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**VAN DIE REPUBLIEK VAN SUID-AFRIKA**

**REPUBLIC OF SOUTH AFRICA**  
**GOVERNMENT GAZETTE**

REGULASIEKOERANT No. 1474

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23 JULY 1971

[No. 3218

**PROKLAMASIE**

*van die Staatspresident van die Republiek van Suid-Afrika*

No. R. 162, 1971

**DATUM VAN INWERKINGTREDING VAN DIE ONGEVALLEWYSIGINGSWET, 1971 (WET 60 VAN 1971)**

Kragtens die bevoegdheid my verleen by artikel vyf van die Ongevallewysigingswet, 1971 (Wet 60 van 1971), verklaar ek hierby dat genoemde Wet op die eerste dag van Augustus 1971 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Durban, op hede die Negende dag van Julie Eenduisend Negehoenderd Een-en-sewentig.

J. J. FOUCHÉ, Staatspresident.

Op las van die Staatspresident-in-rade:

M. VILJOEN.

**PROCLAMATION**

*by the State President of the Republic of South Africa*

No. R. 162, 1971

**DATE OF COMING INTO OPERATION OF THE WORKMEN'S COMPENSATION AMENDMENT ACT, 1971 (ACT 60 OF 1971)**

Under the powers vested in me by section five of the Workmen's Compensation Amendment Act, 1971 (Act 60 of 1971), I do hereby declare that the said Act shall come into operation on the first day of August 1971.

Given under my Hand and the Seal of the Republic of South Africa at Durban on this Ninth day of July, One thousand Nine hundred and Seventy-one.

J. J. FOUCHÉ, State President.

By Order of the State President-in-Council:

M. VILJOEN.

**GOEWERMENSKENNISGEWINGS**

**DEPARTEMENT VAN ARBEID**

No. R. 1253 23 July 1971

**WET OP NYWERHEIDSVERSOENING, 1956**

**BOUNYWERHEID, DURBAN.—VERLENGING VAN OOREENKOMS**

Ek, Marais Viljoen, Minister van Arbeid, verleng hierby kragtens artikel 48 (4) (a) (i) van die Wet op Nywerheidsversoening, 1956, die tydperke vasgestel in Goewermenskennisgewings R. 1226 van 19 Julie 1968, R. 999 van 20 Junie 1969, R. 3393 van 26 September 1969, R. 3716 van 14 November 1969, R. 1253 van 7 Augustus 1970, R. 1704 van 9 Oktober 1970 en R. 2022 van 20 November 1970 met 'n verdere tydperk van 12 maande wat op 28 Julie 1972 eindig.

M. VILJOEN, Minister van Arbeid.

A—65437

**GOVERNMENT NOTICES**

**DEPARTMENT OF LABOUR**

No. R. 1253 23 July 1971

**INDUSTRIAL CONCILIATION ACT, 1956**

**BUILDING INDUSTRY, DURBAN.—EXTENSION OF AGREEMENT**

I, Marais Viljoen, Minister of Labour, hereby in terms of section 48 (4) (a) (i) of the Industrial Conciliation Act, 1956, extend the periods fixed in Government Notices R. 1226 of 19 July 1968, R. 999 of 20 June 1969, R. 3393 of 26 September 1969, R. 3716 of 14 November 1969, R. 1253 of 7 August 1970, R. 1704 of 9 October 1970 and R. 2022 of 20 November 1970, by a further period of 12 months ending on 28 July 1972.

M. VILJOEN, Minister of Labour.

No. R. 1254 23 Julie 1971

## WET OP NYWERHEIDSVERSOENING, 1956

## BOUNYWERHEID, DURBAN.—WYSIGING VAN OOREENKOMS

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby—

(a) kragtens artikel 48 (1) (a) van die Wet op Nywerheidsversoening, 1956, dat al die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en op die Bounywerheid betrekking het, vanaf 29 Julie 1971 en vir die tydperk wat op 28 Julie 1972 eindig, bindend is vir die werkgewersorganisasie en die vakverenigings wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of verenigings is;

(b) kragtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms vanaf 29 Julie 1971 en vir die tydperk wat op 28 Julie 1972 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing, wat betrokke is by of in diens is in genoemde Nywerheid in die landdrostdistrikte Durban (uitgesonderd daardie gedeelte wat voor die publikasie van Goewermmentskennisgewing 1401 van 16 Augustus 1968 in die landdrostdistrik Umlazi geval het), Pinetown en Inanda; en

(c) kragtens artikel 48 (3) (a) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms vanaf 29 Julie 1971 en vir die tydperk wat op 28 Julie 1972 eindig, in die gebiede gespesifiseer in paragraaf (b) van hierdie kennisgewing *mutatis mutandis* bindend is vir alle Bantoes in diens in genoemde Nywerheid by dié werkgewers vir wie enigeen van genoemde bepalings ten opsigte van werknemers bindend is en vir daardie werkgewers ten opsigte van Bantoes in hul diens.

M. VILJOEN, Minister van Arbeid.

## BYLAE

## NYWERHEIDSRAAD VIR DIE BOUNYWERHEID, DURBAN

## OOREENKOMS

ingevolge die bepalings van die Wet op Nywerheidsversoening, 1956, gesluit en aangegaan deur en tussen die

Master Builders' and Allied Trades Association, Durban

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

Blanke Bouwerkersvakbond

(hierna die "werknemers" of die "vakverenigings" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Bounywerheid, Durban, om die Ooreenkoms tussen genoemde partye gepubliseer by Goewermmentskennisgewing R. 1226 van 19 Julie 1968, soos gewysig by Goewermmentskennisgewings R. 999 van 20 Junie 1969, R. 3393 van 26 September 1969, R. 3716 van 14 November 1969, R. 1253 van 7 Augustus 1970, R. 1704 van 9 Oktober 1970 en R. 2022 van 20 November 1970, en verleng by Goewermmentskennisgewing R. 1253 van 23 Julie 1971, verder soos volg te wysig:

No. R. 1254 23 July 1971

## INDUSTRIAL CONCILIATION ACT, 1956

## BUILDING INDUSTRY, DURBAN.—AMENDMENT OF AGREEMENT

I, Marais Viljoen, Minister of Labour, hereby—

(a) in terms of section 48 (1) (a) of the Industrial Conciliation Act, 1956, declare that all the provisions of the Agreement (hereinafter referred to as the Amending Agreement) which appears in the Schedule hereto and which relates to the Building Industry, shall be binding from 29 July 1971 and for the period ending on 28 July 1972, upon the employers' organisation and the trade unions which entered into the Amending Agreement and upon the employers and employees who are members of the said organisation or unions;

(b) in terms of section 48 (1) (b) of the said Act, declare that the provisions of the Amending Agreement shall be binding from 29 July 1971 and for the period ending on 28 July 1972, upon all employers and employees other than those referred to in paragraph (a) of this notice, who are engaged or employed in the said Industry in the Magisterial Districts of Durban (excluding that portion which prior to the publication of Government Notice 1401 of 16 August 1968, fell within the Magisterial District of Umlazi), Pinetown and Inanda; and

(c) in terms of section 48 (3) (a) of the said Act, declare that in the areas specified in paragraph (b) of this notice and from 29 July 1971 and for the period ending on 28 July 1972, the provisions of the Amending Agreement shall *mutatis mutandis* be binding upon all Bantu employed in the said Industry by the employers upon whom any of the said provisions are binding in respect of employees and upon those employers in respect of Bantu in their employ.

M. VILJOEN, Minister of Labour.

## SCHEDULE

## INDUSTRIAL COUNCIL FOR THE BUILDING INDUSTRY, DURBAN

## AGREEMENT

in accordance with the provisions of the Industrial Conciliation Act, 1956, made and entered into between the

Master Builders' and Allied Trades Association, Durban

(hereinafter referred to as the "employers" or "employers' organisation"), of the one part, and the

Amalgamated Society of Woodworkers

Amalgamated Union of Building Trade Workers of South Africa

White Building Workers' Union

(hereinafter referred to as the "employers" or "trade unions"), of the other part,

being parties to the Industrial Council for the Building Industry, Durban, further to amend the Agreement between the said parties published under Government Notice R. 1226 of 19 July 1968, as amended by Government Notices R. 999 of 20 June 1969, R. 3393 of 26 September 1969, R. 3716 of 14 November 1969, R. 1253 of 7 August 1970, R. 1704 of 9 October 1970 and R. 2022 of 20 November 1970, and extended by Government Notice R. 1253 of 23 July 1971, as follows:

**1. KLOUSULE 3.—WOORDOMSKRYWING**

(1) Voeg die volgende in tussen die woordoms krywing van "Wet" en "agent":

"administratiewe pligte" daardie pligte wat uitgevoer word deur 'n werknemer wat voltyds of hoofsaaklik in diens is by/as—

- (a) boubestuur en/of projekbestuur; of
- (b) algemene voorman, d.w.s. 'n werknemer wat 'n maandelikse salaris van minstens R375 of die weeklikse ekwivalent daarvan ontvang en wie se diensvoorwaardes verpligte lidmaatskap van 'n pensioenskema en 'n mediese bystandskema insluit, waarvan die totale koste nie minder is nie as die onderskeie bedrae voorgeskryf in klousule 19 (1) (c) en (e) van hierdie Ooreenkoms en—
  - (i) wat in 'n suiwer raadgewende hoedanigheid in diens is;
  - (ii) wat in beheer van 'n kontrak of kontrakte is;
  - (iii) wat werk uitgee aan ander werknemers onder sy beheer en toesig;
  - (iv) wat dissipline handhaaf;
  - (v) wat regstreeks aan die werkgewer verantwoordelik is vir doeltreffendheid en produksie op die perseel; en
  - (vi) van wie daar nie vereis word om die werk van 'n ambagsman te doen nie, behalwe waar hy onderrig moet gee;"

(2) Voeg die volgende in tussen die woordoms krywing van "vakleerling" en "bootsmanstoel":

"blok" 'n muureenheid waarvan die massa 5 kilogram of meer is;"

(3) Voeg die volgende in tussen die woordoms krywing van "oortydwerk" en "stukwerk":

"betaalweek" die tydperk van vyf agtereenvolgende werkdade ten opsigte waarvan die besoldiging bereken word wat aan 'n werknemer betaal moet word op die wyse voorgeskryf in klousule 21;"

(4) Voeg die volgende in tussen die woordoms krywing van "week" en "werkende werkgewer":

"werkdag" enige dag, uitgesonderd Saterdag, Sondag, Goeie Vrydag, Paasmaandag, Hemelvaartsdag, Republiekdag, Setlaarsdag, Gelofte dag, Kersdag, Nuwejaarsdag en dae wat binne die vakansietydperk voorgeskryf in klousule 16 (1) van hierdie Ooreenkoms val, ten opsigte waarvan die gewone werkure wat in klousule 14 (1) van hierdie Ooreenkoms bepaal word, van toepassing is;"

**2. KLOUSULE 16.—JAARLIKSE VERLOF EN OPENBARE VAKANSIEDAE**

(1) Voeg die volgende in by subklousule (1) (a):

"(iv) tussen die sluitingstyd op Woensdag, 15 Desember 1971, en die begintyd op Maandag, 10 Januarie 1972;"

(2) In subklousule (1) (b) skrap die woorde "en elke vyfde jaar, met ingang van 1966, Republiekdag," en voeg die woorde "Republiekdag, Setlaarsdag" in tussen die woorde "Hemelvaartsdag" en "Gelofte dag."

**3. KLOUSULE 16BIS.—SIEKTEVERLOF**

Voeg die volgende klousule in na klousule 16:

**"16bis. Siekteverlof**

Behoudens klousule 18bis, moet 'n werkgewer ten minste 10 werkdade siekteverlof altesaam gedurende elke kringloop van 12 agtereenvolgende maande diens tussen die eerste werkdag in Desember en die laaste werkdag in November elke jaar toestaan aan 'n werknemer vir wie 'n loon in klousule 17 (1) (a), (b), (c), (d), (e), (f), (g) en (j) voorgeskryf word, en wat van die werk afwesig is as gevolg van siekte of 'n ongeluk wat nie deur sy eie wangedrag veroorsaak is nie of deur 'n ongeluk of vergoedingspligtige siekte, waarvoor daar ingevolge die Ongevalwet, 1941, skadeloosstelling betaal word, en moet sodanige werknemer vir 'n tydperk van afwesigheid ooreenkomstig hierdie klousule nie minder betaal word nie as die loon wat hy sou ontvang het indien hy gedurende sodanige tydperk gewerk het: Met dien verstande dat—

(1) gedurende die eerste 24 agtereenvolgende maande diens, 'n werknemer nie geregtig is op siekteverlof met vol betaling teen 'n skaal van meer as een werkdag ten opsigte van elke voltooide tydperk van vyf weke diens gedurende sodanige tydperk nie;

(2) hierdie klousule nie van toepassing is nie op 'n werknemer op wie se skriftelike versoek 'n werkgewer bydraes, ten minste gelyk aan dié van die werknemer, maak aan 'n fonds of organisasie wat deur die werknemer aangewys is, welke fonds of organisasie die betaling aan die werknemer waarborg van altesaam ten minste die ekwivalent van sy loon vir 10 werkdade in elke kringloop van 12 maande diens in geval van sy ongeskiktheid in die omstandighede in hierdie klousule

**1. CLAUSE 3.—DEFINITIONS**

(1) Insert, between the definitions of "Act" and "agent", the following:

"administrative duties" means those duties performed by an employee who is wholly or mainly engaged in/as—

- (a) building management and or project management; or
- (b) general foreman, i.e. an employee in receipt of a monthly salary of not less than R375 or the weekly equivalent thereof, and whose conditions of employment include compulsory membership of a pension scheme and a medical aid scheme, the total cost of which is not less than the respective amounts prescribed in clause 19 (1) (c) and (e) of this Agreement and who—
  - (i) is employed in a purely advisory capacity;
  - (ii) is in charge of a contract or contracts;
  - (iii) gives out work to other employees under his control and supervision;
  - (iv) maintains discipline;
  - (v) is directly responsible to the employer for efficiency and production on site;
  - (vi) is not required to do the work of a craftsman except in an instructional capacity;"

(2) Insert between the definitions of "apprentice" and "boat-swain's chair", the following:

"block" means a walling unit whose mass is five kilogrammes or more;"

(3) Insert, between the definitions of "overtime" and "piece-work", the following:

"pay week" means the period of five consecutive working days in respect of which the remuneration to be paid to an employee, in the manner prescribed in clause 21, is calculated;"

(4) Insert, between the definitions of "week" and "working employer", the following:

"working day" means any day, other than Saturday, Sunday, Good Friday, Easter Monday, Ascension Day, Republic Day, Settlers' Day, Day of the Covenant, Christmas Day, New Year's Day and days falling within the holiday period prescribed in terms of clause 16 (1) of this Agreement, in respect of which the ordinary hours of work laid down in clause 14 (1) of this Agreement apply;"

**2. CLAUSE 16.—ANNUAL LEAVE AND PUBLIC HOLIDAYS**

(1) Add the following to subclause (1) (a):

"(iv) between finishing time on Wednesday, 15 December 1971, and starting time on Monday, 10 January 1972;"

(2) In subclause (1) (b) delete the words "and in every fifth year commencing 1966, Republic Day" and add, between the words "Ascension Day" and "the Day of the Covenant" the words "Republic Day, Settlers' Day".

**3. CLAUSE 16BIS.—SICK LEAVE**

Add, after clause 16, the following clause:

**"16bis. Sick Leave**

Subject to the provisions of clause 18bis, an employer shall grant to an employee for whom wages are prescribed in clause 17 (1) (a), (b), (c), (d), (e), (f), (g) and (j), who is absent from work through sickness or accident not caused by his own misconduct or by an accident or scheduled disease compensable under the Workmen's Compensation Act, 1941, not less than 10 working days' sick leave in the aggregate during each cycle of 12 consecutive months of employment between the first working day in December and the last working day of November of each year, and shall pay such employee in respect of any period of absence in terms of this clause not less than the wage he would have received had he worked during such period: Provided that—

(1) in the first 24 consecutive months of employment an employee shall not be entitled to sick leave on full pay at a rate of more than one working day in respect of each completed period of five weeks of employment during such period;

(2) this clause shall not apply to an employee at whose written request an employer makes contributions, at least equal to those made by the employee, to any fund or organisation, nominated by the employee, which fund or organisation guarantees to the employee in the event of his incapacity in the circumstances set out in this clause the payment to him of not less than in the aggregate the equivalent of his wage for

uiteengesit, behalwe dat, gedurende die eerste 12 maande van die betaling van bydraes deur die werknemer, die gewaarborgde skaal nie die oplopende skaal uiteengesit in voorbehoudsbepaling (1) van hierdie klousule te bowe hoef te gaan nie;

(3) waar daar deur 'n wet van 'n werkgewer vereis word om gelde vir hospitaal- of mediese behandeling van 'n werknemer te betaal, en hy sodanige gelde betaal, die bedrag aldus betaal, afgetrek kan word van die betaling verskuldig vir afwesigheid vanweë ongeskiktheid ooreenkomstig hierdie klousule;

(4) indien daar deur 'n ander wet van 'n werkgewer vereis word om 'n werknemer sy volle loon te betaal vir 'n tydperk van ongeskiktheid ooreenkomstig hierdie klousule, hierdie klousule nie van toepassing is nie."

