

BUITENGEWONE



EXTRAORDINARY

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KANTOOR VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer.

No. 1071.] [12 Mei 1950.

Hierby word bekendgemaak 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. 1071.] [12th May, 1950.

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. 16, 1950.]

WET

Tot wysiging van die „Zuid-Afrika Wet, 1909”, ten einde appèlle na die Geheime Raad af te skaf.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 19 April 1950.)

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

Wysiging van artikel 106 van die „Zuid-Afrika Wet, 1909”.

1. Artikel *honderd-en-ses* van die „Zuid-Afrika Wet, 1909”, word hiermee herroep en deur die volgende artikel vervang:

„Geen appèl 106. Er zal geen appèl zijn naar de Koning-in-
naar Rade—

Koning-in- Rade—
Rade. (a) van een vonnis of order van de Afdeling van Appèl van het Hooggerechtshof van Zuid-Afrika gewezen bij een appèl van een hof in de Unie of het gebied Zuid-West Afrika; of
(b) van een vonnis of order van een ander hof in de Unie of gemeld gebied dan bedoelde Afdeling van Appèl.”.

Kort titel.

2. Hierdie Wet heet die Wet op Appèlle na die Geheime Raad, 1950.

No. 16, 1950.]

ACT

To amend the South Africa Act, 1909, so as to abolish appeals to the Privy Council.

*(Afrikaans text signed by the Governor-General.)
(Assented to 19th April, 1950.)*

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

1. Section *one hundred and six* of the South Africa Act, 1909, is hereby repealed and the following section substituted therefor:—
“No appeal to King-in-Council—
106. There shall be no appeal to the King-in-Council—

Amendment of section 106 of South Africa Act, 1909.

- (a) from any judgment or order of the Appellate Division of the Supreme Court of South Africa given on an appeal from any court in the Union or the territory of South-West Africa; or
- (b) from any judgment or order of any court in the Union or the said territory, other than such Appellate Division.”.

2. This Act shall be called the Privy Council Appeals Act, 1950. **Short title.**

No. 17, 1950.]

PRIVATE WET

Tot [konsolidering van die Randwaterraadstatute 1903-1949.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 1 Mei 1950.)

Aanhef.

NADEMAAL die Randwaterraad (hierna die raad genoem) kragtens die „Rand Water Board Incorporation Ordinance, 1903” (Transvaal), ingestel is vir die verskaffing van water binne die verskaffingsterrein soos in daardie Ordonnansie omskryf:

EN NADEMAAL die samestelling, bevoegdhede, regte en pligte van die raad van tyd tot tyd verander en aangevul is deur latere Ordonnansies en Wette van die Transvaalse Regering en deur latere Wette van die Unie-parlement wat almal, saam met voornoemde „Rand Water Board Incorporation Ordinance, 1903” (Transvaal), aangehaal word as die Randwaterraadstatute 1903-1949:

EN NADEMAAL dit dienstig is dat die Randwaterraadstatute 1903-1949 gekonsolideer moet word:

WORD DIT DERHALWE BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

VOORAFGAANDE BEPALINGS.

Herroeping van wette.

1. Die wette in die Eerste Bylae genoem word hiermee herroep vir sover in die vierde kolom van daardie Bylae aangetoon, benewens soveel van enige ander wet as wat met die bepalinge van hierdie Wet strydig of onbestaanbaar mag wees.

Verklaring van uitdrukkinge.

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

- (i) „delgingsfonds” die fonds kragtens artikel *sewentig* van die Ordonnansie van 1904 gestig; (xxi)
- (ii) „eenvormige belasting” die belasting ooreenkomstig artikel *negen-en-veertig* gehef; (xxvii)
- (iii) „effekte” effekte deur die raad kragtens die bepalinge van hierdie Wet of enige vorige wet uitgegee; (xxv)
- (iv) „eienaar” met betrekking tot grond wat die raad mag verlang om te verkry of waarop of waaroor die raad mag verlang om ’n reg of servituut ingevolge die by hierdie Wet verleende bevoegdhede te verkry of uit te oefen, die eienaar van die grond of ander persoon wat geregtig is om so ’n reg of servituut te verleen of daaroor te beskik; (xix)
- (v) „gedeponeerde planne” die planne wat in verband met die Wet van 1914 ingevolge die Reglement van Orde van die Volksraad gedeponeer is, en by die toepassing van hierdie Wet word geag dat dié planne so gewysig is dat die studam en die waterpeil soos op dié planne aangetoon in so ’n mate verhoog is dat tweehonderd agt-en-tahtigmiljoen kubieke voet water meer dan die hoeveelheid in sub-artikel (1) van artikel *honderd vier-en-twintig* genoem agter die studam opgedam en bewaar kan word; (x)
- (vi) „houer van mynbrief” ’n persoon wie se naam in die staat vir daardie tydstep ingevolge die bepalinge van artikel *sewe-en-veertig* verstrekk, gemeld word as die houer van ’n kleimlisensie, mynpagbrief, mynhuur of ander mynbrief in die staat genoem; (xiii)
- (vii) „jaar” ’n tydperk van twaalf maande bereken vanaf die eerste dag van April in enige jaar; (xxx)
- (viii) „Minister”, „direkteur”, „oewereienaar”, „oewergrond”, „normale stroming” en „surplus-water”, waar dié uitdrukkinge in hierdie Wet voorkom, dieselfde as wat hulle volgens omskrywing in die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), beteken; (xvii)
- (ix) „myne” goudmyne; (xvi)
- (x) „onderneming” en omvat dit alle regte om water te neem, te verdeel en te verskaf, en alle ander regte, bevoegdhede, magtigings en voorregte, en alle sodanige

No. 17, 1950.]

PRIVATE ACT

To consolidate the Rand Water Board Statutes 1903-1949.

(English text signed by the Governor-General.)
(Assented to 1st May, 1950.)

WHEREAS the Rand Water Board (hereinafter referred to as the board) was constituted by the Rand Water Board Incorporation Ordinance, 1903 (Transvaal), to supply water within the limits of supply as defined in that Ordinance:

AND WHEREAS the constitution, powers, rights and duties of the board have from time to time been altered and added to by subsequent Ordinances and Acts of the Transvaal Government and by subsequent Acts of the Union Parliament, all of which, together with the aforesaid Rand Water Board Incorporation Ordinance, 1903 (Transvaal), are cited as the Rand Water Board Statutes 1903-1949:

AND WHEREAS it is expedient that the Rand Water Board Statutes 1903-1949 should be consolidated:

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

PRELIMINARY.

1. The laws mentioned in the First Schedule are hereby repealed to the extent set out in the fourth column of that Schedule, together with so much of any other law as may be repugnant to or inconsistent with the provisions of this Act.

2. (1) In this Act, unless the context otherwise indicates—
- (i) "Act of 1914" means the Rand Water Board Supplementary Water Supply (Private) Act, 1914 (Act No. 18 of 1914); (xxix)
 - (ii) "auditor" means the person referred to in section *forty-seven*; (xii)
 - (iii) "barrage" means the barrage or dam constructed in accordance with the provisions of the Act of 1914; (xxi)
 - (iv) "betterment fund" means the fund established under section *three* of the Rand Water Board Statutes, 1903-1923, Amendment (Private) Act, 1931 (Act No. 5 of 1931); (xxiii)
 - (v) "bills" means bills issued by the board under the provisions of this Act; (xxx)
 - (vi) "board" means the Rand Water Board as established under section *two* of the Rand Water Board Incorporation Ordinance, 1903 (Ordinance No. 32 of 1903 (Transvaal)); (xiii)
 - (vii) "constituent authority" means the railway administration, any constituent local authority or the Transvaal Chamber of Mines; (xvii)
 - (viii) "constituent local authority" means a local authority as defined by section *two* of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939 (Transvaal)), which is entitled to appoint a member or members to the board; (xviii)
 - (ix) "consumer" means any person to whom water is supplied by the board; (xxiv)
 - (x) "deposited plans" means the plans deposited in connection with the Act of 1914 under the Standing Rules and Orders of the House of Assembly, and these plans shall, for the purposes of this Act, be deemed to have been so modified that the height of the barrage and of the water level shown on these plans is increased to such an extent that two hundred and eighty-eight million cubic feet of water in excess of that mentioned in sub-section (1) of section *one hundred and twenty-four* may be impounded and stored behind the barrage; (v)

- eiendom, roerend en onroerend, reserwefondse, beleggings, en alle ander belange en regte in, op en uit die eiendom, roerend en onroerend, en verpligtings en vorderingsregte met inbegrip van kontantsaldo's en boekskulde, en alle boeke, rekenings en dokumente wat daarop betrekking het; (xxvi)
- (xi) „Ordonnansie van 1904” die „Rand Water Board Extended Powers Ordinance, 1904” (Ordonnansie No. 48 van 1904 (Transvaal)); (xviii)
- (xii) „ouditeur” die persoon in artikel *sewe-en-veertig* bedoel; (ii)
- (xiii) „raad” die Randwaterraad soos ingestel kragtens artikel *twee* van die „Rand Water Board Incorporation Ordinance, 1903” (Ordonnansie No. 32 van 1903 (Transvaal)); (vi)
- (xiv) „registrator” die persoon deur die raad aangestel om die nominale register van effekte en die register van wissels ooreenkomstig onderskeidelik artikels *ag-en-sestig* en *sewe-en-negentig* te hou; (xxii)
- (xv) „rentefonds” die fonds kragtens artikel *sewentig* van die Ordonnansie van 1904 gestig; (xiv)
- (xvi) „reserwefonds” die fonds kragtens artikel *ses-en-vyftig* van die Ordonnansie van 1904 gestig; (xxiii)
- (xvii) „samestellende owerheid” die spoorwegadministrasie, 'n samestellende plaaslike bestuur of die Transvaalse Kamer van Mynwese; (vii)
- (xviii) „samestellende plaaslike bestuur” 'n plaaslike bestuur soos omskryf deur artikel *twee* van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939 (Transvaal)), wat daarop geregtig is om 'n lid of lede in die raad aan te stel; (viii)
- (xix) „sekretaris” die persoon ooreenkomstig paragraaf (l) van artikel *vier-en-twintig* as sekretaris en tesourier van die raad aangestel of 'n persoon wat in sy plek optree; (xxiv)
- (xx) „spoorwegadministrasie” die owerheid belas met die beheer en bestuur van die spoorweë en hawens van die Unie soos ingestel kragtens die „Zuid-Afrika Wet, 1909”, of 'n wysiging daarvan; (xx)
- (xxi) „studam” die studam of dam ooreenkomstig die bepaling van die Wet van 1914 gebou; (iii)
- (xxii) „vaste koste” die koste in artikel *een-en-vyftig* omskryf; (xii)
- (xxiii) „verbeteringsfonds” die fonds kragtens artikel *drie* van die Rand Waterraad Statute, 1903-1923, Wysigings (Private) Wet, 1931 (Wet No. 5 van 1931), gestig; (iv)
- (xxiv) „verbruiker” 'n persoon aan wie water deur die raad verskaf word; (ix)
- (xxv) „verskaffingsterrein” die gebied begrens soos in die Tweede Bylae omskryf en soos van tyd tot tyd ooreenkomstig die bepaling van artikel *honderd-en-twaalf* uitgebrei of verander; (xv)
- (xxvi) „waardevermindering- en vernuwingsfonds” die fonds kragtens artikel *twee* van die Private Wet tot Wysiging van die Rand-Waterraadstatute 1903-1944, 1945 (Wet No. 10 van 1945), gestig; (xi)
- (xxvii) „waterfonds” die fonds kragtens artikel *vyf-en-vyftig* van die Ordonnansie van 1904 gestig; (xxviii)
- (xxviii) „wateronderneming” en omvat dit al die eiendom, regte, bevoegdhede, magtigings, voorregte, belange, verpligtings, boeke, rekenings en dokumente in die omskrywing van „onderneming” vervat vir sover dit in verband staan met die neem, verdeling en verskaffing van water as 'n bedryf; (xxix)
- (xxix) „Wet van 1914” die „Rand Waterraad Verdere Waterverschaffings (Private) Wet, 1914” (Wet No. 18 van 1914); (i)
- (xxx) „wissels” wissels deur die raad kragtens die bepaling van hierdie Wet uitgegee. (v)
- (2) In Hoofstuk VI, tensy uit die samehang anders blyk, beteken—
- „bewaargebied van die raad se werke” die bewaargebied van die werke in die Agste Bylae omskryf.

- (xi) "depreciation and renewals fund" means the fund established under section *two* of the Rand Water Board Statutes 1903-1944 Amendment (Private) Act, 1945 (Act No. 10 of 1945); (xxvi)
 - (xii) "fixed charges" means the charges defined in section *fifty-one*; (xxii)
 - (xiii) "holder of mining title" means any person whose name appears in the statement for the time being rendered under the provisions of section *fifty-seven* as the holder of any claim licence, mynpacht brief, mining lease or other mining title included in such statement; (vi)
 - (xiv) "interest fund" means the fund established under section *seventy* of the Ordinance of 1904; (xv)
 - (xv) "limits of supply" means the area defined in the Second Schedule as extended or varied from time to time in accordance with the provisions of section *one hundred and twelve*; (xxv)
 - (xvi) "mines" means gold mines; (ix)
 - (xvii) "Minister", "director", "riparian owner", "riparian land", "normal flow" and "surplus water", where used in this Act, shall have the same meanings as those assigned by the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912); (viii)
 - (xviii) "Ordinance of 1904" means the Rand Water Board Extended Powers Ordinance, 1904 (Ordinance No. 48 of 1904 (Transvaal)); (xi)
 - (xix) "owner" in relation to any land which the board may seek to acquire, or in or over which the board may seek to acquire or exercise any right or servitude under the powers conferred by this Act, means the owner of the land or other person entitled to grant or dispose of any such right or servitude; (iv)
 - (xx) "railway administration" means the authority for the control and management of the railways, ports and harbours of the Union as established under the South Africa Act, 1909, or any amendment thereof; (xx)
 - (xxi) "redemption fund" means the fund established under section *seventy* of the Ordinance of 1904; (i)
 - (xxii) "registrar" means the person appointed by the board to keep the nominal register of stock and the register of bills in terms of sections *sixty-eight* and *ninety-seven* respectively; (xiv)
 - (xxiii) "reserve fund" means the fund established under section *fifty-six* of the Ordinance of 1904; (xvi)
 - (xxiv) "secretary" means the person appointed in terms of paragraph (l) of section *twenty-four* as secretary and treasurer to the board or any person acting in his stead; (xix)
 - (xxv) "stock" means stock issued by the board under the provisions of this Act or any prior law; (iii)
 - (xxvi) "undertaking" means and includes all rights of taking, distributing and supplying water, and all other rights, powers, authorities and privileges, and all such property, movable and immovable, reserve funds, investments, and all other interests and rights in, to and out of the property, movable and immovable, and obligations and things in action including cash balances and book debts, and all books, accounts and documents relating thereto; (x)
 - (xxvii) "uniform rate" means the rate levied in terms of section *forty-nine*; (ii)
 - (xxviii) "water fund" means the fund established under section *fifty-five* of the Ordinance of 1904; (xxvii)
 - (xxix) "water undertaking" means and includes all the property, rights, powers, authorities, privileges, interests, obligations, books, accounts and documents contained in the definition of "undertaking", so far as the same are connected with the business of taking, distributing and supplying water; (xxviii)
 - (xxx) "year" means a period of twelve months calculated from the first day of April in any year. (vii)
- (2) In Chapter VI, unless the context otherwise indicates—
 "storage area of the board's works" means the storage area of the works described in the Eighth Schedule.

Indeling van
Wet.

3. Hierdie Wet is in sewe hoofstukke ingedeel wat onderskeidelik op die volgende onderwerpe betrekking het:

Hoofstuk I: Samestelling van raad (artikels vier tot veertien).

Hoofstuk II: Vergaderings en verrigtings (artikels vyftien tot drie-en-twintig).

Hoofstuk III: Bevoegdhede van raad (artikels vier-en-twintig tot twee-en-dertig).

Hoofstuk IV: Finansiële bepalings:

Deel 1: Reëling en beheer van finansies (artikels drie-en-dertig tot sewe-en-veertig).

Deel 2: Watertariewe (artikels agt-en-veertig tot vyftig).

Deel 3: Vaste koste (artikels een-en-vyftig tot een-en-sestig).

Deel 4: Leningsbevoegdhede (artikels twee-en-sestig tot vier-en-sestig).

Deel 5: Voorwaardes van uitgifte van effekte (artikels vyf-en-sestig tot ses-en-negentig).

Deel 6: Voorwaardes van uitgifte van wissels (artikel sewe-en-negentig).

Deel 7: Spesiale belastingsbevoegdhede (artikels agt-en-negentig tot honderd-en-nege).

Hoofstuk V: Algemene bepalings (artikels honderd-en-tien tot honderd twee-en-twintig).

Hoofstuk VI: Bevoegdheid om water in Vaalrivier op te dam en daarmee in verband staande sake (artikels honderd drie-en-twintig tot honderd vier-en-veertig).

Hoofstuk VII: Kort titel (artikel honderd vyf-en-vertig).

HOOFSTUK I.

SAMESTELLING VAN RAAD.

Raad het regspersoonlikheid.

4. Die raad, soos tevore as regspersoon ingestel, is 'n regspersoon met ewigdurende regsopvolging en 'n gemene seël en kan in sy hoedanigheid van regspersoon onder die naam Randwateraad as eiser en as verweerder in regte optree en, behoudens die bepalings van hierdie Wet of 'n wysiging daarvan, roerende of onroerende eiendom koop of andersins verkry, besit of vervreem en oor die algemeen alle dinge doen en handelinge verrig wat regspersone regtens mag doen en verrig.

Samestelling van raad.

5. Die raad bestaan uit vier-en-dertig lede waarvan een 'n voorsitter is wat deur die Goewerneur-generaal aangestel word en deur laasgenoemde van sy amp onthef kan word, sestien deur die Transvaalse Kamer van Mynwese aangestel word, een deur die spoorwegadministrasie aangestel word, vyf deur die Stadsraad van Johannesburg aangestel word, een deur die Stadsraad van Pretoria, en een deur elk van die volgende stadsrade: Benoni, Boksburg, Brakpan, Germiston, Krugersdorp, Nigel, Randfontein, Roodepoort-Maraisburg, Springs en Vereeniging.

Salaris van voorsitter.

6. Die raad betaal die voorsitter die salaris wat die Goewerneur-generaal van tyd tot tyd bepaal.

Verlof vir afwesigheid van voorsitter.

7. Die Goewerneur-generaal kan verlof vir afwesigheid aan die voorsitter van die raad verleen en iemand aanstel om gedurende die voorsitter se afwesigheid met verlof as voorsitter van die raad te ageer.

Adjunkvoorsitter van die raad.

8. Op 'n vergadering wat elke jaar in die maand Februarie gehou word, stel die raad een van die lede aan as adjunkvoorsitter vir die daaropvolgende jaar. Op alle vergaderings van die raad neem die voorsitter, of in sy afwesigheid die adjunkvoorsitter, of in die afwesigheid van die voorsitter sowel as die adjunkvoorsitter, 'n lid van die raad wat deur die aanwesige lede gekies word, die voorsitterstoel in.

Nuwe plaaslike besture word in sekere omstandighede samestellende plaaslike besture.

9. Wanneer 'n plaaslike bestuur hierna in die lewe geroep word waarvan die munisipaliteit gevorm is uitsluitend uit 'n gebied of gebiede wat onmiddellik voor die totstandkoming van daardie plaaslike bestuur deel uitgemaak het van die munisipaliteit of munisipaliteite van 'n samestellende plaaslike bestuur of besture, word so 'n nuwe plaaslike bestuur vanaf 'n deur die Administrateur van Transvaal voorgeskrewe datum 'n samestellende plaaslike bestuur vir die doeleindes van hierdie Wet, en daarop is die volgende bepalings in elke geval van toepassing en van krag:

3. This Act is divided into seven Chapters which relate to Division of Act the following subject matters respectively:

- Chapter I: Constitution of board (sections *four to fourteen*).
- Chapter II: Meetings and proceedings (sections *fifteen to twenty-three*).
- Chapter III: Powers of board (sections *twenty-four to thirty-two*).
- Chapter IV: Financial provisions:
 Part 1: Regulation and control of finance (sections *thirty-three to forty-seven*).
- Part 2: Charges for water (sections *forty-eight to fifty*).
- Part 3: Fixed charges (sections *fifty-one to sixty-one*).
- Part 4: Borrowing powers (sections *sixty-two to sixty-four*).
- Part 5: Conditions of issue of stock (sections *sixty-five to ninety-six*).
- Part 6: Conditions of issue of bills (section *ninety-seven*).
- Part 7: Special rating powers (sections *ninety-eight to one hundred and nine*).
- Chapter V: General (sections *one hundred and ten to one hundred and twenty-two*).
- Chapter VI: Power to impound water in Vaal River and matters incidental thereto (sections *one hundred and twenty-three to one hundred and forty-four*).
- Chapter VII: Short title (section *one hundred and forty-five*).

CHAPTER I.

CONSTITUTION OF BOARD.

4. The board as heretofore incorporated shall be a body Board a corporate with perpetual succession and a common seal, and corporate body. shall, in its corporate capacity under the name of Rand Water Board, be capable in law of suing and being sued, and, subject to the provisions of this Act or any amendment thereof, of purchasing or otherwise acquiring, holding or alienating property, movable or immovable, and generally of doing and performing all such acts and things as bodies corporate may by law do and perform.

5. The board shall consist of thirty-four members of whom Constitution of board. one shall be a chairman appointed and removable by the Governor-General, sixteen shall be appointed by the Transvaal Chamber of Mines, one shall be appointed by the railway administration, five shall be appointed by the City Council of Johannesburg, one by the City Council of Pretoria, and one by each of the following town councils: Benoni, Boksburg, Brakpan, Germiston, Krugersdorp, Nigel, Randfontein, Roodepoort-Maraisburg, Springs and Vereeniging.

6. The board shall pay to the chairman such salary as the Salary of chairman. Governor-General shall from time to time determine.

7. The chairman of the board may be granted leave of absence Leave of absence for chairman. by the Governor-General and it shall be lawful for the Governor-General to appoint some person to act as chairman of the board during the absence on leave of the chairman.

8. At a meeting to be held in the month of February in each year the board shall appoint one of the members to be deputy-chairman of the board. deputy-chairman for the ensuing year. At all meetings of the board the chairman, or in his absence the deputy-chairman, or in the absence of both the chairman and the deputy-chairman, some member of the board chosen by the members present shall preside.

9. Whenever a local authority shall hereafter be established, New local authorities to become constituent local authorities in certain circumstances. the municipality of which is constituted exclusively of an area or areas which immediately prior to such establishment formed part of the municipality or municipalities of a constituent local authority or authorities, such new local authority shall, from a date to be prescribed by the Administrator of the Transvaal, become a constituent local authority for the purposes of this Act, and thereupon the following provisions shall in each case apply and have effect:

- (a) Die stadsklerk van so 'n nuwe samestellende plaaslike bestuur moet die sekretaris so spoedig moontlik in kennis stel van die bedrag van die totale waardering van al die belasbare eiendom wat by die munisipaliteit ingesluit is, soos vasgestel by die jongste waardering van genoemde eiendom deur die samestellende plaaslike bestuur binne wie se regsgebied die eiendom op die datum van die jongste waardering geval het. Daarop word bedoelde bedrag beskou as die waardering van so 'n nuwe samestellende plaaslike bestuur aangegee ingevolge die bepalings van artikel *honderden-negentien*, en die onderskeie waarderings van belasbare eiendom binne enige munisipaliteit waaruit die munisipaliteit van so 'n nuwe samestellende plaaslike bestuur gevorm is, word dienooreenkomstig verminder.
- (b) By ontvangs van kennisgewing soos voormeld, word die ledetal van die raad met twee vermeerder, waarvan een deur so 'n nuwe samestellende plaaslike bestuur en een deur die Transvaalse Kamer van Mynwese aangestel word.
- (c) Die lede wat eerste kragtens hierdie artikel aangestel word, beklee hulle amp totdat 'n nuwe aanstelling van lede van die raad deur die samestellende owerhede ooreenkomstig die bepalings van hierdie Wet geskied.

Aanstelling
van raadslede.

10. (1) Met uitsondering van die voorsitter beklee die lede van die raad wat op die datum van inwerkingtreding van hierdie Wet die amp van raadslid beklee, hulle amp tot die een-en-dertigste dag van Januarie 1951. Nie later dan die een-en-dertigste dag van Januarie 1951 nie en nie later dan die een-en-dertigste dag van Januarie in elke derde daaropvolgende jaar nie, stel elke samestellende owerheid die aantal lede wat hy ooreenkomstig hierdie Wet geregtig is om aan te stel, as lede van die raad aan, en verwittig hy voor of op daardie datum die sekretaris van sodanige aanstelling. Die lede wat aldus aangestel word, beklee hulle amp met ingang van die eerste dag van Februarie eersvolgend op hulle aanstelling tot die een-en-dertigste dag van Januarie drie jaar daarna: Met dien verstande dat indien 'n samestellende owerheid versuim om die sekretaris voor die eerste dag van Februarie te verwittig van die aanstelling van die lede wat hy geregtig is om aan te stel, daardie lede hulle amp beklee slegs vanaf die datum waarop die raad van hulle aanstelling verwittig is.

(2) 'n Lid van die raad hoef nie 'n lid van die samestellende owerheid wat hom aanstel te wees nie.

Toevallige
vakatures.

11. 'n Toevallige vakature in die raad wat weens dood, bedanking, onbevoegdheid of andersins ontstaan, word so spoedig as wat redelikerwys doenlik is nadat dit ontstaan het deur die samestellende owerheid wat deur die oorlede of uittredende lid verteenwoordig is, gevul; maar 'n lid wat aldus aangestel word, beklee sy amp slegs solank as wat die oorlede of uittredende lid die amp sou beklee het indien geen vakature ontstaan het nie.

Onbevoegdheid
vir lidmaatskap
van raad.

12. 'n Persoon word onbevoeg om as lid van die raad aangestel te word of aan te bly indien hy aan 'n misdadig skuldig bevind word en tot gevangenisstraf met dwangarbeid sonder die keuse van 'n boete of tot 'n groter straf veroordeel word, of insolvent of kranksinnig verklaar word.

Verlof vir
afwesigheid.

13. Verlof vir afwesigheid van die vergaderings van die raad vir 'n tydperk wat die raad goed ag, kan aan 'n lid van die raad verleen word. Die samestellende owerheid wat deur so 'n afwesige lid verteenwoordig word, kan 'n ander lid kragtens die bepalings van artikel *tien* aanstel om daardie samestellende owerheid te verteenwoordig en gedurende die tydperk waarvoor die raad afwesigheidsverlof mag verleen het, in die plek van die afwesige lid waar te neem.

Handelinge
van raad nie
ongeldig
gemaak nie.

14. 'n Handeling van die raad word nie ongeldig of onwettig gemaak nie slegs om rede van 'n vakature in die raad of 'n gebrek of onreëlmatigheid by die aanstelling of ten opsigte van die bevoegdheid van 'n lid van die raad.

HOOFSTUK II.

VERGADERINGS EN VERRIGTINGS.

Vergaderings
van die
raad.

15. (1) Vergaderings van die raad word op die tyd en plek gehou wat die raad van tyd tot tyd besluit en bepaal.

(2) Die voorsitter kan te eniger tyd 'n buitengewone vergadering byeenroep. Indien die voorsitter weier om 'n vergadering byeen te roep nadat 'n aanvraag daarom deur drie lede van die raad onderteken aan hom voorgelê is, kan enige drie lede van die raad onverwyld na so 'n weiering 'n vergadering byeenroep. Indien die voorsitter (sonder om aldus te weier)

- (a) As soon as possible the town clerk of such new constituent local authority shall notify the secretary of the amount of the total valuation of all the rateable property included within the municipality, as fixed at the last valuation of the said property by the constituent local authority under whose jurisdiction such property fell at the date of such last valuation. Thereupon the said amount shall be deemed to be the valuation of such new constituent local authority notified under the provisions of section *one hundred and nineteen*, and the respective valuations of rateable property within any municipality out of which the municipality of such new constituent local authority has been established shall be reduced accordingly.
- (b) Upon such notification as aforesaid being made, the number of members of the board shall be increased by two, of whom one shall be appointed by such new constituent local authority and one by the Transvaal Chamber of Mines.
- (c) The members first appointed under this section shall hold office until a new appointment of members of the board by the constituent authorities in accordance with the provisions of this Act.

10. (1) With the exception of the chairman, the members of the board holding office at the date of commencement of this Act shall continue to hold office until the thirty-first day of January, 1951. Not later than the thirty-first day of January, 1951, and not later than the thirty-first day of January in each third succeeding year thereafter, each constituent authority shall appoint as members of the board the number of members it is entitled to appoint in terms of this Act and shall notify the secretary of such appointment by that date. The members so appointed shall hold office with effect from the first day of February next succeeding their appointment until the thirty-first day of January three years thereafter: Provided that if a constituent authority fail to notify the secretary before the first day of February of the appointment of the members it is entitled to appoint, such members shall hold office only from the date on which the board is notified of their appointment.

Appointment of board members.

(2) Any member of the board need not be a member of the constituent authority appointing him.

11. Any casual vacancy in the board occurring by death, resignation, disqualification or otherwise shall be filled by the constituent authority represented by the vacating member as soon as reasonably practicable after the occurrence of the vacancy, but a member so appointed shall retain his office only so long as the vacating member would have retained the same if no vacancy had occurred.

Casual vacancies.

12. A person shall be disqualified for being appointed or remaining a member of the board if he is convicted of any crime and sentenced to imprisonment with hard labour without the option of a fine or to any greater punishment, or is adjudged insolvent, or is declared to be of unsound mind.

Disqualifications for membership of board.

13. Any member of the board may be granted leave of absence from the meetings of the board for such period as the board may deem fit, and the constituent authority represented by such absent member may appoint another member under the provisions of section *ten* to represent such constituent authority and to act in the place of the absent member during the period for which leave of absence may have been granted by the board.

Leave of absence.

14. No act of the board shall be rendered invalid or illegal by reason only of any vacancy in the board or of any defect or irregularity in the appointment or qualification of any member of the board.

Acts of board not to be invalidated.

CHAPTER II.

MEETINGS AND PROCEEDINGS.

15. (1) Meetings of the board shall be held at such time and place as the board from time to time may resolve and appoint.
- (2) The chairman may at any time call an extraordinary meeting. If the chairman refuses to call a meeting after a requisition for that purpose signed by three members of the board has been presented to him, any three members of the board may forthwith on that refusal call a meeting. If the

Meetings of the board.

nie binne sewe dae na voorlegging van so 'n aanvraag 'n vergadering byeenroep nie kan enige drie lede van die raad na afloop van die sewe dae 'n vergadering byeenroep.

Kennisgewing
van
vergaderings.

16. Kennis van 'n vergadering van die raad moet drie volle dae vooraf aan al die lede van die raad gegee word op die wyse en in die vorm wat die raad van tyd tot tyd bepaal. Die voorsitter kan in 'n geval van dringendheid gelas dat korter kennisgewing voldoende is om 'n vergadering van die raad te ontbied, en in so 'n geval moet die redes vir die dringendheid in die kennisgewing waarby die vergadering ontbied word genoem word. Die toevallige versuim om kennis van die in hierdie artikel gemelde aard aan enige van die lede van die raad te gee, maak nie 'n besluit wat op so 'n vergadering geneem word ongeldig nie.

Kworum.

17. Die kworum op alle vergaderings van die raad van tyd tot tyd is minstens een-derde van die aantal lede van die raad wat ooreenkomstig hierdie Wet aangestel kan word.

Waarde van
lede se
stemme.

18. Alle kwessies wat op 'n vergadering van die raad ontstaan, word beslis deur 'n oorwig van die waarde van die stemme deur die lede wat op die vergadering aanwesig is, met uitsondering van die voorsitter van die raad, uitgebring soos hierna uiteengesit. In geval die waarde van die stemme wat soos voormeld uitgebring word gelyk is, het die voorsitter van die raad 'n beslissende stem. Op 'n vergadering waarop die adjunk-voorsitter van die raad of 'n deur die aanwesige lede gekose voorsitter voorsit, het die adjunk-voorsitter of ander voorsitter soos voormeld 'n oorspronklike maar nie 'n tweede of beslissende stem nie. Elke lid van die raad is geregtig om een stem uit te bring, maar wanneer die voorsitter die stemme tel, reken hy—

- (a) elke stem uitgebring deur 'n lid wat 'n samestellende plaaslike bestuur behalwe die Stadsrade van Johannesburg en Pretoria verteenwoordig, teen 'n waarde gelyk aan die getal ponde ingevolge artikel *honderden-negentien* aangegee as die totale waardering van die belasbare eiendom binne die munisipaliteit van so 'n samestellende plaaslike bestuur;
- (b) elke stem uitgebring deur 'n lid wat die Stadsraad van Johannesburg verteenwoordig, teen 'n waarde gelyk aan 'n vyfde van die getal ponde soos voormeld aangegee as die totale waardering van die belasbare eiendom binne die munisipaliteit van Johannesburg;
- (c) die stem uitgebring deur die lid wat die Stadsraad van Pretoria verteenwoordig, teen 'n waarde gelyk aan tien persent van die getal ponde soos voormeld aangegee as die totale waardering van die belasbare eiendom binne die munisipaliteite van die samestellende plaaslike besture behalwe die Stadsraad van Pretoria;
- (d) elke stem uitgebring deur 'n lid wat die Transvaalse Kamer van Mynwese verteenwoordig, teen 'n waarde gelyk aan die getal verkry deur die totale waarde van die stemme wat deur die lede wat die samestellende plaaslike besture verteenwoordig, uitgebring sou kan word indien al die lede wat sulke besture geregtig is om aan te stel, aangestel was, aanwesig was en gestem het, te deel deur die getal verteenwoordigers wat sulke besture geregtig is om aan te stel;
- (e) die stem uitgebring deur die lid wat die spoorweg-administrasie verteenwoordig, teen 'n waarde gelyk aan vyf persent van die totale waarde van die stemme wat deur die lede wat die samestellende plaaslike besture en die Transvaalse Kamer van Mynwese verteenwoordig, uitgebring sou kan word indien al die lede wat dié samestellende owerhede geregtig is om aan te stel, aangestel was, aanwesig was en gestem het.

Met dien verstande dat in die geval van 'n besluit geneem op 'n vergadering van die raad waarop al die lede nie aanwesig is nie, indien lede wat aanwesig is en oor die besluit gestem het en wie se stemme 'n waarde het gelyk aan minstens 'n kwart van die totale waarde van die stemme ten opsigte van gemelde besluit uitgebring, op daardie vergadering versoek dat dié besluit aan 'n verdere vergadering van die raad voorgelê moet word wat binne sewe dae na die eersgenoemde vergadering gehou moet word, dit aldus weereens voorgelê word en die beslissing van die raad oor daardie besluit op so 'n verdere vergadering van krag is.

Lede se belang
by kontrakte
met die
raad.

19. 'n Lid van die raad mag òf vir homself òf as lid van 'n vennootskap, maatskappy of korporasie, mits hy eers aan die raad bekend maak dat hy belang het en sodanige bekend-

chairman (without so refusing) does not within seven days after such presentation call a meeting, any three members of the board may, on the expiration of those seven days, call a meeting.

16. Three clear days' notice of a meeting of the board shall be given to all the members of the board in such manner and form as the board may from time to time determine. The chairman may in any case of urgency direct that any less notice shall be sufficient for summoning a meeting of the board, in which case the reasons for such urgency shall be specified in the notice summoning the meeting. The accidental omission to give any such notice as is referred to in this section to any of the members of the board shall not invalidate any resolution passed at any such meeting.

Notice of meetings.

17. The quorum at all meetings of the board from time to time shall be not less than one-third of the number of members who can be appointed to the board in terms of this Act.

Quorum.

18. All questions arising at a meeting of the board shall be decided by a preponderance in the value of the votes cast by the members present at the meeting as hereinafter set forth, exclusive of the chairman of the board. In the case of an equality in the value of votes cast as aforesaid the chairman of the board shall have a casting vote. At any meeting presided over by the deputy-chairman of the board or by a chairman chosen by the members present, such deputy-chairman or other chairman as aforesaid shall have an original but not a second or casting vote. Every member of the board shall be entitled to cast one vote but in counting such votes the chairman shall reckon—

Value of members' votes

- (a) each vote cast by a member representing a constituent local authority other than the City Councils of Johannesburg and Pretoria at a value equal to the number of pounds notified under section *one hundred and nineteen* as the total valuation of the rateable property within the municipality of such constituent local authority;
- (b) each vote cast by a member representing the City Council of Johannesburg at a value equal to one-fifth of the number of pounds notified as aforesaid as being the total valuation of the rateable property within the municipality of Johannesburg;
- (c) the vote cast by the member representing the City Council of Pretoria at a value equal to ten per cent. of the number of pounds notified as aforesaid as being the total valuation of the rateable property within the municipalities of the constituent local authorities other than the City Council of Pretoria;
- (d) each vote cast by a member representing the Transvaal Chamber of Mines at a value equal to the number obtained by dividing the total value of the votes which could be cast by the members representing the constituent local authorities, if all the members such authorities are entitled to appoint had been appointed, were present and had voted, by the number of representatives such authorities are entitled to appoint;
- (e) the vote cast by the member representing the railway administration at a value equal to five per cent. of the total value of the votes which could be cast by the members representing the constituent local authorities and the Transvaal Chamber of Mines, if all the members such constituent authorities are entitled to appoint had been appointed, were present and had voted:

Provided that in the case of any resolution taken at any meeting of the board at which all members are not present, if request is made at such meeting by members present and who voted on the resolution, the value of whose votes is equal to not less than one-fourth of the total value of the votes cast in respect of the said resolution, that such resolution shall be submitted to a further meeting of the board, which shall be held within seven days of such first mentioned meeting, it shall be so re-submitted and the decision of the board on such resolution at such further meeting shall be effective.

19. Any member of the board, either individually or as a member of a partnership, company or corporation, may, provided that he first discloses to the board that he is interested

Members' interests in contracts with the board.

making behoorlik genotuleer word, met die raad 'n kontrak aangaan of belang hê by enige werksaamheid, onderneming of bedryf van die raad, en mag winste wat daaruit ontstaan vir sy eie gebruik verkry of behou. 'n Lid van die raad mag nie stem oor 'n saak waarby hy aldus soos voormeld belang het nie.

- Notule. 20. Notule van die verrigtings van elke vergadering van die raad word opgestel en afskrifte word aan alle lede gestuur. Wanneer die notule op 'n daaropvolgende vergadering van die raad deur die persoon wat daarop voorsit onderteken is, word dit behoudens bewys van foute daarin beskou as 'n juiste optekening van die verrigtings van die vergadering waarvan dit heet notule te wees.
- Reglement. 21. Behoudens die bepalings van hierdie Wet kan die raad 'n reglement vir die reëling van die verrigtings en werksaamhede van die raad en 'n komitee van die raad en vir alle ander sake wat in verband staan met of meegebring word deur die interne bestuur van die raad en sy werksaamhede en pligte, maak, wysig en herroep.
- Komitees. 22. Die raad kan by besluit komitees vir doeleindes wat hy goed ag aanstel en ontbind en kan na goeëdunke van die pligte en bevoegdhede van die raad aan so 'n komitee opdra.
- Vergaderings van die raad moet openbaar wees. 23. Alle vergaderings van die raad is vir die publiek en die pers toeganklik, maar hierdie artikel is nie van toepassing op 'n komitee van die raad of 'n komitee van die raad as geheel nie.

HOOFSTUK III.

BEVOEGDHEDE VAN RAAD.

- Bevoegdhede van raad. 24. Benewens die bevoegdhede wat kragtens ander artikels van hierdie Wet aan die raad verleen word, het die raad die reg om binne die verskaffingsterrein water te verskaf en kan hy met daardie doel binne of buite die verskaffingsterrein—
- (a) soek, graaf en boor na water;
 - (b) van tyd tot tyd en te alle tye enige grond binne die Unie betree en daarop kampeer en kaarte daarvan opstel en opnames daarvan doen, en soek, graaf, uitgraaf, boor en enige ander werk doen wat nodig is vir die ontdekking of meet van water of vir weerkundige waarnemings op, in of onder grond wat aldus betree is: Met dien verstande—
 - (i) dat kennis van minstens sewe volle dae aan die eienaar en bewoner, as daar is, van die grond gegee word alvorens die raad dit betree;
 - (ii) dat die raad die grond so min as moontlik beskuldig en alle skade deur hom aangerig ten volle vergoed; die bedrag van die vergoeding, ingeval die partye verskil, word beslis deur arbitrasie *mutatis mutandis* op die wyse en in die vorm waarvoor voorsiening gemaak is deur die „Expropriation of Land and Arbitration Clauses Proclamation, 1902” (Proklamasie No. 5 van 1902 (Transvaal));
 - (iii) dat op, in, onder of binne honderd jaart van 'n opstal, huis, werke of geboue nie betree of gekampeer of gewerk word nie behalwe met die toestemming van die eienaar of bewoner daarvan;
 - (c) opmetings doen en planne, snyvlakke, kaarte, tekeninge en ramings opstel;
 - (d) stappe doen of tydelike werke aanlê wat nodig is om die water wat uit 'n bron, put of fontein opwel of in 'n stroom, rivier, waterloop of kanaal vloei, te peil of te meet;
 - (e) stappe doen wat nodig is om die waterspieël en die rigting waarin die water vloei in die geval van ondergrondse damme of are vas te stel;
 - (f) kantore, geboue, waterwerke, reservoirs, damme, waterlope, waterkanale, pype, leidings, waterbakke, meters, waterkrane, deurlope, filtreerbeddings, putte, skagte, pomp- en ander masjinerie en toestelle, en kables, hoofleidings en lyne op, bo of onder die grond, paaie, spoorwagslyne en rollende materiaal, brûe, walle, deurgrawings en ander werke wat met die doeleindes van die raad in verband staan, aanlê, koop, in stand hou, verander of verbeter;
 - (g) grond of regte daarin of in verband daarmee vrywillig koop, huur of ruil;

and that such disclosure is duly minuted, contract with the board or be interested in any operation, undertaking or business of the board, and may derive or retain for his own use any profits resulting therefrom. No member of the board shall vote in respect of any matter in which he is so interested as aforesaid.

20. Minutes of the proceedings of every meeting of the board shall be drawn up and copies circulated to all members. Every such minute when signed at a subsequent meeting of the board by the person presiding thereat, shall, in the absence of proof of error therein, be deemed a correct record of the proceedings of the meeting of which it purports to be a minute. Minutes.

21. Subject to the provisions of this Act, the board may make, amend and rescind standing orders for the regulation of the proceedings and business of the board and of any committee of the board, and for all other matters connected with or incidental to the internal management of the board and its business and duties. Standing orders.

22. The board may by resolution appoint and dissolve committees for such purposes as it may deem fit and may delegate to any such committee such of the duties and powers of the board as it may deem fit. Committees.

23. All meetings of the board shall be open to the public and press, but this section shall not apply to any committee of the board or to a committee of the whole board. Meetings of the board to be public.

CHAPTER III.

POWERS OF BOARD.

24. In addition to the powers vested in the board by other sections of this Act, the board shall have the right to supply water within the limits of supply and for that purpose may, whether within or without the limits of supply— Powers of board.

- (a) search, excavate and bore for water;
- (b) from time to time and at all times enter and encamp upon any land within the Union and make plans and surveys thereof, and search, dig, excavate, bore and carry out any other works necessary for the discovery or measurement of water or for meteorological observations on, in or under any land so entered upon: Provided—
 - (i) that at least seven clear days' notice be given to the owner and occupier (if any) of such land prior to the entry thereon by the board;
 - (ii) that the board shall do as little damage as may be to such land and shall make full compensation for all damage done by it, the amount thereof in case the parties differ to be settled by arbitration in manner and form *mutatis mutandis* provided by the Expropriation of Land and Arbitration Clauses Proclamation, 1902 (Proclamation No. 5 of 1902 (Transvaal));
 - (iii) that no entry or encampment shall be made or work done upon, in, under or within one hundred yards of any homestead, house, works or buildings, save with the consent of the owner or occupier thereof;
- (c) make surveys, plans, sections, maps, drawings and estimates;
- (d) take any steps or construct any temporary works necessary for the gauging or measurement of the water rising from any spring, well or fountain, or flowing in any stream, river, watercourse or channel;
- (e) take any steps necessary to determine the levels and direction of flow of water in any underground reservoirs or channels;
- (f) construct, purchase, maintain, alter or improve offices, buildings, waterworks, reservoirs, dams, watercourses, water-channels, pipes, conduits, cisterns, meters, water-cocks, culverts, filter beds, wells, shafts, pumping and other machinery and appliances, and cables, mains and lines on, above or below ground, roads, railway sidings and rolling-stock, bridges, embankments, cuttings and other works incidental to any of the purposes of the board;
- (g) purchase, lease or exchange voluntarily any land or rights therein or in connection therewith;

- (h) deur gedwonge koop, binne die Unie grond of regte daarin of in verband daarmee (behalwe waterregte) verkry wat redelikerwys nodig is vir die uitvoering en ontwikkeling van enige van die ondernemings wat kragtens die Ordonnansie van 1904 op die raad oorgegaan het, en die regte op water wat kragtens die Vaalrivier Uitbreidingskema Wet, 1934 (Wet No. 38 van 1934), en enige wysiging daarvan, aan die raad verseker is;
- (i) eiendom van die raad verkoop, verhuur of verruil;
- (j) pype vir die verskaffing van water met enige nodige kleppe, krane, meters of ander toebehore in verband daarmee, deur, bo-oor, op of oor openbare of private grond en 'n openbare pad, openbare plek of uitspanning binne die Unie, aanlê of voer en van tyd tot tyd herstel en in stand hou, en sodanige grond, pad of plek met voormelde doel betree: Met dien verstande—
- (i) dat kennis van minstens sewe volle dae, behalwe in die geval van dringende herstelwerk, gegee word aan die owerheid onder wie se bestuur of beheer gemelde openbare grond of pad is, of aan die eienaar of bewoner van enige private grond of pad, alvorens dit soos voormeld betree word;
- (ii) dat by voltooiing van sodanige werke die raad onverwyld die oppervlakte van sodanige grond, pad of ander plek so na as moontlik tot dieselfde toestand herstel waarin dit voor die aanvang van sodanige werke was, en dat die raad by die uitvoering daarvan die grond, pad of ander plek so min as moontlik beskadig en alle skade deur hom aangerig ten volle vergoed; die bedrag van die vergoeding, ingeval die partye verskil, word deur arbitrasie beslis op die wyse in artikel *vyf-en-twintig* bepaal;
- (iii) dat alle behoorlike en nodige voorsorg getref word om besering van persone of beskadiging van eiendom van persone wat van sodanige grond, pad of plek gebruik maak of daarop is, te voorkom;
- (iv) dat 'n pyp wat deur, bo-oor, op of oor sodanige grond, pad of ander plek gevoer of aangelê word, minstens vyftien duim, van die boonste oppervlak daarvan gemeet, onder die oppervlak van die grond moet wees behalwe waar so 'n pad oor 'n brug of dyk gaan;
- (k) hom by 'n maatskappy, firma of persoon verseker teen verlies, skade, risiko en aanspreeklikheid van enige aard wat die raad mag raak;
- (l) 'n sekretaris en tesourier en ander amptenare en dienare van die raad aanstel en besoldig, en hulle ontslaan;
- (m) wetgewing bevorder en bestry;
- (n) kontrakte aangaan vir die uitvoering deur ander persone van enigiets wat die raad kragtens hierdie Wet gemagtig word om te doen;
- (o) oor die algemeen kontrakte aangaan om uitvoering te gee aan die bevoegdhede van die raad;
- (p) van 'n persoon of persone wat myn- of prospekterwerksaamhede verrig, water wat in die loop van of as gevolg van sodanige werksaamhede beskikbaar gestel word, vrywillig koop of verkry;
- (q) grond wat die raad besit of huur, bewerk of andersins benut, en alle nodige uitrusting, masjinerie of gereedskap vir sodanige bewerking of benutting aanskaf en in stand hou;
- (r) geld aan samestellende owerhede leen op voorwaardes wat deur ooreenkoms bepaal word, met die doel om sulke owerhede in staat te stel om water wat die raad aan hulle verskaf, te bewaar, te verdeel en te meet;
- (s) alle ander werke verrig en dinge doen wat nodig of dienstig is om water te kry, te bewaar, te verkoop, te verdeel en te meet, en om 'n volledige stelsel of stelsels van waterwerke en waterverskaffing aan te bring, aan te lê en in stand te hou.

- (h) acquire by compulsory purchase any land within the Union or rights therein or in connection therewith (other than water rights) reasonably necessary for carrying out and developing any of the undertakings transferred to the board under the Ordinance of 1904 and the rights to water secured to the board by the Vaal River Development Scheme Act, 1934 (Act No. 38 of 1934), and any amendment thereof;
- (i) sell, lease or exchange any property of the board;
- (j) lay or carry through, over, on or across any land, public or private, and any public road, public place or outspan, within the Union, and from time to time repair and maintain any pipes for the supply of water with any necessary valves, cocks, meters or other accessories in connection with the same, and enter upon any such land, road or place for such purpose as aforesaid: Provided that—
- (i) at least seven clear days' notice, except in the case of urgent repairs, shall be given to the authority under whose management or control the said public land or road may be, or to the owner or occupier of any private land or road, before making any such entry as aforesaid;
 - (ii) on the completion of such works the board shall forthwith restore the surface of such land, road or other place to the same condition as near as may be as it was in before the commencement of such works, and in executing the same the board shall do as little damage as may be to such land, road or other place and shall make full compensation for all damage done by it, the amount thereof in case the parties differ to be settled by arbitration in manner provided by section *twenty-five*;
 - (iii) all proper and necessary precautions shall be taken to prevent injury to the persons or property of all persons using or being upon such land, road or place;
 - (iv) any pipe carried or laid through, over, on or across any such land, road or other place shall be at a depth measured from its upper surface of not less than fifteen inches below the surface of the ground except where any such road crosses a bridge or embankment;
- (k) insure with any company, firm or person against any losses, damages, risks and liabilities of any kind which may affect the board;
- (l) appoint and remunerate a secretary and treasurer and other officers and servants of the board, and dismiss the same;
- (m) promote and oppose legislation;
- (n) enter into contracts for the carrying out by other persons of any of the things which by this Act the board is authorized to do;
- (o) generally enter into contracts for the carrying out of the powers of the board;
- (p) purchase or acquire voluntarily from any person or persons engaged in mining or prospecting operations any water made available during the course or in consequence of such operations;
- (q) cultivate or otherwise turn to account any land owned or held on lease by the board and, for the purpose of such cultivation or turning to account, acquire and maintain all necessary plant, machinery or implements;
- (r) lend money upon terms to be settled by agreement to constituent authorities for the purpose of enabling such authorities to store, distribute and measure water supplied to them by the board;
- (s) do all other works and things necessary or expedient for obtaining, storing, selling, distributing and measuring water, and for installing, constructing and maintaining a complete system or systems of water works and water supply.

Bepalings aangaande uitoefening van dwangbevoegdheede.

25. Met betrekking tot die uitoefening van die bevoegdheid om grond of regte kragtens paragraaf (h) van artikel vier-en-twintig deur dwang te koop en tot die vergoeding wat daarop te betaal is, is die bepaling van artikels ses tot en met drie-en-twintig van die „Municipalities Powers of Expropriation Ordinance, 1903” (Ordonnansie No. 64 van 1903 (Transvaal)), behoudens die bepaling van hierdie Wet, *mutatis mutandis* van toepassing en word beskou dat hulle met die volgende wysigings by hierdie Wet ingelyf is:

- „council” word vervang deur „board” en „councillors” deur „members”;
- „municipality” word vervang deur „limits of supply”;
- „town clerk” word vervang deur „secretary”.

Bevoegdheid om koopprys met effekte of wissels te vereffen.

26. Die koopprys betaalbaar deur die raad vir grond of regte wat gekoop of verkry is, of vrywillig of deur gedwonge koop kragtens die bepaling van hierdie Hoofstuk, kan, indien die raad en die ander party aldus ooreenstem, geheel of gedeeltelik met effekte of wissels vereffen word op voorwaardes waarvoor ooreengekom word.

Verlyding van kontrakte.

27. Elke kontrak deur die raad aangegaan word geag behoorlik verly te wees indien dit onderteken is deur die voorsitter of deur een of meer lede van die raad wat by besluit van die raad daartoe gemagtig is, en alle sodanige kontrakte wat wettig aangegaan is, bind die raad en sy opvolgers en alle partye daarby.

Verskaffingsbevoegdheede.

28. Benewens verskaffingsbevoegdheede wat die raad mag verkry ingevolge die bepaling van artikel negen-en-twintig van hierdie Wet of ingevolge die bepaling van paragraaf (b) van artikel agt van die Vaalrivier Uitbreidingskema Wet, 1934 (Wet No. 38 van 1934), kan die raad water verskaf—

- (a) aan 'n samestellende plaaslike bestuur, aan die spoorwegadministrasie, aan myne binne die verskaffingsterrein, of aan 'n persoon wat binne genoemde terrein 'n onderneming voortsit vir die verskaffing van vervoer of vir die opwekking en verskaffing van lig, hitte en krag, of vir die behandeling van ertse of neweprodukte, of vir enige doel hoegenaamd wat aan die mynbou verbonde is;
- (b) aan enige ander persoon binne die verskaffingsterrein: Met dien verstande dat indien so 'n persoon binne die munisipaliteit van 'n samestellende plaaslike bestuur is, die toestemming van daardie bestuur eers verkry moet word.

Bevoegdheid om waterondernemings van samestellende plaaslike besture te verkry.

29. (1) Die raad kan met 'n samestellende plaaslike bestuur 'n ooreenkoms aangaan en, ondanks enige regsbeplanning betreffende die bevoegdheid van daardie bestuur, kan so 'n bestuur 'n ooreenkoms met die raad aangaan vir die verkryging deur en die oordrag op die raad van die wateronderneming van daardie bestuur.

(2) So 'n ooreenkoms het geen geldigheid hoegenaamd nie totdat die Administrateur van Transvaal by proklamasie in die *Provinsiale Koerant* verklaar het dat hy dit goedkeur; maar vanaf en na die datum van inwerkingtreding van so 'n proklamasie en solank dit van krag bly, word beskou dat die raad al die bevoegdheede besit en is hy onderhewig aan al die verpligtings wat by wet aan daardie samestellende plaaslike bestuur ten opsigte van die wateronderneming van daardie bestuur verleen of opgelê is, en solank daardie proklamasie van krag bly, word die bevoegdheede en verpligtings wat by wet aan daardie bestuur ten opsigte van sy wateronderneming verleen of opgelê is, opgeskort.

