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STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1763.

24 Junie 1992

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

No. 100 van 1992: Wysigingswet op Nasionale Paaie, 1992.

No. 1763.

24 June 1992

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

No. 100 of 1992: National Roads Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Wet op Nasionale Paaie, 1971, ten einde sekere woordomskrywings in te voeg, te wysig of te skrap; die Raad te magtig om sekere lenings af te los; die oprigting van interprovinsiale brûe te reël; voorsiening te maak vir die oordrag van sekere bevoegdhede in verband met nasionale paaie binne dorpe aan plaaslike besture; die onteining van grond verder te reël; die verklaring van tolpaaie verder te reël; voorsiening te maak vir die toepassing van 'n weerlegbare regsvermoede by sekere strafregtelike verrigtinge; handeldryf op nasionale paaie verder te reël; boetes te verhoog; die aantekene van appêlle verder te reël; en sekere verouderde uitdrukkings te vervang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1992.)*

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

Wysiging van artikel 1 van Wet 54 van 1971, soos gewysig deur artikel 1 van Wet 5 van 1982 en artikel 1 van Wet 79 van 1983

1. Artikel 1 van die Wet op Nasionale Paaie, 1971 (hieronder die Hoofwet 5 genoem), word hierby gewysig—
 - (a) deur die omskrywing van “aansluiting” te skrap;
 - (b) deur die omskrywing van “Administrateur” deur die volgende omskrywing te vervang:

“ ‘Administrateur’ die Administrateur van ’n provinsie soos omskryf in artikel 1 van die Wet op Provinsiale Regering, 1986 (Wet 10 No. 69 van 1986);”;
 - (c) deur die omskrywing van “beampte” deur die volgende omskrywing te vervang:

“ ‘beampte’, met betrekking tot die Raad, ’n beampte of werknemer wat ingevolge artikel 16(2) van die Wet op die Suid-Afrikaanse Padraad, 1988 (Wet No. 74 van 1988), aangewys is om die uitvoerende en administratiewe werk wat voortspruit uit die werksaamhede en pligte van die Raad, te onderneem;”;
 - (d) deur die omskrywing van “boubeperkingsgebied” deur die volgende 20 omskrywing te vervang:

“ ‘boubeperkingsgebied’ die gebied wat bestaan uit grond (uitgesonderd grond in ’n stadsgebied)—

 - (a) wat langs ’n nasionale pad geleë is binne ’n afstand van sestig 25 meter vanaf die grens van die nasionale pad; of

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the National Roads Act, 1971, so as to insert, amend or delete certain definitions; to empower the Board to redeem certain loans; to regulate the construction of interprovincial bridges; to provide for the transfer of certain powers regarding national roads within townships to local authorities; to further regulate the expropriation of land; to further regulate the declaration of toll roads; to provide for the application of a rebuttable legal presumption in certain criminal proceedings; to further regulate trading on national roads; to increase fines; to further regulate the lodging of appeals; and to substitute certain obsolete expressions; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 18 June 1992.)

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

Amendment of section 1 of Act 54 of 1971, as amended by section 1 of Act 5 of 1982 and section 1 of Act 79 of 1983

- 5 **1.** Section 1 of the National Roads Act, 1971 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of “Administrator” of the following definition:
- 10 “ ‘Administrator’ means an Administrator of a province as defined in section 1 of the Provincial Government Act, 1986 (Act No. 69 of 1986);”
- (b) by the substitution for the definition of “building restriction area” of the following definition:
- 15 “ ‘building restriction area’ means the area consisting of land (excluding land in an urban area)—
- (a) situated alongside a national road within a distance of sixty metres from the boundary of the national road; or
- (b) situated within a distance of five hundred metres from **[the]** any point of intersection **[at a junction]**;”
- 20 (c) by the insertion after the definition of “advertisement” of the following definition:
- “ ‘Board’ means the South African Roads Board established by section 2 of the South African Roads Board Act, 1988 (Act No. 74 of 1988);”
- 25 (d) by the deletion of the definition of “commission”;

- (b) wat binne 'n afstand van vyfhonderd meter vanaf **[die]** enige kruisingspunt **[by 'n aansluiting]** geleë is;";
- (e) deur na die omskrywing van "grond" die volgende omskrywings in te voeg:
- " 'hierdie Wet' ook die regulasies;
- 'interprovinsiale brug' 'n brug oor die grens tussen aangrensende provinsies van die Republiek;
- 'interstaatlike brug' 'n brug oor die grens tussen die Republiek en enige aangrensende land of gebied;";
- (f) deur die omskrywing van "kommissie" te skrap;
- (g) deur die omskrywing van "kruisingspunt" deur die volgende omskrywing te vervang:
- " 'kruisingspunt' **[met betrekking tot 'n aansluiting]** die punt waar die **[kortste lyn tussen die middelpunt van die aansluiting en die]** middellyn van enige pad—
- (a) wat die betrokke nasionale pad kruis die middellyn van dié nasionale pad **[daardie middellyn]** raak; of
- (b) die grens van enige nasionale pad waarby dit aansluit, raak;";
- (h) deur die omskrywing van "padverkeerswet" deur die volgende omskrywing te vervang:
- " 'padverkeerswet' 'n **[provinsiale ordonnansie of munisipale verordening]** wet betreffende verkeer op, of die gebruik van, openbare paaie **[of 'n regulasie daarkragtens uitgevaardig]**;";
- (i) deur die omskrywing van "plaaslike bestuur" deur die volgende omskrywing te vervang:
- " 'plaaslike bestuur'—
- (a) 'n instelling of liggaam beoog in artikel 84(1)(f)(i) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961);
- (b) 'n streeksdiensteraad ingestel kragtens artikel 3 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), aan wie die funksies paaie en stormwaterdreinerings ingevolge artikel 3(1)(b) van die genoemde Wet opgedra is;
- (c) 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982);
- (d) 'n bestuursraad of raad beoog in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987);
- (e) 'n gesamentlike diensteraad ingestel kragtens artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84 van 1990);";
- (j) deur na die omskrywing van "plaaslike bestuur" die volgende omskrywing in te voeg:
- " 'Raad' die Suid-Afrikaanse Padraad ingestel by artikel 2 van die Wet op die Suid-Afrikaanse Padraad, 1988 (Wet No. 74 van 1988);";
- (k) deur na die omskrywing van "stadsgebied" die volgende omskrywing in te voeg:
- " 'tolhek' 'n struktuur op 'n tolpad waar tol kragtens hierdie Wet betaal moet word;"; en
- (l) deur die omskrywing van "tolpad" deur die volgende omskrywing te vervang:
- " 'tolpad' **['n gedeelte van]** 'n nasionale pad of 'n gedeelte daarvan wat kragtens subartikel (1)(a) van artikel 9 tot 'n tolpad verklaar is en waarvan kennis ingevolge subartikel (2) van daardie artikel in die Staatskoerant gegee is."