4. KLOUSULE 17.—LONE

(1) Skrap paragrawe (a) tot (j) van subklousule (1) en vervang dit deur die volgende:

"(a) Arbeider, graad II.....	25
(b) Arbeider, graad I.....	28
(c) Bestuurder van 'n meganiese aangedrewe voertuig waarvan die onbelaste gewig, tesame met die onbelaste gewig van 'n sleepwa of -waens wat aan sodanige voertuig geheg is of daardeur getrek word—	
(i) hoogstens 4 000 lb is.....	31
(ii) meer as 4 000 lb dog hoogstens 7 000 lb is	38
(iii) meer as 7 000 lb dog hoogstens 8 500 lb is	45
(iv) meer as 8 500 lb is.....	55
(d) Bediener van 'n kragaangedrewe hyskraan....	28
(e) Bouassistent, klas II.....	46
(f) Bouassistent, klas I.....	57
	<i>Per dag</i>
(g) Werknemers wat persele patroleer en eiendom bewaak.....	R1,93
	<i>Per uur</i>
(h) Ambagsmanne en werknemers in alle ander ambagte en beroepe wat nie elders hierin gespesifiseer word nie.....	R1,14
(i) Werknemers wat diens doen gedurende die proeftydperk wat kragtens die Wet op Vakleerlinge, 1944 toegelaat word	Die loon wat vir vakleerlinge in hul eerste jaar voorgeskryf word.
	<i>Per uur Sent</i>
(j) Leerling-asfaltwerkers, -plafonaanbringers, -vloerleërs, -ruitwerkers en -dakaanbringers:	
(aa) Van 1 tot 12 maande leerlingskap.....	37
(bb) Van 13 tot 18 maande leerlingskap.....	42
(cc) Van 19 tot 24 maande leerlingskap.....	53
(dd) Van 25 tot 30 maande leerlingskap.....	63
(ee) Van 31 tot 36 maande leerlingskap.....	80"

(2) Skrap subklousule (2) en vervang dit deur die volgende:

"(2) (a) Die lone voorgeskryf vir werknemers wat in subklousule (1) (h) hiervan beskryf word, is met ingang van 25 November 1971 onderworpe aan aanpassing op die wyse voorgeskryf in paragraaf (b), gegrond op die verbruikersprysindeksyfer vir Augustus 1971.

(b) Die aanpassing voorgeskryf in paragraaf (a) moet opwaarts of afwaarts gedoen word teen 'n koers van 0,108 sent vir elke kerf van 0,1 punt wat die verbruikersprysindeksyfer beweeg op die grondslag dat R1,02 gelyk is aan 94,8 punte, altyd met dien verstande dat sodanige aanpassing van toepassing gemaak word op die naaste sent van die produk van sodanige toepassing.

(c) Vir die toepassing van hierdie klousule beteken die uitdrukking—

(i) 'verbruikersprysindeksyfer' die verbruikersprysindeksyfer vir Durban met betrekking tot alle items, soos deur die Sekretaris van Statistiek in die *Staatskoerant* gepubliseer, ten opsigte van sodanige gebied vergeleke met homself vir April 1970; en

(ii) 'kerf' elke voltooide trap van 0,1-puntverskil in die verbruikersprysindeksyfer opwaarts of afwaarts van 94,8 punte."

(3) Voeg die volgende subklousule in na subklousule (2):

"(3) Benewens die loon vir werknemers voorgeskryf in subklousule (1), moet 'n werkgewer 'n bykomende bedrag van R1 per week aan so 'n werknemer betaal wat hom op die gewone begintye op elk van die werkdae in 'n betaalweek vir diens aangemeld het: Met dien verstande dat vir die toepassing van hierdie

10 working days in each cycle of 12 months of employment, except that during the first 12 months of the payment of contributions by the employee the guaranteed rate need not exceed the rate of accrual set out in proviso (1) to this clause;

(3) where an employer is by any law required to pay fees for hospital or medical treatment in respect of an employee, and pays such fees, the amount so paid may be set off against the payment due in respect of absence owing to incapacity in terms of this clause;

(4) if, in respect of any period of incapacity covered by this clause an employer is required by any other law to pay to an employee his full wages, the provisions of this clause shall not apply;"

4. CLAUSE 17.—WAGES

(1) Delete paragraphs (a) to (i) of subclause (1), substituting therefor the following:

"(a) Labourer, Grade II.....	25
(b) Labourer, Grade I.....	28
(c) Driver of mechanical vehicle, the unladen weight of which, together with the unladen weight of any trailer or trailers attached to or drawn by such vehicle is—	
(i) up to and including 4 000 lb.....	31
(ii) over 4 000 lb up to and including 7 000 lb	38
(iii) over 7 000 lb up to and including 8 500 lb	45
(iv) over 8 500 lb.....	55
(d) Operator of a power-driven crane.....	28
(e) Building assistant, Class II.....	46
(f) Building assistant, Class I.....	57
	<i>Per day</i>
(g) Employees engaged on patrolling premises and guarding property.....	R1,93
	<i>Per hour</i>
(h) Craftsmen and employees in all other trades and occupations not elsewhere herein specified....	R1,14
(i) Employees employed during the probationary period allowed under the Apprenticeship Act, 1944	The rate laid down for first-year apprentices.
(j) Learner asphalters, ceiling fixers, floorlayers, glaziers and roofing fixers:	
	<i>Per hour Cents</i>
(aa) From 1 to 12 months of learnership.....	37
(bb) From 13 to 18 months of learnership....	42
(cc) From 19 to 24 months of learnership....	53
(dd) From 25 to 30 months of learnership....	63
(ee) From 31 to 36 months of learnership....	80"

(2) Delete subclause (2), substituting the following therefor:

"(2) (a) The wages prescribed for employees described in subclause (1) (h) hereof shall be subject to adjustment in the manner prescribed in paragraph (b), with effect from 25 November 1971, based on the Consumer Price Index for August 1971.

(b) The adjustment prescribed in paragraph (a) shall be made upwards or downwards at a rate of 0,108 cent for each notch of 0,1 point traversed by the Consumer Price Index figure on the basis that R1,02 equals 94,8 points, provided always that such adjustment shall be applied to the nearest cent of the product of such adjustment.

(c) For the purpose of this clause the term—

(i) 'Consumer Price Index' means the Consumer Price Index for Durban relating to all items as published by the Secretary for Statistics in the *Government Gazette* in respect of such area compared with itself for April 1970; and

(ii) 'notch' means each completed stage of 0,1 point variation in the Consumer Price Index figure upwards or downwards from 94,8 points."

(3) Insert after subclause (2) the following subclause:

"(3) In addition to the wages prescribed for employees in subclause (1) (a) and (b), an employer shall pay such an employee, who has presented himself for employment at normal commencement times on each of the working days in any pay week, an additional amount of R1 per week: Provided that for the

subklousule tyd verloor vanweë slegte weer ooreenkomstig klousule 17 (6) waar 'n werknemer vir diens aangemeld het, geag word diens te wees."

(4) Verander die nommers van subklousules (3) tot en met (9) na (4) tot en met (10).

(5) In subklousule (9), vervang die syfer "(5)" deur "(6)".

**5. KLOUSULE 18.—VAKANSIEBESOLDIGING**

(1) In subklousule (1) (a), skrap die woorde "en elke vyfde jaar, met ingang van 1966, Republiekdag", en vervang dit deur die woorde "Republiekdag en Setlaarsdag".

(2) In subklousule (1) (b), skrap die opskrif "Vakansietydperk" en vervang dit deur die opskrif "Geloftedag en vakansietydperk".

(3) Voeg die volgende paragraaf in na subklousule (2) (b): "(c) op en na 29 Julie 1971, 9½ sent per uur gewerk;"

**6. KLOUSULE 18BIS.—SIEKEBESOLDIGING**

Voeg die volgende klousule in na klousule 18:

"18bis. *Siekebesoldiging*

(1) Benewens enige besoldiging waarop die werknemers in hierdie klousule bedoel, ingevolge hierdie Ooreenkoms geregig is, moet 'n werkgewer, slegs ten opsigte van die ure gewerk binne die tye voorgeskryf in klousule 14 (1), genoemde werknemers krediteer met die bedrae hieronder voorgeskryf, vir die doel wat in subklousule (2) beskryf word:

<i>Klas werknemer</i>	<i>Per uur Sent</i>
(a) Arbeider, graad II.....	1,1
(b) Arbeider, graad I.....	1,2
(c) Bestuurder van 'n meganies aangedrewe voertuig waarvan die onbelaste gewig, tesame met die onbelaste gewig van 'n sleepwa of -waens wat aan sodanige voertuig geheg is of daardeur getrek word—	
(i) hoogstens 4 000 lb is.....	1,3
(ii) meer as 4 000 lb dog hoogstens 7 000 lb is	1,6
(iii) meer as 7 000 lb dog hoogstens 8 500 lb is	1,9
(iv) meer as 8 500 lb is.....	2,3
(d) Bediener van 'n kragaangedrewe hyskraan....	1,2
(e) Bouassistent, klas II.....	1,9
(f) Bouassistent, klas I.....	2,4
	<i>Per dag</i>
(g) Werknemers wat persele patrolleer en eiendom bewaak.....	6,7
	<i>Per uur</i>
(h) Leerlingasfaltwerkers, -plafonaanbringers, -vloerleërs, -ruitwerkers en -dakaanbringers:	
(i) Van 1 tot 12 maande leerlingenskap.....	1,6
(ii) Van 13 tot 18 maande leerlingenskap.....	1,8
(iii) Van 19 tot 24 maande leerlingenskap.....	2,2
(iv) Van 25 tot 30 maande leerlingenskap.....	2,6
(v) Van 31 tot 36 maande leerlingenskap.....	3,4

(2) (a) Behoudens paragrafe (b) en (c) moet die bedrag voorgeskryf in subklousule (1) gebruik word vir die betaling van siekteverlof aan 'n werknemer toegestaan ingevolge klousule 16bis.

(b) (i) In die geval van 'n werknemer aan wie geen siekteverlof toegestaan is nie of aan wie siekteverlof vir 'n korter tydperk as die maksimum siekteverlof voorgeskryf in klousule 16bis toegestaan is gedurende enige tydperk van 12 agtereenvolgende maande tussen die eerste werkdag in Desember en die laaste werkdag in November elke jaar, moet die bedrag wat op die laaste werkdag in November elke jaar in die krediet van 'n werknemer oorbly, soos vasgestel ooreenkomstig subparagraaf (iii), op die laaste betaaldag voor die begin van die vakansietydperk aan die werknemer betaal word.

(ii) Waar die werknemer se dienskontrak voor die laaste werkdag in November beëindig word, moet enige olopende bedrag ooreenkomstig subparagraaf (i), by sodanige verstryking aan die werknemer betaal word.

(iii) Vir die toepassing van subparagraaf (i) is die bedrag wat in die krediet van 'n werknemer oorbly die verskil tussen—

(aa) die bedrag wat ingevolge subklousule (1) in die krediet van sodanige werknemer is; en

(bb) die bedrag wat ingevolge klousule 16bis vir siekteverlof aan sodanige werknemer betaal is;

gedurende sodanige tydperk van twaalf agtereenvolgende maande van die eerste werkdag in Desember af tot die laaste werkdag in November elke jaar.

purposes of this subclause any time lost due to inclement weather in terms of clause 17 (6) where an employee has presented himself for employment shall be deemed to constitute employment."

(4) Re-number subclauses (3) to (9) inclusive to be (4) to (10) inclusive.

(5) In subclause (9) substitute "(6)" for the figure "(5)".

**5. CLAUSE 18.—HOLIDAY PAY**

(1) In subclause (1) (a), delete the words "and in every fifth year commencing 1966, Republic Day", substituting therefor the words "Republic Day and Settlers' Day"

(2) In subclause (1) (b) delete the heading "Holiday Period", substituting therefor the heading "Day of the Covenant and Holiday Period."

(3) Insert the following paragraph after paragraph (b) of subclause (2):

"(c) on and after 29 July 1971, an amount of 9½ cents per hour worked;"

**6. CLAUSE 18BIS.—SICK PAY**

Add, after clause 18, the following clause:

18bis. *Sick Pay*

(1) In addition to any remuneration to which the employees referred to in this clause may be entitled in terms of this Agreement, an employer shall, in respect only of the hours worked within the times prescribed in clause 14 (1), credit the said employees with the amounts prescribed hereunder for the purpose described in subclause (2):

<i>Category of employee</i>	<i>Per hour Cents</i>
(a) Labourer, Grade II.....	1,1
(b) Labourer, Grade I.....	1,2
(c) Driver of mechanical vehicle, the unladen weight of which, together with the unladen weight of any trailer or trailers attached to or drawn by such vehicle is—	
(i) up to and including 4 000 lb.....	1,3
(ii) over 4 000 lb up to and including 7 000 lb	1,6
(iii) over 7 000 lb up to and including 8 500 lb	1,9
(iv) over 8 500 lb.....	2,3
(d) Operator of a power-driven crane.....	1,2
(e) Building assistant, Class II.....	1,9
(f) Building assistant, Class I.....	2,4
	<i>Per day</i>
(g) Employee engaged on patrolling premises and guarding property.....	6,7
	<i>Per hour</i>
(h) Learner asphalters, ceiling fixers, floorlayers, glaziers and roofing fixers:	
(i) From 1 to 12 months of learnership....	1,6
(ii) From 13 to 18 months of learnership....	1,8
(iii) From 19 to 24 months of learnership....	2,2
(iv) From 25 to 30 months of learnership....	2,6
(v) From 31 to 36 months of learnership....	3,4

(2) (a) Subject to the provisions of paragraphs (b) and (c) the amount prescribed in subclause (1) shall be applied to the payment of sick leave granted to an employee in terms of clause 16bis.

(b) (i) In the event of an employee not having been granted any sick leave or having been granted sick leave for a lesser period than the maximum sick leave prescribed in clause 16bis during any period of 12 consecutive months between the first working day in December and the last working day in November of each year, the amount remaining to the credit of an employee as at the last working day in November of each year, as determined in accordance with the provisions of subparagraph (iii) shall be paid to the employee on the last pay day prior to the commencement of the holiday period.

(ii) Where the employee's contract of employment terminates prior to the last working day in November, any amount in the process of accrual in terms of subparagraph (i) shall be paid to the employee on such termination.

(iii) For the purpose of subparagraph (i), the amount remaining to the credit of an employee shall be the difference between—

(aa) the amount standing to the credit of such employee in terms of subclause (1); and

(bb) the amount paid to such employee in respect of sick leave in terms of clause 16bis;

during such period of 12 consecutive months from the first working day in December to the last working day in November of each year.

(3) 'n Werkgewer kan, as 'n opskortende voorwaarde vir die betaling deur hom van 'n bedrag ingevolge hierdie klousule deur 'n werknemer geëis ten opsigte van afwesigheid van die werk—

(a) vir 'n tydperk van meer as twee agtereenvolgende werkdag; of

(b) op die werkdag onmiddellik voor of die werkdag onmiddellik na 'n Sondag of die vakansiedae in klousule 16 (1) voorgeskryf;

van die werknemer vereis om 'n sertifikaat voor te lê wat deur 'n mediese praktisyn onderteken is en waarop die aard en duur van die werknemer se ongeskiktheid getoon word; Met dien verstande dat, waar 'n werknemer gedurende 'n tydperk van tot agt agtereenvolgende weke by twee of meer geleenthede betaling ingevolge hierdie klousule ontvang het sonder om so 'n sertifikaat voor te lê, sy werkgewer gedurende die tydperk van agt agtereenvolgende weke wat onmiddellik op die laaste van hierdie geleenthede volg, van hom kan vereis om so 'n sertifikaat ten opsigte van alle tydperke van afwesigheid van die werk voor te lê.

(4) Vir die toepassing van hierdie klousule word die uitdrukking 'diens' geag die volgende in te sluit:

(a) 'n Tydperk wat die werknemer afwesig is—

- (i) met vakansie ingevolge klousule 16;
- (ii) in opdrag of op versoek van sy werkgewer;
- (iii) met siekteverlof ingevolge subklousule 16bis van altesaam hoogstens 10 weke in 'n jaar;

(b) tyd wat sy werkgewer van 'n werknemer vereis om nie te werk nie vanweë gure weer, slapte in die bedryf, 'n tekort aan materiaal of die ontklaarraking van masjinerie;

(c) enige tydperk wat die werknemer afwesig is vir militêre opleiding ingevolge die Verdedigingswet, 1957: Met dien verstande dat 'n werknemer nie geregtig is om meer as vier maande van een sodanige opleidings tydperk as diens te eis nie.”

7. KLOUSULE 19.—AANVULLENDE BESOLDIGING EN BYDRAËS

(1) Voeg die volgende kolom by subklousule (1):

“(D)
Van 29 Julie 1971
R
3,80
4,00
3,70
1,20
2,80
0,20
0,08
0,08
0,20
<u>R16,06”</u>

(2) Voeg die volgende kolom by subklousule (3):

“(D)
Van 29 Julie 1971
Sent per uur
9½
10
7¼
2
3½
<u>32¼”</u>

(3) Voeg die volgende kolom by subklousule (4) (a):

“(D)
Van 29 Julie 1971
R
3,80
4,00
3,70
1,20
2,80
0,10
<u>R15,60”</u>

(4) Vervang “17 (7) (a) (ii)” in subklousule (5) (a) deur “17 (8) (a) (ii).”.

