

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

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

Vol. 145]

KAAPSTAD, 6 JULIE 1977

[No. 5641

CAPE TOWN, 6 JULY 1977

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1212.

6 Julie 1977.

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

No. 104 van 1977: Wysigingswet op Omgewingsbeplanning, 1977.

No. 1212.

6 July 1977.

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

No. 104 of 1977: Environment Planning Amendment Act, 1977.

ACT

To amend the Environment Planning Act, 1967, so as to replace the definition of the expression "process"; to define the expressions "Bantu employee" and "employer" in connection with the prohibition on the extension of certain factories under section 3; to further regulate the restriction on the use of land for certain purposes; to extend the power of the Minister to exempt certain land from certain restrictions on the use thereof; and to provide for the proof of certain facts by means of the production of a certificate; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 22 June 1977.)*

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

Amendment of section 1 of Act 88 of 1967, as substituted by section 1 of Act 73 of 1975.

1. Section 1 of the Environment Planning Act, 1967 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "process" of the following definition:

"'processing' means recovering, extracting, concentrating, refining or converting;"

Amendment of section 3 of Act 88 of 1967, as amended by section 3 of Act 73 of 1975.

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

(a) by the substitution for subsection (4) of the following subsection:

"(4) If any condition imposed in terms of subsection (3) is not complied with the Minister may after not less than one month's notice revoke the approval in connection with which such condition was imposed."; and

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

"(5) For the purposes of this section and section 12—

(a) 'Bantu employee' means any person who is a Bantu within the meaning of section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950), and who is employed by, or works for an employer in or in connection with a factory, or who in any other manner whatsoever assists an employer in or about a factory in carrying on the business of such factory;

(b) 'employer' means any person who employs or provides work for any person in or in connection with a factory, or permits any person to assist him, in any manner whatsoever, in the carrying on of his business in or about a factory; and

Act No. 104, 1977

ENVIRONMENT PLANNING AMENDMENT ACT, 1977.

- (c) 'extension' in relation to a factory, means any increase in the number of Bantu employees employed in such factory."

Substitution of section 6B of Act 88 of 1967, as inserted by section 6 of Act 73 of 1975.

3. The following section is hereby substituted for section 6B of the principal Act:

"Restriction on use of land for certain purposes.

6B. (1) Notwithstanding the provisions of section 6 (2) (d) or any other law, no person shall, except under the authority of a permit, use any land—

- (a) for the purposes of a brickworks or pottery or stone crushing; or
 (b) unless by or under the direct control or supervision of any provincial administration, the Railway Administration or the National Transport Commission referred to in the Transport (Coordination) Act, 1948 (Act No. 44 of 1948), for the construction of a public road or railway line, for the purposes of a stone quarry, sand-pit, clay-pit, gravel quarry or soil quarry; or
 (c) for processing any mineral in any other manner, unless such land is reserved under section 4 (1) or zoned in terms of a guide plan for that purpose or, subject to the provisions of subsection (2), is immediately prior to the commencement of the Physical Planning and Utilization of Resources Amendment Act, 1975, used for that purpose.

(2) Notwithstanding the provisions of subsection (1), no person shall from the commencement of the Environment Planning Amendment Act, 1977, except under the authority of a permit, so use land (except land reserved under section 4 (1) or zoned in terms of a guide plan for any purpose referred to in subsection (1)) which—

- (a) has been used immediately prior to 3 November 1976 in terms of approval granted under section 199 of the Divisional Councils Ordinance, 1952 (Ordinance No. 15 of 1952), of the province the Cape of Good Hope, as a quarry, as defined in that Ordinance; or
 (b) has been used immediately prior to 27 August 1976 in terms of approval granted under section 183 of the Municipal Ordinance, 1974 (Ordinance No. 20 of 1974), of the province the Cape of Good Hope, as a quarry, as defined in that Ordinance,

other than in accordance with the conditions which were in force in respect of the relevant approval so granted.

(3) No application for a permit for the purposes of subsection (1) for the use of any land involving the processing of any minerals in a manner contemplated in subsection (1) (c), shall be granted by the Minister unless he has consulted the Minister of Mines."

Amendment of section 7 of Act 88 of 1967, as substituted by section 7 of Act 73 of 1975.

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

"Exemptions.

7. The Minister may by notice in the *Gazette*, on such conditions as he may determine and in so far as he may deem it expedient, exempt any land, any class of land or any particular use of land from any or all of the provisions of section 6 (1), 6B (1) or (2), and may in like manner at any time withdraw such exemption."

Act No. 104, 1977

ENVIRONMENT PLANNING AMENDMENT ACT, 1977.

Amendment of section 11 of Act 88 of 1967, as substituted by section 11 of Act 73 of 1975.

5. Section 11 of the principal Act is hereby amended—
- (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs:
- “(a) contravenes section 3 (1), 4 (3), 6 (1), 6A (10) (c), 6B (1) or (2); or
- (b) fails to comply with a condition referred to in section 2 (2), 3 (3), 4 (2), 6B (2) or 8 (1); or”;
- (b) by the substitution for subsection (2) of the following subsection:

“(2) Whenever any person is convicted of an offence referred to in subsection 1 (a) or (b), the court convicting him may, in addition to any other punishment imposed for that offence, summarily enquire into and assess the monetary equivalent of any advantage which that person may have gained in consequence of that offence, and impose on him a fine equal to the amount so assessed or, in default of payment imprisonment for a period not exceeding one year.”.

Substitution of section 12 of Act 88 of 1967, as substituted by section 12 of Act 73 of 1975.

6. The following section is hereby substituted for section 12 of the principal Act:

“Evidence.

12. (1) A document which purports to have been certified by the Secretary, or by an officer in the Department of Planning and the Environment authorized thereto by the Secretary, to be a true and correct copy of any approval or permission granted in writing, or a permit issued or conditions imposed, in terms of this Act, shall, upon the mere production thereof at any prosecution in terms of this Act, be *prima facie* evidence of the granting of such approval or permission or the imposition of such conditions, as the case may be.

(2) A certificate which purports to have been issued by the Secretary, or by an officer in the Department of Planning and the Environment authorized thereto by the Secretary, in which it is declared that according to the documents in the office of the Secretary an employer had on 18 January 1968 employed a particular number of Bantu employees, shall, on the mere production thereof at a prosecution in terms of section 3 (1), be *prima facie* evidence that such employer had on that date employed the number of Bantu employees mentioned in the certificate.

(3) Whenever at any prosecution in terms of section 3 the question arises whether or not any particular employee is a Bantu, it shall be presumed, until the contrary is proved, that such employee is a Bantu.”.

Short title.

7. This Act shall be called the Environment Planning Amendment Act, 1977.