Wysiging van artikel 2 van Wet 54 van 1971, soos gewysig deur artikel 43 van Wet 62 van 1973, artikel 7 van Wet 72 van 1975, artikel 20 van Wet 102 van 1976, artikel 1 van Wet 38 van 1978, artikel 1 van Wet 3 van 1979, artikel 1 van Wet 93 van 1981, artikel 2 van Wet 79 van 1983 en artikel 1 van Wet 58 van 1985

- (e) by the insertion after the definition of "fund" of the following definitions:

"'interprovincial bridge' means a bridge across the boundary between adjoining provinces of the Republic;

'interstate bridge' means a bridge across the boundary between the Republic and any adjoining country or territory;"

- (f) by the deletion of the definition of "junction";

- (g) by the substitution for the definition of "local authority" of the following definition:

"'local authority' means—

(a) an institution or body contemplated in section 84(1)(f)(i) of the Provincial Government Act, 1961 (Act No. 32 of 1961);

(b) a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), to which the functions roads and stormwater drainage have been entrusted in terms of section 3(1)(b) of the said Act;

(c) a local authority as defined in the Black Local Authorities Act, 1982 (Act No. 102 of 1982);

(d) a board of management or board contemplated in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);

(e) a joint services board established under section 4 of the Kwa-Zulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990);"

- (h) by the substitution for the definition of "officer" of the following definition:

"'officer', in relation to the Board, means an officer or employee designated in terms of section 16(2) of the South African Roads Board Act, 1988 (Act No. 74 of 1988), to undertake the executive and administrative work arising out of the performance by the Board of its functions and duties;"

- (i) by the substitution for the definition of "point of intersection" of the following definition:

"'point of intersection' **[in relation to a junction]** means the point of contact between the centre line—

(a) of the national road in question and the **[shortest line between the centre point of the junction and that]** centre line of any road crossing such national road; or

(b) of any road and the boundary of any national road with which it links up;"

- (j) by the substitution for the definition of "road traffic law" of the following definition:

"'road traffic law' means a **[provincial ordinance or municipal by-law]** law relating to traffic on, or the use of, public roads **[or any regulation made thereunder]**;"

- (k) by the insertion after the definition of "road traffic sign" of the following definition:

"'this Act' includes the regulations;"

- (l) by the insertion after the definition of "toll road" of the following definition:

"'toll gate' means a structure on a toll road where toll is payable under this Act;" and

- (m) by the substitution for the definition of "toll road" of the following definition:

"'toll road' means **[a portion of]** a national road or a portion thereof which has been declared a toll road under subsection (1)(a) of section 9 and of which notice has been given in terms of subsection (2) of that section in the *Gazette*."

Amendment of section 2 of Act 54 of 1971, as amended by section 43 of Act 62 of 1973, section 7 of Act 72 of 1975, section 20 of Act 102 of 1976, section 1 of Act 38 of 1978, section 1 of Act 3 of 1979, section 1 of Act 93 of 1981, section 2 of Act 79 of 1983 and section 1 of Act 58 of 1985

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

- (a) deur paragrawe (a) en (b) van subartikel (3) deur onderskeidelik die volgende paragrawe te vervang:

“(a) Die **[kommissie]** Raad beheer die fonds en bestry daaruit, behalwe vir sover die Parlement met betrekking tot ’n bepaalde pad of ander werke spesiaal ander voorsiening maak, en behoudens die 5 bepaling van artikel **[12 van die Wet op die Koördinerings van Vervoer, 1948 (Wet No. 44 van 1948)]** 16 van die Wet op die Suid-Afrikaanse Padraad, 1988 (Wet No. 74 van 1988), alle uitgawes aangegaan in verband met die uitoefening of verrigting van **[sy]** die Raad se bevoegdhede, werksaamhede of pligte 10 ingevolge hierdie Wet of die regulasies, met inbegrip van regulasies kragtens artikel 19 uitgevaardig.