(3) An employer may, as a condition precedent to the payment by him of any amount claimed in terms of this clause by an employee in respect of any absence from work—

(a) for a period covering more than two consecutive working days; or

(b) on the work day immediately preceding or the work day immediately succeeding a Sunday or the holidays prescribed in clause 16 (1);

require the employee to produce a certificate signed by a medical practitioner stating the nature and duration of the employee's incapacity: Provided that when an employee has during any period of up to eight consecutive weeks received payment in terms of this clause on two or more occasions without producing such a certificate, his employer may during the period of eight consecutive weeks immediately succeeding the last such occasion require him to produce such a certificate in respect of any absence from work.

(4) For the purpose of this clause the expression “employment” shall be deemed to include—

(a) any period during which the employee is absent—

- (i) on holiday in terms of clause 16;
- (ii) on the instructions or at the request of his employer;
- (iii) on sick leave in terms of subclause 16bis amounting in the aggregate, in any year, to not more than 10 weeks;

(b) any time during which an employee is required by his employer not to work because of inclement weather, slackness of trade, shortage of material or a breakdown of machinery;

(c) any period during which the employee is absent undergoing military training in pursuance of the Defence Act, 1957: Provided that an employee shall not be entitled to claim as employment more than four months of any one period of such training.”

7. CLAUSE 19.—SUPPLEMENTARY REMUNERATION AND CONTRIBUTION

(1) Add the following column to subclause (1):

“(D)
From 29 July 1971
R
3,80
4,00
3,70
1,20
2,80
0,20
0,08
0,08
0,20
<u>R16,06”</u>

(2) Add the following column to subclause (3):

“(D)
From 29 July 1971
Cents per hour
9½
10
7¼
2
3½
<u>32¼”</u>

(3) Add the following column to subclause (4) (a):

“(D)
From 29 July 1971
R
3,80
4,00
3,70
1,20
2,80
0,10
<u>R15,60”</u>

(4) Substitute “17 (8) (a) (ii)” for “17 (7) (a) (ii)” in subclause (5) (a).



**8. KLOUSULE 22.—DIENSBEËINDIGING**

Skrap die bestaande klausule en vervang dit deur die volgende:

**"22. Diensbeëindiging**

(1) Geen kennisgewing van diensbeëindiging word vereis nie, tensy die betrokke werknemer minstens drie werkdag vir dieselfde werkgever gewerk het.

(2) 'n Werknemer wat voornemens is om sy diens by sy werkgever te beëindig en 'n werkgever wat voornemens is om die diens van 'n werknemer te beëindig, moet minstens een werkdag kennis gee van sodanige diensbeëindiging aan die werkgever of werknemer, na gelang van die geval: Met dien verstande dat dit nie die volgende raak nie:

(a) Die reg van 'n werkgever of 'n werknemer om diens sonder kennisgewing te beëindig om enige regseldige rede; of

(b) die inwerktrading van enige toepaslike verbeurings of boetes ten opsigte van 'n werknemer wat dros.

(3) (a) 'n Werkgever kan 'n werknemer een werkdag se besoldiging gee in plaas van die kennisgewing waarop die werknemer geregtig is.

(b) 'n Werknemer kan een werkdag se besoldiging aan sy werkgever betaal of verbeur in plaas van kennisgewing waarop die werkgever geregtig is.

(4) 'n Werknemer wat ingevolge hierdie klausule betaling in plaas van kennisgewing ontvang het, word geag die getal ure te gewerk het waarvoor hy aldus betaal is, benewens en volgende op die getal ure wat hy werklik gewerk het.

(5) Indien 'n werkgever vir wie lone in subklausule 17 (1) (h) voorgeskryf word, kennis gee soos in subklausule (2) van hierdie klausule bedoel, en slegs in dié geval, moet die betrokke werknemer, in die geval van skrynerkers en winkeluitrusters, twee uur, en in die geval van ander werknemers 30 minute gegun word om sy gereedskap in werkende order te bring, dog hy moet nogtans vir die gedeelte van die kennisgewingtydperk wat nie vir hierdie doel nodig is nie, tot by ophou tyd voortgaan met die werk waarvoor hy in diens geneem is."

**9. KLOUSULE 32.—VAKANSIEFONDS VAN DIE BOUNYWERHEID**

Skrap die opskrif en paragraaf (a) van subklausule (9) en vervang dit deur die volgende:

"(9) Betaling vir openbare vakansiedae (Goëie Vrydag, Paasmaandag, Hemelvaartdag, Republiekdag, Setlaarsdag):

(a) Elke hydraeboek wat deur die Raad uitgereik word aan werknemers vir wie lone voorgeskryf word in klausule 17 (1) (h), moet verwyderbare koepons bevat vir betalings ten opsigte van Goëie Vrydag, Paasmaandag, Hemelvaartdag, Republiekdag en Setlaarsdag."

**10. KLOUSULE 33 (6).—BYSTANDFONDS VAN DIE BOUNYWERHEID**

(1) In klausule 4 van die Bylae:

(a) Skrap "R5,10" in subklausule (2) (a) (ii) en vervang dit deur "die bedrag voorgeskryf in item (bb) hierna,".

(b) Skrap "van R5,10" in subklausule (2) (a) (ii) (aa) en vervang dit deur "voorgeskryf in item (bb) hierna,".

(c) Skrap "van R5,10" in subklausule (2) (a) (ii) (bb) en vervang dit deur "betaalbaar ingevolge hierdie subparagraaf" en voeg die volgende kolom by tot daardie subklausule:

"Van 29 Julie 1971

R
3,80
3,70
-----
R7,50"

(2) In klausule 5 van die Bylae:

(a) Verander die nommers van subklausules (1), (2) en (3) na (2), (3) en (4).

(b) Voeg die volgende subklausule by:

"(1) Is hierdie klausule en klausule 2 (1), (2), (3), (6), (9) en (10) van hierdie Bylae *mutatis mutandis* in toepassing op 'n werknemer wat in die Nywerheid in diens is ingevolge 'n leerlingskontrak wat ingevolge die Wet op Vakleerlinge, 1944 (Wet 37 van 1944), geregistreer is of ingevolge 'n leerlingskapkontrak wat ingevolge klausule 4 (4) van hierdie Ooreenkoms geregistreer is: Met dien verstande dat, vir die toepassing van hierdie klausule—

(a) sodanige vakleerling of leerling geag word 'n lid van die Fonds te wees; en

(b) daar nie van sodanige vakleerling of leerling vereis mag word nie om te voldoen aan die bepalinge van klausules 1 en 2 (4), (5), (7) en (8) van hierdie Bylae; en

**8. CLAUSE 22.—TERMINATION OF EMPLOYMENT**

Delete the existing clause, substituting the following therefor:

**"22. Termination of Employment**

(1) No notice of termination of employment shall be required unless the employee concerned has worked for at least three working days for the same employer.

(2) An employee desirous of terminating his employment with his employer, and an employer desirous of terminating the services of an employee, shall give not less than one working day's notice of such termination of employment to the employer or the employee, as the case may be: Provided that this shall not affect—

(a) the right of an employer or an employee to terminate employment without notice for any cause recognised by law as sufficient; or

(b) the operation of any forfeitures or penalties which may be applicable in respect of an employee who deserts.

(3) (a) An employer may give an employee one working day's remuneration in lieu of the notice to which the employee is entitled.

(b) An employee may pay or forfeit to his employer one working day's remuneration in lieu of the notice to which the employer is entitled.

(4) An employee who receives payment in lieu of notice in terms of this clause, shall be deemed to have worked the number of hours in respect of which he thus received payment, in addition to, and following on, the number of hours he actually worked.

(5) In the event of an employer giving to any employee for whom wages are prescribed in clause 17 (1) (h) the period of notice referred to in subclause (2) of this clause, then, and in such event only, the employee concerned shall be allowed, in the case of joiners and shopfitters, two hours, and in the case of other employees, 30 minutes to put his tools in working order, but shall nevertheless continue until finishing time at the work for which he was engaged for any portion of the notice period not required for this purpose."

**9. CLAUSE 32.—BUILDING INDUSTRY HOLIDAY FUND**

Delete the heading and paragraph (a) of subclause (9), substituting the following therefor:

"(9) Payment for public holidays (Good Friday, Easter Monday, Ascension Day, Republic Day, Settler's Day):

(a) Each contribution book issued by the Council to employees for whom wages are prescribed in clause 17 (1) (h) shall contain detachable coupons for payments in respect of Good Friday, Easter Monday, Ascension Day, Republic Day and Settler's Day."

**10. CLAUSE 33 (6).—BUILDING INDUSTRY BENEFIT FUND**

(1) In clause 4 of the Schedule:

(a) Substitute "the amount prescribed in item (bb) hereunder" for "R5,10" in subclause (2) (a) (ii).

(b) Substitute "prescribed in item (bb) hereunder" for "of R5,10" in subclause (2) (a) (ii) (aa).

(c) Substitute "payable in terms of this subparagraph" for "of R5,10" in subclause (2) (a) (ii) (bb) and add the following column to that subclause:

"From 29 July 1971

R
3,80
3,70
-----
R7,50"

(2) In clause 5 of the Schedule:

(a) Re-number subclauses (1), (2) and (3) to be subclauses (2), (3) and (4).

(b) Insert the following subclause:

"(1) The provisions of this clause and of clause 2 (1), (2), (3), (6), (9) and (10) of this Schedule shall *mutatis mutandis* apply to an employee who is employed in the Industry under a contract of apprenticeship registered in terms of the Apprenticeship Act, 1944 (Act 37 of 1944), or under a contract of learnership registered in terms of clause 4 (4) of this Agreement: Provided that, for the purpose of this clause, such apprentice or learner—

(a) shall be deemed to be a member of the Fund; and

(b) shall not be required to comply with the provisions of clauses 1 and 2 (4), (5), (7) and (8) of this Schedule; and

(c) sodanige vakleerling of leerling nie geregtig is nie op die bystand voorgeskryf in klousules 3, 4 en 6 van hierdie Bylae.”.

(c) Skrap die woorde “subklousule (2)” in subklousule (3) en vervang dit deur die woorde “subklousule (3)”.

Op hede die 11de dag van Maart 1971, namens die partye, in Durban onderteken.

J. A. REARDON, Voorsitter.

F. MOSSMAN, Lid.

N. G. HARRIS, Sekretaris.

(Behoorlik daartoe gemagtig by besluit van die Raad.)

No. R. 1255

23 Julie 1971

WET OP FABRIEKE, MASJINERIE EN  
BOUWERK, 1941

BOUNYWERHEID, DURBAN

Ek, Marais Viljoen, Minister van Arbeid, stel hierby kragtens artikel 54 (1) van die Wet op Fabriek, Masjinerie en Bouwerk, 1941, alle werkgewers wat onderworpe is aan die bepalings van die Ooreenkoms gepubliseer by Goewermentskennigewing R. 1226 van 19 Julie 1968, soos gewysig en verleng, met ingang van 29 Julie 1971 en vir sodanige tydperk of tydperke as wat genoemde Ooreenkoms kragtens die Wet op Nywerheidsversoening, 1956, bindend mag wees, vry van die vereistes van artikel 21A van eersgenoemde Wet ten opsigte van werknemers wat op die siektebystand kragtens klousule 33 van genoemde Ooreenkoms geregtig is.

M. VILJOEN, Minister van Arbeid.

No. R. 1256

23 Julie 1971

WET OP NYWERHEIDSVERSOENING, 1956

WERKRESERVERINGVASSTELLING 13.— BOU-  
NYWERHEID, KAAPPROVINSIE EN NATAL  
VRYSTELLING TEN OPSIGTE VAN SEKERE  
GEBIEDE IN NATAL

Hierby word vir algemene inligting bekendgemaak dat die Minister van Arbeid kragtens artikel 77 (10) van die Wet op Nywerheidsversoening, 1956, vrystelling van die bepalings van Vasstelling 13 wat by Goewermentskennigewing R. 1861 van 9 November 1962 gepubliseer is, aan alle werkgewers en hul werknemers vir wie die Ooreenkoms in verband met die Bounywerheid, Durban, gepubliseer by Goewermentskennigewing R. 1226 van 19 Julie 1968, soos gewysig en verleng, bindend is, verleen het vanaf 29 Julie 1971 en vir sodanige tydperk of tydperke as wat genoemde Ooreenkoms kragtens genoemde Wet bindend mag wees, in dié mate dat persone wat nie Blanke persone is nie, toegelaat mag word om in genoemde Nywerheid enige werk wat gespesifiseer is in die omskrywings van “bou-assistent, klas I” en “bou-assistent, klas II”, in klousule 3 van genoemde Ooreenkoms, te verrig.

Die vrystelling is verleen op voorwaarde dat dit ten opsigte van enige werkgewer sal verval sodra sodanige werkgewer 'n Blanke wat by hom in diens is in werk ten opsigte waarvan vrystelling verleen is, vervang deur 'n persoon wat nie 'n Blanke persoon is nie.

(c) shall not be entitled to the benefits prescribed in clauses 3, 4 and 6 of this Schedule.”.

(c) Delete the words “subclause (2)” in subclause (3), substituting therefor the words “subclause (3)”.

Signed at Durban on behalf of the parties this 11th day of March 1971.

J. A. REARDON, Chairman.

F. MOSSMAN, Member.

N. G. HARRIS, Secretary.

(Duly authorised thereto by resolution of the Council.)

No. R. 1255

23 July 1971

FACTORIES, MACHINERY AND BUILDING WORK  
ACT, 1941

BUILDING INDUSTRY, DURBAN

I, Marais Viljoen, Minister of Labour, hereby in terms of section 54 (1) of the Factories, Machinery and Building Work Act, 1941, exempt all employers who are subject to the provisions of the Agreement published under Government Notice R. 1226 of 19 July 1968, as amended and extended, with effect from 29 July 1971 and for such period or periods as the said Agreement may be binding in terms of the Industrial Conciliation Act, 1956, from the requirements of section 21A of the firstmentioned Act in respect of employees who are entitled to sick benefits in terms of clause 33 of the said Agreement.

M. VILJOEN, Minister of Labour.

No. R. 1256

23 July 1971

INDUSTRIAL CONCILIATION ACT, 1956

WORK RESERVATION DETERMINATION 13.—  
BUILDING INDUSTRY, CAPE PROVINCE AND  
NATAL  
EXEMPTION IN RESPECT OF CERTAIN AREAS IN  
NATAL

It is hereby notified for general information that the Minister of Labour has in terms of section 77 (10) of the Industrial Conciliation Act, 1956, granted exemption from the provisions of Determination 13, published under Government Notice R. 1861 of 9 November 1962, with effect from 29 July 1971 and for such period or periods as the Agreement relating to the Building Industry, Durban, published under Government Notice R. 1226 of 19 July 1968, as amended and extended, may be binding in terms of the said Act, to all employers and their employees who are bound by the said Agreement, to the extent that persons who are not White persons may in the said Industry perform any work specified in the definitions of “Building Assistant, Class I,” and “Building Assistant, Class II,” in clause 3 of the said Agreement.

The exemption has been granted on condition that it shall cease to operate in respect of any employer immediately such employer replaces a White person employed by him on work in respect of which exemption has been granted, by a person who is not a White person.



No. R. 1257 23 Julie 1971  
WET OP VAKLEERLINGE, 1944, SOOS GEWYSIG  
VAKLEERLINGSKAPKOMITEE VIR DIE HAAR-  
SNYERSBEDRYF, DURBAN.—WYSIGING VAN  
LEERVOORWAARDES

Ek, Marais Viljoen, Minister van Arbeid, verklaar hierby, ingevolge artikel 16 (4)ter van bogemelde Wet, dat die bepaling van Goewermentskenningsgewing R. 866 van 28 Mei 1971 in werking tree met ingang van die datum van publikasie van hierdie kennisgewing.

M. VILJOEN, Minister van Arbeid.

No. R. 1259 23 Julie 1971  
WET OP NYWERHEIDSVERSOENING, 1956  
SUIKERVERVAARDIGINGS- EN RAFFINEER-  
NYWERHEID, NATAL

Onderstaande verbeterings van Goewermentskenningsgewing R. 196 wat in *Staatskoerant* 2993 van 17 Februarie 1971 verskyn, word vir algemene inligting gepubliseer:

In die Engelse teks van die Bylae—

(i) voeg "had" in na "has" in die omskrywing van "assistant or bench chemist, certificated" in klousule 3;

(ii) voeg "or" in na "assistant" waar dit vir die tweede keer verskyn in die omskrywing van "chemist" in klousule 3;

(iii) skrap "not" na "had" in die omskrywing van "sugar pan boiler, unqualified" in klousule 3;

(iv) vervang "five" in paragraaf (i) van die voorbehoudsbepaling van klousule 10 (1) deur "six";

(v) voeg "to" in na "pay" in paragraaf (vi) van die voorbehoudsbepaling van klousule 10 (1);

(vi) vervang "incapability" in klousule 10 (2) deur "incapacity".

