



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS 40c PRICE
Plus AVB/GST
BUIELANDS 50c ABROAD
POSVRY · POST FREE

Vol. 230

KAAPSTAD, 10 AUGUSTUS 1984

No. 9355

CAPE TOWN, 10 AUGUST 1984

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1683.

10 Augustus 1984

No. 1683.

10 August 1984

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

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

No. 104 van 1984: Wysigingswet op Fisiese Beplanning, 1984.

No. 104 of 1984: Physical Planning Amendment Act, 1984.

PHYSICAL PLANNING AMENDMENT ACT, 1984

Act No. 104, 1984

GENERAL EXPLANATORY NOTE.

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

ACT

To amend the Physical Planning Act, 1967, so as to regulate anew the use of land in controlled areas for certain purposes, and in connection therewith to authorize the issue of permits and to create a new offence; to make different provision in relation to agricultural land situated in guide plan areas and the amendment or withdrawal of guide plans; to provide that certain permits shall lapse under certain circumstances; and to create a new presumption which shall apply in prosecutions for certain offences; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 12 July 1984.)

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

1. Section 6 of the Physical Planning Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 6 of Act 88 of 1967, as substituted by section 4 of Act 51 of 1981.

“(1) Subject to the provisions of subsection (2), no person shall—

- (a) use land in a controlled area otherwise than for a purpose for which it was being used immediately prior to the date as from which the area concerned was or is declared a controlled area or part of a controlled area; or
- (b) use land, in a controlled area, which at any time after the date referred to in paragraph (a), whether before or after the commencement of the Physical Planning Amendment Act, 1984, was not used for a purpose contemplated in the said paragraph (a), or for any other purpose authorized by or under this Act, for a continuous period of two years,
- except under the authority of a permit and for the purpose and in accordance with the conditions specified therein.”

2. Section 6A of the principal Act is hereby amended—

(a) by the addition to subsection (12) of the following paragraph:

Amendment of section 6A of Act 88 of 1967, as inserted by section 6 of Act 73 of 1975, substituted by section 5 of Act 51 of 1981 and amended by section 2 of Act 87 of 1983.

- “(e) all land in the guide plan area concerned, other than land which in terms of the guide plan concerned may be used for agricultural purposes only and which is agricultural land as defined in section 1 of the Subdivision of Agricultural Land Act, 1970 (Act No. 70 of 1970), shall be excluded from the provisions of the said Act: Provided that without the prior written approval of the Minister of Agriculture, no permission shall be granted in terms of any law for the subdivision of land which in terms of the guide plan may be used for agricultural purposes as well as any other purpose.”;

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- (b) by the deletion of subsection (18); and
 (c) by the substitution for paragraph (b) of the proviso to subsection (19) of the following paragraph:

5 “(b) the comments of **[the Minister of Agriculture and Fisheries and]** the Administrator concerned and, if
 land which in terms of the guide plan may be used
 for agricultural purposes can in the opinion of the
 Minister be affected by the proposed amendment
 10 or withdrawal, the comments of the Minister of
Agriculture shall be obtained.”.

3. Section 8 of the principal Act is hereby amended—

- (a) by the addition to paragraph (a) of subsection (1) of the following subparagraph:

15 “(iv) the use of land in a controlled area for a purpose
 for which it was being used immediately prior to
 the date referred to in subparagraph (iii), in a case
 where the land concerned at any time after that
 date was not so used for a continuous period of
 20 two years.”; and

- (b) by the addition of the following subsection:
 “(3) A permit issued under subsection (1) (a) (iii) or
 (iv) shall lapse if at any time after the issue thereof the
 25 land concerned is not used for a continuous period of
two years for any purpose authorized in the permit.”.

Amendment of
 section 8 of
 Act 88 of 1967,
 as substituted by
 section 7 of
 Act 51 of 1981.

4. Section 12 of the principal Act is hereby amended by the addition of the following subsection:

30 “(4) When in any prosecution for a contravention of section 6 (1) it is alleged that land was not used for a continuous period of two years for any purpose contemplated in that provision, it shall be presumed, until the contrary is proved, that such land was not so used.”.

Amendment of
 section 12 of
 Act 88 of 1967,
 as substituted by
 section 6 of
 Act 104 of 1977
 and amended by
 section 6 of
 Act 87 of 1983.

5. This Act shall be called the Physical Planning Amendment Act, 1984. Short title.