(b) Daar word op die tye wat deur die Minister **[in oorleg]** met die instemming van die Minister van **[Finansies]** Staatsbesteding bepaal word, die bedrae uit die fonds in die Gekonsolideerde Inkomste- 15 fonds gestort wat aldus bepaal word as verhaalbare bedrae ten opsigte van salarisse of toelaes wat ingevolge artikel **[5 van die gemelde Wet op die Koördinerings van Vervoer, 1948]** 15 van die Wet op die Suid-Afrikaanse Padraad, 1988, aan lede van die **[Kommissie]** Raad betaal is, of ten opsigte van uitgawes wat die **[Sekretaris 20 van Vervoer]** Direkteur-generaal: Vervoer ingevolge artikel **[12]** 16 van daardie Wet of ’n ander wetsbepaling aangegaan het in verband met die werksaamhede van die **[kommissie]** Raad ingevolge hierdie Wet.”;

- (b) deur subartikel (3A) deur die volgende subartikel te vervang: 25

“(3A) Die **[kommissie]** Raad hou ’n aparte rekening van alle geld wat by wyse van tol of op enige ander wyse ten opsigte van ’n bepaalde tolpad ontvang is en in die fonds gestort is en alle rente op beleggings van sodanige geld, en wend die geld in daardie rekening 30 aan vir—

(a) die verhaal van alle uitgawes uit die fonds aangegaan in verband met die verkryging van grond, ondersoek en opmetings met betrekking tot en die ontwerp, beplanning en aanlê en ander werk in verband met die betrokke tolpad, en die aanbring van enige tolhek of tolhekke en geriewe in verband 35 daarmee; **[en]**

(b) die instandhouding en bedryf van daardie tolpad en sodanige tolhek of tolhekke en geriewe; **[en]**

(c) die aflossing van enige lening deur die Raad aangegaan ingevolge subartikel (2A) ten opsigte van daardie tolpad, met 40 inbegrip van die betaling van rente op sodanige lening.”;

- (c) deur subartikel (8) deur die volgende subartikel te vervang:

“(8) Die **[kommissie]** Raad moet behoorlik boekhou van alle gelde wat die fonds toekom of wat daaruit betaal word, en sodanige boeke word deur die **[Kontroleur en]** Ouditeur-generaal geoudi- 45 teer.”; en

- (d) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) (a) Wanneer voorskotte of ander betalings uit die fonds aan ’n Administrateur of ’n plaaslike bestuur gedoen is na aanleiding van ’n ooreenkoms beoog in artikel 6(2)(b), of artikel 6(2)(b) soos 50 toegepas deur artikel 6(2A)(b), of beraadslaging beoog in artikel 19(2)(b), moet die Administrateur of die plaaslike bestuur, na gelang van die geval, ten opsigte daarvan jaarliks aan die **[kommissie]** Raad rekeningstate vir opname in sy eie rekenings voorlê **[in die vorm deur die Tesourie in oorleg met die Kontroleur en Ouditeur- 55 generaal goedgekeur]**, wat, in die geval van ’n plaaslike bestuur, geouditeer moet word deur die ouditeur van **[die betrokke provinsie]** daardie plaaslike bestuur en gestaaf moet word deur sy verslag en die nodige dokumentêre getuienis.

(b) Vir die doeleindes van ’n audit ingevolge subartikel (8), 60 aanvaar die **[Kontroleur en]** Ouditeur-generaal die sertifikaat van ’n in paragraaf (a) bedoelde **[provinsiale]** ouditeur en die betrokke rekeningstate en dokumentêre getuienis, maar die **[Kontroleur en]**

- (a) by the substitution for paragraphs (a) and (b) of subsection (3) of the following paragraphs, respectively:

“(a) The **[commission]** Board shall control the fund and shall pay from it, except in so far as Parliament may in respect of a particular road or other works specially provide otherwise, and subject to the provisions of section **[12 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948)]** 16 of the South African Roads Board Act, 1988 (Act No. 74 of 1988), all expenditure incurred in connection with the exercise or performance of the powers, functions or duties of the **[commission]** Board in terms of this Act or the regulations, including regulations made under section 19.

(b) There shall be paid from the fund into the Consolidated Revenue Fund, at such times as may be determined by the Minister **[in consultation]** with the concurrence of the Minister of **[Finance]** State Expenditure, such amounts as may be determined as recoverable amounts in respect of salaries and allowances paid to members of the **[commission]** Board in terms of section **[5 of the said Transport (Co-ordination) Act, 1948]** 15 of the South African Roads Board Act, 1988, or in respect of expenditure incurred by the **[Secretary for Transport]** Director-General: Transport in terms of section **[12]** 16 of the said Act or any other law in connection with the functions of the **[commission]** Board under this Act.”;

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

“(3A) The **[commission]** Board shall keep a separate account of all moneys received by way of toll or in any other way in respect of a particular toll road and paid into the fund and interest on investments of such moneys, and shall utilize the moneys in that account for—

(a) the recovery of all expenditure incurred from the fund in connection with the acquisition of land, investigations and surveys relating to and the designing, planning and construction of and any other work in connection with the toll road in question, and the erection of any toll gate or toll gates and facilities in connection therewith; **[and]**

(b) the maintenance and operation of that toll road and any such toll gate or toll gates and facilities; and

(c) the redemption of any loan taken out by the Board in terms of subsection (2A) in respect of that toll road, including the payment of interest on such loan.”;

- (c) by the substitution for subsection (8) of the following subsection:

“(8) The **[commission]** Board shall keep proper accounts of all moneys accruing to or paid out of the fund, and such accounts shall be audited by the **[Controller and]** Auditor-General.”; and

- (d) by the substitution for subsection (9) of the following subsection:

“(9) (a) When advances or other payments have been made from the fund to an Administrator or a local authority in pursuance of an agreement contemplated in section 6(2)(b), or section 6(2)(b) as applied by section 6(2A)(b), or a consultation contemplated in section 19(2)(b), the Administrator or the local authority, as the case may be, shall in respect thereof submit annually to the **[commission]** Board, for inclusion in its own accounts, statements of account **[in such form as the Treasury in consultation with the Controller and Auditor-General may approve]**, which, in the case of a local authority, shall be audited by the auditor of **[the province in question]** such local authority and supported by his report and the necessary documentary evidence.