(3) Ondanks die bepaling van artikels agt-en-veertig en negen-en-veertig, indien die raad die wateronderneming van 'n samestellende plaaslike bestuur kragtens die bepaling van hierdie artikel verkry, kan hy bykomstige heffings vir die verskaffing van water deur middel van so 'n onderneming opleë wat genoeg is om voorsiening te maak vir die koste van die voortsetting van daardie onderneming, met inbegrip van huur-geld, as daar is, en vir die betaling van rente en delging ten opsigte van effekte of wissels waarvan die opbrengs aangewend is vir die verkryging, verbetering of uitbreiding van daardie onderneming: Met dien verstande dat die vaste koste ten opsigte van effekte of wissels waarvan die opbrengs aldus aangewend is, nie op die wyse deur artikels een-en-vyftig tot en met een-en-sestig voorgeskryf, gehef kan word nie.

(4) Die bevoegdheede wat kragtens die bepaling van hierdie artikel van 'n samestellende plaaslike bestuur op die raad oor-

25. With respect to the exercise of the power to purchase compulsorily any land or rights under paragraph (h) of section *twenty-four* and to the compensation payable thereon, the provisions of sections *six* to and including *twenty-three* of the Municipalities Powers of Expropriation Ordinance, 1903 (Ordinance No. 64 of 1903 (Transvaal)), shall, subject to the provisions of this Act, apply *mutatis mutandis* and shall be deemed to be incorporated in this Act with the following alterations:

Provisions as to exercise of compulsory powers.

for "council" shall be substituted "board" and for "councillors" "members";

for "municipality" shall be substituted "limits of supply";
for "town clerk" shall be substituted "secretary".

26. The purchase price payable by the board for any land or rights purchased or acquired, either voluntarily or by compulsory purchase under the provisions of this Chapter, may, if the board and the other party so agree, be discharged wholly or partly in stock or bills on such terms as may be agreed.

Power to satisfy purchase price in stock or bills.

27. Every contract made by the board shall be deemed to be duly executed if signed by the chairman or by one or more members of the board thereto authorized by resolution of the board, and all such contracts lawfully made shall bind the board and its successors and all parties thereto.

Execution of contracts.

28. In addition to any powers of supply which may be acquired by the board under the provisions of section *twenty-nine* of this Act or under the provisions of paragraph (b) of section *eight* of the Vaal River Development Scheme Act, 1934 (Act No. 38 of 1934), the board may supply water—

Powers of supply.

(a) to any constituent local authority, to the railway administration, to any mines within the limits of supply, or to any person carrying on within the said limits any undertaking for the supply of traction or for the generation and supply of light, heat and power, or for the treatment of ores or by-products, or for any purpose whatsoever incidental to mining;

(b) to any other person within the limits of supply: Provided that where such person is within the municipality of any constituent local authority the consent of such authority shall first be obtained.

29. (1) The board may enter into an agreement with any constituent local authority and, notwithstanding anything in the law governing the powers of that authority, such authority may enter into an agreement with the board for the acquisition by and transfer to the board of the water undertaking of that authority.

Powers to acquire water undertakings of constituent local authorities.

(2) No such agreement shall be of any validity whatsoever until the Administrator of the Transvaal shall, by proclamation in the *Provincial Gazette*, have declared his approval thereof; but from and after the date of the taking effect of that proclamation and so long as it remains in force, the board shall be deemed to have all the powers and shall be subject to all the duties conferred or imposed by law upon that constituent local authority in respect of the water undertaking of that authority, and so long as that proclamation remains in force the powers and duties conferred or imposed by law upon that authority in respect of its water undertaking shall be in abeyance.

(3) Notwithstanding anything contained in sections *forty-eight* and *forty-nine*, if the board shall acquire the water undertaking of any constituent local authority under the provisions of this section, it may impose such additional charges in respect of the supply of water by means of such undertaking as shall be sufficient to provide for the cost of carrying on such undertaking, including rent (if any), and for the payment of interest and redemption on any stock or bills, the proceeds of which have been used for the acquisition, improvement or extension of such undertaking: Provided that the fixed charges on any stock or bills, the proceeds of which have been so applied, shall not be leviable in the manner prescribed by sections *fifty-one* to and including *sixty-one*.

(4) The powers transferred to the board from any constituent local authority under the provisions of this section shall not

gedra word, sluit nie leningsbevoegdhe in nie, maar ten opsigte van 'n wateronderneming aldus op hom oorgedra, kan die raad leningsbevoegdhe wat van tyd tot tyd aan hom verleen is, uitoefen.

Verhuur van meters ens.

30. Die raad kan aan enige verbruiker 'n meter of toestel verhuur om die hoeveelheid water wat verskaf word te meet, asook enige pype of apparaat vir die oorbring, ontvangs of bewaar van die water, op die voorwaardes waaroor ooreengekom word.

Bevoegdheid om verordeninge te maak.

31. Die raad is bevoeg om verordeninge met enigteen van die volgende doeleindes te maak, te wysig en te herroep:

- (a) ter beskerming van die raad se eiendom;
- (b) ter voorkoming van die vermindering of verontreiniging van water wat aan die raad behoort of deur hom verskaf word;
- (c) ter reëling van die maak, in stand hou en herstel van waterbakke, meters, krane, kleppe of ander apparaat wat aan die raad of aan 'n verbruiker behoort;
- (d) ter voorkoming van die vermorsing of onwettige gebruik van water wat deur die raad verskaf word;
- (e) om sekerheid te eis vir die betaling van gelde verskuldig vir water deur die raad verskaf, om sodanige gelde in te vorder en betaling daarvan af te dwing:

Met dien verstande dat so 'n verordening nie in stryd met die bepalings van hierdie Wet gemaak word nie, en met dien verstande voorts dat so 'n verordening nie van krag word nie totdat dit deur die Goewerneur-generaal goedgekeur en in die *Staatskoerant* gepubliseer is.

Boetes vir oortreding van verordeninge.

32. Die raad kan by verordening 'n boete oplê vir 'n oortreding van 'n verordening kragtens hierdie Wet gemaak, en kan ook verskillende boetes in die geval van agtereenvolgende oortredings oplê, maar geen sodanige boete word opgelê van meer dan die som van vyftig pond nie en enige verordening kan bepaal dat benewens so 'n boete, enige onkoste deur die raad opgeloop as gevolg van 'n oortreding van so 'n verordening of met die verrigting van werk wat volgens voorskrif van die verordening deur 'n persoon verrig moet word en nie deur hom verrig is nie, betaal moet word deur die persoon wat die verordening oortree of versuim om sodanige werk te verrig.

HOOFSTUK IV.

FINANSIËLE BEPALINGS.

Deel 1: Reëling en Beheer van Finansies.

Finansies-komitee.

33. Die raad stel van tyd tot tyd 'n finansieskomitee aan vir die reëling en beheer van die finansies van die raad, en die raad gelas nie die betaling van enige som nie, hetsy op rekening van kapitaal of inkomste, behalwe ingevolge 'n besluit van die raad geneem op aanbeveling van die finansieskomitee, en geen koste, skuld of aanspreeklikheid wat vyftig pond te bowe gaan word aangegaan nie behalwe by besluit van die raad gegrond op 'n raming deur die finansieskomitee voorgelê.

Waterfonds.

34. Behoudens en behalwe die bepalings van artikel *een-en-veertig*, word alle ontvangste van die raad in die waterfonds gestort en word alle betalings deur die raad uit daardie fonds gedoen.

Toewysing aan fondse.

35. Onderworpe aan die beperkings in artikels *ses-en-dertig* en *negen-en-veertig* vervat, kan die raad uit die gelde wat hy uit die eenvormige belasting ontvang somme wat hy gepas ag toewys aan—

- (a) die reserwefonds om onvoorsiene uitgawes te bestry, of om die watertarieë gelyk te maak, of vir enige buitengewone instandhoudings- of herstelkoste, of ander buitengewone uitgawe, of vir die afskrywe van verlore of verlate bates, behalwe bates wat in die gewone loop van die raad se werksaamhede verslyt of uitgedien geraak het en wat teen die waardeverminderings- en vernuwingsfonds afgeskryf kan word;
- (b) die verbeteringsfonds vir kapitaaluitgawe of die verbetering van die raad se eiendom en ondernemings;
- (c) die waardeverminderings- en vernuwingsfonds vir die afskrywe van bates wat in die gewone loop van die raad se werksaamhede verslyt of uitgedien geraak het.

Beperking van bedrae wat aan fondse toegewys kan word.

36. Die bedrae wat ooreenkomstig artikel *vyf-en-dertig* in 'n jaar aan die reserwefonds, die verbeteringsfonds en die waardeverminderings- en vernuwingsfonds toegewys kan word,

include any borrowing powers, but the board may exercise in respect of any water undertaking so transferred to it any borrowing powers which may from time to time be vested in it.

30. The board may let to any consumer any meter or instrument for measuring the quantity of water supplied, and any pipes or apparatus for the conveyance, reception or storage of the water, on such terms as may be agreed. Letting of meters, etc.

31. The board shall have power to make, amend and rescind by-laws for any of the following purposes: Power to make by-laws.

- (a) for the protection of the property of the board;
- (b) for preventing the diminution or pollution of any water belonging to or supplied by the board;
- (c) for regulating the construction, maintenance and repair of any cisterns, meters, cocks, valves or other apparatus, the property of the board or of any consumer;
- (d) for preventing the waste or unlawful use of water supplied by the board;
- (e) for securing, recovering and enforcing payment of moneys due for water supplied by the board:

Provided that no such by-law shall be made contrary to the provisions of this Act, and provided further that no such by-law shall come into effect until it has been approved by the Governor-General and published in the *Gazette*.

32. The board may by by-law impose a penalty for any breach of any by-law made under this Act and may also impose different penalties in case of successive breaches, but no such penalty shall be imposed exceeding the sum of fifty pounds and any by-law may provide that, in addition to any such penalty, any expense incurred by the board in consequence of any breach of such by-law, or in the execution of any work directed by such by-law to be executed by any person and not executed by him, shall be paid by the person committing such breach or failing to execute such work. Penalties for breach of by-laws.

CHAPTER IV.

FINANCIAL PROVISIONS.

Part 1: Regulation and Control of Finance.

33. The board shall from time to time appoint a finance committee for regulating and controlling the finance of the board, and no order for the payment of any sum, whether on account of capital or income, shall be made by the board except in pursuance of a resolution of the board passed on the recommendation of the finance committee, and no costs, debt or liability exceeding fifty pounds shall be incurred except upon a resolution of the board based on an estimate submitted by the finance committee. Finance committee.

34. Save and except as is provided in section *forty-one*, all receipts of the board shall be carried to the water fund and all payments by the board shall be made out of that fund. Water fund.

35. Subject to the limitations contained in sections *thirty-six* and *forty-nine*, the board may appropriate out of the moneys received by it from the uniform rate such sums as it may deem proper to— Appropriation to funds.

- (a) the reserve fund, to meet contingencies, or for equalizing the charge for water, or for any extraordinary maintenance or repairs, or other extraordinary expenditure, or for writing off lost or abandoned assets, other than assets which have become worn out or obsolete in the ordinary course of the board's operations and which may be written off against the depreciation and renewals fund;
- (b) the betterment fund, for capital expenditure or the betterment or improvement of the board's property and undertakings;
- (c) the depreciation and renewals fund, for writing off assets which have become worn out or obsolete in the ordinary course of the board's operations.

36. The amounts which in terms of section *thirty-five* may be appropriated to the reserve fund, the betterment fund and the depreciation and renewals fund in any year shall not Limitation on amounts which may be appropriated to funds.

mag nie in die geheel een-derde van die inkomste uit die eenvormige belasting in daardie jaar verkry, oorskry nie, en die bedrag wat in 'n jaar aan een van genoemde fondse toegewys word, mag nie een-sesde van die inkomste uit die eenvormige belasting in daardie jaar verkry, oorskry nie: Met dien verstande dat—

- (a) die totale bedrag wat tot krediet van die reserwefonds opgegaan kan word nie meer mag wees nie dan die helfte van die jaarlikse totaal, in daardie jaar wanneer dié totaal die grootste is, van (i) die inkomste uit die eenvormige belasting verkry, en (ii) die bedrae wat verbruikers ten opsigte van die vaste koste betaal;
- (b) die totale bedrag wat tot krediet van die waardevermindering- en vernuwingsfonds opgegaan kan word nie meer mag wees nie dan vyf persent van die totale bedrag van die lenings, hetsy reeds afgelos of nog uitstaande, wat ten tyde van sodanige toewysing deur die raad aangegaan is.

Belegging van onbestede saldo's van reserwefonds, verbeteringsfonds en waardevermindering- en vernuwingsfonds.

37. Die onbestede saldo's van die reserwefonds, die verbeteringsfonds en die waardevermindering- en vernuwingsfonds kan belê word in die sekuriteite in artikel *drie-en-veertig* gemeld en die rente uit sodanige sekuriteite verkry, kom die waterfonds toe.

Rentefonds.

38. Die rentefonds word gebruik vir die betaling van rente op effekte en word gehandhaaf, aangewend en behandel soos hierna bepaal.

Oorplasing na rentefonds.

39. Daar word elke jaar vir die betaling van rente op effekte 'n bedrag na die rentefonds oorgeplaas wat gelyk is aan die gesamentlike bedrag van alle rente wat gedurende daardie jaar opgeloo het.

Delgingsfonds.

40. Die delgingsfonds word gebruik vir die delging van effekte en word gehandhaaf, aangewend en behandel soos hierna bepaal.

Betalings aan delgingsfonds.

41. Die somme hieronder uiteengesit word, wanneer hulle betaalbaar of ontvangbaar word, in die delgingsfonds gestort of daarna oorgeplaas:

- (a) die netto opbrengs van die verkoop van vaste eiendom wat aan die raad behoort;
- (b) alle ander inkomste van die raad ten opsigte van die verkoop van regte of belange van die aard van of gelyksoortig aan vaste eiendom of servitude;
- (c) die inkomste van die beleggings van die delgingsfonds;
- (d) die betalings in artikel *een-en-negentig* gemeld;
- (e) betalings wat kragtens die bepaling van sub-artikel (2) van artikel *vyf-en-veertig* vereis mag word:

Met dien verstande dat die opbrengs en inkomste in paragrafe (a) en (b) uiteengesit nie in die delgingsfonds gestort of daarna oorgeplaas hoef te word nie indien—

- (i) die opbrengs of inkomste binne ses maande na ontvangs daarvan deur die raad, aangewend word vir die verkryging van in bedoelde paragrafe gemelde bates;
- (ii) die bates wat verkoop word oorspronklik op 'n ander wyse deur die raad verkry is dan uit dié opbrengs van 'n lening; of
- (iii) die lening uit die opbrengs waarvan die bates verkry is, gedelg is:

Met dien verstande voorts dat indien die opbrengs of inkomste nie in die delgingsfonds gestort of daarna oorgeplaas word nie, dit deur die raad vir kapitaaluitgawe behou moet word.

Aanwending van delgingsfonds.

42. Die delgingsfonds word van tyd tot tyd aangewend ter delging van effekte ooreenkomstig die bepaling van hierdie Wet en kan ook aangewend word op die wyse en onderworpe aan die voorwaardes hierna bepaal:

- (a) Waar bevoegdheid aan die raad verleen is kragtens die bepaling van artikel *twee-en-sestig* om geld op te neem deur die uitgifte van effekte, kan sodanige bevoegdheid geheel of gedeeltelik uitgeoefen word deur vir dié doel enige geld te gebruik wat op enige tyd in krediet van die delgingsfonds staan.
- (b) In elke geval waar die raad voornemens is om die delgingsfonds vir bogenoemde doel te gebruik, moet hy eers 'n besluit neem waarby die uittrekking van die geld uit die delgingsfonds ooreenkomstig die hierin voorgeskrewe voorwaardes gemagtig word en waarin die rekening van bedoelde fonds waaruit die

exceed in all one-third of the revenue derived from the uniform rate in that year, and the amount appropriated to any one of the said funds in any year shall not exceed one-sixth of the revenue derived from the uniform rate in that year: Provided that—

- (a) the total amount which may be accumulated to the credit of the reserve fund shall not exceed one-half of the yearly total, in that year when such total is greatest, of (i) the revenue derived from the uniform rate, and (ii) the amounts paid by consumers towards the fixed charges;
- (b) the total amount which may be accumulated to the credit of the depreciation and renewals fund shall not exceed five per cent. of the total amount of the loans, whether already redeemed or still outstanding, which have been raised by the board at the time such appropriation is made.

37. The unexpended balances of the reserve fund, the betterment fund and the depreciation and renewals fund may be invested in the securities mentioned in section *forty-three* and the interest derived from such securities shall accrue to the water fund.

Investment of unexpended balances of reserve fund, betterment fund and depreciation and renewals fund.

38. The interest fund shall be utilized for the payment of interest on stock and shall be maintained, applied and dealt with as hereinafter provided.

Interest fund.

39. There shall be transferred to the interest fund in each year, for the payment of interest on stock, a sum equal to the aggregate amount of all interest accrued during such year.

Transfers to interest fund.

40. The redemption fund shall be utilized for the redemption of stock and shall be maintained, applied and dealt with as hereinafter provided.

Redemption fund.

41. There shall be paid or transferred to the redemption fund the sums specified below as and when they become payable or receivable:

Payments to redemption fund.

- (a) the net proceeds of any sales of fixed property belonging to the board;
- (b) all other incomings of the board in respect of any sales of rights or interests in the nature of or analogous to fixed property, easements or servitudes;
- (c) the income of the investments of the redemption fund;
- (d) the payments mentioned in section *ninety-one*;
- (e) any payments which may be required under the provisions of sub-section (2) of section *forty-five*:

Provided that the proceeds and incomings specified in paragraphs (a) and (b) need not be paid or transferred to the redemption fund if—

- (i) such proceeds or incomings are, within six months of receipt by the board, applied to the acquisition of assets referred to in the said paragraphs;
- (ii) the assets sold were originally acquired by the board otherwise than out of the proceeds of a loan; or
- (iii) the loan out of the proceeds of which the assets were acquired has been redeemed:

Provided further that, should such proceeds or incomings not be paid or transferred to the redemption fund, they shall be retained by the board for capital expenditure.

42. The redemption fund shall be applied from time to time in redemption of stock according to the provisions of this Act and may also be applied in the manner and subject to the conditions herein provided:

Application of redemption fund.

- (a) Where any power has been conferred on the board under the provisions of section *sixty-two* to raise money by the issue of stock, such power may be exercised either wholly or partially by using for this purpose any moneys for the time being standing to the credit of the redemption fund.
- (b) In every case where the board proposes to use the redemption fund for the above-mentioned purpose, it shall first pass a resolution authorizing the withdrawal of the moneys from the redemption fund in accordance with the conditions herein prescribed and specifying the account of the said fund from which

geld uitgetrek sal word, aangegee word, en, indien dit uit meer dan een sodanige rekening uitgetrek sal word, ook die bedrag wat uit elke sodanige rekening uitgetrek sal word.

- (c) Die bedrag wat uitgetrek sal word, moet gelyk wees aan die som wat op hierdie wyse opgeneem sal word.
- (d) By uittrekking van geld soos voormeld word onmiddellik dieselfde betalings gedoen en dieselfde prosedure *mutatis mutandis* nagekom asof daardie bedrag opgeneem is deur die uitgifte van nuwe effekte wat rente teen dieselfde koers dra as die effekte voorgestel deur die rekening waaruit gemelde bedrag uitgetrek is en wat terugbetaalbaar is op dieselfde datum waarop daardie effekte terugbetaalbaar is: Met dien verstande dat alle somme wat soos voormeld by wyse van rente ten opsigte van die aldus uitgetrokke bedrag betaalbaar is in die delgingsfonds gestort word op die rekening waaruit daardie bedrag uitgetrek is.

Belegging van delgingsfonds.

43. Die delgingsfonds word, vir sover dit nie onmiddellik vir die in artikel twee-en-veertig gemelde doeleindes nodig is nie, belê soos die raad mag bepaal in een of meer van die volgende effekte, fondse en sekuriteite:

- (a) die effekte, fondse en sekuriteite wat van tyd tot tyd in die reg van Engeland „trustee securities” genoem word;
- (b) die effekte en sekuriteite uitgegee of gewaarborg deur die regering van 'n dominium, kolonie of onderhorige gebied van die Britse Statebond;
- (c) die obligasies, verbande of obligasie-effekte van 'n spoorweg-, tremweë-, dokke-, hawe- of waterwerke-korporasie deur spesiale wetgewing binne die Britse Statebond gestig;
- (d) effekte en sekuriteite kragtens wetsgesag uitgegee deur 'n stedelike plaaslike bestuur in die Unie;
- (e) Randwaterraad-effekte: Met dien verstande dat effekte wat aldus gekoop word nie weer verkoop mag word nie;
- (f) die effekte of obligasies deur die Elektrisiteitsvoorsieningskommissie uitgegee ooreenkomstig die bepalings van die Elektrisiteit Wet, 1922 (Wet No. 42 van 1922), soos van tyd tot tyd gewysig.

Delgingsfonds mag nie verpand word nie.

44. Die raad mag nie 'n retensiereg of las op of teen die delgingsfonds of 'n deel daarvan of geld wat daartoe aangewend moet word, skep of voorgee om dit te skep nie, hetsy daar bepaal is dat dit daaropvolgend of onderhewig aan die enigste hierin bepaalde las is of andersins.

Rekenings van delgingsfonds.

45. (1) Alle behoorlike boeke en rekenings moet gehou en poste aangeteken word ten einde van tyd tot tyd die stand van die delgingsfonds en vefal die beleggings daarvan aan te toon. Volledige en uitvoerige rekenings van die delgingsfonds en die beleggings daarvan en van alle betalings en ontvangste in verband daarmee gedurende die jaar moet jaarliks saam met die algemene rekenings van die raad gepubliseer word in 'n vorm wat die Goewerneur-generaal goedkeur en 'n afskrif daarvan moet aan die Goewerneur-generaal verstrek word.

(2) Vir die doel van dié rekenings moet die raad elke jaar 'n waardering van die delgingsfonds laat doen. Die raad moet terselfdertyd vasstel wat die bedrag op die datum van die waardering sou wees van 'n amortisasiefonds saamgestel uit gelyke jaarlikse betalings ten opsigte van elke uitgifte van effekte, genoeg, indien dit met saamgestelde rente teen die koers van drie en 'n half persent per jaar ophoop, om al die uitstaande effekte van daardie uitgifte by afloop van dertig jaar vanaf die uitgifte daarvan of by afloop van enige tydperk van minder dan dertig jaar wat vir die delging van daardie effekte voorgeskryf mag gewees het, af te los: Met dien verstande dat die waardering van die amortisasiefonds ten aansien van 'n uitgifte van effekte nie vroeër dan twaalf maande na 'n deur die Goewerneur-generaal vasgestelde datum gedoen hoef te word nie, watter datum hoogstens drie jaar vanaf die datum van die uitgifte van daardie effekte moet wees. Indien blyk dat die waarde van die delgingsfonds minder is dan die bedrag van die amortisasiefondse saamgestel en opgehoop soos voormeld, moet die raad 'n bykomende betaling in die delgingsfonds laat doen sodat die waarde daarvan nie minder dan gemelde bedrag is nie.

Rekenings.

46. Die raad moet behoorlik boekhou van sy onderneming en elke jaar 'n balansstaat en ander rekenings soos op die een-en-dertigste dag van Maart opstel. Afskrifte van die balansstaat en rekenings moet saam met die ouditeursverslag

the moneys are to be withdrawn, and, if they are to be withdrawn from more than one of such accounts, the amount to be withdrawn from each such account.

- (c) The amount to be withdrawn shall be equal to the sum which is to be raised by this means.
- (d) Immediately on the withdrawal of such moneys as aforesaid, the same payments shall be made and the same procedure observed *mutatis mutandis* as if such amount had been raised by an issue of new stock bearing interest at the same rate as the stock represented by the account from which the said amount was withdrawn and repayable at the same date as such stock is repayable: Provided that all sums payable as aforesaid by way of interest on the amount so withdrawn shall be paid into the redemption fund to the account from which such amount was withdrawn.

43. The redemption fund, so far as not immediately required for the purposes mentioned in section *forty-two*, shall be invested as the board may direct in one or more of the following stocks, funds and securities:

- (a) the stocks, funds and securities from time to time styled in the law of England "trustee securities";
- (b) the stocks and securities issued or guaranteed by the government of any dominion, colony or dependency of the British Commonwealth;
- (c) the debentures mortgages or debenture stock of any railway, tramway, dock, harbour or waterworks corporation created by special legislative enactment within the British Commonwealth;
- (d) stocks and securities issued under the authority of law by any urban local authority in the Union;
- (e) Rand Water Board stock: Provided that any stock so purchased shall not again be sold;
- (f) the stock or debentures issued by the Electricity Supply Commission in accordance with the provisions of the Electricity Act, 1922 (Act No. 42 of 1922), as amended from time to time.

44. The board shall not create or purport to create any lien or charge upon or against the redemption fund, or any part thereof, or any moneys applicable thereto, whether expressed to be subsequent or subject to the sole charge hereinbefore expressed or otherwise.

45. (1) All proper books and accounts shall be kept and entries made to show from time to time the position of the redemption fund and in particular the investments thereof. Full and detailed accounts of the redemption fund and the investments thereof, and of all payments and receipts in connection therewith during the year, shall be published yearly with the general accounts of the board in a form to be approved by the Governor-General, and a copy thereof shall be furnished to the Governor-General.

(2) For the purpose of such accounts the board shall each year cause a valuation to be made of the redemption fund. The board shall at the same time ascertain what would be the amount at the date of such valuation of a sinking fund, constituted by equal annual payments in respect of each issue of stock, sufficient, if accumulated with compound interest at the rate of three and a half per cent. per annum, to redeem the whole outstanding stock of such issue at the expiration of thirty years from the issue thereof or at the expiration of any period, being less than thirty years, which may have been prescribed for the redemption of such stock: Provided that the valuation of the sinking fund in respect of an issue of stock need not be made earlier than twelve months after a date fixed by the Governor-General, which date shall be not more than three years from the date of issue of such stock. If it shall appear that the value of the redemption fund is less than the amount of such sinking funds constituted and accumulated as aforesaid, the board shall cause a further payment to be made into the redemption fund so that the value thereof shall be not less than the said amount.

46. The board shall keep proper books of account in relation to its undertaking and shall prepare as at the thirty-first day of March in each year a balance sheet and other accounts. Copies of such balance sheet and accounts, together with the

elke jaar voor die dertigste dag van September aan die Goewerneur-generaal en die samestellende owerhede gestuur word.

Ouditering.

47. (1) Die Goewerneur-generaal stel van tyd tot tyd een of meer persone aan om die rekenings van die raad te ondersoek, en die sekretaris moet alle boeke en rekenings van die raad met al die bewysstukke ter staving daarvan en alle boeke, dokumente en geskrifte waarvoor die raad beskik en wat daarop betrekking het, aan die aldus aangestelde persoon of persone voorlê. Die onkoste van en verbonde aan so 'n ouditering word deur die raad gedra en betaal.

(2) Vir die doeleindes van ouditering ingevolge die bepalings van sub-artikel (1) kan die ouditeur getuienis onder eed (en die ouditeur word hiermee gemagtig om so 'n eed af te neem) aanhoor, ontvang en ondersoek, en persone wat hy goed dink by wyse van dagvaarding deur hom onderteken ontbied om op 'n tyd en plek in die dagvaarding genoem persoonlik voor hom te verskyn en alle boeke en dokumente wat vir die ouditering nodig mag wees, voor te lê. 'n Persoon wat aldus ontbied word en sonder wettige verskoning weier om ooreenkomstig die dagvaarding te verskyn, of wat wel verskyn en weier om onder eed of plegtige verklaring ondervra te word, of om so 'n eed of plegtige verklaring af te lê, of nadat hy so 'n eed of plegtige verklaring afgelê het, om die vrae wat aan hom gestel word te beantwoord, is strafbaar met 'n boete van hoogstens twintig pond vir elke daad of oortreding en by wanbetaling met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens drie maande tensy die boete eerder betaal word: Met dien verstande dat daar nie beskou word dat 'n veroordeling kragtens hierdie artikel die veroordeelde persoon vrystel van aanspreeklikheid om die daad, saak of ding te doen of te verrig wat volgens vereiste deur hom gedoen of verrig moes word nie, of van agtereenvolgende veroordelings en bestraffings elke keer wanneer hy dieselfde daad doen of oortreding begaan.

(3) Die ouditeur keur elke betaling af wat gedoen is sonder behoorlike magtiging volgens wet en verhaal dit by wyse van strafterugvordering op die persoon of persone wat die onwettige betaling gedoen of gemagtig het, en belas die persoon wat daarvoor verantwoordelik is met die bedrag van 'n tekort of verlies weens die nalatigheid of wangedrag van daardie persoon opgehoop, of van 'n som wat deur daardie persoon in rekening gebring behoort te gewees het maar nie in rekening gebring is nie, en sertifiseer in elke geval die bedrag wat daardie persoon skuldig is. Elke som wat aldus deur die ouditeur gesertifiseer is, moet deur so 'n persoon binne veertien dae nadat dit aldus gesertifiseer is aan die sekretaris of ander beampte deur die raad aangestel betaal word en kan, indien dit nie aldus betaal word nie, op daardie persoon as 'n skuld verhaal word deur die ouditeur wie se redelike koste en onkoste deur so 'n proses meegebring, deur die raad aan hom betaal word. 'n Som wat aldus verhaal word, word aan die sekretaris of ander beampte deur die raad aangestel, betaal.

(4) Benewens die gewone pligte van ouditeurs is dit die plig van die ouditeur om minstens eenkeer elke jaar te sertifiseer hetsy al dan nie—

- (a) die rekenings van die raad in orde is;
- (b) die uitgereikte rekenings 'n getroue en juiste weergawe is van die finansiële stand van die raad en van sy transaksies en werksaamhede;
- (c) behoorlike voorsiening gemaak is vir die delging en terugbetaling van geld deur die raad in die vorm van effekte of andersins geleen;
- (d) die waarde van die bates van die raad juis opgegee is;
- (e) die bedrae wat beskikbaar is vir die dekking van waardevermindering en veroudering van uitrusting toereikend is;
- (f) al sy vereistes en aanbevelings as ouditeur nagekom en uitgevoer is.

Deel 2: Watertariewe.

48. (1) Vir alle water deur die raad verskaf, word betaal teen die tarief wat deur die raad vasgestel word. Betaling geskied by die raad se kantore voor of op die vyftiende dag van elke maand ten opsigte van water gedurende die vorige maand verskaf.

(2) Op alle bedrae wat ten opsigte van water gedurende 'n maand verskaf, betaalbaar word en wat nie soos hierby bepaal voor of op die vyftiende dag van die daaropvolgende maand betaal word nie, kan rente deur die raad gevra en ingevorder

Betaling vir water verskaf en rente op agterstallige betalings.

auditor's report, shall be transmitted to the Governor-General and to the constituent authorities before the thirtieth day of September in each year.

47. (1) The Governor-General shall from time to time appoint one or more persons to examine the accounts of the board, and the secretary shall produce and lay before the person or persons so appointed all books and accounts of the board with all vouchers in support of the same and all books, papers and writings in its power relating thereto. The expenses of and incidental to such audit shall be borne and paid by the board.

(2) For the purposes of any audit under the provisions of sub-section (1), it shall be lawful for the auditor to hear, receive and examine evidence upon oath (which oath such auditor is hereby empowered to administer) and by summons under his hand to require such persons as he may think fit to appear personally before him at a time and place to be stated in such summons, and to produce all such books and papers as may be necessary for such audit. Any person so required, who shall without lawful excuse refuse to attend in obedience to such summons, or who, having appeared, shall refuse to be examined on oath or affirmation, or to take such oath or affirmation, or, having taken such oath or affirmation, to answer such questions as shall be put to him, shall be liable to a penalty not exceeding twenty pounds for every act or offence and, in default of payment, to be imprisoned with or without hard labour for any period not exceeding three months, unless such fine be sooner paid: Provided that no conviction under this section shall be taken to exempt the person convicted from liability to do or perform the act, matter or thing required to be done or performed by him, or from being successively convicted and punished for every distinct commission of the same act or offence.

(3) The auditor shall disallow every payment made without due authority according to law and surcharge the same on the person or persons making or authorizing the illegal payment, and shall charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every case certify the amount due from such person. Every sum so certified by the auditor shall be paid by such person to the secretary or other official appointed by the board within fourteen days after the same has been so certified, and, if not so paid, may be recovered from such person as a debt by the auditor, who shall be paid by the board his reasonable costs and expenses incurred in such proceedings. Any sum so recovered shall be paid to the secretary or other official appointed by the board.

(4) It shall be the duty of the auditor, in addition to the ordinary duties of auditors, to certify not less than once in each year whether or not—

- (a) the accounts of the board are in order;
- (b) the accounts issued present a true and correct view of the financial position of the board and of its transactions and operations;
- (c) due provision has been made for the redemption and repayment of any moneys borrowed by the board whether in the form of stock or otherwise;
- (d) the value of the assets of the board has been correctly stated;
- (e) the amounts available to meet depreciation and obsolescence of plant are adequate;
- (f) all his requirements and recommendations as auditor have been complied with and carried out.

Part 2: Charges for Water.

48. (1) All water supplied by the board shall be paid for at the price fixed by the board. Payment shall be made at the board's offices on or before the fifteenth day of each month in respect of water supplied during the preceding month.

Payment for water supplied and interest on payments in arrear.

(2) On all sums which shall have become due in respect of water supplied during any month and which are not paid as herein provided on or before the fifteenth day of the next succeeding month, interest shall be chargeable and recoverable

word teen een persent vir elke maand of deel van 'n maand wat daardie bedrae onbetaal bly.

(3) Sodanige rente word bereken vanaf die vyftiende dag van die maand waarin die betrokke bedrae volgens die bepaling van sub-artikel (1) betaalbaar geword het, en kan op dieselfde wyse ingevorder word as bedrae verskuldig ten opsigte van water verskaf.

Eenvormige
belasting.

49. Die raad hef vir water deur hom aan alle verbruikers verskaf, 'n eenvormige belasting per duisend gelling, vasgestel op 'n bedrag wat, onderhewig aan sodanige beskikbaarstellings uit die reserwefonds as wat die raad nodig ag, na die mening van die raad voldoende is om voorsiening te maak vir—

- (a) betaling van alle bedryfskoste (nadat inkomste wat nie uit 'n heffing vir water verskaf, verkry is nie of wat nie volgens die vereiste van hierdie Wet op 'n ander wyse aangewend moet word nie, in aanmerking geneem is), met inbegrip van onderhoudskoste aangegaan met die uitvoering van die raad se ondernemings, alle onkoste verbonde aan die diens en beheer van alle effekte en wissels, geld wat volgens die raad van tyd tot tyd bepaal aan die verbeteringsfonds en die waardeverminderings- en vernuwingsfonds toegewys sal word en alle verliese op beleggings van geld wat aan die reserwefonds, die verbeteringsfonds en die waardeverminderings- en vernuwingsfonds behoort;
- (b) geld wat, soos die raad van tyd tot tyd mag bepaal, aan die reserwefonds toegewys sal word: Met dien verstande dat geen geld aan sodanige fonds toegewys word nie tensy die inkomste uit die eenvormige belasting verkry die bedrag oorskry wat nodig is om voorsiening te maak vir die betalings in paragraaf (a) genoem;
- (c) betaling van sodanige somme as wat die raad besluit om op krediet van vaste koste oor te plaas.

Besondere
belasting.

50. Benewens die eenvormige belasting kragtens artikel *negen-en-veertig* gehef, hef die raad—

- (a) ten aansien van water aan die houers van mynbriewe verskaf, 'n besondere belasting per duisend gelling wat soveel bedra dat die opbrengs daarvan na die mening van die raad genoeg sal wees om voorsiening te maak vir die betaling van minstens vyftig persent van die mynbydrae tot die vaste koste ooreenkomstig artikel *vier-en-vyftig* toegedeel;
- (b) ten aansien van water verskaf aan verbruikers behalwe die spoorwegadministrasie, die samestellende plaaslike besture en die houers van mynbriewe, 'n besondere belasting per duisend gelling deur die raad vasgestel op hoogstens driemaal en minstens die bedrag deur die raad bepaal deur die bedrag per duisend gelling te raam van die betalings in sub-artikel (1) van artikel *een-en-vyftig* uiteengesit, na aftrek van die bedrae in paragrafe (a), (c) en (d) daarvan bedoel, verdeel oor die totale hoeveelheid water wat gedurende 'n jaar of 'n gedeelte daarvan aan alle verbruikers verskaf sal word: Met dien verstande dat die raad in enige geval na goëddunke aan 'n verbruiker op wie hierdie besondere belasting van toepassing is, korting kan gee ten bedrae van die hele of 'n gedeelte van die bedrag waarmee sodanige besondere belasting die minimum bedrag wat kragtens hierdie paragraaf gehef kan word, oorskry.

Deel 3: Vaste Koste.

Omskrywing
van „vaste
koste”.

51. (1) Die uitdrukking „vaste koste” beteken die betalings wat kragtens artikel *negen-en-dertig* en paragraaf (e) van artikel *een-en-veertig* gedoen moet word ten opsigte van geld deur die raad opgeneem, tesame met enige betalings wat ten opsigte van sodanige geld kragtens paragraaf (d) van artikel *twee-en-veertig* en paragraaf (k) van artikel *sewe-en-negentig* vereis mag word, na aftrek van—

- (a) rente gedurende die jaar ontvangbaar uit die belegging van onbestede saldo's van die geld wat aldus opgeneem is;
- (b) netto inkomste gedurende die jaar verkry uit die besondere belasting kragtens paragraaf (b) van artikel *vyftig* gehef;
- (c) inkomste gedurende die jaar verkry uit die eenvormige belasting bo dié wat nodig is om voorsiening

by the board at the rate of one per cent. for every month or portion of a month during which those sums shall remain unpaid.

(3) Such interest shall be reckoned from the fifteenth day of the month in which the sums in question shall have become payable as provided in sub-section (1), and shall be recoverable in the same manner as sums due in respect of water supplied.

49. The board shall charge for water supplied by it to all consumers a uniform rate per one thousand gallons fixed at an amount which, subject to such appropriations as the board may consider should be made from the reserve fund, will be sufficient in the opinion of the board to provide for— Uniform rate.

- (a) payment of all working costs (after allowing for any income not derived from a charge for water supplied or not required by this Act to be applied in some other way), including maintenance incurred in carrying on the undertakings of the board, all expenses connected with the service and management of all stock and bills, moneys which the board may from time to time determine shall be appropriated to the betterment fund and the depreciation and renewals fund, and all losses on investments of moneys belonging to the reserve fund, the betterment fund and the depreciation and renewals fund;
- (b) moneys which the board may from time to time determine shall be appropriated to the reserve fund: Provided that no moneys shall be appropriated to such fund unless the revenue derived from the uniform rate exceeds what is necessary to provide for the payments specified in paragraph (a);
- (c) payment of such sums as the board may decide to transfer to the credit of fixed charges.

50. In addition to the uniform rate charged in terms of section *forty-nine* the board shall charge— Special rates.

- (a) in respect of water supplied to the holders of mining title a special rate per one thousand gallons of such amount that, in the opinion of the board, the proceeds thereof will be sufficient to provide for the payment of not less than fifty per cent. of the mining contribution to the fixed charges apportioned in terms of section *fifty-four*;
- (b) in respect of water supplied to consumers other than the railway administration, the constituent local authorities and the holders of mining title, a special rate per one thousand gallons fixed by the board at not more than three times and not less than the amount determined by the Board by estimating the amount per one thousand gallons of the payments specified in sub-section (1) of section *fifty-one*, after making the deductions referred to in paragraphs (a), (c) and (d) thereof, divided over the total quantity of water to be supplied to all consumers during any year or part thereof: Provided that it shall be lawful for the board in any case in which it may deem fit to rebate in whole or in part to any consumer to whom this special rate applies the amount by which such special rate exceeds the minimum amount chargeable in terms of this paragraph.

Part 3: Fixed Charges.

51. (1) The term "fixed charges" means the payments required to be made under section *thirty-nine* and paragraph (e) of section *forty-one* in respect of moneys raised by the board, together with any payments which may be required in respect of such moneys under paragraph (d) of section *forty-two* and paragraph (k) of section *ninety-seven*, after deducting therefrom— Definition of "fixed charges".

- (a) any interest receivable during the year from the investment of any unexpended balances of the moneys so raised;
- (b) any net revenue derived during the year from the special rate charged under paragraph (b) of section *fifty*;
- (c) any revenue derived during the year from the uniform rate in excess of that necessary to provide for the

te maak vir die betalings in paragrawe (a) en (b) van artikel *nege-en-veertig* uiteengesit;

- (d) rente vir die jaar verskuldig of betaalbaar ten opsigte van geld aldus opgeneem, wat ingevolge magtiging deur die bepalings van hierdie Wet verleen uit sodanige geld betaal kan word en wat daarkragtens werklik teen kapitaal in rekening gebring is.

(2) Die raad verdeel op sodanige wyse as wat hy goed dink die rente en inkomste uiteengesit in paragrawe (a), (b), (c) en (d) van sub-artikel (1) onder al die lenings wat van tyd tot tyd uitstaande mag wees.

Betaling van vaste koste.

52. Die vaste koste word deur die spoorwegadministrasie, die samestellende plaaslike besture en die houers van mynbriewe betaal en word deur die raad op die hierna bepaalde wyse toegeedeel en ingevorder.

Vaste koste ten opsigte van lenings in Tabel I.

53. Die vaste koste ten opsigte van die lenings in Tabel I van die Derde Bylae beskryf, word toegeedeel, gehef en ingevorder op die wyse deur artikels *vier-en-vyftig* tot en met *sewe-en-vyftig* bepaal.

Toedeling van vaste koste: Tabel I.

54. Die vaste koste in artikel *drie-en-vyftig* genoem, word ten opsigte van die ses maande wat op die eerste dag van April en die eerste dag van Oktober van elke jaar begin as volg deur die raad toegeedeel:

- (a) aan die spoorwegadministrasie: 'n bedrag (hierna „die spoorwegbydrae” genoem) gelyk aan vyf persent van die vaste koste vir die jaar;
- (b) aan die samestellende plaaslike besture: 'n bedrag (hierna „die munisipale bydrae” genoem) gelyk aan vyftig persent van die vaste koste vir die jaar;
- (c) aan die houers van mynbriewe: 'n bedrag (hierna „die mynbydrae” genoem) gelyk aan vyf-en-veertig persent van die vaste koste vir die jaar, maar sodanige bedrag word gekrediteer met enige somme wat die raad gedurende die jaar toekom ten opsigte van die besondere belasting wat kragtens paragraaf (a) van artikel *vyftig* gehef word: Met dien verstande dat ingeval die somme aldus gekrediteer die mynbydrae vir die jaar oorskry, die bedrag van sodanige oorskryding deur die raad aan die houers van mynbriewe terugbetaal word na verhouding van die bedrag wat gedurende sodanige jaar van elkeen ten opsigte van die genoemde besondere belasting aan die raad toekom.

Invordering van spoorwegbydrae: Tabel I.

55. Die spoorwegbydrae word op die volgende wyse gehef en ingevorder:

Die raad stuur na verstryking van elke halfjaar soos in artikel *vier-en-vyftig* omskryf, aan die spoorwegadministrasie 'n kennisgewing wat die bedrag van die spoorwegbydrae vir sodanige halfjaar en die datum waarop betaling moet geskied, aangee. Die datum van betaling aldus aangegee, moet minstens een-en-twintig dae na die af-sending van die kennisgewing wees.

Invordering van munisipale bydrae: Tabel I.

56. Die munisipale bydrae word op die volgende wyse gehef en ingevorder:

- (a) Die raad stel by verstryking van elke halfjaar, soos in artikel *vier-en-vyftig* omskryf, 'n staat op waarin die hoeveelheid water gedurende daardie halfjaar deur die raad aan elke samestellende plaaslike bestuur verskaf, aangegee word.
- (b) Wanneer sodanige staat deur die ouditeur as korrek gesertifiseer is, is dit afdoende bewys van die hoeveelheid water deur die raad aan elke samestellende plaaslike bestuur daarin genoem vir die daarin vermelde tydperk verskaf.
- (c) Die raad deel die munisipale bydrae toe aan die samestellende plaaslike besture na verhouding van die hoeveelheid water wat in die staat in die vorige paragraaf genoem, aangegee word as aan elke onderskeie samestellende plaaslike bestuur verskaf, en stuur aan elkeen aan die einde van elke halfjaar 'n kennisgewing wat die bedrag aangee deur elkeen van hul vir dié halfjaar betaalbaar, soos voormeld bepaal, asook die datum waarop betaling moet geskied. Die datum aldus aangegee, moet minstens een-en-twintig dae na die afsending van die kennisgewing wees.

payments specified in paragraphs (a) and (b) of section *forty-nine*;

- (d) any interest due or payable for the year in respect of the moneys so raised which by the provisions of this Act is authorized to be paid out of such moneys and which has actually been charged to capital in terms thereof.

(2) The board shall allocate in such manner as it may deem fit the interest and revenue specified in paragraphs (a), (b), (c) and (d) of sub-section (1) as between each of the loans outstanding from time to time.

52. The fixed charges shall be paid by the railway administration, the constituent local authorities and the holders of mining title, and shall be apportioned and recovered by the board in the manner hereinafter provided. Payment of fixed charges.

53. The fixed charges in respect of the loans described in Table I of the Third Schedule shall be apportioned, levied and recovered in the manner provided by sections *fifty-four* to and including *fifty-seven*. Fixed charges in respect of loans in Table I.

54. The fixed charges referred to in section *fifty-three* shall, in respect of the six months beginning on the first day of April and the first day of October in each year, be apportioned by the board as follows: Apportionment of fixed charges: Table I.

- (a) to the railway administration: an amount (hereinafter called "the railway contribution") equal to five per cent. of the fixed charges for the year;
- (b) to the constituent local authorities: an amount (hereinafter called "the municipal contribution") equal to fifty per cent. of the fixed charges for the year;
- (c) to the holders of mining title: an amount (hereinafter called "the mining contribution") equal to forty-five per cent. of the fixed charges for the year, but such amount shall be credited with any sums accruing to the board during the year in respect of the special rate charged under paragraph (a) of section *fifty*: Provided that, in the event of the sums so credited exceeding the mining contribution for the year, the amount of such excess shall be repaid by the board to the holders of mining title in proportion to the amount accruing to the board from each of them during such year in respect of the said special rate.

55. The railway contribution shall be levied and recovered in the following manner: Recovery of railway contribution: Table I.

The board shall, at the expiration of each half-year as defined in section *fifty-four*, transmit to the railway administration a notice specifying the amount of the railway contribution for such half-year and the date on which payment is to be made. The date of payment so specified shall be not less than twenty-one days after the transmission of the notice.

56. The municipal contribution shall be levied and recovered in the following manner: Recovery of municipal contribution: Table I.

- (a) The board shall, at the expiration of each half-year as defined in section *fifty-four*, prepare a statement showing the quantity of water supplied to each constituent local authority by the board during such half-year.
- (b) Such statement, when certified as correct by the auditor, shall be conclusive evidence of the quantity of water supplied by the board to each constituent local authority therein mentioned for the period stated therein.
- (c) The board shall apportion the municipal contribution among the constituent local authorities in proportion to the quantity of water shown in the statement referred to in the preceding paragraph as having been supplied to each constituent local authority respectively, and shall transmit to each of them at the end of each half-year a notice specifying the amount payable by each of them for such half-year ascertained as aforesaid and the date on which payment is to be made. The date so specified shall be not less than twenty-one days after the transmission of the notice.

Invordering van
mynbydrae:
Tabel I.

57. Die mynbydrae word op die volgende wyse gehef en ingevorder:

- (a) Solank as wat geld deur die raad opgeneem uitstaande bly, stuur die Staatsmyningenieur voor of op die dertigste dag van April en die een-en-dertigste dag van Oktober in elke jaar aan die raad 'n staat wat die aantal ton erts, grond of ander mineraalstowwe aangee, wat gedurende die ses maande geëindig op die laaste dag van die vorige maand vir die afskeiding van goud gebreek of gemaal is, uit grond wat binne die verskaffingsterrein kragtens 'n kleimlisensie, mynpagbrief, mynhuur of ander mynbrief gehou word, saam met die naam en adres van elke houer van so 'n kleimlisensie, mynpagbrief, mynhuur of ander mynbrief en die aantal ton uit daardie grond wat soos voormeld gebreek of gemaal is.
- (b) By ontvangs van elke sodanige staat deel die raad die mynbydrae toe aan die genoemde houters na verhouding van die aantal ton erts, grond of ander mineraalstowwe in sodanige staat aangegee as gebreek of gemaal uit grond wat deur hulle onderskeidelik gehou word.
- (c) Die raad stuur by verstryking van elke halfjaar aan elkeen van genoemde houters na die adres in die staat aangegee, 'n kennisgewing wat die bedrag aangee deur hom vir dié halfjaar betaalbaar, soos voormeld bepaal, asook die datum waarop betaling moet geskied. Die datum aldus aangegee, moet minstens een-en-twintig dae na die afsending van die kennisgewing wees.
- (d) 'n Staat ingevolge paragraaf (a) deur die Staatsmyningenieur verstrekk is afdoende bewys van die aantal ton erts, grond of ander mineraalstowwe gebreek of gemaal deur 'n daarin gemelde houer gedurende die tydperk deur die staat gedek.

Toedeling van
vaste koste:
Tabel II.

58. Die vaste koste ten opsigte van die lenings in Tabel II van die Derde Bylae beskryf, word op die volgende wyse toegeedeel, gehef en ingevorder:

- (a) Aan die einde van elke halfjaar, soos in artikel *vier-en-vyftig* omskryf, stel die raad 'n staat op wat die hoeveelheid water aangee wat onderskeidelik aan die spoorwegadministrasie, elke samestellende plaaslike bestuur en elke houer van mynbrief gedurende daardie halfjaar gelewer is, en wanneer so 'n staat deur die ouditeur as korrek gesertifiseer is, is dit afdoende bewys van die hoeveelheid water wat aan elkeen vir die daarin vermelde tydperk verskaf is.
- (b) Die raad deel die vaste koste ten opsigte van die in hierdie artikel vermelde lenings vir elke halfjaar toe aan die spoorwegadministrasie, die samestellende plaaslike besture en die houters van mynbriewe na verhouding van die hoeveelheid water wat die in paragraaf (a) bedoelde staat aangee as gedurende sodanige halfjaar aan elk van hulle onderskeidelik gelewer, en stuur na die einde van elke halfjaar aan elkeen 'n kennisgewing wat die bedrag aangee deur elkeen vir daardie halfjaar betaalbaar, soos voormeld bepaal, asook die datum waarop betaling moet geskied. Die datum aldus aangegee, moet minstens een-en-twintig dae na die afsending van die kennisgewing wees.

Vaste koste
ten opsigte
van ander
lenings.

59. Die vaste koste ten opsigte van ander lenings as dié in die Derde Bylae omskryf, word toegeedeel, gehef en ingevorder soos die raad mag bepaal—

- (a) op die wyse in artikel *drie-en-vyftig* uiteengesit; of
- (b) op die wyse in artikel *agt-en-vyftig* uiteengesit; of
- (c) gedeeltelik soos in paragraaf (a) voorgeskryf en gedeeltelik soos in paragraaf (b) voorgeskryf in die verhoudings wat die raad gelas:

Met dien verstande dat die vasstelling deur die raad met betrekking tot die toedeling, heffing en invordering van die vaste koste ten opsigte van enige sodanige lenings gedoen word as deel van die besluit van die raad in paragraaf (b) van artikel *ses-en-sestig* vermeld, en 'n voorwaarde van uitgifte in die sin van daardie paragraaf is.

57. The mining contribution shall be levied and recovered in the following manner:

Recovery of
mining
contribution:
Table I.

- (a) So long as any moneys raised by the board remain outstanding, the Government Mining Engineer shall, on or before the thirtieth day of April and the thirty-first day of October in every year, transmit to the board a statement showing the number of tons of ore, earth or other mineral substances, crushed or milled for the extraction of gold during the six months ended on the last day of the preceding month from ground within the limits of supply held under claim licence, mynpacht brief, mining lease or other mining title, together with the name and address of every holder of such claim licence, mynpacht brief, mining lease or other mining title, and the number of tons crushed or milled as aforesaid from that ground.
- (b) On receipt of every such statement the board shall apportion the mining contribution among the said holders in proportion to the number of tons of ore, earth or other mineral substances shown in such statement as having been crushed or milled from ground held by them respectively.
- (c) The board shall, at the expiration of every half-year, transmit to each of the said holders at the address shown in the statement a notice specifying the amount payable by him in respect of such half-year ascertained as aforesaid and the date on which payment is to be made. The date so specified shall be not less than twenty-one days after the transmission of the notice.
- (d) A statement transmitted by the Government Mining Engineer under paragraph (a) shall be conclusive evidence of the number of tons of ore, earth or other mineral substances, crushed or milled by any such holder therein mentioned during the period covered by that statement.

58. The fixed charges in respect of the loans described in Table II of the Third Schedule shall be apportioned, levied and recovered as follows:

Apportionment
of fixed charges
Table II.

- (a) At the end of each half-year, as defined in section *fifty-four*, the board shall prepare a statement showing the quantity of water delivered to the railway administration, each constituent local authority and each holder of mining title respectively during such half-year, and such statement, when certified as correct by the auditor, shall be conclusive evidence of the quantity of water supplied to each of them for the period stated therein.
- (b) The board shall apportion the fixed charges in respect of the loans referred to in this section for each half-year as between the railway administration, the constituent local authorities and the holders of mining title, in proportion to the quantity of water shown in the statement referred to in paragraph (a) as having been delivered to each of them respectively during such half-year, and shall transmit to each of them after the end of each half-year a notice specifying the amount payable by each of them for such half-year ascertained as aforesaid and the date on which payment is to be made. The date so specified shall be not less than twenty-one days after the transmission of the notice.

59. The fixed charges in respect of any loans, other than the loans described in the Third Schedule, shall be apportioned, levied and recovered as the board may determine—

Fixed charges
in respect of
other loans.

- (a) in the manner specified in section *fifty-three*; or
- (b) in the manner specified in section *fifty-eight*; or
- (c) partly as prescribed in paragraph (a) and partly as prescribed in paragraph (b) in such proportions as the board may direct:

Provided that the determination by the board in regard to the apportionment, levying and recovering of the fixed charges in respect of any such loans shall be made as part of the resolution of the board referred to in paragraph (b) of section *sixty-six*, and shall be a condition of issue within the meaning of that paragraph.

Invordering van vaste koste en rente op agterstallige betalings.

60. (1) Op 'n bedrag wat kragtens artikels *twee-en-vyftig* tot en met *negen-en-vyftig* aan die raad betaal moet word en op die datum in die onderskeie kennisgewing aangegee onbetaal is, word rente deur die raad gehef teen een persent vir elke maand of deel daarvan wat sodanige bedrag onbetaal bly, en dit kan ingevorder word asof dit deel is van die bydrae ten opsigte waarvan dit gehef word.

(2) Alle bedrae verskuldig en onbetaal op die datums aangegee soos hierin bepaal, kan deur die raad ingevorder word deur 'n aksie in 'n bevoegde hof.