No. R. 1260 23 Julie 1971  
WET OP NYWERHEIDSVERSOENING, 1956  
SUIKERVERVAARDIGERS- EN RAFFINEER-  
NYWERHEID, NATAL

Onderstaande verbeterings van Goewermentskenningsgewing R. 197 wat in *Staatskoerant* 2993 van 17 Februarie 1971 verskyn, word vir algemene inligting gepubliseer:

In die Engelse teks van die Bylae—

(i) vervang "artisans" in die omskrywing van "artisan's assistant or handyboy" in klousule 3 deur "artisan";

(ii) vervang "or" waar dit vir die eerste keer voorkom in item (g) van die omskrywing van "factory clerk" in klousule 3 deur "of";

(iii) vervang "fully" in klousule 4 (2) deur "full";

(iv) voeg 'n komma in tussen "insurance" en "provident" in klousule 5 (6) (a);

(v) vervang "be substituted" in klousule 7 (2) (iii) deur "in substitution";

(vi) vervang "4 (i)" in klousule 8 (6) deur "4 (1)";

(vii) voeg "sick" in tussen "such" en "leave" in klousule 9 (1);

(viii) vervang "bory" in klousule 22 (a) deur "body".

No. R. 1257 23 July 1971  
APPRENTICESHIP ACT, 1944, AS AMENDED  
DURBAN HAIRDRESSING INDUSTRY APPREN-  
TICESHIP COMMITTEE. — AMENDMENT OF  
CONDITIONS OF APPRENTICESHIP

I, Marais Viljoen, Minister of Labour, hereby in terms of section 16 (4)ter of the above-mentioned Act, declare that the provisions of Government Notice R. 866 of 28 May 1971 shall come into operation as from the date of publication of this notice.

M. VILJOEN, Minister of Labour.

No. R. 1259 23 July 1971  
INDUSTRIAL CONCILIATION ACT, 1956  
SUGAR MANUFACTURING AND REFINING  
INDUSTRY, NATAL

The following corrections to Government Notice R. 196 appearing in *Government Gazette* 2993 of 17 February 1971 are published for general information:

In the English text of the Schedule—

(i) insert "had" after "has" in the definition of "assistant or bench chemist, certificated" in clause 3;

(ii) insert "or" after "assistant" where it appear for the second time in the definition of "chemist" in clause 3;

(iii) delete "not" after "had" in the definition of "sugar pan boiler, unqualified" in clause 3;

(iv) substitute "six" for "five" in paragraph (i) of proviso to clause 10 (1);

(v) insert "to" after "pay" in paragraph (vi) of the proviso to clause 10 (1);

(vi) substitute "incapacity" for "incapability" in clause 10 (2).

No. R. 1260 23 July 1971  
INDUSTRIAL CONCILIATION ACT, 1956  
SUGAR MANUFACTURING AND REFINING  
INDUSTRY, NATAL

The following corrections to Government Notice R. 197 appearing in *Government Gazette* 2993 of 17 February 1971 are published for general information:

In the English text of the Schedule—

(i) substitute "artisan" for "artisans" in the definition of "artisan's assistant or handyboy" in clause 3;

(ii) substitute "of" for "or" where it appears for the first time in item (g) of the definition of "factory clerk" in clause 3;

(iii) substitute "full" for "fully" in clause 4 (2);

(iv) insert a comma between "insurance" and "provident" in clause 5 (6) (a);

(v) substitute "in substitution" for "be substituted" in clause 7 (2) (iii);

(vi) substitute "4 (1)" for "4 (i)" in clause 8 (6);

(vii) insert "sick" between "such" and "leave" in clause 9 (1);

(viii) substitute "body" for "bory" in clause 22 (a).

No. R. 1261 27 Julie 1971

WET OP NYWERHEIDSVERSOENING, 1956

KLERASIENYWERHEID, OOSTELIKE PROVINSIE

Die volgende verbeterings van Goewermenskennisgewing R. 818 wat in *Staatskoerant* 3113 van 21 Mei 1971 verskyn, word vir algemene inligting gepubliseer:

In die Engelse teks van die Bylae—

(i) vervang "an/or" in die woordoms krywing van "cleaning" in klousule 3 deur "and/or";

(ii) vervang "filling" in item (4) van die woordoms krywing van "factory clerk" in klousule 3 deur "filing";

(iii) vervang "12,75" waar dit in die eerste kolom teenoor die woorde "Fifth 26 weeks" in klousule 4 (1) (a) verskyn, deur "18,75";

(iv) vervang "9,27" waar dit in die tweede kolom teenoor die woorde "Fifth 26 weeks" in klousule 4 (1) (d) verskyn, deur "9,29";

(v) voeg "shall" in na "clause" in klousule 15;

(vi) vervang "opned" in klousule 21 (5) deur "opened".

In die Afrikaanse teks van die Bylae—

(i) vervang "12,75" waar dit in die eerste kolom teenoor die woorde "Vyfde 26 weke" in klousule 4 (1) (a) verskyn, deur "18,75";

(ii) vervang "9,27" waar dit in die tweede kolom teenoor die woorde "Vyfde 26 weke" in klousule 4 (1) (d) verskyn, deur "9,29".

No. R. 1262 23 Julie 1971

WET OP NYWERHEIDSVERSOENING, 1956

KLERASIENYWERHEID, OOSTELIKE PROVINSIE

Die volgende verbeterings van die Engelse teks van die Bylae tot Goewermenskennisgewing R. 820 wat in *Staatskoerant* 3113 van 21 Mei 1971 verskyn, word vir algemene inligting gepubliseer:

(i) Vervang "let" in klousule 4 (5) (j) deur "left".

(ii) Vervang "experation" in klousule 4 (13) deur "expiration".

No. R. 1263 23 Julie 1971

WET OP NYWERHEIDSVERSOENING, 1956

KLERASIENYWERHEID, OOSTELIKE PROVINSIE

Die volgende verbeterings van die Engelse teks van die Bylae tot Goewermenskennisgewing R. 821 wat in *Staatskoerant* 3113 van 21 Mei 1971 verskyn word vir algemene inligting gepubliseer:

(i) Vervang "nor" in "Group 3" van klousule 4 (5) (a) deur "not".

(ii) Vervang "in disposition" in paragraaf (ii) in die omskrywing van "illness" in klousule 4 (6) (d) deur "indisposition".

(iii) Vervang "heading" in klousule 4 (9) (b) deur "headings".

No. R. 1261 23 July 1971

INDUSTRIAL CONCILIATION ACT, 1956

CLOTHING INDUSTRY, EASTERN PROVINCE

The following corrections to Government Notice R. 818 appearing in *Government Gazette* 3113 of 21 May 1971, are published for general information:

In the English text of the Schedule—

(i) substitute "and/or" for "an/or" in the definition of "cleaning" in clause 3;

(ii) substitute "filing" for "filling" in item (4) of the definition of "factory clerk" in clause 3;

(iii) substitute "18,75" for "12,75" where it appears in the first column opposite the words "Fifth 26 weeks" in clause 4 (1) (a);

(iv) substitute "9,29" for "9,27" where it appears in the second column opposite the words "Fifth 26 weeks" in clause 4 (1) (d);

(v) insert "shall" after "clause" in clause 15;

(vi) Substitute "opened" for "opned" in clause 21 (5).

In the Afrikaans text of the Schedule—

(i) substitute "18,75" for "12,75" where it appears in the first column opposite the words "Vyfde 26 weke" in clause 4 (1) (a);

(ii) substitute "9,29" for "9,27" where it appears in the second column opposite the words "Vyfde 26 weke" in clause 4 (1) (d).

No. R. 1262 23 July 1971

INDUSTRIAL CONCILIATION ACT, 1956

CLOTHING INDUSTRY, EASTERN PROVINCE

The following corrections to the English text of the Schedule to Government Notice R. 820 appearing in *Government Gazette* 3113 of 21 May 1971 are published for general information:

(i) Substitute "left" for "let" in clause 4 (5) (j).

(ii) Substitute "expiration" for "experation" in clause 4 (13).

No. R. 1263 23 July 1971

INDUSTRIAL CONCILIATION ACT, 1956

CLOTHING INDUSTRY, EASTERN PROVINCE

The following corrections to the English text of the Schedule to Government Notice R. 821 appearing in *Government Gazette* 3113 of 21 May 1971 are published for general information:

(i) Substitute "not" for "nor" in "Group 3" of clause 4 (5) (a).

(ii) Substitute "indisposition" for "in disposition" in paragraph (ii) in the definition of "illness" in clause 4 (6) (d).

(iii) Substitute "headings" for "heading" in clause 4 (9) (b).

**DEPARTEMENT VAN GESONDHEID**

No. R. 1265 23 Julie 1971

**WET OP VOEDINGSMIDDELS, MEDISYNE EN ONTSMETTINGSMIDDELS, No. 13 VAN 1929.—WYSIGING VAN REGULASIES—TANDEPASTA, TANDEPOEIERS EN MONDSPOELINGS**

Die Minister van Gesondheid het in die uitoefening van die bevoegdheid hom verleen by artikels 42 en 43 van die Wet op Voedingsmiddels, Medisyne en Ontsmettingsmiddels, 1929 (Wet 13 van 1929), en na behoorlike voldoening aan die vereistes van artikel 42 (3) van genoemde Wet (kyk Goewermentskennisgewing R. 1097 van 10 Julie 1970), met ingang van 9 Oktober 1971, die regulasies gepubliseer by Goewermentskennisgewing 575 van 28 Maart 1930, soos van tyd tot tyd gewysig, gewysig deur regulasie 35*bis* deur die volgende nuwe regulasie te vervang:

“35*bis* (a) Tandepoeiers moet vry wees van enige skadelike bestanddeel en mag geen fluoried bevat nie.

(b) Mondspoelings moet vry wees van enige skadelike bestanddeel en mag geen bygevoegde fluoried bevat nie.

(c) Tandepasta moet vry wees van enige skadelike bestanddeel. Dit kan hoogstens 1 500 dele per miljoen fluoridioon bevat. Wanneer tandepasta gefluorideer is, moet dit minstens 750 dele per miljoen fluoridioon bevat.

(d) Die buitepakket (wanneer een gebruik word) en die binnepakket van tandepasta wat fluoried bevat, moet albei 'n opskrif dra met die woord ‘Fluoriedtandepasta’ in drukletter E en in 'n kleur wat duidelik teen die agtergrond afsteek.”.

**DEPARTEMENT VAN INDIËRSAKE**

No. R. 1267 23 Julie 1971

**WET OP BEJAARDE PERSONE, 1967**

**WYSIGING VAN REGULASIES**

Die Minister van Indiërsake wysig hierby kragtens die bevoegdheid hom verleen by artikel 20 van die Wet op Bejaarde Persone, 1967 (Wet 81 van 1967), vir sover die uitvoering van die Wet by Proklamasie R. 283 van 1968 aan hom opgedra is, die regulasies afgekondig by Goewermentskennisgewing R. 2036 van 8 November 1968, soos gewysig, met terugwerkende krag vanaf 1 April 1971, soos volg:

(i) *Regulasie 7 (1)*.—Die vervanging van “R186” deur “R204”.

(ii) *Regulasie 7 (3)*.—Die vervanging van “R282” deur “R300”.

No. R. 1268 23 Julie 1971

**WET OP BLINDES, 1968**

**WYSIGING VAN REGULASIES**

Die Minister van Indiërsake wysig hierby kragtens die bevoegdheid hom verleen by artikel 17 van die Wet op Blindes, 1968 (Wet 26 van 1968), vir sover die uitvoering van die Wet by Proklamasie R. 285 van 1968 aan hom opgedra is, die regulasies afgekondig by Goewermentskennisgewing R. 2037 van 8 November 1968, soos gewysig, met terugwerkende krag vanaf 1 April 1971, soos volg:

(i) *Regulasie 10 (1)*.—Die vervanging van “R186” deur “R204”.

(ii) *Regulasie 10 (2)*.—Die vervanging van “R282” deur “R300”.

**DEPARTMENT OF HEALTH**

No. R. 1265 23 July 1971

**FOOD, DRUGS AND DISINFECTANTS ACT, No. 13 OF 1929.—AMENDMENT OF REGULATIONS—TOOTHPASTE, TOOTH POWDERS AND MOUTH WASHES**

The Minister of Health, in the exercise of the powers vested in him by sections 42 and 43 of the Food, Drugs and Disinfectants Act, 1929 (Act 13 of 1929), and after due compliance with the requirements of section 42 (3) of the said Act (*vide* Government Notice R. 1097 of 10 July 1970), has amended, with effect from 9 October 1971, the regulations published under Government Notice 575 of 28 March 1930, as amended from time to time, by the substitution for regulation 35*bis* of the following new regulation:

“35*bis* (a) Tooth powders shall be free from any harmful ingredient and shall not contain any fluoride.

(b) Mouth washes shall be free from any harmful ingredient and shall not contain any added fluoride.

(c) Toothpaste shall be free from any harmful ingredient. It may contain not more than 1 500 parts per million fluoride ion. When fluoridated, toothpaste shall contain not less than 750 parts per million fluoride ion.

(d) Both the outer package (when used) and the inner package of toothpaste containing fluoride shall bear a label with the words ‘Fluoride Toothpaste’ in type E and in a colour which affords a distinct contrast with the background.”.

**DEPARTMENT OF INDIAN AFFAIRS**

No. R. 1267 23 July 1971

**AGED PERSONS ACT, 1967**

**AMENDMENT OF REGULATIONS**

The Minister of Indian Affairs, under the powers vested in him by section 20 of the Aged Persons Act, 1967 (Act 81 of 1967), in so far as the administration of the Act has been assigned to him by Proclamation R. 283 of 1968, hereby amends, with retrospective effect from 1 April 1971, the regulations promulgated by Government Notice R. 2036, dated 8 November 1968, as amended, as follows:

(i) *Regulation 7 (1)*.—The substitution for “R186” of “R204”.

(ii) *Regulation 7 (3)*.—The substitution for “R282” of “R300”.

No. R. 1268 23 July 1971

**BLIND PERSONS ACT, 1968**

**AMENDMENT OF REGULATIONS**

The Minister of Indian Affairs, under the powers vested in him by section 17 of the Blind Persons Act, 1968 (Act 26 of 1968), in so far as the administration of the Act has been assigned to him by Proclamation R. 285 of 1968, hereby amends, with retrospective effect from 1 April 1971, the regulations promulgated by Government Notice R. 2037, dated 8 November 1968, as amended, as follows:

(i) *Regulation 10 (1)*.—The substitution for “R186” of “R204”.

(ii) *Regulation 10 (3)*.—The substitution for “R282” of “R300”.

No. R. 1269 23 Julie 1971  
WET OP ONGESKIKTHEIDSTOELAES, 1968

WYSIGING VAN REGULASIES

Die Minister van Indiërsake wysig hierby kragtens die bevoegdheid hom verleen by artikel 15 van die Wet op Ongeskiktheidstoelaes, 1968 (Wet 27 van 1968), vir sover die uitvoering van die Wet by Proklamasie R. 289 van 1968 aan hom opgedra is, die regulasies afgekondig by Goewermentskennisgewing R. 2034 van 8 November 1968, soos gewysig, met terugwerkende krag vanaf 1 April 1971, soos volg:

(i) *Regulasie 7 (1)*.—Die vervanging van “R186” deur “R204”.

(ii) *Regulasie 7 (3)*.—Die vervanging van “R282” deur “R300”.

No. R. 1270 23 Julie 1971  
WET OP OUDSTRYDERSPENSIOENE, 1968

WYSIGING VAN REGULASIES

Die Minister van Indiërsake wysig hierby kragtens die bevoegdheid hom verleen by artikel 15 van die Wet op Oudstryderspensioene, 1968 (Wet 25 van 1968), vir sover die uitvoering van die Wet by Proklamasie R. 287 van 1968 aan hom opgedra is, die regulasies afgekondig by Goewermentskennisgewing R. 2035 van 8 November 1968, soos gewysig, met terugwerkende krag vanaf 1 April 1971, soos volg:

(i) *Regulasie 7 (1)*.—Die vervanging van “R186” deur “R204”.

(ii) *Regulasie 7 (3)*.—Die vervanging van “R282” deur “R300”.

No. R. 1271 23 Julie 1971  
KINDERWET, 1960

WYSIGING VAN REGULASIES

Die Minister van Indiërsake wysig hierby kragtens die bevoegdheid hom verleen by artikel 92 van die Kinderwet, 1960 (Wet 33 van 1960), vir sover die uitvoering van die Wet by Proklamasie 52 van 1963 aan hom opgedra is, die regulasies afgekondig by Goewermentskennisgewing R. 701 van 10 Mei 1963, soos gewysig, met terugwerkende krag vanaf 1 April 1971, soos volg:

(i) *Regulasie 45 (1)*.—Die vervanging van “R11” in paragraaf (a) deur “R11,40”.

Die vervanging van “R13” in paragraaf (b) deur “R13,40”.

(ii) *Regulasie 46*.—Die vervanging van “R132” in paragraaf (a) deur “R136,80”.

Die vervanging van “R156” in paragraaf (b) deur “R160,80”.

Die vervanging van paragraaf (c) deur die volgende paragraaf:

“(c) Aan ’n persoon, as veiligheidsplek, of aan ’n kindershuis of ander inrigting wat ook as veiligheidsplek en plek van bewaring dien, hoogstens 50c per dag”.

No. R. 1269 23 July 1971  
DISABILITY GRANTS ACT, 1968

AMENDMENT OF REGULATIONS

The Minister of Indian Affairs, under the powers vested in him by section 15 of the Disability Grants Act, 1968 (Act 27 of 1968), in so far as the administration of the Act has been assigned to him by Proclamation R. 289 of 1968, hereby amends, with retrospective effect from 1 April 1971, the regulations promulgated by Government Notice R. 2034, dated 8 November 1968, as amended, as follows:

(i) *Regulation 7 (1)*.—The substitution for “R186” of “R204”.

