

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 392.

12 Maart 1982.

No. 392.

12 March 1982.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee 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. 21 van 1982: Wysigingswet op Onteiening, 1982.

No. 21 of 1982: Expropriation Amendment Act, 1982.

## EXPROPRIATION AMENDMENT ACT, 1982

Act No. 21, 1982

## 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 Expropriation Act, 1975, in order to replace certain official designations; to delete certain obsolete expressions and references; to make new provision regarding the rate at which interest is payable on outstanding amounts of compensation; to delete the rules according to which the value of goodwill is calculated in the determination of amounts of compensation; and to make new provision regarding the requirements for the appointment of a president of a compensation court from the ranks of magistrates and former magistrates; and to provide for incidental matters.

*(English text signed by the State President.)*  
*(Assented to 16 February 1982.)*

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

1. Section 1 of the Expropriation Act, 1975 (hereinafter referred to as the principal Act), is hereby amended by the 5 substitution for the definition of "Minister" of the following definition: Amendment of section 1 of Act 63 of 1975.

10 "Minister" means the Minister of **[Agriculture]** Community Development and, except for the purposes of sections 3 and 25 (2), includes an executive committee;"

2. Section 3 of the principal Act is hereby amended by the 15 substitution for subsection (1) of the following subsection: Amendment of section 3 of Act 63 of 1975.

15 "(1) If a juristic person or body mentioned in subsection (2) satisfies the Minister charged with the administration of the law mentioned in connection therewith that it reasonably requires any particular immovable property for the attainment of its objects and that it is unable to acquire it on reasonable terms, the Minister of **[Agriculture]** Community Development may, at the request of the first-mentioned Minister, and subject to the provisions of subsections 20 (4) and (5), and, in the case of a juristic person contemplated in paragraph (h) of the said subsection (2), with the approval, by resolution, of the **[Senate and]** House of 25 Assembly, expropriate such immovable property on behalf of that juristic person or body as if it were required for public purposes."

3. The following section is hereby substituted for section 4 of the principal Act: Substitution of section 4 of Act 63 of 1975.

30 "Expropriation of property by South African Transport Services. 4. (1) The provisions of sections 7 to 24 of this Act shall *mutatis mutandis* apply in respect of the exercise by the **[Railway Administration]** South African Transport Services of the power to expropriate or take property conferred upon it by the **[Railways and Harbours Control and Management**

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**(Consolidation) Act, 1957 (Act No. 70 of 1957)**  
**South African Transport Services Act, 1981 (Act**  
**No. 65 of 1981).**

5 (2) For the purposes of the application of subsection (1) the powers mentioned therein shall be deemed to have been conferred upon the Minister of Transport Affairs and any reference in this Act to the Minister and the State shall be deemed to be a reference to the Minister of Transport Affairs and the **[Railway Administration]** South African Transport Services, respectively.

15 (3) The powers vested in the Minister of Transport Affairs by virtue of the provisions of subsection (2), other than a power contemplated in section 24, may also be exercised by the General Manager and a Deputy General Manager of the South African **[Railways and Harbours]** Transport Services and, in connection with movable property urgently required in an emergency, also by any officer of the **[Railway Administration]** South African Transport Services of or above the rank of Assistant Superintendent or an equivalent engineering rank, and, if no officer of that rank is readily available at the place where the property in question is, any employee of the **[said Administration]** South African Transport Services whose duty it is to take measures to deal with the emergency.

30 (4) The provisions of this section, and the other provisions of this Act, in so far as they are connected with the application of this section, shall also apply in the territory of South West Africa, including the Eastern Caprivi Zipfel.”.

4. (1) Section 12 of the principal Act is hereby amended—
- 35 (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- “Interest at the **[rate applicable on the date of expropriation in respect of State loans and advances by virtue of a notice under section 1 of the Financial Adjustments Act, 1917 (Act No. 42 of 1917),]** standard interest rate determined in terms of section 26 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall, subject to the provisions of subsection (4), be payable from the date on which the State takes possession of the property in question in terms of section 8 (3) or (5) on any outstanding portion of the amount of compensation payable in accordance with subsection (1) (a) (i): Provided that—”;
- 40 (b) by the substitution for paragraph (g) of subsection (5) of the following paragraph:
- 50 “(g) whenever in the opinion of the Minister the amount of compensation may be affected by minerals, the value of the property concerned shall be determined after consultation by the Minister with the Minister of **[Mines]** Mineral and Energy Affairs”;
- 55 (c) by the substitution in subparagraph (iv) of paragraph (h) of subsection (5) for the expression “Secretary for Water Affairs” of the expression “Director General: Environment Affairs”;
- 60 (d) by the deletion of paragraph (i) of subsection (5); and
- (e) by the deletion of subsection (6).

Amendment of section 12 of Act 63 of 1975, as amended by section 1 of Act 3 of 1978.

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(2) Any expropriation of land upon which any business or profession is conducted or pursued on the date of expropriation as contemplated in subsection (5) (i), read with subsection (6), of section 12 of the principal Act, commenced prior to the deletion of those subsections by subsections (1) (d) and (1) (e) of this section, and any proceedings for the determination of compensation in terms of any law in respect of any such expropriation, instituted prior to such deletion, shall be concluded as if subsections (1) (d) and (1) (e) of this section had not been passed.

5. Section 16 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) A president contemplated in subsection (4) shall be appointed from the ranks of judges or former judges of the Supreme Court of South Africa, magistrates or former magistrates who hold or held **[a] the rank of [at least senior] magistrate for at least ten years**, or advocates or attorneys of not less than ten years’ standing.”

Amendment of section 16 of Act 63 of 1975, as amended by section 2 of Act 19 of 1977 and section 2 of Act 3 of 1978.

6. This Act shall be called the Expropriation Amendment Act, Short title.  
20 1982.