artikel (3), die hoeveelheid water wat verskaf moet word aan die grond ten opsigte waarvan die belasting betaalbaar is, of aan die persoon deur wie die gelde verskuldig is, verminder of die verskaffing van die water weerhou het nie.

(5) Wanneer belastinge vir die eerste maal kragtens sub-artikel (1) gehef is, moet die Direkteur skriftelik aan die betrokke registrateur van aktes daarvan kennis gee, en daarna word geen oordrag van grond wat in voormelde lys van belasbare oppervlaktes opgeneem is deur sodanige registrateur geregistreer nie, tensy aan hom 'n sertifikaat voorgelê is wat deur die Direkteur of sy verteenwoordiger of, indien aan die raad ingevolge sub-artikel (2) opdrag gegee is om die belastinge in te vorder, deur die sekretaris van die raad, onderteken is en waarin verklaar word dat alle bedrae by wyse van sodanige belasting verskuldig op of ten opsigte van die grond, betaal is.

(6) Iemand wat eienaar word van grond waarop of ten opsigte waarvan kragtens hierdie Wet belastinge gehef of gelde gevorder is, is aanspreeklik vir die belastinge of gelde wat nog onbetaald is wanneer hy die eienaar word.

(7) Die bevoegdheid van die raad om belastinge ingevolge artikel *agt-en-sestig* van die Besproeiingswet te hef, is nie aan die by daardie artikel opgelegde beperking betreffende die bedrag van die belasting wat gehef mag word, onderworpe nie.

Aanleg of verandering van besproeiingswerke.

11. Niemand mag op grond geleë binne die rivierdistrik 'n nuwe besproeiingswerk aan die Mooirivier of enige takrivier daarvan aanlê of 'n bestaande besproeiingswerk daarop wesentlik verander of vergroot nie met die doel om water daarin op te gaar of om water binne die omvang van die werke uit te haal, behalwe met skriftelike toestemming van die Minister en onderworpe aan die voorwaardes wat hy mag voorskryf.

(5) Nothing in this Act contained shall be construed as derogating from the powers of the Minister or the Director under section *one hundred and twenty-seven* of the Irrigation Act.

10. (1) (a) The Minister may, from time to time—

Levy and recovery of rates and charges.

- (i) levy general Government rates; and
- (ii) levy special Government rates to defray expenditure incurred or to be incurred by the Minister or the Director in the exercise of the powers or the performance of the duties or functions assigned to the Minister or the Director under this Act,

upon or in respect of land which is situated within the river district and which is entitled to water in terms of sub-section (1) of section *five* and is included in the schedule of rateable areas referred to in section *eight*.

- (b) Any rates levied in terms of paragraph (a) may be assessed either at a uniform sum per morgen or at different sums for different pieces of land as the Minister deems fit: Provided that, except for the purposes of sub-section (3) of section *one hundred and twenty-seven* of the Irrigation Act, any rates levied under sub-paragraph (i) of the said paragraph shall not exceed twenty shillings per morgen per annum.

(2) The Minister may, in writing, direct the board to collect the rates referred to in sub-section (1) of this section, or the charges referred to in sub-section (3) of section *five* or paragraph (b) of sub-section (4) of section *five*, and any rates or charges so collected by the board shall be paid to the Director on such dates as the Minister may from time to time determine.

(3) If any rates or charges referred to in sub-section (2) remain wholly or partly unpaid after the date fixed for the payment thereof, the Minister may reduce or entirely withhold, until the rates or charges, as the case may be, are paid, or for such shorter period as he may think fit, the supply of water from the works to the land in respect whereof the rates are due or to the person by whom the charges are payable, as the case may be.

(4) No person shall be relieved, either wholly or partly, of liability for the payment of any rates or charges levied or imposed under this Act in respect of any period during which the Minister has under sub-section (3) reduced or withheld the supply of water to the land in respect whereof such rates are due or to the person by whom such charges are payable.

(5) Whenever rates have for the first time been levied under sub-section (1), the Director shall give notice thereof in writing to the registrar of deeds concerned, and thereafter no transfer of land included in the aforesaid schedule of rateable areas shall be registered by such registrar until a certificate signed by the Director or his representative or, if the board has been directed in terms of sub-section (2) to collect the rates, by the secretary of the board, has been produced to him stating that all such rates due upon or in respect of that land have been paid.

(6) Any person who becomes the owner of any land upon or in respect of which any rates or charges have been levied or made in terms of this Act, shall be liable for any such rates or charges which remain unpaid at the time when he becomes the owner.

(7) The power of the board to levy rates in terms of section *sixty-eight* of the Irrigation Act shall not be subject to the limitation imposed by that section as to the amount of the rate which may be levied.

11. No person shall on any land situate within the river district construct any new irrigation work or materially alter or enlarge any existing irrigation work on the Mooi River or any tributary thereof for the purpose of storing water therein or abstracting water contained within the limits of the works except with the consent in writing of the Minister and subject to such conditions as he may prescribe.

Construction or alteration of irrigation works.

Regulasies.

12. (1) Die Goewerneur-generaal kan regulasies uitvaardig aangaande—

- (a) die wysiging van die in artikel *agt* bedoelde lys van belasbare oppervlaktes;
- (b) die metode van reëling van die waterstroom na, die verdeling van water uit, die voorkoming van besoeiding en die gebruik van water uit of binne die omvang van die werke;
- (c) die beskerming en beveiliging van enige besproeiingswerke of gedeelte daarvan wat deur die Regering of die raad binne die rivierdistrik aangelê is en die behoorlike dreinerings van die grond binne bedoelde distrik geleë;
- (d) die metode van heffing van belastings kragtens sub-artikel (1) van artikel *tien* of van oplegging van gelde kragtens sub-artikel (3) van artikel *vyf* of paragraaf (b) van sub-artikel (4) van artikel *vyf* en van die invordering van daardie belastings en gelde; en
- (e) oor die algemeen alle sake wat nodig is tot verwesenliking van die oogmerke van hierdie Wet.

(2) Die bepalings van hierdie Wet doen geen afbreuk nie aan die bevoegdheid van die raad om kragtens artikel *ses-en-sewentig* van die Besproeiingswet verordeninge uit te vaardig wat nie met hierdie Wet of die regulasies daarkragtens uitgevaardig, onbestaanbaar is nie: Met dien verstande dat indien die Minister die raad skriftelik gelas om dit te doen, moet die raad verordeninge uitvaardig wat enige saak voorskryf wat die Minister raadsaam ag om voor te skryf vir die behoorlike uitoefening van enige bevoegdheid of behoorlike uitvoering van enige plig of werksaamheid wat aan die raad toegewys is of enige verordening wat die raad voorheen uitgevaardig het, wysig of herroep.

(3) Indien die raad versuim om aan so 'n lasgewing te voldoen binne drie maande vanaf die datum waarop dit aan die raad oorgedra is of binne so 'n verdere tydperk as wat die Minister mag toelaat, kan die Minister self enige sodanige verordening uitvaardig, wysig of herroep.

(4) Die bepalings van sub-artikel (2) van artikel *honderd drie-en-dertig* van die Besproeiingswet is *mutatis mutandis* van toepassing ten opsigte van enige regulasies of verordeninge wat kragtens hierdie artikel uitgevaardig word.

Minister kan bevoegdhede, pligte en werksaamhede aan Direkteur oordra.

13. Die Minister kan van tyd tot tyd enige van of al sy bevoegdhede, pligte of werksaamhede ingevolge hierdie Wet aan die Direkteur oordra.

Kort titel.

14. Hierdie Wet heet die Wet tot Reëling van die Rivierdistrik Mooirivier, 1954, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word, behoudens artikels *ses*, *agt* en *elf*, paragrafe (a) en (c) van sub-artikel (1) van artikel *twaalf* en artikel *dertien* wat op die datum van promulgasie in werking tree.

12. (1) The Governor-General may make regulations as to— Regulations.

- (a) the amendment of the schedule of rateable areas referred to in section *eight*;
- (b) the manner of regulating the flow of water into, the distribution of water from, the protection from pollution of and the use of water from or contained within the limits of the works;
- (c) the protection or preservation of any irrigation works or part thereof constructed by the Government or the board within the river district and the proper drainage of the land situate within the said district;
- (d) the method of levying rates under sub-section (1) of section *ten*, or imposing charges under sub-section (3) of section *five* or paragraph (b) of sub-section (4) of section *five* and of recovering such rates and charges; and
- (e) generally all such matters as are necessary for carrying out the purposes of this Act.

(2) Nothing in this Act contained shall derogate from the power of the board to make by-laws, not inconsistent with this Act or the regulations made thereunder, in terms of section *seventy-six* of the Irrigation Act: Provided that the board shall, if the Minister directs it in writing to do so, make by-laws prescribing any matter which the Minister deems it expedient to prescribe for the proper exercising of any power or proper performance of any duty or function assigned to the board, or amend or revoke any by-law previously made by it.

(3) If the board fails to comply with any such direction within three months from the date upon which such direction was conveyed to it or within such further period as the Minister may allow, the Minister may himself make, amend or revoke any such by-law.

(4) The provisions of sub-section (2) of section *one hundred and thirty-three* of the Irrigation Act shall *mutatis mutandis* apply in respect of any regulations or by-laws made under this section.

13. The Minister may from time to time delegate any or all of his powers, duties and functions under this Act to the Director.

Minister may delegate powers, duties and functions to Director.

14. This Act shall be called the Mooi River River District Adjustment Act, 1954, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*, save as regards sections *six*, *eight* and *eleven*, paragraphs (a) and (c) of sub-section (1) of section *twelve* and section *thirteen* which shall come into force on the date of promulgation.

Short title.

No. 38, 1954.]

WET**Tot wysiging van die Drankwet, 1928.**

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1954.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 63 van Wet 30 van 1928, soos gewysig deur artikel 16 van Wet 41 van 1934, artikel 5 van Wet 39 van 1937 en artikel 71 van Wet 40 van 1945.

1. Artikel drie-en-sestig van die Drankwet, 1928 (Wet No. 30 van 1928), word hiermee gewysig—

(a) deur aan die end van paragraaf (c) van sub-artikel (4) die woord „of” by te voeg; en

(b) deur aan die end van genoemde sub-artikel die volgende paragraaf by te voeg:

„(d) ’n nuwe bottel-dranklisensie in enige geproklameerde dorp binne die gebied onder die beheer van ’n plaaslike gebiedskomitee ingestel kragtens die bepalings van die Ordonnansie tot Instelling van ’n Gesondheidsraad vir Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943) van Transvaal, indien—

(i) geen sodanige lisensie of geen lisensie vermeld in artikel vier-en-sestig binne die betrokke geproklameerde dorp bestaan nie; en

(ii) die Minister die lisensieraad binne wie se gebied die betrokke geproklameerde dorp val, skriftelik onder sy handtekening magtig om op sy jaarlikse vergadering ’n aanvraag om verlening van ’n nuwe bottel-dranklisensie in sodanige geproklameerde dorp te oorweeg.”.

Kort titel.

2. Hierdie Wet heet die Verdere Wysigingswet op die Drankwet, 1954.

No. 38, 1954.]

ACT**To amend the Liquor Act, 1928.**

(Afrikaans text signed by the Governor-General.)
(Assented to 15th June, 1954.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *sixty-three* of the Liquor Act, 1928 (Act No. 30 of 1928), is hereby amended—

- (a) by the addition at the end of paragraph (c) of sub-section (4) of the word "or"; and
- (b) by the addition at the end of the said sub-section of the following paragraph:

"(d) a new bottle liquor licence in any proclaimed township within the area under the control of any local area committee established under the provisions of the Peri-Urban Areas Health Board Ordinance, 1943 (Ordinance No. 20 of 1943) of Transvaal, if—

- (i) no such licence or no licence referred to in section *sixty-four* exists within the proclaimed township concerned; and
- (ii) the Minister, by writing under his hand, authorizes the licensing board within whose jurisdiction the proclaimed township concerned falls, to consider at its annual meeting an application for the grant of a new bottle liquor licence in such proclaimed township."

Amendment of section 63 of Act 30 of 1928, as amended by section 16 of Act 41 of 1934, section 5 of Act 39 of 1937 and section 71 of Act 40 of 1945.

2. This Act shall be called the Liquor Law Further Amendment Act, 1954. Short title.

No. 39, 1954.]

WET

Om voorsiening te maak vir die instelling van 'n Suid-Afrikaanse Nasionale Boksbeheerraad en 'n Suid-Afrikaanse Nasionale Stoeibeheerraad, om hulle oogmerke te omskryf, hulle bevoegdhede, pligte en werksaamhede voor te skryf en om vir ander sake wat daarmee in verband staan, voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1954.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „beampte” ’n skeidsregter, beoordelaar, tydhouer, assistent-tydhouer, aankondiger, helper of krytmeester aan wie ’n registrasiesertifikaat as sodanig kragtens sub-paragraaf (i) van paragraaf (c) van artikel *sewe* uitgereik is; (iv)
- (ii) „Minister” die Minister van Justisie; (iii)
- (iii) „plaaslike raad” ’n plaaslike raad wat kragtens artikel *sewentien* ingestel is; (ii)
- (iv) „promotor” ’n persoon of liggaam aan wie ’n registrasiesertifikaat as promotor kragtens sub-paragraaf (iii) van paragraaf (c) van artikel *sewe* uitgereik is; (v)
- (v) „provinsiale raad” ’n provinsiale raad wat kragtens artikel *twaalf* ingestel is; (vi)
- (vi) „raad”—
 - (a) met betrekking tot aangeleenthede rakende bokkers of boks, die by paragraaf (a) van artikel *twee* ingestelde Suid-Afrikaanse Nasionale Boksbeheerraad; en
 - (b) met betrekking tot aangeleenthede rakende stoeiers of stoei, die by paragraaf (b) van artikel *twee* ingestelde Suid-Afrikaanse Nasionale Stoeibeheerraad; (i)
- (vii) „toernooi” enige funksie waartoe die publiek toegang het, hetsy teen betaling van toegangsgelde of nie, en waar twee of meer persone, hetsy by wyse van mededinging, vertoning of andersins, aan boks of stoei vir gewin deelneem. (vii)

Instelling van 'n Suid-Afrikaanse Nasionale Boksbeheerraad en 'n Suid-Afrikaanse Nasionale Stoeibeheerraad.

2. Hierby word—

- (a) ’n raad met die naam die Suid-Afrikaanse Nasionale Boksbeheerraad; en
- (b) ’n raad met die naam die Suid-Afrikaanse Nasionale Stoeibeheerraad

ingestel, elk met regs persoonlikheid beklee en bevoeg om in sy naam as regs persoon as eiser en verweerder in regte op te tree en om alle handeling te verrig wat nodig is vir of in verband staan met, die uitvoering van sy oogmerke en die verrigting van sy werksaamhede en pligte kragtens hierdie Wet.

Oogmerke van die raad.

3. Die oogmerke van die raad is om boks en stoei by toernooie in die Unie te reël en te beheer en algemene toesig daarvoor te hou met die oog op die uitskakeling van ongewenste gebruike en die beskerming van die belange van bokkers, stoeiers, promotors, beamptes en die publiek in die algemeen.

Samestelling van raad.

4. (1) Die raad bestaan uit vyf lede deur die Minister aangestel van wie—

- (a) een deur die Minister as voorsitter aangewys word;
- (b) vier—
 - (i) ten opsigte van die eerste aanstelling van lede in die raad, een elk die onderskeie liggame (hieronder die ou provinsiale rade genoem) aan wie ’n skriftelike magtiging kragtens artikel *drie* van die „Boks- en Stoeiwedstryden Wet, 1923” (Wet No. 5 van 1923), verleen was om as ’n raad van toesig op boks- en stoeiwedstryde in ’n provinsie van die Unie op te tree; en

No. 39, 1954.]