Aparte rekening moet van die vaste koste gehou word.

61. (1) Die raad hou 'n aparte rekening van die vaste koste vir elke halfjaar waarin die betalings en aftrekkings in artikel *een-en-vyftig* vermeld, in besonderhede aangegee word, saam met die bydraes tot die vaste koste wat ooreenkomstig die bepalings van artikels *drie-en-vyftig* tot en met *negen-en-vyftig* bepaal is.

(2) Gemelde rekening word in twee dele verdeel wat Deel I en Deel II genoem word. In Deel I word die betalings, aftrekkings en bydraes in verband met 'n lening of deel daarvan waarop die vaste koste bereken word op die wyse in artikel *drie-en-vyftig* voorgeskryf, in rekening gebring. In Deel II word die betalings, aftrekkings en bydraes in verband met enige lening of deel daarvan waarop die vaste koste bereken word op die wyse in artikel *agt-en-vyftig* voorgeskryf, in rekening gebring.

(3) Wanneer die rekening in die vorige sub-artikels voorgeskryf, deur die ouditeur as korrek gesertifiseer is, is dit vir die doeleindes van die bepaling van die mynbydrae afdoende bewys van die bedrag van die opbrengs van die besondere belasting in paragraaf (a) van artikel *vyftig* vermeld.

(4) 'n Afskrif van so 'n rekening soos voormeld gesertifiseer, word by die kantoor van die sekretaris gehou en 'n samestellende owerheid of 'n persoon behoorlik deur sodanige owerheid skriftelik daartoe gemagtig, kan op enige redelike tyd so 'n rekening insien en 'n afskrif daarvan maak.

Deel 4: Leningsbevoegdhe.

Bevoegdhe om effekte of wissels uit te gee.

62. (1) Die raad kan van tyd tot tyd deur die uitgifte van effekte, geld in sodanige bedrae as wat die Goewerneur-generaal mag magtig, opneem met die doel om—

- (a) enige van die bevoegdhe, regte en voorregte wat deur wetgewing aan hom verleen is of hierna verleen mag word, uit te oefen;
- (b) enige effekte te eniger tyd voor die datum wanneer dié effekte ingevolge die bepalings van paragraaf (a) van artikel *ses-en-sestig* aflosbaar is, af te los;
- (c) die rente op enige effekte te betaal vir 'n tydperk van hoogstens vier jaar vanaf die datum van uitgifte van die effekte ten opsigte waarvan sodanige rente betaal word;
- (d) voorsiening te maak vir die koopprys van enige grond, water of waterregte, of onderneming deur die raad aangekoop of verkry, of vir die aflossing van enige obligasies, obligasie-effekte, verbandskuld of ander skuld, aanspreeklikheid of verpligting oorgedra op die raad by so 'n aankoop of verkryging.

(2) Ondanks die feit dat die hele nominale bedrag van enige uitgifte van effekte nie uitgegee is nie, kan die raad met die magtiging van die Goewerneur-generaal 'n verdere uitgifte van effekte maak wat van die vorige uitgifte verskil wat betref die rentekoers of termyn of ander voorwaardes van aflossing.

(3) In plaas van geld op te neem wat die raad kragtens sub-artikel (1) gemagtig is om deur die uitgifte van effekte op te neem, kan die raad dié geld of 'n gedeelte daarvan opneem deur middel van wissels uitgegee onderworpe aan die bepalings van artikel *sewe-en-negentig*.

Beperking van bedrae wat deur skepping en uitgifte van effekte opgeneem kan word.

63. Elke sodanige bevoegdheid om geld op te neem word so uitgelê dat dit die raad magtig om so 'n bedrag aan effekte te skep en om van tyd tot tyd sodanige nominale bedrae daarvan uit te gee as wat gesamentlik volgens die uitgifteprys nie 'n groter bedrag sal oplewer nie as die bedrag wat op die oomblik kragtens sodanige bevoegdheid opgeneem kan word.

Oortrekkings.

64. (1) Die raad kan van tyd tot tyd na gelang van omstandighede geld by wyse van oortrekking leen van enige bank wat op die oomblik as die bankiers van die raad optree. Sonder die toestemming van die Goewerneur-generaal mag so 'n oortrekking nie meer as vyftigduisend pond bedra nie nog vir 'n tydperk van langer as negentig dae duur.

60. (1) On any amount due to be paid to the board in terms of sections *fifty-two* to and including *fifty-nine* remaining unpaid on the date specified in the respective notice, interest shall be charged by the board at the rate of one per cent. for every month or portion thereof during which such amount remains unpaid and shall be recoverable as if it were portion of the contribution in respect of which it is charged.

Recovery of fixed charges and interest on payments in arrear.

(2) All amounts due and unpaid at the dates specified, as herein provided, may be recovered by the board by action in any competent court.

61. (1) The board shall keep a separate account of the fixed charges for each half-year, in which shall be detailed the payments and deductions mentioned in section *fifty-one*, together with the contributions to the fixed charges determined in accordance with the provisions of sections *fifty-three* to and including *fifty-nine*.

Separate account to be kept of the fixed charges.

(2) The said account shall be divided into two parts designated Part I and Part II. In Part I shall be brought to account the payments, deductions and contributions relating to any loan or part thereof on which the fixed charges are calculated in the manner prescribed in section *fifty-three*. In Part II shall be brought to account the payments, deductions and contributions relating to any loan or part thereof on which the fixed charges are calculated in the manner prescribed in section *fifty-eight*.

(3) The account prescribed in the preceding sub-sections shall, when certified as correct by the auditor, be conclusive evidence of the amount of the proceeds of the special rate referred to in paragraph (a) of section *fifty* for the purpose of determining the mining contribution.

(4) A copy of such account certified as aforesaid shall be kept at the office of the secretary, and any constituent authority, or any person duly authorized in writing by such authority, may at all reasonable times inspect and take a copy of such account.

Part 4: Borrowing Powers.

62. (1) The board may from time to time by the issue of stock raise moneys in such amounts as the Governor-General may authorize for the purpose of—

Powers to issue stock or bills.

- (a) exercising any of the powers, rights and privileges which have been or may be hereafter conferred upon it by legislation;
- (b) redeeming any stock at any time before the date when such stock is redeemable under the provisions of paragraph (a) of section *sixty-six*;
- (c) paying the interest on any stock for a period which shall not exceed four years from the date of issue of the stock in respect of which such interest is paid;
- (d) providing for the purchase price of any land, water or water rights, or undertaking purchased or acquired by the board, or for the redemption of any debentures, debenture stock, mortgage debt or other debt, liability or obligation, transferred to the board on any such purchase or acquisition.

(2) Notwithstanding that the whole nominal amount of any particular issue of stock has not been issued, the board may, with the authority of the Governor-General, make a further issue of stock differing from such previous issue as to rate of interest or term or other incidents of redemption.

(3) Instead of raising moneys which the board is authorized to raise under sub-section (1) by the issue of stock, the board may raise such moneys or part thereof by means of bills issued subject to the provisions of section *ninety-seven*.

63. Every such power to raise moneys shall be construed to authorize the board to create such an amount of stock, and from time to time to issue such nominal amounts thereof as will in the aggregate, according to the price of issue, produce an amount not exceeding the amount for the time being raisable under such power.

Limitation on amounts raisable by creation and issue of stock.

64. (1) It shall be lawful for the board from time to time as circumstances may require to borrow money by way of overdraft from any bank which for the time being may be acting as the bankers of the board. No such overdraft shall exceed the sum of fifty thousand pounds nor shall it extend for a period of more than ninety days without the sanction of the Governor-General.

Overdrafts.

(2) Behalwe soos voormeld mag die raad nie geld opneem of leen andersins as op die wyse en die voorwaardes in hierdie Wet voorgeskryf nie.

Deel 5: Voorwaardes van Uitgifte van Effekte.

Las deur effekte geskep.

65. Die waterfonds, die reserwefonds, die verbeteringsfonds en die waardeverminderings- en vernuwingsfonds, en al die inkomste en rente en al die eiendom wat aan die raad behoort, en alle belasting deur die raad of deur die hof ooreenkomstig die bepalings van hierdie Wet gehef, word met alle effekte en rente wat daarop verskuldig is of sal word, sonder onderskeid as 'n eerste las belas.

Uitgifte van effekte.

66. By enige uitgifte van effekte word die volgende bepalings nagekom:

- (a) Die effekte is aflosbaar binne 'n tydperk deur die Goewerneur-generaal of, by ontstentenis daarvan, deur die raad vasgestel: Met dien verstande dat sodanige tydperk in geen geval langer as dertig jaar is nie.
- (b) Die raad kan van tyd tot tyd onderworpe aan die bepalings van hierdie Wet by besluit die voorwaardes van uitgifte van enige effekte vasstel, met inbegrip van die rentekoers wat betaal sal word, die uitgifteprys, die nominale bedrae waarvoor effektesertifikate uitgereik sal word, die paalemente betaalbaar ten opsigte van die effekte, die makelaarsloon, kommissie of toelae wat in verband met die uitgifte betaal moet word (wat alles, tesame met enige ander uitgawe in verband daarmee, uit die opbrengs van die uitgifte betaal kan word), en sodanige ander bepalings as wat raadsaam mag wees vir die uitgifte en diens van die effekte, en kan by latere besluit sodanige voorwaardes van uitgifte verander of wysig met betrekking tot enige effekte wat nog nie uitgegee is nie.
- (c) Geen effektehouer geniet enige voorrang of voorkeur uit hoofde van die datum van uitgifte van die effekte deur hom gehou of op enige ander grond nie.

Vorm van effekte.

67. Alle effekte word as geregistreeerde effekte uitgegee: Met dien verstande dat effekte wat reeds ingevolge die bepalings van die Ordonnansie van 1904 as ingeskrewe effekte uitgegee is, nog aldus beskryf word maar ondanks sodanige beskrywing vir alle doeleindes behandel word asof dit geregistreeerde effekte is wat ooreenkomstig die bepalings van hierdie Wet uitgegee is.

Register van effekte.

68. (1) Die raad hou 'n register (hierna die „nominale register” genoem) van effekte in een of meer boeke wat ten opsigte van elke afsonderlike uitgifte van effekte die volgende besonderhede bevat, gerangskik onder afsonderlike hoofde:

- (a) die name en adresse van die eienaars op die oomblik van enige bedrag daarvan;
- (b) die bedrag van sodanige effekte deur elke eienaar gehou en die datum waarop die naam van enige persoon in die nominale register ten opsigte van sodanige effekte ingeskryf is.

(2) Sodanige register is *prima facie* bewys van enige sake wat volgens voorskrif of magtiging van hierdie Wet daarin ingeskryf word.

Bewaring van register.

69. Die nominale register kan in duplo wees en word gehou of deur die raad of deur die bank of agent wat die raad van tyd tot tyd met die bewaring van dié register belas, of gesamentlik deur die raad en deur so 'n bank of agent.

Stappe om die register in orde te bring.

70. (1) Indien die naam van 'n persoon sonder voldoende rede in die nominale register ingeskryf of daaruit weggelaat word, of indien 'n verkeerde of onbehoorlike inskrywing gemaak word, of indien versuim of onnodige vertraging met die maak van enige inskrywing in sodanige nominale register plaasvind, kan enige persoon wat hom veronreg voel, by die hof aansoek doen om die register in orde te laat bring. Die hof kan met betrekking tot so 'n aansoek volgens sy goëddunke 'n bevel gee wat die geskilpunt sowel as koste betref.

(2) Vir die doel van hierdie artikel beteken „die hof” die Transvaalse Provinsiale Afdeling of die Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika, en die regsbevoegdheid hierby verleen, kan op summere wyse *in camera* uitgeoefen word.

Insae.

71. (1) Enige persoon kan op enige redelike tyd die nominale register insien en van die registrateur afskrifte van of uittreksels uit die register verkry wat deur hom as getroue afskrifte of

(2) Save as aforesaid, it shall not be lawful for the board to raise or borrow money otherwise than in the manner and under the conditions prescribed in this Act.

Part 5: Conditions of Issue of Stock.

65. All stock and any interest due or to become due thereon shall be charged indifferently as a first charge on the water fund, the reserve fund, the betterment fund and the depreciation and renewals fund, and on the whole of the revenues and rents and on all property belonging to the board, and on all rates levied by the board or by the court in accordance with the provisions of this Act. Charge created by stock.

66. In any issue of stock the following provisions shall be observed: Issue of stock.

- (a) The stock shall be redeemable within a period fixed by the Governor-General or, in default thereof, by the board: Provided that such period shall not in any case exceed thirty years.
- (b) Subject to the provisions of this Act, the board may from time to time by resolution fix the conditions of issue of any stock, including the rate of interest to be paid, the price of issue, the denominations in which the stock is to be issued, the instalments payable in respect of the stock, the brokerage, commission or allowance to be paid in connection with the issue (all of which, together with any other expenses in connection therewith, may be paid out of the proceeds of the issue), and such other provisions as may be advisable for the issue and service of the stock, and may by subsequent resolution alter or modify such conditions of issue as regards any stock remaining unissued.
- (c) No holder of stock shall have any priority or preference by reason of the date of issue of the stock held by him or on any other ground.

67. All stock shall be issued as registered stock: Provided that stock already issued under the provisions of the Ordinance of 1904 as inscribed stock shall continue to be so described, but, notwithstanding such description, shall be dealt with for all purposes as if it were registered stock issued in accordance with the provisions of this Act. Form of stock.

68. (1) The board shall keep a register (hereinafter called the "nominal register") of stock in one or more books containing the following particulars, arranged under separate headings, in respect of each separate issue of stock: Register of stock.

- (a) the names and addresses of the owners for the time being of any amount thereof;
- (b) the amount of such stock held by each owner and the date at which the name of any person was entered in the nominal register in respect of such stock.

(2) Such register shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.

69. The nominal register may be in duplicate and shall be kept either by the board or by such bank or agent as the board shall from time to time entrust with the keeping of such register, or jointly by the board and by such bank or agent. Custody of register.

70. (1) If the name of any person is without sufficient cause entered in or omitted from the nominal register, or if any incorrect or improper entry is made, or if default is made or unnecessary delay takes place in making any entry in such nominal register, any person aggrieved may apply to the court for rectification of the register. The court may on such application make such order both with regard to the issue and as to costs as it may deem fit. Proceedings to rectify the register.

(2) For the purpose of this section "the court" means the Transvaal Provincial Division or the Witwatersrand Local Division of the Supreme Court of South Africa, and the jurisdiction hereby given may be exercised in a summary manner in chambers.

71. (1) Any person may inspect the nominal register at any reasonable time and may obtain from the registrar copies or extracts of the register certified by him to be true copies or Inspection.

uittreksels gewaarmerk is. 'n Aldus gewaarmerkte afskrif of uittreksel is toelaatbaar in getuienis, maar met voorbehoud van die reg van enige persoon om die juistheid daarvan te weerlê.

(2) Die raad kan 'n bedrag van hoogstens twee sjielings en ses pennies vir sodanige insae vorder en vir sodanige afskrifte of uittreksels 'n bedrag van hoogstens vyf sjielings, plus ses pennies vir elke vyftig woorde daarvan (drie syfers tel as een woord).

Effekte-
sertifikate.

72. Die raad reik gratis aan elke persoon wat geregtig is op effekte wat ten volle opbetaal is, 'n sertifikaat of sertifikate ten opsigte van sodanige effekte uit. So 'n sertifikaat het die vorm in die Vierde Bylae uiteengesit met sodanige wysigings, as daar is, as wat omstandighede mag vereis, en 'n *prima facie* bewys van die reg van die persoon daarin genoem op die effekte daarin aangegee.

Vernuwing
van
sertifikate.

73. Indien 'n effektesertifikaat verslete of beskadig is, kan die eienaar dit oorgee en vereis dat die raad dit rojeer en 'n dergelike sertifikaat uitreik. Die raad kan 'n bedrag van hoogstens vyf sjielings daarvoor vorder.

Verlore
sertifikate.

74. Indien 'n effektesertifikaat verlore raak of vernietig word, kan die eienaar, nadat hy bewys daarvan tot tevredenheid van die raad gelewer het en teen betaling van alle koste en uitgawe redelikerwys deur die raad aangegaan en by verskaffing van skadeloosstelling tot tevredenheid van die raad, vereis dat die raad 'n dergelike sertifikaat uitreik. Die raad kan 'n bedrag van hoogstens vyf sjielings daarvoor vorder.

Effekte-oordrag-
registers.

75. Die raad hou registers (hierna „effekte-oordragregisters” genoem) waarin besonderhede van alle oordragte van effekte ingeskryf word.

Oordrag van
effekte.

76. Onderworpe aan die volgende bepalings kan effekte oorgedra word by wyse van skriftelike dokument van oordrag:

- (a) Die dokument van oordrag kan wees of—
 - (i) 'n ander dokument as die effektesertifikaat, of
 - (ii) 'n sessie geëndosseer op die effektesertifikaat in die vorm in die Vyfde Bylae uiteengesit met sodanige wysigings, as daar is, as wat omstandighede mag vereis.
- (b) Die dokument van oordrag het alleen op die oordrag betrekking en bevat hoegenaamd geen verhaal, trust, bevoegdheid of voorbehoud nie: Met dien verstande dat die dokument van oordrag 'n trust kan bevat indien die raad ingestem het om sodanige trust ooreenkomstig artikel *vyf-en-negentig* te erken.
- (c) Die skriftelike dokument van oordrag, tesame met die effektesertifikaat waarop dit betrekking het en die besonderhede in paragraaf (a) van sub-artikel (1) van artikel *agt-en-sestig* voorgeskryf, word by die registrateur vir registrasie van die oordrag ingelewer.
- (d) Totdat sodanige oordrag geregistreer is, word die raad nie daardeur of deur enige kennisgewing daarvan of enige aansprake of eise wat heet uit hoofde daarvan te wees, geraak nie.

Ondersoek
van regte
voor oordrag.

77. Voordat enige oordrag geregistreer word, kan die raad of die registrateur bewys tot sy tevredenheid vereis van die regte van enige persoon wat aanspraak maak op die reg om 'n oordrag te doen, te ontvang of daarop geregtig te wees.

Sluiting van
registers.

78. Die nominale register en die effekte-oordragregisters of enige dele daarvan kan op die tyd of tye wat die raad goed dink gesluit word, maar so dat sodanige registers nie vir langer as vyftien dae op 'n slag gesluit gehou word nie. Behoorlike kennis van sodanige voorgenome sluiting word gegee minstens veertien dae voor die sluitingsdatum by wyse van kennisgewing gepubliseer in een of meer nuusblaai in omloop in Johannesburg en in enige ander plek waar sodanige registers gehou word. Gedurende die tydperk waarvoor sodanige registers gesluit is, word geen oordrag van effekte geregistreer nie.

Betaling van
rente op
effekte.

79. Die betaling van rente op effekte geskied op die plek of plekke wat die raad in die voorwaardes van uitgifte bepaal, by wyse van tjek of bankwissel wat gepos word aan die geregistreerde adres op die oomblik van elke geregistreerde eienaar van sodanige effekte, of sodanige ander adres as wat die geregistreerde eienaar skriftelik mag gelas.

Ondersoek
van regte voor
betaling van
rente.

80. Die raad kan, voordat hy die betaling van rente op effekte veroorloof, bewys vereis van die regte van 'n persoon wat op sodanige rente aanspraak maak.

extracts. Any copy or extract so certified shall be admissible in evidence, but without prejudice to the right of any person to disprove the correctness thereof.

(2) The board may charge for such inspection a fee not exceeding two shillings and sixpence, and for such copies or extracts a fee not exceeding five shillings, with the addition of sixpence for every fifty words thereof (three figures to count as one word).

72. The board shall issue free of charge to each person Stock entitled to stock paid up in full, a certificate or certificates in certificates. respect of such stock. Such certificate shall be in the form set forth in the Fourth Schedule with such variations (if any) as circumstances may require, and shall be *prima facie* evidence of title of the person named therein to the stock therein specified.

73. If any stock certificate is worn out or damaged, the owner, Renewal of on surrendering the same, may require the board to cancel it certificates. and issue a similar certificate. The board may charge a fee therefor not exceeding five shillings.

74. If any stock certificate is lost or destroyed, the owner, Lost certificates. on proof of the same to the satisfaction of the board, and on payment of all costs and expenses reasonably incurred by the board, and on giving indemnity to the satisfaction of the board, may require the board to issue a similar certificate. The board may charge a fee therefor not exceeding five shillings.

75. The board shall keep registers (hereinafter called "stock Stock transfer transfer registers") wherein particulars of all transfers of registers. stock shall be entered.

76. Stock shall be transferable by written instrument of Transfer of stock. transfer subject to the following provisions:

- (a) The instrument of transfer may be either—
 - (i) a document separate from the stock certificate, or
 - (ii) a cession endorsed on the stock certificate in the form set forth in the Fifth Schedule with such variations (if any) as circumstances may require.
- (b) The instrument shall relate only to the transfer and shall not contain any recital, trust, power or proviso whatever: Provided that the instrument may contain a trust if the board has agreed to recognize such trust in terms of section *ninety-five*.
- (c) The written instrument of transfer, together with the certificate of stock to which it relates and the particulars specified in paragraph (a) of sub-section (1) of section *sixty-eight*, shall be lodged with the registrar for registration of the transfer.
- (d) Until any such transfer has been registered, the board shall not be affected by the same, or any notice thereof, or any claims or demands purporting to be by virtue thereof.

77. Before any transfer is registered, the board or the registrar may require proof to its or his satisfaction of the title of any person claiming a right to make, receive or be entitled to a transfer. Investigation of title before transfer.

78. The nominal register and the stock transfer registers Closing of the registers. or any parts thereof may be closed at such time or times as the board may think fit, but so that such registers be not at any one time kept closed for more than fifteen days. Due notice shall be given of such intended closing by notice published in one or more newspapers circulating in Johannesburg and in any other place where such registers may be kept, at least fourteen days before the date of such closing. During the period for which such registers are closed no transfer of stock shall be registered.

79. The interest on stock shall be paid at such place or places as the board may fix in the conditions of issue, by cheque or Payment of interest on stock. banker's draft to be posted to the registered address for the time being of each registered owner of such stock, or such other address as the registered owner may in writing direct.

80. The board, before allowing the payment of any interest on any stock, may require evidence of the title of any person claiming such interest. Investigation of title before paying interest.

- Betaling deur die pos.** 81. Die pos deur of namens die raad van 'n brief wat 'n tjeek of wissel bevat, gerig aan die eienaar van effekte by die adres in artikel *negen-en-sewentig* bedoel, staan wat betref die aanspreeklikheid van die raad of van 'n bank of agent belas met die betaling van sodanige rente of 'n amptenaar daarvan, gelyk met die aflewering daarvan aan die eienaar self.
- Gesamentlike eienaars.** 82. Waar meer persone as een geregistreer is as die gesamentlike eienaars van effekte kan 'n tjeek of wissel soos voormeld ter betaling van die rente op sodanige effekte aan enigeen van hulle afgelewer of gepos word, en enigeen van hulle kan 'n geldige ontvangsbewys uitreik vir rente wat verskuldig is, tensy teenkennis met betrekking tot enigeen van dié aangeleenthede skriftelik aan die raad of voornoemde bank of agent gegee is.
- Aflossing.** 83. Enige effekte wat nie tevore gerojear is nie, word op die datum vir aflossing deur die voorwaardes van uitgifte vasgestel, betaalbaar teen die nominale bedrag daarvan, en sodanige bedrag tesame met enige rente dan verskuldig word aan die eienaar van sodanige effekte betaal.
- Versuim met betaling van rente.** 84. Indien rente op effekte verskuldig te eniger tyd onbetaal bly vir drie maande nadat 'n skriftelike eis daarom by die sekretaris ingedien is deur die persoon wat daarop geregtig is of sy behoorlik gemagtigde verteenwoordiger, kan geregtelike stappe om betaling af te dwing gedoen en voortgesit word onderworpe aan die bepalings vervat in artikels *vyf-en-tagtig* en *ses-en-tagtig*.
- Stappe om betaling af te dwing.** 85. Die eienaar van effekte ten opsigte waarvan sodanige versuim plaasgevind het, kan by 'n bevoegde hof aansoek doen om die aanstelling van 'n ontvanger van die bates belas met die betaling van die hoofsom van en rente op die effekte. By die verhoor van so 'n aansoek kan die hof so 'n bevel gee en sodanige voorskrifte uitreik as wat onder die omstandighede dienstig voorkom vir die verkryging en betaling van die verskuldigde gelde. Die hof kan in die besonder beveel en verklaar dat 'n belasting of belastings van die bedrag of bedrae wat hy vasstel, op alle belasbare eiendom en op alle eienaars van kleims, kleingebiede en mynpage binne die verskaffings-terrein deur die ontvanger gehef word op die wyse in artikels *agt-en-negentig* tot en met *honderd-en-nege* uiteengesit, en die opbrengs daarvan word geregtelik inbetaal of andersins betaal soos die hof gelas. Vir doeleindes van hierdie artikel oefen die ontvanger al die bevoegdheid om belastings te hef uit wat deur artikels *agt-en-negentig* tot en met *honderd-en-nege* aan die raad verleen is: Met dien verstande dat die uitoefening van sodanige bevoegdheid deur die ontvanger nie die toestemming van die Goewerneur-generaal nodig het nie.
- Verdere stappe.** 86. Ingeval sodanige versuim met die betaling van rente in sy geheel of gedeeltelik vir 'n verdere tydperk van drie maande voortgaan, kan voornoemde eienaar of eienaars by die hof aansoek doen om 'n verklaring dat die hoofsom van al die effekte wat op die oomblik uitstaande is, betaalbaar geword het, en die hof doen sodanige verklaring dienooreenkomstig tesame met alle sodanige gevolglike bevels en verklarings tensy hy oortuig is dat dit in die belang van eienaars van effekte raadsaam is om die aansoek anders te behandel, en in so 'n geval kan die hof die aansoek uitstel en uiteindelik 'n bevel gee of weier na gelang van omstandighede.
- Versuim met terugbetaling van hoofsom.** 87. Ingeval daar versuim van een maand plaasvind met die betaling van die hoofsom van effekte wat terugbetaalbaar geword het, kan geregtelike stappe *mutatis mutandis* soortgelyk aan dié in artikels *vyf-en-tagtig* en *ses-en-tagtig* voorgeskryf op versoek of aansoek van 'n eienaar van effekte gedoen en voortgesit word. Die hof kan ook 'n realisering van die delgingsfonds beveel of 'n verkoop van enige bates soos voormeld belas, en kan so 'n bevel gee as wat hy goed dink vir die behoorlike uitvoering van die verkoop of realisering en vir die aanwending van die geld daardeur opgelewer.
- Inagneming van begeertes van effekte-houers.** 88. (1) By die gee of weiering van 'n bevel soos voormeld neem die hof die begeertes van die effekte-eienaars as 'n geheel in ag, en kan hy gelas dat vergaderings gehou word om sodanige begeertes te verneem en alle nodige voorskrifte betreffende sodanige vergaderings uitreik, en kan hy beveel dat persone wat nie partye by die proses is nie partye gemaak word en geding word.
- (2) 'n Bevel wat gegee word, word geag gegee te wees ten behoeve van en tree in werking in belang van al die effekte-eienaars wat belang het by of geraak word deur so 'n bevel.

81. The posting by or on behalf of the board of a letter containing a cheque or draft addressed to an owner of stock at the address referred to in section *seventy-nine* shall, as regards the liability of the board or of any bank or agent entrusted with the payment of such interest, or any official thereof, be equivalent to the delivery of the same to such owner himself. Payment through
the post.

82. Where more persons than one are registered as the joint owners of stock, a cheque or draft as aforesaid in payment of the interest on such stock may be delivered or posted to any one of them, and any one of them may give an effectual receipt for any interest due, unless as to either matter notice to the contrary has been given in writing to the board, or the bank or agent aforesaid. Joint owners.

83. Any stock not previously cancelled shall, on the date fixed for redemption by the conditions of issue, become payable at the nominal amount thereof, and such amount shall, together with any interest then due, be paid to the owner of such stock. Redemption.

84. If at any time any interest due on any stock remains unpaid for three months after demand therefor in writing has been lodged with the secretary by the person entitled thereto or his duly authorized representative, proceedings to enforce payment may be instituted and proceeded with subject to the provisions contained in sections *eighty-five* and *eighty-six*. Default in
payment of
interest.

85. The owner of any stock in respect whereof such default has been made may apply to any competent court for the appointment of a receiver of the assets charged with the payment of the principal and interest of the stock. On the hearing of such application, the court may make such order and give such directions as under the circumstances shall seem expedient for raising and payment of the moneys due. In particular the court may order and declare that a rate or rates of such amount or amounts as it shall fix be levied upon all rateable property and upon all owners of claims, claim areas and mynpachts within the limits of supply by the receiver in the manner set forth in sections *ninety-eight* to and including *one hundred and nine*, and the proceeds thereof shall be paid into court or otherwise as the court shall direct. For the purposes of this section the receiver shall exercise all the powers to levy rates conferred upon the board by sections *ninety-eight* to and including *one hundred and nine*: Provided that the exercise of such powers by the receiver shall not require the sanction of the Governor-General. Proceedings
to enforce
payment.

86. In the event of such default in payment of interest in whole or part being continued for a further period of three months, the owner or owners aforesaid may apply to the court for a declaration that the principal of all the stock for the time being outstanding has become due and the court shall make such declaration accordingly with all such consequential orders and declarations, unless satisfied that in the interest of owners of stock it would be advisable to deal otherwise with the application, and in such case the court may postpone the application and may ultimately make or refuse an order according to the circumstances. Further
proceedings.

87. In case default for one month shall be made in payment of the principal of any stock which has become repayable, then the like proceedings *mutatis mutandis* as specified in sections *eighty-five* and *eighty-six* may be instituted and proceeded with at the suit or on the application of any owner of stock. The court may also order a realization of the redemption fund or a sale of any assets charged as aforesaid, and may make such order as it shall deem fit for the due carrying out of such sale or realization and for the application of moneys raised thereby. Default in
repayment of
principal.

88. (1) In making or refusing any order as aforesaid the court shall have regard to the wishes of the owners of stock as a whole, and may order meetings to be held to ascertain such wishes and give all necessary directions as to such meetings, and may direct any persons not parties to the proceedings to be made parties and to be served. Regard to
wishes of
stockholders.

(2) Any order made shall be deemed to be made on behalf of and shall inure to the benefit of all the owners of stock interested in or affected by such order.

Stappe in
geval van
nie-nakoming
van bepalinge
van Wet.

89. (1) Indien dit te eniger tyd blyk dat die raad versuim het om die vereistes van hierdie Wet na te kom met betrekking tot enige betaling, aanwending of belegging in verband met effekte of die delgingsfonds, kan enige persoon wat hom daardeur veronreg voel, of die Sekretaris van Gesondheid, die saak onder die aandag van die raad bring en versoek dat die versuim herstel word.

(2) Indien die raad in gebreke bly om aan sodanige versoek te voldoen is die hof bevoeg om op aansoek van so 'n persoon te beveel dat die bepalinge van hierdie Wet behoorlik uitgevoer moet word.

(3) Vir die doel van hierdie artikel beteken „die hof” die Transvaalse Provinsiale Afdeling of die Witwatersrandse Plaaslike Afdeling van die Hooggeregshof van Suid-Afrika, en die regsbevoegdheid hierby verleen, kan op summere wyse *in camera* uitgeoefen word.

Getuienis.

90. In enige siviele of strafregtelike aksie of ander proses in verband met effekte of die regte of belange van persone wat beweer dat hulle aanspraak daarop het, of beweerde oortredings ten opsigte van effekte, is afskrifte van inskrywings in of uittreksels uit die nominale register of die effekte-oordragregisters, of enige boek of stuk van die raad of van enige bank of agent in artikels *negen-en-sestig* of *een-en-tagtig* bedoel, behoorlik deur die sekretaris of registrateur as juis gewaarmerk deur sy handtekening, toelaatbaar in getuienis in enige hof in die Unie, maar die hof waarby sodanige aksie of proses aanhangig is, kan op goeie grond beveel dat die oorspronklike van enige van voornoemde boeke of stukke oorgelê word.

Onopgeëiste
rente.

91. Indien rente te eniger tyd nie op die tyd vir betaling daarvan geëis word nie en vir 'n tydperk van twee jaar daarna onopgeëis bly, word die bedrag daarvan in die delgingsfonds gestort sonder om afbreuk te doen aan die reg van enige persoon om te eniger tyd daarna sy aanspraak op sodanige rente te bewys, wat daarop aan hom betaal word minus enige koste en uitgawe van die raad in verband met die bewys van die aanspraak, maar sonder enige rente ten opsigte van die tydperk wat sodanige bedrag onbetaal gebly het.

Onopgeëiste
effekte.

92. (1) Indien aan die einde van die tydperk waarin enige effekte afgelos moet word die raad nie in staat is om enige sodanige effekte af te los nie omdat die eienaar daarvan onbekend is of nie ter beskikking is nie, belê die raad 'n bedrag gelyk aan die nominale waarde van sodanige effekte in sekuriteite waarin die delgingsfonds belê mag word en daarop word beskou dat sodanige effekte afgelos is.

(2) Enige bedrag wat soos voormeld belê is, word, tensy dit gebruik word om aan 'n wettige eis ten opsigte van die effekte wat dit voorstel te voldoen, soos voormeld in belegging gehou vir 'n tydperk van tien jaar, waarna dit deur die raad na die Voogdyfonds oorgeplaas word.

Beskerming
van persone
wat effekte te
goeder trou
neem.

93. 'n Persoon wat te goeder trou om effekte aansoek doen by die uitgifte daarvan, of effekte koop, neem of hou nadat dit eenmaal uitgegee is, of geld te goeder trou aan die raad voorskiet vir of teen onderpand van effekte wat uitgegee is of gaan word, hoef nie ondersoek in te stel of kennis te neem of die skepping of uitgifte daarvan kragtens die uitgifte- of leningsbevoegdhede van die raad of andersins ooreenkomstig enige wetsbepalinge betreffende sodanige leningsbevoegdhede gemagtig was of nie, en of die raad of enige vergadering daarvan behoorlik saamgestel of belê was of nie, en of die verrigtings op 'n vergadering van die raad wettig en geldig of reëlmatig was of nie, en of die voorwaardes van uitgifte geldig was of behoorlik nagekom is of nie, of toe te sien nie wat betref die aanwending van enige geld deur die effekte opgelewer. As 'n effektesertifikaat, geldig wat die vorm betref, eenmaal uitgereik is, na bewering deur of namens die raad, aan 'n persoon wat dit te goeder trou en teen geldige teenprestasie neem, is dit vir alle doeleindes wettig en geldig in die besit van sodanige persoon en van enige persoon wat dit van of deur hom neem, ondanks enige gebrek, onreëlmatigheid of onwettigheid in die skepping of uitgifte van enige van die effekte ten opsigte waarvan sodanige sertifikaat uitgereik is of heet te wees, of in die opstel of uitreiking van sodanige sertifikaat, of die feit dat die bedrag van effekte wat gemagtig is of waaroor besluit is oorskry is of sal word, of die feit dat sodanige sertifikaat 'n duplikaat of herhaling is van 'n sertifikaat wat vantevore uitgereik is.

Insaë in
boeke en
rekenings.

94. (1) 'n Eienaar van effekte of 'n persoon skriftelik deur hom gemagtig kan op enige redelike tyd die boeke en rekenings van die delgingsfonds insien, en is daarop geregtig om van die sekretaris afskrifte van of uittreksels uit genoemde boeke en rekenings te verkry wat deur hom as getroue afskrifte of uittreksels gewaarmerk is.

89. (1) If it shall at any time appear that the board has failed to comply with the requirements of this Act with regard to any payment, application or investment in relation to stock or the redemption fund, any person aggrieved thereby, or the Secretary for Health, may bring the matter to the notice of the board and request that the default be made good.

Proceedings in case of non-compliance with provisions of Act.

(2) If the board shall fail to comply with such request, it shall be competent for the court on the application of such person to make an order for the due enforcement of the provisions of this Act.

(3) For the purpose of this section "the court" means the Transvaal Provincial Division or the Witwatersrand Local Division of the Supreme Court of South Africa, and the jurisdiction hereby given may be exercised in a summary manner in chambers.

90. In case of any action or other proceedings, civil or criminal, relating to stock or the rights or interests of persons alleging claims thereto, or alleged offences in respect of stock, copies of entries in or extracts from the nominal register or the stock transfer registers, or any book or document of the board, or of any bank or agent referred to in sections *sixty-nine* or *eighty-one*, duly certified as correct by the secretary or registrar in writing under his hand, shall be admissible in evidence in any court in the Union, but the court before whom such action or proceedings are pending may for good cause order the production of the original of any of the books or documents aforesaid.

Evidence.

91. If at any time any interest is not claimed at the time for payment thereof and remains unclaimed for a period of two years thereafter, the amount thereof shall be paid into the redemption fund without prejudice to the right of any person at any time thereafter to establish his claim to such interest, which shall thereupon be paid to him less any costs and expenses of the board incidental to the proof of such claim, but without any interest in respect of the period during which any such sum has remained unpaid.

Unclaimed interest.

92. (1) If at the end of the period within which any stock is required to be redeemed the board shall not be able to redeem any such stock by reason of the owner thereof being unknown or not being forthcoming, the board shall invest in any securities in which the redemption fund may be invested a sum equal to the nominal value of such stock and thereupon such stock shall be taken to have been redeemed.

Unclaimed stock.

(2) Any sum invested as aforesaid shall, unless used to satisfy any legal claim in respect of the stock represented thereby, be kept invested as aforesaid for a period of ten years, after which time it shall be transferred by the board to the Guardian's Fund.

93. A person in good faith applying for any stock on the issue thereof, or purchasing, taking or holding stock once issued, or advancing money in good faith to the board for or on the security of stock issued or to be issued, shall not be concerned to enquire or to take notice whether the creation or issue thereof was or was not authorized under the issuing or borrowing powers of the board or otherwise in accordance with any law relating to such borrowing powers, or whether or not the board or any meeting thereof was properly constituted or convened, or whether or not the proceedings at any meeting of the board were legal and valid or regular, or whether or not the conditions of issue were valid or have been duly observed, or to see to any application of any moneys raised by the stock. A certificate of stock valid as to form once issued, purporting to be by or on behalf of the board, to a person taking the same in good faith and for good consideration, shall be legal and valid for all purposes in the hands of such person and any one taking from or through him, notwithstanding any defect, informality or illegality in the creation or issue of any of the stock in respect of which such certificate is or purports to be issued, or in the making or issue of such certificate, or that the amount of stock authorized or resolved on has been or will be exceeded, or that such certificate is a duplicate or repetition of any certificate previously issued.

Protection of persons taking stock in good faith.

94. (1) Any owner of stock or person authorized by him in writing may inspect the books and accounts of the redemption fund at any reasonable time, and shall be entitled to obtain from the secretary copies of or extracts from the said books and accounts, certified by him to be true copies or extracts.

Inspection of books and accounts.

(2) Die raad kan vir sodanige insae 'n bedrag van hoogstens twee sjielings en ses pennies vorder, en vir sodanige afskrifte of uittreksels 'n bedrag van hoogstens vyf sjielings plus ses pennies vir elke vyftig woorde daarvan (drie syfers tel as een woord).

Raad nie gebind deur kennis van trusts ens. ten opsigte van effekte.

95. Die raad kan die uitvoering of behoorlike nakoming van enige trust, eis of belang, hetsy uitgedruk, veronderstel of afgelei, ten opsigte van enige effekte erken, of toesien dat dit geskied, maar is onder geen verpligting om dit te doen nie ondanks die feit dat hy kennis van sodanige trust, eis of belang ontvang het.

Oordrag van effekte vry van munisipale belastinge.

96. Alle effekte word uitgegee en kan oorgedra word vry van munisipale belasting of aanslag: Met dien verstande dat niks hierin vervat op die betaling van gelde deur hierdie Wet voorgeskryf van toepassing is nie.

Deel 6: Voorwaardes van Uitgifte van Wissels.

Uitgifte van wissels.

97. Die volgende bepalings is van toepassing op enige uitgifte van wissels kragtens artikel twee-en-sestig:

- (a) Wissels deur die raad uitgegee staan bekend as Rand-waterraad-wissels.
- (b) Wissels in die vorm voorgeskryf deur regulasies uitgevaardig ingevolge paragraaf (h) is vir die betaling van die bedrag daarin genoem op die wyse en datum daarin vermeld, sodat die datum nie minder as drie en nie meer as twaalf maande vanaf die datum van die wissel is nie.
- (c) Wissels kan te koop aangebied word op die voorwaardes en wyse wat die raad bepaal.
- (d) Geen wissel is vir 'n bedrag van minder as vyfhonderd pond nie.
- (e) Elke wissel dra die seël van die raad.
- (f) 'n Register van die wissels uitgegee en vernuwe deur die raad word gehou deur die sekretaris of 'n ander persoon wat deur die raad aangewys word, en dié register gee die bedrag aan van elke wissel, die hoofsom deur dié wissel opgelewer, die wetlike leningsbevoegdheid waarkragtens die wissel uitgegee is, die datum van uitgifte, die vervaldatum en die betaaldatum daarvan. Dié register is te alle redelike tye beskikbaar vir insae sonder betaling van enige gelde deur enige skuldeiser van die raad.
- (g) Die raad gee nie wissels uit wat aan toonder betaalbaar is nie.
- (h) Die raad kan van tyd tot tyd regulasies met betrekking tot wissels onderworpe aan en ooreenkomstig hierdie Wet maak, en verstrek 'n afskrif van enige regulasies aldus gemaak aan die Goewerneur-generaal. Geen wissel word uitgegee voordat 'n afskrif van sodanige regulasies soos voormeld verstrek is nie. Sodanige regulasies maak voorsiening vir—
 - (i) die voorbereiding, vorm, wyse van uitgifte, manier van betaling en rojering van wissels;
 - (ii) die uitgee van 'n nuwe wissel in die plek van een wat geskend is, verlore gegaan het of vernietig is;
 - (iii) die voorkoming van bedrog;
 - (iv) die behoorlike kwyting wat gegee moet word by die betaling van 'n wissel.
- (i) Die raad kan na goeddunke met enige bank reëlings tref vir die uitvoering van die bepalings van hierdie artikel met betrekking tot die uitgifte van wissels en die betaling van die hoofsom daarin genoem en alle sake wat daarmee in verband staan, en vir die behoorlike vergoeding van dié bank met betrekking daartoe. Sodanige vergoeding word uit die algemene fondse van die raad betaal.
- (j) Die bedrag aan geld deur die raad ten opsigte van 'n wissel ontvang, word beskou as die hoofsom wat deur middel van dié wissel opgeneem is, en die verskil tussen die bedrag betaalbaar ten opsigte van 'n wissel en die bedrag ten opsigte daarvan ontvang, word beskou as rente op die hoofsom wat aldus opgeneem is.
- (k) Die raad stel uit dieselfde bron beskikbaar en stort in of dra oor op die rente- en die delgingsfonds op die gepaste tye vir betaling van rente en terugbetaling van die hoofsom aldus opgeneem dieselfde fondse as wat hy sou gedoen het in die geval van die effekte in die plek waarvan sodanige wissels uitgegee is.

(2) The board may charge for such inspection a fee not exceeding two shillings and sixpence, and for such copies or extracts a fee not exceeding five shillings, with the addition of sixpence for every fifty words thereof (three figures to count as one word).

95. The board may recognize or see to the execution or due fulfilment of any trust, claim or interest, whether expressed, implied or constructive, in respect of any stock, but shall be under no obligation to do so notwithstanding that it has had notice of such trust, claim or interest.

Board not bound by notice of trusts, etc., in respect of stock.

96. All stock shall be issued and transferable free of any municipal rate or assessment: Provided that nothing herein contained shall apply to the payment of fees prescribed by this Act.

Transfer of stock free of municipal taxes.

Part 6: Conditions of Issue of Bills.

97. In any issue of bills under section *sixty-two* the following provisions shall apply: Issue of bills.

- (a) Bills issued by the board shall be called Rand Water Board bills.
- (b) Bills, in the form prescribed by regulations made in pursuance of paragraph (h), shall be for the payment of the sum named therein in the manner and at the date therein mentioned, so that the date be not less than three and not more than twelve months from the date of the bill.
- (c) Bills may be offered for purchase on such conditions and in such manner as the board may determine.
- (d) No bill shall be for an amount of less than five hundred pounds.
- (e) Each bill shall be under the seal of the board.
- (f) A register of the bills issued and renewed by the board shall be kept by the secretary or such other person as may be appointed by the board, and such register shall show the amount of each bill, the principal money raised by such bill, the statutory borrowing power in respect of which the bill is issued, the date of issue, the date when the same falls due and the date of payment thereof. Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the board.
- (g) The board shall not issue bills payable to bearer.
- (h) The board may from time to time make regulations with respect to bills subject to and in accordance with this Act, and shall furnish to the Governor-General a copy of any regulations so made. No bill shall be issued before a copy of such regulations shall have been furnished as aforesaid. Such regulations shall provide for—
 - (i) the preparation, form, mode of issue, manner of payment and cancellation of bills;
 - (ii) the issue of a new bill in lieu of one defaced, lost or destroyed;
 - (iii) the prevention of fraud;
 - (iv) the proper discharge to be given upon the payment of a bill.
- (i) The board may enter into such arrangements as it may deem fit with any bank for carrying out the provisions of this section with respect to the issue of bills and to the payment of the principal sum named therein, and to all matters relating thereto, and for the proper remuneration of such bank with reference thereto. Such remuneration shall be paid out of the general funds of the board.
- (j) The amount of money received by the board in respect of a bill shall be deemed to be the principal money raised by means of such bill, and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised.
- (k) The board shall provide from the same source and pay or transfer at the appropriate times into the interest and redemption funds the same funds for payment of interest and repayment of the principal money so raised as it would have done in respect of the stock in the place of which such bills have been issued.

- (l) Die totale bedrag betaalbaar ten opsigte van wissels wat te eniger tyd in omloop is, mag nie die bedrag van eenmiljoen pond oorskry nie behalwe met die bedrag betaalbaar ten opsigte van wissels uitgegee kort voordat enige ander wissels betaalbaar word ten einde daardie wissels te betaal.
- (m) Die raad kan, onderworpe aan die bepalings van die voorgaande paragraaf, wissels op die vervaltijd vernuwe.
- (n) Die raad kan vir die terugbetaling van die hoofsom deur middel van wissels opgeneem, geld opneem deur die skepping van effekte of die uitgifte van verdere wissels, maar, behalwe soos voormeld, word die bevoegdheid aan die raad verleen om geld deur die skepping van effekte op te neem opgeskort namate geld deur die uitgifte van wissels opgeneem is.
- (o) 'n Wissel gee die houer reg op die betaling op die vervaltijd van die bedrag wat dié wissel as betaalbaar aangee en al die inkomste van die raad word daarmee belas.

Deel 7: Spesiale Belastingsbevoegdhe.

Belasting wat raad kan hef.

98. Indien die gewone inkomste van die raad, tesame met die reserwefonds, die verbeteringsfonds en die waardevermindering- en vernuwingsfonds te eniger tyd onvoldoende is vir die betaling van rente op en die betaling verskuldig vir die affossing van lenings, kan die raad die tekort aansuiwer deur 'n belasting te hef volgens die belastingregister van die Randwaterraad op die wyse hierna uiteengesit: Met dien verstande dat geen sodanige belasting gehef word nie behalwe ingevolge 'n besluit geneem deur 'n meerderheid van twee-derdes van die waarde van die stemme van die lede van die raad aanwesig op 'n vergadering waaromtrent minstens veertien dae tevore kennis van die voorneme om dit voor te stel gegee is: Met dien verstande voorts dat so 'n belasting nie gehef word totdat die Goewerneur-generaal se goedkeuring daarvan verkry is nie.

Belasting-register.

99. Wanneer die Goewerneur-generaal ooreenkomstig artikel *agt-en-negentig* sy goedkeuring aan die heffing van 'n belasting geheg het, of wanneer die hof ooreenkomstig artikel *vyf-en-tagtig* beveel het dat 'n belasting gehef word, stel die raad 'n belastingregister op, wat bekend staan as die belastingregister van die Randwaterraad, op die wyse hierna uiteengesit. Genoemde register word in twee afdelings verdeel wat beskryf word as onderskeidelik die munisipale afdeling en die myn-afdeling.

Belastingregister: munisipale afdeling.

100. Die munisipale afdeling van die belastingregister van die Randwaterraad bestaan uit die bedrae wat ooreenkomstig artikel *honderd-en-negentien* by die sekretaris aangegee is.

Belasting-register: myn-afdeling.

101. Wanneer ookal die raad 'n belastingregister ooreenkomstig artikel *negen-en-negentig* opstel, is dit die plig van die Minister van Mynwese om op aanvraag van die raad aan die sekretaris 'n lys van alle kleims, kleimgebiede of mynpagte geleë binne die verskaffingsterrein te verstrek, met vermelding van die naam en adres van elke eienaar van sodanige kleims, kleimgebiede of mynpagte wat in die stukke van die Registrateur van Mynbriewe voorkom, en die nommer van elke sodanige kleim, kleimgebied of mynpag en die naam van die plaas waarop dit geleë is: Met dien verstande dat by die verstreking van so 'n opgaaf die gebied van elke sodanige kleimgebied of mynpag in kleims verdeel word en vir al die doeleindes van hierdie Wet as sodanig beskou word, terwyl 'n onderdeel van 'n kleim groter as die helfte as 'n kleim gereken word. Sodanige opgaaf word beskryf as die myn-afdeling van die belastingregister van die Randwaterraad.

Belasting-register word nie betwis of tersy gestel nie.

102. Geen opgaaf vervat in 'n belastingregister opgestel kragtens hierdie Wet, en geen belasting daarop gegrond, word ongeldig gemaak of geraak nie deur 'n fout of afwyking in die beskrywing van enige kleims, kleimgebiede of mynpagte daarin genoem, of in die naam van die eienaar daarvan, en geen sodanige belastingregister kan betwis of tersy gestel word op grond van enige onreëlmatigheid nie.

Metode van heffing van belastings.

103. Vir die doel van die heffing van 'n belasting in artikel *agt-en-negentig* bedoel word die bedrag wat opgeneem moet word gelyk-op in som A en som B verdeel.

Toedeling van som A.

104. Die raad deel som A toe onder die verskeie samestellende plaaslike besture volgens die bedrae aangegee in die munisipale afdeling van die belastingregister opgestel ooreenkomstig artikel *negen-en-negentig*, en elke sodanige bestuur is aanspreeklik vir die betaling van die bedrag aldus aan hom toegedeel.

Toedeling van som B.

105. Die raad deel som B toe onder die verskeie eienaars van kleims, kleimgebiede en mynpagte inbegrepe onder die myn-afdeling van die belastingregister van die Randwater-

- (l) The aggregate amount payable on bills current at any one time shall not exceed the sum of one million pounds except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills.
- (m) The board may, subject to the provisions of the preceding paragraph, renew bills at maturity.
- (n) For the repayment of the principal money raised by bills, the board may raise money by the creation of stock or issue of further bills but, save as aforesaid, the powers given to the board to raise moneys by the creation of stock shall be suspended to the extent to which moneys have been raised by the issue of bills.
- (o) A bill shall entitle the holder to payment at maturity of the sum expressed in such bill to be payable and shall be charged on all the revenues of the board.

Part 7: Special Rating Powers.

98. If at any time the ordinary revenues of the board, together with the reserve fund, the betterment fund and the depreciation and renewals fund, are insufficient for the purposes of the payment of interest on and the payment due for the redemption of loans, the board may make good the deficiency by levying a rate on the rating roll of the Rand Water Board in the manner hereinafter set forth: Provided that no such rate shall be levied except in pursuance of a resolution passed by a majority of two-thirds of the value of the votes of the members of the board present at a meeting of which at least fourteen days' notice of intention to propose the same has been given: Provided further that no such rate shall be levied until the approval of the Governor-General thereto has been obtained.

Rate leviable
by board.

99. When the Governor-General has under section *ninety-eight* approved the levying of a rate, or when the court has under section *eighty-five* made an order for the levying of a rate, the board shall prepare a rating roll, to be called the rating roll of the Rand Water Board, in the manner hereinafter set forth. The said roll shall be divided into two sections to be described as the municipal section and as the mining section respectively.

Rating roll.

100. The municipal section of the rating roll of the Rand Water Board shall consist of the amounts notified to the secretary in terms of section *one hundred and nineteen*.

Rating roll:
municipal section.

101. Whenever the board prepares a rating roll in terms of section *ninety-nine* it shall be the duty of the Minister of Mines, on the application of the board, to forward to the secretary a list of all claims, claim areas or mynpachts situated within the limits of supply, stating the name and address of every owner of such claims, claim areas or mynpachts as appear in the records of the Registrar of Mining Titles, and the number of each such claim, claim area or mynpacht and the name of the farm on which the same is situated: Provided that in making such statement the area of each such claim area or mynpacht shall be divided into claims and shall for all the purposes of this Act be considered as such, any fraction of a claim greater than one-half being reckoned as a claim. Such statement shall be described as the mining section of the rating roll of the Rand Water Board.

Rating roll:
mining section.

102. No statement contained in any rating roll prepared under this Act, and no rate based thereon, shall be rendered void or be affected by reason of any mistake or variance in the description of any claims, claim areas or mynpachts referred to therein, or in the name of any owner thereof, and no such rating roll shall be capable of being challenged or set aside by reason of any informality.

Rating roll not
to be challenged
or set aside.

103. For the purposes of levying any rate referred to in section *ninety-eight*, the sum to be raised shall be divided equally into sum A and sum B.

Method of
levying rates.

104. The board shall apportion sum A among the several constituent local authorities according to the amounts shown in the municipal section of the rating roll prepared in accordance with section *ninety-nine*, and each such authority shall be liable for the payment of the amount so apportioned to it.

Apportionment
of sum A.

105. The board shall apportion sum B among the several owners of claims, claim areas and mynpachts included in the mining section of the rating roll of the Rand Water Board

Apportionment
of sum B.

raad volgens die getal kleims wat elkeen besit, en die verskeie eienaars van kleims is aanspreeklik vir die bedrag aldus aan elkeen toegeedeel.

Invordering
van som A.

106. Met die doel om betaling van die bedrae verskuldig onder som A te verkry reik die raad sy beveldskrif uit aan elke samestellende plaaslike bestuur waarby van hom vereis word dat hy binne die tydperk deur die beveldskrif bepaal die bedrag van som A wat ooreenkomstig artikel *honderd-en-vier* aan hom toegeedeel is, betaal, en dié bestuur moet die vereistes van dié beveldskrif nakom deur genoemde bedrag uit sy inkomste te betaal: Met dien verstande dat indien genoemde inkomste onvoldoende is vir die betaling van dié bedrag, sodanige bestuur bo en behalwe enige bevoegdhede aan hom verleen deur die Plaaslike-Bestuur-Belastingordonnansie, 1933 (Ordonnansie No. 20 van 1933 (Transvaal)), of enige wysiging daarvan, 'n spesiale waterbelasting op alle belasbare eiendom soos aangegee op die belastingregister van dié bestuur kan hef op die wyse in genoemde Ordonnansie of enige wysiging daarvan bepaal: Met dien verstande voorts dat die samestellende plaaslike bestuur enige oorskot wat sodanige spesiale waterbelasting oplewer bo die bedrag waarvoor die belasting gehef is na sy eie rekening oorplaas, en dié surplus aangewend word ter vermindering van die volgende gewone belasting wat van die belastingbetalers gehef mag word met die doel om die uitgawe wat deur sodanige bestuur aangegaan mag word, te bestry.