(b) For the purposes of an audit in terms of subsection (8), the **[Controller and]** Auditor-General shall accept the certificate of **[a provincial]** an auditor referred to in paragraph (a), and the statements of account and documentary evidence in question, but

Ouditeur-generaal kan na goeëddunke kommentaar daaroor in sy verslag lewer.”.

Wysiging van artikel 4 van Wet 54 van 1971, soos gewysig deur artikels 46 en 47 van Wet 97 van 1986

3. Artikel 4 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ’n Kennisgewing kragtens subartikel (1) word slegs uitgevaardig op aanbeveling van die **[kommissie] Raad**, gedoen, behoudens die bepalings van subartikel (5)(b), na beraadslaging met die Administrateur van elke provinsie waarin die betrokke pad geleë is of sal wees en, indien daardie pad geleë is of geleë sal wees in ’n gebied wat by of kragtens ’n Parlements-wet tot ’n selfregerende gebied binne die Republiek verklaar is **[of in ’n gebied wat bestaan uit grond in artikel 21(1) van die Ontwikkelingstrust en Grond Wet, 1936 (Wet No. 18 van 1936), bedoel, of in ’n afgesonderde Swart gebied soos in daardie Wet omskryf]**, met die **[Sekretaris van Plurale Betrekkings en Ontwikkeling] Direkteur-generaal: Streek- en Grondsake**.”.

Wysiging van artikel 5 van Wet 54 van 1971, soos gewysig deur artikel 2 van Wet 66 van 1980 en artikel 2 van Wet 93 van 1981

4. Artikel 5 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (aA) van subartikel (1) te skrap; 20
(b) deur paragrawe (b) en (c) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:

“(b) om ’n opmeting of ondersoek op of onder die oppervlakte van, of in verband met, enige grond te doen wat **[hy] die Raad** wenslik ag in verband met ’n nasionale pad, ’n tolpad of ’n interprovinsiale brug of die ontwerp, beplanning of aanlê van ’n nasionale pad, ’n tolpad of sodanige brug of met die oog op die verklaring van ’n bestaande pad of ’n roete tot ’n nasionale pad; 25

(c) om ’n nasionale pad, tolpad of interprovinsiale brug te beplan, te ontwerp, **[of]** aan te lê of in stand te hou;”;

(c) deur die volgende paragraaf na paragraaf (c) in te voeg:
“(cA) om op paaie en tolpaaie fasiliteite vir die gerief en veiligheid van padgebruikers te verskaf, in te stel, op te rig en in stand te hou;”;

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

“(f) om self of met die samewerking of deur bemiddeling van die Wetenskaplike en Nywerheidsnavorsingsraad in artikel 2 van die **[Wet op die Wetenskaplike Navorsingsraad, 1962 (Wet No. 32 van 1962)]** Wet op die Wetenskaplike Navorsingsraad, 1988 (Wet No. 46 van 1988), bedoel, of ’n ander persoon of liggaam, navorsing te doen of te laat doen of ander ondersoek in te stel of te laat instel, hetsy binne of buite die Republiek, in verband met die ontwerp, beplanning of aanlê van paaie, die materiaal of masjinerie of ander toerusting daarvoor, die beheer van verkeer op openbare paaie of enige ander aangeleentheid wat volgens die oordeel van die **[kommissie] Raad** die oogmerke van hierdie Wet sal bevorder;”;

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

“(l) om alle werk in verband met paaie **[in die algemeen of in verband met ’n bepaalde pad]** (hetsy **[’n]** nasionale **[pad]** paaie of nie) te verrig of laat verrig wat die Minister goedkeur of aan die **[kommissie] Raad** opdra;”;

the **[Controller and]** Auditor-General may, if he thinks fit, comment thereon in his report.”.

Amendment of section 4 of Act 54 of 1971, as amended by sections 46 and 47 of Act 97 of 1986

- 5 3. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

10 “(2) A notice under subsection (1) shall only be issued on the recommendation of the **[commission]** Board made, subject to the provisions of subsection (5)(b), after consultation with the Administrator of each province in which the road in question is or will be situated and, if that road is or will be situated in a territory which by or in terms of an Act of Parliament has been declared to be a self-governing territory within the Republic, **[or in an area consisting of land referred to in section 21(1) of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), or in a scheduled Black area as defined in that Act]** with the **[Secretary for Plural Relations and Development]** Director-General: Regional and Land Affairs.”.

Amendment of section 5 of Act 54 of 1971, as amended by section 2 of Act 66 of 1980 and section 2 of Act 93 of 1981

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

- 20 (a) by the deletion of paragraph (aA) of subsection (1);
 (b) by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs, respectively:

25 “(b) to conduct on, or below the surface of, or in connection with, any land, any survey or investigation which the **[commission]** Board deems desirable in connection with a national road, a toll road or an interprovincial bridge or the designing, planning or construction of a national road, a toll road or such bridge or with a view to the declaration of an existing road or any route as a national road;

30 (c) to plan, design, **[or]** construct or maintain any national road, toll road or interprovincial bridge;”;

- (c) by the insertion of the following paragraph after paragraph (c):

35 “(cA) to provide, establish, erect and maintain facilities on roads and toll roads for the convenience and safety of road users;”;

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

40 “(f) by itself or in collaboration with or through the Council for Scientific and Industrial Research referred to in section 2 of the **[Scientific Research Council Act, 1962 (Act No. 32 of 1962)]** Scientific Research Council Act, 1988 (Act No. 46 of 1988), or any other person or body, to do research or cause research to be done, or to make any other investigation or cause any other investigation to be made, whether in the Republic or elsewhere, in connection with the design, planning or construction of roads, the materials or plant or other equipment for that purpose, the control of traffic on public roads or any other matter which in the opinion of the **[commission]** Board will further the objects of this Act;”;