ACT

To provide for the establishment of a South African National Boxing Control Board and a South African National Wrestling Control Board, to define their objects, to prescribe their powers, duties and functions and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 15th June, 1954.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates—

	Definitions.
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 - (i) "board" means—
 - (a) with reference to matters affecting boxers or boxing, the South African National Boxing Control Board established by paragraph (a) of section *two*; and
 - (b) with reference to matters affecting wrestlers or wrestling, the South African National Wrestling Control Board established by paragraph (b) of section *two*; (vi)
 - (ii) "local board" means a local board established under section *seventeen*; (iii)
 - (iii) "Minister" means the Minister of Justice; (ii)
 - (iv) "official" means any referee, judge, timekeeper, assistant timekeeper, announcer, second or ring-master to whom a certificate of registration as such has been issued under sub-paragraph (i) of paragraph (c) of section *seven*; (i)
 - (v) "promoter" means any person or body to whom a certificate of registration as a promoter has been issued under sub-paragraph (iii) of paragraph (c) of section *seven*; (iv)
 - (vi) "provincial board" means a provincial board established under section *twelve*; (v)
 - (vii) "tournament" means any function to which the public have access, whether on payment of a charge for admission or not, and at which two or more persons engage in boxing or wrestling for gain, whether by way of competition, exhibition or otherwise. (vii)

2. There is hereby established—

	Establishment of South African National Boxing Control Board and South African National Wrestling Control Board.
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 - (a) a board to be known as the South African National Boxing Control Board; and
 - (b) a board to be known as the South African National Wrestling Control Board,
 each of which shall be a body corporate, capable of suing and being sued in its corporate name and performing all such acts as are necessary for or incidental to the carrying out of its objects and the performance of its functions and duties under this Act.

3. The objects of the board are to regulate, control and exercise general supervision over boxing or wrestling at tournaments in the Union with a view to the elimination of undesirable practices and the protection of the interests of boxers, wrestlers, promoters, officials and the public generally.

	Objects of the board.
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4. (1) The board shall consist of five members appointed by the Minister, of whom—

	Constitution of board.
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 - (a) one shall be designated by the Minister as chairman;
 - (b) four shall represent—
 - (i) in respect of the first appointment of members to the board, one each the respective bodies (hereinafter referred to as the old provincial boards) to whom a written authority was granted under section *three* of the Boxing and Wrestling Act, 1923 (Act No. 5 of 1923), to act as a board of control of boxing and wrestling within a province of the Union; and

- (ii) ten opsigte van 'n aanstelling daarna van enige sodanige lede, een elk die onderskeie provinsiale rade

verteenwoordig.

(2) Ten opsigte van elke lid, behalwe die voorsitter, wat in die raad aangestel moet word, vra die Minister by skriftelike kennisgewing twee nominasies aan—

- (a) in die geval van die eerste aanstelling van lede in die raad, van die onderskeie ou provinsiale rade; en
(b) in die geval van 'n aanstelling daarna van enige sodanige lede, van die betrokke provinsiale raad,

en iemand in die raad aangestel om 'n ou provinsiale raad of 'n provinsiale raad te verteenwoordig, word, onderworpe aan die bepalings van sub-artikel (3), uit die genomineerdes van daardie ou provinsiale raad of provinsiale raad, na gelang van die geval, gekies.

(3) Indien enige nominasies kragtens sub-artikel (2) vereis, nie by die Minister ingedien word binne die tydperk in die kennisgewing aangegee wat daardie nominasies aanvra nie, kan die Minister, wanneer hy die aanstelling doen ten opsigte waarvan daardie nominasies nie aldus ingedien word nie, enigiemand aanstel wat hy geskik ag om 'n lid van die raad te wees.

Ampstermyn, vakatures en besoldiging van lede van die raad.

5. (1) Die voorsitter van die raad beklee sy amp vir die tydperk, en enige ander lid van die raad vir die tydperk van hoogstens drie jaar, wat die Minister ten tyde van die aanstelling mag bepaal: Met dien verstande dat die Minister te eniger tyd 'n lid van die raad uit sy amp kan verwyder—

- (a) wat volgens oordeel van die Minister, regstreeks of onregstreeks self of deur sy eggenote, vennoot of sakegenoot 'n geldelike belang by boks of stoei by toernooie het;
(b) indien sy boedel gesekwestreer word;
(c) indien hy kranksinnig word;
(d) indien hy weens 'n misdryf veroordeel en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen word; of
(e) indien hy van twee agtereenvolgende raadsvergaderings sonder verlof van die raad afwesig was.

(2) Wanneer om een of ander rede die amp van 'n lid van die raad voor die verstryking van die tydperk waarvoor hy aangestel is, vakant word, word iemand anders aangestel om die vakature te vul totdat die tydperk waarvoor die uitgetrede lid aangestel was, verstreke is.

(3) Die lede van die raad ontvang geen besoldiging ten opsigte van hul dienste in die raad nie, maar daar kan aan hulle uit die fondse van die raad die toelaes betaal word wat die Minister mag bepaal tot dekking van die uitgawes redelikerwys deur hulle aangegaan ten opsigte van hul bywoning van die vergaderings van die raad of terwyl hulle andersins met die sake van die raad besig is.

Vergaderings en kworum.

6. (1) Die eerste vergadering van die raad word gehou op die tyd en plek wat die voorsitter mag bepaal en alle daaropvolgende vergaderings word, behoudens die by sub-artikel (2) bepaalde, gehou op die tye en plekke wat die raad mag vasstel.

(2) Die voorsitter van die raad kan te eniger tyd, en moet op versoek van die meerderheid van die lede van die raad, 'n spesiale vergadering van die raad byeenroep om gehou te word op die tyd en plek wat hy mag gelas.

(3) Indien die voorsitter van 'n vergadering van die raad afwesig is, kan die aldaar aanwesige lede een uit hul midde kies om op daardie vergadering voor te sit.

(4) Die kworum vir 'n vergadering van die raad is drie lede daarvan.

(5) Alle besluite op 'n vergadering van die raad geskied by meerderheidsbesluit van die aldaar aanwesige lede, en by 'n staking van stemme oor enige saak, het die persoon wat op die vergadering as voorsitter optree, 'n beslissende stem benewens sy beraadslagende stem.

Bevoegdheid van die raad.

7. Ten einde sy oogmerke te bereik, is die raad bevoeg—

- (a) om 'n sekretaris en die ander amptenare op die voorwaardes en teen die besoldiging wat die raad bepaal, aan te stel, en die eiendom te verkry, te vervreem of te huur wat die raad vir die doeltreffende verrigting van sy werksaamhede nodig ag: Met dien verstande dat onroerende goed nie sonder goedkeuring van die Minister vervreem mag word nie;
(b) om, met goedkeuring van die Minister, die gelde van die raad wat nie onmiddellik nodig is om sy geldelike verpligtinge na te kom nie, te belê of op 'n ander wyse daarmee te handel;

- (ii) in respect of any subsequent appointment of any such members, one each the respective provincial boards.

(2) The Minister shall by notice in writing invite two nominations in respect of each member, other than the chairman, to be appointed to the board—

(a) in the case of the first appointment of members to the board, from the respective old provincial boards; and

(b) in the case of any subsequent appointment of any such members, from the provincial board concerned,

and any person appointed to the board to represent any old provincial board or any provincial board shall, subject to the provisions of sub-section (3), be selected from amongst the nominees of that old provincial board or provincial board, as the case may be.

(3) If any nominations required under sub-section (2) are not lodged with the Minister within the period stated in the notice inviting such nominations, the Minister may, in making the appointment in respect of which such nominations are not so lodged, appoint any person whom he considers suitable to be a member of the board.

5. (1) The chairman of the board shall hold office for such period, and any other member of the board for such period not exceeding three years, as the Minister may determine at the time of the appointment: Provided that the Minister may at any time remove from his office any member of the board—

Tenure of office, vacancies and remuneration of members of the board.

(a) who has, in the opinion of the Minister, directly or indirectly by himself or through his spouse, partner or business associate any financial interest in boxing or wrestling at tournaments;

(b) if his estate is sequestrated;

(c) if he becomes of unsound mind;

(d) if he is convicted of an offence and sentenced to imprisonment without the option of a fine; or

(e) if he has absented himself from two consecutive meetings of the board without its leave.

(2) Whenever for any reason the office of any member of the board becomes vacant before the expiration of the period for which he has been appointed, another person shall be appointed to fill the vacancy until the expiration of the period for which the vacating member was appointed.

(3) The members of the board shall receive no remuneration in respect of their services on the board but may, out of the funds of the board, be paid such allowances to cover expenses reasonably incurred by them in respect of their attendance of the meetings of the board or while otherwise engaged on the business of the board, as the Minister may determine.

6. (1) The first meeting of the board shall be held at such time and place as the chairman may determine and all subsequent meetings shall, subject to the provisions of sub-section (2), be held at such times and places as the board may fix.

Meetings and quorum.

(2) The chairman of the board may at any time and shall at the request of the majority of members of the board call a special meeting of the board to be held at such time and place as he may direct.

(3) In the absence of the chairman from any meeting of the board, the members present at that meeting may elect one of their number to preside thereat.

(4) The quorum of a meeting of the board shall be three of the members thereof.

(5) All decisions at any meeting of the board shall be by resolution by majority vote of the members present thereat, and in the event of an equality of votes on any matter, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

7. For the purpose of attaining its objects, the board shall have power—

Powers of the board.

(a) to appoint a secretary and such other servants on such conditions and at such remuneration as it may determine and to acquire, alienate or hire such property as it may consider necessary for the effective performance of its functions: Provided that immovable property may not be alienated without the approval of the Minister;

(b) with the approval of the Minister, to invest or otherwise deal with such funds of the board as may not immediately be required for the purpose of meeting its financial obligations;

- (c) om enige persoon wat nie 'n lid van die raad, 'n provinsiale raad of 'n plaaslike raad is nie, as bokser, stoeier, beampte, bestuurder of promotor te registreer en registrasiesertifikate uit te reik waarby magtiging verleen word aan enige persoon wat aldus geregistreer is—
- (i) as bokser, stoeier of beampte, om in die hoedanigheid waarin hy aldus geregistreer is, aan toernooi deel te neem; of
 - (ii) as bestuurder, om die sake van 'n bokser of stoeier te behartig vir sover dit op sy deelname aan toernooi as bokser of stoeier betrekking het; of
 - (iii) as promotor, om met enige bokser of stoeier te onderhandel met die doel om sy dienste as bokser of stoeier by 'n toernooi te verkry
- en om in elke geval in die sertifikaat die geldigheidsduur van so 'n sertifikaat te bepaal;
- (d) om die bekwaamheid van enige persoon wat om 'n registrasiesertifikaat as bokser, stoeier of beampte kragtens paragraaf (c) aansoek doen, te toets en om te vereis dat enige persoon wat om 'n registrasiesertifikaat as promotor of enige persoon wat om 'n registrasiesertifikaat as bestuurder aansoek doen, die raad voorsien van die inligting wat die raad nodig ag;
- (e) om 'n sertifikaat wat kragtens paragraaf (c) uitgereik is, op te skort, in te trek of te hernuwe;
- (f) om op voorwaardes wat die raad goedvind, lisensies tot magtiging van die hou van toernooi, uit te reik;
- (g) om te vereis dat 'n applikant om 'n lisensie kragtens paragraaf (f), die raad voorsien van—
- (i) alle ooreenkomste wat tussen die promotor van die toernooi en die bokkers of stoeiers wat daaraan sal deelneem, aangegaan is;
 - (ii) 'n sertifikaat van liggaamlike en geestelike geskiktheid ten opsigte van die bokkers en stoeiers wat aan die toernooi sal deelneem, in die vorm en deur die mediese praktisyn (hetsy hy in die Unie of elders praktiseer) uitgereik wat die raad goedkeur;
 - (iii) volle besonderhede van alle reëlins wat vir die hou van die toernooi getref is;
 - (iv) 'n eksemplaar van elke voorgenome advertensie wat op die toernooi betrekking het, en van die verdere inligting wat die raad in staat sal stel om tot 'n behoorlike besluit betreffende die aansoek te geraak;
- (h) om, indien 'n ooreenkoms tussen 'n promotor en 'n bokser of stoeier voorsiening maak vir die betaling van 'n vasgestelde bedrag aan die bokser of stoeier as besoldiging vir sy dienste by enige voorgenome toernooi, te vereis dat die promotor daardie bedrag by die raad deponeer op of voor 'n bepaalde datum voor die datum van die toernooi, om behoudens die bepaling van paragraaf (j) ooreenkomstig die ooreenkoms deur die raad uitbetaal te word nadat die toernooi gehou is, en indien so 'n vereiste nie nagekom word nie, enige lisensie wat kragtens paragraaf (f) uitgereik mag wees, in te trek;
- (i) om, te eniger tyd voordat 'n toernooi gehou word, 'n bokser of stoeier te verbied om as sodanig aan die toernooi deel te neem indien na die ondersoek of toets vir liggaamlike en geestelike geskiktheid wat die raad goedvind, die raad oortuig is dat die bokser of stoeier nie toegelaat behoort te word om aldus deel te neem nie, of indien die bokser of stoeier op versoek van die raad weier om hom aan so 'n ondersoek of toets te onderwerp;
- (j) om indien 'n bokser of stoeier wat aan 'n toernooi deelneem deur die skeidsregter gediskwalifiseer word omdat—
- (i) hy nie na die beste van sy vermoë boks of stoei nie;
 - (ii) hy sonder genoegsame redes uit die toernooi tree; of
 - (iii) hy hom opsetlik aan vuil spel, soos by regulasie kragtens hierdie Wet voorgeskryf, skuldig maak, die geheel of enige gedeelte van enige bedrag wat aan daardie bokser of stoeier betaalbaar is ten opsigte van sy dienste in die toernooi, verbeurd te verklaar en te bepaal aan wie daardie bedrag betaal moet word;

- (c) to register any person who is not a member of the board, a provincial board or a local board, as a boxer, wrestler, official, manager or promoter and to issue certificates of registration authorizing any person who has been so registered—
- (i) as a boxer, wrestler or official to take part in tournaments in the capacity in which he has been so registered; or
 - (ii) as a manager, to manage the affairs of any boxer or wrestler in so far as they relate to his participation in tournaments as a boxer or wrestler; or
 - (iii) as a promoter, to negotiate with any boxer or wrestler with a view to procuring his services as a boxer or wrestler at a tournament,
- and in each case to specify in the certificate the period during which any such certificate shall be valid;
- (d) to test the ability of any person applying for a certificate of registration as a boxer, wrestler or official under paragraph (c) and to require any person applying for a certificate of registration as a promoter or any person applying for a certificate of registration as a manager, to furnish the board with such information as it may deem necessary;
- (e) to suspend, cancel or renew any certificate issued under paragraph (c);
- (f) to issue, subject to such conditions as it may deem fit, licences authorizing the holding of tournaments;
- (g) to require any applicant for a licence under paragraph (f) to furnish the board with—
- (i) all agreements entered into between the promoter of the tournament and the boxers or wrestlers who will participate therein;
 - (ii) a certificate of physical and mental fitness in respect of the boxers or wrestlers who will participate in the tournament, issued in such form and by such medical practitioner (whether practising in the Union or elsewhere) as the board may approve;
 - (iii) full particulars of all arrangements made for the holding of the tournament;
 - (iv) a specimen of every proposed advertisement relating to the tournament,
- and such further information as will enable the board to arrive at a proper decision on the application;
- (h) if an agreement between a promoter and a boxer or wrestler provides for the payment to such boxer or wrestler of a fixed amount as remuneration for his services at any proposed tournament, to require the promoter to deposit that amount with the board on or before any specified date prior to the date of the tournament, to be disbursed by the board, subject to the provisions of paragraph (j), in terms of the agreement after the tournament has been held, and if any such requirement is not complied with to withdraw any licence which may have been issued under paragraph (f);
- (i) at any time prior to the holding of any tournament to prohibit any boxer or wrestler from participating as such in the tournament if, after such examination or test for physical and mental fitness as the board may deem fit, it is satisfied that such boxer or wrestler should not be allowed so to participate, or if such boxer or wrestler refuses at the request of the board to submit himself to such examination or test;
- (j) if any boxer or wrestler taking part in any tournament is disqualified by the referee for—
- (i) not boxing or wrestling to the best of his ability;
 - (ii) retiring from the tournament without sufficient cause; or
 - (iii) committing a deliberate foul as prescribed by regulation under this Act,

to declare the whole or any portion of the amount payable to such boxer or wrestler for his services in the tournament, to be forfeited and to determine to whom such amount shall be paid;

- (k) om te besluit wie die houers is van nasionale, provinsiale of ander titels ten opsigte van boks of stoei deur enige klas van persone by toernooie en om voorsiening te maak vir die halfjaarlikse gradering van bokkers of stoeiers of klasse van bokkers of stoeiers wat ingevolge paragraaf (c) van artikel *sewe* geregistreer is;
- (l) om met ander liggame wat boks of stoei by toernooie beheer of reël, reëlings te tref vir die wedersydse erkenning van enige weiering, opskorting of intrekking van die registrasie van enige bokser, stoeier, beampte of promotor;
- (m) om 'n voorstellingsbrief uit te reik aan enige geregistreerde bokser, stoeier, beampte of promotor wat na enige plek buite die Unie gaan om aan toernooie deel te neem of om die dienste van enige bokser of stoeier wat gewoonlik buite die Unie woonagtig is, by toernooie in die Unie te verkry, en om in daardie sertifikaat die besonderhede aan te gee betreffende daardie bokser, stoeier, beampte of promotor wat die raad nodig vind;
- (n) om 'n liefdadigheidsfonds in te stel om aangewend te word vir die doeleindes by regulasie kragtens hierdie Wet voorgeskryf; en
- (o) om die stappe te doen wat die raad nodig of dienstig ag vir die behoorlike en doeltreffende reëling of beheer van boks of stoei by toernooie of om die raad in staat te stel om behoorlike en doeltreffende toesig daaroor te hou.

