



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 473.

14 Maart 1984

No. 473.

14 March 1984

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

No. 21 van 1984: Strandwysigingswet, 1984.

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

No. 21 of 1984: Sea-shore Amendment Act, 1984.

## SEA-SHORE AMENDMENT ACT, 1984

Act No. 21, 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 Sea-shore Act, 1935, so as to amend certain definitions; to curtail the power of the Minister of Community Development and the Minister of Transport Affairs to permit the removal of material from the sea-shore and the sea; to make different provision relating to the announcement of proposals to enter into certain leases of the sea-shore and the sea and issue certain permits; to assign the power of the State President to authorize local authorities to exercise certain powers for the purposes of public health to the Minister of Health and Welfare; to authorize the making of regulations which provide for the seizure and disposal of certain articles; to increase the fine which may be prescribed by regulation; to make different provision relating to the announcement of draft regulations; to make provision that local authorities be consulted before regulations are declared to be applicable to certain State-owned land situated in or adjoining their respective areas of jurisdiction; and to substitute or delete certain obsolete designations and references; and to provide for matters connected therewith.

*(English text signed by the State President.)*  
*(Assented to 24 February 1984.)*

**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 Sea-shore Act, 1935 (hereinafter referred to as the principal Act), is hereby amended—
  - 5 (a) by the substitution for the definition of 'Administration' of the following definition:
 

“‘Administration’ means the South African Transport Services referred to in section 2 of the South African Transport Services Act, 1981 (Act No. 65 of 1981);”;
  - 10 (b) by the substitution for the definition of 'local authority' of the following definition:
 

“‘local authority’ means any city council, municipal council, borough or town or village council, town board, local board, village management board, divisional council, local administration and health board or health committee constituted in terms of any law, and includes the South African Development Trust referred to in section 4 of the Development Trust and Land Act, 1936 (Act No. 18 of 1936), the **[Local Health Commission]** Development and Service Board constituted under the **[Local Health Commission (Public Health Areas Control)]** Development and Services Board Ord-

Amendment of section 1 of Act 21 of 1935, as substituted by section 1 of Act 60 of 1959 and amended by section 1 of Act 2 of 1963 and section 1 of Act 38 of 1972.

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nance, 1941 (Ordinance No. 20 of 1941), of Natal, [and] the Natal Parks, Game and Fish Preservation Board constituted under the [Natal Parks, Game and Fish Preservation Ordinance, 1947 (Ordinance No. 35 of 1947)] Nature Conservation Ordinance, 1974 (Ordinance No. 15 of 1974), of Natal, and [the National Parks Board of Trustees established under the National Parks Act, 1962 (Act No. 42 of 1962)] the Department of Nature and Environmental Conservation constituted by the Nature and Environmental Conservation Ordinance, 1974 (Ordinance No. 19 of 1974), of the Cape of Good Hope;"; and

(c) by the substitution for the definition of 'Minister' of the following definition:

"'Minister' means the Minister of [Agriculture] Community Development, save that in relation to the sea-shore and the sea within any port or harbour which in terms of any law falls under the control and management of the Administration, 'Minister' means the Minister of Transport Affairs;"

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

(a) by the substitution for subsection (2) of the following subsection:

"(2) The Minister may permit, on such conditions as he may deem expedient and at such a consideration as he may determine, the removal of any material, except precious stones as defined in section 1 of the Precious Stones Act, 1964 (Act No. 73 of 1964), natural oil, precious metals or any base mineral as defined in section 1 of the Mining Rights Act, 1967 (Act No. 20 of 1967), or any aquatic plant, shell or salt as defined in section 1 of the Sea Fisheries Act, 1973 (Act No. 58 of 1973), from the sea-shore and the sea of which the State President is by section 2 declared to be the owner.";

(b) by the substitution for subsection (5) of the following subsection:

"(5) [Not less than one month] Before any lease is entered into under subsection (1) or any permit is granted under subsection (2), the Minister shall, at the expense of the person with or to whom it is proposed to enter into such lease or to issue such permit, cause a notice [wherein the proposal is made known] to be published in the *Gazette* and in not less than one newspaper circulating in the neighbourhood wherein the portion of the sea-shore or the sea concerned is situated, wherein—

(a) the proposal to enter into the lease or to issue the permit is made known;

(b) the place where and the times at which full particulars of the proposed lease or permit will be open for inspection are specified; and

(c) it is specified that objections to the proposed lease or permit may be lodged with a person specified in the notice, before a date so specified, which shall be not less than 30 days after the date on which the notice is published."; and

(c) by the addition of the following subsection:

"(6) Any objection in terms of paragraph (c) of subsection (5) shall be considered by the Minister before he enters into a lease under subsection (1) or issues a permit under subsection (2)."

Amendment of section 3 of Act 21 of 1935, as substituted by section 3 of Act 60 of 1959.

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## 3. Section 4 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

Amendment of section 4 of Act 21 of 1935, as substituted by section 4 of Act 60 of 1959.

5 “(a) that no right acquired under subsection (1) with regard to the sea-shore or the sea may be transferred to any person other than a local authority or the Government of the Republic, unless the prior approval thereto, by resolution, of **[both Houses of Parliament]** the House of Assembly is obtained; and”;

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

15 “(3) The provisions of **[subsection]** subsections (5) and (6) of section 3 with regard to a lease under subsection (1) of that section shall apply *mutatis mutandis* to any letting or alienation under subsection (1).”.

## 4. The following section is hereby substituted for section 6 of the principal Act:

Substitution of section 6 of Act 21 of 1935, as substituted by section 6 of Act 60 of 1959.

20 “Approval of House of Assembly. 6. (1) Any alienation, letting or permission with regard to the sea-shore or the sea which is not authorized elsewhere in this Act or in any other law, may only take place with the approval, by resolution, of **[both Houses of Parliament]** the House of Assembly.

25 (2) If an alienation, letting or permission in terms of subsection (1) is proposed with regard to any portion of the sea-shore or the sea situated within or adjoining the area of jurisdiction of a local authority, the Minister shall, before the proposal is submitted to **[Parliament]** the House of Assembly, consult that local authority.

30 (3) Not less than one month before submitting to **[Parliament]** the House of Assembly any proposal for an alienation, letting or permission in terms of subsection (1), the Minister shall, at the expense of the person in whose favour the alienation, letting or permission is proposed, cause a notice setting forth particulars of such proposal, to be published in the *Gazette* and in not less than one newspaper circulating in the neighbourhood in which the portion of the sea-shore or the sea concerned is situated.

40 (4) Except where it is provided otherwise in the relevant resolution referred to in subsection (1), the provisions of paragraphs (a) and (b) of subsection (2) of section 4 shall apply *mutatis mutandis* to any alienation, letting or permission under subsection (1).”.

## 5. The following section is hereby substituted for section 7 of the principal Act:

Substitution of section 7 of Act 21 of 1935, as substituted by section 59 of Act 63 of 1977.

50 “Exercise of powers for purposes of public health. 7. (1) Notwithstanding anything contained in the Health Act, 1977, the **[State President]** Minister of Health and Welfare may by **[proclamation]** notice in the *Gazette* declare that any local authority, as **[defined]** referred to in section 1 or 30 of the aforesaid Act, may exercise, in respect of the sea-shore and the sea situate within its area of jurisdiction or adjoining such area, any of the powers which are conferred by or under that Act on a local authority.

55 (2) The power conferred by sections 31 and 50 of the Health Act, 1977, on the Minister of Health and

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Welfare, the [Secretary] Director-General or a local authority, as defined in section 1 of the Health Act, 1977, to delegate to certain persons or to a local authority a function or duty vested in or devolving upon him or it under the said Act, may be exercised as regards any function or duty which may vest in or devolve upon him or it under the said Act as regards any portion of the sea-shore or the sea.”.