- 50 (e) by the substitution for paragraph (l) of subsection (1) of the following paragraph:

55 “(l) to do or cause to be done all such work in connection with roads **[in general or in connection with a particular road]** (whether **[a]** national **[road]** roads or not) as the Minister may approve or may direct the **[commission]** Board to do;”;

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

“(m) om ter uitvoering van ’n ooreenkoms tussen die Regering van die Republiek en die regering van ’n ander land of gebied, in die Republiek of in die betrokke land of gebied, in verband met paaie **[in die algemeen of in verband met ’n bepaalde pad]** of ’n interstaatlike brug enige bevoegdheid, werksaamheid of plig uit te oefen of te verrig wat die **[kommissie] Raad** kragtens hierdie Wet gemagtig is om in verband met paaie (hetsy nasionale paaie of nie) uit te oefen of te verrig.”; en

- (g) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die **[kommissie] Raad** kan, met goedkeuring of in opdrag van die Minister soos in paragraaf (l) van subartikel (1) beoog, **[’n]** in daardie paragraaf bedoelde **[bepaalde pad]** paaie ontwerp, beplan of aanlê, en die **[kommissie] Raad** of ’n lid of beampte van die **[kommissie] Raad** beskik vir dié doel oor elke bevoegdheid wat ingevolge hierdie Wet aan hom of aan so ’n lid of beampte verleen word met betrekking tot die ontwerp, beplanning of aanlê van ’n nasionale pad of ’n opmeting of ondersoek op, of onder die oppervlakte van, of in verband met, grond of die betreding van grond, asof sodanige **[bepaalde pad]** paaie **[’n]** nasionale **[pad]** paaie was.”.

Wysiging van artikel 6 van Wet 54 van 1971, soos gewysig deur artikel 3 van Wet 79 van 1983

5. Artikel 6 van die Hoofwet word hierby gewysig—

- (a) deur na subartikel (2) die volgende subartikel in te voeg:

“(2A) (a) Die Raad kan enige bevoegdheid in verband met nasionale paaie wat ingevolge hierdie Wet aan hom verleen word, skriftelik aan ’n plaaslike bestuur oordra om deur die betrokke plaaslike bestuur in verband met ’n nasionale pad binne ’n dorp onder sy beheer uitgeoefen te word.

(b) Die bepalings van subartikel (2)(b), (c) en (d) is *mutatis mutandis* van toepassing ten opsigte van enige bevoegdheid aldus aan ’n plaaslike bestuur oorgedra.”; en

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

“(a) Ondanks die bepalings van artikel **[12 van die Wet op Koördinering van Vervoer, 1948 (Wet No. 44 van 1948)]** 16(2) van die Wet op die Suid-Afrikaanse Padraad, 1988 (Wet No. 74 van 1988), of enige ander wetsbepaling, kan die **[kommissie] Raad** die aanlê van **[’n bepaalde nasionale pad]** paaie en tolpaaie of ’n ondersoek, opmeting, ontwerp, beplanning of ander werk wat hy op of in verband met **[’n bepaalde nasionale pad]** paaie, tolpaaie of **[’n bepaalde roete]** roetes ingevolge hierdie Wet kan doen, met inbegrip van die invordering van geld wat by wyse van tol by ’n tolhek op ’n tolpad betaalbaar is, en die bedryf van so ’n tolhek, deur ’n ander persoon laat doen op die bedinge en voorwaardes wat deur ooreenkoms tussen die **[kommissie] Raad** en sodanige ander persoon bepaal word.”.

Wysiging van artikel 8 van Wet 54 van 1971, soos vervang deur artikel 88 van Wet 63 van 1975 en gewysig deur artikel 3 van Wet 66 van 1980

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

- “(1) Die **[kommissie] Raad** kan, onderworpe aan ’n verpligting om vergoeding te betaal—

(a) grond onteien vir ’n **[nasionale]** pad of vir werke of doeleindes in verband met ’n **[nasionale]** pad, met inbegrip van ’n toegangspad,

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

“(m) for the purpose of carrying out **[any]** an agreement between the Government of the Republic and the government of any other country or territory, to exercise or perform, in the Republic or in the country or territory concerned, in connection with roads **[in general or in connection with a particular road]** or an interstate bridge any power, function or duty which the **[commission] Board** is empowered under this Act to exercise or perform in connection with roads (whether national roads or not).”; and

- (g) by the substitution for subsection (2) of the following subsection:

“(2) The **[commission] Board** may, with the approval or on the direction of the Minister as contemplated in paragraph (l) of subsection (1), design, plan or construct **[a particular road] roads** referred to in that paragraph, and the **[commission] Board** or a member or an officer of the **[commission] Board** shall for that purpose have every power which in terms of this Act is conferred on it or on such member or officer in relation to the design, planning or construction of a national road or any survey or investigation on, or below the surface of, or in connection with, any land or the entry upon any land, as if such **[particular road] roads [was] were [a] national [road] roads.**”.

Amendment of section 6 of Act 54 of 1971, as amended by section 3 of Act 79 of 1983

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

- (a) by the insertion after subsection (2) of the following subsection:

“(2A) (a) The Board may in writing delegate any power regarding national roads conferred on it by this Act to a local authority, to be exercised by that local authority in connection with a national road within a township under its control.