(ii) *Regulation 7 (3)*.—The substitution for “R282” of “R300”.

No. R. 1270 23 July 1971  
WAR VETERANS' PENSIONS ACT, 1968

AMENDMENT OF REGULATIONS

The Minister of Indian Affairs, under the powers vested in him by section 15 of the War Veterans' Pensions Act, 1968 (Act 25 of 1968), in so far as the administration of the Act has been assigned to him by Proclamation R. 287 of 1968, hereby amends, with retrospective effect from 1 April 1971, the regulations promulgated by Government Notice R. 2035, dated 8 November 1968, as amended, as follows:

(i) *Regulation 7 (1)*.—The substitution for “R186” of “R204”.

(ii) *Regulation 7 (3)*.—The substitution for “R282” of “R300”.

No. R. 1271 23 July 1971  
CHILDREN'S ACT, 1960

AMENDMENT OF REGULATIONS

The Minister of Indian Affairs, under the powers vested in him by section 92 of the Children's Act, 1960 (Act 33 of 1960), in so far as the administration of the Act has been assigned to him by Proclamation 52 of 1963, hereby amends, with retrospective effect from 1 April 1971 the regulations promulgated by Government Notice R. 701, dated 10 May 1963, as amended, as follows:

(i) *Regulation 45 (1)*.—The substitution for “R11” in paragraph (a) of “R11,40”.

The substitution for “R13” in paragraph (b) of “R13,40”.

(ii) *Regulation 46*.—The substitution for “R132” in paragraph (a) of “R136,80”.

The substitution for “R156” in paragraph (b) of “R160,80”.

The substitution for paragraph (c) of the following paragraph:

“(c) To a person, as a place of safety, or to a children's home or other institution which also serves as a place of safety and detention, not exceeding 50c per day.”

**DEPARTEMENT VAN LANDBOU-EKONOMIE  
EN -BEMARKING**

No. R. 1258 23 Julie 1971

**MIELIE- EN KAFFERKORINGSKEMA****VOORSKRIFTE BETREFFENDE REKORDS EN  
OPGAWES DEUR MEULENAARS EN HANDE-  
LAARS.—VERBETERING**

Die Bylae van Goewermentskennisgewing R. 908 van 28 Mei 1971 word hierby verbeter deur in klousule 4 (c) die uitdrukking "gewysig" deur die uitdrukking "gewig" te vervang.

**DEPARTEMENT VAN POS-EN-  
TELEGRAAFWESE**

No. R. 1279 23 Julie 1971

**WYSIGING VAN TELEFOONREGULASIES**

Dit het die Staatspresident behaag om kragtens artikel 2 (4) van Wet 44 van 1958 sy goedkeuring te heg aan onderstaande wysiging van die Telefoonregulasies:

**Regulasie 37**

Skrap, met ingang van 21 Augustus 1971, "(met inbegrip van Cambridge)," na "Oos-Londen" en vervang dit deur "(met inbegrip van Cambridge, Dawn en Greenfields)".

**DEPARTEMENT VAN WATERWESE**

No. R. 1276 23 Julie 1971

**NYLRIVIERVALLEI - ONDERGRONDSEWATER-  
BEHEERGEBIED, DISTRIKTE WATERBERG EN  
POTGIETERSRUS, TRANSVAAL.—TOEPASSING  
VAN REGULASIES TEN OPSIGTE VAN ONDER-  
GRONDSEWATERBEHEERGEBIEDE**

1. Hierby word bekendgemaak dat die Regulasies ten opsigte van Ondergrondsewaterbeheergebiede, opgestel kragtens artikel 30 (2) van die Waterwet, 1956 (Wet 54 van 1956), en afgekondig by Goewermentskennisgewing R. 1324 van 30 Augustus 1963, vanaf die datum van publikasie hiervan van toepassing is op die Nylriviervallei-ondergrondsewaterbeheergebied, distrikte Waterberg en Potgietersrus, Transvaal, geproklameer ingevolge artikel 28 (1) van die Waterwet, 1956 (Wet 54 van 1956), by Proklamasie 56 van 26 Maart 1971.

2. Die uitwerking van hierdie kennisgewing is dat geen persoon binne die gebied water uit 'n bestaande boorgat of put of natuurlike fontein mag gebruik nie, behalwe ooreenkomstig die voorwaardes van 'n permit uitgereik deur die Minister van Waterwese ingevolge regulasie 3 van genoemde regulasies, en voorts dat geen persoon, behalwe soos bepaal in regulasie 3 van genoemde regulasies of kragtens magtiging van 'n permit van die Minister van Waterwese en op sodanige voorwaardes as wat in dié permit uiteengesit word, 'n boorgat mag boor of put of fontein mag grawe, vergroot, dieper maak of verander vir die uitneem of gebruik van ondergrondse water nie, of sodanige water mag uitneem of gebruik nie.

3. Afskrifte van genoemde regulasies is verkrygbaar by die Sekretaris van Waterwese, Privaatsak 313, Pretoria. S. P. BOTHA, Minister van Waterwese.  
2 Junie 1971.

No. R. 1277 23 Julie 1971

**DEPARTEMENT VAN WATERWESE**

Die Staatspresident het kragtens artikel 180 (3) van die Waterwet, 1956 (Wet 54 van 1956), onderstaande regulasies vir die gebied Suidwes-Afrika uitgevaardig.

**DEPARTMENT OF AGRICULTURAL ECONOMICS  
AND MARKETING**

No. R. 1258 23 July 1971

**MAIZE AND KAFFIRCORN SCHEME****REQUIREMENTS RELATING TO RETURNS AND  
RECORDS BY MILLERS AND TRADERS.—  
CORRECTION**

The Schedule to Government Notice R. 908 of 28 May 1971 is hereby corrected by the substitution, in the Afrikaans text, for the expression "gewysig" of the expression "gewig".

**DEPARTMENT OF POSTS AND TELEGRAPHS**

No. R. 1279 23 July 1971

**AMENDMENT TO TELEPHONE REGULATIONS**

The State President has been pleased, under section 2 (4) of Act 44 of 1958, to approve of the following amendment to the Telephone Regulations:

**Regulation 37**

After "East London" delete "(including Cambridge)," with effect from 21 August 1971, and replace it by "(including Cambridge, Dawn and Greenfields)."

**DEPARTMENT OF WATER AFFAIRS**

No. R. 1276 23 July 1971

**NYL RIVER VALLEY SUBTERRANEAN WATER  
CONTROL AREA, DISTRICTS OF WATERBERG  
AND POTGIETERSRUS, TRANSVAAL.—APPLI-  
CATION OF REGULATIONS IN RESPECT OF  
SUBTERRANEAN WATER CONTROL AREAS**

1. It is hereby notified that the Regulations in respect of Subterranean Water Control Areas, framed in terms of section 30 (2) of the Water Act, 1956 (Act 54 of 1956), and published in Government Notice R. 1324 of 30 August 1963, shall with effect from the date of publication hereof apply to the Nyl River Valley Subterranean Water Control Area, Districts of Waterberg and Potgietersrus, Transvaal, proclaimed in terms of section 28 (1) of the Water Act, 1956 (Act 54 of 1956), by Proclamation 56 of 26 March 1971.

2. The effect of this notice is that no person within the area may use water from an existing borehole or well or natural spring, except in accordance with the conditions of a permit issued by the Minister of Water Affairs in terms of regulation 3 of the said regulations and further that no person, except as provided in regulation 3 of the said regulations or under authority of a permit from the Minister of Water Affairs and on such conditions as may be specified in that permit, may sink, enlarge, deepen or alter a borehole or well or spring for the abstraction or use of subterranean water, or abstract or use such water.

3. Copies of the said regulations are obtainable from the Secretary for Water Affairs, Private Bag 313, Pretoria.

S. P. BOTHA, Minister of Water Affairs.  
2 June 1971.

No. R. 1277 23 July 1971

The State President has under section 180 (3) of the Water Act, 1956 (Act 54 of 1956), made the following regulations for the territory of South-West Africa.

**WOORDOMSKRYWING**

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

(i) “die Wet” die bepalings van die Waterwet, 1956 (Wet 54 van 1956), wat in die gebied Suidwes-Afrika van toepassing is; (iv)

(ii) “Direkteur” die Direkteur van die Tak Suidwes-Afrika van die Departement van Waterwese of sy gemagtigde verteenwoordiger; (ii)

(iii) “gebruik vir huishoudelike doeleindes” ook gebruik vir sanitêre doeleindes, die water gee en dip van vee en die besproeiing, die gewasse op 'n oppervlakte van hoogstens een hektaar grond; (v)

(iv) “openbare stroom” 'n natuurlike stroom water wat in 'n bekende en bepaalde bedding of laagte vloei, hetsy sigbaar al dan nie, en ongeag of daardie bedding of laagte gedurende enige tyd van die jaar droog is en ongeag of sy konformasie op kunsmatige wyse verander is, indien die water daarin vir gemeenskaplike gebruik vir huishoudelike doeleindes aangewend kan word: Met dien verstande dat 'n stroom wat slegs met betrekking tot 'n gedeelte van sy loop aan voormelde vereistes voldoen, geag word slegs ten opsigte van daardie gedeelte 'n openbare stroom te wees; (iii)

(v) “Raad” die Raad by regulasie 2 ingestel; (i)

en het enige ander uitdrukking waaraan in die Wet 'n betekenis geheg is, dieselfde betekenis.

**INSTELLING EN DOEL VAN DIE ADVISERENDE WATERRAAD VIR SUIDWES-AFRIKA**

2. Hierby word 'n Raad wat die Adviserende Waterraad vir Suidwes-Afrika heet, ingestel om die Minister van advies te dien oor sake in verband met die bewaring, opgaring, beheer, voorsiening, distribusie en verdeling van water in Suidwes-Afrika vir gebruik vir huishoudelike doeleindes, landboudeleindes, stedelike doeleindes of nywerheidsdeleindes, oor die ontwikkeling van waterbronne daarin in die openbare belang, en oor enige ander saak wat hy van tyd tot tyd na die Raad verwys.

**SAMESTELLING VAN DIE RAAD**

3. Die Raad bestaan uit die Direkteur, wat Voorsitter daarvan is, en vyf ander lede wat deur die Minister aangestel word en van wie—

- een iemand met regs kennis is;
- een 'n beampte van die Departement van Landbou-  
tegniese Dienste is;
- een 'n beampte van die Administrasie van Suidwes-  
Afrika is;
- een iemand is om die Munisipale Vereniging van  
Suidwes-Afrika te verteenwoordig; en
- een iemand met kennis van die boerderybedryf is.

4. (a) Die ampstermyn van 'n ander lid as die Direkteur verstryk na verloop van 'n tydperk van drie jaar vanaf die datum van sy aanstelling, word beëindig wanneer hy uit eie beweging bedank en kan deur die Minister beëindig word as daar na sy mening 'n goeie rede daarvoor bestaan.

(b) 'n Lid wie se ampstermyn verstryk het kan weer aangestel word.

5. 'n Lid kan met die goedkeuring van die Minister iemand aanwys om in sy plek by hoogstens ses vergaderings van die Raad gedurende enige jaar op te tree, en op so 'n vergadering beskik iemand wat aldus aangewys is, oor al die bevoegdhede en voorregte van daardie lid.

**DEFINITIONS**

1. In these regulations, unless the context otherwise indicates—

(i) “Board” means the Board established by regulation 2; (v)

(ii) “Director” means the Director of the South-West Africa Branch of the Department of Water Affairs or his authorised representative; (ii)

(iii) “public stream” means a natural stream of water flowing in a known and defined channel or depression, whether visible or not, and irrespective of whether or not such channel or depression is dry during any period of the year and whether or not its conformation has been changed by artificial means, if the water therein is capable of common use for domestic purposes: Provided that a stream which fulfils the foregoing conditions in part only of its course shall be deemed to be a public stream as regards that part only; (iv)

(iv) “the Act” means the provisions of the Water Act, 1956 (Act 54 of 1956), which apply in the territory of South-West Africa; (i)

(v) “use for domestic purposes” includes use for sanitary purposes, the watering and dipping of stock and the watering of crops on an area of land not exceeding one hectare; (iii)

and any other expression to which a meaning has been assigned in the Act bears the same meaning.

**ESTABLISHMENT AND PURPOSE OF THE ADVISORY WATER BOARD FOR SOUTH-WEST AFRICA**

2. There is hereby established a Board to be known as the Advisory Water Board for South-West Africa for the purpose of advising the Minister on matters in connection with the preservation, conservation, control, supply, distribution and division of water in South-West Africa for use for domestic purposes, agricultural purposes, urban purposes or industrial purposes, on the development of the water resources therein in the public interest, and on any other matter which the Minister may from time to time refer to the Board.

**CONSTITUTION OF THE BOARD**

3. The Board shall consist of the Director, who shall be the Chairman thereof, and five other members of whom—

- one shall be a person having a knowledge of law;
- one shall be an officer of the Department of  
Agricultural Technical Services;
- one shall be an officer of the South-West Africa  
Administration;
- one shall be a person to represent the Municipal  
Association of South-West Africa; and
- one shall be a person having a knowledge of the  
farming industry.

4. (a) The period of office of any member other than the Director shall expire after a period of three years from the date of his appointment, shall be terminated when he resigns of his own accord and may be terminated by the Minister if in his opinion a valid reason therefor exists.

(b) A member whose period of office has expired shall be eligible for reappointment.

5. A member may, with the approval of the Minister, designate some other person to act in his stead at not more than six meetings of the Board during any year, and at any such meeting a person so designated shall have all the powers and enjoy all the privileges of that member.



6. Iemand wat deur die Sekretaris of die Direkteur aangewys is, kan enige vergadering van die Raad bywoon en die Raad van advies dien of inligting verstrek in verband met enige saak onder oorweging, maar kan nie oor enige aangeleentheid stem nie.

#### VERRIGTINGE OP VERGADERINGS VAN DIE RAAD

7. (a) Die eerste vergadering van die Raad word gehou op die tyd en plek wat die Voorsitter bepaal, en alle ander gewone vergaderings word gehou op die tye en plekke wat die Raad by besluit bepaal.

(b) Die Voorsitter moet op versoek van die Minister, en kan wanneer hy dit dienstig ag, 'n buitengewone vergadering belê wat gehou word op 'n tyd en plek wat hy bepaal.

8. Indien die Voorsitter of iemand deur hom ingevolge regulasie 5 aangewys, nie op 'n vergadering van die Raad aanwesig is nie, kies die lede wat op daardie vergadering aanwesig is, iemand uit hul geledere om as Voorsitter op daardie vergadering op te tree.

9. Die beslissing van 'n meerderheid van die lede wat op 'n vergadering van die Raad aanwesig is, maak 'n besluit van die Raad uit, en by 'n staking van stemme betreffende enige saak, het die Voorsitter 'n beslissende stem benewens sy beraadslagende stem: Met dien verstande dat geen besluit op 'n vergadering geneem word nie tensy 'n kworum van minstens vier lede deurgaans op daardie vergadering aanwesig is.

10. Geen lid mag 'n vergadering van die Raad bywoon wanneer 'n saak oorweeg word waarin hy 'n geldelike of enige ander belang het nie.

11. Die Voorsitter moet reël dat notule van die verrigtinge by elke vergadering van die Raad gehou word, en in dié notule moet die name verstrek word van al die lede wat daardie vergadering bywoon en elke besluit van die Raad aangeteken word.

12. So spoedig moontlik na afloop van elke vergadering van die Raad moet die Voorsitter reël dat 'n afskrif van die notule van daardie vergadering aan elke lid van die Raad gestuur word, en nadat foute wat in genoemde notule mag wees, tydens die daaropvolgende vergadering van die Raad reggestel is, en die Voorsitter die notule onderteken het, word die notule geag 'n juiste optekening te wees van die verrigtinge by die vergadering waarvan dit die notule heet te wees.

13. Die Raad kan reëls maak ter reëling van aangeleenthede wat met sy werksaamhede in verband staan en waarvoor nie in hierdie regulasies voorsiening gemaak word nie.

#### VOORREGTE VAN LEDE VAN DIE RAAD

14. Aan 'n lid van die Raad of iemand wat ingevolge regulasie 5 aangewys is, of iemand wat ingevolge regulasie 18 versoek is om voor die Raad te verskyn, wat nie in die heeltidse diens van die Staat is nie, kan die Sekretaris uit fondse wat deur die Parlement vir die doel bewillig is, 'n toelae ter bestryding van uitgawes aangegaan om 'n vergadering van die Raad by te woon, betaal teen 'n tarief wat die Minister in oorleg met die Minister van Finansies bepaal.

#### BEHEER EN GEBRUIK VAN OPENBARE WATER

15. Behoudens die bepalinge van die Wet en van regulasie 17 kan iemand in 'n openbare stroom 'n waterwerk met 'n opgaarvermoë van hoogstens 20 000 kubieke meter bou of 'n bestaande waterwerk verander of vergroot, mits genoemde opgaarvermoë nie oorskry word nie, en kan hy die water wat daarin opgegaan word vir huishoudelike doeleindes gebruik, as daardie waterwerk opgeneem is in 'n voorskrif betreffende grondbewaringswerke kragtens die Grondbewaringswet, 1969 (Wet 76 van 1969).

6. Any person designated by the Secretary or the Director may attend any meeting of the Board and advise the Board on, or provide information in connection with, any matter under consideration, but may not vote on any matter.