Oordrag van raad se bevoegd-hede en werksaamhede.

8. Die raad kan met goedkeuring van die Minister, enige van die bevoegdhede en werksaamhede wat kragtens hierdie Wet aan hom verleen of opgelê is, aan 'n provinsiale raad oordra en enige bevoegdheid of werksaamheid wat aldus oorgedra is, word deur daardie provinsiale raad ten opsigte van die provinsie waarvoor hy ingestel is, uitgeoefen en verrig: Met dien verstande dat die raad nie onthef is van enige bevoegdheid of werksaamheid wat hy aldus aan 'n provinsiale raad oorgedra het nie en enige besluit van 'n provinsiale raad kan wysig of herroep.

Regulasies.

9. (1) Die raad kan, met goedkeuring van die Minister, regulasies wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig met betrekking tot—

- (a) die wyse waarop en die vorm waarin enige aansoek ingevolge hierdie Wet gedoen moet word;
- (b) die aard van die besonderhede wat by 'n aansoek ingevolge hierdie Wet verstrek moet word;
- (c) die vorm van 'n lisensie, sertifikaat of ander dokument wat vir die doeleindes van hierdie Wet gebruik moet word;
- (d) die gelde wat aan die raad betaalbaar is ten opsigte van die toestaan, uitreiking of hernuwing van 'n lisensie, sertifikaat of ander soortgelyke geskrif ingevolge hierdie Wet;
- (e) die regte en pligte van beamptes tydens toernooie;
- (f) die registrasie van enige persoon as bokser, stoeier, beampte, bestuurder of promotor;
- (g) die reëls waarvolgens en die wyse waarop 'n toernooi gereël en bestuur moet word, met inbegrip van die wyse waarop die gedeelte van die perseel waarop boks of stoei werklik plaasvind, afgesonder en toegerus moet wees en die fasiliteite wat in verband daarmee verskaf moet word;
- (h) die wyse waarop deelnemers geklee moet wees en, in die geval van bokkers, die aard, gewig en gehalte van die handskoene en verbande wat gebruik moet word;
- (i) die toets van die liggaamlike en geestelike geskiktheid, die mediese ondersoek en die weeg van deelnemers voor 'n toernooi;
- (j) die omstandighede waaronder 'n bepaalde klas van persone verbied word om toernooie oor die algemeen of 'n bepaalde soort toernooi by te woon of daaraan deel te neem;
- (k) die voorlegging aan die raad binne 'n voorgeskrewe tydperk na 'n toernooi, deur die promotor daarvan, van 'n staat waarin die uitgawe opgeloop by en die inkomste verkry uit daardie toernooi aangegee word;
- (l) die beheer oor 'n liefdadigheidsfonds en die doeleindes waarvoor die fonds aangewend kan word,

en oor die algemeen met betrekking tot alle aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word of

- (k) to decide who are the holders of national, provincial or other titles in respect of boxing or wrestling by any class of persons at tournaments and to provide for the half-yearly grading of boxers or wrestlers or classes of boxers or wrestlers registered under paragraph (c) of section seven;
- (l) to make arrangements with other bodies controlling or regulating boxing or wrestling, at tournaments for the mutual recognition of any refusal, suspension or cancellation of the registration of any boxer, wrestler, official or promoter;
- (m) to issue a certificate of introduction to any registered boxer, wrestler, official or promoter proceeding to any place outside the Union in order to take part in tournaments, or to procure the services of any boxer or wrestler ordinarily resident outside the Union, at tournaments in the Union, and to set out in such certificate such particulars concerning the boxer, wrestler, official or promoter as the board deems necessary;
- (n) to establish a benevolent fund to be used for such purposes as may be prescribed by regulation under this Act; and
- (o) to take any steps which the board considers necessary or expedient for the due and proper regulation or control of, or to enable it to exercise due and proper supervision over boxing or wrestling at tournaments.

8. The board may, with the approval of the Minister, delegate to a provincial board any of the powers and functions conferred or imposed upon it by this Act and any power or function so delegated shall be exercised or performed by that provincial board in respect of the province for which it has been established: Provided that the board shall not be divested of any power or function which it may have so delegated to a provincial board and may amend or withdraw any decision by a provincial board.

Delegation of board's powers and functions.

9. (1) The board may, with the approval of the Minister, make regulations not inconsistent with this Act, with regard to—

Regulations.

- (a) the manner and form in which any application under this Act shall be made;
- (b) the nature of the particulars to be furnished with any application under this Act;
- (c) the form of any licence, certificate or other document to be used for the purposes of this Act;
- (d) the fees which shall be payable to the board in respect of the grant, issue or renewal of any licence, certificate or other similar document, under this Act;
- (e) the rights and duties of officials during tournaments;
- (f) the registration of any person as a boxer, wrestler, official, manager or promoter;
- (g) the rules under which and the manner in which any tournament shall be organized and conducted, including the manner in which that portion of any premises on which actual boxing or wrestling takes place shall be isolated and equipped and the facilities to be provided in connection therewith;
- (h) the manner in which participants shall be attired and, in the case of boxers, the nature, weight and quality of gloves and bandages to be used;
- (i) the testing of the physical and mental fitness, the medical examination and the weighing of participants prior to any tournament;
- (j) the circumstances under which any specified class of persons shall be prohibited from attending or taking part in tournaments generally or any specified kind of tournament;
- (k) the submission to the board within a prescribed period after any tournament, by the promoter thereof, of a statement showing the expenditure incurred in connection with and the income derived from that tournament;
- (l) the management of a benevolent fund and the purposes for which such fund may be used,

and generally with regard to all matters which by this Act are required or permitted to be prescribed or which the board

wat die raad nodig of raadsaam ag om voor te skryf vir die bereiking van die oogmerke waarvoor die raad ingestel is.

(2) Regulasies kragtens hierdie artikel uitgevaardig kan strawwe, wat 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie, voorskryf vir 'n oortreding daarvan of versuim om daaraan te voldoen.

Fondse van die raad.

10. (1) Die fondse van die raad bestaan uit gelde deur hom ontvang uit hoofde van enige regulasie kragtens artikel *nege* uitgevaardig en enige fondse wat uit enige ander bronne van watter aard ook al verkry word.

(2) Die raad laat volledige en juiste rekening hou van alle bedrae wat hy ontvang of uitgee.

(3) Die Minister kan uit gelde deur die Parlement vir die doel bewillig, bedrae wat 'n totaal van duisend pond nie te bowe gaan nie aan die raad voorskiet soos hy nodig ag om die raad in staat te stel om sy werksaamhede te verrig.

(4) So 'n voorskot word toegestaan op die voorwaardes en is terugbetaalbaar op die tye wat die Minister, na oorlegpleging met die Minister van Finansies, bepaal.

Jaarlikse verslag en geldelike staat.

11. Die raad lê nie later nie as negentig dae na die dertigste dag van Junie van elke jaar aan die Minister 'n verslag voor betreffende sy bedrywighede gedurende die tydperk van twaalf maande wat daardie datum voorafgaan, tesame met 'n afskrif van 'n geouditeerde staat van sy inkomste en uitgawes gedurende daardie tydperk en 'n balansstaat waarin sy geldelike toestand op daardie datum aangetoon word.

Instelling van provinsiale rade.

12. Hierby word vir elke provinsie van die Unie 'n provinsiale boksbeheerraad en 'n provinsiale stoeibeheerraad ingestel.

Samstelling van provinsiale rade en besoldiging van amptenare en uitgawes.

13. (1) 'n Provinsiale raad bestaan uit 'n voorsitter deur die Minister aangestel en vier ander lede aldus aangestel van wie elkeen een van twee persone is wat—

(a) in die geval van die eerste aanstelling van lede, deur die ou provinsiale raad van die betrokke provinsie; en

(b) in die geval van 'n aanstelling daarna van 'n lid, deur die provinsiale raad van die betrokke provinsie

genomineer is: Met dien verstande dat indien die vereiste nominasies nie by die Minister ingedien word nie binne die tydperk aangegee in 'n deur die Minister uitgereikte skriftelike kennisgewing, wat daardie nominasies van 'n ou provinsiale raad of die provinsiale raad van die betrokke provinsie, na gelang van die geval, aanvra, kan die Minister wanneer hy die aanstelling maak ten opsigte waarvan daardie nominasies nie aldus ingedien is nie, enigiemand aanstel wat hy geskik ag om 'n lid van die betrokke provinsiale raad te wees.

(2) Die besoldiging van die sekretaris en ander amptenare van 'n provinsiale raad en die uitgawes deur 'n provinsiale raad met die goedkeuring van die raad vir die doeltreffende verrigting van die werksaamhede van die provinsiale raad aangegaan, word uit die fondse van die raad betaal.

Ampstermyn, vakatures, besoldiging van lede, vergaderings en kworum ten opsigte van 'n provinsiale raad.

14. Die bepalings van artikels *vyf* en *ses* is *mutatis mutandis* op 'n provinsiale raad van toepassing: Met dien verstande dat enige betalings ingevolge sub-artikel (3) van artikel *vyf* uit die fondse van die raad geskied.

Bevoegdheid en werksaamhede van provinsiale rade.

15. 'n Provinsiale raad kan, ten opsigte van die provinsie waarvoor hy ingestel is—

(a) die bevoegdheid uitoefen en die werksaamhede verrig wat kragtens hierdie Wet aan die raad verleen of opgelê is en wat kragtens artikel *agt* deur die raad aan hom oorgedra is;

(b) die opdragte of voorskrifte van die raad uitvoer;

(c) onderworpe aan die goedkeuring van die raad, 'n sekretaris en ander amptenare aanstel op die voorwaardes en teen die besoldiging wat die provinsiale raad, met goedkeuring van die raad, bepaal; en

(d) oor die algemeen, die raad by die verrigting van sy werksaamhede behulpsaam wees.

Oordrag van 'n provinsiale raad se bevoegdheid en werksaamhede.

16. 'n Provinsiale raad kan met goedkeuring van die raad, enige van die bevoegdheid en werksaamhede wat aan daardie provinsiale raad kragtens artikel *agt* oorgedra is, aan 'n plaaslike raad oordra, en enige bevoegdheid of werksaamheid wat aldus oorgedra is, word deur daardie plaaslike raad ten opsigte van die gebied wat kragtens artikel *sewentien* aan hom toegewys is, uitgeoefen en verrig: Met dien verstande dat 'n provinsiale

considers necessary or expedient to prescribe in order that the objects for which it has been established may be achieved.

(2) Any regulations made under this section may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of fifty pounds or imprisonment for a period of six months.

10. (1) The funds of the board shall consist of the fees received by it in pursuance of any regulation made under section *nine* and any funds derived from any other sources whatsoever. Funds of the board.

(2) The board shall cause full and correct account to be kept of all amounts received and expended by it.

(3) The Minister may out of moneys appropriated by Parliament for the purpose, advance to the board such amounts not exceeding in the aggregate one thousand pounds as he may deem necessary in order to enable it to carry out its functions.

(4) Any such advance shall be made on such conditions and shall be repayable at such times as the Minister may, after consultation with the Minister of Finance, determine.

11. The board shall not later than ninety days after the thirtieth day of June of each year, submit to the Minister a report concerning its activities during the period of twelve months preceding that date, together with a copy of an audited statement of its income and expenditure during that period and a balance sheet showing its financial position as at that date. Annual report and financial statement.

12. There is hereby established for each province of the Union a provincial boxing control board and a provincial wrestling control board. Establishment of provincial boards.

13. (1) A provincial board shall consist of a chairman appointed by the Minister and four other members so appointed, each of whom shall be one of two persons nominated— Constitution of provincial boards, remuneration of servants and expenditure.

(a) in the case of the first appointment of members, by the old provincial board of the province concerned; and

(b) in the case of any subsequent appointment of a member, by the provincial board of the province concerned:

Provided that if the required nominations are not lodged with the Minister within the period stated in a written notice issued by him inviting such nominations from an old provincial board or the provincial board of the province concerned, as the case may be, the Minister may, in making the appointment in respect of which such nominations are not so lodged, appoint any person whom he considers suitable to be a member of the provincial board concerned.

(2) The remuneration of the secretary and other servants of a provincial board and the expenditure incurred by a provincial board with the approval of the board for the effective performance of the functions of the provincial board, shall be paid out of the funds of the board.

14. The provisions of sections *five* and *six* shall *mutatis mutandis* apply to a provincial board: Provided that any payments under sub-section (3) of section *five* shall be made out of the funds of the board. Tenure of office, vacancies, remuneration of members, meetings and quorum in respect of a provincial board.

15. A provincial board may, in respect of the province for which it has been established— Powers and functions of provincial boards.

(a) exercise such powers and perform such functions conferred or imposed upon the board by this Act as have been delegated to it by the board under section *eight*;

(b) carry out the instructions or directions of the board;

(c) subject to the approval of the board, appoint a secretary and other servants on such conditions and at such remuneration as it may, with the approval of the board, determine; and

(d) generally, assist the board in the performance of its functions.

16. A provincial board may, with the approval of the board, delegate to a local board any of the powers and functions delegated to that provincial board under section *eight* and any power or function so delegated shall be exercised or performed by that local board in respect of the area assigned to it under section *seventeen*: Provided that a provincial board shall not be Delegation of a provincial board's powers and functions.

raad nie onthef is van enige bevoegdheid of werksaamheid wat hy aldus aan 'n plaaslike raad oorgedra het nie, en enige besluit van 'n plaaslike raad kan wysig of herroep.

Instelling van plaaslike rade.

17. (1) Die Minister kan op versoek van 'n provinsiale raad en op aanbeveling van die raad, by kennisgewing in die *Staatskoerant* 'n plaaslike raad vir enige gebied binne die provinsie waarvoor daardie provinsiale raad ingestel is, instel en kan in daardie kennisgewing die plek waar vergaderings van daardie plaaslike raad gehou moet word, bepaal.