(b) The provisions of subsection (2)(b), (c) and (d) shall *mutatis mutandis* apply in respect of any power so delegated to a local authority.”; and

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

“(a) Notwithstanding the provisions of section **[12 of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948)] 16(2) of the South African Roads Board Act, 1988 (Act No. 74 of 1988)**, or any other law, the **[commission] Board** may have the construction of **[a particular national road] roads and toll roads** or an investigation, survey, design, planning or other work which it is in terms of this Act empowered to do on or in connection with **[a particular national road] roads, toll roads or [a particular route] routes**, including the collection of money by way of a toll at a toll gate on a toll road, and the operation of such a toll gate, done by any other person on such terms and conditions as may be determined by agreement between the **[commission] Board** and such other person.”.

Amendment of section 8 of Act 54 of 1971, as substituted by section 88 of Act 63 of 1975 and amended by section 3 of Act 66 of 1980

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

“(1) The **[commission] Board** may, subject to an obligation to pay compensation—

- (a) expropriate land for a **[national] road** or for works or purposes in connection with a **[national] road**, including any access road,

die verkryging, ontginning of behandeling van gruis, klip, sand, klei, water of ander materiaal of stof, die huisvesting van padboupersoneel, en die opberging of instandhouding van voertuie, masjiene, toerusting, gereedskap, voorrade of materiaal;

- (aA) **[grond onteien wat hy ingevolge artikel 5(1)(aA) kan verkry]**
- (b) gruis, klip, sand, klei, water of ander materiaal of stof op of in grond neem vir die aanlê van 'n **[nasionale]** pad of vir werke of doeleindes in paragraaf (a) bedoel;
- (c) die reg neem om grond tydelik te gebruik vir 'n doel waarvoor **[hy] die Raad die grond kan onteien;**
- (d) indien grond deur 'n **[nasionale]** pad so verdeel word of sal word dat daardie grond of 'n deel daarvan volgens die oordeel van die **[kommissie]** Raad vir die eienaar daarvan nutteloos is of sal wees, daardie grond of die betrokke deel daarvan onteien."

Wysiging van artikel 9 van Wet 54 van 1971, soos ingevoeg deur artikel 4 van Wet 79 van 1983

7. Artikel 9 van die Hoofwet word hierby gewysig—

- (a) deur paragrawe (a) en (b) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
 - “(a) behoudens subartikel (3) **[enige gedeelte van]** 'n nasionale pad of enige gedeelte daarvan, met inbegrip van 'n brug of tunnel op 'n nasionale pad, tot 'n tolpad verklaar, en sodanige verklaring wysig of intrek;
 - (b) ten opsigte van die **[gebruik]** bestuur van enige voertuig op 'n tolpad, 'n tol hef waarvan die bedrag ingevolge subartikel (4) bepaal en bekend gemaak is en wat deur die persoon wat die voertuig aldus **[gebruik]** bestuur, by 'n tolhek betaalbaar is;” en
- (b) deur subartikels (2), (3) en (4) deur onderskeidelik die volgende subartikels te vervang:
 - “(2) 'n Verklaring kragtens subartikel (1)(a) van **[’n gedeelte van]** 'n nasionale pad of enige gedeelte daarvan tot 'n tolpad, tesame met 'n beskrywing van daardie pad of gedeelte word by kennisgewing in die *Staatskoerant* bekend gemaak.
 - (3) Die **[kommissie]** Raad verklaar nie **[’n gedeelte van]** 'n nasionale pad of enige gedeelte daarvan kragtens subartikel (1)(a) tot 'n tolpad nie, tensy—
 - (a) daar na die oordeel van die **[kommissie]** Raad ten tyde van die bekendmaking van sodanige verklaring ooreenkomstig subartikel (2), en daarna solank die tolpad sy status as sodanige pad behou, 'n alternatiewe pad tot die beoogde tolpad vir padgebruikers beskikbaar sal wees waarlangs dieselfde bestemming of bestemmings bereik kan word as dié waarna die roete van die betrokke tolpad en nasionale pad voer, en wat—
 - [(a)] (i)** deur die **[kommissie]** Raad voorsien is; of
 - [(b)] (ii)** onder die beheer van die **[kommissie]** Raad of 'n **[ander]** padowerheid is;
 - (b) die Raad met die betrokke Administrateur en enige plaaslike bestuur wat deur die verklaring van die beoogde tolpad geraak word, beraadslaag het; en
 - (c) die Raad op die by regulasie voorgeskrewe wyse persone wat woonagtig is of sake doen binne 'n radius van 20 kilometer vanaf die beoogde tolhek, uitgenooi het om vertoë wat hulle in verband daarmee wil rig, tot hom te rig, en sodanige vertoë, indien daar is, oorweeg het.
 - (4) Die bedrag van 'n tol kragtens subartikel (1) gehef, enige korting daarop en enige verandering daarvan—
 - (a) moet op aanbeveling van die **[kommissie]** Raad deur die Minister bepaal word;
 - (b) kan verskil ten opsigte van—
 - (i) verskillende tolpaaië;

- the acquisition, mining or treatment of gravel, stone, sand, clay, water or any other material or substance; the accommodation of road building staff and the storage or maintenance of vehicles, machines, equipment, tools, stores or material;
- 5 (aA) **[expropriate any land which it may acquire in terms of section 5(1)(aA)]**
- (b) take gravel, stone, sand, clay, water or any other material or substance on or in land for the construction of a **[national]** road or for works or purposes referred to in paragraph (a);
- 10 (c) take the right to use the land temporarily for any purpose for which the **[commission]** Board may expropriate such land;
- (d) if any land is or will be divided by a **[national]** road in such a manner that in the opinion of the **[commission]** Board that land or any part of it is or will be useless to its owner, expropriate that
- 15 land or the part of it in question.”.