#### PROCEEDINGS AT MEETINGS OF THE BOARD

7. (a) The first meeting of the Board shall be held at a time and place determined by the Chairman, and all ordinary meetings shall be held at the times and places determined by resolution by the Board.

(b) The Chairman shall at the request of the Minister, and may when he deems it expedient, convene a special meeting which shall be held at a time and place determined by him.

8. If the Chairman or a person designated by him in terms of regulation 5 is not present at any meeting of the Board, the members present at that meeting shall elect one of their number to act as chairman at that meeting.

9. The decision of a majority of the members present at a meeting of the Board shall constitute a decision of the Board, and in the event of an equality of votes on any matter the Chairman shall have a casting vote in addition to his deliberative vote: Provided that no decision shall be taken at a meeting unless a quorum of not less than four members are present throughout at that meeting.

10. No member shall attend a meeting of the Board when a matter in which he has a pecuniary or any other interest is being considered.

11. The Chairman shall arrange for minutes to be kept of the proceedings at every meeting of the Board in which shall be furnished the names of all the members present at that meeting and be recorded every resolution of the Board.

12. As soon as may be after the conclusion of every meeting of the Board the Chairman shall arrange for a copy of the minutes of that meeting to be transmitted to each member of the Board, and after errors therein, if any, have been rectified at the next meeting of the Board and the minutes have been signed by the Chairman, the minutes shall be deemed to be a correct record of the proceedings at the meeting of which they purport to be the minutes.

13. The Board may make rules for regulating matters connected with its functions and not provided for in these regulations.

#### PRIVILEGES OF MEMBERS OF THE BOARD

14. The Secretary may, out of funds appropriated by Parliament for the purpose and at a tariff determined by the Minister in consultation with the Minister of Finance, pay an allowance to a member of the Board, or a person designated in terms of regulation 5, or a person requested in terms of regulation 18 to appear before the Board, who is not in the full-time service of the State, to defray expenses incurred to attend a meeting of the Board.

#### CONTROL AND UTILISATION OF PUBLIC WATER

15. Subject to the provisions of the Act and of regulation 17 any person may construct in a public stream a water work of a storing capacity not exceeding 20 000 cubic meters or may alter or enlarge an existing water work provided the said storing capacity is not exceeded, and may use the water stored therein for domestic purposes, if that water work is included in a direction under the Soil Conservation Act, 1969 (Act 76 of 1969), relating to soil conservation works.

16. Ondanks andersluidende bepalings van hierdie regulasies maar behoudens die bepalings van artikel 4 van die Wet, berus die regte op die gebruik en die beheer van water in enige openbare stroom of natuurlike bedding by die Minister en mag niemand, behalwe soos in regulasie 15 bepaal of op gesag van 'n permit van die Minister, uitgereik op aanbeveling van die Raad, en in ooreenstemming met die voorwaardes, planne en spesifikasies daarin uiteengesit, sodanige water uitneem, opdam, opgaar, vervoer of gebruik, of enige waterwerk vir die uitneem, opdamming, opgaring of vervoer van sodanige water bou, verander of vergroot nie.

17. Iemand wat hom verontreg voel deur die opgaring of gebruik van water deur middel van 'n waterwerk bedoel in regulasie 15, kan by die Minister aansoek doen dat hy die hoeveelheid water bepaal wat deur middel van sodanige waterwerk opgegaar of gebruik mag word, of dat hy bepaalde voorskrifte uitreik betreffende die verandering van sodanige waterwerk of dat hy bepaalde voorwaardes oplê betreffende die gebruik van sodanige water, en indien die Minister ná sodanige aansoek en op aanbeveling van die Raad so 'n bepaling gedoen, voorskrif uitgereik of voorwaarde opgelê het, mag daar nie deur middel van daardie waterwerk 'n groter hoeveelheid water as wat aldus bepaal is, opgegaar of gebruik word nie of die water anders as ooreenkomstig die voorwaardes wat aldus opgelê is, gebruik word nie, en moet die persoon wat geregtig is op die gebruik van die betrokke water op sy eie koste die voorskrifte wat aldus uitgereik is, uitvoer, al na gelang van die geval.

18. Wanneer die Raad die uitreiking van 'n permit ingevolge regulasie 16 of die doen van 'n bepaling, die uitreiking van voorskrifte of die oplê van voorwaardes ingevolge regulasie 17 oorweeg, of 'n opdrag van die Minister of 'n ander werksaamheid van die Raad uitvoer, moet die Direkteur die gegewens, inligting en planne beskikbaar stel wat die Raad vereis om hom in staat te stel om tot 'n besluit oor 'n billike verdeling van water in die openbare belang te kom, en kan die Raad 'n eienaar of huurder van grond, verbruiker van water, verbandhouer of ander persoon wat, na die oordeel van die Raad, geraak mag word deur so 'n permit of bepaling of sodanige voorwaardes of voorskrifte, versoek om binne 'n tydperk van twee maande voor die Raad te verskyn of skriftelik of op 'n ander wyse die gegewens, inligting of planne beskikbaar te stel wat die Raad nodig het of om redes te verstrek waarom so 'n permit nie uitgereik behoort te word nie of om aanbevelings te doen betreffende die hoeveelheid water wat aldus bepaal of die voorskrifte wat aldus uitgereik of die voorwaardes wat aldus opgelê behoort te word.

19. Indien sodanige eienaar, huurder, verbruiker, verbandhouer of persoon nie binne twee maande aan die Raad se versoek voldoen nie, neem die Raad 'n besluit na goedgeskonde.

20. By die uitreiking van 'n permit kragtens regulasie 16 of die doen van 'n bepaling of die uitreiking van voorskrifte of die oplê van voorwaardes kragtens regulasie 17, kan die Minister dié vereistes stel, hetsy in die algemeen of ten opsigte van verskillende tydperke in enige jaar of ten opsigte van verskillende persone of kategorieë persone, wat hy nodig ag met die oog op 'n billike verdeling van water in die openbare belang, insluitende vereistes met betrekking tot—

(a) die betaling van vergoeding deur die persoon aan wie 'n permit aldus uitgereik word of ten gunste van wie 'n bepaling aldus gedoen word of voorskrifte aldus uitgereik word of voorwaardes aldus opgelê word, aan iemand wat na die mening van die Minister nadelig geraak word deur so 'n handeling;

16. Notwithstanding anything to the contrary in these regulations contained but subject to section 4 of the Act, the rights to the use and the control of water in any public stream or natural channel shall vest in the Minister, and no person shall, except as provided in regulation 15 or under the authority of a permit by the Minister, issued on the recommendation of the Board, and in accordance with the conditions, plans and specifications specified therein, abstract, impound, store, convey or use such water, or construct, alter or enlarge any water work for the abstraction, impounding, storing or conveyance of such water.

17. A person who feels aggrieved by the storage or use of water by means of a water work referred to in regulation 15, may apply to the Minister to determine the quantity of water which may be stored or used by means of such water work, or to give specified directions as to the alteration of such water work, or to impose specified conditions as to the use of such water, and if the Minister has, after such an application and on the recommendation of the Board, made such a determination, given such a direction or imposed such a condition, no quantity of water greater than the quantity so determined shall be stored or used by means of such water works, and the water shall not be used by means thereof, otherwise than in accordance with the conditions so imposed, and the person who is entitled to use such water shall at his own expense carry out the directions so given, as the case may be.

18. When the Board considers the issue of a permit in terms of regulation 16 or the making of a determination, the giving of directions or the imposition of conditions in terms of regulation 17, or carries out an instruction by the Minister or performs any other function of the Board, the Director shall make available such data, information and plans as may be required by the Board to enable it to decide upon an equitable division of water in the public interest, and the Board may request an owner or a lessee of land, consumer of water, mortgagee or other person who, in the opinion of the Board, is likely to be affected by such permit, determination, conditions or directions, to appear before the Board within a period of two months, or within such period to make available, in writing, or otherwise such data, information or plans as may be required by the Board, or to give reasons why such a permit should not be issued, or to make recommendations as to the quantity of water which should be so determined, or the directions which should be so given or the conditions which should be so imposed.

19. If such owner, lessee, consumer, mortgagee or person fails to comply with the request of the Board within two months the Board shall take such decision as it may think fit.

20. When a permit is issued under regulation 16 or a determination is made or a direction is given or conditions are imposed under regulation 17, the Minister may lay down such requirements, either generally or in respect of different periods in any year or in respect of different persons or classes of persons, as he may deem necessary with a view to an equitable division of water in the public interest, including requirements as to—

(a) the payment of compensation by the person to whom a permit is so issued or in whose favour a determination is so made or directions are so given or conditions are so imposed, to a person who, in the opinion of the Minister, is adversely affected by such action;

(b) die tydelike vermeerdering of vermindering van die hoeveelheid water wat gedurende enige tydperk deur enige persoon gebruik mag word wanneer na die oordeel van die Minister omstandighede dit regverdig of vereis;

(c) die meet en reëling van water wat deur middel van die betrokke waterwerk uitgeneem of vervoer word of wat daarvoor vloei;

en kan die Minister sodanige vereistes te enigertyd wysig, opskort of intrek.

21. Iemand in regulasie 20 (a) bedoel wat ontevrede is met die bedrag wat die Minister as vergoeding bepaal het, kan binne drie maande vanaf die datum waarop hy daarvan in kennis gestel is, appèl teen sodanige bepaling aanteken by die waterhof, en die waterhof kan òf die bedrag deur die Minister bepaal bekragtig òf die ander bedrag bepaal wat, na sy oordeel, die Minister behoort te bepaal het.

22. (a) Indien die Minister te eniger tyd van oordeel is dat water wat kragtens hierdie regulasie uitgeneem, opgedam, opgegaan of vervoer mag word, nie voordelig gebruik word nie, kan hy 'n reg wat by regulasie 15 verleen word, of 'n permit, bepaling, voorskrif of voorwaarde deur hom uitgereik, gedoen of opgelê, intrek, of kan hy die persoon wat geregtig is op die gebruik van bedoelde water skriftelik gelas om die veranderings of herstelwerk aan die betrokke waterwerk aan te bring of te doen of die bykomende waterwerke aan te bou wat volgens die Minister se oordeel sal lei tot die voordeliger gebruik van die water en wat hy bepaal.

(b) Genoemde persoon moet binne 'n tydperk deur die Minister bepaal en op sy eie koste aan die Minister se lasgewing voldoen, en indien hy versuim om dit te doen, kan die Minister bedoelde veranderings laat aanbring of bedoelde herstelwerk laat doen of bedoelde bykomende waterwerke laat aanbou, na gelang van die geval, en die koste daarvan op daardie persoon verhaal.

23. Indien die Minister dit nodig ag vir 'n billike verdeling van water in die openbare belang of vir die doeltreffende reëling, meet of verdeling van openbare water, kan hy die eienaar of gebruiker van enige waterwerk skriftelik gelas om binne die tydperk in die lasgewing vermeld die veranderings of herstelwerk aldus vermeld daaraan aan te bring of te doen of die bykomende waterwerke aldus vermeld aan te bou, of kan die Minister deur die departement veranderings of herstelwerk aan enige waterwerk laat aanbring of doen, of enige waterwerk laat aanbou, en op iemand wat na sy oordeel uit sodanige veranderings, herstelwerk of bykomende waterwerke voordeel trek of waarskynlik sal trek, al die koste van daardie veranderings, herstelwerk of bykomende waterwerke, of die deel daarvan wat hy billik ag, verhaal.

24. 'n Permit ingevolge regulasie 16 uitgereik verval indien die aanbou, verandering of vergroting van die waterwerk wat daarkragtens gemagtig is nie binne 'n tydperk van drie jaar vanaf die datum van die permit, of binne die verdere tydperk wat die Minister op aanbeveling van die Raad goedkeur, voltooi word nie.

25. 'n Reg of verpligting wat by wyse van 'n permit, bepaling, voorwaarde, opdrag, voorskrif of vereiste kragtens hierdie regulasies verkry of opgelê is, is verbonde aan die grond ten opsigte waarvan dit verkry of opgelê is en is, terwyl dit van krag is, beskikbaar aan en afdwingbaar op enige regsopvolger van die eienaar van bedoelde grond.

26. Die Minister kan op aanbeveling van die Raad vorderings hef vir water wat uit 'n openbare stroom of 'n boorgat in die bedding daarvan uitgeneem, voorsien of gedistribueer word en dié vorderings verhaal op die persone wat geregtig is op die gebruik van sodanige water.

(b) the temporary increase or reduction of the quantity of water which may during any period be used by any person, when in the opinion of the Minister, the circumstances justify or require it to be done;

(c) the measurement and regulation of water abstracted or conveyed by or flowing over the water work concerned;

and the Minister may at any time amend, suspend or withdraw such requirements.

21. A person referred to in regulation 20 (a) who is dissatisfied with the amount of compensation determined by the Minister, may appeal to the water court against such determination within three months after the date on which he was notified thereof, and the water court may either confirm the amount determined by the Minister or determine such other amount as, in its opinion, the Minister should have determined.

22. (a) If at any time the Minister is of opinion that water which may under the regulations be abstracted, impounded, stored or conveyed, is not used beneficially, he may cancel any right conferred by regulation 15, or any permit, determination, direction or condition issued, made, given or imposed by him, or he may, in writing, direct the person who is entitled to the use of such water to effect such alterations or repairs to the water work concerned or to construct such additional water works as the Minister may determine and as will, in his opinion, result in such water being used more beneficially.

(b) Such person shall within a period determined by the Minister and at his own expense comply with the Minister's directions, and if he fails to do so, the Minister may cause the said alterations or repairs to be effected or the said additional water works to be constructed, as the case may be, and recover the cost thereof from the person concerned.

23. If the Minister deems it necessary for an equitable division of water in the public interest or for the efficient regulation, measurement or division of public water, he may, in writing, direct the owner or user of any water work to effect such alterations or repairs thereto or to construct such additional water works as may be specified in the direction, within the period so specified, or the Minister may cause any alterations or repairs to be effected to any water work, or any water work to be constructed, through the Department, and may recover from any person who, in the opinion of the Minister, derives or is likely to derive any benefit from those alterations, repairs or additional water works, the whole of the cost thereof, or such portion thereof as the Minister may deem reasonable.

24. A permit issued in terms of regulation 16 shall lapse if the construction, alteration or enlargement of the water work authorised thereby is not completed within a period of three years from the date of the permit, or such further period as the Minister may approve on the recommendation of the Board.

25. A right or an obligation acquired or imposed by means of a permit, determination, condition, order, direction or requirement under these regulations, shall attach to the land in respect of which it was acquired or imposed and shall, while it remains of force, be available to and enforceable against any successor in the title of the owner of the said land.

26. The Minister may on the recommendation of the Board assess charges for water abstracted, supplied or distributed from a public stream or a borehole in the bed of a public stream and recover such charges from the persons entitled to the use of such water.

27. (1) Iemand wat in stryd met 'n bepaling van hierdie regulasies of met 'n reg of verpligting wat by wyse van 'n permit, bepaling, voorwaarde, opdrag, voorskrif of vereiste daarkragtens verkry of opgelê is, water wat in 'n openbare stroom of natuurlike bedding bevat is of vloei, uitneem, opdam, opgaar of vervoer, of 'n waterwerk bou, verander of vergroot, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel 170 (1) van die Wet voorgeskryf.

(2) Subartikels (4) en (5A) van artikel 170 van die Wet is *mutatis mutandis* van toepassing op hierdie regulasies.

#### BEHEER EN GEBRUIK VAN ONDERGRONDSE WATER EN WATER WAT ONDERGRONDS VERKRY WORD

28. Die bepalings van subartikels (2) en (3) van artikel 30 en subartikel (1) van artikel 141 van die Wet is *mutatis mutandis* van toepassing ten opsigte van 'n gebied wat ingevolge artikel 3 van die Ordonnansie op die Beheer van Artesiese Water, 1955 (Ordonnansie 35 van 1955), van Suidwes-Afrika, tot 'n artesiële gebied verklaar is, asof dit ingevolge artikel 28 (1) van die Wet tot 'n ondergrondse waterbeheergebied verklaar is.

29. (1) Iemand wat deur middel van 'n waterboormasjien of ander toestel wat gebruik word om boorgate te maak, op enige grond boorgate maak ten einde water te kry, moet binne drie maande na die inwerkingtreding van hierdie regulasies of, indien hy so 'n masjien of toestel op 'n datum na die inwerkingtreding van hierdie regulasies begin gebruik, binne een maand na die datum waarop hy aldus daarvan begin gebruik maak, die Direkteur van sy volle naam, sy permanente adres en besonderhede aangaande die tipe en fabrikaat van bedoelde waterboormasjien of toestel in kennis stel.

(2) So iemand moet binne een maand na enige verandering in sy adres, die Direkteur skriftelik van sodanige verandering in kennis stel en moet binne een maand nadat hy blywend opgehou het om so 'n waterboormasjien of toestel te gebruik, die Direkteur skriftelik daarvan in kennis stel.

(3) Die Direkteur moet 'n register laat hou van die inligting ingevolge subregulasie (1) of (2) aan hom verstrekk.

(4) Die bepalings van hierdie regulasie is nie ten opsigte van die maak van boorgate deur 'n mynmaatskappy in verband met mynbouwerkzaamhede van toepassing nie.