Afdwing van
betaling van
som A.

107. In elke geval waarin 'n bydrae deur die raad van 'n samestellende plaaslike bestuur gevorder agterstallig is, kan die magistraat van die distrik waarin dié bestuur geleë is op aansoek van die raad onderteken deur die sekretaris die burgemeester of waarnemende burgemeester van dié bestuur oproep om gronde aan te voer waarom sodanige bydrae nie betaal is nie en kan die magistraat, nadat hy die klagte deur die raad ingebring aangehoor het, na goeiddunke verklaar dat dié bestuur hom aan versuim skuldig gemaak het. Nadat so 'n verklaring gedoen is, is die raad bekleed met al die bevoegdhede van die samestellende plaaslike bestuur wat ingevolge artikel *honderd-en-ses* by dié bestuur berus, en kan hy alle belastings en bedrae verskuldig ingevolge die beveldskrifte hef, insamel, afdwing en invorder asof die raad sodanige bestuur was.

Invordering
van som B.

108. Met die doel om betaling van die bedrae verskuldig onder som B te verkry, reik die raad sy beveldskrif uit aan elke eenaar van kleims waarby van hom vereis word dat hy binne die tydperk deur die beveldskrif bepaal die bedrag van som B wat ooreenkomstig artikel *honderd-en-vyf* aan hom toegeedeel is, betaal.

Afdwing van
betaling van
som B.

109. Alle bedrae verskuldig onder som B word betaal aan, en afgedwing en ingevorder deur die raad op dieselfde manier, *mutatis mutandis*, asof dit 'n belasting is wat kragtens die Plaaslike-Bestuur-Belastingordonnansie, 1933 (Ordonnansie No. 20 van 1933 (Transvaal)), gehef kon word, en al die bepalinge van artikel *vyf-en-twintig* en artikels *sewe-en-twintig* tot en met *een-en-dertig* van genoemde Ordonnansie met betrekking tot die betaling, afdwing en invordering van belastings en die rente daarop, tot die prosedure vir sodanige invordering en tot die bewyslewering in sodanige prosedure is *mutatis mutandis* van toepassing op genoemde bedrae en die raad het al die bevoegdhede van plaaslike besture daarkragtens.

HOOFSTUK V.

ALGEMENE BEPALINGS.

Betalings aan
die Regering van
die Unie van
Suid-Afrika
van £240,000
en £280,000.

110. Vir doeleindes van die betaling deur die raad aan die Regering van die Unie van Suid-Afrika van die bedrae van tweehonderd-en-veertigduisend pond en tweehonderd-en-tagtigduisend pond vermeld in artikel *agt* van die Vaalrivier Uitbreidingskema Wet, 1934 (Wet No. 38 van 1934), soos gewysig deur die Vaalrivier-Uitbreidingskema-Wysigingswet, 1937 (Wet No. 4 van 1937), en die betaling van rente daarop, word dié bedrae behandel asof hulle deur die raad opgeneem is deur 'n uitgifte van effekte kragtens hierdie Wet wat, sover dit eersgenoemde bedrag betref, nie later nie as die een-en-dertigste dag van Maart 1950 aflosbaar is. Die raad hou aan om voorsiening in onderskeidelik die rente- en die delgingsfonds te maak vir die jaarlikse paaielemente ten opsigte van rente op, en die betaling van die hoofsom van sodanige bedrae ooreenkomstig die betrokke ooreenkomste tussen die Regering van die Unie van Suid-Afrika en die raad. Die paaielemente word betaal uit die geld wat van tyd tot tyd in krediet van die rente- en die delgingsfonds staan.

according to the number of claims owned by each, and the several owners of claims shall be liable for the amount so apportioned to each.

106. For the purpose of obtaining payments of amounts due under sum A, the board shall issue its precept to each constituent local authority requiring it to pay, within the time limited by the precept, the amount of sum A apportioned to it in accordance with section *one hundred and four*, and such authority shall comply with the requirements of such precept by paying the said amount out of its revenue: Provided that, should the said revenue not be sufficient for the payment of such amount, such authority may, over and above any powers conferred thereon by the Local Authorities Rating Ordinance, 1933 (Ordinance No. 20 of 1933 (Transvaal)), or any amendment thereof, impose a special water rate on all rateable property as shown upon the rating roll of such authority in the manner set forth in the said Ordinance or any amendment thereof: Provided further that the constituent local authority shall transfer to its own account any surplus arising from any such special water rate above the amount for which the rate was imposed, and such surplus shall go in reduction of the next ordinary rate that may be levied upon the ratepayers for the purpose of defraying the expenses which may be incurred by such authority.

Recovery of
sum A.

107. In every case in which any contribution requisitioned from any constituent local authority by the board shall be in arrear, it shall be lawful for the magistrate of the district in which such authority is situate, on application of the board under the hand of the secretary, to summon the mayor or acting mayor of such authority to show cause why such contribution has not been paid and, after hearing the complaint preferred by the board, if the magistrate shall think fit, to declare such authority to be in default. Upon such declaration being made, the board shall be vested with all the powers of the constituent local authority vested in such authority under section *one hundred and six*, and may impose, collect, enforce and recover all rates and sums due under the precepts as though the board were such authority.

Enforcing
payment of
sum A.

108. For the purpose of obtaining payments of amounts due under sum B, the board shall issue its precept to each owner of claims requiring him to pay within the time limited by the precept the amount of sum B apportioned to him in accordance with section *one hundred and five*.

Recovery of
sum B.

109. All amounts due under sum B shall be paid to, and enforced and recovered by the board in the same manner, *mutatis mutandis*, as if the same were a rate leviable under the Local Authorities Rating Ordinance, 1933 (Ordinance No. 20 of 1933 (Transvaal)), and all the provisions of section *twenty-five* and sections *twenty-seven* to and including *thirty-one* of the said Ordinance with respect to the payment, enforcement and recovery of rates and interest thereon, to the proceedings for such recovery and to the evidence to be used in such proceedings shall, *mutatis mutandis*, apply to the said amounts and the board shall have all the powers of local authorities thereunder.

Enforcing
payment of
sum B.

CHAPTER V.

GENERAL.

110. For the purpose of the payment by the board to the Government of the Union of South Africa of the sums of two hundred and forty thousand pounds and two hundred and eighty thousand pounds, referred to in section *eight* of the Vaal River Development Scheme Act, 1934 (Act No. 38 of 1934), as amended by the Vaal River Development Scheme (Amendment) Act, 1937 (Act No. 4 of 1937), and the payment of interest thereon, such sums shall be dealt with as though they had been raised by the board by an issue of stock in terms of this Act, redeemable in so far as the first mentioned sum is concerned not later than the thirty-first day of March, 1950. The board shall continue to make provision in the interest and redemption funds respectively for the annual instalments in respect of the interest on, and the payment of the principal amount of such sums in accordance with the relative agreements between the Government of the Union of South Africa and the board. Such instalments shall be paid from the moneys from time to time standing to the credit of the interest and redemption funds.

Payments to the
Government of
the Union of
South Africa of
£240,000 and
£280,000.

Ooreenkoms
tussen raad
en Stadsraad
van Pretoria.

111. Die raad en die Stadsraad van Pretoria besit al die bevoegdheede en magtigings wat nodig is om gevolg te gee aan die ooreenkoms (waarvan 'n vertaling in die Sesde Bylae opgeneem is) deur hulle aangegaan in September 1943 en bekragtig en bevestig deur die Private Wet tot Wysiging van die Rand-Watteraadstatute (1903-1938), 1944 (Wet No. 11 van 1944).

Verandering van
verskaffings-
terrein en
toepaslikheid
van wetgewing
buite Transvaal.

112. (1) Die Goewerneur-generaal kan van tyd tot tyd by wyse van kennisgewing in die *Staatskoerant* die gebied deur die verskaffingsterrein beslaan op enige plek in die provinsie Transvaal, en in die provinsie Oranje-Vrystaat binne 'n omtrek van vyf-en-sewentig myl van die Stadsaal, Vereeniging, uitbrei of verander.

(2) Indien die verskaffingsterrein ingevolge sub-artikel (1) tot buite die grense van die provinsie Transvaal uitgebrei word, word geag dat 'n verwysing in hierdie Wet na die Administrateur of wetgewing van Transvaal ten opsigte van enige saak wat uit die raad se onderneming in 'n ander provinsie dan Transvaal ontstaan, 'n verwysing is na onderskeidelik die Administrateur of die ooreenstemmende wetgewing van dié provinsie. Indien daar geen sodanige wetgewing bestaan nie, is die wetgewing van die provinsie Transvaal *mutatis mutandis* van toepassing.

Maksimum
hoeveelheid
water wat uit
dolomietformasie
gepomp mag
word.

113. (1) Die raad mag nie gedurende 'n tydperk van twaalf agtereenvolgende maande meer as 'n daaglikse gemiddelde van tienmiljoen gelling water pomp nie uit die dolomietformasie op, in of onder die eiendomme inbegrepe by die ondernemings in die Sewende Bylae vermeld en enige eiendomme of regte wat deur die raad kragtens paragraaf (g) van artikel vier-en-twintig verkry mag word, behoudens en behalwe met die goedkeuring van die Goewerneur-generaal.

(2) Die raad hou behoorlik boek van die hoeveelheid water wat hy daagliks uit elkeen van genoemde ondernemings neem, en sodanige boeke kan te alle redelike tye ingesien word deur die persoon of persone wat deur die Goewerneur-generaal daartoe aangewys word.

(3) Indien die raad enige oortreding van sub-artikel (1) begaan of laat begaan, verbeur hy vir elke sodanige oortreding 'n som van vyfhonderd pond wat ingevorder kan word deur 'n aksie deur die Prokureur-generaal in 'n bevoegde hof ingestel.

Aanspreeklikheid
van raad ten
opsigte van
toeëiening van
water.

114. Onderworpe aan die bepalinge van artikel honderd een-en-veertig en behalwe ten opsigte van enige werkzaamhede ingevolge die bepalinge van paragrafe (a) tot en met (e) van artikel vier-en-twintig of artikel negen-en-twintig, onthef niks in hierdie Wet vervat die raad van aanspreeklikheid nie ten opsigte van die vermindering as gevolg van sy werkzaamhede van die water van enige fontein of stroom waarvoor hy aanspreeklik sou gewees het as hierdie Wet nie bestaan het nie.

Huishoudelike
verbruik moet
voorkeur
geniet.

115. Indien die water wat die raad beskikbaar het te eniger tyd onvoldoende is om in die behoeftes van alle verbruikers te voorsien, gee die raad voorkeur aan verbruikers, hetsy hulle samestellende owerhede is of nie, wat water vir huishoudelike doeleindes of vir die redelike beskerming van openbare gesondheid nodig het.

Verdeling van
water onder
bydraers.

116. Onderworpe aan die bepalinge van artikel honderd-en-vyftien en die ooreenkoms tussen die raad en die Stadsraad van Pretoria in artikel honderd-en-elf vermeld, en met voorbehoud van die bevoegdheid van die raad om na sy goeëddunke water vir die gebruik van ander verbruikers af te sonder of uit te hou, verdeel die raad sy beskikbare watervoorraad onder die spoorwegadministrasie, die samestellende plaaslike besture en die houters van mynbriewe sodat die spoorwegadministrasie geregtig is op vyf persent van dié voorraad, die samestellende plaaslike besture gesamentlik op vyftig persent daarvan en die houters van mynbriewe gesamentlik op die res daarvan.

Beperkings op
die verkoop
van water deur
verbruikers.

117. Geen verbruiker mag sonder die toestemming van die raad water deur hom van die raad gekoop, verkoop of verskaf nie aan enige persoon aan wie die raad op die oomblik bevoeg is om water te verskaf. Indien 'n verbruiker water in stryd met hierdie artikel verkoop of verskaf, kan die raad van dié verbruiker, benewens die heffings ooreenkomstig hierdie Wet, betaling vorder vir water aan hom verskaf gedurende die tydperk van sodanige oortreding teen hoogstens driemaal die eenvormige belasting wat van tyd tot tyd gedurende sodanige tydperk van krag is.

111. The board and the City Council of Pretoria shall have all powers and authorities necessary for giving effect to the agreement (a copy of which is set out in the Sixth Schedule) entered into between them in September, 1943, and ratified and confirmed by the Rand Water Board Statutes (1903-1938) Amendment (Private) Act, 1944 (Act No. 11 of 1944).

Agreement between board and City Council of Pretoria.

112. (1) The Governor-General may by notice in the *Gazette* from time to time extend or vary anywhere in the Province of the Transvaal, and in the Province of the Orange Free State within a radius of seventy-five miles of the Town Hall, Vereeniging, the area comprised in the limits of supply.

Alteration of limits of supply and applicability of legislation outside the Transvaal.

(2) In the event of the limits of supply being extended beyond the boundaries of the Province of the Transvaal in accordance with sub-section (1), any reference in this Act to the Administrator or legislation of the Transvaal shall, in respect of any matter arising out of the board's undertaking in a province other than the Transvaal, be deemed to be a reference to the Administrator or the corresponding legislation of that province respectively. In the event of there being no such legislation, the legislation of the Province of the Transvaal shall, *mutatis mutandis*, apply.

113. (1) It shall not be lawful for the board in any period of twelve consecutive months to pump more than a daily average of ten million gallons of water from the dolomite formation existing on, in or under the properties comprised in the undertakings referred to in the Seventh Schedule, and any properties or rights which may be acquired by the board under paragraph (g) of section *twenty-four*, save and except with the approval of the Governor-General.

Maximum quantity of water which may be pumped from dolomite formation.

(2) The board shall keep proper books of account of the quantity of water drawn by it daily from each of the said undertakings and the said books shall be open to the inspection at all reasonable times of such person or persons as may be appointed thereto by the Governor-General.

(3) If the board shall commit or cause to be committed any act in contravention of sub-section (1), it shall, for every such act, forfeit a sum of five hundred pounds, which may be recovered by action brought by the Attorney-General in any court of competent jurisdiction.

114. Subject to the provisions of section *one hundred and forty-one* and save in respect of any operations under the provisions of paragraphs (a) to and including (e) of section *twenty-four* or section *twenty-nine*, nothing in this Act contained shall exempt the board from any liability in respect of the diminution of the water of any fountain or stream consequent upon its operations for which it would, were it not for this Act, have been liable.

Liability of board in respect of appropriation of water.

115. If at any time the available water of the board shall be insufficient to supply the requirements of all consumers, the board shall give preference to consumers, whether constituent authorities or not, who require water for domestic purposes or for the reasonable preservation of public health

Preference to be given to domestic consumption.

116. Subject to the provisions of section *one hundred and fifteen* and to the agreement between the board and the City Council of Pretoria referred to in section *one hundred and eleven*, and without prejudice to the power of the board at its discretion to set aside or reserve water for the use of other consumers, the board shall distribute its available water supply among the railway administration, the constituent local authorities and the holders of mining title, so that the railway administration shall be entitled to five per cent. of such supply, the constituent local authorities collectively to fifty per cent. thereof and the holders of mining title collectively to the remainder thereof.

Distribution of water among contributors.

117. No consumer shall, without the sanction of the board, sell or supply any water purchased by him from the board to any person whom the board is for the time being empowered to supply. If any consumer shall sell or supply water in contravention of this section, the board may charge such consumer, in addition to the charges made in accordance with this Act, in respect of water supplied to him during the period of such contravention, at a rate not exceeding three times the uniform rate in force from time to time during such period.

Restrictions on the sale of water by consumers.

Beperking van watervoorraad deur samestellende plaaslike besture uit ander bronne verkry.

Samestellende plaaslike besture stel raad van waardering van belasbare eiendom in kennis.

Eiendom van raad is nie belasbaar nie.

Diening van kennisgewings.

Jaarverslag.

Hierdie Hoofstuk moet saam met Wet 38 van 1934 (soos gewysig) gelees word.

Bevoegdheid om studam in stand te hou en water op te dam en uit te haal.

Beskikking oor addisionele water in studam bewaar.

118. Geen samestellende plaaslike bestuur mag sonder die skriftelike toestemming van die raad die watervoorraad wat verkry word van enige wateronderneming wat op die negen-en-twintigste dag van Junie 1914 onder sy beheer was, uitbrei of vermeerder, of water andersins dan van die raad koop nie.

119. Dit is die plig van die stadsklerk van elke samestellende plaaslike bestuur om die sekretaris tussen die eerste en die een-en-dertigste dag van Desember in elke jaar skriftelik in kennis te stel van die bedrag van die totale waardering van belasbare eiendom binne die munisipaliteit van sodanige bestuur soos aangegee op die belastingregister daarvan op die eerste dag van die vorige Julie: Met dien verstande dat indien daar op die een-en-dertigste dag van Desember geen vasgestelde en bindende belastingregister soos op die eerste dag van die vorige Julie is nie, die jongste register wat vasgestel en bindend was, as die belastingregister vir doeleindes van hierdie artikel beskou word.

120. Die eiendom van die raad wat vir doeleindes van hierdie Wet gebruik word, word nie as belasbare eiendom binne die betekenis van die Plaaslike-Bestuur-Belastingordonnansie, 1933 (Ordonnansie No. 20 van 1933 (Transvaal)), beskou nie.

121. (1) Behoudens andersluidende bepalings van hierdie Wet, word 'n kennisgewing, wanneer dit op enige persoon gedien moet word of aan hom gegee moet word, persoonlik op dié persoon gedien of gelaat by of as aangetekende stuk deur die pos gestuur aan sy jongste bekende besigheids- of verblyfplek.

(2) Wanneer 'n kennisgewing op 'n eienaar van grond gedien moet word, word sodanige kennisgewing, indien die eienaar nie opgespoor kan word nie, op die bewoner gedien, of indien daar geen bewoner is nie, word dit in die *Staatskoerant* gepubliseer en by die Registrateur van Aktes gelaat.

122. Die raad lê 'n jaarverslag oor sy werk aan die Gouwerneur-generaal voor en verstrekk van tyd tot tyd aan hom sodanige opgawes, statistiek en ander inligting as wat hy verlang.

HOOFSTUK VI.

BEVOEGDHEID OM WATER IN DIE VAALRVIER OP TE DAM EN DAARMEE IN VERBAND STAANDE SAKE.

123. Die bepalings van hierdie Hoofstuk word onderworpe aan en saam met die bepalings van die Vaalrivier Uitbreidingskema Wet, 1934 (Wet No. 38 van 1934), en enige wysiging daarvan gelees.

124. (1) Behoudens die bepalings van hierdie Hoofstuk, kan die raad die studam in stand hou en kan hy agter die studam 'n hoeveelheid surplus-water opdam en bewaar wat op enige tyd nie meer is dan eenduisend agthonderd drie-en-negentigmiljoen tweehonderd-en-tagtigduisend kubieke voet nie, en kan hy uit die aldus opgedamde en bewaarde water 'n hoeveelheid water uithaal wat, bereken oor die tydperk van 'n kalendermaand, nie meer is dan 'n gemiddelde volume van driemiljoen tweehonderdduisend kubieke voet gedurende elke vier-en-twintig uur nie; en die raad kan voorts, ondanks die bepalings van die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), deur middel van pypleidinge dié water tot binne die verskaffingsterrein neem en voer of oorbring: Met dien verstande dat die raad te alle tye oor of deur die studam soveel water loslaat of laat vloei as wat deur die Buitengewone Waterhof, ingestel ingevolge artikel *veertien* van die Wet van 1914, vasgestel is as die normale stroming wat vir die gebruik van oewereienaars onderkant die studam deur die bewaarwerke deurgelaat moet word.

(2) Vir die voordeel van eienaars van oewergrond langs daardie gedeelte van die Vaalrivier en sy takriviere wat binne die bewaargebied van die raad se werke geleë is, aan wie permitte vir die opdam en bewaar van water kragtens die bepalings van artikel *honderd vyf-en-twintig* toegeken mag word, kan die raad agter die studam, benewens die maksimum hoeveelheid water in sub-artikel (1) bepaal, 'n hoeveelheid water opdam en bewaar wat gelyk is aan tweehonderd agt-en-tagtigmiljoen kubieke voet.

125. (1) Die bewaarruimte vir die addisionele hoeveelheid water in sub-artikel (2) van artikel *honderd vier-en-twintig* bedoel, word deur die raad uitgehou vir die voordeel van die eienaars van oewergrond langs daardie gedeelte van die Vaalrivier en sy takriviere wat binne die bewaargebied van die raad se werke geleë is, aan wie permitte toegeken mag word om ooreenkomstig hierdie artikel water daarin op te dam en te bewaar.

118. No constituent local authority shall, without the written sanction of the board, extend or increase the supply of water derived from any water undertaking which was under its control on the twenty-ninth day of June, 1914, or purchase any water otherwise than from the board.

Restricting the supply derived by constituent local authorities from other sources.

119. It shall be the duty of the town clerk of each constituent local authority, between the first and thirty-first day of December in each year, to notify to the secretary in writing the amount of the total valuation of rateable property within the municipality of such authority as shown upon the rating roll thereof as at the first day of July preceding: Provided that if by the thirty-first day of December there is no fixed and binding rating roll as at the first day of July preceding, the most recent roll which was fixed and binding shall be deemed to be the rating roll for the purposes of this section.

Constituent local authorities to notify board of valuations of rateable property.

120. The property of the board used for the purposes of this Act shall be deemed not to be rateable property within the meaning of the Local Authorities Rating Ordinance, 1933 (Ordinance No. 20 of 1933 (Transvaal)).

Property of board not to be rateable.

121. (1) Save as otherwise provided in this Act, where any notice is required to be served on or given to any person, it shall be served personally on such person or left at, or sent by registered post to, his last known place of business or residence.

Service of notices.

(2) Where any notice is required to be served on the owner of any land, such notice shall, if the owner cannot be traced, be served on the occupier, or if there be no occupier, shall be published in the *Gazette* and left with the Registrar of Deeds.

122. The board shall submit to the Governor-General an annual report upon its work and shall from time to time furnish him with such returns, statistics and other information as he may require.

Annual report.

CHAPTER VI.

POWER TO IMPOUND WATER IN VAAL RIVER AND MATTERS INCIDENTAL THERETO.

123. The provisions of this Chapter shall be read subject to and in conjunction with the provisions of the Vaal River Development Scheme Act, 1934 (Act No. 38 of 1934), and any amendment thereof.

This Chapter to be read in conjunction with Act 38 of 1934 (as amended).

124. (1) Subject to the provisions of this Chapter, the board may maintain the barrage and may impound and store behind the barrage a quantity of surplus water not exceeding at any one time one thousand eight hundred and ninety-three million two hundred and eighty thousand cubic feet, and may abstract from the water so impounded and stored a quantity of water which, calculated over a period of any one calendar month, shall not exceed an average volume of three million two hundred thousand cubic feet during each twenty-four hours; and the board may further, notwithstanding the provisions of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), take and convey or transmit such water to within the limits of supply by means of pipelines: Provided that the board shall at all times discharge or permit to flow over or through the barrage such quantity of water as has been determined by the Extraordinary Water Court constituted in terms of section *fourteen* of the Act of 1914 as being the normal flow which shall be passed through the storage works for the use of riparian owners below the barrage. •

Power to maintain barrage and to impound and abstract water.

(2) For the benefit of the owners of land riparian to that portion of the Vaal River and its tributaries within the storage area of the board's works who may be awarded permits to impound and store water under the provisions of section *one hundred and twenty-five*, the board may impound and store behind the barrage, in addition to the maximum quantity of water specified in sub-section (1), a quantity of water equal to two hundred and eighty-eight million cubic feet.

125. (1) The storage accommodation for the additional quantity of water referred to in sub-section (2) of section *one hundred and twenty-four* shall be reserved by the board for the benefit of the owners of land riparian to that portion of the Vaal River and its tributaries within the storage area of the board's works who may be awarded permits to impound and store water therein in terms of this section.

Disposal of additional water stored in barrage.

(2) Elke eienaar van oewergrond langs daardie gedeelte van die Vaalrivier en sy takriviere wat binne die bewaargebied van die raad se werke geleë is, kan van tyd tot tyd ooreenkomstig die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), by die waterhof om ’n permit aansoek doen om te eniger tyd in die bewaar ruimte wat kragtens sub-artikel (1) van hierdie artikel uitgehou moet word, so ’n volume water op te dam en te bewaar wat nie sy eweredige aandeel in die hoeveelheid wat daarin opgedam en bewaar kan word te bowe gaan nie, as wat genoemde hof mag bepaal, en dié hof is bevoeg om dié volume te bepaal.

(3) Elke eienaar in sub-artikel (2) bedoel moet volgens die omvang van die bewaar ruimte wat aan hom deur so ’n waterhof toegeken is, ’n *pro rata* bedrag bydra tot die koste deur die raad aangegaan met die voorsiening van die addisionele bewaar ruimte in sub-artikel (2) van artikel *honderd vier-en-twintig* bedoel, soos daardie waterhof mag bepaal: Met dien verstande dat geen sodanige *pro rata* bydrae deur ’n eienaar betaalbaar is nie ten opsigte van die hoeveelheid water wat bewaar kon word in die bewaarwerke wat op die negen-en-twintigste dag van Junie 1914 bestaan het en deur die bewaarwerke van die raad oorstroom is.

(4) Elke eienaar in sub-artikel (2) bedoel wat ’n permit verkry om water op te dam en te bewaar in die bewaar ruimte wat deur die raad uitgehou moet word, moet in dieselfde verhouding waarin sy bewaarregte tot die bewaarregte van die raad staan, bydra tot die koste deur die raad aangegaan met die instandhouding van die studam en die bou en instandhouding van meet- of ander toestelle wat die raad ingevolge die Wet van 1914 mag gebou het.

(5) Ondanks enige toekenning ingevolge hierdie artikel gedoen, berus die beheer en bestuur van die studam en van alle werke en toestelle wat gebou is kragtens die bevoegd hede deur die Wet van 1914 en hierdie Hoofstuk verleen, behalwe waar hierdie Hoofstuk uitdruklik anders bepaal, alleen by die raad en niemand het uit hoofde van so ’n toekenning enige eis teen die raad ten opsigte van verlies van water deur watter oorsaak ookal nie. In die geval van enige verlies van opgedamde water word die hoeveelhede water wat uit die oorskot, as daar is, geneem kan word onderskeidelik deur die raad en deur ’n persoon wat kragtens ’n toekenning ingevolge hierdie artikel gedoen daarop geregtig is, *pro rata* verminder volgens die hoeveelheid water onderskeidelik deur die raad en deur so ’n persoon ten tyde van sodanige verlies bewaar.

126. Ondanks andersluidende bepalings in artikels *vyftien* en *sesien* van die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), word geag dat hierdie Hoofstuk uitdruklik magtiging verleen vir die opdam van die hoeveelheid surplus-water wat daarkragtens geneem en opgedam kan word in alle opsigte asof sodanige magtiging ontstaan het uit ’n vergunning of reg om surplus-water te bewaar of af te keer wat tevore ingevolge daardie Wet of ’n vroeër wet toegeken of gehou is.

127. Die raad hou sodanige daaglikse aantekeninge van die meet van die hoeveelheid water ooreenkomstig die bepalings van hierdie Hoofstuk losgelaat as wat die direkteur mag vereis en sodanige aantekeninge, tesame met alle peiltoestelle, meetwalle en ander apparaat wat vir sodanige meetdoeleindes nodig is, kan op aansoek redelikerwys geïnspekteer, ondersoek en getoets word deur enige persoon wat ten aansien van die normale stroming van die rivier enige regte het of deur sy behoorlik gemagtigde verteenwoordiger, of op enige redelike tyd met of sonder aansoek deur die direkteur of sy behoorlik gemagtigde verteenwoordiger.

128. Onderworpe aan die bepalings van hierdie Hoofstuk en die behoorlike uitoefening deur ’n eienaar van die regte kragtens artikel *honderd vyf-en-twintig* deur ’n permit verleen—

- (a) berus by die raad die alleen- en uitsluitende reg om alle water te neem, uit te haal en te gebruik wat hy kragtens die bevoegd hede deur hierdie Hoofstuk verleen, kan neem, keer, dam, opdam en bewaar, hetsy sodanige water na dit opgedam is, meng of vrygelaat word om te meng met ander water van vermelde rivier al dan nie, en het die raad met inagneming van alle regte wat op die negen-en-twintigste dag van Junie 1914 bestaan het, die beheer oor die gebied wat deur voormelde werke in beslag geneem word;
- (b) mag niemand sonder toestemming van die raad water neem of gebruik wat die raad ingevolge die bevoegd hede by hierdie Hoofstuk verleen kan opdam, bewaar, afkeer of toeëien;

Bepaling in verband met artikels 15 en 16 van Wet 8 van 1912.

Meet van water losgelaat.

Regte op opgedamde water.

(2) Each owner of land riparian to that portion of the Vaal River and its tributaries within the storage area of the board's works may from time to time make application to the water court in terms of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), for a permit to impound and store at any one time in the storage accommodation to be reserved by the board under sub-section (1), such volume of water, not exceeding his proportionate share of the quantity which can be impounded and stored therein, as the said court may determine, and such court shall have jurisdiction to determine such volume.

(3) Each owner referred to in sub-section (2) shall contribute, *pro rata* to the extent of the storage accommodation awarded to him by such water court, such an amount towards the costs incurred by the board in providing the additional storage accommodation referred to in sub-section (2) of section *one hundred and twenty-four*, as such water court may determine: Provided that no such *pro rata* contribution shall be payable by an owner in respect of that quantity of water which could be stored in storage works which, being in existence at the twenty-ninth day of June, 1914, were submerged by the storage works of the board.

(4) Each owner referred to in sub-section (2), who obtains a permit to impound and store water in the storage accommodation to be reserved by the board, shall contribute in the same proportion as his storage rights bear to the storage rights of the board towards the cost incurred by the board in maintaining the barrage and in constructing and maintaining such gauging or other apparatus as may have been constructed by the board under the Act of 1914.

(5) Notwithstanding any award made under this section, the sole control and management of the barrage and of all works and apparatus constructed under the powers conferred by the Act of 1914 and this Chapter shall, save as is expressly otherwise provided in this Chapter, be vested in the board, and no person shall by reason of any such award have any claim against the board in respect of any loss of water from any cause whatever. In the event of any loss of impounded water, the amounts of water to be drawn respectively by the board and by any person entitled under an award made under this section from the balance (if any) remaining, shall be reduced accordingly *pro rata* to the amount of water stored by the board and any such person respectively at the time of such loss.

126. Anything to the contrary notwithstanding in sections *fifteen* and *sixteen* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), this Chapter shall be deemed to authorize specifically the storage of the amount of surplus water which may be taken and impounded thereunder in all respects as if such authority were derived from a permission or right to store or divert surplus water previously granted or held under that Act or a prior law.

Provision in regard to sections 15 and 16 of Act 8 of 1912.

127. The board shall keep such daily records of the measurement of the quantity of water discharged in accordance with the provisions of this Chapter as may be required by the director, and such records, together with all gauges, weirs and other apparatus which may be necessary for the purpose of such measurement, shall on application be open to reasonable inspection, examination and testing by any person having any rights in respect of the normal flow of the river, or his duly authorized representative, or at any reasonable time with or without application by the director or his duly authorized representative.

Measurement of water discharged.

128. Subject to the provisions of this Chapter and to the due exercise by any owner of the rights conferred by permit under section *one hundred and twenty-five*—

Rights to impounded water

- (a) the board shall have the sole and exclusive right to take, abstract and use all water which it may take, intercept, dam, impound and store under the powers conferred by this Chapter, whether or not any such waters shall mingle or be left to mingle after being stored with any other water of the said river, and shall, subject to all rights existing as at the twenty-ninth day of June, 1914, have control over the area covered by the said works;
- (b) no person shall, without the sanction of the board, take or use any water which the board may impound, store, divert or appropriate under the powers conferred by this Chapter;

- (c) is elkeen wat paragraaf (b) oortree, by skuldigbevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete en gevangenisstraf:

Met dien verstande dat beskou word dat niks in hierdie artikel vervat so 'n persoon van siviele aanspreeklikheid teenoor die raad of van ander strafregtelike aanspreeklikheid vir enige van voormelde dade onthef nie.

Bevoegdheid om werke en toebehorende bedryfstoerusting aan te lê.

129. Die raad kan vir die doeleindes van artikel *honderd vier-en-twintig* die werke deur die Wet van 1914 gemagtig en in die Agste Bylae beskryf van tyd tot tyd aanlê, verkry, in stand hou en gebruik op, deur of oor die grond op die gedeponeerde planne afgeteken en ooreenkomstig die hoogtes op die bybehorende snyvlakke aangegee, asook alle behoorlike studamme, damme, reservoïers, meetwalle, walle, brûe, paaie, toegange, spoorwagsylyne, weë, putte, tenks, waterbakke, verdelingsreservoïers, peiltoestelle, mengbakke, meganiese filtreerders, filtreerbakke, filtreerbeddings, standpype, damme, sluisse, oorlatings, uitlatings, uitvalle, afvoerpype, waterleidings, duikers, deurgrawings, kanale, leidings, riole, hoofpype, pype, aansluitings, kleppe, telegraaf-toestelle, telefone, kables vir die oorbring van elektriese krag, masjiene, pompe, geboue, bouwerke, toestelle en geriewe in verband met of aanvullend by vermelde werke of enigeen daarvan of nodig vir die nasien, instandhouding, reiniging, herstel, vernuwing en gebruik daarvan: Met dien verstande dat alle besonderhede van die ontwerp en bou van die studam en daarmee in verband staande werke vir die bewaring van water in die bedding van die Vaalrivier en van alle meetwalle en peiltoestelle vir die meet van water wat in en uit die reservoir vloei, of daaruit gehaal word, eers vir goedkeuring aan die Minister voorgelê moet word: Met dien verstande voorts dat die metodes van beheer en bestuur van vermelde studam en meetmiddels, voor hulle in werking gestel word, deur die Minister goedgekeur moet word.

Bevoegdheid om sydelings af te wyk van die ligging van werke, ens., op die planne aangedui.

130. Die raad kan, onderhewig aan die bepalings van hierdie Hoofstuk, by die aanleg van die werke ingevolge hierdie Hoofstuk gemagtig, van onderskeidelik die lyne of ligging daarvan soos aangedui op die betrokke planne sydelings afwyk in enige mate binne die perke van afwyking deur die planne vasgestel, en buite dié perke met toestemming van die eienaar van die grond waardeur sodanige afwyking volgens voorneme sal geskied. Waar op die planne aangedui word dat die lyn van werke langs 'n pad loop en geen perke van sydelingse afwyking op die planne aangedui word nie, kan die raad by die aanleg van dié werk sydelings in enige mate binne die grense van die pad afwyk, en die raad kan ook van die hoogtes van enige waterwerke op die planne aangedui tot hoogstens drie voet afwyk.

Bevoegdheid om grond in verband met werke te verkry.

131. Vir die doeleindes in hierdie Hoofstuk beskryf en sonder om afbreuk te doen aan die uitoefening deur die raad van al die bevoegdhede aan hom deur artikel *vier-en-twintig* verleen in verband met die verkryging en betreding van grond, die lê van pype en ander werke in verband met sy doeleindes, en onderworpe aan die bepalings van artikel *vier-en-twintig*, kan die raad deur ooreenkoms of, by gebrek aan ooreenkoms, deur gedwonge koop soos hierna bepaal, grond of 'n reg of servituut op of oor grond wat hy binne die perke op die gedeponeerde planne beskryf vir die doeleindes van hierdie Hoofstuk nodig mag hê, verkry, en kan hy die oppervlakte van grond, paaie of strate binne genoemde perke betree en opbreek, en kan hy vir gemelde doeleindes klip, klei, gruis of ander materiaal neem, gebruik en wegneem: Met dien verstande dat ten opsigte van grond, paaie of strate onder die beheer van 'n plaaslike bestuur geen vergoeding soos deur genoemde artikel bepaal, vir die betree of opbreek van die oppervlakte van grond, paaie of strate of vir die wegneem van materiaal van enige grond betaal word nie; maar vir sover dit redelik, gedoen kan word, herstel die raad die oppervlakte van so 'n pad of straat tot tevredeheid van genoemde plaaslike bestuur: Met dien verstande voorts dat vir die doeleindes van hierdie Hoofstuk geen klip, klei, gruis of ander materiaal van verboude lande of tuine of van enige plek binne 'n omtrek van tweehonderd jaart van 'n gebou op enige grond, behalwe met toestemming van die eienaar, geneem mag word nie.

Vergoeding vir grond of regte oor grond anders as deur ooreenkoms verkry.

132. (1) Wanneer die raad by die uitoefening van die bevoegdhede wat by hierdie Hoofstuk verleen word, grond of 'n reg of servituut op of oor grond nodig het, of dit nodig vind om klip, klei, gruis of ander materiaal te neem, te gebruik of weg te neem, en dié grond, reg, servituut of materiaal nie

- (c) every person contravening paragraph (b) shall on conviction be liable to a fine not exceeding one hundred pounds, or in default of payment to imprisonment with or without hard labour for any period not exceeding six months, or to both such fine and imprisonment:

Provided that nothing in this section contained shall be held or taken to exempt such person from any civil liability to the board, or other criminal liability for any of the aforesaid acts.

129. For the purposes of section *one hundred and twenty-four* the board may from time to time construct, acquire, maintain and operate the works authorized by the Act of 1914 and described in the Eighth Schedule, on, through or over the lands delineated in the deposited plans and according to the levels shown upon the sections included therein, together with all proper barrages, dams, reservoirs, weirs, embankments, bridges, roads, approaches, railway sidings, ways, wells, tanks, basins, service reservoirs, gauging apparatus, mixing tanks, mechanical filters, filter tanks, filter beds, stand pipes, dams, sluices, waste-weirs, out-lets, out-falls, discharge pipes, aqueducts, culverts, cuts, channels, conduits, drains, mains, pipes, junctions, valves, telegraphs, telephones, cables for the transmission of electric energy, engines, pumps, buildings, constructions, apparatus, and conveniences connected with or auxiliary to the said works or any of them, or necessary for inspecting, maintaining, cleansing, repairing, renewing and operating the same: Provided that all details of the design and construction of the barrage and works connected therewith for the storage of water in the bed of the Vaal River, and of all gauging weirs and gauging apparatus for the measurement of water flowing into and out of the reservoir, or abstracted therefrom, shall first be submitted to the Minister for approval: Provided further that the methods of control and management of the said barrage and gauging appliances shall, before being brought into operation, be approved by the Minister.

Power to construct works and accessory plant.

130. Subject to the provisions of this Chapter the board may, in the construction of the works authorized under this Chapter, deviate laterally from the lines or positions thereof respectively as shown on the plans relating thereto to any extent within the limits of deviation defined by the plans, and beyond those limits by consent of the owner of the land through which such deviation is proposed to be made, and where the line of any works is shown upon the plans as passing along any roads, and no limits of lateral deviation are marked on the plans, the board may in making such work deviate laterally to any extent within the boundaries of such road, and may also deviate from the levels of any water works shown on the plans to any extent not exceeding three feet.

Power to deviate laterally from position of works, etc., as shown on plans.

131. For the purposes described in this Chapter and without prejudice to the exercise by the board of all powers conferred on it by section *twenty-four* in regard to acquiring and entering upon lands, the laying of pipes, and other works incidental to its purposes, the board may by agreement or, failing agreement, by compulsory purchase as hereinafter provided, acquire any land, or any right or servitude in or over land, which it may require within the limits described in the deposited plans for the purposes of this Chapter, and may enter upon and break up the surface of land, roads or streets within the said limits, and may take, use and carry away for the said purposes any stone, clay, gravel or other material, subject always to the provisions of section *twenty-four*: Provided that in the case of land, roads or streets vested in any local authority, no compensation shall be payable as provided by the said section in respect of the entering upon or breaking up the surface of any land, roads or streets, or the taking of materials from any land; but the board shall, as far as may reasonably be done, restore the surface of any such road or street to the satisfaction of the said local authority: Provided further that for the purposes of this Chapter, no stone, clay, gravel or other material shall, except with the consent of the owner, be taken from any cultivated lands or gardens or from any place within a radius of two hundred yards from any building upon any land.

Power to acquire land in connection with works.

132. (1) Where the board in the exercise of the powers conferred by this Chapter requires any land or any right or servitude in or over any land, or to take, use or carry away any stone, clay, gravel or other materials, and such land, right, servitude

Compensation for land or rights over land acquired otherwise than by agreement.

deur ooreenkoms met die eienaar verkry kan word nie, publiseer die raad in die *Staatskoerant* en in 'n nuusblad in omloop in die distrik waarin genoemde grond geleë is, 'n kennisgewing deur die sekretaris onderteken wat die beskrywing en ligging van die grond aangee asook van die reg of servituut wat na voorneme op of oor die grond geneem sal word, of 'n beskrywing van die materiaal wat hy voornemens is om van die grond te neem, na gelang van die geval.

(2) Die raad dien ook op die eienaar 'n afskrif van die kennisgewing in sub-artikel (1) genoem en vereis van hom dat hy binne 'n tyd daarin bepaal, wat nie minder as een maand van die datum van die diening daarvan is nie, die raad skriftelik meedeel wat die aard en omvang van sy eiendomsreg of belang is en onder watter titel hy dit hou, asook wat hy as vergoeding vir die neem, verkryging of gebruik van sodanige grond, reg, servituut of materiaal eis, en die raad verklaar dat hy gewillig is om met die eienaar aangaande die bedrag van sodanige vergoeding te onderhandel.

(3) Indien die eienaar nie binne een maand nadat die kennisgewing gediens is aan die bepalings van die kennisgewing voldoen het nie, of die raad nie met die eienaar oor die bedrag van die vergoeding wat betaal moet word, ooreengekom het nie, word die bedrag aan vergoeding deur arbitrasie vasgestel, vir watter doel die raad en die eienaar elkeen 'n arbiter benoem, en daarna is die bepalings van die „Arbitration Ordinance, 1904” (Ordonnansie No. 24 van 1904 (Transvaal)), of enige wysiging daarvan, van toepassing asof sodanige arbitrasie ontstaan het uit 'n versoek om verwysing na twee arbiters met 'n skeidsregter wat deur hulle aangestel moet word.

(4) Die raad kan te eniger tyd na verloop van een maand van die datum van die diening van die kennisgewing in sub-artikel (2) genoem, en in die mate en vir die doeleindes daarin genoem, die grond of reg of servituut daarop of daaroor, of materiaal daarin genoem, betree, in besit neem en gebruik, al is die bedrag van die vergoeding nog nie vasgestel nie.

(5) Ondanks die feit dat die raad enige bevoegdhede van hierdie artikel uitgeoefen het deur grond wat grens aan of deel uitmaak van die bedding van die Vaalrivier of sy takriviere, of 'n servituut oor enige sodanige grond te verkry, behou 'n eienaar van wie dié grond of servituut verkry is die reg van toegang tot dié rivier en takriviere op die wyse deur hierdie Hoofstuk bepaal, en wanneer ookal deur die verkryging van sodanige grond of servituut aan 'n takrivier van gemelde Vaalrivier, 'n plaas geheel en al of gedeeltelik geskei is sodat dit die redelike verkeer tussen een gedeelte van die plaas met enige ander gedeelte daarvan belemmer, voorsien die raad, tensy die eienaar ingestem het dat die raad enige deel van sy grond vry van vergoeding oorstrom of andersins met die raad ooreengekom het, redelike middele tot verkeer tussen die geskeide gedeeltes van die plaas of vergoed hy sodanige eienaar vir die ongerief wat veroorsaak is.

(6) Met dien verstande dat, wanneer 'n eienaar na wie in sub-artikel (3) van artikel *honderd vyf-en-twintig* verwys word, vrygestel is van die betaling van 'n *pro rata* bydrae soos daarin bedoel, hy nie op enige vergoeding hoegenaamd uit hoofde van die oorstroming van die bewaarwerke of ten aansien van grond of ander eiendom wat oorstrom is uit hoofde van die addisionele bewaarruimte in sub-artikel (2) van artikel *honderd vier-en-twintig* bedoel, geregtig is nie.

By die vasstelling van vergoeding neem arbiters sekere sake nie in aanmerking nie.

133. By die vasstelling van die bedrag van die vergoeding wat ingevolge die bepalings van hierdie Hoofstuk betaal moet word, neem die arbiters die volgende nie in aanmerking nie:

- (a) die verhoogde of verbeterde waarde van die grond wat die uitvoering van die werke deur die Wet van 1914 en hierdie Hoofstuk gemagtig, tot gevolg mag hê;
- (b) 'n toevoeging aan of verbetering van die grond aangebring na diening van die kennisgewing in artikel *honderd twee-en-dertig* voorgeskryf, behalwe 'n toevoeging of verbetering wat nodig mag gewees het om die eiendom in 'n behoorlike toestand te hou of wat onderneem mag gewees het ingevolge verpligtings voor die diening van sodanige kennisgewing aangegaan.

or materials cannot be acquired by agreement with the owner, the board shall publish in the *Gazette* and in a newspaper circulating in the district in which the said land is situated, a notice under the hand of the secretary, setting forth the description and situation of the land and also of the right or servitude which it is proposed to take in or over the said land, or a description of the materials which it proposes to take from the said land, as the case may be.

(2) The board shall also serve upon the owner a copy of the notice mentioned in sub-section (1), and shall require him to state in writing to the board, within a time to be specified therein not being less than one month from the date of the service thereof, the nature and extent of his ownership or interest and under what title the same is held, and also what claim he makes for compensation in respect of the taking, acquisition or use of such land, right, servitude or materials, and shall state that the board is willing to treat with him as to the amount of such compensation.

(3) After the expiration of one month from the date of service of the notice, if the owner shall not have complied with the terms of the notice, or if the board shall not have agreed with the owner as to the amount of compensation to be paid, the amount of compensation shall be determined by arbitration, for which purpose the board and the owner shall each appoint an arbitrator and thereafter the provisions of the Arbitration Ordinance, 1904 (Ordinance No. 24 of 1904 (Transvaal)), or any amendment thereof, shall apply as if such arbitration had arisen on a submission providing for a reference to two arbitrators with an umpire to be appointed by them.

(4) The board may, at any time after the expiration of one month from the date of service of the notice referred to in sub-section (2), enter upon, take possession of, and use to the extent and for the purposes stated in such notice, the land or right or servitude in or over any land or any material specified therein, notwithstanding that the amount of compensation may not have been settled.

(5) Notwithstanding that the board has exercised any powers of this section by acquiring any land abutting on or forming part of the bed of the Vaal River or its tributaries, or a servitude over any such land, an owner from whom such land or servitude has been acquired shall continue to have a right of access in manner provided by this Chapter to such river and tributaries, and whenever by the acquisition of such land or servitude on a tributary stream to the said Vaal River a farm has become wholly or partially severed so as to interfere with reasonable communication from one portion of the farm to any other portion thereof, the board shall, unless the owner shall have agreed to the board submerging any of his land free of compensation or shall have otherwise agreed with the board, provide reasonable means of communication between the severed portions of the farm or shall compensate such owner for the inconvenience caused.

(6) Provided that where any owner in sub-section (3) of section *one hundred and twenty-five* referred to shall be exempt from paying any such *pro rata* contribution as therein is referred to, he shall not be entitled to any compensation whatever by reason of the submersion of the storage works or in respect of land or other property submerged by reason of the additional storage accommodation referred to in sub-section (2) of section *one hundred and twenty-four*.

133. In determining the amount of compensation to be paid under the provisions of this Chapter, the arbitrators shall not take into account:

- (a) any enhanced or improved value which may accrue to the land by reason of the carrying out of the works authorized by the Act of 1914 and this Chapter;
- (b) any addition to or improvement of the land made after service of the notice prescribed by section *one hundred and thirty-two*, except such addition or improvement as may have been necessary for maintaining the property in a proper state of repair or as may have been undertaken in pursuance of obligations entered into previous to the service of such notice.

Arbitrators not to take account of certain matters in fixing compensation.

Voorsiening in gevalle waar die eienaar van die grond, ens., regsonbevoeg is of nie gevind kan word nie.

134. (1) Indien die eienaar 'n minderjarige of ander persoon is wat onder 'n voog of kurator staan, word die voog of kurator, na gelang van die geval, hierby gemagtig in sy hoedanigheid van voog of kurator om vir die doeleindes van die Wet van 1914 en hierdie Hoofstuk in verband met die grond in alle opsigte op te tree soos die eienaar, indien hy mondig en andersins bevoeg was, sou kon optree.

(2) In elke ander geval waar die eienaar regsonbevoeg is om die grond, reg of servituut of materiaal wat die raad verlang om te verkry, oor te dra, toe te staan of van die hand te sit, of waar hy nie gevind kan word nie en geen verteenwoordiger het wat bevoeg is om namens hom op te tree nie, benoem 'n bevoegde Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika, op aansoek van die raad, 'n persoon om vir die doeleindes van hierdie Hoofstuk die eienaar te verteenwoordig en namens hom op te tree, en die aldus benoemde persoon is, onderworpe aan enige bevel van die hof, gemagtig om vir die doeleindes van hierdie Hoofstuk ten aansien van die grond in alle opsigte op te tree soos die eienaar, indien hy bevoeg was en gevind kon word, sou kon optree.

Prosedure vir die verkryging van registrasie van eiendomsbewys.

135. (1) Indien die raad ingevolge die bevoegdhede deur die Wet van 1914 en hierdie Hoofstuk verleen, grond of 'n servituut op of oor grond verkry het, doen die eienaar na betaling van die koopprys of vergoeding alles wat nodig is om die eiendomsbewys van die grond, reg of servituut op naam van die raad te laat registreer.

(2) Indien die eienaar weier om ooreenkomstig sub-artikel (1) te handel, of indien hy weier om betaling van die koopprys of vergoeding te ontvang, of indien 'n geskil ontstaan oor watter persoon op dié betaling geregtig is, of indien sodanige persoon nie gevind kan word nie, gelas 'n bevoegde Provinsiale Afdeling van die Hooggeregshof van Suid-Afrika, op aansoek van die raad en by betaling van die koopprys of vergoeding aan die Meester ingeval betaling nie reeds aan die eienaar gedoen is nie, die Registrateur van Aktes om die eiendomsbewys op naam van die raad te registreer of gee hy 'n ander bevel na gelang van omstandighede.

Raad se reg op toegang tot werke.

136. Die raad en amptenare, dienare of aannemers van die raad deur hom behoorlik gemagtig, het met of sonder waens, karre, rytuie of ander voertuie vrye toegang tot en reg van deurgang na grond oor, onder en langs die lyn van werke deur die Wet van 1914 en hierdie Hoofstuk gemagtig en na en van alle ander eiendom van die raad van tyd tot tyd daarkragtens verkry, vir alle doeleindes in verband met die bou, inspeksie, instandhouding, herstel, vernuwing en gebruik van enige sodanige werke.

Toegang tot bewaarwerke van raad.

137. (1) Behoudens die spesiale bepalings van sub-artikel (2) word niks in hierdie Hoofstuk so uitgelê nie dat dit 'n eienaar van oewergrond langs daardie deel van die Vaalrivier en sy takriviere wat binne die bewaargebied van die raad se werke geleë is, sodanige toegang tot die raad se bewaarwerke ontnem as wat nodig is om hom in staat te stel om sy regte op die primêre, sekondêre en tersiêre gebruik van water soos omskryf in artikel *elf* van die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), uit te oefen.

(2) Die raad kan enige persoon toegang tot sy bewaarwerke op enige plek ontsê binne 'n duisend voet bokant die studam aan albei oewers van genoemde rivier en sy takriviere of tot enige plek op 'n oewer van die rivier wat binne driehonderd voet is van die plek waar water wettiglik deur die raad uitgehaal word of binne driehonderd voet van die plek op die teenoorgestelde oewer van die rivier geleë regoor die plek waar water uitgehaal word.

Straf vir beskadiging van, of bemoeiing met werke.

138. Enige persoon wat opsetlik die werke deur die Wet van 1914 en hierdie Hoofstuk gemagtig, beskadig, verniel, versteur, versper of onderbreek, of wat die maak, aanlê, bou of instandhouding daarvan versper, belemmer of verhinder, is by skuldige bevinding strafbaar met 'n boete van hoogstens honderd pond of by wanbetaling met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens ses maande, of met beide sodanige boete en gevangenisstraf: Met dien verstande dat beskou word dat niks in hierdie artikel vervat so 'n persoon onthef van siviele of ander strafregtelike aanspreeklikheid van enige van voormelde dade waaraan hy onderworpe sou gewees het indien hierdie Wet nie aangeneem was nie.

Straf vir die verontreiniging van water, ens.

139. Enige persoon wat vaste of vloeibare rioolvuil, nywerheids- of huishoudelike afval wat die verontreiniging van die opgedamde en bewaarde water in enige van die werke deur die Wet van 1914 en hierdie Hoofstuk gemagtig, of van 'n opvang-

134. (1) Where the owner is a minor or other person under guardianship or curatorship, the guardian or curator, as the case may be, is hereby authorized in his capacity as such guardian or curator to act in relation to the land for the purposes of the Act of 1914 and this Chapter in all respects as the owner could or might act if he were of age and otherwise capable of acting.

Provision for cases where the owner of land, etc., is under disability or cannot be found.

(2) In any other case in which the owner is under any disability to transfer, grant or dispose of the land, right or servitude or material sought to be acquired by the board, or where he cannot be found and has no representative competent to act on his behalf, any Provincial Division of the Supreme Court of South Africa having jurisdiction shall, on application by the board, appoint some person to represent and act for the owner for the purposes of this Chapter, and the person so appointed shall, subject to any order made by the court, be authorized to act in relation to the land for the purposes of this Chapter in all respects as the owner could or might, if he were competent to act and could be found.

135. (1) Where under the powers conferred by the Act of 1914 and this Chapter the board has acquired any land or any right or servitude in or over land, the owner shall, on payment of the purchase price or compensation, do all such acts as may be necessary for the registration of the title to such land, right or servitude in the name of the board.

Proceedings for obtaining registration of title.

(2) If the owner shall refuse to act as required by sub-section (1) or if he shall refuse to accept payment of the purchase price or compensation, or if a dispute shall arise as to the person entitled to such payment, or if such person cannot be found, any Provincial Division of the Supreme Court of South Africa having jurisdiction, on application by the board and on payment of the purchase price or compensation to the Master, where payment has not already been made to the owner, shall direct the Registrar of Deeds to effect registration of title in the name of the board, or shall make such other order as the circumstances may require.