(2) Die Minister kan te eniger tyd op versoek van die provinsiale raad van 'n provinsie waarin 'n plaaslike raad ingestel is en op aanbeveling van die raad, by kennisgewing in die *Staatskoerant* die gebied wat aan daardie plaaslike raad ingevolge sub-artikel (1) toegewys is, uitbrei of inkort.

Samestelling van plaaslike raad, ampstermyn, vakatures en vergaderings.

18. (1) 'n Plaaslike raad bestaan uit drie lede wat met goedkeuring van die raad deur die provinsiale raad van die provinsie waarin die plaaslike raad ingestel is, aangestel word en een van die aldus aangestelde lede word deur die provinsiale raad as voorsitter van die plaaslike raad aangewys.

(2) Die lede van 'n plaaslike raad beklee hul amp vir die tydperk wat die provinsiale raad ten tyde van hul aanstelling bepaal: Met dien verstande dat die Minister om die redes in die voorbehoudsbepaling by sub-artikel (1) van artikel vyf vermeld, te eniger tyd 'n lid van 'n plaaslike raad uit sy amp kan verwyder.

(3) Sub-artikel (2) van artikel vyf is *mutatis mutandis* op 'n plaaslike raad van toepassing.

(4) Die voorsitter van 'n plaaslike raad kan te eniger tyd 'n vergadering van die plaaslike raad byeenroep.

(5) Alle besluite op 'n vergadering van 'n plaaslike raad geskied by meerderheidsbesluit.

Bevoegdhede en werksaamhede van plaaslike rade.

19. 'n Plaaslike raad kan, ten opsigte van die gebied wat kragtens artikel *sewentien* aan hom toegewys is—

(a) die bevoegdhede uitoefen en die werksaamhede verrig wat kragtens hierdie Wet aan die raad verleen of opgelê is en kragtens artikel *sestien* aan die plaaslike raad deur 'n provinsiale raad oorgedra is;

(b) die opdragte of voorskrifte van die provinsiale raad van die provinsie waarin die plaaslike raad ingestel is, uitvoer; en

(c) oor die algemeen, bedoelde provinsiale raad by die verrigting van sy werksaamhede behulpsaam wees.

Toernooie moet gemagtig wees.

20. Niemand mag 'n toernooi hou of behulpsaam wees by die hou van 'n toernooi nie, tensy die hou van die toernooi deur 'n kragtens paragraaf (f) van artikel *sewe* uitgereikte lisensie gemagtig is en tensy die toernooi gehou word ooreenkomstig enige voorwaardes deur die raad kragtens daardie paragraaf opgelê.

Boksers, stoeiers, beamptes, bestuurders en promotors moet geregistreer wees.

21. Niemand mag—

(a) as bokser, stoeier of beampte aan 'n toernooi deelneem nie; of

(b) die sake van 'n bokser of stoeier vir sover hulle op sy deelname aan toernooie as bokser of stoeier betrekking het, behartig nie; of

(c) met 'n bokser of stoeier onderhandel met die doel om sy dienste as bokser of stoeier by 'n toernooi te verkry nie,

tensy hy in besit is van 'n geldige registrasiesertifikaat as bokser, stoeier, beampte, bestuurder of promotor, al na die geval, wat kragtens paragraaf (c) van artikel *sewe* aan hom uitgereik is.

Boks- of stoeiwedstryde of -vertonings kan stopgesit of verbied word.

22. (1) Wanneer die kommissaris of 'n adjunk-kommissaris van polisie of 'n magistraat of assistent-magistraat van oordeel is dat 'n boks- of stoeiwedstryd of -vertoning wat gehou word of gehou gaan word, in die openbare belang stopgesit of verbied behoort te word, gee hy aan die persoon wat die boks- of stoeiwedstryd of -vertoning hou of voornemens is om dit te hou of aan die deelnemers, mondelings of skriftelik kennis, of laat hy aan hulle aldus kennis gee waarby die boks- of stoeiwedstryd of -vertoning stopgesit of verbied word.

(2) Wanneer 'n polisiebeampte met of bo die rang van sersant van oordeel is dat die voortsetting van 'n boks- of stoeiwedstryd of -vertoning waarskynlik tot gevolg sal hê dat die lewe van 'n deelnemer of enige persoon wat die boks- of stoeiwedstryd of -vertoning bywoon, in gevaar gestel sal word, of tot vredebreuk sal lei, beveel hy die deelnemers of enige persoon wat die boks-

divested of any power or function which it may have so delegated to a local board and may amend or withdraw any decision by a local board.

17. (1) The Minister may at the request of a provincial board and on the recommendation of the board, by notice in the *Gazette* establish a local board for any area within the province for which that provincial board has been established and may by such notice determine the place where meetings of such local board shall be held.

Establishment of local boards.

(2) The Minister may at any time at the request of the provincial board of a province within which a local board has been established and on the recommendation of the board, by notice in the *Gazette* extend or reduce the area assigned to such local board under sub-section (1).

18. (1) A local board shall consist of three members appointed with the approval of the board by the provincial board of the province within which the local board has been established and one of the members so appointed shall be designated by the provincial board as chairman of the local board.

Constitution of local board, tenure of office, vacancies and meetings.

(2) The members of a local board shall hold office for such period as the provincial board may determine at the time of their appointment: Provided that the Minister may at any time remove from his office any member of a local board on the grounds specified in the proviso to sub-section (1) of section five.

(3) Sub-section (2) of section five shall *mutatis mutandis* apply to a local board.

(4) The chairman of a local board may at any time call a meeting of the local board.

(5) All decisions at any meeting of a local board shall be by resolution by majority vote.

19. A local board may, in respect of the area assigned to it under section *seventeen*,—

Powers and functions of local boards.

- (a) exercise such powers and perform such functions conferred or imposed upon the board by this Act, as have been delegated to the local board by a provincial board under section *sixteen*;
- (b) carry out the instructions or directions of the provincial board of the province within which the local board has been established; and
- (c) generally, assist the said provincial board in the performance of its functions.

20. No person shall hold or assist in holding any tournament unless the holding of the tournament has been authorized by a licence issued under paragraph (f) of section *seven* and unless the tournament is held in accordance with any conditions imposed by the board under that paragraph.

Tournaments to be authorized.

21. No person shall—

- (a) take part in any tournament as a boxer, wrestler or official; or
- (b) manage the affairs of any boxer or wrestler in so far as they relate to his participation in tournaments as a boxer or wrestler; or
- (c) negotiate with any boxer or wrestler with a view to procuring his services as a boxer or wrestler at a tournament,

Boxers, wrestlers, officials, managers and promoters to be registered.

unless he is in possession of a valid certificate of registration as a boxer, wrestler, official, manager or promoter, as the case may be, issued to him under paragraph (c) of section *seven*.

22. (1) Whenever the commissioner or any deputy commissioner of police or any magistrate or assistant magistrate is of the opinion that any boxing or wrestling contest or exhibition being held or about to be held, should, in the public interest be stopped or forbidden, he shall convey or cause to be conveyed to the person holding or proposing to hold such contest or exhibition or to the participants, a notice, whether verbal or in writing, stopping or forbidding such contest or exhibition.

Boxing or wrestling contests or exhibitions may be stopped or forbidden.

(2) Whenever any officer of the police of or above the rank of sergeant is of the opinion that the continuance of any boxing or wrestling contest or exhibition is likely to result in the life of any participant or any person attending the contest or exhibition being endangered, or in a breach of the peace, he shall order the participants or any person holding or assisting in the

of stoeiwedstryd of -vertoning hou of behulpsaam is by die hou daarvan om die boks- of stoeiwedstryd of -vertoning te staak en kan hy almal wat aldaar aanwesig is, beveel om te vertrek.

(3) Enige lid van die polisie het, terwyl hy diens doen, te alle tye vrye toegang tot enige plek waarin 'n boks- of stoeiwedstryd of -vertoning gehou word of gehou gaan word.

Misdrywe en strawwe.

23. Iemand wat—

- (a) die bepalings van artikel *twintig* oortree of versuim om daaraan te voldoen;
 - (b) 'n boks- of stoeiwedstryd of -vertoning wat ingevolge sub-artikel (1) van artikel *twee-en-twintig* stopgesit of verbied is, hou of bywoon of daaraan deelneem of behulpsaam is by die hou daarvan;
 - (c) 'n bevel wat ingevolge sub-artikel (2) van artikel *twee-en-twintig* gegee is, veronagsaam;
 - (d) weier om aan 'n lid van die polisiemag, terwyl hy diens doen, vrye toegang te verleen tot 'n perseel waarin waarop 'n boks- of stoeiwedstryd of -vertoning gehou word of gehou gaan word of so 'n lid hinder by die uitvoering van sy pligte kragtens hierdie Wet;
 - (e) as 'n bokser of stoeier aan 'n toernooi deelneem nadat hy ingevolge paragraaf (i) van artikel *sewe* verbied is om aldus aan daardie toernooi deel te neem;
 - (f) 'n toernooi adverteer deur middel van 'n advertensie wat verskil van enige kragtens sub-paragraaf (iv) van paragraaf (g) van artikel *sewe* aan die raad voorgelegde advertensie;
 - (g) 'n beampte toelaat om aan 'n toernooi deel te neem in 'n ander hoedanigheid as dié waarin hy kragtens sub-paragraaf (i) van paragraaf (c) van artikel *sewe* geregistreer is; of
 - (h) die bepalings van artikel *een-en-twintig* oortree of versuim om daaraan te voldoen,
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
- (i) in die geval van 'n in paragraaf (a), (b), (c), (d), (e), (f) of (g) bedoelde misdryf, met 'n boete van hoogstens driehonderd pond of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met beide daardie boete en daardie gevangenisstraf; en
 - (ii) in die geval van 'n in paragraaf (h) bedoelde misdryf, met 'n boete van hoogstens vyftig pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie gevangenisstraf sonder die keuse van 'n boete.

Herroeping van wette.

24. Die „Boks- en Stoeiwedstryden Wet, 1923” (Wet No. 5 van 1923), en die Wet tot Reëling van Stoeiwedstryde, 1939 (Wet No. 10 van 1939), word hiermee herroep.

Toepassing van Wet op die gebied Suidwes-Afrika.

25. Die Goewerneur-generaal kan by proklamasie in die *Staatskoerant* en in die *Offisiële Koerant* van die gebied Suidwes-Afrika hierdie Wet *mutatis mutandis* in die gebied van krag verklaar en daarna—

- (a) is 'n verwysing na 'n provinsie van die Unie ook 'n verwysing na die gebied en word 'n verwysing na die Unie as 'n verwysing na die Unie met inbegrip van die gebied vertolk;
- (b) word die woord „vyf” in sub-artikel (1) van artikel *vier* deur die woord „ses” en die woord „vier” deur die woord „vyf” vervang;
- (c) is 'n verwysing na 'n ou provinsiale raad ook 'n verwysing na die Administrateur van die gebied;
- (d) word by die toepassing van hierdie Wet op die gebied 'n verwysing in artikel *sewentien* na die *Staatskoerant* as 'n verwysing na die *Offisiële Koerant* van die gebied vertolk.

Kort titel en datum van inwerkingtreding.

26. Hierdie Wet heet die Wet op die Beheer van Boks en Stoei, 1954, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal.

holding of the contest or exhibition, to stop the contest or exhibition and may order all persons present thereat to depart.

(3) Any member of the police on duty shall at all times have free access to any place in which any boxing or wrestling contest or exhibition is being held or about to be held.

23. Any person who—

Offences and penalties.

- (a) contravenes or fails to comply with the provisions of section *twenty*;
- (b) holds, assists in holding, attends or takes part in any boxing or wrestling contest or exhibition which has been stopped or forbidden under sub-section (1) of section *twenty-two*;
- (c) disobeys any order given under sub-section (2) of section *twenty-two*;
- (d) refuses to allow any member of the police force on duty free access to any premises in or on which any boxing or wrestling contest or exhibition is being or about to be held or obstructs such member in the execution of his duties under this Act;
- (e) participates as a boxer or wrestler in any tournament after having been prohibited under paragraph (i) of section *seven* from so participating in that tournament;
- (f) advertises any tournament by means of an advertisement which differs from any advertisement submitted to the board under sub-paragraph (iv) of paragraph (g) of section *seven*;
- (g) allows any official to take part in a tournament in a capacity other than that in which he was registered under sub-paragraph (i) of paragraph (c) of section *seven*; or
- (h) contravenes or fails to comply with the provisions of section *twenty-one*,

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a), (b), (c), (d), (e), (f), or (g) to a fine not exceeding three hundred pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment; and
- (ii) in the case of an offence referred to in paragraph (h), to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

24. The Boxing and Wrestling Act, 1923 (Act No. 5 of 1923), and the Wrestling Regulation Act, 1939 (Act No. 10 of 1939), are hereby repealed. Repeal of laws.

25. The Governor-General may by proclamation in the *Gazette* and in the *Official Gazette* of the territory of South-West Africa, declare this Act to be *mutatis mutandis* in force in the territory and thereupon— Application of Act to the territory of South-West Africa.

- (a) any reference to a province of the Union shall include a reference to the territory and any reference to the Union shall be construed as a reference to the Union including the territory;
- (b) the word "six" shall be substituted in sub-section (1) of section *four* for the word "five" and the word "five" for the word "four";
- (c) any reference to an old provincial board shall include a reference to the Administrator of the territory;
- (d) any reference in section *seventeen* to the *Gazette* shall in the application of this Act to the territory be construed as the *Official Gazette* of the territory.

26. This Act shall be called the Boxing and Wrestling Control Act, 1954, and shall come into operation upon a date to be fixed by the Governor-General by proclamation in the *Gazette*. Short title and date of commencement.

No. 40, 1954.]

WET**Om die Wysigingswet op Nedersettings, 1944, te wysig.***(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1954.)***DIT WORD BEPAAL** deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Wysiging van artikel 4 van Wet 42 van 1944.

1. Artikel vier van die Wysigingswet op Nedersettings, 1944, word hiermee gewysig deur in sub-artikel (5) na die woord „eienaar” die woorde „van grond of ’n serwituuthouer” in te voeg.

Kort titel.

2. Hierdie Wet heet die Wysigingswet op Nedersettings, 1954.

No. 40, 1954.]

ACT

To amend the Land Settlement Amendment Act, 1944.

(Afrikaans text signed by the Governor-General.)
(Assented to 15th June, 1954.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. Section *four* of the Land Settlement Amendment Act, 1944, is hereby amended by the insertion in sub-section (5) after the word "owner" of the words "of land or a holder of a servitude". Amendment of section 4 of Act 42 of 1944.

2. This Act shall be called the Land Settlement Amendment Act, 1954. Short title.

No. 41, 1954.]

WET

Om voorsiening te maak vir beperking van die grond wat uit hoofde van 'n bepaling kragtens die „Besproeiings- en Waterbewarings Wet, 1912”, deur middel van water uit Staatsbesproeiingswerke besproei kan word, ten opsigte van sekere hoewes kragtens die „Kroongrond Nederzettings Wet, 1912”, toegeken op die Staatsbesproeiingskema Rietrivier in die distrikte Jacobsdal, Provinsie Oranje-Vrystaat, en Herbert, Provinsie Kaap die Goeie Hoop.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1954.)

Aanhef.