30. (1) 'n In regulasie 29 (1) bedoelde persoon moet, voordat hy enige boorgat maak, skriftelik aan die Adjunktdirekteur van Geologiese Opname, Windhoek, kennis gee van sy voorneme om dit te doen en moet 'n dagboek hou van die vordering van die maak van die boorgat, waarin aangedui word—

(a) die deursnee en uiteindelijke diepte van die boorgat;

(b) afmetings van die strata waardeur geboor is en 'n beskrywing van sodanige strata;

(c) die dieptes waarop water gevind word en waarop dit uiteindelik gaan staan;

(d) besonderhede van enige toets gedoen en van die hoeveelheid en oënskynlike gehalte van die water wat gevind is;

(e) die vloei-tempo gedurende die toets en die duur van die toets;

(f) waar doenlik, die watervlakke gedurende die toets en daarna totdat die water tot sy natuurlike vlak teruggekeer het.

(2) Waar so 'n boorgat in verband met 'n bestaande pompstasie of watervoorraad gemaak word, moet besonderhede van enige toets wat ingevolge subregulasie (1) (d) aangeteken moet word ook die pomp-tempo van die bestaande werke gedurende sodanige toets insluit.

27. (1) Any person who abstracts, impounds, stores or conveys water contained in or flowing in a public stream or a natural channel, or who constructs, alters or enlarges a water work in contravention of any provision of these regulations or a right or an obligation, acquired or imposed by means of a permit, determination, condition, order direction or requirement, shall be guilty of an offence and liable on conviction to the penalties prescribed in section 170 (1) of the Act.

(2) Subsections (4) and (5A) of section 170 of the Act shall *mutatis mutandis* apply in respect of these regulations.

#### CONTROL AND USE OF SUBTERRANEAN WATER AND WATER FOUND UNDERGROUND

28. The provisions of subsections (2) and (3) of section 30 and subsection (1) of section 141 of the Act shall *mutatis mutandis* apply in respect of any area declared to be an artesian area in terms of section 3 of the Artesian Water Control Ordinance, 1955 (Ordinance 35 of 1955), of South-West Africa, as if it had been declared to be a subterranean water control area in terms of section 28 (1) of the Act.

29. (1) Any person who sinks, for the purpose of locating water, boreholes on any land by means of a water-boring machine or other apparatus operated for the sinking of boreholes shall, within three months after the commencement of these regulations, or, if he commences to operate any such machine or apparatus on any date after the commencement of these regulations, within one month after the date upon which he so commences to operate, notify the Director of his full name, his permanent address and details of the type and make of the said water-boring machine or apparatus.

(2) Such person shall, within one month after any change in his address, in writing, notify the Director of such change and shall, within one month after having permanently ceased to operate such water-boring machine or apparatus, notify the Director, in writing, thereof.

(3) The Director shall cause a register to be kept of the information furnished to him in terms of subregulation (1) or (2).

(4) The provisions of this regulation shall not apply in respect of the sinking of boreholes by a mining company in connection with mining operations.

30. (1) A person referred to in regulation 29 (1) shall, before he commences to sink a borehole, give the Deputy Director of Geological Survey, Windhoek, notice, in writing, of his intention to do so, and shall keep a journal of the progress of the work, which shall indicate—

(a) the diameter and the final depth of the borehole;

(b) measurements of the strata passed through and a description of such strata;

(c) the levels at which water is struck and subsequently rests;

(d) particulars of any test made and of the quantity and apparent quality of water obtained;

(e) the rate of flow throughout the test and the duration of the test;

(f) where possible, the water levels during the test and thereafter until the water has returned to its natural level.

(2) Where any such borehole is sunk in connection with an existing pumping station or water supply, the particulars of any test required to be kept in terms of subregulation (1) (d) shall also include the rate of pumping at the existing works during such test.

(3) Bedoelde persoon moet enigiemand wat deur genoemde Adjunk-direkteur van Geologiese Opname daartoe gemagtig is, toelaat om op alle redelike tye—

- (a) vrye toegang tot so 'n boorgat te hê;
- (b) die boorgat en die materiaal daaruit gehaal of verwyder, te inspekteer;
- (c) monsters van bedoelde materiaal en van water uit die boorgat gehaal, te neem;
- (d) met behulp van geofisiese instrumente aflesings in of in die omgewing van bedoelde boorgat te doen; en
- (e) die dagboek wat ingevolge subregulasie (1) gehou moet word, te inspekteer en afskrifte daarvan of uittreksels daaruit te maak.

(4) Wanneer so 'n boorgat klaar is of laat vaar word, moet bedoelde persoon 'n volledige afskrif van genoemde dagboek wat op daardie boorgat betrekking het aan genoemde Adjunk-direkteur van Geologiese Opname stuur.

(5) Indien die persoon wat 'n boorgat maak nie die eienaar of die okkupeerder is van die grond waarop dit gemaak word nie, rus die verpligting om 'n deur genoemde Adjunk-direkteur van Geologiese Opname gemagtigde persoon toe te laat om die regte in subregulasie (3) (a) tot (d) uiteengesit, uit te oefen, op sowel die eienaar of okkupeerder as die persoon wat die boorgat maak.

(6) Waar iemand 'n kontrak aangaan of voornemens is om 'n boorgat te maak op grond wat besit of geokkupeer word deur 'n ander persoon, word die kontrakteur by die toepassing van hierdie regulasie en regulasie 29 geag die persoon te wees wat die boorgat maak.

(7) Die eienaar of okkupeerder van grond waarop 'n in hierdie regulasie bedoelde boorgat gemaak word, kan by skriftelike kennisgewing aan genoemde Adjunk-direkteur van Geologiese Opname versoek dat enige afskrif van of uittreksel uit die dagboek in subregulasie (1) bedoel, of of enige monster ingevolge subregulasie (3) (c) geneem, as vertroulik behandel moet word, en bedoelde Adjunk-direkteur mag daarna nie toelaat dat daardie afskrif, uittreksel of monster, behalwe vir sover die inligting omtrent waterbronne of -voorrade bevat of verskaf, gepubliseer of aan iemand anders as 'n amptenaar van die departement of van die Afdeling Geologiese Opname getoon word nie, tensy die eienaar of okkupeerder wat die kennis gegee het, daartoe instem.

31. Iemand wat versuim om aan die bepalings van regulasies 29 of 30 te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel 170 (1) van die Wet voorgeskryf.

32. Die Minister kan op aanbeveling van die Raad vorderings hef vir water wat onttrek word uit 'n boorgat wat geleë is op grond wat die eiendom van die Staat of die Administrasie van die gebied Suidwes-Afrika is, hetsy sodanige boorgat deur die departement gemaak is en die die water deur die departement onttrek word, al dan nie, en dié vorderings verhaal op die persone wat die Minister toelaat om daardie water te onttrek of te gebruik.

#### OORDRAG VAN MINISTER SE BEVOEGDHEDE

33. Die Minister kan by kennisgewing in die *Staatskoerant* 'n bevoegdheid by hierdie regulasies aan hom verleen, aan die Sekretaris of 'n ander beampte van die departement oordra.

#### HERROEPING VAN ORDONNANSIES

34. (1) Die ordonnansies van die gebied Suidwes-Afrika in die Bylae vermeld, word hierby herroep.

(2) Enige proklamasie, reg, permit, magtiging, serwituut, bepaling, voorwaarde, opdrag, voorskrif of vereiste wat kragtens 'n bepaling van 'n ordonnansie vermeld in die Bylae uitgereik, verleen, gegee, toegeken, gedoen, opgelê

(3) The said person shall allow any person authorised by the said Deputy Director of Geological Survey, for the purpose at all reasonable times—

- (a) to have free access to any such borehole;
- (b) to inspect the borehole and the material excavated or taken therefrom;
- (c) to take specimens of such material and of water abstracted from the borehole;
- (d) to take readings in or in the vicinity of any such borehole with geophysical instruments; and
- (e) to inspect and make copies of or extracts from the journal required to be kept in terms of subregulation (1).

(4) On completion or abandonment of any such borehole, the said person shall send a complete copy of the said journal having reference to the said borehole to the said Deputy Director of Geological Survey.

(5) Where the person sinking a borehole on any land is not the owner or occupier of the land, the obligation to allow a person authorised by the said Deputy Director of Geological Survey to exercise the rights specified in subregulation (3) (a) to (d) shall be the obligation of the owner or occupier as well as the person sinking the borehole.

(6) Where any person contracts or proposes to sink any borehole on land belonging to or occupied by any other person, the contractor shall be deemed for the purpose of this regulation and regulation 29 to be the person sinking the borehole.

(7) The owner or occupier of land on which a borehole referred to in this regulation is sunk, may give notice, in writing, to the said Deputy Director of Geological Survey requiring him to treat as confidential any copy of or extract from the journal referred to in subregulation (1) or any specimen taken under subregulation (3) (c), and the said Deputy Director shall thereupon not allow that copy, extract or specimen, except in so far as it contains or affords information as to water resources or supplies, to be published or shown to any person not being an officer of the Department or of the Division of Geological Survey, unless the owner or occupier giving the notice consents thereto.

31. Any person who fails to comply with the provisions of regulation 29 or 30, shall be guilty of an offence and liable on conviction to the penalties prescribed in section 170 (1) of the Act.

32. The Minister may on the recommendation of the Board assess charges for water abstracted from a borehole located on land being the property of the State or the Administration of the Territory of South-West Africa, whether or not such borehole was sunk and the water is abstracted by the Department, and recover such charges from the persons permitted by the Minister to abstract or to use the water.

#### DELEGATION OF MINISTER'S POWERS

33. The Minister may by notice in the *Gazette* delegate to the Secretary or any other officer of the Department any power conferred upon him by these regulations.

#### REPEAL OF ORDINANCES

34. (1) The Ordinances of the Territory of South-West Africa mentioned in the Schedule are hereby repealed.

(2) Any proclamation, right, permit, authority, servitude, determination, condition, order, direction or requirement issued, granted, given, awarded, done, imposed or laid down under any provision of an ordinance mentioned in the said Schedule or any water work constructed or action



of gestel is, of enige waterwerk of handeling wat daarkragtens gebou of verrig is, word geag kragtens die ooreenstemmende bepaling van hierdie regulasies of die Wet, indien daar een is, uitgereik, verleen, gegee, toegeken, gedoen, opgelê, gestel, gebou of verrig te gewees het.

#### BYLAE

Die Waterordonnansie, 1932 (Ordonnansie 13 van 1932).

Die Water-Wysigingsordonnansie, 1954 (Ordonnansie 24 van 1954).

Die Waterwysigingsordonnansie, 1955 (Ordonnansie 13 van 1955).

Die Ordonnansie op die Beheer van Artesiese Water, 1955 (Ordonnansie 35 van 1955).

Die Waterwysigingsordonnansie, 1957 (Ordonnansie 29 van 1957).

Die Verdere Waterwysigingsordonnansie, 1957 (Ordonnansie 37 van 1957).

Die Waterwysigingsordonnansie, 1959 (Ordonnansie 11 van 1959).

Die Waterwysigingsordonnansie 1968 (Ordonnansie 18 van 1968).

No. R. 1278

23 Julie 1971

#### REGULASIES TEN OPSIGTE VAN ONDERGRONDSEWATERBEHEERGEBIEDE. — SUIDWES-AFRIKA

Kragtens die bevoegdheid hom verleen by artikel 30 (2) van die Waterwet, 1956 (Wet 54 van 1956), saamgelees met Proklamasie 151 van 1971, het die Minister van Waterwese die volgende regulasies uitgevaardig ten opsigte van gebiede in die gebied Suidwes-Afrika wat kragtens artikel 28 (1) van genoemde Wet tot ondergrondsewaterbeheergebiede verklaar is en ten opsigte van gebiede wat kragtens artikel 3 van die Ordonnansie op die Beheer van Artesiese Water, 1955 (Ordonnansie 35 van 1955), van Suidwes-Afrika, tot artesiëse gebiede verklaar is:

#### WOORDOMSKRYWING

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

“artesiëse water” water wat op natuurlike wyse uit ’n boorgat of put vloei;

“boorgat” ’n gat wat deur middel van ’n waterboormasjien in die aarde gemaak is met die doel om ondergrondse water te verkry;

“die Wet” die bepalings van die Waterwet, 1956 (Wet 54 van 1956), wat in die gebied Suidwes-Afrika van toepassing is;

“Direkteur” die Direkteur van die Tak Suidwes-Afrika van die Departement van Waterwese of sy gemagtigde verteenwoordiger;

“gebruik vir huishoudelike doeleindes” ook gebruik vir sanitêre doeleindes, die watergee en dip van vee en die besproeiing van gewasse op ’n grondoppervlakte van hoogstens een hektaar;

“lewering” van ’n boorgat of put, die maksimum hoeveelheid water per uur wat uit ’n boorgat of put onttrek kan word gedurende die laaste halfuur van ’n tydperk van minstens nege uur waartydens water uit ’n boorgat of put onttrek is teen ’n tempo gelyk aan die tempo waarteen die watervoorraad van die boorgat of put uit ondergrondse bronne gevoed word, en, van ’n fontein, die tempo waarteen water op natuurlike wyse daaruit vloei;

“ondergrondsewater” artesiëse water of water wat natuurlik ondergronds bestaan of uit die ondergrond onttrek is, of water wat op natuurlike wyse uit ’n fontein vloei;

performed thereunder, shall be deemed to have been issued, granted, given, awarded, done, imposed, laid down, constructed or performed under the corresponding provisions, if any, of these regulations or the Act.

#### SCHEDULE

The Water Ordinance, 1932 (Ordinance 13 of 1932).

The Water Amendment Ordinance, 1954 (Ordinance 24 of 1954).

The Water Amendment Ordinance, 1955 (Ordinance 13 of 1955).

The Artesian Water Control Ordinance, 1955 (Ordinance 35 of 1955).

The Water Amendment Ordinance, 1957 (Ordinance 29 of 1957).

The Water Further Amendment Ordinance, 1957 (Ordinance 37 of 1957).

The Water Amendment Ordinance, 1959 (Ordinance 11 of 1959).

The Water Amendment Ordinance, 1968 (Ordinance 18 of 1968).

No. R. 1278

23 July 1971

#### REGULATIONS IN RESPECT OF SUBTERRANEAN WATER CONTROL AREAS. — SOUTH-WEST AFRICA

The Minister of Water Affairs has, under the powers vested in him by section 30 (2) of the Water Act, 1956 (Act 54 of 1956), read with Proclamation 151 of 1971, made the following regulations in respect of areas in the Territory of South-West Africa declared to be subterranean water control areas in terms of section 28 (1) of the said Act and in respect of areas declared to be artesian areas in terms of section 3 of the Artesian Water Control Ordinance, 1955 (Ordinance 35 of 1955), of South-West Africa:

#### DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

“artesian water” means water flowing naturally from a borehole or well;

“Board” means the Advisory Water Board for South-West Africa established under regulation 2 of the regulations promulgated in terms of section 180 (3) of the Act;

“borehole” means a hole made into the earth by means of a water-boring machine for the purpose of obtaining subterranean water;

“Director” means the Director of the South-West Africa Branch of the Department of Water Affairs or his authorised representative;

“subterranean water” means artesian water or water naturally existing underground or abstracted from the underground or water flowing naturally from a spring;

“the Act” means the provisions of the Water Act, 1956 (Act 54 of 1956), applicable in the Territory of South-West Africa;

“use for domestic purposes” includes use for sanitary purposes, the watering and dipping of stock and the irrigation of crops on an area of land not exceeding one hectare;



“put” ’n gat wat op kunsmatige wyse in die aarde gemaak is anders as deur middel van ’n waterboormasjien met die doel om ondergrondse water te verkry;

“Raad” die Adviserende Waterraad vir Suidwes-Afrika ingestel kragtens regulasie 2 van die regulasies uitgevaardig ingevolge artikel 180 (3) van die Wet;

“watertafel” die hoogste vlak, gemeet vanaf die oppervlakte van die omliggende grond, tot waar water op natuurlike wyse in ’n boorgat of put styg;

en het enige ander uitdrukking waaraan ’n betekenis in die Wet geheg is, dieselfde betekenis.

### BEHEER EN GEBRUIK VAN ONDERGRONDSE WATER

2. Enige persoon wat op die datum van afkondiging van hierdie regulasies ondergrondse water gebruik kan, behoudens die bepalings van die Wet en van hierdie regulasies, voortgaan om die hoeveelheid ondergrondse water wat hy redelikerwys vir huishoudelike doeleindes nodig het, te gebruik en kan vir ’n tydperk van hoogstens 12 maande voortgaan om die hoeveelheid ondergrondse water wat hy redelikerwys vir ander doeleindes nodig het, te gebruik: Met dien verstande dat as die Minister van oordeel is dat sodanige persoon meer water gebruik as wat hy redelikerwys vir genoemde doeleindes nodig het of dat hy water nie voordelig gebruik nie, kan die Minister die hoeveelheid water bepaal wat hy aldus kan gebruik of voorwaardes ter reëling van die gebruik van sodanige water opleë, en daarna mag sodanige persoon nie ’n groter hoeveelheid water gebruik as die hoeveelheid aldus bepaal nie of mag hy nie water gebruik anders as ooreenkomstig die voorwaardes aldus opgelê nie.

3. Geen persoon mag, behalwe soos in regulasie 2 bepaal of op gesag van ’n permit deur die Minister uitgereik ingevolge regulasie 5 en op sodanige voorwaardes as wat in daardie permit uiteengesit word, ’n boorgat of put maak, vergroot, dieper maak of verander nie, of ’n fontein oopmaak of skoonmaak nie, of ondergrondse water onttrek of gebruik nie.