136. The board and any officer, servant or contractor of the board, duly authorized by it, shall with or without wagons, carts, carriages or other vehicles have free access and right of way to the land, over, under and along the line of works authorized by the Act of 1914 and this Chapter, and to and from all other property of the board acquired from time to time thereunder, for all purposes incidental to the construction, inspection, maintenance, repair, renewal and operation of any such works.

Board's right of access to works.

137. (1) Save as is specially provided in sub-section (2), nothing in this Chapter contained shall be construed so as to deprive any owner of land riparian to that portion of the Vaal River and its tributaries within the storage area of the board's works of such access to the board's storage works as is necessary to enable him to exercise his rights to the primary, secondary and tertiary uses of water as defined in section *eleven* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912).

Access to board's storage works.

(2) The board may exclude any person from having access to its storage works at any point upstream within one thousand feet of the barrage on both banks of the said river and its tributaries, or from having access to any point on a bank of the river which is within three hundred feet of the point where water is lawfully abstracted by the board, or within three hundred feet of the point on the opposite bank of the river immediately opposite the point of abstraction.

138. Any person who shall wilfully injure, damage, disturb, obstruct or interrupt any of the works authorized by the Act of 1914 and this Chapter, or shall obstruct, hinder or prevent the forming, constructing, building or maintaining the same, shall, upon conviction, be liable to a fine not exceeding one hundred pounds, or in default of payment to imprisonment with or without hard labour for any period not exceeding six months, or to both such fine and imprisonment: Provided that nothing in this section contained shall be held or taken to exempt such person from any civil or other criminal liability in respect of any of the aforesaid acts to which he would have been subject if this Act had not been passed.

Penalty for damaging or interfering with works.

139. Any person who shall place or deposit, or who shall knowingly cause or permit to be placed or deposited in any of the works authorized by the Act of 1914 and this Chapter,

Penalty for pollution of water, etc.

gebied geleë binne vyf myl van die lyn van die boonste water-vlak van die reservoir soos in die gedeponeerde planne aangetoon, of van 'n waterloop, spruit, stroom of rivier wat regstreeks in die genoemde werke inloop of daarmee verbind is, kan of waarskynlik sal veroorsaak, in enige van genoemde werke plaas of neersit of wetens laat plaas of neersit of toelaat dat dit gedoen word, of wat dit binne of op so 'n opvanggebied of in of naby so 'n waterloop, spruit, stroom of rivier wetens laat plaas, neersit of vloei of toelaat dat dit geskied, of wat in of op grond wat deur die raad in verband met die genoemde werke gebruik of gehou word, enigiets plaas of neersit of laat plaas of neersit of toelaat dat dit gedoen word, of wat enigiets doen of laat doen wat sodanige verontreiniging kan of waarskynlik sal veroorsaak, is by skuldigbevinding ten opsigte van elke oortreding strafbaar met 'n boete van hoogstens twintig pond of by wanbetaling met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens een-en-twintig dae of met beide sodanige boete en gevangenisstraf: Met dien verstande dat beskou word dat niks in hierdie artikel vervat so 'n persoon onthef van siviele of ander strafregtelike aanspreeklikheid vir enige van voormelde dade waaraan hy onderworpe sou gewees het indien hierdie Wet nie aangeneem was nie: Met dien verstande voorts dat indien die verontreiniging of waarskynlike verontreiniging te wyte is aan die optrede van enige plaaslike bestuur of persoon binne of buite die verskaffingsterrein, so 'n plaaslike bestuur of persoon deur bevel van 'n regter van 'n bevoegde hof belet kan word en indien nodig gelas kan word om die oorsaak van sodanige verontreiniging te verhelp of te verwyder: Met dien verstande voorts dat indien verontreiniging of waarskynlike verontreiniging te wyte is aan die nabyheid aan die bewaarwerke van 'n gebou, kraal of ander bouwerk wat op die negen-en-twintigste dag van Junie 1914 bestaan het, die eienaar van die grond vergoed word indien die genoemde verontreiniging op geen ander manier redelikerwys verhelp kan word nie as deur die verwydering van so 'n gebou, kraal of ander bouwerk.

Waar oortredings
verhoor kan
word.

140. 'n Oortreding van die bepalings van hierdie Hoofstuk kan in die magistratshof van die distrik waarin dit begaan is, verhoor word en vir daardie doel word die vereiste regsbevoegdheid om die maksimum straf op te lê wat ingevolge hierdie Hoofstuk toegelaat word, hiermee aan so 'n hof verleen.

Aanspreeklik-
heid vir
skade.

141. Behoudens die bepalings van sub-artikel (5) van artikel honderd vyf-en-twintig ten aansien van die verlies van opgedamde water, word niks in hierdie Hoofstuk vervat so uitgelê nie dat dit die raad van enige aanspreeklikheid onthef wat andersins op hom sou rus vir skade veroorsaak deur 'n onwettige handeling van die raad of sy dienare of weens nalatigheid van die raad of sy dienare by die uitoefening van die bevoegd-hede deur hierdie Hoofstuk aan die raad verleen.

Wet belet nie
die Goewerneur-
generaal om
bevoegdhede
ingevolge Wet
8 van 1912 uit te
oefen nie.

142. Niks in hierdie Hoofstuk vervat het die uitwerking dat dit die Goewerneur-generaal by die uitoefening van die bevoegdhede kragtens artikel sewe van die „Besproeiings- en Waterbewarings Wet, 1912” (Wet No. 8 van 1912), aan hom verleen, verhinder om op of naby die ligging van die studam enige werke vir die bewaring en opdam van water te bou nie, al word die studam en dele van die grond deur die raad vir die doel van die Wet van 1914 en hierdie Hoofstuk verkry, ook daardeur oorstroom: Met dien verstande—

- (a) dat vergoeding aan die raad deur die Goewerneur-generaal betaal word ten opsigte van grond, werke, geboue, bouwerke of toestelle, met uitsondering van die studam self, wat as gevolg daarvan oorstroom of nutteloos mag word en die bedrag van sodanige vergoeding word deur ooreenkoms bepaal of by gebrek aan ooreenkoms deur arbitrasie kragtens die bepalings van die „Arbitration Ordinance, 1904” (Ordonnansie No. 24 van 1904 (Transvaal));
- (b) dat die raad en enige persoon geregtig kragtens 'n permit ingevolge artikel honderd vyf-en-twintig uitgereik te alle tye die reg het om soveel van die water deur die genoemde werke bewaar of opgedam te neem as wat hy nodig het, maar hoogstens die hoeveelheid wat hy ingevolge die bepalings van hierdie Hoofstuk sou kon geneem het indien sodanige werke nie gebou was nie;
- (c) dat die Goewerneur-generaal te alle tye sodanige werke in doeltreffende werkende orde en in stand hou en nie toelaat dat die water wat daardeur bewaar of opgedam word, laer sak nie as die peil wat nodig is vir die

or who shall knowingly cause or permit to be placed, deposited, or to flow into or on any gathering ground situate within a distance of five miles from the top water level line of the reservoir as shown on the deposited plans, or in or near any water-course, spruit, stream, or river, directly leading into or communicating with the said works, any solid or liquid sewage, trade refuse or house refuse, which may cause or be likely to cause pollution of the water impounded and stored in the said works, or of any such gathering ground, water-course, spruit, stream or river, or who shall in or upon any land used or held by the board in connection with the said works, place or deposit, or cause or permit to be placed or deposited, any thing, or commit or cause to be committed any act which may cause or be likely to cause such pollution, shall for every offence, on being convicted thereof, be liable to a fine not exceeding twenty pounds, or in default of payment to imprisonment with or without hard labour for any period not exceeding twenty-one days, or to both such fine and imprisonment: Provided that nothing in this section contained shall be held or taken to exempt such person from any civil or other criminal liability in respect of any of the aforesaid acts to which he would have been subject if this Act had not been passed: Provided further that if the pollution or likelihood of pollution is due to the action of any local authority or person within or without the limits of supply, such local authority or person may be restrained by order of a judge of any competent court, and if necessary ordered to remedy or remove the cause of such pollution: Provided further that, if pollution or likelihood of pollution is due to the proximity to the storage works of any building, kraal or other structure which was in existence at the twenty-ninth day of June, 1914, the owner of the land shall be compensated if the said pollution cannot be otherwise reasonably remedied than by removal of the said building, kraal or other structure.

140. Any offence committed in contravention of the provisions of this Chapter may be prosecuted in the magistrate's court of the district in which the same shall be committed, for which purpose the requisite jurisdiction to impose the maximum penalty allowed under this Chapter is hereby conferred upon any such court. Where offences may be prosecuted.

141. Save as is provided in sub-section (5) of section *one hundred and twenty-five* in regard to the loss of impounded water, nothing in this Chapter contained shall be construed as exempting the board from any liability which would otherwise attach to it in respect of any damage caused by any unlawful act of the board or its servants, or by any negligence on the part of the board or its servants, in the exercise of the powers conferred upon the board by this Chapter. Liability for damage.

142. Nothing in this Chapter contained shall have effect so as to prevent the Governor-General in the exercise of the powers conferred by section *seven* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), from constructing any work for the storage or impounding of water on or near the site of the barrage, notwithstanding that the barrage and portions of the lands acquired by the board for the purposes of the Act of 1914 and this Chapter may be thereby submerged: Provided— Act not to prevent exercise by Governor-General of powers under Act 8 of 1912.

- (a) that compensation shall be paid to the board by the Governor-General in respect of any land, works, buildings, structures or appliances, except the barrage itself, which may be thereby submerged or rendered useless, the amount of such compensation to be determined by agreement or, failing agreement, by arbitration under the provisions of the Arbitration Ordinance, 1904 (Ordinance No. 24 of 1904 (Transvaal));
- (b) that the board and any person entitled under a permit granted under section *one hundred and twenty-five* shall be at all times entitled to draw from the water stored or impounded by the said work such quantity as it or he may require, not exceeding such quantity as it or he could have drawn under the provisions of this Chapter had such work not been constructed;
- (c) that the Governor-General shall at all times maintain such work in efficient working order and repair, and shall not permit the water stored or impounded thereby to fall to a level below that necessary to allow the

behoorlike uitoefening van die regte wat deur die tweede voorbehoudsbepaling van hierdie artikel verleen word, deur die raad en alle ander persone wat daarop geregtig is.

Voorbehoud van wetlike regte van die spoorweg-administrasie.

143. Niks in hierdie Hoofstuk vervat word so uitgelê nie dat dit inbreuk maak op die bevoegdhede of regte wat deur die spoorwegadministrasie uitgeoefen kan word kragtens die „Railway Expropriation of Land Ordinance, 1903” (Ordonnansie No. 20 van 1903 (Transvaal)), of kragtens die „Railway Expropriation of Land Ordinance, 1903” (Ordonnansie No. 46 van 1903 (Oranje-Vrystaat)).

Bevoegdhede deur hierdie Hoofstuk verleen, vul bestaande bevoegdhede aan.

144. Daar word beskou dat die regte, bevoegdhede en voorregte deur hierdie Hoofstuk aan die raad verleen, die regte, bevoegdhede en voorregte wat elders in hierdie Wet aan die raad verleen word, aanvul en nie afbreuk daaraan doen nie.

HOOFTUK VII.

KORT TITEL.

Kort titel.

145. Hierdie Wet heet die Private Wet op die Randwater-raadstatute, 1950.

Eerste Bylae.

HERROEPE WETTE.

Provinsie of Unie.	No. en jaar van Wet.	Kort titel.	Omvang van herroeping.
Transvaal	Ordonnansie No. 32 van 1903	„The Rand Water Board Incorporation Ordinance, 1903”	Soveel as wat nog nie herroep is nie.
„	Ordonnansie No. 48 van 1904	„The Rand Water Board Extended Powers Ordinance, 1904”	Soveel as wat nog nie herroep is nie.
„	Ordonnansie No. 21 van 1906	„The Rand Water Board Extended Powers Amendment Ordinance, 1906”	Geheel.
„	Wet No. 22 van 1909	„De Rand Waterraad Verdere Machten Wet, 1909”	Soveel as wat nog nie herroep is nie.
Unie	Wet No. 18 van 1914	„De Rand Waterraad Verdere Waterverschaffings (Private) Wet, 1914”	Soveel as wat nog nie herroep is nie.
„	Wet No. 10 van 1920	„De Rand Waterraad Statuten 1903-1914 Wijzigings (Private) Wet, 1920”	Geheel.
„	Wet No. 18 van 1923	„De Rand Waterraad Statuten 1903-1921 Wijzigings Wet, 1923”	Geheel.
„	Wet No. 5 van 1931	Die Rand Waterraad Statute, 1903-1923 Wysigings (Private) Wet, 1931	Geheel.
„	Wet No. 9 van 1935	Die Rand Waterraad Statute 1903-1933 Wysigings (Private) Wet, 1935	Soveel as wat nog nie herroep is nie.
„	Wet No. 12 van 1938	Die Rand Waterraad Statute 1903-1935 Wysigings (Private) Wet, 1938	Geheel.
„	Wet No. 11 van 1944	Die Private Wet tot Wysiging van die Rand-Waterraadstatute (1903-1938), 1944	Geheel.
„	Wet No. 10 van 1945	Die Private Wet tot Wysiging van die Rand-Waterraadstatute 1903-1944, 1945	Geheel.
„	Wet No. 11 van 1949	Die Private Wet tot Wysiging van die Rand-Waterraadstatute (1903-1945), 1949	Geheel.

rights conferred by the second proviso hereof to be duly exercised by the board and by all other persons entitled thereto.

143. Nothing in this Chapter contained shall be construed as derogating from any powers or rights exercisable by the railway administration under the Railway Expropriation of Land Ordinance, 1903 (Ordinance No. 20 of 1903 (Transvaal)), or under the Railway Expropriation of Land Ordinance, 1903 (Ordinance No. 46 of 1903 (Orange Free State)).

Saving of statutory rights of the railway administration.

144. The rights, powers and privileges by this Chapter conferred on the board shall be deemed and taken to be so conferred in supplement of and not in derogation from any rights, powers or privileges conferred on the board elsewhere in this Act.

Powers conferred by this Chapter to be supplementary to existing powers.

CHAPTER VII.

SHORT TITLE.

145. This Act shall be called the Rand Water Board Statutes (Private) Act, 1950.

First Schedule.

LAWS REPEALED.

Province or Union.	No. and year of law.	Short title.	Extent of repeal.
Transvaal	Ordinance No. 32 of 1903	The Rand Water Board Incorporation Ordinance, 1903	So much as is unrepealed.
"	Ordinance No. 48 of 1904	The Rand Water Board Extended Powers Ordinance, 1904	So much as is unrepealed.
"	Ordinance No. 21 of 1906	The Rand Water Board Extended Powers Amendment Ordinance, 1906	The whole.
"	Act No. 22 of 1909	The Rand Water Board Further Powers Act, 1909	So much as is unrepealed.
Union	Act No. 18 of 1914	The Rand Water Board Supplementary Water Supply (Private) Act, 1914	So much as is unrepealed.
"	Act No. 10 of 1920	The Rand Water Board Statutes, 1903-1914 Amendment (Private) Act, 1920	The whole.
"	Act No. 18 of 1923	The Rand Water Board Statutes 1903-1921 Amendment Act, 1923	The whole.
"	Act No. 5 of 1931	The Rand Water Board Statutes, 1903-1923, Amendment (Private) Act, 1931	The whole.
"	Act No. 9 of 1935	The Rand Water Board Statutes 1903-1933 Amendment (Private) Act, 1935	So much as is unrepealed.
"	Act No. 12 of 1938	The Rand Water Board Statutes 1903-1935 Amendment (Private) Act, 1938	The whole
"	Act No. 11 of 1944	The Rand Water Board Statutes (1903-1938) Amendment (Private) Act, 1944	The whole.
"	Act No. 10 of 1945	The Rand Water Board Statutes 1903-1944 Amendment (Private) Act, 1945	The whole.
"	Act No. 11 of 1949	The Rand Water Board Statutes 1903-1945 Amendment (Private) Act, 1949	The whole.

Tweede Bylae.

GRENSE VAN VERSKAFFINGSTERREIN.

Vanaf die noord-westelike baken van die plaas Rhenosterspruit No. 579, in die magistraatsdistrik Pretoria, in 'n oostelike en noordelike rigting langs die grense van en met insluiting van die plase Rhenosterspruit No. 579, Vlaktefontein No. 76, Roodekrans No. 203, Hennopsrivier No. 265, Schurveberg No. 381, Uitzicht No. 586 en Boekenhoutkloof No. 263 tot by die noord-westelike baken van laasgenoemde plaas, vandaar in 'n oostelike rigting langs die grense van en met insluiting van die plase Boekenhoutkloof No. 263, Zandfontein No. 93 en Daspoort No. 192 tot by die westelike grens van die plaas Wonderboom No. 311, vandaar in 'n noordelike rigting langs die grens van en met insluiting van die plaas Wonderboom No. 311 tot by die noord-westelike baken van genoemde plaas, vandaar in 'n oostelike rigting langs die grense van en met insluiting van die plase Wonderboom No. 311, Hartebeestfontein No. 592 en Derdepoort No. 469 tot by die noord-oostelike baken van laasgenoemde plaas, vandaar in 'n suidelike en oostelike rigting langs die grense van en met insluiting van die plase Derdepoort No. 469, Hartebeestpoort No. 308, Hartebeestpoort No. 304, Garstfontein No. 428 en Rietfontein No. 448, almal in die magistraatsdistrik Pretoria, tot by die suid-oostelike baken van laasgenoemde plaas; vandaar in 'n suidelike en oostelike rigting langs die grense van en met insluiting van die plase Grootfontein No. 210, Tweefontein No. 213 en Bronkhorstfontein No. 214, almal in die magistraatsdistrik Bronkhorstspuit, en die plaas Knoppiesfontein No. 13, in die magistraatsdistrik Benoni, tot by die suid-oostelike baken van laasgenoemde plaas; vandaar in 'n suidelike en oostelike rigting langs die grense van en met insluiting van die plase Holfontein No. 1, Geigerle No. 3, Palmietkuilen No. 10 en Vischkuil No. 12, tot by die suid-oostelike baken van laasgenoemde plaas, vandaar in 'n westelike rigting langs die grense van en met insluiting van die plase Vischkuil No. 12 en Rietfontein No. 11, almal in die magistraatsdistrik Springs, tot by die noord-oostelike baken van die plaas Vlaktefontein No. 21, in die magistraatsdistrik Nigel; vandaar in 'n suidelike rigting langs die grense van en met insluiting van die plase Vlaktefontein No. 21, Holgatfontein No. 18 en Uitzicht No. 17 tot by die suid-oostelike baken van laasgenoemde plaas, vandaar in 'n westelike rigting langs die grense van en met insluiting van die plase Uitzicht No. 17 en Rietpoort No. 15, almal in die magistraatsdistrik Nigel, tot by die suid-westelike baken van laasgenoemde plaas; vandaar in 'n suidelike en westelike rigting langs die grense van en met insluiting van die plase Poortje No. 123, Houtpoort No. 309, Nooitgedacht No. 261, Elandsfontein No. 281, Goedgedacht No. 365, Goedgedacht No. 185 en Rietfontein No. 178, almal in die magistraatsdistrik Heidelberg, tot by die suid-oostelike baken van laasgenoemde plaas; vandaar in 'n suidelike en westelike rigting langs die grense van en met insluiting van die plaas Stryfontein No. 100, in die magistraatsdistrik Vereeniging, tot by die Vaalrivier by die suidelike baken van laasgenoemde plaas; vandaar in 'n westelike rigting langs die Vaalrivier tot by die suid-westelike baken van die plaas Zeekoefontein No. 21, in die magistraatsdistrik Vereeniging; vandaar in 'n noordelike rigting langs die grense van en met insluiting van die plase Zeekoefontein No. 21, Patriotsfontein No. 20, Gouvernements Grond No. 19, Tweefontein No. 67, Raatskraal No. 77, Cardoville No. 13 en Carol No. 160, almal in die magistraatsdistrik Vereeniging, en die plaas Doornpoort No. 47, in die magistraatsdistrik Randfontein, tot by die suid-oostelike baken van die plaas Rietfontein No. 162, in die magistraatsdistrik Potchefstroom; vandaar in 'n westelike rigting langs die grense van en met insluiting van die plase Rietfontein No. 162, Doornkloof No. 155, Leeuwpoot No. 91, Oog van Elandsfontein No. 79, Blyvooruitzicht No. 71, Doornfontein No. 139 en Varkenslaagte No. 46 tot by die suid-westelike baken van laasgenoemde plaas, vandaar in 'n noord-oostelike rigting langs die grense van en met insluiting van die plase Varkenslaagte No. 46, Welverdiend No. 64, Stinkhoutboom No. 11 en Goudvlakte West No. 136, almal in die magistraatsdistrik Potchefstroom, tot by die suid-westelike baken van die plaas Wildfontein No. 22, in die magistraatsdistrik Randfontein; vandaar in 'n noordelike rigting langs die grense van en met insluiting van die plase Wildfontein No. 22, Holfontein No. 17 en Houtkop No. 2, almal in die magistraatsdistrik Randfontein, tot by die noord-westelike baken van laasgenoemde plaas; vandaar in 'n westelike rigting langs die suidelike grens van die plaas Platklip No. 97 tot by die voormalige suid-westelike baken van die plaas Kaalfontein No. 105, vandaar in 'n noordelike rigting oor die plaas Platklip No. 96 langs die voormalige westelike grens van die plaas Kaalfontein No. 105 tot by die voormalige noord-westelike baken van genoemde plaas, vandaar in 'n oostelike rigting langs die noordelike grense van die plase Platklip No. 97 en Kaalfontein No. 105 tot by die westelike grens van die plaas Koesterfontein No. 108, vandaar in 'n noordelike rigting langs die grense van en met insluiting van die plase Koesterfontein No. 108, Rietpoort No. 63, New Thorndale No. 102, Doornkloof No. 103 en Doornhoek No. 117, tot by die noord-westelike baken van laasgenoemde plaas, vandaar in 'n oostelike en noordelike rigting langs die grense van en met insluiting van die plase Doornhoek No. 117, Nooitgedacht No. 121, Hartebeestfontein No. 118, Hartebeestfontein No. 119 en Bultfontein No. 120 tot by die noordelike baken van laasgenoemde plaas, vandaar in 'n suidelike en oostelike rigting langs die grense van en met insluiting van die plase Bultfontein No. 120, Hartebeesthoek No. 116 en Diepkloof No. 114, almal in die magistraatsdistrik Krugersdorp, tot by die aanvangspunt.

Second Schedule.

DEFINITION OF LIMITS OF SUPPLY.

Beginning at the north-western beacon of the farm Rhenosterspruit No. 579, in the Magisterial District of Pretoria, and proceeding in an easterly and northerly direction along the boundaries of and including the farms Rhenosterspruit No. 579, Vlakfontein No. 76, Roodekrans No. 203, Hennopsvrивer No. 265, Schurveberg No. 381, Uitzicht No. 586 and Boekenhoutkloof No. 263 to the north-western beacon of the last-named farm, thence in an easterly direction along the boundaries of and including the farms Boekenhoutkloof No. 263, Zandfontein No. 93 and Daspoort No. 192 to the western boundary of the farm Wonderboom No. 311, thence in a northerly direction along the boundary of and including the farm Wonderboom No. 311 to the north-western beacon of the said farm, thence in an easterly direction along the boundaries of and including the farms Wonderboom No. 311, Hartebeestfontein No. 592 and Derdepoort No. 469 to the north-eastern beacon of the last-named farm, thence in a southerly and easterly direction along the boundaries of and including the farms Derdepoort No. 469, Hartebeestpoort No. 308, Hartebeestpoort No. 304, Garstfontein No. 428 and Rietfontein No. 448, all in the Magisterial District of Pretoria, to the south-eastern beacon of the last-named farm; thence in a southerly and easterly direction along the boundaries of and including the farms Grootfontein No. 210, Tweefontein No. 213 and Bronkhorstfontein No. 214, all in the Magisterial District of Bronkhorstspuit, and the farm Knoppiesfontein No. 13, in the Magisterial District of Benoni, to the south-eastern beacon of the last-named farm; thence in a southerly and easterly direction along the boundaries of and including the farms Holfontein No. 1, Geigerle No. 3, Palmietkuilen No. 10 and Vischkuil No. 12, to the south-eastern beacon of the last-named farm, thence in a westerly direction along the boundaries of and including the farms Vischkuil No. 12 and Rietfontein No. 11, all in the Magisterial District of Springs, to the north-eastern beacon of the farm Vlakfontein No. 21, in the Magisterial District of Nigel; thence in a southerly direction along the boundaries of and including the farms Vlakfontein No. 21, Holgatfontein No. 18 and Uitkyk No. 17 to the south-eastern beacon of the last-named farm, thence in a westerly direction along the boundaries of and including the farms Uitkyk No. 17 and Rietpoort No. 15, all in the Magisterial District of Nigel, to the south-western beacon of the last-named farm; thence in a southerly and westerly direction along the boundaries of and including the farms Poortje No. 123, Houtpoort No. 309, Nootgedacht No. 261, Elandsfontein No. 281, Goedgedacht No. 365, Goedgedacht No. 185 and Rietfontein No. 178, all in the Magisterial District of Heidelberg, to the south-eastern beacon of the last-named farm; thence in a southerly and westerly direction along the boundaries of and including the farm Stryfontein No. 100, in the Magisterial District of Vereeniging, to the Vaal River at the southern beacon of the last-named farm; thence in a westerly direction along the Vaal River to the south-western beacon of the farm Zeekoefontein No. 21, in the Magisterial District of Vereeniging; thence in a northerly direction along the boundaries of and including the farms Zeekoefontein No. 21, Patriotsfontein No. 20, Gouvernements Grond No. 19, Tweefontein No. 67, Raatskraal No. 77, Cardoville No. 13 and Carol No. 160, all in the Magisterial District of Vereeniging, and the farm Doornpoort No. 47, in the Magisterial District of Randfontein, to the south-eastern beacon of the farm Rietfontein No. 162, in the Magisterial District of Potchefstroom; thence in a westerly direction along the boundaries of and including the farms Rietfontein No. 162, Doornkloof No. 155, Leeuwpoort No. 91, Oog van Elandsfontein No. 79, Blyvooruitzicht No. 71, Doornfontein No. 139 and Varkenslaagte No. 46, to the south-western beacon of the last-named farm, thence in a north-easterly direction along the boundaries of and including the farms Varkenslaagte No. 46, Welverdiend No. 64, Stinkhoutboom No. 11 and Goudvlakte West No. 136, all in the Magisterial District of Potchefstroom, to the south-western beacon of the farm Wildfontein No. 22, in the Magisterial District of Randfontein; thence in a northerly direction along the boundaries of and including the farms Wildfontein No. 22, Holfontein No. 17 and Houtkop No. 2, all in the Magisterial District of Randfontein, to the north-western beacon of the last-named farm; thence in a westerly direction along the southern boundary of the farm Platklip No. 97 to the former south-western beacon of the farm Kaalfontein No. 105, thence in a northerly direction across the farm Platklip No. 97 along the former western boundary of the farm Kaalfontein No. 105 to the former north-western beacon of the said farm, thence in an easterly direction along the northern boundaries of the farms Platklip No. 97 and Kaalfontein No. 105 to the western boundary of the farm Koesterfontein No. 108, thence in a northerly direction along the boundaries of and including the farms Koesterfontein No. 108, Rietpoort No. 63, New Thorndale No. 102, Doornkloof No. 103 and Doornhoek No. 117, to the north-western beacon of the last-named farm, thence in an easterly and northerly direction along the boundaries of and including the farms Doornhoek No. 117, Nootgedacht No. 121, Hartebeestfontein No. 118, Hartebeestfontein No. 119 and Bultfontein No. 120, to the northern beacon of the last-named farm, thence in a southerly and easterly direction along the boundaries of and including the farms Bultfontein No. 120, Hartebeesthoek No. 116 and Diepkloof No. 114, all in the Magisterial District of Krugersdorp, to the point of beginning.

Derde Bylae.

BEDRAG EN BESKRYWING VAN LENINGS.

Tabel I.

Bedrag.	Beskrywing.
£622,350	Randwaterraad se Ingeskrewe Effekte (6 persent) 1950.
£445,000	Randwaterraad se Ingeskrewe Effekte (5½ persent) 1940/50.
£295,000	Randwaterraad se Ingeskrewe Effekte (3¾ persent) 1950.
£700,000	Randwaterraad se Ingeskrewe Effekte (3¼ persent) 1964.
£240,000	Som aan die Regering van die Unie van Suid-Afrika betaalbaar ingevolge artikel <i>honderd-en-tien</i> .
£280,000	Som aan die Regering van die Unie van Suid-Afrika betaalbaar ingevolge artikel <i>honderd-en-tien</i> .

Tabel II.

Bedrag.	Beskrywing.
£1,050,000	Randwaterraad se Ingeskrewe Effekte (3½ persent) 1956.
£800,000	Randwaterraad se Ingeskrewe Effekte (3⅝ persent) 1958.
£970,000	Randwaterraad se Ingeskrewe Effekte (3¾ persent) 1959.
£530,000	Randwaterraad se Ingeskrewe Effekte (3⅞ persent) 1960.
£1,250,000	Randwaterraad se Ingeskrewe Effekte (3 persent) 1967.
£450,000	Randwaterraad se Geregistreerde Effekte (3¼ persent) 1969.

Vierde Bylae.

VORM VAN EFFEKTESERTIFIKAAT.

Randwaterraad.

No..... £.....

Hierby word gesertifiseer dat.....die eienaar is van.....pond Randwaterraad-effekte onderworpe aan die bepalinge van die Private Wet op die Randwaterraadstatute, 1950 (Wet No. 17 van 1950), wat daarmee in verband staan, en aan die voorwaardes van uitgifte.

Geteken namens en op gesag van die Randwaterraad te..... op hede diedag van19....

Vyfde Bylae.

SESSIE DEUR ENDOSSEMENT OP SERTIFIKAAT.

Onderhewig aan die onderskeie voorwaardes waarop ek die mee-gaande effekte by verlyding daarvan hou, dra ek dit hiermee aan.....van.....oor.

Geteken te.....op hede die.....dag van.....19....

Getuie:

Sesde Bylae.*Vertaling van*

OOREENKOMS TUSSEN STADSRAAD VAN PRETORIA EN RANDWATERRAAD.

AKTE VAN OOREENKOMS aangegaan tussen die RANDWATERRAAD (hierna „die Raad” genoem) ingestel en as regspersoon erken ooreenkomstig die bepalinge van die Rand-Waterraadstatute 1903-1938 (hierna „die Raad se Statute” genoem) hierby verteenwoordig deur SYDNEY ALLELYNE VAN LINGEN, Voorsitter van die Raad, behoortlik daartoe gemagtig uit hoofde van 'n Besluit geneem op 'n Vergadering van die Raad gehou te Johannesburg op die sewe-en-twintigste dag van Augustus 1943, enersyds, en die Stadsraad van Pretoria (hierna „die Stadsraad” genoem) ingestel en as regspersoon erken ooreenkomstig die Ordonnansie op Plaaslike Bestuur, 1939 (Transvaal), hierby verteenwoordig deur DONALD JUNOR en HENRY PREISS, onderskeidelik Burge-meester en Stadsklerk van Pretoria, behoortlik daartoe gemagtig uit hoofde van 'n Besluit geneem op 'n Vergadering van die Stadsraad gehou te Pretoria op die dertigste dag van Augustus 1943 andersyds.

Third Schedule.

AMOUNT AND DESCRIPTION OF LOANS.

Table I.

Amount.	Description.
£622,350	Rand Water Board 6 per cent. Inscribed Stock, 1950.
£445,000	Rand Water Board 5½ per cent. Inscribed Stock, 1940/50.
£295,000	Rand Water Board 3½ per cent. Inscribed Stock, 1950.
£700,000	Rand Water Board 3½ per cent. Inscribed Stock, 1964.
£240,000	Sum payable to the Government of the Union of South Africa in terms of section <i>one hundred and ten</i> .
£280,000	Sum payable to the Government of the Union of South Africa in terms of section <i>one hundred and ten</i> .

Table II.

Amount.	Description.
£1,050,000	Rand Water Board 3½ per cent. Inscribed Stock, 1956.
£800,000	Rand Water Board 3½ per cent. Inscribed Stock, 1958.
£970,000	Rand Water Board 3½ per cent. Inscribed Stock, 1959.
£530,000	Rand Water Board 3½ per cent. Inscribed Stock, 1960.
£1,250,000	Rand Water Board 3 per cent. Inscribed Stock, 1967
£450,000	Rand Water Board 3½ per cent. Registered Stock, 1969.

Fourth Schedule.

FORM OF STOCK CERTIFICATE.

Rand Water Board.

No..... £.....

This is to certify that..... is the proprietor of..... pounds of Rand Water Board Stock subject to the provisions of the Rand Water Board Statutes (Private) Act, 1950 (Act No. 17 of 1950), relating thereto, and to the conditions of issue.

Signed on behalf and by authority of the Rand Water Board at..... this..... day of..... 19....

Fifth Schedule.

CESSION BY ENDORSEMENT ON CERTIFICATE.

I hereby transfer the within stock unto..... of..... subject to the several conditions on which I hold the same at the execution thereof.

Signed at..... this..... day of..... 19.....

Witness:

Sixth Schedule.

AGREEMENT BETWEEN CITY COUNCIL OF PRETORIA AND RAND WATER BOARD.

DEED OF AGREEMENT made between the RAND WATER BOARD (hereinafter referred to as "the Board") constituted and incorporated in accordance with the provisions of the Rand Water Board Statutes 1903-1938 (hereinafter referred to as "the Board's Statutes") herein represented by SYDNEY ALLELYNE VAN LINGEN, the Chairman of the Board, he being duly authorised thereto by virtue of a Resolution passed at a Meeting of the Board held at Johannesburg on the twenty-seventh day of August, 1943, of the one part, and the CITY COUNCIL OF PRETORIA (hereinafter referred to as "the Council") constituted and incorporated in accordance with the provisions of the Local Government Ordinance, 1939 (Transvaal), herein represented by DONALD JUNOR and HENRY PREISS, the Mayor and Town Clerk of Pretoria, respectively, they being duly authorised thereto by virtue of a Resolution passed at a Meeting of the Council held at Pretoria on the thirtieth day of August, 1943, of the other part.

NADEMAAL die Stadsraad by die Raad aansoek gedoen het om as 'n plaaslike bestuur en 'n samestellende owerheid kragtens die Raad se Statute aangestel te word en om die verskaffing van 'n voorraad water deur die Raad:

EN NADEMAAL die Raad bereid is om sodanige aansoek toe te staan onderworpe aan die hierna vermelde bepalings en voorwaardes:

DERHALWE het die partye hierby met mekaar 'n ooreenkoms aangegaan en soos volg ooreengekom:

1. By die uitleg van hierdie ooreenkoms, tensy strydig met die samehang, het die woorde en uitdrukkings „samestellende owerhede”, „samestellende owerheid”, „vaste koste”, „housers van mynbriewe”, „verskaffingsterrein”, „plaaslike besture”, „plaaslike bestuur” en „Spoorwegadministrasie” die betekenis wat daaraan gegee word in die Raad se Statute soos gewysig deur die Wet wat in Klousule 2 hiervan beoog word, en beteken die woord „boekjaar” enige tydperk van twaalf (12) maande gereken vanaf 1 April en eindigende op 31 Maart.

2. Die Raad moet so gou as moontlik 'n private wetsontwerp bevorder ten einde onder meer die Stadsraad te laat aanstel as 'n plaaslike bestuur en 'n samestellende owerheid vir al die doeleindes van die Raad se Statute en tot wysiging van dié Statute vir sover nodig mag wees om uitvoering te verleen aan dié bepalings van hierdie ooreenkoms wat wetgewende gesag vereis.

3. Onderworpe aan die bepalings van die Raad se Statute en enige wysigings daarvan en onderworpe aan die bepalings van hierdie ooreenkoms, moet die Raad aan die Stadsraad water verskaf, en moet hy met ingang van die datum waarop hy vir die eerste keer aldus water verskaf sy beskikbare watervoorraad onder die Spoorwegadministrasie, die plaaslike besture en die housers van mynbriewe soos volg verdeel:—

- (a) Spoorwegadministrasie: 5 persent daarvan;
- (b) Plaaslike besture: 50 persent daarvan;
- (c) Housers van mynbriewe: 45 persent daarvan.

4. Die Raad besit die reg om die verskaffing van water aan die Stadsraad te beperk ten einde te verseker dat sodanige verskaffing gedurende enige tydperk van vier-en-twintig (24) uur nie een driehonderd vyf-en-sestigste deel van die maksimum totale hoeveelheid gedurende enige voorgaande boekjaar aan die Stadsraad verskaf met meer as vyf-en-dertig persent (35%) oorskry nie, behoudens die reg van die Raad egter, om verder die verskaffing van water aan die Stadsraad te beperk sodat die hoeveelheid water aldus gedurende 'n enkele maand verskaf nie een twaalfde deel van die maksimum totale hoeveelheid gedurende enige voorgaande boekjaar aan die Stadsraad verskaf met meer as vyf-en-twintig persent (25%) oorskry nie, en sodat die totale hoeveelheid water gedurende enige boekjaar aan die Stadsraad verskaf nie die hoeveelheid water aldus gedurende die voorgaande boekjaar verskaf, of die gemiddelde hoeveelheid water aldus gedurende die drie (3) voorgaande boekjare verskaf, na gelang watter die grootste is, met meer as twintig persent (20%) oorskry nie.

5. Die beperkings deur Klousule 4 hiervan opgelê, is nie van toepassing nie nadat die hoeveelheid water deur die Stadsraad van die Raad gedurende enige boekjaar geneem nie minder is nie as vyftig persent (50%) van die Stadsraad se totale verbruik van drinkwater gedurende daardie jaar. Drinkwater beteken water verskaf deur middel van die Stadsraad se verdelingstelsel deur die Raad en vanuit die Stadsraad se verskaffingsbronne op die datum wanneer die Raad gereed is om water aan die Stadsraad kragtens hierdie ooreenkoms te verskaf.

6. Die beperkings deur Klousule 4 hiervan opgelê, moet in alle geval bereken word volgens 'n minimumverskaffing gedurende 'n boekjaar van eenduisend vyf-en-negentigmiljoen (1,095,000,000) gelling water.

7. Indien die Stadsraad twee jaar vooraf kennis gee van sy voorneme om 'n hoeveelheid water van die Raad te neem wat meer is dan dié onder Klousule 4 hiervan toegelaat, en terselfdertyd die Raad oortuig dat dit sy voorneme is om so 'n groter voorraad permanent te neem, moet die Raad, ondanks die bepalings van Klousule 4 hiervan, aan die Stadsraad so 'n groter voorraad gee as wat die Raad bepaal na inagneming van alle faktore wat die verskaffing en verdeling van water raak, en in die eerste boekjaar waarin sodanige groter hoeveelheid geneem word, moet die grondslag waarop die beperkings opgelê deur Klousule 4 hiervan bereken word, aangevul word met so 'n addisionele hoeveelheid water as wat soos voormeld verskaf mag word.

8. Ondanks enige strydige bepalings van hierdie ooreenkoms moet die hoeveelheid water waarop die Stadsraad van tyd tot tyd geregtig is deur die Raad bepaal word na inagneming van alle faktore wat die verskaffing en verdeling van water raak, sodat die Stadsraad, behalwe soos in Klousule 4 hiervan bepaal, dieselfde voorregte geniet en aan dieselfde beperkings op sy waterverskaffing van die Raad onderhewig is as die ander plaaslike besture.

9. Indien die Raad weens enige oorsaak hoegenaamd in gebreke bly om die maksimum hoeveelheid water te lewer wat soos deur Klousule 4 hiervan beperk, deur die Stadsraad vereis word, dan moet die hoeveelheid water wat die Raad aldus in gebreke bly om aan die Stadsraad te lewer beskou word as geneem te wees deur of verskaf te wees aan die Stadsraad by die berekening van enige betalings aan die Raad verskuldig deur die Stadsraad ingevolge Klousules 24 en 25 hiervan en vir die doeleindes van enige berekenings kragtens die bepalings van Klousule 4 hiervan.

10. Die vaste koste ten opsigte van—

- (i) die lenings beskryf in Afdeling I van die Tweede Bylae by Wet 9 van 1935, en
- (ii) enige addisionele lenings ten opsigte waarvan die Raad kragtens artikel 11 van daardie Wet bepaal het of mag bepaal dat die vaste koste toegedeel, gehef en betaal moet word op die wyse in artikel 8 van daardie Wet aangegee,

moet, met ingang van die onmiddellik voorgaande of volgende eerste dag van April, na gelang watter die naaste is aan die datum waarop die Raad vir die eerste keer aan die Stadsraad ingevolge hierdie ooreenkoms water verskaf, soos volg toegedeel, gehef en betaal word:—

WHEREAS the Council has applied to the Board to be appointed as a local authority and a constituent authority under the Board's Statutes, and for a supply of water from the Board:

AND WHEREAS the Board is prepared to agree to such application subject to the terms and conditions hereinafter mentioned:

Now THEREFORE the parties hereto have contracted and agreed with each other as follows:

1. In the interpretation of this agreement, unless contrary to the context, the words and expressions "constituent authorities", "constituent authority", "fixed charges", "holders of mining title", "limits of supply", "local authorities", "local authority", and "Railway Administration" shall have the meanings assigned thereto in the Board's Statutes, as amended by the Act contemplated in Clause 2 hereof, and the words "financial year" shall mean any period of twelve (12) months calculated from the 1st April and terminating on the 31st March.

2. The Board shall, as soon as possible, promote a Private Bill for the purpose, *inter alia*, of having the Council appointed as a local authority and a constituent authority for all the purposes of the Board's Statutes and for amending such Statutes in so far as may be necessary for the carrying into effect of such of the terms of this agreement as require legislative authority.

3. Subject to the provisions of the Board's Statutes and any amendments thereof, and subject to the terms of this agreement, the Board shall supply water to the Council, and shall, as and from the date when it first gives such supply, distribute its available water supply between the Railway Administration, the local authorities and the holders of mining title as follows:—

- (a) Railway Administration: 5 per cent. thereof;
- (b) Local authorities: 50 per cent. thereof;
- (c) Holders of mining title: 45 per cent. thereof.

4. The Board shall have the right to restrict the supply of water to the Council in order to ensure that such supply during any period of twenty-four (24) hours shall not exceed by more than thirty-five per cent. (35%) one three hundred and sixty-fifth part of the maximum total quantity supplied to the Council during any preceding financial year, subject, however, to the right of the Board further to restrict the supply of water to the Council, so that the quantity of water so supplied during any one month shall not exceed by more than twenty-five per cent. (25%) one-twelfth part of the maximum total quantity supplied to the Council during any preceding financial year, and so that the total quantity of water supplied to the Council during any financial year shall not exceed by more than twenty per cent. (20%) the quantity of water so supplied during the preceding financial year, or the average of the quantity of water so supplied during the three (3) preceding financial years, whichever is the greater.

5. The restrictions imposed by Clause 4 hereof shall not apply after the quantity of water taken by the Council from the Board during any financial year is not less than fifty per cent. (50%) of the Council's total consumption of potable water during that year. Potable water means water supplied through the Council's reticulation system from the Board and from the Council's sources of supply as at the date when the Board is ready to supply water to the Council in terms of this agreement.

6. The restrictions imposed by Clause 4 hereof shall, in any event, be calculated on a minimum supply during a financial year of one thousand and ninety-five million (1,095,000,000) gallons of water.

7. If the Council gives two years' notice of its intention to take a quantity of water from the Board in excess of that allowed under Clause 4 hereof, and at the same time satisfies the Board that it is its intention to take such increased supply permanently, the Board shall, notwithstanding the provisions of Clause 4 hereof, give the Council such increased supply as the Board shall determine after taking into account all factors affecting the supply and distribution of water, and, in the first financial year during which such increased quantity is taken, the basis on which the restrictions imposed by Clause 4 hereof are calculated shall be increased by such additional quantity of water as may be supplied as aforesaid.

8. Notwithstanding anything to the contrary in this agreement, the quantity of water to which the Council shall from time to time be entitled shall be determined by the Board after taking into account all the factors affecting the supply and distribution of water, so that, save as provided in Clause 4 hereof, the Council shall enjoy the same privileges and be subject to the same limitations on its water supply from the Board as the other local authorities.

9. If for any cause whatsoever the Board fails to deliver the maximum quantity of water required by the Council as limited by Clause 4 hereof, then the quantity of water which the Board so fails to deliver to the Council shall be deemed to have been taken by or supplied to the Council when calculating any payments due by the Council to the Board in pursuance of Clauses 24 and 25 hereof and for the purposes of any calculations in terms of Clause 4 hereof.

10. The fixed charges in respect of—

- (i) the loans described in Table I of the Second Schedule to Act 9 of 1935, and
- (ii) any additional loans in regard to which the Board has determined, or may determine, in terms of Section 11 of such Act, that the fixed charges shall be apportioned, levied and paid in the manner specified in Section 8 of such Act,

shall, as and from the immediately preceding or succeeding first day of April, whichever is nearer to the date when the Board first supplies water to the Council in pursuance of this agreement, be apportioned, levied and paid as follows:—

- (a) Spoorwegadministrasie: 5 persent daarvan;
- (b) Plaaslike besture: 50 persent daarvan;
- (c) Houers van mynbriewe: 45 persent daarvan.

11. Die Stadsraad moet by aanstelling as 'n plaaslike bestuur en 'n samestellende owerheid van die Raad, 'n lid in die Raad aanstel en die totale aantal lede van die Raad, uitgeslote die Voorsitter van die Raad, en die waarde van die stemme deur sodanige lede uitgebring, moet soos volg wees:—

- (a) Spoorwegadministrasie:
Getal lede—1.
Waarde van stem: 5% van die totale waarde van die stemme wat deur die lede verteenwoordigende die plaaslike besture en die Transvaalse Kamer van Mynwese uitgebring kon word indien sodanige lede almal aanwesig was en gestem het.
- (b) Stadsraad:
Getal lede—1.
Waarde van stem: 10% van die totale belasbare waarde van die plaaslike besture, uitgeslote die Stadsraad.
- (c) Ander plaaslike besture as die Stadsraad:
Getal lede—14.
Waarde van stemme: Soos bepaal in paragraf (a) en (b) van artikel 8 van Ordonnansie 48 van 1904 (Transvaal).
- (d) Transvaalse Kamer van Mynwese:
Getal lede—15.
Waarde van stemme: Elke stem uitgebring deur 'n lid wat die Transvaalse Kamer van Mynwese verteenwoordig teen 'n getal gelyk aan die getal verkry deur die totale waarde van die stemme wat uitgebring kon word deur die lede verteenwoordigende die plaaslike besture te verdeel deur die getal verteenwoordigers van die plaaslike besture indien sodanige lede almal aanwesig was en gestem het.

12. Die bedrae deur die Raad van die Stadsraad gevorder te word vir water wat verskaf word, moet dieselfde wees as dié wat van tyd tot tyd van plaaslike besture gevorder word.

13. Die Stadsraad moet binne dertig (30) dae vanaf die aanname van die wetgewing in Klousule 2 hiervan vermeld aan die Raad die bedrag van honderd-en-vyftigduisend pond (£150,000) betaal as 'n bydrae tot die afgeloste gedeelte van die kapitale koste deur die Raad opgeloopten opsigte van regte, bewaring, eiendomme, uitrusting en pypleidings vereis vir die lewering van water vanuit die Vaalrivier tot by Signal Hill, Germiston.

14. Die Raad moet die bedrag van tweehonderd-en-tagtigduisend pond (£280,000) bydra tot die koste in verband met—

- (a) die aanname van dié gedeeltes van die wetgewing in Klousule 2 hiervan vermeld wat betrekking het op die toelating van die Stadsraad as 'n plaaslike bestuur en 'n samestellende owerheid en die verskaffing van water aan hom;
- (b) die pypleiding wat kragtens Klousule 18 hiervan gelê moet word; en
- (c) enige verdere kapitale uitgawe bykomstig by (b).

15. Die Raad moet die Stadsraad van tyd tot tyd skriftelik verwittig van die bedrae uitgegee ten opsigte van die koste in Klousule 14 hiervan vermeld en van die besonderhede daarvan en die Stadsraad moet die helfte van sodanige uitgawe binne dertig (30) dae vanaf sodanige verwittiging aan die Raad terugbetaal: Met dien verstande dat wanneer die netto uitgawe deur die Raad, na aftrek van die bedrae deur die Stadsraad terugbetaal, 'n totaal van tweehonderd-en-tagtigduisend pond (£280,000) bereik het, die volle bedrag van enige verdere uitbetalings deur die Raad aan hom deur die Stadsraad terugbetaal moet word. Sodra die uitgawe deur die Raad aangegaan ten opsigte van sodanige koste finaal bepaal is, moet die totale uitbetalings deur die Raad so vereffen word deur middel van 'n betaling deur die Raad aan die Stadsraad, of deur die Stadsraad aan die Raad, na gelang van die geval, dat dit 'n totaal van tweehonderd-en-tagtigduisend pond (£280,000) bedra.

16. Ingeval die Stadsraad in gebreke bly om enige bedrae deur hom aan die Raad kragtens Klousules 13 en 15 hiervan betaalbaar binne die daarin bepaalde tye te betaal, dan moet die Stadsraad aan die Raad rente betaal teen 'n koers van drie-en-'n-half persent (3½%) per jaar op die bedrae wat hy in gebreke gebly het om te betaal, totdat betaling geskied.

17. Die Raad moet behoorlike rekeningboeke en bewysstukke hou van alle gelde deur hom uitgegee ten opsigte van die koste in Klousule 14 hiervan vermeld, en sodanige rekeningboeke en bewysstukke moet te alle redelike tye beskikbaar wees vir insae deur enige behoorlik gemagtigde verteenwoordiger van die Stadsraad wat geregtig sal wees om uittreksels daaruit te maak.

18. Die eerste pypleiding vir die verskaffing van water aan die Stadsraad moet gelê word tussen die Raad se reservoir te Signal Hill en die munisipale grens van die Stadsraad soos dit dan bestaan en moet deur die Raad ontwerp en gebou word met 'n buitendeursnee van negen-entwintig (29) duim (onderworpe aan die gewone spelings) en vir 'n leweringvermoë by benadering van tienmiljoen (10,000,000) gelling per dag.

19. Die Raad moet die roete van die eerste pypleiding bepaal en onderworpe daaraan dat die ontwerp van sodanige pypleiding nie nadelig getref word nie moet die eindpunt op die grens van die munisipale gebied van die Stadsraad gekies word in oorleg met die Ingenieur van die Stadsraad.

20. Die eerste pypleiding met alle nodige toerusting en toebehore en alle ander bates deur die Raad in verband met die verskaffing van water aan die Stadsraad verkry, bly, ondanks enige bydrae deur die Stadsraad kragtens Klousule 15 hiervan, die eiendom van die Raad.

21. Die Raad moet enige verdere pypleiding of pypleidings wat nodig mag word, lê en alle koste in verband daarmee dra en moet ook alle koste dra in verband met die toesig daaroor, instandhouding, vervanging, verandering, vergroting of uitbreiding van die eerste pypleiding, van enige sodanige verdere pypleiding of pypleidings en van enige ander bates deur die Raad in verband met die verskaffing van water aan die Stadsraad verkry.

22. Sodra die Raad daartoe in staat is en onderworpe aan die bepalinge van hierdie ooreenkoms en die Raad se Waterverskaffingsverordeninge

- (a) Railway Administration: 5 per cent. thereof;
- (b) Local authorities: 50 per cent. thereof;
- (c) Holders of mining title: 45 per cent. thereof.

11. The Council shall, on being appointed a local authority and a constituent authority of the Board, appoint a member to the Board, and the total number of members of the Board excluding the Chairman of the Board, and the value of the votes cast by such members shall be as follows:—

- (a) Railway Administration:
No. of Members—1.
Value of Vote: 5% of the total value of the votes which could be cast by the members representing the local authorities and the Transvaal Chamber of Mines if all such members were present and voted.
- (b) Council:
No. of Members—1.
Value of Vote: 10% of total rateable value of the local authorities, excluding the Council.
- (c) Local Authorities other than the Council:
No. of Members—14.
Value of Votes: As provided in paragraphs (a) and (b) of Section 8 of Ordinance 48 of 1904 (Transvaal).
- (d) Transvaal Chamber of Mines:
No. of Members—15.
Value of Votes: Each vote cast by a member representing the Transvaal Chamber of Mines at a number equal to the number obtained by dividing the total value of the votes which could be cast by the members representing the local authorities by the number of the representatives of the local authorities if all such members were present and voted.

12. The charges to be made by the Board to the Council for water supplied shall be the same as those charged from time to time to local authorities.

13. The Council shall, within thirty (30) days of the passing of the legislation referred to in Clause 2 hereof, pay to the Board the sum of one hundred and fifty thousand pounds (£150,000) as a contribution towards the redeemed portion of the capital cost incurred by the Board in respect of rights, storage, properties, plant and pipelines required for the delivery of water from the Vaal River to Signal Hill, Germiston.

14. The Board shall contribute the sum of two hundred and eighty thousand pounds (£280,000) towards the costs in connection with—

- (a) the passing of such portions of the legislation referred to in Clause 2 hereof as are relative to the admission of the Council as a local authority and a constituent authority and the supply of water to it;
- (b) the pipeline to be laid in terms of Clause 18 hereof; and
- (c) any further capital expenditure incidental to (b).

15. The Board shall from time to time advise the Council in writing of the amounts expended in respect of the costs referred to in Clause 14 hereof, and the particulars thereof, and the Council shall, within thirty (30) days of such advice, refund the Board one-half of such expenditure: Provided that when the net expenditure by the Board, after having deducted the amounts refunded by the Council, has reached a total of two hundred and eighty thousand pounds (£280,000), the full amount of any further disbursements by the Board shall be refunded to it by the Council. As soon as the expenditure incurred by the Board in respect of such costs has been finally determined, the total disbursements by the Board shall be adjusted to a total of two hundred and eighty thousand pounds (£280,000) by means of a payment by the Board to the Council, or by the Council to the Board, as the case may be.

16. In the event of the Council failing to pay any amounts payable by it to the Board in terms of Clauses 13 and 15 hereof within the times stipulated therein, then the Council shall pay interest to the Board at the rate of three and one-half per cent ($3\frac{1}{2}\%$) per annum on the amounts it has failed to pay, until payment is made.

17. The Board shall keep proper books of account and vouchers of all moneys expended by it in respect of the costs referred to in Clause 14 hereof, and such books of account and vouchers shall at all reasonable times be open to the inspection of any duly authorised representative of the Council, and he shall be entitled to take extracts therefrom.

18. The first pipeline for the supply of water to the Council shall be laid between the Board's Signal Hill reservoir and the municipal boundary of the Council as it then exists, and shall be designed and constructed by the Board with an outside diameter of twenty-nine (29) inches (subject to the usual tolerances) and for an approximate capacity of ten million (10,000,000) gallons per day.

19. The Board shall determine the route of the first pipeline and subject to the planning of such pipeline not being adversely affected; the terminal point on the boundary of the municipal area of the Council shall be selected in consultation with the Engineer to the Council.