6. Section 8 of the principal Act is hereby amended by the substitution for the words “Crown land” of the words “State-owned land”.

Amendment of section 8 of Act 21 of 1935, as amended by section 8 of Act 60 of 1959.

7. Section 10 of the principal Act is hereby amended—

(a) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

Amendment of section 10 of Act 21 of 1935, as amended by section 10 of Act 60 of 1959, section 2 of Act 2 of 1963, section 1 of Act 45 of 1969 and section 2 of Act 38 of 1972.

“(g) providing for the seizure and disposal of anything—

(i) which is concerned in or is on reasonable grounds believed to be concerned in a contravention of or failure to comply with any provision of a regulation made under this section;

(ii) which may afford evidence of such a contravention or failure; or

(iii) which is intended to be used or is on reasonable grounds believed to be intended to be used in such a contravention or failure.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) The regulations may provide that any person contravening or failing to comply with any provision thereof shall be guilty of an offence and liable on conviction to such fine, not exceeding [two] five hundred rand, or to imprisonment for such period, not exceeding one year, as may be specified therein, or to both such fine and such imprisonment.”; and

(c) by the substitution for paragraphs (c), (d) and (e) of subsection (3) of the following paragraphs, respectively:

“(c) When any regulation applies to any portion of the sea-shore situated within or adjoining the area of jurisdiction of a local authority or to any portion of the sea adjoining such portion of the sea-shore, the Minister may, by notice in the *Gazette* and in not less than one newspaper circulating in the neighbourhood in which such area of jurisdiction is situated, confer powers or impose duties in relation to the administration of such regulation upon such local authority or upon any of its officers or upon any officer of the State.

(d) [Not less than thirty days] Before any regulation is made under this section, the Minister, or where a local authority desires to make a regulation, that local authority, shall cause [a copy of the proposed regulation] a notice to be published in the *Gazette* and in not less than one newspaper circulating in the neighbourhood where the regulation will apply, wherein—

(i) the intention to make the regulation is made known;

(ii) the place where and the times at which the draft regulation will be open for inspection are specified; and



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(iii) it is specified that objections to the proposed regulation may be lodged with a person specified in the notice, before a date so specified, which shall be not less than 30 days after the date on which the notice is published:

Provided that, if the Minister or the local authority, as the case may be, thereafter decides on an alteration of the draft regulation as a result of objections lodged in respect thereof, it shall not be necessary to publish a notice of the alteration or to make the amended draft available for inspection before the regulation is made under this section.

(e) Before the Minister declares any regulation to be applicable to any portion of the sea-shore, or to any State-owned land referred to in paragraph (b), situated within or adjoining the area of jurisdiction of a local authority, the Minister shall consult the local authority concerned and submit to it a copy of the regulation.”.

8. Section 13 of the principal Act is hereby amended—

(a) by the deletion of paragraph (a);

(b) by the substitution for paragraph (d) of the following paragraph:

“(d) the power of a provincial council to make ordinances conferred upon it by or under section [eighty-five] 84 of the [South Africa Act, 1909] Republic of South Africa Constitution Act, 1961, or any other law, or the validity or operation of any ordinance lawfully made by any provincial council before or after the commencement of this Act; or”; and

(c) by the substitution for paragraph (e) of the following paragraph:

“(e) [any rights or powers conferred upon any person by any licence granted by the Postmaster-General in terms of section eighty of the Post Office Administration and Shipping Combinations Discouragement Act, 1911 (Act No. 10 of 1911)] the provisions of the Post Office Act, 1958 (Act No. 44 of 1958), or any powers or rights conferred upon the Postmaster-General by or under the said Act.”.

Amendment of  
section 13 of  
Act 21 of 1935,  
as amended by  
section 13 of  
Act 60 of 1959.

9. This Act shall be called the Sea-shore Amendment Act, Short title.  
1984.