4. (1) Enige persoon wat ’n permit van die Minister verlang om hom in staat te stel om ’n boorgat of ’n put te maak, te vergroot, dieper te maak of te verander, of om ’n fontein oop te maak of skoon te maak of om ondergrondse water te onttrek of te gebruik, moet skriftelik daarom aansoek doen by die Direkteur met vermelding van die volgende besonderhede:

- (a) Sy volle naam en adres;
- (b) die volle naam en adres van die geregistreerde eienaar van die eiendom waarop die boorgat, put of fontein geleë is of sal wees;
- (c) ’n beskrywing van genoemde eiendom, met inbegrip van die grootte daarvan, en die nommer en datum van die betrokke titelbewys;
- (d) ’n plan volgens skaal wat die grense van die eiendom en die ligging van alle voorgestelde of bestaande boorgate, putte en fonteine in die aansoek vermeld en van alle ander bestaande boorgate, putte en fonteine op die eiendom aandui;
- (e) sover bekend die datum waarop elke sodanige boorgat of put gemaak is of sodanige fontein ontstaan het en die oorspronklike en huidige lewering, diepte en watertafel daarvan;
- (f) ’n beskrywing van enige pompinstallasie of ander toerusting waarmee water uit die boorgate, putte of fonteine onttrek word of sal word en die hoeveelheid water in kubieke meter per uur wat sodanige pompinstallasie of ander toerusting in staat is om te onttrek;

“water table” means the highest level, measured from the surface of the surrounding land, to which water rises naturally in a borehole or well;

“well” means a hole made into the earth by artificial means other than a water-boring machine for the purpose of obtaining subterranean water;

“yield” of a borehole or well, means the maximum quantity of water per hour capable of being abstracted from a borehole or well during the last half-hour of a period of not less than nine hours during which water has been abstracted at a rate equal to the rate at which the water supply of the borehole or well is replenished from underground sources, and, of a spring, the rate at which water flows naturally therefrom;

and any other expression to which a meaning has been assigned in the Act bears the same meaning.

### CONTROL AND USE OF SUBTERRANEAN WATER

2. Subject to the provisions of the Act and of these regulations, any person who at the date of promulgation of these regulations is using subterranean water may continue to use the quantity of subterranean water reasonably required by him for domestic purposes and may continue for a period not exceeding 12 months to use the quantity of subterranean water reasonably required by him for other purposes: Provided that if the Minister is of opinion that such person uses more water than he reasonably requires for the said purposes or does not use water beneficially, the Minister may determine the quantity of water he may so use or impose conditions governing the use of such water, and thereafter such person shall not use a larger quantity of water than the quantity so determined or shall not use water otherwise than in accordance with the conditions so imposed.

3. Except as provided in regulation 2 or under the authority of a permit issued by the Minister under regulation 5 and on such conditions as may be specified in that permit, no person shall sink, enlarge, deepen or alter any borehole or well, or open up or clean any spring, or abstract or use subterranean water.

4. (1) Any person desiring a permit from the Minister to enable him to sink, enlarge, deepen or alter any borehole or well, or to open up or clean any spring, or to abstract or use subterranean water, shall apply in writing therefor to the Director, stating the following particulars:

- (a) His full name and address;
- (b) the full name and address of the registered owner of the property on which the borehole, well or spring is or will be situated;
- (c) a description of the said property, including the extent thereof, and the number and date of the title deed concerned;
- (d) a scale plan indicating the boundaries of the property and the location of all proposed or existing boreholes, wells and springs mentioned in the application and of all other existing boreholes, wells and springs on the property;
- (e) so far as may be known the date on which every such borehole or well was made or such spring came into existence and the original and present yield, depth and water table thereof;
- (f) a description of any pumping installation or other equipment with which water is or will be abstracted from the boreholes, wells or springs and the quantity of water in cubic metres per hour which such pumping installation or other equipment is capable of abstracting;

(g) die grootte van die grond wat jaarliks op die betrokke eiendom met ondergrondse water besproei word of sal word, die soorte gewasse wat verbou word of sal word en die hoeveelheid water in kubieke meter per jaar wat vir die doel nodig is;

(h) enige ander doeleindes waarvoor ondergrondse water gebruik word of sal word en die hoeveelheid water in kubieke meter per jaar wat daarvoor benodig word;

en moet, indien deur die Direkteur daartoe versoek, ook enige ander besonderhede verstrek wat die Direkteur mag vereis.

(2) Sodanige persoon moet, indien sodanige boorgat of put binne die regsgebied van 'n plaaslike owerheid geleë is of sal wees en die direkteur van oordeel is dat artesiëse water in daardie boorgat of put aangetref word of sal word, sy voorneme om aansoek om 'n permit te doen in die *Staatskoerant* en in 'n nuusblad wat in die betrokke gebied in omloop is bekendmaak en moet in die betrokke kennisgewing 'n beskrywing van die eiendom waarop die boorgat of put geleë is of sal wees, die hoeveelheid water in kubieke meter per jaar wat hy voornemens is om te onttrek of te gebruik en die doel waarvoor dit gebruik sal word, verstrek en meld dat enige beswaar teen die aansoek binne 14 dae by die Direkteur ingedien moet word.

5. Na ontvangs van 'n aansoek ingevolge regulasie 4 (1) kan die Minister 'n permit uitreik om die aansoeker te magtig om enige boorgat, put of fontein wat in die aansoek vermeld word, te maak, te vergroot, dieper te maak, te verander, oop te maak of skoon te maak of om daaruit 'n bepaalde hoeveelheid water te onttrek en te gebruik vir die doeleindes en eenderhewig aan die voorwaardes in die permit uiteengesit: Met dien verstande dat, indien die Direkteur van oordeel is dat artesiëse water in 'n boorgat of put aangetref word of sal word, die Minister nie 'n aansoek oorweeg nie tensy dit deur die Raad aanbeveel word.

6. Die Raad oorweeg nie 'n aansoek nie voor afloop van die tydperk van 14 dae in regulasie 4 (2) genoem.

7. Wanneer die Raad die aanbevelings van 'n permit ingevolge regulasie 5 oorweeg, moet die Direkteur sodanige gegewens, inligting of planne beskikbaar stel as wat die Raad nodig het om hom in staat te stel om tot 'n besluit oor 'n billike verdeling van water in die openbare belang te kom en kan die Raad 'n eienaar of huurder van grond, verbruiker van water, verbandhouer of ander persoon wat, na die oordeel van die Raad, waarskynlik geraak kan word deur enige permit wat oorweeg word, versoek om binne 'n tydperk wat die Raad aandui voor die Raad te verskyn of om skriftelik of andersins sodanige gegewens, inligting of planne as wat die Raad nodig het, beskikbaar te stel, of om redes te verstrek waarom 'n permit nie uitgereik behoort te word nie, of om aanbevelings te doen oor die voorwaardes wat by die uitreiking van 'n permit opgelê behoort te word.

8. Indien sodanige eienaar, huurder, verbruiker, verbandhouer of persoon nie binne die tydperk wat die Raad aangedui het, aan die Raad se versoek voldoen nie, doen die Raad 'n aanbeveling na goedgekke.

9. Die Minister kan, by die uitreiking van 'n permit kragtens regulasie 5, sodanige voorwaardes opleë, hetsy in die algemeen of ten opsigte van verskillende tydperke in enige jaar, as wat hy nodig ag vir 'n billike verdeling van water in die openbare belang of vir die bewaring van watervoorrade of die beskerming van waterbronne, met inbegrip van voorwaardes ten opsigte van—

(i) die afdigting of voering van enige boorgat, put of fontein met die doel om ontsnapping of verlies van water daaruit te voorkom;

(ii) die meet en reëling van die hoeveelheid ondergrondse water wat onttrek word;

(g) the extent of the land which is or will be irrigated annually with subterranean water on the property concerned, the types of crops cultivated or to be cultivated and the quantity of water in cubic metres per annum required for the purpose;

(h) any other purposes for which subterranean water is or will be used and the quantity of water in cubic metres per annum required therefor;

and shall, if requested by the Director to do so, also furnish any other particulars which the Director may require.

(2) Such person shall, whenever such borehole or well is or will be situated within the area of jurisdiction of a local authority and the Director is of opinion that artesian water is or will be found in that borehole or well, give notice in the *Gazette* and in a newspaper circulating in the area concerned of his intention to apply for a permit, and shall, in the notice concerned, furnish a description of the property on which the borehole or well is or will be situated, indicating the quantity of water in cubic metres per annum which he intends to abstract or to use and the purpose for which it will be used, and shall state that any objection to the application must be lodged with the Director within 14 days.

5. Upon receipt of an application in terms of regulation 4 (1) the Minister may issue a permit authorising the applicant to sink, enlarge, deepen, alter, open up or clean any borehole, well or spring mentioned in the application or to abstract therefrom and use a specific quantity of water for the purposes and subject to the conditions specified in the permit: Provided that, if the Director is of opinion that artesian water is or will be found in a borehole or well, the Minister shall not consider an application unless it is recommended by the Board.

6. The Board shall not consider any application before expiration of the period of 14 days referred to in regulation 4 (2).

7. When the Board considers the recommendation of a permit in terms of regulation 5, the Director shall make available such data, information or plans as may be required by the Board to enable it to decide upon an equitable distribution of water in the public interest, and the Board may request an owner or lessee of land, a consumer of water, bondholder or other person who in the opinion of the Board is likely to be affected by any permit under consideration, to appear before the Board within a period indicated by the Board or to make available in writing or otherwise such data, information or plans as the Board may require, or to give reasons why any permit should not be issued, or to make recommendations on the conditions which should be imposed in connection with the issue of any permit.

8. If such owner, lessee, consumer, bondholder or person fails to comply with the Board's request within the period indicated by the Board, the Board shall make such recommendation as it may deem fit.

9. The Minister may, when issuing a permit under regulation 5, impose such conditions, whether generally or in respect of different periods in any year, as he may deem necessary for an equitable distribution of water in the public interest or for the conservation of water supplies or for the protection of water sources, including conditions in respect of—

(i) the sealing or casing of any borehole, well or spring for the purpose of preventing the escape or loss therefrom of water;

(ii) the measurement and regulation of the quantity of subterranean water abstracted;

(iii) die tydelike vermeerdering of vermindering van die hoeveelheid ondergrondse water wat gedurende 'n tydperk deur enige persoon onttrek mag word;

(iv) die voorkoming van besoedeling van ondergrondse of ander water;

(v) die inlewering van verteenwoordigende monsters van materiaal wat gedurende die maak van 'n boorgat of put verkry is;

(vi) die aanbou, afdigting of voering van enige reservoir vir die doeltreffende benutting van ondergrondse water;

en die Minister kan sodanige voorwaardes te eniger tyd wysig, opskort of intrek.

10. 'n Permit kragtens regulasie 5 uitgereik, verval indien die maak, vergroting, dieper maak, verandering, oopmaak of skoonmaak van die boorgate, putte of fonteine daarby gemagtig nie binne 'n tydperk van drie jaar vanaf die datum van die permit of binne sodanige verdere tydperk as wat die Minister goedkeur, voltooi word nie.

11. (1) Indien die Minister te eniger tyd van oordeel is dat ondergrondse water wat ingevolge hierdie regulasies onttrek word nie voordelig gebruik word nie of dat 'n voorwaarde wat ingevolge regulasie 9 opgelê is nie nagekom word nie, kan hy enige reg kragtens regulasie 2 toegeken of enige permit kragtens regulasie 5 uitgereik, intrek, of kan hy die persoon wat geregtig is om sodanige water te gebruik, skriftelik gelas om enige boorgat geheel of gedeeltelik, soos deur die Minister voorgeskryf, te verseël, of om enige waterwerk so te verander of te herstel, of om sodanige bykomende waterwerke aan te bou of sodanige ander stappe te doen as wat die Minister bepaal en wat na sy oordeel sal lei tot die voordeliger gebruik van sodanige water.

(2) Sodanige persoon moet binne 'n tydperk deur die Minister bepaal en op sy eie koste aan die Minister se lasgewing voldoen, en, indien hy versuim om dit te doen, kan die Minister sodanige boorgat laat verseël of verandering laat aanbring of herstelwerk laat doen of bykomende waterwerke laat aanbou, na gelang van die geval, en die koste daarvan op sodanige persoon verhaal.

12. Ondanks andersluidende bepalinge van hierdie regulasies kan die Minister, indien hy dit in die openbare belang raadsaam ag, by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing aan enige persoon, die onttrekking en gebruik van ondergrondse water vir enige doel beheer, reël, inkort of verbied.

13. (1) Geen persoon mag 'n waterboormasjien of ander toestel gebruik om 'n boorgat te maak nie tensy hy in besit is van 'n permit van die Direkteur en sodanige permit word nie uitgereik nie tensy sodanige masjien of toestel na die mening van die Direkteur vir die doel geskik is en die persoon aan wie die permit uitgereik word ten opsigte van ondervinding, kennis en vermoë aan die vereistes voldoen wat die Minister by kennisgewing in die *Staatskoerant* bepaal.

(2) Die vereistes wat by Goewermentskennisgewing 2329 van 24 Desember 1970 afgekondig is, word geag kragtens subregulasie (1) bepaal te gewees het.

14. (1) Enige persoon wat in stryd met enige bepaling van hierdie regulasies of met 'n reg of verpligting verkry of opgelê by wyse van 'n permit, bepaling, opdrag of voorwaarde, ondergrondse water onttrek of gebruik, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel 170 (1) van die Wet voorgeskryf.

(2) Subartikels (4) en (5A) van artikel 170 van die Wet is *mutatis mutandis* van toepassing op hierdie regulasies.

#### OORDRAG VAN MINISTER SE BEVOEGDHEDE

15. Die Minister kan by kennisgewing in die *Staatskoerant* enige bevoegdheid by hierdie regulasies aan hom verleen, aan die Sekretaris of enige ander beampte van die Departement oordra.

(iii) the temporary increase or reduction of the quantity of subterranean water which may during any period be abstracted by any person;

(iv) the prevention of pollution of subterranean or other water;

(v) the sending in of representative samples of material obtained during the sinking of a borehole or well;

(vi) the construction, sealing or lining of any reservoir for the efficient use of subterranean water;

and the Minister may at any time amend, suspend or cancel such conditions.

10. A permit issued under regulation 5 shall lapse if the sinking, enlargement, deepening, alteration, opening up or cleaning of the boreholes, wells or springs authorised thereby is not completed within a period of three years after the date of the permit or within such further period as the Minister may approve.

11. (1) If at any time the Minister is of opinion that subterranean water abstracted in terms of these regulations is not used beneficially, or that a condition imposed under regulation 9 is not complied with, he may cancel any right granted under regulation 2 or withdraw any permit issued under regulation 5, or he may, in writing, direct the person who is entitled to use such water to seal any borehole partly or completely, as directed by the Minister, or so to alter or repair any water work, or to construct such additional water works or to take such other steps as the Minister may determine and as will, in his opinion, result in such water being used more beneficially.

(2) Such person shall within a period determined by the Minister and at his own expense comply with the Minister's direction and, if he fails to do so, the Minister may cause such borehole to be sealed or alteration to be made or repairs to be carried out or additional water works to be constructed, as the case may be, and recover the cost thereof from such person.

12. Notwithstanding any provisions of these regulations to the contrary the Minister may, if he deems it expedient in the public interest, by notice in the *Gazette* or by notice in writing to any person, control, regulate, limit or prohibit the abstraction and use of subterranean water for any purpose.

13. (1) No person shall use a water-boring machine or other apparatus to sink a borehole unless he is in possession of a permit from the Director and such permit shall not be issued unless such machine or apparatus is, in the opinion of the Director, suitable for the purpose and the person to whom the permit is issued complies in respect of experience, knowledge and ability with the requirements determined by the Minister by notice in the *Gazette*.

(2) The requirements published in Government Notice 2329 of 24 December 1970 shall be deemed to have been determined in terms of subregulation (1).

14. (1) Any person who abstracts or uses subterranean water in contravention of any provision of these regulations or a right or an obligation acquired or imposed by means of a permit, determination, direction or condition shall be guilty of an offence and liable on conviction to the penalties prescribed in section 170 (1) of the Act.

(2) Subsections (4) and (5A) of section 170 of the Act shall apply *mutatis mutandis* to these regulations.

#### DELEGATION OF THE MINISTER'S POWERS

15. The Minister may by notice in the *Gazette* delegate to the Secretary or any other officer of the Department any power conferred upon him by these regulations.

**ALGEMEEN**

16. 'n Lisensie kragtens die bepalings van die Ordonnansie op die Beheer van Artesiese Water, 1955 (Ordonnansie 35 van 1955), van die gebied Suidwes-Afrika uitgereik, word geag 'n permit te wees kragtens regulasie 5 uitgereik en enige ander handeling verrig kragtens genoemde Ordonnansie word geag kragtens die ooreenstemmende bepaling van hierdie regulasies of die Wet, indien daar een is, verrig te gewees het.

**GENERAL**

16. Any licence issued under the provisions of the Artesian Water Control Ordinance, 1955 (Ordinance 35 of 1955), of the Territory of South-West Africa shall be deemed to be a permit issued under regulation 5 and any other act performed under the said Ordinance shall be deemed to have been performed under the corresponding provision, if any, of these regulations or the Act.

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