20. The first pipeline, with all necessary fittings and accessories, and all other assets acquired by the Board in connection with the supply of water to the Council shall, notwithstanding any contribution by the Council in terms of Clause 15 hereof, remain the property of the Board.

21. The Board shall lay, and bear all costs in connection with, any further pipeline or pipelines that may become necessary, and shall also bear all costs in connection with the supervision, maintenance, replacement, alteration, enlargement or extension of the first pipeline, of any such further pipeline or pipelines, and of any other assets acquired by the Board in connection with the supply of water to the Council.

22. The Board shall, as soon as it is in a position to do so, and subject as provided in this agreement and in the Board's Water Supply By-laws,

moet hy die water wat aan die Stadsraad verskaf moet word, lewer en meet deur middel van meters by die punt waar elke pypleiding die munisipale grens kruis op die datum wanneer sodanige pypleiding gelê word en by sodanige ander punte waar die Raad hierna mag ooreenkom om water aan die Stadsraad te verskaf. Alle verliese weens lekkasie tot by sodanige leweringspunte langs die Raad se pypleidings moet deur die Raad gedra word.

23. Die Raad se verantwoordelikheid volgens die gemene reg vir die gehalte en suiwereheid van die water strek nie verder as die Raad se meters in Klousule 22 hiervan vermeld nie.

24. Die Stadsraad moet van die Raad minstens eenduisend vyf-en-negentigmiljoen (1,095,000,000) gelling water gedurende elke boekjaar neem vanaf die datum wanneer die Raad gereed is om hierdie hoeveelheid aan die Stadsraad te lewer. Indien die Stadsraad in gebreke bly om hierdie hoeveelheid water gedurende enige boekjaar te neem, moet hy binne veertien (14) dae nadat hy skriftelik deur die Raad aangesê is om dit te doen, aan die Raad ten opsigte van sodanige water wat hy in gebreke gebly het om gedurende enige boekjaar te neem, 'n bedrag betaal wat in dieselfde verhouding moet staan tot die hoeveelheid water wat hy in gebreke gebly het om te neem as waarin die bedrae deur die plaaslike bestuure ten opsigte van die eenvormige belasting en vaste koste betaal, staan tot die water wat hulle gedurende sodanige boekjaar geneem het.

25. Vanaf die datum in die voorgaande klousule vermeld, moet die Stadsraad die Raad betaal teen die skaal van ses pond (£6) vir elke driehonderd vyf-en-sestigduisend (365,000) gelling water wat die verbruik gedurende elke boekjaar of eenduisend vyf-en-negentigmiljoen (1,095,000,000) gelling, na gelang watter die grootste is, minder is dan eenduisend agthonderd vyf-en-twintigmiljoen (1,825,000,000) gelling. Bedrae deur die Stadsraad kragtens hierdie klousule aan die Raad verskuldig, moet betaal word binne veertien (14) dae nadat die Stadsraad skriftelik deur die Raad aangesê is om dit te doen.

26. Indien die Raad gereed is om te eniger tyd gedurende 'n boekjaar met die verskaffing van water aan die Stadsraad te begin, dan is die bepaling van Klousules 24 en 25 hiervan *pro tanto* van toepassing ten opsigte van sodanige onderbroke tydperk.

27. Die Raad besit, ondanks enige bydrae deur die Stadsraad kragtens Klousule 15 hiervan, die reg om ander verbruikers uit die eerste pypleiding te voorsien.

28. Met uitsondering van enige water verskaf deur die bestaande pypleidings van die Raad wat hierna met die eerste pypleiding verbind kan word, moet enige water ingevolge Klousule 27 hiervan verskaf, beskou word as deel van die water deur die Stadsraad kragtens Klousules 24 en 25 hiervan geneem.

29. Die Stadsraad moet geskikte bewaringsreservoirs te Pretoria daarstel en vermeerder wanneer nodig, wat in staat is om 'n hoeveelheid water te bewaar wat voldoende is om aan die totale verbruik oor 48 uur van die hele gebied wat deur die Stadsraad van water voorsien word, te voldoen; sodanige verbruik moet gebaseer wees op die gemiddelde daaglikse verbruik van die maand waarin die grootste hoeveelheid water verbruik was. Die Stadsraad moet alle uitgawes in verband met sodanige reservoirs dra.

30. Hierdie ooreenkoms is onderworpe daaraan dat die munisipale gebied van die Stadsraad binne die verskaffingsterrein gebring word.

31. Alvorens die wetgewing in Klousule 2 hiervan vermeld, aangeneem is, is die Raad nie verbind om enige stappe te doen om water aan die Stadsraad te verskaf of om die eerste pypleiding te lê kragtens die bepaling van hierdie ooreenkoms nie.

32. Die Raad is nie verantwoordelik vir enige vertraging by die nakoming van enige van sy verpligtings kragtens hierdie ooreenkoms nie indien sodanige vertraging veroorsaak word deur *vis major*, daad van Hoër Hand, stakings, uitsluitings, oorlog of vyandelike optrede of die handeling van enige vreemde vyand, oorstromings of gevare van die see of enige ander oormagsdaad of enige handeling buite die beheer van die Raad, nóg maak enige sodanige vertraging 'n grond vir die kansellering van hierdie ooreenkoms uit.

33. Niks in hierdie ooreenkoms word so uitgelê dat dit die reg van die Raad beperk om enige wysigings in sy bestaande Statute te laat aanbring of enige addisionele wetgewing te laat aanneem nie, watter uitwerking sodanige wysigings of byvoegings ook op die bepaling van hierdie ooreenkoms mag hê, onderworpe egter aan die behoud van die regte deur Klousules 8 en 12 hiervan aan die Stadsraad verseker.

TEN BEWYSE WAARVAN hierdie ooreenkoms ten behoeve van die Raad op die elfde dag van September 1943 te Johannesburg, en ten behoeve van die Stadsraad op die veertiende dag van September 1943 te Pretoria onderteken is in die teenwoordigheid van ondergetekende getuies onderskeidelik.

S. A. VAN LINGEN.

AS GETUIES:

1. N. McMURRAY.
2. P. G. CAVE.

DONALD JUNOR.
H. PREISS.

AS GETUIES:

1. H. J. O'REILLY.
2. W. A. HILL.

Sewende Bylae.

ONDERNEMINGS OP DIE RAAD OORGEDRA INGEVOLGE ARTIKEL twee-en-twintig VAN DIE ORDONNANSIE VAN 1904.

Die waterondernemings van die „Braamfontein Company, Limited”.
Die hele onderneming van die „Johannesburg Waterworks Estate and Exploration Company, Limited”.

Die hele onderneming van die „Vierfontein Syndicate, Limited”.

deliver and measure by meters the water to be supplied to the Council, at the point where each pipeline intersects the municipal boundary at the date when such pipeline is laid, and at such other points at which the Board may hereafter agree to supply water to the Council. All leakage losses up to such points of delivery on the Board's pipelines shall be borne by the Board.

23. The Board's common law responsibility for the quality and purity of the water shall not extend beyond the Board's meters referred to in Clause 22 hereof.

24. The Council shall take from the Board not less than one thousand and ninety-five million (1,095,000,000) gallons of water during each financial year from the date when the Board is ready to deliver this quantity to the Council. If the Council fails to take this quantity of water during any financial year, it shall, within fourteen (14) days of being called upon by the Board in writing to do so, pay to the Board in respect of such water which it has failed to take during any financial year, an amount which shall bear the same ratio to the quantity of water it has failed to take as the amounts paid by the local authorities in respect of the uniform rate and fixed charges bear to the water they have taken during such financial year.

25. From the date referred to in the preceding clause, the Council shall pay the Board at the rate of six pounds (£6) per three hundred and sixty-five thousand (365,000) gallons of water by which the consumption during each financial year, or one thousand and ninety-five million (1,095,000,000) gallons, whichever is the greater, falls short of one thousand eight hundred and twenty-five million (1,825,000,000) gallons. Any amounts due by the Council to the Board under this clause shall be paid within fourteen (14) days of the Council being called upon in writing by the Board to do so.

26. If the Board is ready to commence supplying the Council with water at any time during any financial year, then the provisions of Clauses 24 and 25 hereof shall *pro tanto* apply in respect of such broken period.

27. The Board shall, notwithstanding any contribution by the Council in terms of Clause 15 hereof, have the right to supply other consumers off the first pipeline.

28. With the exception of any water supplied through the existing pipelines of the Board which may hereafter be connected to the first pipeline, any water supplied in pursuance of Clause 27 hereof shall be regarded as part of the water taken by the Council under Clauses 24 and 25 hereof.

29. The Council shall provide, and increase when necessary, suitable storage reservoirs in Pretoria capable of storing a quantity of water sufficient to meet the total consumption over 48 hours of the whole area supplied with water by the Council; such consumption to be based on the average daily consumption of the month during which the greatest quantity of water was consumed. The Council shall bear all expenditure in connection with such reservoirs.

30. This agreement is subject to the municipal area of the Council being brought within the limits of supply.

31. The Board shall not be bound to take any steps to supply water to the Council, or to lay the first pipeline in terms of this agreement until such time as the legislation referred to in Clause 2 hereof is passed.

32. The Board shall not be responsible for any delay in performing any of its obligations under this agreement, if such delay is caused by *vis major*, act of God, strikes, lock-outs, war or enemy action or the act of any alien enemy, floods, or perils of the sea, or any other act of superior force, or any act beyond the control of the Board, nor shall any such delay constitute a ground for the cancellation of this agreement.

33. Nothing in this agreement shall be interpreted as restricting the right of the Board to cause any amendments in its existing Statutes to be effected or to cause any additional legislation to be passed, whatever effect such amendments or additions may have on the terms of this agreement, subject, however, to the preservation of the rights secured to the Council by Clauses 8 and 12 hereof.

IN WITNESS WHEREOF this Agreement has been signed on behalf of the Board at Johannesburg on the eleventh day of September, 1943, and on behalf of the Council at Pretoria on the fourteenth day of September, 1943, in the presence of the undersigned witnesses respectively.

S. A. VAN LINGEN.

As WITNESSES:

1. N. McMURRAY.
2. P. G. CAVE.

DONALD JUNOR.
H. PREISS.

As WITNESSES:

1. H. J. O'REILLY.
2. W. A. HILL.

Seventh Schedule.

UNDERTAKINGS TRANSFERRED TO THE BOARD UNDER SECTION *twenty-two* OF THE ORDINANCE OF 1904.

The water undertakings of the Braamfontein Company, Limited.

The whole undertaking of the Johannesburg Waterworks Estate and Exploration Company, Limited.

The whole undertaking of the Vierfontein Syndicate, Limited.

Agste Bylae.

DIE HOOFWERKE VAN DIE RAAD DEUR DIE WET VAN 1914 GEMAGTIG.

'n Opdamningsreservoir en 'n studam in en oor die Vaalrivier. Die studam moet uit 36 sluisdeure bestaan, wat elkeen 25 voet hoog en 30 voet breed moet wees: die noordelike eindpunt daarvan moet uitloop op dié deel van die plaas Kaalplaats No. 106 geleë in die distrik Potchefstroom, Transvaal, wat geregistreer is op die naam van Johannes Jurgens du Plessis: en die suidelike eindpunt moet uitloop op die plaas Vlaktefontein No. 161 geleë in die distrik Vredefort, Oranje-Vrystaat, geregistreer op die naam van Johannes Cornelius Hermanus Pistorius.

Die reservoir sal 13,633,000,000 gelling water opdam, waarvan die Raad 20,000,000 gelling per dag mag neem, na aftrek van 3,382,000,000 gelling vir verdamping; die lengte sal 39 myl vanaf die studam in die Vaalrivier op wees; 2.7 myl in die Zuikerboschrandrivier op; 2.9 myl in die Kliprivier op; 7.4 myl in die Taaiboschspruit op en 3.3 myl in die Rjetspruit op; vanaf die samevloeiing van hierdie strome onderskeidelik met die Vaalrivier.

Die reservoir sal grens aan die volgende plase of gedeeltes van plase wat in die Oranje-Vrystaat geleë is:—

Vlaktefontein No. 161,
Taaiboschdraai No. 141,
Rietfontein No. 123,
Erf E No. 34, op die plaas Boschbank No. 12,
Boschbank No. 12,
Wonderwater No. 180,
Louterwater No. 77,
Driefontein No. 24,
Waagstuk No. 183,

almal geleë in die distrik Vredefort;

Rietfontein No. 152,
Maccawvlei No. 121,
Bankfontein No. 9,
Kruisementfontein No. 84,
Zandfontein No. 259,
Erffenis No. 629,
Vaalbank No. 238,

almal in die distrik Heilbron; en sal ook aan die volgende plase en gedeeltes van plase in die provinsie Transvaal grens, nl:—

Kaalplaats No. 106,
Zandfontein No. 46,
Driefontein No. 62,
Sambalbroek No. 243,
Zuurfontein No. 179,
Klipfontein No. 562,

almal in die distrik Potchefstroom;

Leeuwkuil No. 334,
Klipplaatsdrift No. 336,
Uitvlugt No. 307,
Panfontein No. 133,
Vischgat No. 318,
Waldrift No. 92,

almal in die distrik Heidelberg.

Meetwalle sal gebou word aan die oostelike eindpunt van die reservoir en in die voormelde takriviere van die Vaalrivier wat na die reservoir afloop; en die hoeveelheid water wat in die reservoir loop en na die studam afvloei sal outomaties by die studam opgeteken en geregistreer word.

Die water sal uit die reservoir uitgehaal word op 'n punt op die plaas Leeuwkuil No. 334 geleë in die distrik Heidelberg, Transvaal, geregistreer op die naam van „The Vereeniging Estates, Limited”, en vandaar deur middel van een of meer pypleidings gelei word na 'n terrein op dié plaas ongeveer 1,550 jaart van die uithaalplek, waar 'n reeks besinkingsbakke, meganiese filtreerders, reservoirs, pompstasies, geboue en ander werke en toebehore gebou sal word. Vanaf hierdie terrein sal die water deur middel van een of meer pypleidings deur genoemde plaas Leeuwkuil gelei word na die suidelike eindpunt van Sewende Straat in die dorp Vereeniging geleë op genoemde plaas; vandaar langs die hele lengte van genoemde straat, deur Leslie-park wat aan genoemde dorp grens, onder deur die spoorlyn van Johannesburg oor Langlaagte na Vereeniging, waar dié lyn oor die dorpsgrond van Vereeniging loop; vandaar oor genoemde dorpsgrond van die dorp Vereeniging, deur die munisipale skut en sanitêre dépôt geleë op dié dorpsgrond; vandaar deur die plaas Waldrift No. 92, die twee gedeeltes van die plaas Kookfontein No. 57, geregistreer op naam van Donald McKay, Richard Roger Hollins en Edmund Brayshaw onderskeidelik, na die suidelike eindpunt van Bell-weg in die dorp Meyerton Farms geleë op die plaas Rietfontein No. 315; langs die hele lengte van genoemde Bell-weg, en vandaar deur die twee gedeeltes van die plaas Langekuil No. 212, geregistreer op naam van „Transvaal Consolidated Land and Exploration Company, Limited” en die boedel van Joseph Henderson onderskeidelik, vandaar oor erwe of persele genummer 1, 2, 3, 4, geleë in die dorp Highbury op 'n gedeelte van die plaas Slangfontein No. 121, die plaas Witkoppie No. 116, die drie gedeeltes van die plaas Witkop No. 66, geregistreer op naam van Christian Jacobus van Schalkwijk, „Transvaalsche Bank en Handels Vereeniging Beperkt” en „Cement and Concrete Company, Limited”, onderskeidelik; die gedeelte van die plaas Nooitgedacht No. 7, geregistreer op naam van Daniel Jacobus Jacobs, die vier gedeeltes van die plaas Waterval No. 209, geregistreer op naam van Christian Jacobus van Schalkwijk, Edward Oates (2 gedeeltes) en Jacob Francois Dietrichsen onderskeidelik; vandaar deur die plaas Zwartkopjes No. 262, die eiendom van die Raad, na die bestaande werke van die Raad wat op dié plaas geleë is; alle bovermelde grond, strate, paaie, erwe of persele en dorpe is in die distrik Heidelberg, Transvaal, geleë.

Eighth Schedule.

THE PRINCIPAL WORKS OF THE BOARD AUTHORIZED BY THE ACT OF 1914.

An impounding reservoir and a barrage in and across the Vaal River. The barrage to consist of 36 gates, each gate being 25 feet deep and 30 feet wide; the northern end of which will abut on that portion of the farm Kaalplaats No. 106 situate in the District of Potchefstroom, Transvaal, registered in the name of Johannes Jurgens du Plessis; and the southern end will abut on the farm Vlakfontein No. 161 situate in the District of Vredefort, Orange Free State, registered in the name of Johannes Cornelius Hermanus Pistorius.

The reservoir will impound 13,633,000,000 gallons of water of which the board may take 20,000,000 gallons per day, after allowing 3,382,000,000 gallons for evaporation; its length will be 39 miles up the Vaal River from the barrage; 2·7 miles up the Zuikerboschrand River; 2·9 miles up the Klip River; 7·4 miles on the Taaiboschspruit, and 3·3 miles on Rietspruit; from the junctions of these streams respectively with the Vaal River.

The reservoir will abut on the following farms or portions of farms situate in the Orange Free State:—

Vlakfontein No. 161,
Taaiboschdraai No. 141,
Rietfontein No. 123,
Erf E, No. 34, on Farm Boschbank No. 12,
Boschbank No. 12,
Wonderwater No. 180,
Louterwater No. 77,
Driefontein No. 24,
Waagstuk No. 183,

all situate in the District of Vredefort;

Rietfontein No. 152,
Maccawvlei No. 121,
Bankfontein No. 9,
Kruisementfontein No. 84,
Zandfontein No. 259,
Erfenis No. 629,
Vaalbank No. 238,

all in the District of Heilbron; and will also abut on the following farms and portions of farms in the Transvaal Province, namely:—

Kaalplaats No. 106,
Zandfontein No. 46,
Driefontein No. 62,
Sambalbroek No. 243,
Zuurfontein No. 179,
Klipfontein No. 562,

all in the District of Potchefstroom;

Leeuwkuil No. 334,
Klipplaatsdrift No. 336,
Uitvlugt No. 307,
Panfontein No. 133,
Vischgat No. 318,
Waldrift No. 92,

all in the District of Heidelberg.

Measuring weirs will be constructed at the eastern end of the reservoir and on the tributaries hereinbefore mentioned of the Vaal River running down to the reservoir; and the quantity of water entering the reservoir and flowing down to the barrage will be recorded automatically and registered at the site of the barrage.

The water will be abstracted from the reservoir at a point on the farm Leeuwkuil No. 334, situate in the District of Heidelberg, Transvaal, registered in the name of the Vereeniging Estates, Limited, and conveyed from there by means of a line or lines of pipes to a site on such farm situated about 1,550 yards distant from the point of abstraction, where a series of precipitation tanks, mechanical filters, reservoirs, pumping stations, buildings and other works and accessories, will be constructed. From this site the water will be conveyed by means of a line or lines of pipes through the said farm Leeuwkuil to the southern end of Seventh Street in the Township of Vereeniging situate on the said farm; thence along the said street for its whole length, through Leslie Park adjoining the said township, under the line of railway from Johannesburg *via* Langlaagte to Vereeniging, where such line crosses the town lands of Vereeniging; thence across the said town lands of the said Township of Vereeniging, passing through the municipal pound and sanitary depôt situated on such town lands; thence across the farm Waldrift No. 92, the two portions of the farm Kookfontein No. 57, registered in the names of Donald McKay, Richard Roger Hollins, and Edmund Brayshaw, respectively, to the southern end of Bell Road, in the Meyerton Farms Township, situate on the farm Rietfontein No. 315; passing along the whole length of the said Bell Road, and thence through the two portions of the farm Langekuil No. 212, registered in the names of Transvaal Consolidated Land and Exploration Company, Limited, and the Estate of Joseph Henderson, respectively; thence across erven or plots numbered 1, 2, 3, 4, situate in the Highbury Township on a portion of the farm Slangfontein No. 121, the farm Witkoppie No. 116, the three portions of the farm Witkop No. 66, registered in the names of Christian Jacobus van Schalkwyk, Transvaalse Bank en Handels Vereeniging Beperkt and Cement and Concrete Company, Limited, respectively; the portion of the farm Nooitgedacht No. 7, registered in the name of Daniel Jacobus Jacobs, the four portions of the farm Waterval No. 209, registered in the names of Christian Jacobus van Schalkwyk, Edward Oates (2 portions) and Jacob Francois Dietrichsen, respectively; thence through the farm Zwartkopjes No. 262, the property of the board, to the existing works of the board situated on such farm; all of the said land, streets, roads, erven or plots and townships, are situated in the District of Heidelberg, Transvaal.

Die werk sal 'n spoorweg of tremweg insluit wat 'n verbinding sal vorm met die private spoorweg na „Vereeniging Brick and Tile Works”, geleë op bovermelde plaas Leeuwkuil No. 334, en na die hoofpompstasie van die Raad op genoemde plaas Leeuwkuil; die oprigting van telefoon- en telegraaflyn of -lyne en -kabels vir die oorbring van elektriese werkkrag oor die lengte van die reservoir en die takriviere van die Vaalrivier wat na genoemde reservoir afloop, en langs die pypleidinge en die werke van die Raad geleë op die plaas Leeuwkuil No. 334, die studam, die oostelike eindpunt van die reservoir en die Raad se werke by Zwartkopjes No. 262.

The work will comprise a railway or tramway forming a connection with the private railway leading to the Vereeniging Brick and Tile Works situated on the said farm Leeuwkuil No. 334, and the board's main pumping station on the said farm Leeuwkuil; the erection of telephone and telegraph line or lines and cables for the transmission of electric energy along the length of the reservoir and the tributaries to the Vaal River running down to the said reservoir, and along the pipe lines and the works of the board situated on the farm Leeuwkuil No. 334, the barrage, the eastern end of the reservoir and the board's works at Zwartkopjes No. 262.

No. 18, 1950.].

WET

Tot wysiging van die „Luchtvaartwet, 1923“.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 1 Mei 1950.)

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

Wysiging van
artikel 16 van
Wet 16 van 1923.

1. Sub-artikel (1) van artikel *sestien* van die „Luchtvaartwet, 1923“, word hierby gewysig deur die volgende woorde daaraan toe te voeg—

„en, indien zodanige persoon die houder is van een krachtens deze Wet uitgereikte licentie of aldus uitgereikt certificaat of bevoegdheidsbewys, kan het hof dat hem veroordeelt, bedoelde licentie of bedoeld certificaat of bevoegdheidsbewys intrekken, voor een bepaalde tyd opschorten of de rugtekening ervan gelasten, of, indien zodanige persoon niet de houder is van een zodanige licentie of een zodanig certificaat of bevoegdheidsbewys, kan het hof hem het recht ontzeggen om gedurende een bepaalde tyd, naar goeddunken van het hof, een licentie, certificaat of bevoegdheidsbewys krachtens deze wet te houden“.

Kort titel.

2. Hierdie Wet heet die Lugvaartwysigingswet, 1950.

No. 18, 1950.]

ACT

To Amend the Aviation Act, 1923.

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

(English text signed by the Governor-General.)
(Assented to 1st May, 1950.)

1. Sub-section (1) of section *sixteen* of the Aviation Act, 1923, is hereby amended by the addition thereto of the words— Amendment of section 16 of Act 16 of 1923.

“and, if such person is the holder of a licence, certificate or rating issued under this Act, the court convicting him may cancel, suspend for a specified period or order the endorsement of such licence, certificate or rating, or if such person is not the holder of any such licence, certificate or rating, the court may declare him to be disqualified from holding any licence, certificate or rating under this Act for such period as the court deems fit”.

2. This Act shall be called the Aviation Amendment Act, Short title. 1950.

No. 19, 1950.]

PRIVATE WET

Tot erkenning van die Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys, Potchefstroom, in die Provinsie Transvaal, as 'n Universiteit met regs persoonlikheid, tot reëling van die samestelling, regte, bevoegdhede, voorregte en verpligtings van daardie Universiteit en tot wysiging in sekere opsigte van sekere wette betreffende universiteits- en hoër onderwys.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 1 Mei 1950.)

Aanhef.

NADEMAAL daar op Potchefstroom in die Provinsie Transvaal 'n instelling vir hoër onderwys is wat van die jaar 1869 tot einde Maart 1919 bestaan het as letterkundige en wetenskaplike afdeling van die inrigting bekend as „De Theologiese School van de Gereformeerde Kerk van Zuid-Afrika”, gestig en in stand gehou deur die kuratore van die genoemde kerk, en op die eerste April 1919 onder die naam „Het Potchefstroom Universiteitskollege voor Christelik Hoger Onderwijs” 'n afsonderlike instelling geword het onder beheer van 'n eie raad, gesubsidieer deur die voornoemde kuratore en deur die Regering:

EN NADEMAAL die Potchefstroom Universiteitskollege (Private) Wet, No. 25 van 1921, genoemde instelling onder die naam „Het Potchefstroom Universiteitskollege” ingelyf het en dit verhef het tot 'n kollege bevoeg om as samestellende kollege van die Universiteit van Suid-Afrika geproklameer te word:

EN NADEMAAL genoemde instelling by Proklamasie No. 102 van 1921, uitgevaardig in die *Staatskoerant* van die vyftiende Julie 1921, toegevoeg is aan die Tweede Bylae van die „Universiteit van Zuid-Afrika Wet 1916” en tot 'n samestellende Kollege van die Universiteit van Suid-Afrika geproklameer is:

EN NADEMAAL genoemde instelling deur die Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys (Private) Wet, No. 5 van 1933, sy huidige naam van „Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys” verkry het:

EN NADEMAAL genoemde instelling sedert sy stigting 'n christelike karakter gedra het en nog dra en in groot mate gesteun is en nog gesteun word uit fondse bygedra met die doel en die vertroue dat dit sodanige christelike karakter sou behou, en dit derhalwe wenslik is om die behoud van sodanige christelike karakter te verseker:

EN NADEMAAL genoemde Universiteitskollege kragtens artikel drie van Wet No. 12 van 1916 'n samestellende kollege van die Universiteit van Suid-Afrika geword het en aan hom onder andere die bevoegdheid verleen is om wetgewing tot erkenning as 'n Universiteit met regs persoonlikheid te laat indien:

EN NADEMAAL genoemde Universiteitskollege ten aansien van sy studentetal, die omvang van sy werk, die bevoegdheid van sy personeel, sy geldbronne, die grootte van die gemeenskap wat hy dien, sowel as in ander opsigte, 'n standaard bereik het wat sy erkenning as 'n Universiteit met regs persoonlikheid regverdig, en dit raadsaam is om te bepaal dat genoemde Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys heringestel moet word en as 'n universiteit met regs persoonlikheid erken moet word onder die naam die Potchefstroomse Universiteit vir Christelike Hoër Onderwys (hierna die Universiteit genoem) met sy setel in Potchefstroom, in die Provinsie Transvaal; om verdere bevoegdhede en pligte aan hom te verleen en op te lê; om voorsiening te maak vir die samestelling en die bestuur van die Universiteit en vir die aanstelling of verkiesing, na gelang van die geval, van 'n kanselier, vise-kanselier, rektor, raad en senaat, en om hulle onderskeie bevoegdhede, voorregte, werksaamhede en pligte asook die termyn of duur van hulle onderskeie ampstye voor te skryf; om die konvokasie tot stand te bring en sy bevoegdhede, voorregte en pligte te omskryf; om voorsiening te maak vir die aanstelling van 'n registrateur en om sy werksaamhede, bevoegdhede en pligte voor te skryf; om voorsiening te maak vir die instelling van sekere fakulteite en departemente met die mag om verdere fakulteite of departemente by te voeg; om voorsiening te maak vir die

No. 19, 1950.]

PRIVATE ACT

To provide that "Die Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys", Potchefstroom, in the Province of the Transvaal, shall become and be incorporated as a university, and further to provide for the constitution, rights, powers, privileges and duties of that University, and to amend in certain respects certain laws relating to university and higher education.

(Afrikaans text signed by the Governor-General.)
(Assented to 1st May, 1950.)

WHEREAS there is an institution for higher education at Preamble.

Potchefstroom in the Province of the Transvaal which existed from the year 1869 to the end of March, 1919, as the arts and science department of the institution known as "De Theologiese School van de Gereformeerde Kerk van Zuid-Afrika", founded and maintained by the curators of the said church, and which on the first day of April, 1919, became a separate institution under the name of "Het Potchefstroom Universiteitskollege voor Christelik Hoger Onderwijs", controlled by its own council and subsidized by the said curators and the Government:

AND WHEREAS by the Potchefstroom University College (Private) Act, No. 25 of 1921, the said institution was incorporated under the name "The Potchefstroom University College" and was raised to the status of a college capable of being proclaimed a constituent college of the University of South Africa:

AND WHEREAS by Proclamation No. 102 of 1921, published in the *Gazette* of the fifteenth day of July, 1921, the said institution was added to the Second Schedule of the University of South Africa Act, 1916, and proclaimed a constituent college of the University of South Africa:

AND WHEREAS by the Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys (Private) Act, No. 5 of 1933, the said institution was given its present name of "Potchefstroomse Universiteitskollege vir Christelike Hoër Onderwys":

AND WHEREAS since its establishment the said institution has borne and still bears a Christian character, and has been to a large extent supported, and is still being supported, out of funds contributed with the intent that it should and the belief that it would retain such Christian character, and it is consequently desirable that the retention of such Christian character should be ensured:

AND WHEREAS the said institution became in terms of section three of Act No. 12 of 1916, a constituent college of the University of South Africa and was *inter alia* given the power to promote legislation for its incorporation as a university:

AND WHEREAS the said University College has in respect of the number of its students, the range of its work, the competence of its staff, its financial resources, the size of the community which it serves, and in other respects, reached a standard such as to justify its incorporation as a university, and it is expedient to provide that the said "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys" should be reconstituted and should become and be incorporated as a university under the title of the "Potchefstroomse Universiteit vir Christelike Hoër Onderwys" (hereinafter referred to as the University) having its seat at Potchefstroom in the Province of the Transvaal; to confer and impose on it further powers and duties; to provide for the constitution and the government of the University, and for the appointment or election, as the case may be, of a chancellor, vice-chancellor, rector, council and senate, and to prescribe their respective powers, privileges, functions and duties and the term or duration of their respective periods of office; to constitute Convocation and to define its powers, privileges and duties; to provide for the appointment of a registrar and to prescribe his functions, powers and duties; to provide for the establishment of certain faculties and departments with power to add further faculties or depart-

aanstelling van professore, direkteure of hoofde van navorsings-inrigtings, navorsers, lektore en ander dosente en vir hulle ontslag; om voorsiening te maak vir die oordrag, vry van herereg, seëlreg of registrasiekoste, van al die bate en laste, regte, bevoegdheede en voorregte van die Raad van die Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys op die Universiteit; om bevoegdheid aan die Universiteit te verleen om grade, diplomas en sertifikate toe te ken en die voorwaardes waarop hulle toegeken word, voor te skryf; om bevoegdheid aan die Universiteit te verleen om grade *honoris causa* toe te ken; om bevoegdheid aan die Universiteit te verleen om eksamens af te neem; om die Universiteit verteenwoordiging in die Gemeenskaplike Matrikulasieraad te gee en om die eksamen wat deur die Matrikulasieraad afgeneem word as die matrikulasie-eksamen van die Universiteit vas te stel; om voorsiening te maak vir die inskrywing van studente en die invordering van gelde; om bevoegdheid aan die Universiteit te verleen om gegradueerdes van ander universiteite tot gelykwaardige status in die Universiteit toe te laat en om sekere persone as navorsingsstudente in spesiale studiekursusse op sekere voorwaardes toe te laat; om voorsiening te maak vir die reg om die aansoek om toelating van enige voornemende student te weier; om voorsiening te maak vir die tug van studente van die Universiteit; om bevoegdheid aan die Universiteit te verleen om te eis dat studente by goedgekeurde verblyfplekke inwoon en om die plek te bepaal waar studente onderrig moet ontvang; om voorsiening te maak vir die opstel van die statute en regulasies vir die Universiteit; om voorsiening te maak vir die opstel van gemeenskaplike statute en gemeenskaplike regulasies vir voorlegging aan die Minister en vir die latere afkondiging daarvan en voorlegging aan en goedkeuring deur die Parlement; om bevoegdheid aan die Universiteit te verleen om in die toekomst statute of regulasies uit te vaardig of enige statute of regulasies te wysig of te herroep; om voorsiening te maak vir die voortdoring onder die Universiteit van die dienskontrakte van die doserende en administratiewe personeel van genoemde Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys; om sy christelike karakter te handhaaf, sonder toepassing van enige denominasionale toets; om die Raad van die Universiteit te verplig om jaarliks aan die Minister 'n verslag van sy verrigtings en 'n rekeningstaat vir voorlegging aan die Parlement te stuur; om die vervreemding van onroerende goed wat aan die Universiteit behoort te beperk; om voorsiening te maak vir die aansluiting van enige universiteitskollege of van enige inrigting waarvan die doel is om 'n afdeling van hoër onderwys aan te bied; om voorsiening te maak vir die organiseer van 'n deel van die Universiteit as skole, kolleges of inrigtings van die Universiteit en vir die aanstelling van bestuursrade daarvoor; om voorsiening te maak vir die gevolg van 'n vakature of onvoltalligheid in enige amp of liggaam; om die voorregte kragtens ander wette aan gegradueerdes of besitters van sertifikate van die Universiteit van die Kaap die Goeie Hoop of van die Universiteit van Suid-Afrika verleen, ook aan die besitters van gelykwaardige grade of sertifikate van die Universiteit te verleen; om die bepalings van hierdie Wet toe te lig deur middel van woordskrywings; om Wet No. 25 van 1921 en Wet No. 5 van 1933 te herroep; om Wet No. 12 van 1916 soos gewysig deur Wet No. 15 van 1921, Wet No. 13 van 1930, Wet No. 25 van 1941, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949 te wysig; om Wet No. 13 van 1916 en Wet No. 14 van 1916, albei soos gewysig deur Wet No. 25 van 1941, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949, te wysig; om Wet No. 20 van 1917 soos gewysig deur Wet No. 15 van 1921, Wet No. 13 van 1930, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949 te wysig; om Wet No. 15 van 1921 soos gewysig deur Wet No. 13 van 1930, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949 te wysig; om Wet No. 13 van 1930 en Wet No. 4 van 1948, albei soos gewysig deur Wet No. 15 van 1949 en Wet No. 21 van 1949, te wysig; en om te bepaal hoe Proklamasie No. 102 van 1921 (uitgevaardig in die *Staatskoerant* van vyftien Julie 1921) uitgelê moet word:

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

1. (1) Op 'n dag wat deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasgestel word (hierna die vasgestelde dag genoem) word die Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys in Potchefstroom, Transvaal, gevestig (hierna die Kollege genoem), 'n Universiteit.

Potchefstroomse
Universiteits-
kollege vir
Christelik Hoër
Onderwys word
op vasgestelde
dag 'n Uni-
versiteit.

ments; to provide for the appointment of professors, directors or heads of research institutes, research workers, lecturers and other teachers and for their dismissal; to provide for the transfer of all the assets and liabilities, rights, powers and privileges of the Council of the "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys" to the University, free from transfer duty, stamp duty or registration charges; to give the University power to grant degrees, diplomas and certificates and to prescribe the conditions under which these may be granted; to grant the University power to confer degrees *honoris causa*; to grant the University power to conduct examinations; to grant the University representation on the Joint Matriculation Board, and to constitute the examination conducted by the Matriculation Board as the Matriculation Examination of the University; to provide for the registration of students and for the collection of fees; to grant the University power to admit graduates of other universities to an equivalent status in the University and to admit certain persons as research students to courses of special study under certain conditions; to provide for the right to refuse admittance to any applicant; to provide for the discipline of students of the University; to grant to the University power to require students to reside at approved places of residence and to determine the place at which students shall attend for the purpose of receiving instruction; to make provision for the framing of the statutes and regulations for the University; to make provision for the framing of joint statutes and joint regulations for submission to the Minister, and for their subsequent publication and submission to and approval by Parliament; to grant to the University power to make future statutes and regulations and to amend or repeal any statutes or regulations; to provide for the continuance of the contracts of service under the University of the teaching and administrative staffs of the said "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys"; to maintain its Christian character without the application of any denominational test; to compel the Council of the University to transmit annually to the Minister a report of its proceedings and a statement of account for submission to Parliament; to restrict the alienation of immovable property vested in the University; to provide for affiliation of any university college or any institution which has for its objects the carrying on of any branch of higher education; to provide for the organization of any portion of the University into schools, colleges or institutions of the University and to set up governing boards therefor; to provide for the effect of any vacancy or deficiency in any office or body; to extend the privileges granted under other laws to graduates or holders of certificates of the University of the Cape of Good Hope or of the University of South Africa to holders of like degrees or certificates of the University; to elucidate the provisions of this Act by interpretation clauses; to repeal Act No. 25 of 1921 and Act No. 5 of 1933; to amend Act No. 12 of 1916, as amended by Act No. 15 of 1921, Act No. 13 of 1930, Act No. 25 of 1941, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949; to amend Act No. 13 of 1916 and Act No. 14 of 1916, both as amended by Act No. 25 of 1941, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949; to amend Act No. 20 of 1917, as amended by Act No. 15 of 1921, Act No. 13 of 1930, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949; to amend Act No. 15 of 1921, as amended by Act No. 13 of 1930, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949; to amend Act No. 13 of 1930 and Act No. 4 of 1948, both as amended by Act No. 15 of 1949 and Act No. 21 of 1949; and to provide as to how Proclamation No. 102 of 1921 (published in the *Gazette* dated the fifteenth day of July, 1921) shall be construed.

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

1. (1) Upon a date to be fixed by the Governor-General by proclamation in the *Gazette* (hereinafter referred to as "the appointed day") the "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys" established in Potchefstroom, Transvaal (hereinafter referred to as "the College"), shall become a University.

"Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys" to become a University on the appointed day.

- (2) Die Universiteit bestaan vir die doeleindes, met die samestelling en met die regte, bevoegdhede, voorregte en verpligtings wat in hierdie Wet omskryf word.
- Naam en setel van die Universiteit. Samestelling van die Universiteit.
2. Die naam van die Universiteit is „die Potchefstroomse Universiteit vir Christelike Hoër Onderwys” en sy setel is in Potchefstroom in die Provinsie Transvaal.
3. Die Universiteit bestaan uit—
- 'n Kanselier;
 - 'n Vise-kanselier;
 - 'n amptenaar wat die Rektor van die Universiteit genoem word en wat ook as Vise-kanselier van die Universiteit verkiesbaar is;
 - 'n Raad;
 - 'n Senaat;
 - 'n Konvokasie;
 - die professore, lektore, ander dosente en studente van die fakulteite en departemente van die Universiteit;
- en is onder die naam in artikel twee aan hom gegee 'n regs persoon met ewigdurende regsopvolging en kan onder daardie naam as eiser en as verweerder in regte optree, roerende sowel as onroerende goed verwerf, besit en, behoudens die hieronder vermelde besondere bepalings omtrent vervreemding, dit ook vervreem, en alle handeling verrig wat regs persone regtens mag verrig, ewewel met inagneming van die bepalings van hierdie Wet.
- Kanselier van die Universiteit.
4. (1) Die Kanselier van die Universiteit word deur die Raad van die Universiteit volgens voorskrif van die statute gekies.
 (2) Die bevoegdhede, voorregte, werksaamhede, ampsduur en pligte van die Kanselier word deur die statute voorgeskryf.
 (3) Wanneer die kanselierskap vakant word, kies die Raad volgens voorskrif van die statute 'n nuwe Kanselier.
- Vise-kanselier van die Universiteit.
5. (1) Die Vise-kanselier van die Universiteit word deur die Raad uit sy lede volgens voorskrif van die statute gekies.
 (2) Die bevoegdhede, voorregte, werksaamhede, ampsduur en pligte van die Vise-kanselier word deur die statute voorgeskryf.
 (3) Wanneer die vise-kanselierskap vakant word, kies die Raad volgens voorskrif van die statute 'n nuwe Vise-kanselier.
- Rektor van die Universiteit.
6. (1) Die Rektor van die Universiteit word deur die Raad van die Universiteit volgens voorskrif van die statute gekies.
 (2) Die bevoegdhede, voorregte, werksaamhede, ampsduur en pligte van die Rektor word deur die statute voorgeskryf.
 (3) Wanneer die betrekking van Rektor vakant word, kies die Raad volgens voorskrif van die statute 'n nuwe Rektor.
 (4) Wanneer die betrekking van Rektor vakant word en totdat 'n nuwe Rektor gekies word, verrig die Ondervoorsitter van die Senaat die werksaamhede van die Rektor en besit hy al die bevoegdhede, voorregte en pligte van die Rektor ingevolge hierdie Wet.
 (5) Die Rektor kan sodanige van die bevoegdhede deur hierdie Wet aan hom verleen, en vir so 'n tydperk as wat hy bepaal, aan die Ondervoorsitter van die Senaat opdra. Die Ondervoorsitter van die Senaat kan die bevoegdhede alleen tydens die afwesigheid van die Rektor uitoefen.
 (6) Tydens die afwesigheid van sowel die Rektor as die Ondervoorsitter van die Senaat, kan die Rektor 'n lid van die Senaat benoem om die pligte wat hy aan hom opdra, uit te voer.
- Raad van die Universiteit.
7. (1) Behoudens die bepalings van hierdie Wet berus die bestuur en die uitvoerende mag van die Universiteit by die Raad wat bestaan uit—
- vier persone deur die Goewerneur-generaal benoem; en
 - drie persone deur die donateurs en konvokasie van die Universiteit gesamentlik gekies op die wyse wat die statute voorskryf; en
 - drie persone deur die gevolmagtigdes van die oorspronklike stigters benoem; en
 - twee persone deur die trustees benoem solank die trustees 'n bedrag van minstens vyftienhonderd pond per jaar tot die fondse van die Uniyersiteit bydra; en
 - twee lede van die Senaat van die Universiteit deur die Senaat gekies; en
 - die Rektor ampshalwe:
- Met dien verstande dat indien 'n regs persoon of vrywillige vereniging wat regsbevoeg is om dit te doen die som van tweeduisend pond jaarliks tot die fondse van die Universiteit bydra en verlang om 'n verteenwoordiger in die Raad van die Uni-

(2) Such University shall exist for such purposes, with such constitution and with such rights, powers, privileges and duties as are described in this Act.

2. The name of the University shall be "Die Potchefstroomse Universiteit vir Christelike Hoër Onderwys", and its seat shall be at Potchefstroom, in the Province of the Transvaal.

Name and seat of the University.

3. The University shall consist of—

Constitution of the University.

- (a) a Chancellor;
- (b) a Vice-Chancellor;
- (c) an officer who shall be styled the Rector of the University and who shall also be eligible for the Vice-Chancellorship of the University;
- (d) a Council;
- (e) a Senate;
- (f) a Convocation;
- (g) the professors, lecturers, other teachers and students of the faculties and departments of the University;

and shall under the name given to it in section two be a body corporate with perpetual succession and shall by that name be capable in law of suing and being sued, of acquiring, holding, and, subject to the special provisions as to alienation hereinafter contained, of alienating property, movable and immovable, and of performing such acts as bodies corporate may by law do, subject always to the provisions of this Act.

4. (1) The Chancellor of the University shall be elected by the Council of the University in the manner prescribed by the statutes.

Chancellor of the University.

(2) The powers, privileges, functions, period of office and duties of the Chancellor shall be as prescribed by the statutes.

(3) Whenever a vacancy occurs in the office of Chancellor, a new Chancellor shall be elected by the Council in the manner prescribed by the statutes.

5. (1) The Vice-Chancellor of the University shall be elected by the Council from among its members in the manner prescribed by the statutes.

Vice-Chancellor of the University.

(2) The powers, privileges, functions, period of office and duties of the Vice-Chancellor shall be as prescribed by the statutes.

(3) Whenever a vacancy occurs in the office of Vice-Chancellor, a new Vice-Chancellor shall be elected by the Council in the manner prescribed by the statutes.

6. (1) The Rector of the University shall be elected by the Council in the manner prescribed by the statutes.

Rector of the University.

(2) The powers, privileges, functions, period of office and duties of the Rector shall be prescribed by the statutes.

(3) Whenever a vacancy occurs in the office of Rector, a new Rector shall be elected by the Council in the manner prescribed by the statutes.

(4) Whenever the office of Rector shall become vacant and until the election of a new Rector, the Vice-Chairman of the Senate shall exercise the functions of the Rector and shall be vested with all the powers, privileges and duties of the Rector under this Act.

(5) The Rector may delegate to the Vice-Chairman of the Senate such powers vested in him by this Act and for such period as he may determine. The Vice-Chairman of the Senate may exercise such powers only in the absence of the Rector.

(6) In the absence of both the Rector and the Vice-Chairman of the Senate, the Rector may appoint a member of the Senate to perform such duties as he may delegate to him.

7. (1) Subject to the provisions of this Act, the government and executive authority of the University shall be vested in the Council, which shall consist of—

Council of the University.

- (a) four persons appointed by the Governor-General; and
- (b) three persons selected jointly by the donors and the Convocation of the University in the manner prescribed by the statutes; and
- (c) three persons appointed by the authorized agents of the original founders; and
- (d) two persons appointed by the trustees, as long as the trustees contribute an amount of at least fifteen hundred pounds per annum to the funds of the University; and
- (e) two members of the Senate of the University elected by the Senate; and
- (f) the Rector *ex officio*:

Provided that if any body corporate or voluntary association, competent to do so, contributes annually the sum of two thousand pounds to the funds of the University and desires to have a representative on the Council of the University,

versiteit te hê, voornoemde Raad in so 'n geval bevoeg is om sy ledetal uit te brei nadat 'n besluit te dien effekte deur die meerderheid van die lede van die Raad wat dan in funksie is, geneem is, en aan voornoemde regspersoon of vrywillige vereniging die reg te gee om een persoon as addisionele lid van die Raad van die Universiteit te benoem. Sodanige addisionele lid besit en geniet dieselfde regte en voorregte en is onderworpe aan dieselfde reëls en regulasies as die ander lede van die Raad: Met dien verstande voorts dat wanneer en solank die ledetal van die Raad aldus uitgebrei is, vir elke addisionele lid aldus benoem een addisionele lid deur die Goewerneur-generaal, een deur die gevolmagtigdes van die oorspronklike stigters en, indien die trusteees kragtens paragraaf (d) die reg het om lede te benoem, een deur die trusteees met dieselfde regte, voorregte en verpligtings benoem word. 'n Professor, lektor of ander dosent van die Universiteit is nie as lid van die Raad verkiesbaar nie, behalwe kragtens paragraaf (e). Die lede van die Raad beklee hulle amp vir sodanige tydperke as wat die statute in elke geval voorskryf.

(2) Die Raad word ingestel so spoedig moontlik nadat die eerste statute, opgestel soos hieronder bepaal, van krag geword het, en verrig sy werksaamhede vanaf die vasgestelde dag.

(3) Wanneer die ampsduur van 'n lid van die Raad verstryk het of ten einde loop, word sy plek volgens voorskrif van die statute, behoudens die bepalings van sub-artikel (1), gevul.

(4) Toevallige vakatures in die Raad veroorsaak deur dood, bedanking of ander oorsaak in die statute voorgeskryf, word volgens die vereistes van die statute, behoudens die bepalings van sub-artikel (1), gevul.

(5) Die Vise-kanselier is voorsitter van die Raad behalwe waar die Vise-kanselier ook Rektor is, in watter geval die Raad uit sy ander lede 'n voorsitter kies wat die amp beklee vir die tydperk wat deur die statute voorgeskryf word: Met dien verstande dat enige vergadering van die Raad waarop die Vise-kanselier of voorsitter, soos die geval mag wees, nie aanwesig is nie, sy eie voorsitter vir daardie vergadering kan kies.

(6) Die kworum en prosedure op vergaderings van die Raad word deur die statute voorgeskryf. Die plek of plekke waar en die tye wanneer die Raad sal vergader, word van tyd tot tyd deur die Raad vasgestel.

(7) (a) Die Raad beheer al die eiendom van die Universiteit en bestuur oor die algemeen die Universiteit en al sy sake, doeleindes en werksaamhede.

(b) Die Raad kan statute of regulasies uitvaardig wat voorsiening maak vir die instelling van komitees van die Raad en vir die benoeming van persone, of hulle lede van die Raad is al dan nie, as lede van die komitees: Met dien verstande dat die Raad nie van sy bevoegdhede of werksaamhede opdra aan 'n komitee waarvan die ledetal persone insluit wat nie lede van die Raad is nie.

(c) Die Raad kan, behoudens die bepalings van hierdie Wet, alle persone aanstel wat hy vir die doeltreffende bestuur van die Universiteit nodig ag, en sodanige persone is onderhewig aan die tugbepalings wat in die statute voorgeskryf word.

(d) Die Raad stel van tyd tot tyd alle universiteitsgelde vas.

Senaat van die
Universiteit.

8. (1) Daar is 'n Senaat van die Universiteit wat bestaan uit—

(a) die Rektor van die Universiteit, ampsshalwe, wat voorsitter is; en

(b) die Vise-kanselier, behalwe waar hy ook Rektor is, in watter geval die voorsitter van die Raad; en

(c) een verdere lid van die Raad deur hom gekies op die manier en vir die duur wat die statute voorskryf; en

(d) hoofde van sodanige afsonderlike departemente as wat die Raad op aanbeveling van die Senaat bepaal; en

(e) direkteure en hoofde van navorsings- en ander inrigtings wat die Raad op aanbeveling van die Senaat bepaal; en

(f) die Bibliotekaris van die Universiteit.

(2) Onderhewig aan bekragtiging deur die Raad kies die Senaat uit sy lede 'n Ondervoorsitter wat sy amp beklee vir die tydperk wat deur die statute voorgeskryf word: Met dien verstande dat die Rektor, die Vise-kanselier en die Voorsitter van die Raad nie as Ondervoorsitter verkiesbaar is nie.

the aforesaid Council shall be competent in any such event to increase its number by resolution to that effect passed by the majority of the members of the Council for the time being, and to grant the aforesaid body corporate or voluntary association the right to appoint one person as an additional member of the Council of the University. Such additional member shall have and enjoy the same rights and privileges and be subject to the same rules and regulations as the other members of the Council: Provided further that whenever and as long as the membership of the Council is thus increased, for every additional member thus appointed one additional member with the same rights, privileges and duties shall be appointed by the Governor-General, one by the authorized agents of the original founders, and, in the event of the trustees being entitled to appoint members under paragraph (d) one by the trustees. Except as in paragraph (e) provided, a professor, lecturer or other teacher of the University shall not be eligible for election as a member of the Council. The members of the Council shall hold office for such periods as the statutes in each case prescribe.

(2) The Council shall be constituted as soon as possible after the first statutes, framed as hereinafter provided, have become of force and effect, and shall exercise its functions as from the appointed day.

(3) Whenever the period of office of any member of the Council has expired or is about to expire, his place shall be filled in the manner provided by the statutes, subject to the provisions of sub-section (1).

(4) Casual vacancies upon the Council caused by death, resignation or other cause prescribed by the statutes, shall be filled as therein required, subject to the provisions of sub-section (1).

(5) The Vice-Chancellor shall be chairman of the Council except where the Vice-Chancellor is also the Rector, in which case the Council shall elect from amongst its other members a chairman who shall hold office as such for such period as is prescribed by the statutes: Provided that any meeting of the Council at which the Vice-Chancellor or chairman, as the case may be, is not present, may elect its own chairman for that meeting.

(6) The quorum and the procedure at meetings of the Council shall be as prescribed by the statutes. The place or places and the times at which meetings of the Council shall be held shall be determined from time to time by the Council.

(7) (a) The Council shall administer all the property of the University and shall have the general control of the University and all its affairs, purposes and functions.

(b) The Council may make statutes or regulations providing for the establishment of committees of the Council and for the appointment as members of such committees of any persons, whether they are members of the Council or not: Provided that the Council shall not delegate any of its powers or functions to a committee, the membership of which includes persons other than members of such Council.

(c) The Council may, subject to the provisions of this Act, appoint all such persons as it considers necessary for the efficient conduct of the University, and such persons shall be subject to such disciplinary provisions as the statutes may prescribe.

(d) The Council shall from time to time fix all University fees.

8. (1) There shall be a Senate of the University consisting of— Senate of the University.

(a) the Rector of the University, *ex officio*, who shall be Chairman; and

(b) the Vice-Chancellor, except where he is also the Rector, in which event the Chairman of the Council; and

(c) one additional member of the Council, chosen by it in the manner and for a period prescribed by the statutes; and

(d) the heads of such separate departments as are defined by the Council on the recommendation of the Senate; and

(e) the directors and heads of such research and other institutes as are defined by the Council on the recommendation of the Senate; and

(f) the Librarian of the University.

(2) Subject to ratification by the Council, the Senate shall elect a Vice-Chairman from amongst its members who shall hold office for such period as is prescribed by the statutes: Provided that the Rector, the Vice-Chancellor and the Chairman of the Council shall not be eligible for election as Vice-Chairman.

(3) Die toesig oor en die reëling van navorsingswerk en van die tug en onderrig in die verskeie departemente, voorlesings en klasse van die Universiteit berus by die Senaat van die Universiteit ooreenkomstig die regulasies wat deur die Senaat daarvoor opgestel en deur die Raad goedgekeur moet word.

(4) Die Senaat lê van tyd tot tyd aan die Raad voor—

- (a) verslae omtrent sy werksaamhede; en
- (b) aanbevelings wat die Senaat raadsaam ag omtrent sake van belang wat die Universiteit raak; en
- (c) aanbevelings omtrent sake wat die Raad na hom verwys het.

(5) As die lid van die Raad, kragtens paragraaf (c) van sub-artikel (1) gekies, sterf of ophou om lid van die Raad te wees of sy amp as lid van die Senaat neerlê, kies lede van die Raad iemand anders uit hul geledere om sy plek in die Senaat te vul.

(6) Die kworum en prosedure op vergaderings van die Senaat word deur die statute voorgeskryf. Die plek of plekke waar en die tye wanneer die Senaat vergader, word van tyd tot tyd deur die Senaat vasgestel.

Komitees van die Senaat.

9. Die Senaat kan van tyd tot tyd komitees by wyse van verkiesing instel en aan so 'n komitee werksaamhede opdra wat die Senaat self bevoeg is om te verrig.

Konvokasie van die Universiteit.

10. (1) Die Konvokasie van die Universiteit bestaan uit alle persone wie se name voorkom op die konvokasielys wat die Registrateur moet opstel en byhou.

(2) Die Rektor, professore, lektore, die Bibliotekaris en die Registrateur van die Universiteit is tydens hulle ampstermyn ampshalwe lede van die Konvokasie en daarop geregtig om hulle name op die konvokasielys te laat inskryf.