NADEMAAL die Goewerneur-generaal kragtens die bepalings van sub-artikel (1) van artikel *sewe* van die „Besproeiings- en Waterbewarings Wet, 1912”, die Staatsbesproeiingswerke bekend as die Staatsbesproeiingskema Rietrivier aangelê het:

EN NADEMAAL by Proklamasie No. 182 van 1935, soos gewysig deur Proklamasies Nos. 194 van 1937, 213 van 1943, 337 van 1947 en 66 van 1953, in verband met bedoelde skema 'n sekere gebied kragtens sub-artikel (1) van artikel *agt-en-negentig* van genoemde Wet as 'n Staatsbesproeiingsgebied omskryf is:

EN NADEMAAL sekere grond geleë binne bedoelde Staatsbesproeiingsgebied kragtens artikel *tien* van die „Kroongrond Nederzettings Wet, 1912”, deur die Regering verkry is en ingevolge sub-artikel (1) van artikel *vyftien* van daardie Wet in hoewes verdeel is, terwyl ander aldus verkreë grond nog nie aldus verdeel is nie:

EN NADEMAAL die Minister van Besproeiing ingevolge sub-artikel (1) van artikel *sewe bis* van die „Besproeiings- en Waterbewaringswet, 1912”, by Goewermentskennisgewing No. 2353, gedagteken die agste dag van November 1946, bepaal het dat die grootte van die grond wat deel uitmaak van elke stuk grond in bedoelde Staatsbesproeiingsgebied inbegrepe, wat van water uit voormelde Staatsbesproeiingswerke voorsien kan word, nie vyftig morge te bowe mag gaan nie:

EN NADEMAAL dit by toekenning van voormelde hoewes ingevolge artikel *twintig* van die „Kroongrond Nederzettings Wet, 1912”, die bedoeling was dat die grootte van die grond wat deel uitmaak van elke hoewe, ten opsigte waarvan water uit genoemde Staatsbesproeiingswerke verskaf kan word, nie meer as dertig morge ten opsigte van sekere hoewes en twintig morge ten opsigte van ander behoort te wees nie, en die koopprys van elke sodanige hoewe dienooreenkomstig vasgestel is:

EN NADEMAAL elk van bedoelde hoewes ingevolge voormelde bepaling geregtig is om van water uit genoemde werke voorsien te word, vir die besproeiing van 'n oppervlakte daarvan hoogstens vyftig morge groot, en sekere van die hoewes wat op die oomblik inbegrepe is in die lys kragtens voormelde sub-artikel (1) van artikel *sewe bis* opgestel, ingevolge paragraaf (e) van daardie sub-artikel ten opsigte van oppervlaktes van meer as dertig morge in die lys opgeneem is:

EN NADEMAAL persone aan wie hoewes ingevolge artikel *twintig* van die „Kroongrond Nederzettings Wet, 1912”, toegeken is, by ander Staatsbesproeiingskemas in die algemeen geregtig is om uit die Staatsbesproeiingswerke wat sodanige grond van water voorsien, water vir die besproeiing van grond van 'n grootte van hoogstens dertig morge ten opsigte van elke sodanige hoewe te ontvang:

EN NADEMAAL dit wenslik is dat die voorwaardes van toepassing ten opsigte van hoewes vir nedersettingsdoeleindes op voormelde Staatsbesproeiingskema Rietrivier afgesonder, in ooreenstemming behoort te wees met die algemene beleid wat kragtens genoemde artikel *sewe bis* toegepas word met betrekking tot hoewes wat vir dergelike doeleindes afgesonder is in ander Staatsbesproeiingsgebiede kragtens sub-artikel (1) van artikel *agt-en-negentig* van die „Besproeiings- en Waterbewarings Wet, 1912”, geproklameer:

EN NADEMAAL die eienaars, huurders en okkupeerders van hoewes wat soos voormeld vir meer as dertig morge in die lys opgeneem is, tydig skriftelik kennis gekry het van die voorneme om die oppervlaktes aldus opgeneem te verminder, en dit dus dienstig is om voorsiening te maak dat sodanige eienaars,

No. 41, 1954.]

ACT

To provide for the limitation of the land which may in pursuance of a determination under the Irrigation and Conservation of Waters Act, 1912, be irrigated by means of water from Government Irrigation Works, in respect of certain holdings allotted under the Land Settlement Act, 1912, on the Riet River Government Irrigation Scheme, in the districts of Jacobsdal, Province of the Orange Free State, and Herbert, Province of the Cape of Good Hope.

(English text signed by the Governor-General.)
(Assented to 15th June, 1954.)

WHEREAS the Governor-General has, under the provisions ^{Preamble.} of sub-section (1) of section *seven* of the Irrigation and Conservation of Waters Act, 1912, constructed the Government irrigation works known as the Riet River Government Irrigation Scheme:

AND WHEREAS a certain area has by Proclamation No. 182 of 1935, as amended by Proclamations Nos. 194 of 1937, 213 of 1943, 337 of 1947 and 66 of 1953, in connection with the said scheme, been defined to be a Government irrigation area in terms of sub-section (1) of section *ninety-eight* of the said Act:

AND WHEREAS certain land situated within the said Government irrigation area has been acquired by the Government under section *ten* of the Land Settlement Act, 1912, and has been divided into holdings in terms of sub-section (1) of section *fifteen* of that Act, while other land so acquired has not yet been so divided:

AND WHEREAS the Minister of Irrigation has, in terms of sub-section (1) of section *seven bis* of the Irrigation and Conservation of Waters Act, 1912, determined by Government Notice No. 2353 dated the eighth day of November, 1946, that the extent of the land comprised in every piece of land included in the said Government irrigation area which may be supplied with water from the aforesaid Government irrigation works shall not exceed fifty morgen in extent:

AND WHEREAS, upon allotment of the aforesaid holdings in terms of section *twenty* of the Land Settlement Act, 1912, it was intended that the extent of the land forming part of each holding in respect of which water may be supplied from the said Government irrigation works should not exceed thirty morgen in respect of certain holdings and twenty morgen in respect of others, and the purchase price of each such holding was determined accordingly:

AND WHEREAS in terms of the determination aforesaid, each of the said holdings is entitled to be supplied with water from the said works for the irrigation of an area thereon not exceeding fifty morgen in extent and certain of the holdings which are presently included in the schedule prepared under the aforesaid sub-section (1) of section *seven bis* are scheduled under paragraph (e) of that sub-section in respect of areas exceeding thirty morgen:

AND WHEREAS, on other Government irrigation schemes, persons to whom holdings are allotted in terms of section *twenty* of the Land Settlement Act, 1912, are in general entitled to receive water from the Government irrigation works serving such land for the irrigation of an extent of land not exceeding thirty morgen on each such holding:

AND WHEREAS it is desirable that the conditions applicable in respect of holdings set aside for land settlement purposes on the said Riet River Government Irrigation Scheme should be in conformity with the general policy applied under the said section *seven bis* in relation to holdings set aside for similar purposes in other Government irrigation areas proclaimed under sub-section (1) of section *ninety-eight* of the Irrigation and Conservation of Waters Act, 1912:

AND WHEREAS the owners, lessees and occupiers whose holdings have, as aforesaid, been scheduled for areas exceeding thirty morgen have been given timely notice in writing of the intention to reduce the areas so scheduled and it is therefore expedient to provide that such owners, lessees and occupiers

huurders en okkupeerders nie geregtig sal wees om ten opsigte van sodanige vermindering enige vergoeding van die Regering te eis nie:

EN NADEMAAL dit raadsaam is om spesiale bepalinge met betrekking tot die toepassing van artikel *sewe bis* van die „Besproeiings- en Waterbewarings Wet, 1912”, te verorden, ten opsigte van grond wat in bedoelde Staatsbesproeiingsgebied geleë en soos voormeld deur die Regering verkry is, maar nog nie in hoewes verdeel of vir nedersettingsdoeleindes toegeken is nie:

WORD DIT DERHALWE BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Beperking van oppervlaktes van hoewes wat van water uit Rietrivierstaatsbesproeiingswerke voorsien kan word.

1. (1) Ondanks enige bepaling kragtens sub-artikel (1) van artikel *sewe bis* van die „Besproeiings- en Waterbewarings Wet, 1912 (Wet No. 8 van 1912)”, deur die Minister van Besproeiing gemaak ten opsigte van die Rietrivierstaatsbesproeiingsgebied, omskryf deur Proklamasie No. 182 van 1935, soos gewysig deur Proklamasies Nos. 194 van 1937, 213 van 1943, 337 van 1947 en 66 van 1953—

(a) is die grootte van die grond in enige hoewe of groep hoewes kragtens die „Kroongrond Nederzettings Wet, 1912”, aan enige persoon toegeken, en binne genoemde Staatsbesproeiingsgebied geleë, ten opsigte waarvan water uit die Staatsbesproeiingswerke wat sodanige grond van water voorsien, verskaf kan word, hoogstens twintig morge ten aansien van elk van die hoewes of groepe hoewes in Deel I van die Bylae by hierdie Wet omskryf, en dertig morge ten aansien van elk van die hoewes in Deel II van daardie Bylae omskryf;

(b) word enige grond binne bedoelde Staatsbesproeiingsgebied geleë, uitgesonderd die grond in paragraaf (a) bedoel, wat deur die Regering verkry is maar nog nie in hoewes vir nedersettingsdoeleindes verdeel is nie, of wat aldus verdeel is maar nog nie ingevolge die „Kroongrond Nederzettings Wet, 1912”, toegeken is nie, geag van die bepalinge van artikel *sewe bis* van die „Besproeiings- en Waterbewarings Wet, 1912”, uitgesluit te wees: Met dien verstande dat, sodra enige gedeelte van bedoelde grond aldus as 'n hoewe toegeken is, die bepalinge van gemelde artikel *sewe bis* onmiddellik ten opsigte van daardie hoewe van toepassing is asof dit 'n in daardie artikel bedoelde stuk grond was, en moet dienoreenkomstig 'n bepaling ingevolge daardie artikel gemaak word.

(2) Paragraaf (a) van sub-artikel (1) word geag op die eerste dag van Januarie 1953 in werking te getree het.

Persone aan wie hoewes in Rietrivierstaatsbesproeiingsgebied toegeken is, nie geregtig op vergoeding op grond van vermindering van oppervlaktes wat van water voorsien kan word nie.

2. Die eienaar, huurder of okkupeerder van so 'n hoewe soos voormeld is nie geregtig om van die Regering vergoeding te eis nie op grond van die vermindering ingevolge artikel *een* van die grootte van die grond op daardie hoewe ten opsigte waarvan water verskaf kan word.

Kort titel.

3. Hierdie Wet heet die Wet op Beperking van Besproeibare Grond in die Rietriviernedersetting, 1954.

Bylae.

Hoewes of groepe hoewes in paragraaf (a) van artikel *een* bedoel:

DEEL I.

RIETRIVIER-NEDERSETTING (OOS):

Perseel A1, groot 20·3646 morge, waarby gevoeg is Perseel A2, groot 27·0292 morge.

Perseel A3, groot 19·8317 morge, waarby gevoeg is ongeveer 15 morge (tot nog toe nie opgemeet nie) van Perseel A4.

Perseel A5, groot 22·8583 morge, waarby gevoeg is onopgemete noordelike gedeelte van Perseel A4, groot ongeveer 6·75 morge, en onopgemete oostelike gedeeltes van Perseel A6 en A7, groot ongeveer 8·25 morge.

Restant van Perseel A6, tot nog toe nie opgemeet nie, waarby gevoeg is onopgemete restant van Perseel A7, wat tesame 'n stuk grond ongeveer 33·7 morge groot uitmaak.

shall not be entitled to claim any compensation from the Government by reason of such reduction:

AND WHEREAS it is expedient to enact special provisions governing the application of section *seven bis* of the Irrigation and Conservation of Waters Act, 1912, in respect of land situated in the said Government irrigation area and acquired by the Government as aforesaid, but not yet divided into holdings or allotted for land settlement purposes:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. (1) Notwithstanding any determination made by the Minister of Irrigation in terms of sub-section (1) of section *seven bis* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), in respect of the Riet River Government irrigation area, defined by Proclamation No. 182 of 1935, as amended by Proclamations Nos. 194 of 1937, 213 of 1943, 337 of 1947 and 66 of 1953—

Limitation of areas on holdings which may be supplied with water from Riet River Government Irrigation Works.

- (a) the extent of land in any holding or group of holdings allotted to any person under the Land Settlement Act, 1912 (Act No. 12 of 1912), and situated within the said Government irrigation area, in respect of which water may be supplied from the Government irrigation works serving such land, shall not exceed twenty morgen in respect of each of the holdings or groups of holdings described in Part I of the Schedule to this Act, and thirty morgen in respect of each of the holdings described in Part II of that Schedule;
- (b) any land situated within the said Government irrigation area, excluding the land referred to in paragraph (a), which has been acquired by the Government but has not yet been divided into holdings for land settlement purposes, or which has been so divided but which has not yet been allotted under the Land Settlement Act, 1912, shall be deemed to be excluded from the provisions of section *seven bis* of the Irrigation and Conservation of Waters Act, 1912: Provided that, as soon as any portion of such land has been so allotted as a holding, the provisions of the said section *seven bis* shall immediately apply in respect of such holding as if it were a piece of land referred to in that section, and a determination in terms of that section shall be made accordingly.

(2) Paragraph (a) of sub-section (1) shall be deemed to have come into operation on the first day of January, 1953.

2. The owner, lessee or occupier of any such holding as aforesaid shall not be entitled to claim any compensation from the Government by reason of the reduction, in terms of section *one*, of the extent of the land on such holding in respect of which water may be supplied.

Persons to whom holdings allotted in Riet River Government Irrigation Area not to be entitled to compensation by reason of reduction of areas to which water may be supplied.

3. This Act shall be called the Riet River Settlement (Limitation of Irrigable Land) Act, 1954.

Short title.

Schedule.

Holdings or groups of holdings referred to in paragraph (a) of section *one*:

PART I.

RIET RIVER SETTLEMENT EAST:

Lot A1, in extent 20·3646 morgen, to which is annexed Lot A2, in extent 27·0292 morgen.

Lot A3, in extent 19·8317 morgen, to which is annexed approximately 15 morgen of Lot A4, the said 15 morgen being as yet unsurveyed.

Lot A5, in extent 22·8583 morgen, to which is annexed unsurveyed northern portion of Lot A4, in extent approximately 6·75 morgen, and unsurveyed eastern portions of Lots A6 and A7 in extent approximately 8·25 morgen.

Remaining extent of Lot A6 as yet unsurveyed to which is annexed unsurveyed remaining extent of Lot A7, both of which together form a piece of land approximately 33·7 morgen in extent.

Perseel A13, groot 21·4473 morg.
 Perseel A14, groot 22·9764 morg, waarby gevoeg is Perseel A15, groot 26·8853 morg.
 Perseel A16, groot 20·1089 morg.
 Perseel A19, groot 27·1700 morg.
 Perseel A20, groot 23·2912 morg.
 Perseel A21, groot 21·6453 morg.
 Perseel A22, groot 27·6576 morg.
 Almal in die Afdeling Jacobsdal, Provinsie Oranje-Vrystaat.

RIETRIVIER-NEDERSETTING (WES):

Perseel A42, groot 21·4564 morg.
 Perseel A43, groot 32·3934 morg.
 Perseel A44, groot 21·1983 morg.
 Perseel A45, groot 21·9614 morg, waarby gevoeg is Perseel A48, groot 20·9326 morg.
 Perseel A46, groot 19·6577 morg, waarby gevoeg is Perseel A47, groot 20·7408 morg.
 Perseel A49, groot 26·5696 morg.
 Perseel A52, groot 20·3338 morg.
 Perseel A53, groot 20·0501 morg.
 Perseel A54, groot 20·6807 morg.
 Perseel A55, groot 19·8192 morg.
 Perseel A56, groot 19·8461 morg.
 Perseel A57, groot 18·0835 morg.
 Almal in die Afdeling Herbert, Provinsie Kaap die Goeie Hoop.

DEEL II.