Amendment of section 9 of Act 54 of 1971, as inserted by section 4 of Act 79 of 1983

7. Section 9 of the principal Act is hereby amended—

- 20 (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:
- “(a) subject to subsection (3), declare a national road or any portion thereof, including any bridge or tunnel on a national road, **[or any other portion of, a national road]** as a toll road, and amend or withdraw any such declaration;
- 25 (b) in respect of the **[use]** driving of any vehicle on a toll road, levy a toll the amount of which has been determined and made known in terms of subsection (4) and which shall be payable at a toll gate by the person so **[using]** driving the vehicle;”;
- 30 (b) by the substitution for subsections (2), (3) and (4) of the following subsections, respectively:
- “(2) A declaration under subsection (1)(a) of **[a portion of]** a national road or any portion thereof as a toll road, together with a description of such road or portion, shall be made known by notice in the *Gazette*.
- 35 (3) The **[commission]** Board shall not declare **[any portion of]** a national road or any portion thereof under subsection (1)(a) as a toll road, unless—
- 40 (a) in the opinion of the **[commissioner]** Board at the time of the notification of such declaration in terms of subsection (2), and thereafter as long as the toll road retains its status as such road, an alternative road to the intended toll road along which the same destination or destinations may be reached as that or those to which the route of the relevant toll road and national road leads, shall be available to road users, and which—
- 45 **[(a)]** (i) has been provided by the **[commission]** Board; or
- [(b)]** (ii) is under the control of the **[commission]** Board or any **[other]** road authority;
- 50 (b) the Board has consulted with the Administrator in question and with any local authority affected by the declaration of the proposed toll road; and
- (c) the Board has invited, in the manner prescribed by regulation, persons residing or carrying on business within a radius of 20 kilometres from any proposed toll gate, to make such representations to it as they may wish to make in regard thereto, and has considered such representations, if any.
- 55 (4) The amount of toll levied under subsection (1), any rebate thereon and any alteration thereof—
- (a) shall be determined by the Minister on the recommendation of the **[commission]** Board;
- 60 (b) may differ in respect of—
- (i) different toll roads;

- (ii) verskillende voertuie of verskillende kategorieë **[van]** voertuie wat op 'n tolpad **[gebruik]** bestuur word;
- (iii) verskillende tye waarop 'n voertuig of 'n voertuig van 'n bepaalde kategorie op 'n tolpad **[gebruik]** bestuur word; 5
- (iv) verskillende persone of verskillende kategorieë persone, ongeag die voertuie wat deur sodanige persone bestuur word;
- (c) moet by kennisgewing in die *Staatskoerant* bekend gemaak word; 10
- (d) is betaalbaar vanaf 'n datum en tyd op aanbeveling van die **[kommissie]** Raad deur die Minister bepaal, wat in die kennisgewing waarby dit ingevolge paragraaf (c) bekend gemaak word, genoem moet word en wat nie 'n datum vroeër as **[60]** 14 dae na die datum waarop die kennisgewing in die *Staatskoerant* verskyn, mag wees nie.”; 15
- (c) deur die volgende subartikel na subartikel (4) in te voeg:
 - “(4A) Die Raad kan persone aanstel om tol wat ingevolge hierdie artikel betaalbaar is, in te vorder.”; en
- (d) deur subartikel (5) deur die volgende subartikel te vervang: 20
 - “(5) (a) Iemand wat weier of versuim om die bedrag van 'n tol by 'n tolhek te betaal waarvoor hy ingevolge hierdie artikel aanspreeklik is, is aan 'n misdryf skuldig.
 - (b) In strafregtelike verrigtinge waarby 'n persoon aangekla word weens 'n oortreding kragtens hierdie artikel, word daar vermoed, tensy die teendeel bewys word, dat die voertuig wat na bewering bestuur is by die pleging van sodanige oortreding, deur die geregistreerde eienaar daarvan bestuur is.”. 25

Wysiging van artikel 10 van Wet 54 van 1971, soos gewysig deur artikel 90 van Wet 63 van 1975 30

8. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

- “(5) Die **[kommissie]** Raad kan, ondanks andersluidende wetsbepalings maar behoudens die bepalinge van subartikel (6), 'n ingang tot of uitgang uit 'n nasionale pad of enige ingang tot of uitgang uit 'n ander pad binne **[die]** 'n boubeperkingsgebied soos beoog in paragraaf (b) van die omskrywing van 'boubeperkingsgebied' **[by 'n aansluiting]** verwyder of vir verkeer sluit, en waar die **[kommissie]** Raad dit nodig ag, 'n ander ingang of uitgang in die plek daarvan voorsien en die stappe doen wat hy nodig ag ten einde die gebruik van sodanige ander ingang of uitgang moontlik te maak.”. 40

Wysiging van artikel 15 van Wet 54 van 1971

9. Artikel 15 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:
 - “(1) Behoudens die bepalinge van subartikel (2) mag niemand sonder die skriftelike toestemming van die Raad of in stryd met die voorwaardes van sodanige toestemming, op 'n nasionale pad of in 'n boubeperkingsgebied handel dryf of goedere vir verkoop uitstal, aanbied of vervaardig nie.”; en
- (b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan, en paragraaf (a), deur onderskeidelik die volgende woorde en paragraaf te vervang: 50
 - “ 'n Beampte van die **[kommissie]** Raad of iemand wat skriftelik deur die **[kommissie]** Raad daartoe gemagtig is, of wat ingevolge 'n regulasie kragtens artikel 19 uitgevaardig, aangewys is om verkeer op 'n nasionale pad te beheer, of iemand wat ingevolge 'n padverkeerswet 'n polisiebeampte vir die doeleindes van die betrokke padverkeerswet is, kan—
 - (a) indien bedoelde beampte of persoon (in hierdie artikel die gemagtigde beampte genoem) op redelike gronde vermoed dat 55