(3) Behoudens die bepalings van sub-artikel (4) is die volgende persone daarop geregtig om hulle name op die konvokasielys te laat inskryf, naamlik—

- (a) alle persone wat voor die inwerkingtreding van „de Potchefstroom Universiteitskollege (Private) Wet”, No. 25 van 1921, minstens een jaar student was in die Afdeling vir lettere en wetenskap van die Teologiese Skool van die Gereformeerde Kerk van Suid-Afrika of aan „Het Potchefstroom Universiteitskollege voor Christelik Hoger Onderwijs” en wat terwyl hulle sodanige studente was die matrikulasie-eksamen of een van die eksamens na matrikulasie van die voornoemde afdeling of van die voornoemde kollege of van die Universiteit van die Kaap die Goeie Hoop of van die Universiteit van Suid-Afrika afgelê het;
- (b) alle persone wat na die inwerkingtreding van die in paragraaf (a) genoemde Wet 'n graad aan die Universiteit van die Kaap die Goeie Hoop of aan die Universiteit van Suid-Afrika behaal het terwyl hulle studente aan die „Potchefstroom Universiteitskollege” of die „Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys” was, en wat binne twaalf maande na die inwerkingtreding van hierdie Wet die Registrateur skriftelik meedeel dat hulle begerig is om lede van die Konvokasie van die Universiteit te wees; na sodanige mededeling moet dié persone hulle lidmaatskap van die Konvokasie van die Universiteit van Suid-Afrika prysgee;
- (c) alle persone wat 'n kursus van minstens drie jaar, deur die Senaat van die Kollege goedgekeur, aan die Kollege gevolg het en die diploma vir sodanige kursus toegeken, behaal het;
- (d) alle persone wat 'n graad aan die Universiteit verkry.

(4) Voordat die name van die persone in sub-artikel (3) vermeld op die Konvokasielys ingeskryf word, moet hulle 'n deur die statute vasgestelde bedrag betaal.

(5) Vergaderings van die Konvokasie word belê en gehou op die wyse en vir die doeleindes wat die statute voorskryf. Die plek of plekke waar en die tye wanneer die vergaderings gehou word, word deur die Raad bepaal.

(6) Die Konvokasie kan enige aangeleentheid bespreek wat die Universiteit raak, asook sake wat die Raad na hom verwys het, en kan sy mening daaroor aan die Raad meedeel.

Registrateur.

11. Die Raad stel 'n Registrateur vir die Universiteit aan wie se werksaamhede, bevoegdhede en pligte deur die Raad omskryf word. Die Raad kan 'n Assistent-registrateur aanstel en sy bevoegdhede en pligte omskryf.

Fakulteite.

12. Aan die Universiteit kan ingestel word—

- (a) fakulteite van lettere en wysbegeerte, teologie, natuurwetenskappe, opvoedkunde, ekonomiese wetenskappe en sosiale wetenskappe;

(3) The superintendence and regulation of research work and the discipline and instruction of the several departments, lectures and classes of the University shall be vested in the Senate thereof in accordance with regulations to be framed by the Senate for the purpose and approved by the Council.

(4) The Senate shall submit to the Council from time to time—

- (a) reports upon its work; and
- (b) such recommendations as may seem expedient to the Senate as to matters of interest affecting the University; and
- (c) recommendations as to any matters referred to it by the Council.

(5) If the member of the Council chosen under paragraph (c) of sub-section (1) dies or ceases to be a member of the Council or resigns office as a member of the Senate, the members of the Council shall choose another of their number to fill his place in the Senate.

(6) The quorum and procedure at meetings of the Senate shall be as prescribed by the statutes. The place or places and the times at which meetings of the Senate shall be held, shall be determined from time to time by the Senate.

9 The Senate may, by election, from time to time establish, committees and entrust to any such committee any functions which the Senate itself is competent to perform. Committees of Senate.

10. (1) Convocation of the University shall consist of all persons whose names appear on the Convocation roll to be framed and kept by the Registrar. Convocation of University.

(2) The Rector, professors, lecturers, Librarian and Registrar of the University, while holding office as such, shall be *ex officio* members of Convocation and shall be entitled to have their names placed on the Convocation roll.

(3) Subject to the provisions of sub-section (4) the following persons shall be entitled to have their names entered on the Convocation roll, that is to say—

- (a) all persons who before the commencement of the Potchefstroom University College (Private) Act, No. 25 of 1921, were for at least one year students in the arts and science department of "De Theologiese School van de Gereformeerde Kerk van Zuid-Afrika" or at "Het Potchefstroom Universiteitskollege voor Christelik Hoger Onderwijs", and who, while they were such students, passed the Matriculation Examination or any of the post matriculation examinations of the said department or of the said college or of the University of the Cape of Good Hope or of the University of South Africa;
- (b) all persons who, after the commencement of the Act mentioned in paragraph (a), became graduates of the University of the Cape of Good Hope or of the University of South Africa while they were students at the Potchefstroom University College or the "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys", and who, within twelve months after the commencement of this Act, have signified in writing, addressed to the Registrar, that they desire to be members of the Convocation of the University; on such signification such persons shall relinquish membership of the Convocation of the University of South Africa;
- (c) all persons who pursued a course of study at the College of at least three years, approved by the Senate of the College, and obtained the diploma awarded for such course;
- (d) all persons who become graduates of the University.

(4) Before their names are entered on the Convocation roll, the persons mentioned in sub-section (3) shall pay a fee prescribed by the statutes.

(5) Meetings of Convocation shall be summoned and held in the manner and for the purposes prescribed by the statutes. The place or places and the times at which the meetings shall be held, shall be determined by the Council.

(6) Convocation may discuss any matters relating to the University, including matters which may be referred to it by the Council, and may convey its opinion thereon to the Council.

11. The Council shall appoint a Registrar of the University whose functions, powers and duties shall be as defined by the Council. The Council may appoint an Assistant Registrar and define his powers and functions. Registrar.

12. At the University may be established—

- (a) faculties of arts, theology, natural sciences, education, economic sciences and social sciences;

Faculties.

- (b) sodanige ander fakulteite as wat die Raad van tyd tot tyd na oorleg met die Senaat, met goedkeuring van die Minister en met inagneming van die statute, mag instel.

Aanstelling en ontslag van akademiese personeel.

13. (1) Die professore, lektore en ander dosente van die Universiteit word deur die Raad na oorleg met die Senaat aangestel. Van elke sodanige aanstelling moet skriftelik aan die Minister kennis gegee word.

(2) Die Raad kan professore, lektore of dosente van die Universiteit skors of ontslaan op die wyse deur die statute voorgeskryf, en die Raad kan bevoegdheid aan die Rektor verleen om so iemand te skors. In die geval waar sodanige persone se salaris geheel of gedeeltelik uit 'n regeringstoelae betaal word, is geen ontslag sonder die voorafgaande toestemming van die Minister geldig nie.

(3) Die bepalings van hierdie Wet of enige ander Wet belet nie die Raad om na oorleg met die Senaat nuwe departemente wat hy nodig ag, in te stel nie: Met dien verstande dat die Raad geen geld wat aan die Universiteit uit die Staatskas toegeken is, sonder die Minister se toestemming aan die instandhouding van 'n departement of 'n professoraat of lektoraat wat by die inwerkingtreding van hierdie Wet nie ingestel is nie, mag bestee nie.

Oordrag van bate en laste van Kollege op Universiteit.

14. Alle bate, regte, bevoegdhede en voorregte van watter aard ookal wat onmiddellik voor die vasgestelde dag aan die Raad van die Kollege behoort het, of wat aan daardie Raad sou toegekom of behoort het as hierdie Wet nie aangeneem was nie, gaan sonder betaling van herereg, seëlreg of registrasiekoste vanaf daardie dag oor op die Universiteit wat vanaf die vasgestelde dag alle skulde en laste van die Raad van die Kollege ten opsigte van daardie inrigting oorneem en daarvoor aanspreeklik is, met inagneming van die voorwaardes waarop dié skulde en laste aangegaan is: Met dien verstande dat alle gelde en regte wat onmiddellik voor die vasgestelde dag kragtens 'n trust, skenking of bemaking aan die Kollege of aan sy Raad behoort het, deur die Universiteit ooreenkomstig die voorwaardes van die trust, skenking of bemaking bestee of uitgeoefen word.

Grade, diplomas en sertifikate.

15. (1) Die Universiteit is bevoeg om, behoudens die bepalings van hierdie Wet en die statute, grade van baccalaureus, magister en doktor toe te ken in enige fakulteit in artikel *twaalf* vermeld of ooreenkomstig daardie artikel ingestel, en alle ander grade wat hy raadsaam vind om toe te ken. Die benaming van elke graad in elke fakulteit word deur die statute voorgeskryf.

(2) Behoudens die bepalings van artikels *sestien*, *sewentien* en *twee-en-twintig* word geen graad deur die Universiteit aan iemand toegeken wat nie vir die tydperk wat die statute in elke geval voorskryf student aan die Kollege of aan die Universiteit was nie en wat nie in 'n eksamen of ander voorgeskrewe toets bewys gelewer het dat hy die peil van bekwaamheid wat deur die statute voorgeskryf word, bereik het nie.

(3) Die Universiteit kan, behoudens die bepalings van hierdie Wet, 'n diploma of sertifikaat uitreik aan iemand wat 'n studiekursus gevolg het wat deur die Universiteit aangebied word of aan enige ander persoon wat volgens sy oordeel die bevoegdheid vir so 'n diploma of sertifikaat besit.

Toelating tot gelyke status in Universiteit en tot lidmaatskap van Konvokasie.

16. Behoudens die bepalings van die statute kan die Raad op aanbeveling van die Senaat—

(a) gegradueerdes van 'n ander universiteit (in die Unie of elders) tot 'n status in die Universiteit toelaat wat gelykstaan met dié wat hulle in die ander universiteit besit;

(b) persone wat aan 'n universiteit of 'n inrigting wat volgens die oordeel van die Senaat op dieselfde peil as 'n universiteit staan, in eksamens geslaag het wat volgens die oordeel van die Senaat gelykwaardig is aan die eksamens wat voorgeskryf is vir die graad wat 'n voorvereiste is vir die graad wat die aansoeker wil behaal, as kandidate vir die graad magister of doktor in 'n fakulteit aanneem.

Grade *honoris causa*.

17. Behoudens die bepalings van die statute kan die Universiteit, by besluit van die Raad en van die Senaat en sonder eksamen, 'n magisters- of doktorsgraad in 'n fakulteit *honoris causa* toeken aan iemand wat hom in Suid-Afrika onderskei het in die bevordering van die lettere en wysbegeerte, die teologie, die wis- of natuurkunde, die regsgeleerdheid, die opvoedkunde of enige ander tak van die wetenskap, of aan

- (b) such other faculties as the Council may, after consultation with the Senate, with the approval of the Minister and subject to the statutes, from time to time establish.

13. (1) The professors, lecturers and other teachers at the University shall be appointed by the Council after consultation with the Senate. Notice of every such appointment shall be given in writing to the Minister. Appointment and dismissal of academic staff.

(2) The Council may suspend or dismiss professors, lecturers or teachers at the University in the manner prescribed by the statutes, and the Council may invest the Rector with the power to suspend such person. Where the salary of such persons is partly or wholly defrayed from a Government grant, no dismissal shall be valid unless the consent of the Minister has been first obtained.

(3) Nothing in this Act, or in any other law contained, shall be construed as preventing the Council from establishing, after consultation with the Senate, such new departments as it may deem fit: Provided that it shall not without the consent of the Minister apply towards the maintenance of any department or of any professorship or lectureship not established at the commencement of this Act any money granted to the University from public funds.

14. All assets, rights, powers and privileges of any kind whatever which immediately prior to the appointed day were vested in the Council of the College, or which, if this Act had not been passed, would have accrued to or vested in that Council shall, upon and as from that day, without payment of transfer duty, stamp duty or registration charges, accrue to and vest in the University, which shall, as from the appointed day, assume and be liable for all debts and liabilities of the Council of the College, in respect of that institution, subject to the conditions under which those debts and liabilities were incurred: Provided that all funds and rights vested immediately prior to the appointed day, by trust, donation or bequest, in the College, or the Council thereof, shall be applied or exercised by the University in accordance with the conditions of such trust, donation or bequest. Transfer of assets and liabilities of the College to the University.

15. (1) The University shall have power, subject to the provisions of this Act and the statutes, to confer degrees of bachelor, master and doctor in any faculty mentioned in or established in terms of section *twelve* and all such other degrees as it may deem expedient to confer. The designation of any degree in any faculty shall be prescribed by the statutes. Degrees, diplomas and certificates.

(2) Save as is provided by sections *sixteen*, *seventeen* and *twenty-two*, no degree shall be conferred by the University upon any person who has not attended for such period as may in each case be prescribed by the statutes as a student of the College or of the University, and who has not proved in examination or other prescribed test to have attained the standard of proficiency as prescribed by statute.

(3) The University may, subject to the provisions of this Act, grant a diploma or certificate to any person who has pursued a course of study provided by the University or to any other person deemed by it to possess the qualifications for such a diploma or certificate.

16. Subject to the provisions of the statutes, the Council may, on the recommendation of the Senate— Admission to equivalent status in University and to membership of Convocation.

(a) admit graduates of any other university (whether in the Union or elsewhere) to a status in the University equivalent to that which they possess in such other university;

(b) accept as candidates for the degree of master or doctor in any faculty, persons who have passed at a university or at any institution deemed by the Senate to be of university standing such examinations as are, in the opinion of the Senate, equivalent to the examinations prescribed for the degree which is a necessary prerequisite to the degree sought by the applicant.

17. Subject to the provisions of the statutes, the University may, on the resolution of the Council and the Senate, and without examination, confer a degree *honoris causa* of master or doctor in any faculty upon any person who has rendered distinguished services in South Africa in the advancement of arts, theology, science, jurisprudence, education or any other Degrees *honoris causa*.

iemand wat die Universiteit, by besluit van die Raad en die Senaat, so 'n graad waardig ag: Met dien verstande dat iemand aan wie 'n graad aldus *honoris causa* toegeken is, nie op grond van die toekenning daarop geregtig is om 'n beroep uit te oefen nie.

- Eksamens.** 18. Alle eksamens wat deur die Universiteit afgeneem word, moet ooreenkomstig die statute geskied.
- Matrikulasie.** 19. (1) Die Universiteit word in die Gemeenskaplike Matrikulasieraad, ingestel deur Wet No. 12 van 1916, verteenwoordig op dieselfde wyse as wat die Universiteite daarin verteenwoordig is. Sy verteenwoordigers word deur die Raad op aanbeveling van die Senaat benoem. Die aantal sodanige verteenwoordigers word van tyd tot tyd deur die gemeenskaplike statute van die Universiteite voorgeskryf.
(2) Die matrikulasie-eksamen van die Universiteit is die matrikulasie-eksamen wat deur genoemde Matrikulasieraad gereël en afgeneem word. Persone aan wie die Matrikulasieraad vrystellingsertifikate uitgereik het, word op dieselfde voorwaardes tot die Universiteit toegelaat as tot die Universiteite.
- Inskrywing as gematrikuleerde student van die Universiteit.** 20. Niemand word as 'n gematrikuleerde student van die Universiteit ingeskryf nie tensy hy die matrikulasiesertifikaat deur die Gemeenskaplike Matrikulasieraad uitgereik, verkry het of na die mening van die Matrikulasieraad aan die vereistes vir vrystelling van sodanige eksamen voldoen het en 'n vrystellingsertifikaat verkry het: Met dien verstande dat die Universiteit daarbenewens die bereiking van 'n bepaalde standaard in bepaalde onderwerpe by die matrikulasie-eksamen of by 'n eksamen wat deur die Gemeenskaplike Matrikulasieraad vir die doel erken word, by regulasie kan voorskryf as 'n voorvereiste vir toelating tot 'n besondere studiekursus aan die Universiteit. Elkeen wat as 'n gematrikuleerde student ingeskryf word, moet ten opsigte daarvan die inskrywingsgelde betaal wat van tyd tot tyd deur die Raad voorgeskryf word. Elkeen wat as 'n gematrikuleerde student van die Universiteit ingeskryf is, moet solank as wat hy 'n student van die Universiteit bly elke jaar sy inskrywing vernuwe en moet ten opsigte van die vernuwing die gelde betaal wat van tyd tot tyd deur die Raad voorgeskryf word.
- Weiering van toelating.** 21. Behoudens die bepalings van artikel *een-en-dertig* het die Raad die reg om, indien hy dit in belang van die Universiteit beskou, die toelating van enige student wat daarom aansoek doen, te weier.
- Studente *ad eundem gradum* vir spesiale studiekursusse en hulle toelating tot 'n graad.** 22. Iemand wat 'n graad aan 'n ander Universiteit behaal het of wat in staat is om voldoende bewys van sy bevoegdheid te lewer, kan ondanks enige bepalings van hierdie Wet deur die Gemeenskaplike Matrikulasieraad spesiaal van die matrikulasie-eksamen vrygestel word en as student tot spesiale studie- en navorsingskursusse aan die Universiteit toegelaat word en kan 'n graad behaal op ander voorwaardes as dié wat op gewone studente van toepassing is. Sulke voorwaardes word deur die statute voorgeskryf.
- Tug.** 23. 'n Student van die Universiteit is onderhewig aan die tugbepalings wat in die statute voorgeskryf word.
- Reg om te eis dat studente by goedgekeurde verblyfplekke inwoon en te bepaal waar studente onderrig moet ontvang.** 24. (a) Die Raad het die reg om te eis dat 'n student behalwe gedurende Universiteitsvakansie-tydperke by 'n verblyfplek inwoon wat vir die doel deur die Raad goedgekeur is.
(b) Die Raad het die reg om te bepaal op watter plek onder beheer van die Universiteit 'n student onderrig moet ontvang.
- Opstel van statute en regulasies.** 25. Sodra moontlik na die inwerkingtreding van hierdie Wet moet die Raad van die Kollege aan die Minister statute voorlê om aan hierdie Wet gevolg te gee en vir die algemene bestuur van die Universiteit met betrekking tot sake wat nie uitdruklik in hierdie Wet voorgeskryf word nie, asook regulasies vir die beter uitvoering van die statute: Met dien verstande dat die statute en regulasies met betrekking tot die studies, onderrig, eksamens en tug van die Universiteit nie uitgevaardig word nie behalwe na oorleg met die Senaat van die Kollege.
- Opstel van gemeenskaplike statute en gemeenskaplike regulasies.** 26. Sodra moontlik na die inwerkingtreding van hierdie Wet moet die Vise-kanseliers van die Universiteite saam met 'n verteenwoordiger van die Kollege as 'n gesamentlike komitee aan die Minister gemeenskaplike statute en gemeenskaplike

branch of learning, or upon any person whom the University may, on the resolution of the Council and the Senate, deem worthy of such a degree: Provided that the holder of such a degree, which has been conferred *honoris causa*, shall not, by the fact that he has been admitted thereto, be entitled to practise any profession.

18. All examinations held by the University shall be conducted in accordance with the statutes. Examinations.

19. (1) The University shall be represented on the Joint Matriculation Board established by Act No. 12 of 1916 in the same way as the Universities are represented on it. Its representatives shall be appointed by the Council on the recommendation of the Senate, the number of such representatives to be as prescribed from time to time by the joint statutes of the Universities. Matriculation.

(2) The matriculation examination of the University shall be the matriculation examination controlled and conducted by the said Board. Holders of certificates of exemption issued by the Board shall be admitted to the University on the same terms as to the Universities.

20. A person shall not be registered as a matriculated student of the University unless he has obtained the matriculation certificate issued by the Joint Matriculation Board or has in the opinion of that Board satisfied the conditions of exemption from such examination, and has obtained a certificate to that effect: Provided that the University may, in addition, prescribe by regulation as a prerequisite to admission to any particular course in the University the attaining of a specified standard in specified subjects at the matriculation examination or at an examination recognized for the purpose by the Joint Matriculation Board. Every person registered as a matriculated student shall, in respect of such registration, pay such fee as is from time to time prescribed by the Council. Every person registered as a matriculated student of the University shall renew his registration annually so long as he continues to be a student thereof, and shall in respect of such renewal pay such fee as is from time to time prescribed by the Council. Registration as a matriculated student of the University.

21. Subject to the provisions of section *thirty-one* the Council shall have the right to refuse admittance to any student who applies for admission should they consider it to be in the interests of the University. Refusal of admission.

22. A person who has graduated in another university, or who is able to give satisfactory evidence of his qualifications, may, notwithstanding anything contained in this Act, be specially exempted from the matriculation examination by the Joint Matriculation Board, and may be admitted as a student to courses of special study and research at the University and may proceed to a degree under different conditions from those applicable to ordinary students. Such conditions shall be prescribed by the statutes. Ad eundem students for special courses of study and their admission to a degree.

23. A student of the University shall be subject to such disciplinary provisions as the statutes may prescribe. Discipline.

24. (a) The Council shall have the right to require a student to reside for the periods during which the University is in session, at a place of residence approved for the purpose by the Council. Power to require students to reside at approved places of residence and to determine the place at which students shall receive instruction.

(b) The Council shall have the right to determine at which place under the control of the University a student shall attend for the purpose of receiving instruction.

25. As soon as possible after the commencement of this Act, the Council of the College shall submit to the Minister for giving effect to this Act and for the general government of the University in relation to matters not specifically prescribed by this Act and regulations for the better carrying out of the statutes: Provided that statutes and regulations dealing with the studies, instruction, examinations and discipline of the University shall not be made except after consultation with the Senate of the College. Framing of statutes and regulations.

26. As soon as possible after the commencement of this Act, the Vice-Chancellors of the Universities together with a representative of the College, acting as a joint committee, shall submit to the Minister joint statutes and joint regulations Framing of joint statutes and joint regulations.

regulasies vir die beter uitvoering van die gemeenskaplike statute voorlê, wat die bestaande gemeenskaplike statute en gemeenskaplike regulasies van die Universiteit omvat met die wysigings en toevoegings wat nodig geag word om die verhouding tussen die Universiteit en die Universiteite te bepaal. Die gemeenskaplike statute en gemeenskaplike regulasies is op die Universiteit en die genoemde ander Universiteite gesamentlik van toepassing en vervang die gemeenskaplike statute en die gemeenskaplike regulasies van die Universiteite.

Publikasie van statute en gemeenskaplike statute en voorlegging daarvan aan die Parlement.

27. (1) Na ontvangs van 'n statuut van die Raad van die Kollege of 'n gemeenskaplike statuut van die komitee in artikel *ses-en-twintig* bedoel, laat die Minister, indien hy dit goedkeur, dit in die *Staatskoerant* publiseer en lê hy dit in albei Huise van die Parlement ter Tafel so spoedig moontlik na die ontvangs daarvan as die Parlement dan sit of, as die Parlement nie dan sit nie, so spoedig moontlik na die aanvang van sy eersvolgende sitting.

(2) Indien albei Huise binne 'n tydperk van dertig dae nadat 'n statuut of gemeenskaplike statuut volgens voorskrif van sub-artikel (1) aan die Parlement voorgelê is, die statuut of gemeenskaplike statuut of 'n gedeelte daarvan by besluit afkeur, verval die statuut of gemeenskaplike statuut of die gedeelte daarvan waarop die besluit betrekking het.

(3) Indien voormelde tydperk van dertig dae verstryk het sonder dat die bepalings van 'n statuut of gemeenskaplike statuut by besluit van albei Huise van die Parlement afgekeur is, kan daardie statuut of gemeenskaplike statuut deur die Goewerneur-generaal goedgekeur word en word dit, by afkondiging daarvan in die *Staatskoerant*, van krag as 'n statuut van die Universiteit of (na gelang van die geval) as 'n gemeenskaplike statuut van die Universiteite.

(4) By berekening van die tydperk van dertig dae in sub-artikels (2) en (3) genoem, word dae wat val binne 'n tydperk waarin die Parlement geprorogeer is, buite rekening gelaat.

Goedkeuring van regulasies.

28. 'n Regulasie wat deur die Raad van die Kollege kragtens artikel *vyf-en-twintig* opgestel is en 'n gemeenskaplike regulasie deur die komitee kragtens artikel *ses-en-twintig* voorgelê, word aan die Minister gestuur en kan, indien die statuut of gemeenskaplike statuut op grond waarvan so 'n regulasie of gemeenskaplike regulasie (na gelang van die geval) opgestel is, van krag is en die regulasie of gemeenskaplike regulasie nie strydig of onbestaanbaar met die betrokke statuut of gemeenskaplike statuut is nie, deur die Goewerneur-generaal goedgekeur word en die regulasie of gemeenskaplike regulasie word daarop, na afkondiging daarvan in die *Staatskoerant*, van krag as 'n regulasie of 'n gemeenskaplike regulasie (na gelang van die geval).

Toekomstige statute, gemeenskaplike statute en gemeenskaplike regulasies.

29. (1) Na die vasgestelde dag is die Raad bevoeg om statute of regulasies uit te vaardig of om statute of regulasies wat van krag is, te wysig of te herroep: Met dien verstande dat statute en regulasies met betrekking tot die studies, eksamens en tug van die Universiteit nie uitgevaardig, gewysig of herroep word nie behalwe na oorleg met die Senaat.

(2) Na die vasgestelde dag is die Vise-kanseliers van die Universiteite, as 'n gesamentlike komitee, bevoeg om bykomstige gemeenskaplike statute en bykomstige gemeenskaplike regulasies uit te vaardig en gemeenskaplike statute of gemeenskaplike regulasies wat van krag is, te wysig of te herroep.

(3) Geen statuut of regulasie of gemeenskaplike statuut of gemeenskaplike regulasie of 'n wysiging of herroeping daarvan wat kragtens hierdie artikel ingevoer is, word van krag nie tensy aan die bepalings van artikels *vyf-en-twintig* en *ses-en-twintig* (na gelang van die geval) voldoen is en by die toepassing van dié twee artikels word die Raad van die Kollege en die komitee (na gelang van die geval) deur die Raad en die Vise-kanseliers soos voormeld (na gelang van die geval) vervang.

Doserende en administratiewe personeel van die Kollege.

30. Die lede van die doserende en administratiewe personeel van die Kollege wat onmiddellik voor die vasgestelde dag 'n amp beklee, bly aan as lede van onderskeidelik die doserende en die administratiewe personeel van die Universiteit en bly onderhewig aan dieselfde voorwaardes ten aansien van besoldiging en ampsduur (behoudens die bepalings van artikel *dertien*) tensy en totdat die voorwaardes deur die Raad ooreenkomstig die statute verander word.

for the better carrying out of the joint statutes, which shall comprise the existing joint statutes and joint regulations of the Universities with such amendments and additions as may be deemed necessary in order to determine the relations between the University and the Universities. Such joint statutes and joint regulations shall be common to the University and the said other Universities, and shall supersede the joint statutes and the joint regulations of the Universities.

27. (1) Upon receiving any statute from the Council of the College or any joint statute from the committee referred to in section *twenty-six*, the Minister shall, if it meets with his approval, cause it to be published in the *Gazette* and shall as soon as possible after receipt lay it upon the Tables of both Houses of Parliament, if Parliament be then in session, or, if Parliament be not then in session, as soon as possible after the commencement of its next ensuing session.

Publication of statutes and joint statutes and submission of same to Parliament.

(2) If within a period of thirty days after any statute or joint statute has been laid before Parliament as by sub-section (1) provided, both Houses pass resolutions disapproving the statute or joint statute or any part thereof, the statute or joint statute or part thereof to which the resolutions relate shall lapse.

(3) If the period of thirty days aforesaid has expired and resolutions have not been passed by both Houses of Parliament disapproving of the terms of any statute or joint statute, that statute or joint statute may be approved by the Governor-General and, on publication thereof in the *Gazette*, shall become of force and effect as a statute of the University or (as the case may be) as a joint statute of the Universities.

(4) The period of thirty days mentioned in sub-sections (2) and (3) shall be exclusive of days within a period of prorogation of Parliament.

28. Any regulation framed by the Council of the College under section *twenty-five* and any joint regulation submitted by the Committee under section *twenty-six* shall be transmitted to the Minister and may, if the statute or joint statute under which the regulation or joint regulation (as the case may be) was framed is of force and effect and the regulation or joint regulation is not repugnant to or inconsistent with the relevant statute or joint statute, be approved by the Governor-General and thereupon the regulation or joint regulation shall on publication thereof in the *Gazette* have force and effect as a regulation or joint regulation (as the case may be).

Approval of regulations.

29. (1) After the appointed day, the Council shall have the power to make statutes or regulations or to amend or repeal any statute or regulation which may then be in force: Provided that statutes and regulations dealing with the studies, examinations and discipline of the University shall not be made, amended or repealed except after consultation with the Senate.

Future statutes, joint statutes and joint regulations.

(2) After the appointed day, the Vice-Chancellors of the Universities, acting as a joint committee thereof, shall have power to make additional joint statutes and additional joint regulations and to amend or repeal any joint statute or joint regulation which may then be in force.

(3) No statute or regulation or joint statute or joint regulation or amendment or repeal thereof made under this section shall be of force and effect unless the provisions of sections *twenty-five* and *twenty-six* (as the case may be) have been observed, the Council and the Vice-Chancellors aforesaid (as the case may be) being substituted for the Council of the College and the Committee (as the case may be) in the application of either of those sections.

30. The members of the teaching and administrative staffs of the College who hold office immediately prior to the appointed day, shall continue as members of the teaching and administrative staffs respectively of the University and shall continue to be governed by the same conditions in respect of emoluments and tenure of office (subject always to the provisions of section *thirteen*) unless and until those conditions are altered by the Council in accordance with the statutes.

Teaching and administrative staffs of the College.

- Handhawing van die Christelike karakter van die Universiteit sonder toepassing van 'n denominasionale toets.
- 31.** (1) Die Raad moet by die benoeming van doserende, navorsende en administratiewe personeel sorg dra dat die Christelike karakter van die Universiteit gehandhaaf word: Met dien verstande dat geen denominasionale toets toegepas word as voorwaarde om 'n graad aan die Universiteit te verkry of te behou of om 'n professor, navorsers, lektor, dosent of lid van die administratiewe personeel aan die Universiteit te word of te bly, of om daarin 'n amp te beklee of besoldiging te ontvang of 'n voorreg uit te oefen.
- (2) Niemand word op grond van sy geloofsoortuiging verhinder om 'n student aan die Universiteit te word of te bly of 'n graad daarin te verkry of te behou nie.
- Verslag aan die Minister en voorlegging daarvan aan die Parlement.
- 32.** Die Raad moet elke jaar binne ses maande na die beëindiging van 'n akademiese jaar van die Universiteit 'n verslag van die verrigtings van die Universiteit gedurende daardie jaar aan die Minister stuur, benewens 'n volledige en georditeerde staat van sy ontvangste en uitgawe gedurende dieselfde tydperk. Die verslag en staat word so spoedig moontlik daarna deur die Minister in albei Huise van die Parlement ter Tafel gelê.
- Beperking van vervreemding van onroerende goed.
- 33.** Onroerende goed wat aan die Universiteit behoort, mag nie sonder die goedkeuring van die Minister verkoop, verhipoteker, verhuur of andersins oor beskik word nie.
- Aansluiting.
- 34.** Indien die Raad of bestuursliggaam van 'n universiteitskollege of van 'n inrigting waarvan die doel is om 'n afdeling van hoër onderwys aan te bied, wat tans bestaan of later ingestel word, met die goedkeuring van die Minister reëlings met die Universiteit getref het waarvolgens daardie kollege of inrigting by die Universiteit kan aansluit, kan die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar dat die kollege of inrigting aldus aangesluit het en studente van dié kollege of inrigting kan daarop tot alle eksamens en grade van die Universiteit toegelaat word op die voorwaardes wat die statute moet voorskryf.
- Skole, kolleges of inrigtings.
- 35.** Die Universiteit is bevoeg om, ter beter uitvoering van sy werksaamhede, 'n gedeelte van die Universiteit as 'n skool of kollege of inrigting van die Universiteit te organiseer en vir die bestuur daarvan 'n raad, afvaardiging of kommissie van die Universiteit aan te stel wat, onderworpe aan die gesag van die Raad en die Senaat, die bevoegdheid uitoefen en die verteenwoordiging in die Senaat verkry wat in dié geval deur die statute bepaal word.
- Vakatures raak nie bevoegdhede van Universiteit of sy Raad of Senaat nie.
- 36.** Die feit dat die amp van Kanselier, Vise-kanselier of Rektor van die Universiteit vakant is of dat die ledetal van die Raad of die Senaat nie voltallig is nie, maak geen inbreuk op en raak nie die Universiteit se regs persoonlikheid of enige bevoegdhede, regte of voorregte wat deur hierdie Wet aan die Universiteit of die Raad of die Senaat verleen word nie: Met dien verstande dat geen besluit van die Raad of van die Senaat geldig is nie tensy dit geneem is op 'n vergadering waarop 'n kworum aanwesig was en tensy in alle ander opsigte voldoen is aan die statute wat op so 'n vergadering betrekking het.
- Uitbreiding van voorregte deur ander wette verleen.
- 37.** Wanneer 'n wet wat onmiddellik voor die vasgestelde dag van krag was aan iemand 'n reg of voorreg verleen op grond daarvan dat hy 'n graad aan die Universiteit van die Kaap die Goeie Hoop of die Universiteit van Suid-Afrika verkry het of aan een van daardie Universiteite in 'n eksamen geslaag het of 'n sertifikaat verkry het, word daardie reg of voorreg ook aan iemand verleen wat aan die Universiteit 'n gelyke graad of 'n gelykwaardige sertifikaat verkry het of in 'n gelyke eksamen geslaag het.
- Verwysing na Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys in enige wetsbepaling omvat die Universiteit.
- 38.** Wanneer die uitdrukking „Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys” voorkom in 'n wetsbepaling wat onmiddellik voor die vasgestelde dag van krag is (behalwe 'n bepaling wat deur hierdie Wet herroep word), of daarin na daardie kollege verwys word, dan word na die vasgestelde dag onder daardie uitdrukking of verwysing ook die Universiteit verstaan.
- Woordomskriving.
- 39.** In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) „donateur”—
- (a) elkeen wat by wyse van 'n skenking of skenkings minstens vyf-en-twintig pond per jaar tot die fondse van die Universiteit bydra; of
- (b) elke regspersoon of vrywillige vereniging (behalwe 'n regspersoon of vrywillige vereniging wat krag-

31. (1) In appointing teaching, research and administrative staff the Council shall ensure that the Christian historical character of the University shall be maintained: Provided that no denominational test shall be applied to any person as a condition of his becoming or continuing to be a graduate of the University, or a professor, research-worker, lecturer, teacher or member of the administrative staff at the University, or of his holding any office or receiving any emolument or exercising any privilege therein.

Maintenance of Christian character of the University without application of denominational test.

(2) No person shall be prevented on the ground of his religious belief from becoming or continuing to be a student or graduate of the University.

32. The Council shall transmit annually to the Minister within six months after the termination of any academic year of the University a report of the proceedings thereof during that year, together with a complete and audited statement of the receipts and expenditure thereof during the same period. Such report and statement shall, as soon as possible thereafter, be laid by the Minister upon the Tables of both Houses of Parliament.

Report to be made to Minister and laid before Parliament.

33. Immovable property vested in the University shall not be sold, hypothecated, leased or otherwise disposed of without the approval of the Minister.

Restriction on alienation of immovable property.

34. If the Council or governing body of any university college, or of any institution which has for its objects the carrying on of any branch of higher education, now existing or subsequently to be established, has, with the approval of the Minister, made arrangements with the University whereby such college or institution may become affiliated with the University, the Governor-General may, by proclamation in the *Gazette*, declare such college or institution to be so affiliated and thereupon students of such college or institution may be admitted to any examination and degree of the University on the conditions to be prescribed by the statutes.

Affiliation.

35. For the better carrying out of its functions the University shall have power to organize any portion of the University into a school or college or institution of the University and to set up for its government a board, delegacy or commission of the University which, subject to the authority of Council and Senate, shall exercise such powers and receive such representation on the Senate as may in such case be determined in the statutes.

Schools, colleges or institutions.

36. No vacancy in the office of Chancellor or Vice-Chancellor or Rector of the University nor any deficiency in the number of members of the Council or of the Senate shall impair or affect the corporate existence of the University or any powers, rights or privileges conferred by this Act upon the University or the Council or the Senate: Provided that no resolution of the Council or the Senate shall be valid unless passed at a meeting whereat a quorum was present, and unless the statutes relating to any such meeting have in all other respects been complied with.

Vacancies not to affect powers of the University or its Council or Senate.

37. Whenever by any law in force immediately prior to the appointed day, any right or privilege is conferred upon any person by reason of his being a graduate of the University of the Cape of Good Hope or of the University of South Africa, or having passed an examination or being the holder of a certificate of either of these universities, such right or privilege shall be conferred upon a person who holds a like degree or an equivalent certificate or who has passed a like examination of the University.

Extension of privileges granted under other laws.

38. Whenever in any provision of a law in force immediately prior to the appointed day (other than a provision to be repealed by this Act) the expression "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys" appears, or a reference to that College is made, that expression or reference shall, after the appointed day, be construed as including the University or as a reference thereto.

References in law to the "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys" to include the University.

39. In this Act, unless inconsistent with the context—

- (i) "this Act" includes the statutes and the joint statutes; (xv)
- (ii) "College" means the "Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys"; (v)
- (iii) "the Council" means the Council, as constituted in accordance with this Act, of the University; (viii)
- (iv) "denominational test" means the requirement of membership of any Church; (iv)

Interpretation of terms.

- tens artikel *sewe* 'n verteenwoordiger in die Raad benoem het) wat regsbevoeg is om sulks te doen en by wyse van 'n skenking of skenkings minstens honderd pond per jaar tot die fondse van die Universiteit bydra; sodanige regs persoon of vrywillige vereniging word vir alle doeleindes van hierdie Wet deur sy sekretaris verteenwoordig; (v)
- (ii) „dosent” ook die direkteur of die hoof van 'n navorsingsinrigting of 'n ander inrigting en 'n beampte van sodanige inrigtings aangestel deur, en onder beheer van, die Raad; (xii)
- (iii) „die gemeenskaplike statute” die statute wat ooreenkomstig hierdie Wet opgestel is en wat op enige tydstip van krag is vir die reëling van sake wat kragtens hierdie Wet of Wet 12 van 1916 deur gemeenskaplike statute voorgeskryf moet word, en ook gemeenskaplike regulasies kragtens die gemeenskaplike statute uitgevaardig; (vi)
- (iv) „denominasionale toets” die vereiste van lidmaatskap van enige Kerk; (iv)
- (v) „Kollege” die Potchefstroomse Universiteitskollege vir Christelik Hoër Onderwys; (ii)
- (vi) „Minister” die Minister van Onderwys of 'n ander Minister aan wie die Goewerneur-generaal die bestuur van sake betreffende hoër onderwys in die Unie opdra; (vii)
- (vii) „oorspronklike stigters” die lede van die Gereformeerde Kerk van Suid-Afrika, van wie die kuratore van die Teologiese Skool van die Gereformeerde Kerk van Suid-Afrika en hulle ampsopvolgers die gevolmagtigdes is; (viii)
- (viii) „die Raad” die Raad van die Universiteit ooreenkomstig hierdie Wet saamgestel; (iii)
- (ix) „Rektor” die Rektor van die Kollege of van die Universiteit, na gelang van die geval; (ix)
- (x) „die Senaat” die Senaat van die Universiteit ooreenkomstig hierdie Wet saamgestel; (x)
- (xi) „die statute” in teenstelling met die gemeenskaplike statute, statute van die Universiteit wat op enige tydstip kragtens en ooreenkomstig hierdie Wet van krag is en ook regulasies kragtens die statute uitgevaardig; (xi)
- (xii) „Trustees” die kuratore voornoemd en hul ampsopvolgers in hul hoedanigheid van trustees van die fondse en eiendomme van die Gereformeerde Kerk van Suid-Afrika; (xiii)
- (xiii) „die Universiteit” die Potchefstroomse Universiteit vir Christelike Hoër Onderwys deur hierdie Wet ingestel; (xiv)
- (xiv) „die Universiteite” die verskeie Universiteite in die Unie deur Wette van die Parlement ingestel; (xv)
- (xv) „hierdie Wet” ook die statute en die gemeenskaplike statute. (i)

Herroeping en wysiging van Wette.

40. (1) Vanaf die vasgestelde dag word Wet No. 25 van 1921 en Wet No. 5 van 1933 herroep. Die Wette in die Bylae van hierdie Wet uiteengesit, word vanaf die vasgestelde dag gewysig soos in die derde kolom van daardie Bylae aangetoon.

(2) Vanaf die vasgestelde dag word Proklamasie No. 102 van 1921 uitgelê asof al die woorde na „Nademaal” geskrap was.

Kort titel.

41. Hierdie Wet kan aangehaal word as die Private Wet op die Potchefstroomse Universiteit vir Christelike Hoër Onderwys, 1950.

Bylae.

Wette.	Bepalings gewysig.	Omvang van wysiging.
Wet No. 12 van 1916 soos gewysig deur Wet No. 25 van 1941, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>sestien</i> (1).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en de Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
Wet No. 12 van 1916 soos gewysig deur Wet No. 15 van 1921, Wet No. 13 van 1930, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>drie-en-twintig</i> (1).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en de Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.

- (v) "donor" means—
- (a) any person who contributes by way of donation in one or more sums at least twenty-five pounds per annum to the funds of the University; or
 - (b) any body corporate or voluntary association (except a body corporate or voluntary association which has appointed a representative on the Council in terms of section *seven*), which, competent to do so, contributes by way of donation in one or more sums at least one hundred pounds per annum to the funds of the University; such body corporate or voluntary association shall for all purposes of this Act be represented by its secretary; (i)
- (vi) "the joint statutes" means the statutes framed in accordance with this Act and for the time being in force for regulating matters which, under this Act, or Act No. 12 of 1916, are to be prescribed by joint statutes, and shall include also joint regulations made under the joint statutes; (iii)
- (vii) "Minister" means the Minister of Education or any other Minister to whom the Governor-General may assign the administration of matters relating to higher education in the Union; (vi)
- (viii) "original founders" means the members of the "Gereformeerde Kerk van Suid-Afrika", for whom the curators of the "Theologiese School van de Gereformeerde Kerk van Zuid-Afrika" and their successors in office are the authorized agents; (vii)
- (ix) "Rector" means either the Rector of the College or of the University (as the case may be); (ix)
- (x) "the Senate" means the Senate, as constituted in accordance with this Act, of the University; (x)
- (xi) "the statutes" in contradistinction to the joint statutes, means statutes of the University which under and in accordance with this Act are for the time being in force, and shall include also the regulations made under the statutes; (xi)
- (xii) "teacher" includes the director or head of a research or other institution and an officer of such institutions appointed and controlled by the Council; (ii)
- (xiii) "Trustees" means the aforesaid curators and their successors in office in their capacity as trustees of the funds and properties of the "Gereformeerde Kerk van Suid-Afrika"; (xii)
- (xiv) "the University" means the "Potchefstroomse Universiteit vir Christelike Hoër Onderwys" established by this Act; (xiii)
- (xv) "the Universities" means the several Universities in the Union established by Acts of Parliament. (xiv)

40. (1) As from the appointed day Act No. 25 of 1921 and Act No. 5 of 1933 shall be repealed. The laws specified in the Schedule of this Act shall as from the appointed day be amended to the extent set out in the third column of that Schedule. Repeal and amendment of laws.

(2) As from the appointed day Proclamation No. 102 of 1921 shall be construed as if all the words after "Whereas" had been deleted.

41. This Act may be cited as the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Act, 1950. Short title.

Schedule.

Acts.	Provisions amended.	Extent of amendment.
Act No. 12 of 1916 as amended by Act No. 25 of 1941, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>sixteen</i> (1).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".
Act No. 12 of 1916 as amended by Act No. 15 of 1921, Act No. 13 of 1930, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>twenty-three</i> (1).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".

Wette.	Bepalings gewysig.	Omvang van wysiging.
Wet No. 13 van 1916 soos gewysig deur Wet No. 25 van 1941, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>sewentien</i> (1).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en de Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
Wet No. 14 van 1916 soos gewysig deur Wet No. 25 van 1941, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>sewentien</i> (1).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en de Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
Wet No. 20 van 1917 soos gewysig deur Wet No. 15 van 1921, Wet No. 13 van 1930, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>een</i> ..	In die omskrywing van „Universiteit” na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en de Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
" "	"	Aan die end van die omskrywing van „Universiteitswet” voeg die volgende woorde by: „en in toepassing op de Potchefstroomse Universiteit vir Christelike Hoër Onderwys verstaan de Private Wet op die Potchefstroomse Universiteit vir Christelike Hoër Onderwys, 1950, of een wyziging daarvan”.
" "	"	Aan die end van die omskrywing van „Universiteitsbestuur” voeg die volgende woorde by: „en in toepassing op de Potchefstroomse Universiteit vir Christelike Hoër Onderwys verstaan de Raad daarvan”.
Wet No. 15 van 1921 soos gewysig deur Wet No. 13 van 1930, Wet No. 4 van 1948, Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>agtien</i> (1).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en de Potchefstroomse Universiteit vir Christelike Hoër Onderwys.”
" "	"	Skrap die woorde „acht Universiteite” en vervang dit deur „negen Universiteite”.
" "	Artikel <i>agtien</i> (2).	Na die woorde „Universiteit van die Oranje-Vrystaat” waar dit ook al voorkom, voeg in „en de Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
Wet No. 13 van 1930 soos gewysig deur Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>veertien</i> (1).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en die Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
" "	"	Skrap die woorde „ag Universiteite” en vervang dit deur „nege Universiteite”.
" "	Artikel <i>veertien</i> (2).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en die Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
Wet No. 4 van 1948 soos gewysig deur Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>neëntien</i> (1).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en die Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.
Wet No. 4 van 1948 soos gewysig deur Wet No. 15 van 1949 en Wet No. 21 van 1949.	Artikel <i>neëntien</i> (1).	Skrap die woorde „ag Universiteite” en vervang dit deur „nege Universiteite”.
" "	Artikel <i>neëntien</i> (2).	Na die woorde „Universiteit van die Oranje-Vrystaat” voeg in „en die Potchefstroomse Universiteit vir Christelike Hoër Onderwys”.

Acts.	Provisions amended.	Extent of amendment.
Act No. 13 of 1916 as amended by Act No. 25 of 1941, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>seventeen</i> (1).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".
Act No. 14 of 1916 as amended by Act No. 25 of 1941, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>seventeen</i> (1).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".
Act No. 20 of 1917 as amended by Act No. 15 of 1921, Act No. 13 of 1930, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>one</i> ..	In the definition of "University", insert after the words "University of the Orange Free State" the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".
" "	"	At the end of the definition of "University Act" add the following words: "and in relation to the Potchefstroomse Universiteit vir Christelike Hoër Onderwys means the Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Act, 1950, or any amendment thereof".
" "	"	At the end of the definition of "university authority" add the following words: "and in relation to the Potchefstroomse Universiteit vir Christelike Hoër Onderwys means the council thereof".
Act No. 15 of 1921 as amended by Act No. 13 of 1930, Act No. 4 of 1948, Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>eighteen</i> (1).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".
" "	"	Delete the words "eight universities" and substitute the words "nine universities".
" "	Section <i>eighteen</i> (2).	After the words "University of the Orange Free State" wherever they occur, insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".
Act No. 13 of 1930 as amended by Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>fourteen</i> (1).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys". Delete the words "eight universities" and substitute the words "nine universities".
" "	Section <i>fourteen</i> (2).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".
Act No. 4 of 1948 as amended by Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>nineteen</i> (1).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys". Delete the words "eight universities" and substitute the words "nine universities".
Act No. 4 of 1948 as amended by Act No. 15 of 1949 and Act No. 21 of 1949.	Section <i>nineteen</i> (2).	After the words "University of the Orange Free State" insert the words "and the Potchefstroomse Universiteit vir Christelike Hoër Onderwys".

No. 20, 1950.]

WET

Tot bekragtiging van sekere handelinge wat kragtens die wetsbepalings betreffende naturelle in stadsgebiede verrig is of heet te gewees het.

*(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 1 Mei 1950.)*

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

Bekragtiging van sekere handelinge verrig kragtens Wet 25 van 1945 en sekere ander wette.

1. (1) Waar—

- (a) 'n aangeleentheid, wat volgens voorskrif van die Hoofwet na 'n Administrateur verwys moes gewees het, voor die inwerkingtreding van hierdie Wet na 'n Administrateur in Uitvoerende Komitee verwys is, word daardie aangeleentheid geag na daardie Administrateur verwys te gewees het;
- (b) 'n Administrateur in Uitvoerende Komitee voor bedoelde inwerkingtreding 'n goedkeuring heet te verleen of besluit heet te geneem of handeling heet te verrig het wat volgens voorskrif van die Hoofwet deur 'n Administrateur verleen, geneem of verrig moes gewees het, word al na die geval bedoelde goedkeuring geag deur daardie Administrateur verleen of besluit geag deur hom geneem of handeling geag deur hom verrig te gewees het.

(2) In hierdie artikel—

- (a) beteken die uitdrukking „die Hoofwet” die Naturelle (Stadsgebiede) Konsolidasiewet, 1945, en ook enige wetsbepaling wat deur daardie Wet herroep is en enige regulasie wat kragtens daardie Wet of 'n aldus herroepe wetsbepaling uitgevaardig is of heet te gewees het; en
- (b) word 'n verwysing na 'n Administrateur in Uitvoerende Komitee geag 'n verwysing na 'n Administrateur wat heet te handel op advies of met toestemming of op gesag of onder opdrag van 'n Uitvoerende Komitee in te sluit.

Kort-titel.

2. Hierdie Wet heet die Bekragtigingswet insake Bevoegdhede van Administrateurs, 1950.

No. 20, 1950.]

ACT

To validate certain acts performed or purporting to have been performed under the laws relating to natives in urban areas.

(Afrikaans text signed by the Governor-General.)
(Assented to 1st May, 1950.)

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

1. (1) Wherever—

- (a) any matter which in terms of the principal Act was required to be referred to an Administrator, was prior to the commencement of this Act referred to an Administrator in Executive Committee, that matter shall be deemed to have been referred to that Administrator;
- (b) prior to such commencement an Administrator in Executive Committee purported to give any approval or decision or to perform any act which in terms of the principal Act was required to have been given or performed by an Administrator, that approval or decision shall be deemed to have been given or that act shall be deemed to have been performed, as the case may be, by that Administrator.

Validation of certain acts performed under Act 25 of 1945 and certain other laws.

(2) In this section—

- (a) the expression "the principal Act" means the Natives (Urban Areas) Consolidation Act, 1945, and includes any law repealed by that Act and any regulation made or purporting to have been made under that Act or any law so repealed; and
- (b) any reference to an Administrator in Executive Committee includes a reference to an Administrator purporting to act on the advice or with the consent or under the authority or directions of an Executive Committee.

2. This Act shall be called the Administrators' Powers Short title. (Validation) Act, 1950.

No. 21, 1950.]

WET

Tot wysiging van die Ontug Wet, 1927, ten einde ontug tussen blankes en nie-blankes te belet, en vir daarmee in verband staande sake voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 1 Mei 1950.)

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

Wysiging van artikels 1, 2 en 3 van Wet 5 van 1927.

1. Artikels *een*, *twee* en *drie* van die Ontug Wet, 1927 (hieronder die Hoofwet genoem) word hiermee gewysig deur die woorde „naturellevrou” en „naturellemanspersoon”, oral waar hul voorkom, te vervang deur die woorde „nie-blanke vrou” en „nie-blanke manspersoon”, onderskeidelik.

Invoeging van artikel 2*bis* in Wet 5 van 1927.

2. Die volgende artikel word hiermee in die Hoofwet na artikel *twee* ingevoeg:

„Verweer teen aanklag. 2*bis*. Dit is voldoende verweer teen enige aanklag ingevolge artikel *een* of artikel *twee* as aan die hof of jurie wat die aanklag verhoor, tot sy oortuiging bewys word dat die aldus aangeklaagde persoon op die tydstip toe die misdryf begaan is redelike grond gehad het om te glo dat die persoon met wie hy of sy die misdryf begaan het ’n blanke is, indien die aldus aangeklaagde persoon ’n blanke is, of ’n nie-blanke is, indien die aldus aangeklaagde persoon ’n nie-blanke is.”

Vervanging van artikel 7 van Wet 5 van 1927.

3. Artikel *sewe* van die Hoofwet word hiermee deur die volgende artikel vervang:

„Woordbepaling. 7. In hierdie Wet beteken—
(i) „blanke” iemand wat volgens voorkoms klaarblyklik ’n blanke is of wat gewoonlik vir ’n blanke deurgaen; (i)
(ii) „nie-blanke” iemand wat volgens voorkoms klaarblyklik ’n nie-blanke is of wat gewoonlik vir ’n nie-blanke deurgaen; (iii) en
(iii) „ontug” buite-egtelike vleeslike gemeenskap. (ii).”

Invoeging van artikel 7*bis* in Wet 5 van 1927.

4. Die volgende artikel word hiermee in die Hoofwet na artikel *sewe* ingevoeg:

„Vermoede. 7*bis*. Iemand wat volgens voorkoms klaarblyklik ’n blanke of ’n nie-blanke skyn te wees, na gelang van die geval, word by die toepassing van hierdie Wet geag sulks te wees, totdat die teen-deel bewys word.”

Wysiging van lang titel van Wet 5 van 1927.

5. Die lang titel van die Hoofwet word hiermee gewysig deur die woorde „blanke en naturelle” te vervang deur die woorde „blankes en nie-blankes”.

Kort titel.

6. Hierdie Wet heet die Ontug-wysigingswet, 1950.

No. 21, 1950.]

ACT

To amend the Immorality Act, 1927, so as to prohibit illicit carnal intercourse between Europeans and non-Europeans, and to provide for matters incidental thereto.

(English text signed by the Governor-General.)
(Assented to 1st May, 1950.)

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

1. Sections *one*, *two* and *three* of the Immorality Act, 1927 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the word "native", wherever it occurs, of the word "non-European". Amendment of sections 1, 2 and 3 of Act 5 of 1927.

2. The following section is hereby inserted in the principal Act after section *two*: Insertion of section 2*bis* in Act 5 of 1927.

"Defence to charge. 2*bis*. It shall be a sufficient defence to any charge under section *one* or section *two* if it is proved to the satisfaction of the court or jury before whom the charge is brought that the person so charged at the time of the commission of the offence had reasonable cause to believe that the person with whom he or she committed the offence was a European if the person so charged is a European, or a non-European if the person so charged is a non-European."

3. The following section is hereby substituted for section *seven* of the principal Act: Substitution of section 7 of Act 5 of 1927.

"Inter-pretation of terms. 7. In this Act—
(i) 'European' means a person who in appearance obviously is, or who by general acceptance and repute is a European; (i)
(ii) 'illicit carnal intercourse' means carnal intercourse other than between husband and wife; (iii) and
(iii) 'non-European' means a person who in appearance obviously is, or who by general acceptance and repute is a non-European. (ii)."

4. The following section is hereby inserted in the principal Act after section *seven*: Insertion of section 7*bis* in Act 5 of 1927.