RIETRIVIER-NEDERSETTING (OOS):

Perseel B15, groot 45·4997 morg.
 Perseel B20, groot 73·0431 morg.
 Perseel B21, groot 54·3059 morg.
 Perseel B22, groot 30·0242 morg.
 Perseel B23, groot 50·9829 morg.
 Perseel B25, groot 29·9172 morg.
 Perseel B26, groot 30·4938 morg.
 Perseel B27, groot 32·5680 morg.
 Perseel B28, groot 32·5836 morg.
 Perseel B29, groot 53·2521 morg.
 Perseel B32, groot 30·7012 morg.
 Perseel B33, groot 30·1769 morg.
 Perseel B34, groot 30·3917 morg.
 Perseel B35, groot 30·3919 morg.
 Perseel B36, groot 30·3936 morg.
 Perseel B37, groot 30·2998 morg.
 Perseel B38, groot 30·1592 morg.
 Perseel B39, groot 30·6856 morg.
 Perseel B41, groot 30·1228 morg.
 Perseel B42, groot 30·3527 morg.
 Perseel B43, groot 29·7361 morg.
 Perseel B44, groot 64·3491 morg.
 Perseel B53, groot 32·0296 morg.
 Perseel B54, groot 34·9090 morg.
 Perseel B66, groot 43·1234 morg.
 Perseel B67, groot 59·7715 morg.
 Perseel B76, groot 68·3517 morg.
 Perseel B77, groot 31·4330 morg.
 Perseel B78, groot 31·3224 morg.
 Perseel B79, groot 31·4290 morg.
 Perseel B80, groot 31·4359 morg.
 Perseel B81, groot 40·0151 morg.
 Perseel B87, groot 38·0306 morg.
 Perseel B88, groot 38·8347 morg.
 Perseel B91, groot 47·9947 morg.
 Perseel B92, groot 41·1446 morg.
 Perseel B93, groot 50·9912 morg.
 Perseel B95, groot 57·9468 morg.
 Perseel B96, groot 30·5067 morg.
 Perseel B97, groot 30·0386 morg.
 Perseel B98, groot 29·7410 morg.
 Perseel B99, groot 32·1795 morg.
 Perseel B100, groot 42·5773 morg.
 Perseel B101, groot 38·1132 morg.
 Perseel B102, groot 42·8042 morg.
 Perseel B103, groot 53·9005 morg.
 Perseel B104, groot 33·3077 morg.
 Perseel B105, groot 31·2793 morg.
 Perseel B107, groot 35·7840 morg.
 Almal in die Afdeling Jacobsdal, Provinsie Oranje-Vrystaat.

Lot A13, in extent 21·4473 morgen.
 Lot A14, in extent 22·9764 morgen, to which is annexed Lot A15, in extent 26·8853 morgen.
 Lot A16, in extent 20·1089 morgen.
 Lot A19, in extent 27·1700 morgen.
 Lot A20, in extent 23·2912 morgen.
 Lot A21, in extent 21·6453 morgen.
 Lot A22, in extent 27·6576 morgen.
 All in the division of Jacobsdal, Province of the Orange Free State.

RIET RIVER SETTLEMENT WEST:

Lot A42, in extent 21·4564 morgen.
 Lot A43, in extent 32·3934 morgen.
 Lot A44, in extent 21·1983 morgen.
 Lot A45, in extent 21·9614 morgen, to which is annexed Lot A48, in extent 20·9326 morgen.
 Lot A46, in extent 19·6577 morgen, to which is annexed Lot A47, in extent 20·7408 morgen.
 Lot A49, in extent 26·5696 morgen.
 Lot A52, in extent 20·3338 morgen.
 Lot A53, in extent 20·0501 morgen.
 Lot A54, in extent 20·6807 morgen.
 Lot A55, in extent 19·8192 morgen.
 Lot A56, in extent 19·8461 morgen.
 Lot A57, in extent 18·0835 morgen.
 All in the division of Herbert, Province of the Cape of Good Hope.

PART II.

RIET RIVER SETTLEMENT EAST:

Lot B15, in extent 45·4997 morgen.
 Lot B20, in extent 73·0431 morgen.
 Lot B21, in extent 54·3059 morgen.
 Lot B22, in extent 30·0242 morgen.
 Lot B23, in extent 50·9829 morgen.
 Lot B25, in extent 29·9172 morgen.
 Lot B26, in extent 30·4938 morgen.
 Lot B27, in extent 32·5680 morgen.
 Lot B28, in extent 32·5836 morgen.
 Lot B29, in extent 53·2521 morgen.
 Lot B32, in extent 30·7012 morgen.
 Lot B33, in extent 30·1769 morgen.
 Lot B34, in extent 30·3917 morgen.
 Lot B35, in extent 30·3919 morgen.
 Lot B36, in extent 30·3936 morgen.
 Lot B37, in extent 30·2998 morgen.
 Lot B38, in extent 30·1592 morgen.
 Lot B39, in extent 30·6856 morgen.
 Lot B41, in extent 30·1228 morgen.
 Lot B42, in extent 30·3527 morgen.
 Lot B43, in extent 29·7361 morgen.
 Lot B44, in extent 64·3491 morgen.
 Lot B53, in extent 32·0296 morgen.
 Lot B54, in extent 34·9090 morgen.
 Lot B66, in extent 43·1234 morgen.
 Lot B67, in extent 59·7715 morgen.
 Lot B76, in extent 68·3517 morgen.
 Lot B77, in extent 31·4330 morgen.
 Lot B78, in extent 31·3224 morgen.
 Lot B79, in extent 31·4290 morgen.
 Lot B80, in extent 31·4359 morgen.
 Lot B81, in extent 40·0151 morgen.
 Lot B87, in extent 38·0306 morgen.
 Lot B88, in extent 38·8347 morgen.
 Lot B91, in extent 47·9947 morgen.
 Lot B92, in extent 41·1446 morgen.
 Lot B93, in extent 50·9912 morgen.
 Lot B95, in extent 57·9468 morgen.
 Lot B96, in extent 30·5067 morgen.
 Lot B97, in extent 30·0386 morgen.
 Lot B98, in extent 29·7410 morgen.
 Lot B99, in extent 32·1795 morgen.
 Lot B100, in extent 42·5773 morgen.
 Lot B101, in extent 38·1132 morgen.
 Lot B102, in extent 42·8042 morgen.
 Lot B103, in extent 53·9005 morgen.
 Lot B104, in extent 33·3077 morgen.
 Lot B105, in extent 31·2793 morgen.
 Lot B107, in extent 35·7840 morgen.
 All in the division of Jacobsdal, Province of the Orange Free State.

No. 42, 1954.]

WET

Om die toepassing van 'n bevel deur die Waterhof vir waterhofdistrik No. 22 uitgevaardig met betrekking tot die ondersoek, vasstelling en optekening van regte op die normale vloei van publieke strome wat op die persele en gemeenskaplike weiveld, bekend as Mapochsgronde, in die distrik Middelburg, Provinsie Transvaal, bestaan, in sekere opsigte te wysig; om voorsiening te maak vir die opvang en bewaring, in twee opgaarddamme wat deur die Regering oor die strome bekend as die Tondeldoosloop en die Vluggkraalloop, geleë op gemelde Mapochsgronde, aangebou gaan word, van alle water wat in bedoelde damme invloei; om voorsiening te maak vir die instelling van 'n raad met die naam van die Mapochsgronde-besproeiingsraad; om voorsiening te maak vir die bestuur, instandhouding en beheer van bedoelde damme deur genoemde Raad; om voorsiening te maak vir die beheer en verdeling deur bedoelde Raad van water opgevang en bewaar in bedoelde damme of wat in enige publieke stroom onderkant sodanige damme vloei; om voorsiening te maak vir die opstelling deur bedoelde Raad van 'n lys van besproeibare gebiede; om te verbied dat nuwe besproeiingswerke in genoemde publieke strome aangelê word, of dat werke wat aldaar bestaan enige wesentlike wysiging of vergroting ondergaan, sonder die toestemming van die Minister van Besproeiing; om voorsiening te maak vir beheer deur genoemde Raad van ander besproeiingswerke vir sover sodanige werke bedoel is om water uit genoemde publieke strome onderkant bedoelde damme te haal of te lei; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 15 Junie 1954.)

Aanhef.

NADEMAAL die Volksraad van die Suid-Afrikaanse Republiek op die een-en-dertigste dag van Julie, 1883, besluit het dat sekere grond, in distrik Middelburg, Provinsie Transvaal, geleë en voorheen deur die Mapochstam bewoon, aangewys word vir bewoning deur die burgers wat in die Mapochstryd teen Niebel en andere deelgeneem het:

EN NADEMAAL 'n bewoningsplan opgestel is en by proklamasie in die Staats-Courant van die Suid-Afrikaanse Republiek op die sesde dag van September, 1883, afgekondig is:

EN NADEMAAL bedoelde grond volgens genoemde bewoningsplan verdeel is in sekere persele en gemeenskaplike weiveld wat sedertdien as Mapochsgronde bekend geword het:

EN NADEMAAL voorsiening in die „Mapochsgronden Water en Gemeenschappelik Weiveld Wet, 1916” (Wet No. 40 van 1916), die „Mapochsgronden Water en Gemeenschappelik Weiveld Wet Wijzigings Wet, 1923” (Wet No. 14 van 1923) en die Mapochsgronde-wysigingswet, 1937 (Wet No. 19 van 1937) gemaak is vir die beheer en onderverdeling van gemelde gemeenskaplike weiveld, die uitreiking van titels en huurkontrakte aan eienaars en huurders van persele op Mapochsgronde, die reëling van sekere waterregte in verband met bedoelde persele, die instelling van 'n beheerraad vir die gemeenskaplike weiveld en vir ander bykomstige aangeleenthede:

EN NADEMAAL 'n kaart No. A.3184/52 van die gekonsolideerde plaas Mapochsgronde No. 5 wat uit die bedoelde persele en weiveld bestaan, deur die Landmeter-generaal van Transvaal opgestel is:

EN NADEMAAL 'n bevel deur die waterhof vir waterhofdistrik No. 22, op die tiende dag van Oktober 1917 uitgevaardig, in sake die aansoek van die Magistraat vir die distrik Middelburg, Provinsie Transvaal, ten behoeve van eienaars van persele op bedoelde Mapochsgronde, aangaande die ondersoek, vasstelling en optekening van regte van gemelde eienaars op die gebruik van die normale stroom van die openbare strome wat op Mapochsgronde bestaan, tans van krag is:

EN NADEMAAL die Goewerneur-generaal kragtens sub-artikel (1) van artikel sewe van die Besproeiings- en Waterbewarings Wet, 1912 (Wet No. 8 van 1912) gemagtig is om vir die doeleindes in genoemde sub-artikel uiteengesit en onderworpe aan die goedkeuring van die Parlement en aan sodanige regte as wat mag bestaan, besproeiingswerke aan te bou:

EN NADEMAAL die Unie-regering 'n skema ontwerp het vir die aanbou van sekere besproeiingswerke op die Mapochsgronde, te wete, 'n dam oor die publieke stroom bekend as die Tondeldoosloop op voornoemde gemeenskaplike weiveld aangrensende aan perseel 189 (voorheen bekend as perseel 169) en 'n dam oor die publieke stroom bekend as die Vluggkraalloop op voormelde gemeenskaplike weiveld aangrensende aan perseel 140 (voorheen bekend as perseel 121) om die waters wat in bedoelde strome vloei op te vang en te bewaar vir die beter

No. 42, 1954.]

ACT

To modify in certain respects the application of an order made by the Water Court for water court district No. 22 relating to the investigation, definition and recording of rights to the normal flow of public streams existing on the lots and commonage known as Mapochsgronde in the district of Middelburg, Transvaal Province; to provide for the impoundment and conservation in two storage dams to be constructed by the Government across the streams known as the Tondeldoosloop and the Vlugkraalloop, situated on the said Mapochsgronde, of all the water flowing into the said dams; to provide for the establishment of a board to be known as the Mapochsgronde Irrigation Board; to provide for the administration, maintenance and control of the said dams by the said Board; to provide for the control and distribution by the said Board of water impounded and conserved in the said dams or flowing in any public stream below such dams; to provide for the preparation of a schedule of irrigable areas by the said Board; to prohibit the construction of new irrigation works or the material alteration or enlargement of existing works in the said public streams without the consent of the Minister of Irrigation; to provide for the control of other irrigation works by the said Board in so far as such works are concerned with the abstraction or conveyance of water from the said public streams below the said dams; and to provide for other incidental matters.

*(Afrikaans text signed by the Governor-General.)
(Assented to 15th June, 1954.)*

WHEREAS the Volksraad of the South African Republic Preamble.
decided by resolution on the thirty-first day of July, 1883, that certain land previously occupied by the Mapoch tribe in the district of Middelburg, Transvaal Province, should be set aside for occupation by the burghers who had taken part in the Mapoch campaign against Niebel and others:

AND WHEREAS a scheme for occupation was devised and published by proclamation in the Staats-Courant of the South African Republic on the sixth day of September, 1883:

AND WHEREAS the said land was, in terms of the said scheme of occupation, divided into certain lots and commonage, which have since become known as Mapochsgronde:

AND WHEREAS provision has been made in the Mapochs Gronden Water and Commonage Act, 1916 (Act No. 40 of 1916), the Mapochs Gronden Water and Commonage Act Amendment Act, 1923 (Act No. 14 of 1923) and the Mapochs Gronden Amendment Act, 1937 (Act No. 19 of 1937) for the control and subdivision of the said commonage, the issue of titles and leases to owners and lessees of lots at Mapochsgronde, the regulation of certain water rights in connection with the said lots, the establishment of a board of management for the commonage and for other incidental matters:

AND WHEREAS a plan No. A.3184/52, of the consolidated farm Mapochsgronde No. 5 comprising the said lots and commonage has been prepared by the Surveyor-General of the Transvaal:

AND WHEREAS there is at present in force an order made by the water court for water court district No. 22 on the tenth day of October, 1917, in the matter of the application of the Magistrate of the district of Middelburg, Transvaal Province, on behalf of the owners of lots at the said Mapochsgronde, relating to the investigation, definition and recording of rights of the said owners to the use of the normal flow of the public streams existing on the Mapochsgronde:

AND WHEREAS the Governor-General is empowered in terms of sub-section (1) of section *seven* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912) to construct irrigation works for the purposes set out in the said sub-section and subject to the approval of Parliament and to such rights as may exist:

AND WHEREAS the Government of the Union has prepared a scheme for the construction of certain irrigation works on the Mapochsgronde, to wit, a dam across the public stream known as the Tondeldoosloop on the aforesaid commonage adjacent to lot 189 (previously known as lot 169), and a dam across the public stream known as the Vlugkraalloop on the aforesaid commonage adjacent to lot 140 (previously known as lot 121), for impounding and conserving waters flowing in the said streams for the better irrigation of the lots which may

besproeiing van die persele wat daardeur van water voorsien kan word sowel as sodanige ander grond wat kragtens sub-artikel (1) van artikel *een* van die „Mapochsgronden Water en Gemeenschappelik Weiveld Wet Wijzigings Wet, 1923”, soos vervang deur sub-artikel (1) van artikel *ses* van die Mapochsgrondewysigingswet, 1937, toegestaan of gehuur mag word:

EN NADEMAAL die goedkeuring van die Parlement vir die aanbou van genoemde damme verkry is en dit raadsaam is om vir die opgaar en bewaring van alle water wat in sodanige damme invloei, voorsiening te maak:

EN NADEMAAL dit nie moontlik is om al die bedoelde water in genoemde damme op te gaar nie solank sekere bepalinge van voornoemde waterhofbevel van krag bly:

EN NADEMAAL dit derhalwe raadsaam is om sekere van genoemde bepalinge nietig te verklaar:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir die instelling van 'n raad wat bekend sal wees as die Mapochsgronde-besproeiingsraad:

EN NADEMAAL dit raadsaam is om die bestuur, instandhouding en beheer van genoemde damme aan die Mapochsgronde-besproeiingsraad toe te vertrou en om die raad te magtig om die beskikbare water wat in daardie damme bewaar word of wat in die bedding van die Tondeldoosloop of Vlugkraalloop onderkant die damme vloei, te beheer en te verdeel vir gebruik op grond wat daardeur van water voorsien kan word, en om bepalinge vas te stel tot reëling van sodanige beheer en verdeling:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir beheer deur genoemde raad oor die aanbou van werke wat bedoel is om water uit genoemde beddings te haal en van addisionele werke wat nodig is om aldus uitgehaalde water te meet en behoorlik te reël, en vir die oornome deur genoemde raad, onder sekere omstandighede, van werke wat gebruik word om sodanige water uit te keer of te lei:

EN NADEMAAL dit raadsaam is om vir ander bykomstige aangeleenthede voorsiening te maak:

WORD DIT DERHALWE BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

Woordbepaling.