- (ii) different vehicles or different categories of vehicles **[used]** driven on a toll road;
- (iii) different times at which any vehicle or any vehicle of a particular category is **[used]** driven on a toll road;
- 5 (iv) different persons or different categories of persons, irrespective of the vehicle driven by such persons;
- (c) shall be made known by notice in the *Gazette*;
- (d) shall be payable from a date and time determined by the Minister on the recommendation of the **[commission]** Board, which shall be mentioned in the notice whereby it is made known in terms of paragraph (c) and which shall not be a date earlier than **[60]** 14 days after the date on which such notice appears in the *Gazette*.”;
- 10 (c) by the insertion of the following subsection after subsection (4):
- 15 “(4A) The Board may appoint persons to collect toll payable in terms of this section.”; and
- (d) by the substitution for subsection (5) of the following subsection:
- 20 “(5) (a) Any person who refuses or fails to pay the amount of toll at a toll gate for which he is liable in terms of this section, shall be guilty of an offence.
- (b) At any criminal proceedings at which a person is charged with a contravention under this section it shall be presumed, unless the contrary is proved, that the vehicle alleged to have been driven in committing such contravention, was driven by the registered owner thereof.”.
- 25

Amendment of section 10 of Act 54 of 1971, as amended by section 90 of Act 63 of 1975

8. Section 10 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:
- 30 “(5) The **[commission]** Board may, notwithstanding anything to the contrary in any other law contained but subject to the provisions of subsection (6), remove or close to traffic any entrance to or exit from a national road or any entrance to or exit from any other road within **[the]** any building restriction area as contemplated in paragraph (b) of the definition of ‘building restriction area’ **[at a junction]** and, where the **[commission]** Board deems it necessary, provide another entrance or exit in its place and take such steps as it may deem necessary in order to render such other entrance or exit capable of being used.”.
- 35

Amendment of section 15 of Act 54 of 1971

- 40 9. Section 15 of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- 45 “(1) Subject to the provisions of subsection (2), no person shall without the written permission of the Board or contrary to the terms of such permission, carry on any trade or expose, offer or manufacture for sale any goods on a national road or in a building restriction area.”; and
- (b) by the substitution in subsection (3) for the words preceding paragraph (a), and paragraph (a), of the following words and paragraph, respectively:
- 50 “Any officer of the **[commission]** Board or any person authorized thereto in writing by the **[commission]** Board or designated in terms of any regulation issued under section 19 to control traffic on a national road, or any person who in terms of a road traffic law is a police officer for the purpose of the road traffic law in question, may—
- 55 (a) if such officer or person (in this section referred to as the authorized officer) on reasonable grounds suspects that a

iemand [in 'n boubeperkingsgebied] 'n handeling verrig het waarvoor die skriftelike toestemming van die [kommissie] Raad ingevolge subartikel (1) nodig is, van bedoelde persoon vereis dat hy so 'n toestemming tot die verrigting van so 'n handeling deur hom, aan die gemagtigde beampte toon;” 5

Wysiging van artikel 22 van Wet 54 van 1971

10. Artikel 22 van die Hoofwet word hierby gewysig deur die uitdrukkings “tweehonderd rand” en “ses maande” deur onderskeidelik die uitdrukkings “R4 000” en “een jaar” te vervang.

Wysiging van artikel 27 van Wet 54 van 1971

10

11. Artikel 27 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(3) 'n Appèl beoog in subartikel (1) word by die Minister aangeteken binne 90 dae nadat die Raad die betrokke aansoeker skriftelik ingelig het dat sy aansoek geweier is of dat 'n beperkte of voorwaardelike goedkeuring of toestemming verleen is.”. 15

Vervanging van “kommissie” deur “Raad”

12. Die Hoofwet word hierby gewysig deur die woord “kommissie”, oral waar dit voorkom, deur die woord “Raad” te vervang.

Vervanging van sekere woorde en uitdrukkings

20

13. Die Hoofwet word hierby gewysig—

- (a) deur in artikels 7(3) en 15(2) die uitdrukking “Sekretaris van Plurale Betrekkinge en Ontwikkeling” deur die uitdrukking “Direkteur-generaal: Streek- en Grondsake” te vervang; en
- (b) deur in artikel 19(6)(a) die woord “albei” deur die woorde “al die” te vervang. 25

Kort titel en inwerkingtreeding

14. Hierdie Wet heet die Wysigingswet op Nasionale Paaie, 1992, en die bepalinge daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 30

5 person has committed **[in a building restriction area]** an act for which the written permission of the **[commission]** Board is in terms of subsection (1) required, call upon such person to produce to the authorized officer such a permission for the commission of such an act by him;”.

Amendment of section 22 of Act 54 of 1971

10. Section 22 of the principal Act is hereby amended by the substitution for the expressions “two hundred rand” and “six months” of the expressions “R4 000” and “one year”, respectively.

10 Amendment of section 27 of Act 54 of 1971

11. Section 27 of the principal Act is hereby amended by the addition of the following subsection:

15 “(3) An appeal contemplated in subsection (1) shall be lodged with the Minister within 90 days after the Board has in writing informed the applicant concerned that his application has been refused or that a limited or conditional approval or permission has been granted.”.

Substitution for “commission” of “Board”

12. The principal Act is hereby amended by the substitution for the word “commission”, wherever it occurs, of the word “Board”.

20 Substitution of certain words and expressions

13. The principal Act is hereby amended—

- 25 (a) by the substitution in sections 7(3) and 15(2) for the expression “Secretary for Plural Relations and Development” of the expression “Director-General: Regional and Land Affairs”; and
(b) by the substitution in section 19(6)(a) for the word “both” of the words “all the”.

Short title and commencement

14. This Act shall be called the National Roads Amendment Act, 1992, and the provisions thereof shall come into operation on a date fixed by the State
30 President by proclamation in the *Gazette*.