"Presump-tion. 7*bis*. Any person who seems in appearance obviously to be a European or a non-European, as the case may be, shall for the purposes of this Act be deemed to be such, until the contrary is proved."

5. The long title of the principal Act is hereby amended by the substitution for the word "natives", of the word "non-Europeans". Amendment of long title of Act 5 of 1927.

6. This Act shall be called the Immorality Amendment Act, 1950. Short title.

No. 22, 1950.]

WET

Tot wysiging van die „Wet op Patente, Modellen, Handelsmerke en Auteursrecht, 1916”.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 6 Mei 1950.)

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

Wysiging van artikel 150 van Wet 9 van 1916.

1. Sub-artikel (1) van artikel *honderd-en-vyftig* van die „Wet op Patente, Modellen, Handelsmerke en Auteursrecht, 1916” word hiermee gewysig deur na die woord „naamlik:—” die woorde „De Bibliotheek van het Parlement van de Unie van Zuid-Afrika te Kaapstad,” in te voeg.

Kort titel.

2. Hierdie Wet heet die Outeursreg-wysigingswet, 1950.

No. 22, 1950.]

ACT

To amend the Patents, Designs, Trade Marks, and Copyright Act, 1916.

(*Afrikaans text signed by the Governor-General.*)
(*Assented to 6th May, 1950.*)

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

1. Sub-section (1) of section *one hundred and fifty* of the Amendment of Patents, Designs, Trade Marks, and Copyright Act, 1916, is hereby amended by the insertion after the word "namely," of the words "The Library of the Parliament of the Union of South Africa, Cape Town,"

Amendment of section 150 of Act 9 of 1916.

2. This Act shall be called the Copyright Amendment Act, Short title. 1950.

No. 23, 1950.]

WET

Om voorsiening te maak vir die verdeling deur die Besproeiingsraad Olifantsnek van die water onder sy beheer aan die grond wat daarop geregtig is en om die hoeveelhede water wat aan sekere grond gelewer moet word voor te skryf; om beperkings op die verandering van die lys van besproeibare grond van die Besproeiingsdistrik Olifantsnek te lê; om voorsiening te maak vir die vrystelling van sekere grond van die heffing van belasting ten opsigte van sekere besproeibare grond en vir die heffing van verskillende belastingen ten opsigte van sekere grond; om die heffing van verskillende belastingen ten opsigte van sekere grond te bekragtig; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 6 Mei 1950.)

Aanhef.

NADEMAAL die Besproeiingsraad Olifantsnek, handelende ooreenkomstig die bepalinge van paragraaf (2) van 'n besluit wat deur die Volksraad op die sesde dag van Februarie 1935, en deur die Senaat op die sewe-en-twintigste dag van Maart 1935, geneem is, jaarliks sekere verskillende belastinge op grond binne sy besproeiingsdistrik gehef het en 'n beginsel aangeneem het vir die versekering vir sover doenlik van water vir die grond wat van water uit sy besproeiingswerke voorsien word en wat vir sitrusbou gebruik word:

EN NADEMAAL bedoelde raad die bevoegdheids wat by artikel *een-en-negentig* van die „Besproeiings- en Waterbewarings Wet 1912” (Wet No. 8 van 1912) aan hom verleen is, te buite gegaan het deur voormelde verskillende belastinge te hef:

EN NADEMAAL dit raadsaam is om die optrede van die raad ten opsigte van die heffing van sodanige verskillende belastinge te bekragtig en om aan die raad die bevoegdheid te verleen om in die toekoms sodanige belastinge te hef:

EN NADEMAAL die oppervlakte-grond wat vir sitrusbou gebruik word sedert 1935 uitgebrei het:

EN NADEMAAL die water-hulpbronne ter beskikking van bedoelde raad nie toereikend sal wees om hom in staat te stel om jaarliks voldoende water aan die grond wat daarop geregtig is te lewer nie tensy die oppervlakte van daardie gedeelte van sodanige grond wat vir sitrusbou gebruik word, beperk word:

EN NADEMAAL dit raadsaam is om bedoelde oppervlakte in sekere opsigte te beperk:

EN NADEMAAL dit raadsaam is om die verskaffing van water aan sekere besproeibare grond, in sy geheel sewe-en-dertig en 'n half morge, wat op die raad se lys van besproeibare grond van die Besproeiingsdistrik Olifantsnek voorkom, te verseker, en om voorsiening te maak vir die vrystelling van betaling van besproeiingsbelastinge ten opsigte van sodanige grond:

EN NADEMAAL dit raadsaam is om sekere basiese jaarlikse kwotas water vir gebruik op grond wat binne die Besproeiingsdistrik Olifantsnek geleë is voor te skryf en om voorsiening te maak vir die versekering vir sover doenlik van water vir gebruik op grond wat vir sitrusbou gebruik word:

EN NADEMAAL dit raadsaam is om beperkings op die wysiging van die lys van besproeibare grond van die Besproeiingsdistrik Olifantsnek te lê:

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

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

Woordomskriving.

1. In hierdie Wet, tensy dit met die samehang onbestaanbaar is, beteken—

- (i) „besproeiingsdistrik” die Besproeiingsdistrik Olifantsnek by Proklamasie No. 63 van 1921, soos gewysig deur Proklamasie No. 83 van 1930, ingestel; (iii)
- (ii) „Besproeiingswet” die „Besproeiings- en Waterbewarings Wet 1912” (Wet No. 8 van 1912); (ii)
- (iii) „raad” die Besproeiingsraad Olifantsnek by Proklamasie No. 63 van 1921 ingestel, (i)

No. 23, 1950.]

ACT

To provide for the distribution by the Olifantsnek Irrigation Board of the water under its control to the land entitled thereto and to prescribe the quantities of water to be delivered to certain land; to impose restrictions on the alteration of the schedule of irrigable areas of the Olifantsnek Irrigation District; to provide for the exemption of certain land from rating in respect of certain irrigable areas and for the levying of differential rates in respect of certain land; to validate the levying of differential rates in respect of certain land; and to provide for other incidental matters.

(English text signed by the Governor-General.)
(Assented to 6th May, 1950.)

WHEREAS the Olifantsnek Irrigation Board has, acting in Preamble. pursuance of the provisions of paragraph (2) of a resolution adopted by the House of Assembly on the sixth day of February, 1935, and by the Senate on the twenty-seventh day of March, 1935, levied annually certain differential rates on land within its irrigation district and has adopted a principle for the insurance as far as practicable of water for the land supplied with water from its irrigation works and upon which citrus crops are cultivated:

AND WHEREAS the said board has exceeded the powers conferred upon it by section *ninety-one* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), by levying the aforesaid differential rates:

AND WHEREAS it is expedient to validate the actions of the said board in respect of the levying of such differential rates and to empower the board to levy such rates in future:

AND WHEREAS the area of land upon which the said citrus crops are cultivated has increased since 1935:

AND WHEREAS the water resources available to the said board will not be adequate to enable it to deliver annually sufficient water to the land entitled thereto unless the area of that portion of such land upon which citrus crops are cultivated is restricted:

AND WHEREAS it is expedient to restrict the said area in certain respects:

AND WHEREAS it is expedient to ensure as far as practicable the supply of water to certain irrigable land totalling thirty-seven and one half morgen included in the board's schedule of irrigable areas of the Olifantsnek Irrigation District and to provide for exemption from payment of irrigation rates in respect of such land:

AND WHEREAS it is expedient to prescribe certain basic annual quotas of water for use on land situate within the Olifantsnek Irrigation District and to provide for the insurance as far as is practicable of water for use on land upon which citrus crops are cultivated:

AND WHEREAS it is expedient to impose restrictions on the alteration of the schedule of irrigable areas of the Olifantsnek Irrigation District:

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

BE IT THEREFORE ENACTED by the King'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 Olifantsnek Irrigation Board constituted by Proclamation No. 63 of 1921; (iii)
 - (ii) "Irrigation Act" means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912); (ii)
 - (iii) "irrigation district" means the Olifantsnek Irrigation District constituted by Proclamation No. 63 of 1921, as amended by Proclamation No. 83 of 1930, (i).

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

Verdeling van
water deur raad.

2. (1) Die raad moet maatreëls tref wat redelikerwys voldoende is om te verseker dat daar gedurende elke jaar—

(a) vir gebruik op elke stuk grond gemeld in die Eerste Bylae by hierdie Wet 'n hoeveelheid water gelewer word, wat deel uitmaak van die water binne die besproeiingswerke van die raad, gelyk aan honderd-en-dertigduisend seshonderd-en-tagtig kubieke voet water per morg vir elke morg grond wat in bedoelde Bylae ten opsigte van sodanige stuk grond aangedui word;

(b) vir gebruik op elke stuk grond gemeld in die Tweede Bylae by hierdie Wet 'n hoeveelheid water gelewer word, wat deel uitmaak van die res van die water beskikbaar vir verdeling deur die raad gedurende enige sodanige jaar, nadat voorsiening gemaak is vir die lewering van water ingevolge paragraaf (a) aan die daarin bedoelde grond, wat so na as doenlik in dieselfde verhouding tot die res van die water beskikbaar vir verdeling staan as die verhouding waarin die oppervlakte wat in bedoelde Bylae ten opsigte van sodanige stuk grond aangedui word tot die totale oppervlakte van die oppervlakte wat daarin aangedui word, staan; en

(c) uit enige oorskot van water wat weens die toepassing van die voorbehoudsbepaling by hierdie sub-artikel beskikbaar mag wees vir daardie jaar, nadat voorsiening gemaak is vir die lewering van water ingevolge paragrawe (a) en (b) aan die daarin bedoelde grond, vir gebruik op elke stuk grond wat op die lys van besproeibare grond van die besproeiingsdistrik voorkom, 'n hoeveelheid water gelewer word, wat deel uitmaak van die oorskot van water wat aldus beskikbaar is, wat so na as doenlik in dieselfde verhouding tot sodanige oorskot van water beskikbaar vir verdeling staan as die verhouding waarin die besproeibare oppervlakte wat in bedoelde lys van besproeibare grond ten opsigte van sodanige stuk grond voorkom, min sodanige oppervlakte as wat in die Eerste en Tweede Bylaes by hierdie Wet ten opsigte van sodanige stuk grond aangedui word, tot die totale oppervlakte van besproeibare grond wat op bedoelde lys van besproeibare grond voorkom, min die totale oppervlakte van die oppervlakte wat in bedoelde Eerste en Tweede Bylaes aangedui word, staan:

Met dien verstande dat die raad nie ingevolge hierdie sub-artikel in enige jaar vir gebruik op enige stuk grond wat op die lys van besproeibare grond van die besproeiingsdistrik voorkom 'n groter hoeveelheid water as honderd-en-dertigduisend seshonderd-en-tagtig kubieke voet water per morg vir elke morg besproeibare grond wat op bedoelde lys van besproeibare grond ten opsigte van sodanige stuk grond voorkom, lewer nie.

(2) Indien water nog beskikbaar is vir verdeling deur die raad gedurende enige jaar nadat aan die bepalings van sub-artikel (1) voldoen is en die raad dit goed ag om sodanige water of enige gedeelte daarvan gedurende daardie jaar te verdeel, moet die raad maatreëls tref wat redelikerwys voldoende is om te verseker dat daar vir gebruik op elke stuk grond wat op die lys van besproeibare grond van die besproeiingsdistrik voorkom 'n hoeveelheid water gelewer word wat so na as doenlik in dieselfde verhouding tot die hoeveelheid water wat verdeel moet word staan as die verhouding waarin die besproeibare oppervlakte wat in bedoelde lys ten opsigte van sodanige stuk grond voorkom tot die totale oppervlakte van besproeibare grond wat op bedoelde lys voorkom, staan.

(3) By die toepassing van hierdie artikel beteken „jaar” 'n tydperk wat op die eerste dag van Mei in enige jaar begin en op die dertigste dag van April van die eersvolgende jaar eindig.

Lys van
besproeibare
grond.

3. (1) Die lys van besproeibare grond van die besproeiingsdistrik word nie sonder die toestemming van die Minister deur die raad gewysig nie.

(2) Wanneer die raad bedoelde lys van besproeibare grond ooreenkomstig die bepalings van artikel *negentig* van die Besproeiingswet gewysig het, kan die Minister, behoudens die bepalings van sub-artikels (3) en (4) van hierdie artikel en na raadpleging met die raad, by kennisgewing in die *Staatskoerant* die Tweede Bylae by hierdie Wet wysig.

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

2. (1) The board shall adopt reasonably adequate measures for ensuring that there is delivered during each year— Distribution of water by board.

(a) for use on each piece of land set out in the First Schedule to this Act a quantity of water, being portion of the water contained within the irrigation works of the board, equivalent to one hundred and thirty thousand six hundred and eighty cubic feet of water per morgen for each morgen of land indicated in the said Schedule in respect of such piece of land;

(b) for use on each piece of land set out in the Second Schedule to this Act a quantity of water, being portion of the remainder of the water available for distribution by the board during any such year, after provision has been made for the delivery of water in terms of paragraph (a) to the land referred to therein, which as nearly as may be practicable bears to the remainder of the water available for distribution, the same ratio as the ratio which the area indicated in the said Schedule in respect of such piece of land bears to the total area of the areas indicated therein; and

(c) out of any balance of water which may by virtue of the application of the proviso to this sub-section be available for that year after provision has been made for the delivery of water in terms of paragraphs (a) and (b) to the land referred to therein, for use on each piece of land included in the schedule of irrigable areas of the irrigation district, a quantity of water, being portion of the balance of water so available, which as nearly as may be practicable bears to such balance of water available for distribution the same ratio as the ratio which the irrigable area included in the said schedule of irrigable areas in respect of such piece of land less such areas as are indicated in the First and Second Schedules to this Act in respect of such piece of land, bears to the total area of irrigable land included in the said schedule of irrigable areas less the total area of the areas indicated in the said First and Second Schedules:

Provided that the board shall not in terms of this sub-section in any year deliver for use on any piece of land included in the schedule of irrigable areas of the irrigation district a greater quantity of water than one hundred and thirty thousand six hundred and eighty cubic feet of water per morgen for each morgen of irrigable land included in the said schedule of irrigable areas in respect of such piece of land.

(2) If water is still available for distribution by the board during any year after the provisions of sub-section (1) have been complied with and the board deems fit to distribute such water or part thereof during that year the board shall adopt reasonably adequate measures for ensuring that there is delivered for use on each piece of land included in the schedule of irrigable areas of the irrigation district a quantity of water which as nearly as may be practicable bears to the quantity of water to be distributed the same ratio as the ratio which the irrigable area included in the said schedule in respect of such piece of land bears to the total area of irrigable land included in the said schedule.

(3) For the purposes of this section "year" means a period commencing on the first day of May in any year and terminating on the thirtieth day of April in the next succeeding year.

3. (1) The schedule of irrigable areas of the irrigation district shall not be altered by the board without the consent of the Minister. Schedule of irrigable areas.

(2) Whenever the board has altered the said schedule of irrigable areas in accordance with the provisions of section ninety of the Irrigation Act the Minister may, subject to the provisions of sub-sections (3) and (4) of this section and after consultation with the board, by notice in the *Gazette* amend the Second Schedule to this Act.

(3) Die totale oppervlakte van die oppervlaktes wat in bedoelde Tweede Bylae aangedui word, moet nie te eniger tyd 12·3 persent van die totale oppervlakte van besproeibare grond wat op die lys van besproeibare grond van die besproeiingsdistrik voorkom, oorskry nie.

(4) Wanneer die Tweede Bylae by hierdie Wet ingevolge sub-artikel (2) so gewysig word dat die totale oppervlakte van die oppervlaktes wat daarin aangedui word, uitgebrei word, moet persone wat eienaars is van stukke grond wat in bedoelde Bylae gemeld word, voorkeur geniet ten opsigte van enige sodanige uitbreiding, bo persone wat nie eienaars van stukke grond wat daarin gemeld word, is nie.

Frystelling van
belasting en
heffing van
verskillende
belastings.

4. (1) Ondanks die bepalings van artikel *een-en-negentig* van die Besproeiingswet, word geen besproeiingsbelasting op enige stuk grond in die Eerste Bylae by hierdie Wet gemeld ten opsigte van soveel van sy besproeibare oppervlakte as wat daarin aangedui word, gehef nie.

(2) Wanneer 'n besproeiingsbelasting deur die raad ingevolge artikel *een-en-negentig* van die Besproeiingswet gehef word, word sodanige belasting, ondanks die bepalings van daardie artikel, so gehef dat verseker word dat die raad, ten opsigte van daardie gedeelte van die besproeiingsbelasting wat nodig is om die balans van die lening wat op die drie-en-twintigste dag van Junie 1926 kragtens die bepalings van bedoelde Wet aan die raad toegestaan is, af te los, tweekeer die bedrag per morg wat verhaalbaar is ten opsigte van enige ander besproeibare grond wat op die lys van besproeibare grond van die besproeiingsdistrik voorkom, ten opsigte van die oppervlaktes aangedui in die Tweede Bylae by hierdie Wet sal verhaal.

(3) Die heffing deur die raad sedert 1935 van verskillende belastingsooreenkomstig die bepalings van paragraaf (2) van 'n besluit wat deur die Volksraad op die sesde dag van Februarie 1935, en deur die Senaat op die sewe-en-twintigste dag van Maart 1935, geneem is, wat in die Derde Bylae by hierdie Wet verskyn, word hiermee vanaf die datum van elke heffing bekragtig.

Kort titel.

5. Hierdie Wet heet die Wet tot Reëling van die Besproeiingsdistrik Olifantsnek, 1950.

Eerste Bylae.

Stukke grond waarna in paragraaf (a) van sub-artikel (1) van artikel twee en sub-artikel (1) van artikel vier verwys word.

Beskrywing van Eiendom.	Oppervlaktes in Morge.
PLAAS BOSCHFONTEIN No. 193.	
Gedeelte A van gedeelte	4
Gedeelte B van gedeelte	4
Gedeelte C van gedeelte	4
Gedeelte D van gedeelte	2
Gedeelte E van gedeelte	2
Gedeelte F van gedeelte	2
Gedeelte G van gedeelte	2
Gedeelte 5 van gedeelte	6
Resterende gedeelte van gedeelte 1 van gedeelte ..	3½
Resterende gedeelte van gedeelte 4 van gedeelte ..	4
Resterende gedeelte van gedeelte	4
Totaal	37½

Tweede Bylae.

Stukke grond waarna in paragraaf (b) van sub-artikel (1) van artikel twee, artikel drie en sub-artikel (2) van artikel vier verwys word.

Beskrywing van Eiendom.	Oppervlaktes in Morge.
PLAAS BOSCHFONTEIN No. 193.	
Gedeelte 1 van gedeelte	4
Gedeelte van gedeelte 1	6
Gedeelte 2 van gedeelte	6
Resterende gedeelte van gedeelte 2 van gedeelte ..	2
Gedeelte 3 van gedeelte	6
Gedeelte 4 ('n gedeelte van 'n gedeelte)	6
Gedeelte 5 van gedeelte	17
Gedeelte 6 van gedeelte	
Gedeelte 11 van gedeelte	
Resterende gedeelte van gedeelte	2½
Gedeelte a van gedeelte 7 van gedeelte	
Resterende gedeelte van gedeelte 7 van gedeelte ..	3
Gedeelte 8 van gedeelte	
Gedeelte 10 van gedeelte	
Gedeelte 9 van gedeelte	7
Gedeelte 12 van gedeelte	2½
Resterende gedeelte van gedeelte 14 ('n gedeelte van 'n gedeelte)	5
Gedeelte 16	2½
Gedeelte 17 van gedeelte	16½
Resterende gedeelte van gedeelte 54 ('n gedeelte van gedeelte 1 van gedeelte)	4

(3) The total area of the areas indicated in the said Second Schedule shall not at any time exceed 12·3 per cent. of the total area of irrigable land included in the schedule of irrigable areas of the irrigation district.

(4) Whenever the Second Schedule to this Act is amended in terms of sub-section (2) so as to increase the total area of the areas indicated therein persons who are owners of pieces of land set out in the said Schedule shall receive preference in respect of any such increase over persons who are not owners of pieces of land set out therein.

4. (1) Notwithstanding the provisions of section *ninety-one* of the Irrigation Act, irrigation rates shall not be levied upon any piece of land set out in the First Schedule to this Act in respect of so much of its irrigable area as is indicated therein. Exemption from rating and levying of differential rates.

(2) Whenever an irrigation rate is levied by the board in terms of section *ninety-one* of the Irrigation Act, such rate shall, notwithstanding the provisions of that section, be so levied as to ensure that the board shall, in respect of that portion of the irrigation rate required to redeem the balance of the loan made to the board on the twenty-third day of June, 1926, under the provisions of the said Act, recover in respect of the areas indicated in the Second Schedule to this Act twice the amount per morgen recoverable by it in respect of any other irrigable land included in the schedule of irrigable areas of the irrigation district.

(3) The levying by the board since 1935 of differential rates in pursuance of the provisions of paragraph (2) of a resolution adopted by the House of Assembly on the sixth day of February, 1935, and by the Senate on the twenty-seventh day of March, 1935, set out in the Third Schedule to this Act, is hereby validated as from the date of each levy.

5. This Act shall be called the Olifantsnek Irrigation District Adjustment Act, 1950. Short title.

First Schedule.

Pieces of land referred to in paragraph (a) of sub-section (1) of section two and sub-section (1) of section four.

Description of Property.	Areas expressed in Morgen.
FARM BOSCHFONTEIN No. 193.	
Portion A of portion	4
Portion B of portion	4
Portion C of portion	4
Portion D of portion	2
Portion E of portion	2
Portion F of portion	2
Portion G of portion	2
Portion 5 of portion	6
Remaining extent of portion 1 of portion	3½
Remaining extent of portion 4 of portion	4
Remaining extent of portion	4
Total	37½

Second Schedule.

Pieces of land referred to in paragraph (b) of sub-section (1) of section two, section three and sub-section (2) of section four.

Description of Property.	Areas expressed in Morgen.
FARM BOSCHFONTEIN No. 193.	
Portion 1 of portion	4
Portion of portion 1	6
Portion 2 of portion	6
Remaining extent of portion 2 of portion	2
Portion 3 of portion	6
Portion 4 (a portion of a portion)	6
Portion 5 of portion	17
Portion 6 of portion	
Portion 11 of portion	
Remaining extent of portion	2½
Portion a of portion 7 of portion	
Remaining extent of portion 7 of portion	
Portion 8 of portion	3
Portion 10 of portion	
Portion 9 of portion	7
Portion 12 of portion	2½
Remaining extent of portion 14 (a portion of a portion)	5
Portion 16	2½
Portion 17 of portion	16½
Remaining extent of portion 54 (a portion of portion 1 of portion)	4

Beskrywing van Eiendom.	Oppervlakte in Morgen.
PLAAS BOSCHFONTJEN No. 193.	
Gedeelte B van gedeelte	4
Gedeelte C van gedeelte	4
Resterende gedeelte van gedeelte C	3
Resterende gedeelte van gedeelte D	2
Gedeelte F van gedeelte	1
Gedeelte G van gedeelte	5
Resterende gedeelte van gedeelte	9
PLAAS KROONDAL No. 43.	
Gedeelte 43	4
Gedeelte 49	5
Gedeelte 50	5
WATERGLEN LANDBOUHOEWES.	
Gedeeltes 1 en 2 van hoewe 13	6
Resterende gedeelte van hoewe 13	2
Hoewe 15	8
Hoewe 16	
Hoewe 17	
Hoewe 23	
Hoewe 24	4
Hoewe 33	
Hoewe 34	
Hoewe 42	
WATERVAL KLEINHOEWES.	
Hoewe 2	5
Hoewe 3	5
Hoewe 5	1
Hoewe 6	8
Hoewe 7	2½
Hoewe 8	5
Hoewe 16	7
PLAAS WATERKLOOF No. 4.	
Gedeelte A van gedeelte	4
Resterende gedeelte van gedeelte 11 van perseel A	2
Gedeelte 4 van gedeelte M	5
Gedeelte 245 van gedeelte 5 van gedeelte M	5
Gedeelte 1 van gedeelte N	2
Gedeelte 2 van gedeelte N	2
Gedeelte 3 van gedeelte N	2
Gedeelte 4 van gedeelte N	2
Gedeelte 8 van gedeelte	4
Gedeelte 11 van gedeelte	4½
Gedeelte 22 van gedeelte	5
Gedeelte 223 van gedeelte 25	7
PLAAS WATERVAL No. 544.	
Gedeelte E van gedeelte	6
Totaal	<u>247½</u>

Derde Bylae.

Besluit waarna in sub-artikel (3) van artikel vier verwys word.

BESPROEINGSKEMA OLIFANTSNEK, DISTRIK RUSTENBURG, TRANSVAAL.

2. (i) die halfjaarlikse paaieimente vasgestel word op £575 vanaf 1 Januarie 1935;

(ii) dié gedeelte van die oorspronklike hoofsom en agterstallige rente as wat nie deur hierdie betaling gedek kan word nie oor 'n tydperk van 35 jaar vanaf 1 Januarie 1935, afgeskryf word;

maar dat die afskrywing afhanklik sal wees van 'n differensiële belasting tussen die gewone grond en geregistreerde sitrusboorde in die verhouding van 1 tot 2 en dat die Raad 'n beginsel aanneem vir die verskering vir sover doenlik van water vir die sitrusstreek behoudens die goedkeuring van die Minister.

Description of Property.	Areas expressed in Morgen.
FARM BOSCHFONTEIN No. 193.	
Portion B of portion	4
Portion C of portion	4
Remaining extent of portion C	3
Remaining extent of portion D	2
Portion F of portion	1
Portion G of portion	5
Remaining extent of portion	9
FARM KROONDAL No. 43.	
Portion 43	4
Portion 49	5
Portion 50	5
WATERGLEN AGRICULTURAL HOLDINGS.	
Portions 1 and 2 of holding 13	6
Remaining extent of holding 13	2
Holding 15 }	8
Holding 16 }	
Holding 17 }	
Holding 23 }	
Holding 24 }	
Holding 33	4
Holding 34	2
Holding 42	9½
WATERVAL SMALL HOLDINGS.	
Holding 2	5
Holding 3	5
Holding 5	1
Holding 6	8
Holding 7	2½
Holding 8	5
Holding 16	7
FARM WATERKLOOF No. 4.	
Portion A of portion	4
Remaining extent of portion 11 of lot A	2
Portion 4 of portion M	5
Portion 245 of portion 5 of portion M	5
Portion 1 of portion N	2
Portion 2 of portion N	2
Portion 3 of portion N	2
Portion 4 of portion N	2
Portion 8 of portion	4
Portion 11 of portion	4½
Portion 22 of portion	5
Portion 223 of portion 25	7
FARM WATERVAL No. 544.	
Portion E of portion	6
Total	<u>247½</u>

Third Schedule.

Resolution referred to in sub-section (3) of section four.

OLIFANTSNEK IRRIGATION SCHEME, DISTRICT RUSTENBURG, TRANSVAAL.

- (2) (i) the half-yearly instalments be fixed at £575 as from the 1st January, 1935;
- (ii) such portion of the original capital and arrear interest which cannot be covered by this payment over a period of 35 years from the 1st January, 1935, be written off; but that the write-off be conditional upon a differential rating between the ordinary land and registered citrus orchards in the ratio of 1 to 2, and that the Board adopt a principle for the insurance as far as practicable of water for the citrus area subject to the Minister's approval.

No. 24, 1950.]

WET

Om voorsiening te maak vir beheer deur die Bewaringsraad Breederivier ten opsigte van die aanlê van sekere nuwe en die wesentlike verandering of vergroting van sekere bestaande besproeiingswerke, en vir die registrasie van sekere bestaande besproeiingswerke by gemelde raad; om voorsiening te maak vir die bestuur, instandhouding en beheer van sekere besproeiingswerke deur die Besproeiingsraad Angora, en om daardie raad te magtig om veranderings en verbeterings aan bedoelde werke aan te bring en om ten opsigte van sodanige veranderings en verbeterings verskillende belastings op sekere grond te hef; om voorsiening te maak vir beheer deur die Besproeiingsraad Angora oor die water wat deur bedoelde werke uitgekeer word en daarin bevat is; en om vir ander bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 6 Mei 1950.)

Aanhof.

NADEMAAL die Rivierraad van die Bewaringsdistrik Breederivier uit kragte van die bepalings van sub-artikel (1) van artikel drie van die Wet tot Reëling van Besproeiingsdistrikte, 1930 (Wet No. 41 van 1930), soos gewysig deur artikel sewe van die Wet tot Reëling van Besproeiingsdistrikte, 1944 (Wet No. 21 van 1944), gemagtig is om sekere beheer uit te oefen oor besproeiingswerke wat binne daardie distrik aangelê is of sal word om water uit die Breederivier te haal:

EN NADEMAAL bedoelde raad nie bevoeg is om oor die aanlê van alle nuwe en die wesentlike verandering of vergroting van alle bestaande besproeiingswerke vir die uithaal van water uit die Breederivier binne bedoelde distrik beheer uit te oefen nie:

EN NADEMAAL dit derhalwe vir bedoelde raad onmoontlik is om op behoorlike en doeltreffende wyse voormelde bevoegdhede uit te oefen en sy statutêre werksaamhede en pligte uit te voer:

EN NADEMAAL dit raadsaam is om voorsiening te maak vir beheer deur bedoelde raad oor die aanlê van alle nuwe en die wesentlike verandering of vergroting van alle bestaande besproeiingswerke om water uit die Breederivier binne 'n gedeelte van sy rivierdistrik uit te haal, en om voorsiening te maak vir die registrasie by bedoelde raad van sekere besproeiingswerke wat reeds bestaan:

EN NADEMAAL daar binne daardie distrik 'n kanaal bestaan bekend as die Angorakanaal, wat gebruik word om water uit die Breederivier te haal vir die besproeiing van grond geleë in die Besproeiingsdistrik Angora:

EN NADEMAAL bedoelde Angorakanaal slegs gedeeltelik aan beheer deur die Besproeiingsraad Angora onderworpe is:

EN NADEMAAL dit derhalwe vir die Besproeiingsraad Angora onmoontlik is om die plig, ingevolge sub-artikel (2) van artikel nege-en-tagtig van die Besproeiings- en Waterbewaringswet, 1912 (Wet No. 8 van 1912), aan hom opgelê, om die billike verdeling van die water deur die Angorakanaal uitgekeer te reël, behoorlik en doeltreffend uit te voer:

EN NADEMAAL dit raadsaam is om die bestuur, instandhouding en beheer van die Angorakanaal en die beheer oor en verdeling van water uitgekeer deur middel van daardie kanaal aan die Besproeiingsraad Angora oor te dra:

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

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

Woordoms krywing.

1. In hierdie Wet, tensy dit met die samehang onbestaanbaar is, beteken—

(i) „Besproeiingswet” die Besproeiings- en Waterbewaringswet, 1912 (Wet No. 8 van 1912); (ii)

(ii) „raad”—

(a) waar dit in artikels twee en drie gebesig word, die rivierraad van die rivierdistrik bekend as die

No. 24, 1950.]

ACT

To provide for control by the Breede River Conservation Board in respect of the construction of certain new and the material alteration or enlargement of certain existing irrigation works, and for the registration of certain existing irrigation works with the said board; to provide for the administration, maintenance and control of certain irrigation works by the Angora Irrigation Board, and to empower that Board to effect alterations and improvements to the said works and to levy differential rates on certain land in respect of such alterations and improvements; to provide for the control by the Angora Irrigation Board of the water diverted by and contained in the said works; and to provide for other incidental matters.

(Afrikaans text signed by the Governor-General.)
(Assented to 6th May, 1950.)

WHEREAS the River Board of the Breede River Conservation District is by virtue of the provisions of sub-section (1) of section *three* of the Irrigation Districts Adjustment Act, 1930 (Act No. 41 of 1930), as amended by section *seven* of the Irrigation Districts Adjustment Act, 1944 (Act No. 21 of 1944), empowered to exercise certain control over irrigation works constructed or to be constructed within that district for abstracting water from the Breede River: Preamble.

AND WHEREAS the said board is not empowered to exercise control over the construction of all new and the material alteration or enlargement of all existing irrigation works for abstracting water from the Breede River within the said district:

AND WHEREAS it is therefore impossible for the said board properly and effectively to exercise the aforesaid powers and carry out its statutory functions and duties:

AND WHEREAS it is expedient to provide for the control by the said board of the construction of all new and the material alteration or enlargement of all existing irrigation works for abstracting water from the Breede River within a portion of its river district, and to provide for the registration by the said board of certain irrigation works already in existence:

AND WHEREAS there is in existence within the said district a canal, known as the Angora Canal, used for the abstraction of water from the Breede River for the irrigation of land situated in the Angora Irrigation District:

AND WHEREAS the said Angora Canal is only partially subject to the control of the Angora Irrigation Board:

AND WHEREAS it is therefore impossible for the Angora Irrigation Board to carry out properly and effectively the duty imposed upon it by sub-section (2) of section *eighty-nine* of the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), of arranging for an equitable distribution of the water diverted by the Angora Canal:

AND WHEREAS it is expedient to vest in the Angora Irrigation Board the administration, maintenance and control of the Angora Canal and the control and distribution of such water as is diverted by the said canal:

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

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

1. In this Act, unless inconsistent with the context— Interpretation.
 - (i) "board" means—
 - (a) where it is used in sections *two* and *three* the river board of the river district known as the

Bewaringsdistrik Breederivier, geleë in die afdelings Ceres, Worcester, Robertson en Swellendam in die Provinsie Kaap die Goeie Hoop, ingestel by Proklamasies Nos. 124 van 1913 en 72 van 1918; en

- (b) waar dit in artikels *vyf* en *ses* gebesig word, die raad van die Besproeiingsdistrik Angora, geleë in die distrikte Robertson en Swellendam in die Provinsie Kaap die Goeie Hoop, ingestel by Proklamasie No. 127 van 1917, (i)

en het elke uitdrukking waaraan in die Besproeiingswet 'n betekenis toegeskryf is, dieselfde betekenis waar dit in hierdie Wet gebesig word.

Beheer deur
Bewaringsraad
Breederivier oor
aanlê en
verandering van
werke.

2. (1) Vanaf die inwerkingtreding van hierdie Wet mag niemand sonder skriftelike toestemming van die raad aan die Breederivier binne die regsgebied van die raad benede die plek in genoemde rivier waar water wat in die Brandvleidam (ook bekend as Maraismeer) opgegaan word, in genoemde rivier invloei, 'n nuwe besproeiingswerk aanlê of 'n bestaande besproeiingswerk wesentlik verander of vergroot om uit daardie rivier water te haal nie behalwe water waarop hy geregtig is ingevolge 'n bevel, toekenning, beslissing, vergunning, magtiging of verdeling deur 'n geregshof uitgevaardig of verleë.

(2) Indien die raad 'n aansoek om sy toestemming ingevolge sub-artikel (1) afwys, kan die applikant binne drie maande na die afwysing teen die beslissing van die raad appèl aanteken by die waterhof wat binne die rivierdistrik bekend as die Bewaringsdistrik Breederivier regsmag besit.

(3) Indien die raad 'n aansoek ingevolge sub-artikel (1) toestaan om 'n besproeiingswerk aan te lê of wesentlik te verander of te vergroot, kan hy sodanige voorwaardes stel aangaande die aard van die werk of die wyse waarop dit aangelê moet word as wat hy nodig ag, en kan enigiemand wat waarskynlik deur die werk geraak sal word, binne drie maande nadat die aansoek toegestaan is by bedoelde waterhof teen die beslissing van die raad appèl aanteken.

(4) Bedoelde waterhof kan wanneer kragtens sub-artikel (2) of (3) by hom appèl aangeteken word die beslissing van die raad bevestig, ter syde stel of wysig.

(5) Teen die uitspraak van bedoelde waterhof kan by die Afdeling van Appèl van die Hooggeregshof van Suid-Afrika appèl aangeteken word.

(6) Die toestemming van die raad of 'n uitspraak van bedoelde waterhof of bedoelde Afdeling van Appèl verleë op sigself geen reg aan enigiemand om uit die Breederivier water te haal nie.

(7) Iemand wat die bepalings van sub-artikel (1) oortree, is aan 'n misdryf skuldig en strafbaar met die strawwe in sub-artikels (1) en (4) van artikel *honderd drie-en-dertig* van die Besproeiingswet voorgeskryf.

Registrasie by
raad van regte
om water uit
Breederivier te
haal.

3. (1) 'n Eienaar van 'n besproeiingswerk wat op die datum van inwerkingtreding van hierdie Wet bestaan en wat vir die uithaal van water uit die in sub-artikel (1) van artikel *twee* bedoelde deel van die Breederivier gebruik word, moet binne ses maande nadat verordenings kragtens sub-artikel (3) van hierdie artikel uitgevaardig van krag word, die raad skriftelik in kennis stel van sodanige besonderhede aangaande daardie besproeiingswerk en die grond wat daardeur besproei kan word as wat ingevolge bedoelde verordenings vereis mag word, en die raad moet die aldus verstrekte besonderhede in die kantoor van die raad doen aanteken.

(2) Indien die eienaar van 'n in sub-artikel (1) bedoelde besproeiingswerk in gebreke bly om die raad volgens voorskrif van daardie sub-artikel van die bestaan van bedoelde besproeiingswerk in kennis te stel, is so 'n eienaar aan 'n misdryf skuldig en strafbaar met die strawwe in sub-paragraaf (i) van sub-artikel (1) en sub-artikel (4) van artikel *honderd drie-en-dertig* van die Besproeiingswet voorgeskryf.

(3) Die raad kan, benewens die verordenings wat hy ingevolge die bepalings van sub-artikel (1) van artikel *ses-en-sewentig* van die Besproeiingswet gemagtig is om uit te vaardig, verordenings uitvaardig waarby die inligting deur die raad verlang ten opsigte van 'n in sub-artikel (1) van hierdie artikel bedoelde besproeiingswerk voorgeskryf word.

(4) Die bepalings van sub-artikels (2) en (3) van artikel *ses-en-sewentig* en sub-artikel (2) van artikel *honderd drie-en-dertig* van die Besproeiingswet is *mutatis mutandis* met betrekking tot verordenings ingevolge sub-artikel (3) van hierdie artikel uitgevaardig van toepassing.

Breede River Conservation District, situate in the Divisions of Ceres, Worcester, Robertson and Swellendam in the Province of the Cape of Good Hope, constituted by Proclamations Nos. 124 of 1913 and 72 of 1918; and

(b) where it is used in sections *five* and *six*, the board of the Angora Irrigation District, situate in the districts of Robertson and Swellendam in the Province of the Cape of Good Hope, constituted by Proclamation No. 127 of 1917; (ii)

(ii) „Irrigation Act” means the Irrigation and Conservation of Waters Act, 1912 (Act No. 8 of 1912), (i)

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

2. (1) As from the commencement of this Act, no person shall, without the written consent of the board, construct any new or materially alter or enlarge any existing irrigation work on the Breede River within the area of jurisdiction of the board, below the point in the said river at which water conserved in the Brandvlei Dam (also known as Lake Marais) enters the said river, for the purpose of abstracting from such river any water other than water to which he is entitled in terms of any order, award, decision, permission, authority or apportionment given or made by a court of law.

Control by Breede River Conservation Board of construction and alteration of works.

(2) If the board refuses an application for its consent under sub-section (1), the applicant may within three months after the refusal, appeal from the decision of the board to the water court having jurisdiction within the river district known as the Breede River Conservation District.

(3) If the board grants an application for the construction or material alteration or enlargement of any irrigation work under sub-section (1), it may impose such conditions as to the nature of the work or the method of construction thereof as it may deem necessary, and any person who is likely to be affected by the work may, within three months after the granting of the application, appeal against the decision of the board to the said water court.

(4) The said water court may, whenever an appeal is made to it in terms of sub-section (2) or (3) confirm, set aside or vary the decision of the board.

(5) An appeal shall lie against the decision of the said water court to the Appellate Division of the Supreme Court of South Africa.

(6) The consent of the board or a decision of the said water court or the said Appellate Division under this section shall not of itself entitle any person to abstract water from the Breede River.

(7) Any person who contravenes the provisions of sub-section (1) shall be guilty of an offence and liable to the penalties prescribed in sub-sections (1) and (4) of section *one hundred and thirty-three* of the Irrigation Act.

3. (1) An owner of any irrigation work in existence as at the date of commencement of this Act and used for abstracting water from that portion of the Breede River which is referred to in sub-section (1) of section *two* shall, within six months of the coming into operation of by-laws made under sub-section (3) of this section, notify the board in writing of such details concerning that irrigation work and the land irrigable thereby as may be required in terms of those by-laws, and the board shall cause the details so supplied to be recorded at the office of the board.

Registration with board of rights to abstract water from Breede River.

(2) If any owner of an irrigation work referred to in sub-section (1) fails to notify the board of the existence of that irrigation work in accordance with the provisions of the said sub-section, such owner shall be guilty of an offence and liable to the penalties prescribed in sub-paragraph (i) of sub-section (1) and sub-section (4) of section *one hundred and thirty-three* of the Irrigation Act.

(3) The Board may, in addition to the by-laws which it is empowered to make in accordance with the provisions of sub-section (1) of section *seventy-six* of the Irrigation Act, make by-laws prescribing the information required by it in respect of any irrigation work referred to in sub-section (1) of this section.

(4) The provisions of sub-sections (2) and (3) of section *seventy-six* and sub-section (2) of section *one hundred and thirty-three* of the Irrigation Act shall *mutatis mutandis* apply in relation to by-laws made under sub-section (3) of this section.

Sekere regte nie
deur artikels 2
en 3 geraak nie.

4. Die bepalinge in artikels *twee* en *drie* vervat, is nie op 'n persoon bedoel in die voorbehoudsbepaling by sub-artikel (1) van artikel *drie* van die Wet tot Reëling van Besproeiingsdistrikte, 1930, van toepassing nie, en raak op generlei wyse die regte van so 'n persoon nie.

Bestuur ens., van
sekere besproei-
ingswerke aan
Besproeiingsraad
Angora oorgedra.

5. (1) Vanaf die inwerkingtreding van hierdie Wet berus die bestuur, instandhouding en beheer van die kanaal, bekend as die Angorakanaal, aangelê vanaf die uitkeerdam in die Breederivier behorende aan die raad, wat loop oor die plase Goede Moed (SW.Q.3.23), Adjoining Goede Moed (SW.14.20), die Kroongrond bekend as Wolvendrift Annex No. 2, Wolvendrift (SW.16.5), Langverwacht (SW.7.47) en Rietfontein (SW.Q.14.23), tans bekend as Angora (SW.20.10) en gebruik word om water uit bedoelde uitkeerdam te haal vir die besproeiing van sekere grond binne die Besproeiingsdistrik Angora, by die raad, en word die koste van sodanige bestuur, instandhouding en beheer deur die raad gedra.

(2) Die raad kan die veranderings en verbeterings aan die kanaal en bykomstige werke aanbring wat hy nodig of wenslik ag vir die beter verdeling van water op grond wat daardeur besproei word of moet word, en word vir daardie doel en vir die in sub-artikel (1) gemelde doeleindes, geag die eienaar van daardie kanaal te wees: Met dien verstande dat die koste van sodanige veranderings en verbeterings aan die gedeelte van die kanaal wat oor die plaas Angora loop, deur die raad verhaal moet word op die eienaars van grond op daardie plaas waaraan volgens die lys van besproeibare grond van die Besproeiingsdistrik Angora water uit die kanaal verskaf word, en die raad moet vir die doel volgens voorskrif van sub-artikel (2) van artikel *een-en-negentig* van die Besproeiingswet 'n verskillende belasting op daardie grond hef.

Beheer oor
water in
Angorakanaal in
raad gevestig.

6. Ondanks bestaande regte op die water wat deur die in sub-artikel (1) van artikel *vyf* bedoelde kanaal uitgekeer en daardeur afgevoer word, berus die beheer en verdeling van daardie water by die raad en die raad moet maatreëls tref wat redelikerwys afdoende is om te verseker dat daar vir gebruik op elke stuk grond, ingesluit in die lys van besproeibare grond in die Besproeiingsdistrik Angora, 'n hoeveelheid van bedoelde water gelewer word wat so na as doenlik in dieselfde verhouding tot die totale hoeveelheid van die vir daardie doel beskikbare water staan as die verhouding waarin die besproeibare oppervlakte van daardie stuk grond tot die totale oppervlakte van die besproeibare grond in bedoelde lys opgeneem, staan.

Kort titel.

7. Hierdie Wet heet die Wet tot Reëling van die Bewaringsdistrik Breederivier, 1950.

4. Nothing in sections *two* and *three* contained shall apply to or in any way affect the rights of any person referred to in the proviso to sub-section (1) of section *three* of the Irrigation Districts Adjustment Act, 1930.

Sections 2 and 3 not to affect certain rights.

5. (1) As from the commencement of this Act, the administration, maintenance and control of the canal known as the Angora Canal, constructed from the weir in the Breede River belonging to the board, which traverses the farms Goede Moed (SW.Q.3.23), Adjoining Goede Moed (SW.14.20), the Crown land known as Wolvendrift Annex No. 2, Wolvendrift (SW.16.5), Langverwacht (SW.7.47) and Rietfontein (SW.Q.14.23), now known as Angora (SW.20.10), and is used for the abstraction of water from the said weir for the irrigation of certain land within the said Angora Irrigation District, shall vest in the board, and the cost of such administration, maintenance and control shall be borne by the board.

Administration, etc., of certain irrigation works vested in Angora Irrigation Board.

(2) The board may effect such alterations and improvements to the said canal and appurtenant works as it may deem necessary or desirable for the better distribution of water to the land irrigated or to be irrigated thereby, and shall for that purpose and for the purposes referred to in sub-section (1), be deemed to be the owner of the said canal: Provided that the cost of any such alterations and improvements to that portion of the canal which traverses the farm Angora shall be recovered by the board from the owners of the land on the said farm to which water is supplied from the canal in accordance with the schedule of irrigable areas of the Angora Irrigation District, and the board shall for such purpose levy a differential rate on the said land in accordance with the provisions of sub-section (2) of section *ninety-one* of the Irrigation Act.

6. Notwithstanding any existing rights to the water diverted by and conveyed in the canal referred to in sub-section (1) of section *five* the control and distribution of such water shall vest in the board, and the board shall adopt reasonably adequate measures for ensuring that there is delivered for use on every piece of land included in the schedule of irrigable areas of the Angora Irrigation District a quantity of such water which as nearly as may be practicable bears to the whole quantity available for such use the same ratio as the ratio which the irrigable area of that piece of land bears to the whole area of the irrigable land included in the said schedule.

Control of water in Angora Canal vested in board.

7. This Act shall be called the Breede River Conservation District Adjustment Act, 1950.

Short title.

No. 25, 1940.]

WET

Tot wysiging van die Visnywerheid-ontwikkingswet, 1944.

(Engelse teks deur die Goewerneur-generaal geteken.)
(Goedgekeur op 6 Mei 1950.)

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

Wysiging van
artikel 3 van
Wet 44 van 1944.

1. Artikel *drie* van die Visnywerheid-ontwikkingswet, 1944 (hieronder die Hoofwet genoem), word hiermee gewysig deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Die korporasie kan ook in die gebied Suidwes-Afrika enige van sy in sub-artikel (1) bedoelde oogmerke nastrewe: Met dien verstande dat ten opsigte van genoemde gebied die verwysing in paragraaf (*d*) van sub-artikel (1) na die Minister, geag word 'n verwysing na die Goewerneur-generaal te wees.”

Wysiging van
artikel 4 van
Wet 44 van 1944.

2. Artikel *vier* van die Hoofwet word hiermee gewysig—
(a) deur in paragraaf (*d*) van sub-artikel (1) na die woord „Unie” die woorde „of die gebied Suidwes-Afrika” in te voeg; en
(b) deur aan die end daarvan die volgende sub-artikel by te voeg:
„(4) Die korporasie kan ook in die gebied Suidwes-Afrika enige van die bevoegdhede wat by hierdie artikel aan hom verleen is, uitoefen.”

Wysiging van
artikel 7 van
Wet 44 van 1944.

3. Artikel *sewe* van die Hoofwet word hiermee gewysig deur na die woord „Unie” die woorde „of die gebied Suidwes-Afrika” in te voeg, en deur na die woord „Volksraad” die woorde „of van die Wetgewende Vergadering van Suidwes-Afrika” in te voeg.

Wysiging van
artikel 13 van
Wet 44 van 1944.

4. Artikel *dertien* van die Hoofwet word hiermee gewysig—
(a) deur in sub-artikel (3) na die woorde „paragrafe (*a*) en (*d*)” die woorde „van sub-artikel (1)” in te voeg; en
(b) deur in sub-artikel (8) na die woorde „paragrafe (*b*) en (*c*)” die woorde „van sub-artikel (1)” in te voeg.

Wysiging van
artikel 18 van
Wet 44 van 1944.

5. Artikel *agtien* van die Hoofwet word hiermee gewysig—
(a) deur in sub-artikel (1) na die woorde „paragrafe (*a*) en (*d*)” die woorde „van sub-artikel (1)” in te voeg;
(b) deur in sub-artikel (1) die woord „artikel”, waar dit die tweede keer voorkom, deur die woord „sub-artikel” te vervang; en
(c) deur aan die end daarvan die volgende sub-artikel by te voeg:
„(6) Die ouditeur kan ook in die gebied Suidwes-Afrika enige van die bevoegdhede wat by sub-artikel (4) aan hom verleen is, uitoefen.”

Wysiging van
artikel 19 van
Wet 44 van 1944.

6. Artikel *negentien* van die Hoofwet word hiermee gewysig—
(a) deur in sub-artikels (2) en (3) en paragraaf (*c*) van sub-artikel (5) na die woorde „paragrafe (*a*) en (*d*)” die woorde „van sub-artikel (1)” in te voeg; en
(b) deur in sub-artikels (4) en (5) na die woorde „paragrafe (*b*) en (*c*)” die woorde „van sub-artikel (1)” in te voeg.

Wysiging van
artikel 23 van
Wet 44 van 1944.

7. Artikel *drie-en-twintig* van die Hoofwet word hiermee gewysig deur in paragraaf (*a*) van sub-artikel (1) na die woorde „paragrafe (*a*) en (*d*)” die woorde „van sub-artikel (1)” in te voeg.

Wysiging van
artikel 37 van
Wet 44 van 1944.

8. Artikel *sewe-en-dertig* van die Hoofwet word hiermee gewysig deur na die woord „mislei” die woorde „in die Unie of die gebied Suidwes-Afrika” in te voeg; deur na die woorde

No. 25, 1950.]

ACT

To amend the Fishing Industry Development Act, 1944.

(English text signed by the Governor-General.)
(Assented to 6th May, 1950.)

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

1. Section *three* of the Fishing Industry Development Act, 1944 (hereinafter referred to as the principal Act) is hereby amended by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):
 Amendment of section 3 of Act 44 of 1944.
 “(2) The corporation may also pursue in the territory of South-West Africa any of its objects referred to in sub-section (1): Provided that in respect of the said territory the reference in paragraph (*d*) of sub-section (1) to the Minister shall be deemed to be a reference to the Governor-General.”
2. Section *four* of the principal Act is hereby amended—
 Amendment of section 4 of Act 44 of 1944.
 (a) by the insertion in paragraph (*d*) of sub-section (1) after the word “Union” of the words “or the territory of South-West Africa”; and
 (b) by the addition at the end thereof of the following sub-section:
 “(4) The corporation may also exercise in the territory of South-West Africa any of the powers conferred upon it by this section.”
3. Section *seven* of the principal Act is hereby amended by the insertion after the word “Union”, where it occurs for the second time, of the words “or the territory of South-West Africa”, and by the insertion after the word “Assembly” of the words “or the Legislative Assembly of South-West Africa”.
 Amendment of section 7 of Act 44 of 1944.
4. Section *thirteen* of the principal Act is hereby amended—
 Amendment of section 13 of Act 44 of 1944.
 (a) by the insertion in sub-section (3) after the words “paragraphs (*a*) and (*d*)” of the words “of sub-section (1)”; and
 (b) by the insertion in sub-section (8) after the words “paragraphs (*b*) and (*c*)” of the words “of sub-section (1)”.
5. Section *eighteen* of the principal Act is hereby amended—
 Amendment of section 18 of Act 44 of 1944.
 (a) by the insertion in sub-section (1) after the words “paragraphs (*a*) and (*d*)” of the words “of sub-section (1)”;
 (b) by the substitution in sub-section (1) for the word “section”, where it occurs for the second time, of the word “sub-section”; and
 (c) by the addition at the end thereof of the following sub-section:
 “(6) The auditor may also exercise in the territory of South-West Africa any of the powers conferred upon him by sub-section (4).”
6. Section *nineteen* of the principal Act is hereby amended—
 Amendment of section 19 of Act 44 of 1944.
 (a) by the insertion in sub-sections (2) and (3) and paragraph (*c*) of sub-section (5) after the words “paragraphs (*a*) and (*d*)” of the words “of sub-section (1)”; and
 (b) by the insertion in sub-sections (4) and (5) after the words “paragraphs (*b*) and (*c*)” of the words “of sub-section (1)”.
7. Section *twenty-three* of the principal Act is hereby amended by the insertion in paragraph (*a*) of sub-section (1) after the words “paragraphs (*a*) and (*d*)” of the words “of sub-section (1)”.
 Amendment of section 23 of Act 44 of 1944.
8. Section *thirty-seven* of the principal Act is hereby amended by the insertion after the word “business”, where it occurs for the first time, of the words “in the Union or the territory of South-West Africa”; by the insertion after the words

„Maatskappywet 1926 (Wet No. 46 van 1926)” die woorde „of die Maatskappy-Ordonnansie 1928 (Ordonnansie No. 19 van 1928) van Suidwes-Afrika” in te voeg; en deur aan die end daarvan die woorde „of waaronder dit kragtens bedoelde Ordonnansie by die inwerkingtreding van die Wysigingswet op die Ontwikkeling van die Visnywerheid, 1950, geregistreer was” in te voeg.

Wysiging van artikel 38 van Wet 44 van 1944.

9. Artikel *agt-en-dertig* van die Hoofwet word hiermee gewysig deur in sub-artikel (2) na die woorde „of van” die woorde „die Maatskappy-Ordonnansie 1928 (Ordonnansie No. 19 van 1928) van Suidwes-Afrika of” in te voeg.

Kort titel.

10. Hierdie Wet heet die Wysigingswet op die Ontwikkeling van die Visnywerheid, 1950.

“Companies Act, 1926 (Act No. 46 of 1926)” of the words “or the Companies Ordinance, 1928 (Ordinance No. 19 of 1928) of South-West Africa”; and by the addition at the end thereof of the words “or under the said Ordinance at the commencement of the Fishing Industry Development Amendment Act, 1950.”.

9. Section *thirty-eight* of the principal Act is hereby amended by the insertion in sub-section (2) after the words “or of” of the words “the Companies Ordinance, 1928 (Ordinance No. 19 of 1928) of South-West Africa or”. Amendment of section 38 of Act 44 of 1944.

10. This Act shall be called the Fishing Industry Development Amendment Act, 1950. Short title.