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) „Besproeiingswet” die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912); (ii)
- (ii) „die damme” die twee opgaardamme wat kragtens sub-artikel (1) van artikel *sewe* van die Besproeiingswet deur die Regering oor die Tondeldoosloop op Mapochsgronde se gemeenskaplike weiveld aangrensende aan perseel No. 189 (voorheen bekend as perseel No. 169) van Mapochsgronde en oor die Vlugkraalloop op bedoelde gemeenskaplike weiveld aangrensende aan perseel No. 140 (voorheen bekend as perseel No. 121) van Mapochsgronde onderskeidelik, aangebou gaan word; (v)
- (iii) „Mapochsgronde” die persele en gemeenskaplike weiveld bekend as Mapochsgronde wat omvat word in die gekonsolideerde plaas Mapochsgronde No. 5, aangetoon op Kaart No. A.3184/52, in die kantoor van die Landmeter-generaal van Transvaal opgestel; (iii)
- (iv) „raad” die Mapochsgronde-besproeiingsraad kragtens artikel *drie* ingestel; (i)
- (v) „waterhofbevel” die bevel deur die waterhof vir waterhofdistrik No. 22 op die tiende dag van Oktober 1917, uitgevaardig, in sake die aansoek van die magistraat van die distrik Middelburg in Transvaal ten behoeve van die eienaars van persele op Mapochsgronde, met betrekking tot die ondersoek, vasstelling en optekening van regte van bedoelde eienaars op die gebruik van die normale stroom van die publieke strome wat op Mapochsgronde bestaan en vir die toebedeling daarvan vir primêre en sekondêre doeleindes tussen genoemde persele; (iv)

en het enige uitdrukking waaraan in die Besproeiingswet 'n betekenis toegeskryf is, waar dit in hierdie Wet voorkom, dieselfde betekenis.

Nietigverklaring van sekere bepalinge van waterhofbevel.

2. Die waterhofbevel word geag in soverre gewysig te wees dat—

be served thereby as well as such other land as may be granted or leased in terms of sub-section (1) of section *one* of the Mapochs Gronden Water and Commonage Act Amendment Act, 1923, as substituted by sub-section (1) of section *six* of the Mapochs Gronden Amendment Act, 1937:

AND WHEREAS the approval of Parliament for the construction of the said dams has been duly obtained and it is expedient to provide for the impounding and conservation of all the water flowing into such dams:

AND WHEREAS it is not possible to impound lawfully all the said water in the said dams while certain of the provisions of the aforesaid order of the water court remain in force:

AND WHEREAS it is therefore expedient to annul certain of the said provisions:

AND WHEREAS it is expedient to provide for the establishment of a board to be known as the Mapochsgronde Irrigation Board:

AND WHEREAS it is expedient to entrust the Mapochsgronde Irrigation Board with the administration, maintenance and control of the said dams and to empower the board to control and distribute the available water conserved in those dams or flowing in the channel of the Tondeldoosloop or Vlugkraalloop below the dams for use on land which may be served thereby and to enact provisions governing such control and distribution:

AND WHEREAS it is expedient to provide for the control by the said board of the construction of works for abstracting water from the said channels and of additional works necessary for the measurement and proper regulation of water so abstracted, and for the taking over by the said board, under certain circumstances, of works used to divert or convey the said water:

AND WHEREAS it is expedient to provide for other incidental matters:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. In this Act, unless the context otherwise indicates— Definitions.

- (i) "board" means the Mapochsgronde Irrigation Board, established under section *three*; (iv)
- (ii) "Irrigation Act" means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912); (i)
- (iii) "Mapochsgronde" means the lots and commonage known as Mapochsgronde and which are comprised in the consolidated farm Mapochsgronde No. 5, indicated on Diagram No. A.3184/52, prepared in the office of the Surveyor-General of the Transvaal; (iii)
- (iv) "order of court" means the order of the water court for water court district No. 22 on the tenth day of October, 1917, in the matter of the application of the magistrate of the district of Middelburg in the Transvaal on behalf of the owners of lots at Mapochsgronde, relating to the investigation, definition and recording of rights of the said owners to the use of the normal flow of the public streams existing on Mapochsgronde and for the apportionment thereof for primary and secondary purposes as between the said lots; (v)
- (v) "the dams" means the two storage dams to be constructed by the Government in terms of sub-section (1) of section *seven* of the Irrigation Act across the Tondeldoosloop on Mapochsgronde commonage adjacent to lot No. 189 (previously known as lot No. 169) of Mapochsgronde and across the Vlugkraalloop on the said commonage adjacent to lot No. 140 (previously known as lot No. 121) of Mapochsgronde, respectively; (ii)

and any expression to which a meaning has been assigned in the Irrigation Act bears, when used in this Act, the same meaning.

- 2.** The order of court shall be deemed to be modified to the extent that— Annulment of certain provisions of water court order.

- (a) paragraaf drie-en-vyftig, vir sover voorsiening daarin gemaak is vir die wyse waarop oor die hele stroom water in die voor wat die daarin bedoelde persele van water voorsien, beskik moet word gedurende elke nag vanaf sonsondergang tot sonsopgang;
- (b) paragrawe ses-en-vyftig tot vier-en-sestig met betrekking tot die toebedeling en gebruik van die normale stroom van die Tondeldoosloop tussen die daarin bedoelde persele;
- (c) paragrawe honderd-en-twee tot honderd-en-vyf met betrekking tot die toebedeling en gebruik van die normale stroom van die Vlugkraalloop tussen die persele waarna daarin verwys word; en
- (d) paragraaf agt-en-negentig, vir sover voorsiening daarin gemaak is dat die eienaars van persele vyf-en-sestig en ses-en-sestig die eienaars van sekere persele geleë op die Vlugkraalloop onderkant genoemde persele vyf-en-sestig en ses-en-sestig jaarliks in kennis moet stel van die wyse waarop eersgenoemde eienaars voornemens is om die dele water waarop hulle ingevolge genoemde paragraaf onderskeidelik geregtig is, te neem en uit te haal,

hierna nie meer van krag is nie en die water in die in paragraaf (a) bedoelde voor moet vanaf die inwerkingtreding van hierdie Wet, deur die eienaars van die in daardie paragraaf bedoelde persele op so 'n wyse gereël word dat dit elke nag vanaf sonsondergang tot sonsopgang vry en ongehinder van die end van bedoelde voor op perseel No. 191 (voorheen bekend as perseel No. 171) in die dam oor die Tondeldoosloop waarna in die omskrywing van „die damme” in artikel *een* verwys word, moet vloei.

Instelling van
Mapochsgronde-
besproeiingsraad.

3. (1) Vanaf die inwerkingtreding van hierdie Wet, word daar 'n raad met die naam van die Mapochsgronde-besproeiingsraad ingestel.

(2) Die raad word met regs persoonlikheid bekleed, bevoeg om eisend of verwerend in regte op te tree en om al die dinge te doen wat liggame met regs persoonlikheid wettiglik kan verrig, en bestaan uit ses lede wat op die hieronder bepaalde wyse gekies word.

(3) Drie lede word gekies deur die eienaars van grond ten opsigte waarvan ingevolge sub-artikel (1) van artikel *sewe* water uit die Tondeldoosloop voorsien word en drie lede word gekies deur die eienaars van grond ten opsigte waarvan ingevolge die genoemde sub-artikel water uit die Vlugkraalloop voorsien word: Met dien verstande dat die bedoelde grond in elke geval grond is wat kragtens paragraaf (e) van sub-artikel (1) van artikel *tien* in die ingevolge daardie artikel opgestelde lys ingesluit is.

(4) Die lede bekleed hul ampte vir 'n tydperk van drie jaar vanaf die datum waarop hulle gekies word en is herkiesbaar.

(5) Die bepalinge van artikels *agt-en-vyftig*, *nege-en-vyftig*, *drie-en-sewentig*, *vyf-en-tagtig*, *ses-en-tagtig*, *sewe-en-tagtig* en *vyf-en-negentig* en die regulasies kragtens paragrawe (a) tot (g) van artikel *sewe-en-sewentig* van die Besproeiingswet is ten opsigte van die raad *mutatis mutandis* van toepassing.

Magtiging om die
water in die
Tondeldoosloop
en Vlugkraalloop
op te gaan en te
bewaar in damme
wat die Regering
gaan aanbou.

4. Die Minister kan, deur middel van die damme, 'n deel van of al die water wat in genoemde damme vloei, opgaar en bewaar.

Waterregte van
eienaars van
sekere persele op
Mapochsgronde
berus by
Minister van
Besproeiing.

5. Met uitsondering van die reg op primêre gebruik, word hiermee alle regte op die gebruik van die water wat in die damme bewaar word of wat in die beddings van die Tondeldoosloop en Vlugkraalloop vloei, waarop eienaars van enige grond bedoel in die paragrawe van die waterhofbevel genoem in paragrawe (b) en (c) van artikel *twee* ten opsigte van sodanige grond, geregtig is, op die Minister oorgedra om deur die raad soos hieronder bepaal uitgeoefen te word.

Bestuur, instand-
houding en be-
heer van damme
wat deur die
Regering aange-
bou gaan word
berus by
Mapochsgronde-
besproeiingsraad.

6. Vanaf die inwerkingtreding van hierdie Wet, berus die bestuur, instandhouding en beheer van die damme by, en val die koste van bedoelde bestuur, instandhouding en beheer ten laste van die raad.

- (a) paragraph fifty-three, in so far as provision is made therein for the manner in which the whole flow of water in the furrow serving the lots referred to therein shall be disposed of during each night from sunset to sunrise;
- (b) paragraphs fifty-six to sixty-four relating to the apportionment and use of the normal flow of the Tondeldoosloop as between the lots referred to therein;
- (c) paragraphs one hundred and two to one hundred and five relating to the apportionment and use of the normal flow of the Vlugkraalloop as between the lots referred to therein; and
- (d) paragraph ninety-eight, in so far as it is provided therein that the owners of lots sixty-five and sixty-six are required to annually notify the owners of certain lots situated on the Vlugkraalloop below the said lots sixty-five and sixty-six of the manner in which the firstmentioned owners propose taking and diverting the shares of water to which they are respectively entitled in terms of the said paragraph,

shall hereafter cease to be of force and effect and the water in the furrow referred to in paragraph (a) shall, as from the commencement of this Act, be regulated by the owners of the lots referred to in that paragraph in such a manner that every night from sunset to sunrise it shall flow free and undisturbed from the end of the said furrow on lot No. 191 (previously known as lot No. 171) into the dam across the Tondeldoosloop referred to in the definition of "the dams" in section *one*.

3. (1) As from the commencement of this Act, there shall be established a board to be known as the Mapochsgronde Irrigation Board. Establishment of Mapochsgronde Irrigation Board.

(2) The board shall be a body corporate, capable of suing and of being sued and of doing all such things as bodies corporate may by law do, and shall consist of six members, to be elected in manner hereinafter provided.

(3) Three members shall be elected by the owners of land in respect of which water is supplied from the Tondeldoosloop in terms of sub-section (1) of section *seven* and three members shall be elected by the owners of land in respect of which water is supplied from the Vlugkraalloop in terms of the said sub-section: Provided that in each case the said land shall be land included under paragraph (e) of sub-section (1) of section *ten* of the schedule prepared in terms of that section.

(4) The members of the board shall hold office for a period of three years from the date upon which they are elected and shall be eligible for re-election.

(5) The provisions of sections *fifty-eight, fifty-nine, seventy-three, eighty-five, eighty-six, eighty-seven* and *ninety-five* and the regulations made under paragraphs (a) to (g) of section *seventy-seven* of the Irrigation Act shall apply *mutatis mutandis* in respect of the board.

4. The Minister may, by means of the dams, impound and conserve any or all of the water flowing into the said dams.

Authority to impound and conserve waters of Tondeldoosloop and Vlugkraalloop in dams to be constructed by the Government.

5. Saving the right of primary use, all rights to the use of the water conserved in the dams or flowing in the channels of the Tondeldoosloop and Vlugkraalloop to which owners of any land referred to in the paragraphs of the order of court mentioned in paragraphs (b) and (c) of section *two*, are entitled in respect of such land, are hereby vested in the Minister, to be exercised by the board as hereinafter provided.

Vesting of water rights of owners of certain lots at Mapochsgronde in Minister of Irrigation.

6. As from the commencement of this Act, the administration, maintenance and control of the dams shall vest in, and the cost of such administration, maintenance and control shall be borne by the board.

Administration, maintenance and control of dams to be constructed by Government vested in Mapochsgronde Irrigation Board.

Beheer en verdeling van water.

7. (1) Ten einde die regte wat by die Minister ingevolge artikel vyf berus, uit te oefen, het die raad beheer oor die water wat in die damme opgegaan word en die water wat in die beddings van die Tondeldoosloop en Vluggkraalloop onderkant die damme vloei en moet hy maatreëls aanwend wat redelik voldoende is om te verseker dat daar vir gebruik op elke stuk grond wat in die lys deur die raad kragtens artikel tien opgestel voorkom, 'n hoeveelheid water gelewer word, wat 'n deel uitmaak van die aldus bedoelde water, en wat so na as doenlik in dieselfde verhouding staan tot die totale hoeveelheid water wat vir daardie gebruik beskikbaar is as die verhouding van die besproeibare oppervlakte van die stuk grond tot die totale besproeibare oppervlakte van al die grond in genoemde lys opgeneem: Met dien verstande dat by die verdeling van die water waarop perseel No. 46 voorheen bekend as perseel No. 49, en perseel No. 52 van Mapochsgronde geregtig mag wees, moet deur die raad in aanmerking geneem word die voordeel wat deur sodanige persele verkry word uit die normale stroom—

(a) van die Senekalloop, aan perseel No. 49 in paragrawe honderd vier-en-twintig en honderd sewe-en-twintig; en

(b) van die Senekalloop, aan perseel No. 52 in paragraaf honderd vyf-en-twintig,

van die waterhofbevel toebedeel, en bedoelde dele moet dien-ooreenkomstig, na goeddunke van die raad, verminder word ten einde aan hierdie sub-artikel uitvoering te verleen asof die normale stroom wat aldus in aanmerking geneem word 'n deel van die water onder beheer van die raad uitmaak.

(2) Die raad kan behoudens die ingevolge hierdie Wet uitgevaardigde regulasies, die in sub-artikel (1) bedoelde water verdeel op die tye en gedurende die tydperke wat die raad mag bepaal, met inagneming van die belange van alle eienaars van grond wat in die kragtens artikel tien opgestelde lys opgeneem is.

(3) Dit is vir die raad nie nodig om te onderskei tussen die normale stroom van die Tondeldoosloop en die Vluggkraalloop en enige ander water wat genoemde riviere bereik en wat ooreenkomstig die bepalings van hierdie artikel verdeel moet word nie.

(4) By die toepassing van hierdie artikel, word dit beskou dat die raad aan sy plig ingevolge sub-artikel (1) voldoen het wanneer hy die water waarop enige grond geregtig is, in enige privaat-kanaal of -voor waarmee sodanige grond van water voorsien word, gelewer het.

Raad kan uitvoering van instandhoudingswerk of aanleg van addisionele werke afdwing ten einde uitgehaalde water te meet, te reël of te verdeel.

8. Die raad kan aan die eienaar van werke wat gebruik word om water uit die Tondeldoosloop of Vluggkraalloop onderkant die damme, te haal skriftelike kennis gee dat hy sodanige addisionele werke moet aanbou, of die bestaande werke op so 'n wyse moet wysig of herstel, of sodanige instandhoudingswerk ten opsigte van daardie werke moet uitvoer as wat nodig mag wees ten einde die aldus uitgehaalde water behoorlik te meet, te reël en te verdeel, en indien so 'n eienaar versuim om sodanige werke binne drie maande vanaf die datum van kennisgewing tot bevrediging van die raad aan te bou, te wysig, te herstel of in stand te hou kan die raad sodanige aanleg, wysiging, herstelling of instandhouding op rekening van bedoelde eienaar onderneem, en ook die koste aldus aangegaan op so 'n eienaar by aksie in 'n bevoegde hof verhaal.

Aanbou of verandering van besproeiingswerke.

9. Niemand mag op grond geleë binne die grense van Mapochsgronde 'n nuwe besproeiingswerk op die Tondeldoosloop of Vluggkraalloop aanbou of 'n bestaande besproeiingswerk daarop wesentlik verander of vergroot met die doel om water daarin op te gaar of om water uit bedoelde riviere te haal nie, behalwe met skriftelike toestemming van die Minister en onderworpe aan die voorwaardes wat hy mag voorskryf.

Raad moet lys van besproeibare grond opstel.

10. (1) So gou doenlik na die inwerkingtreding van hierdie Wet, moet die raad, in oorleg met die departement, 'n lys opstel ten opsigte van elke stuk grond wat deur middel van die in artikel vyf bedoelde water besproei kan word, waarin uiteengesit word—

(a) 'n beskrywing van elke sodanige stuk grond;

(b) die grootte van elke sodanige stuk grond;

(c) besonderhede van die titelbewys of huurkontrak waarkragtens daardie stuk grond besit word;

(d) die naam van die eienaar van daardie stuk grond; en

(e) die grootte van die grond, deel uitmakende van daardie stuk grond, wat so besproei mag word.

7. (1) For the purpose of exercising the rights vested in the Minister in terms of section *five*, the board shall have control of the water conserved in the dams and the water flowing in the channels of the Tondeldoosloop and Vlugkraalloop below the dams, and shall adopt reasonably adequate measures for ensuring that there is delivered for use on every piece of land included in the schedule prepared by the board in terms of section *ten*, a quantity of water, being portion of the water so referred to, which, as nearly as may be practicable, bears to the whole quantity of water available for such use the same ratio as the ratio which the irrigable area of the piece of land bears to the whole irrigable area of land included in the said schedule: Provided that in distributing the water to which lot No. 46 previously known as lot No. 49, and lot No. 52 of Mapochsgronde may be entitled, the board shall take into account the benefit derived by such lots from the normal flow—

Control and distribution of water.

- (a) of the Senekalloop, apportioned to lot No. 49 in paragraphs one hundred and twenty-four and one hundred and twenty-seven; and
- (b) of the Senekalloop, apportioned to lot No. 52 in paragraph one hundred and twenty-five,

of the order of court, and the said shares shall, in the discretion of the board, be diminished accordingly in order to give effect to this sub-section as if the normal flow so taken into account formed part of the water under the control of the board.

(2) The board may, subject to any regulations framed under this Act, distribute the water referred to in sub-section (1) at such times or during such periods as it may determine, bearing in mind the interests of all the owners of land included in the schedule prepared in terms of section *ten*.

(3) It shall not be necessary for the board to draw any distinction between the normal flow of the Tondeldoosloop and the Vlugkraalloop and any other water which may reach those streams and which falls to be distributed in accordance with the provisions of this section.

(4) For the purposes of this section, the board shall be regarded as having fulfilled the duty imposed upon it by sub-section (1) when it has delivered the water to which any land is entitled, into any privately owned canal or furrow by which such land is served.

8. The board may give written notification to the owner of any works used for the purpose of abstracting water from the Tondeldoosloop or the Vlugkraalloop below the dams, to construct such additional works, or to make such adjustments or repairs to the existing works, or to carry out such maintenance of such works as may be necessary for the proper measurement, regulation and distribution of the water so abstracted, and if such owner fails to construct, adjust, repair or maintain such works to the satisfaction of the board within three months of the date of notification, the board may undertake such construction, adjustment, repair or maintenance at the expense of the said owner, and may, by action in a competent court, recover the costs so incurred from such owner.

Board may compel carrying out of maintenance work or construction of additional works for measurement, regulation and distribution of water abstracted.

9. No person shall on any land situate within the boundaries of Mapochsgronde construct any new irrigation work or materially alter or enlarge any existing irrigation work on the Tondeldoosloop or Vlugkraalloop for the purpose of storing water therein or abstracting water from the said rivers except with the consent in writing of the Minister and subject to such conditions as he may prescribe.

Construction or alteration of irrigation works.

10. (1) As soon as may be practicable after the commencement of this Act, the board shall, in consultation with the department, prepare a schedule in respect of every piece of land which may be irrigated by means of the water referred to in section *five*, setting forth—

Board to prepare schedule of irrigable areas.

- (a) a description of every such piece of land;
- (b) the extent of every such piece of land;
- (c) particulars of the title deed or lease under which that land is held;
- (d) the name of the owner of that piece of land; and
- (e) the extent of the land forming part of that piece of land which may be so irrigated.

(2) 'n Kragtens sub-artikel (1) opgestelde lys is van geen krag nie totdat dit deur die Minister goedgekeur is, en na sodanige goedkeuring, word dit nie sonder sy toestemming gewysig nie.

(3) Die bepalings van sub-artikel (4) van artikel *sewe bis* van die Besproeiingswet is *mutatis mutandis* van toepassing ten opsigte van enige grond wat kragtens paragraaf (e) van sub-artikel (1) in bedoelde lys ingesluit is.

Magte van
Minister en
Direkteur ten
opsigte van raad.

11. (1) Die Direkteur kan van tyd tot tyd enigiemand skriftelik magtig om die damme te inspekteer of om die sake van die raad te ondersoek, en so iemand kan te eniger tyd enige grond of perseel betree wat dit nodig is om vir die doel van die inspeksie of ondersoek te betree.

(2) Indien die Direkteur oortuig is, as gevolg van so 'n inspeksie of ondersoek, dat die damme nie na behore bestuur, in stand gehou of beheer is nie, of indien hy oortuig is dat die raad nie die pligte wat deur hierdie Wet of die Besproeiingswet op die raad gelê word, uitgevoer het nie, dan doen hy verslag daaromtrent aan die Minister, wat daarop by skriftelike kennisgewing die raad kan aansê om binne 'n tydperk in die kennisgewing vermeld, die stappe wat aldus vermeld word te doen, en indien die raad versuim om binne genoemde tydperk of binne die verdere tydperk wat die Minister mag toestaan, aan die voorskrifte van die kennisgewing te voldoen, dan kan hy—

(a) enige sodanige stappe op rekening van die raad laat doen; of

(b) by kennisgewing in die *Staatskoerant* en aan die raad, die ampstermyn van die lede van die raad beëindig, en die werksaamhede van die raad vir die tydperk wat hy mag goedvind, op hom neem, of by bedoelde beëindiging of te eniger tyd daarna, die stappe doen wat nodig mag wees vir die verkiesing van 'n nuwe raad.

(3) Indien die Minister kragtens paragraaf (b) van sub-artikel (2) die werksaamhede van die raad op hom neem, gaan al die bevoegdhede, regte, bates en verpligtings van die raad vir die onderhawige tydperk op hom oor, en kan hy die beheer daarvan aan 'n amptenaar van die departement oordra.

(4) Die Minister kan, by aksie in 'n bevoegde hof, of op sodanige ander wyse as wat hy mag goedvind (met inbegrip van die heffing van Regeringsbelastings) die koste van enige stappe wat hy kragtens sub-artikel (2) gedoen het, van die raad verhaal.

(5) Die in sub-artikel (4) bedoelde Regeringsbelastings kan bereken word teen 'n gelyke bedrag per morg op die totale grootte van die grond wat ooreenkomstig paragraaf (e) van sub-artikel (1) van artikel *tien* ingesluit word, of die Minister kan, na goëddunke, verskillende belastings ten opsigte van verskillende stukke grond hef. Die Minister kan die aldus opgelegde belasting van die eienaars van die bedoelde grond invorder of hy kan die raad skriftelik gelas om genoemde belastings in te vorder en daarna aan die Direkteur oor te betaal op datums wat die Minister van tyd tot tyd bepaal.

Raad kan op
sekere grond
belastings hef.

12. (1) Tot dekking van enige uitgawes deur hom aangegaan of aangegaan te word met betrekking tot die uitoefening van die magte en bevoegdhede of die uitvoering van die pligte aan hom kragtens hierdie Wet toevertrou, kan die raad, met die toestemming van die Minister, jaarliks belastings hef op en ten opsigte van elke stuk grond wat in die kragtens artikel *tien* opgestelde lys opgeneem word.

(2) Sodanige belastings word teen 'n gelyke bedrag per morg op die totale grootte van die grond wat ooreenkomstig paragraaf (e) van sub-artikel (1) van artikel *tien* ingesluit word, gehef: Met dien verstande dat die raad, met die toestemming van die Minister, verskillende belastings ten opsigte van verskillende stukke grond kan hef.

(3) Die bepalings van artikels *nege-en-sestig*, *sewentig*, *twee-en-negentig* en *drie-en-negentig* van die Besproeiingswet is *mutatis mutandis* van toepassing ten opsigte van enige belasting deur die raad kragtens hierdie artikel gehef.

(4) Die bepalings van hierdie artikel of van artikel *elf* raak geensins die bevoegdheid van die Goewerneur-generaal nie om kragtens sub-artikel (2) van artikel *sewe* van die Besproeiingswet belastings te hef op grond wat besproei word deur of wat direk of indirek voordeel trek uit water wat van die damme afkomstig is of om kragtens sub-artikel (2)*bis* van genoemde artikel koste van enige persoon te verhaal ten opsigte van water aan sodanige persoon uit die damme vir enige doel verskaf.

(5) Die in sub-artikel (4) bedoelde belastings word teen 'n gelyke bedrag per morg op die totale besproeibare oppervlakte

(2) A schedule prepared in terms of sub-section (1) shall have no force or effect unless it has been approved by the Minister and, after such approval, it shall not be altered without his consent.

(3) The provisions of sub-section (4) of section *seven bis* of the Irrigation Act shall apply *mutatis mutandis* in respect of any land included in the said schedule under paragraph (e) of sub-section (1).

11. (1) The Director may, from time to time, authorise any person in writing to inspect the dams or to investigate the affairs of the board and such person may at any time enter upon any land or premises which it may be necessary to enter for the purpose of such inspection or investigation. Powers of Minister and Director in respect of the board.

(2) If the Director is satisfied as a result of such inspection or investigation that the dams have not been properly administered, maintained or controlled, or if he is satisfied that the board has not carried out the duties imposed upon it by this Act or the Irrigation Act, he shall report the fact to the Minister, who may thereupon by notice in writing call upon the board to take, within a period specified in the notice, such action as may be so specified, and if the board fails to comply with the terms of the notice within the said period, or within such further period as the Minister may allow, he may—

- (a) cause such action to be taken at the expense of the board; or
- (b) by notice in the *Gazette* and to the board, determine the period of office of the members of the board and assume the functions of the board for such period as he may deem fit, or upon such determination or any time thereafter take such steps as may be necessary for the election of a new board.

(3) If the Minister assumes the functions of the board under paragraph (b) of sub-section (2), he shall, for the relevant period, be vested with all the powers, rights, assets and liabilities of the board and may delegate the control thereof to any officer of the department.

(4) The Minister may, by action in a competent court, or in such other manner as he may deem fit (including the levying of Government rates) recover the costs of any action taken by him under sub-section (2) from the board.

(5) The Government rates referred to in sub-section (4) may be assessed at a uniform sum per morgen of the entire extent of land included under paragraph (e) of sub-section (1) of section *ten*, or the Minister may in his discretion levy different rates in respect of different pieces of land. The Minister may recover the rates so assessed from the owners of the said land or he may direct the board in writing to recover the said rates and thereafter to pay the same to the Director on such dates as the Minister may, from time to time, determine.

12. (1) To defray any expenditure incurred or to be incurred by it in the exercise of the powers and functions or the carrying out of the duties imposed upon it by this Act, the board may, with the approval of the Minister, levy annually a rate upon and in respect of every piece of land included in the schedule prepared in terms of section *ten*. Board may levy rates on certain land.

(2) Such rate shall be levied by the board at a uniform sum per morgen of the entire extent of land included under paragraph (e) of sub-section (1) of section *ten*: Provided that the board may, with the consent of the Minister, levy different rates in respect of different pieces of land.

(3) The provisions of sections *sixty-nine*, *seventy*, *ninety-two* and *ninety-three* of the Irrigation Act shall apply *mutatis mutandis* in respect of any rate levied by the board under this section.

(4) Nothing in this section or in section *eleven* contained shall be deemed to affect in any manner the power of the Governor-General to assess rates in terms of sub-section (2) of section *seven* of the Irrigation Act, upon land irrigated or benefiting directly or indirectly by water from the dams, or of recovering charges in terms of sub-section (2)*bis* of the said section from any person in respect of water supplied to such person from the dams for any purpose.

(5) The rates referred to in sub-section (4) may be assessed at a uniform sum per morgen of the entire irrigable area

wat kragtens paragraaf (e) van sub-artikel (1) van artikel *tien* ingesluit word, bereken, of die Goewerneur-generaal kan na goeddunke verskillende belastings ten opsigte van verskillende stukke grond hef. Die Minister kan bedoelde belastings en koste invorder of die raad gelas om sulks te doen en om daarna die ingevorderde belastings en koste aan die Direkteur oor te betaal op datums wat die Minister van tyd tot tyd bepaal.

Regulasies.

13. Die Minister kan regulasies uitvaardig wat betref—

- (a) die opstel van die in artikel *tien* bedoelde lys en die wysiging daarvan van tyd tot tyd;
- (b) die wyse waarop die vloei van water na, die verdeling van water uit, die voorkoming van besoedeling en die gebruik van water in of uit enige deel van die damme of publieke strome wat ingevolge hierdie Wet onder beheer van die raad is, gereël word;
- (c) die beskerming en beveiliging van die damme of enige deel daarvan;
- (d) die wyse waarop belastings kragtens sub-artikels (1) en (2) van artikel *twaalf* gehef en ingevorder word, en oor die algemeen ten opsigte van enige aangeleentheid wat hy dienstig mag ag vir die behoorlike uitvoering van die beslittings van hierdie Wet.

Minister kan bevoegdhede, ens., aan Direkteur oordra.

14. Die Minister kan na goeddunke van tyd tot tyd enigeen of almal van sy bevoegdhede, pligte of werksaamhede onder hierdie Wet aan die Direkteur oordra.

Kort titel.

15. Hierdie Wet heet die Wet op die Mapochsgrondebesproeiingskema, 1954, en tree in werking op 'n datum wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* bepaal word.

included under paragraph (e) of sub-section (1) of section *ten*, or the Governor-General may, in his discretion, assess different rates in respect of different pieces of land. The Minister may recover the said rates and charges or he may direct the board to do so and thereafter to pay the same to the Director on such dates as the Minister may, from time to time, determine.

13. The Minister may make regulations as to—

Regulations.

- (a) the preparation of the schedule referred to in section *ten* and the amendment thereof from time to time;
- (b) the manner of regulating the flow of water in, the distribution of water from, the protection from pollution of, and the use of water in or from any part of the dams or public streams which are under the control of the board in terms of this Act;
- (c) the protection or preservation of the dams or any part thereof;
- (d) the method of levying rates under sub-sections (1) and (2) of section *twelve* and of recovering such rates;

and generally as to any matter which he may deem expedient for the proper carrying out of the provisions of this Act.

14. The Minister may in his discretion from time to time delegate any or all of his powers, duties or functions under this Act to the Director. Minister may delegate powers, etc., to Director.

15. This Act shall be called the Mapochsgronde Irrigation Scheme Act, 1954, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*. Short title.