

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.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 10c Prys
Overseas 15c Oorsee
POST FREE—POSVRY

Vol. 71.]

CAPE TOWN, 19TH MAY, 1971.

[No. 3105.

KAAPSTAD, 19 MEI 1971.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 844.

19th May, 1971.

No. 844.

19 Mei 1971.

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

No. 34 of 1971: Water Research Act, 1971.

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

No. 34 van 1971: Waternavorsingswet, 1971.

Act No 34, 1971

WATER RESEARCH ACT, 1971.

ACT

To provide for the promotion of research in connection with water affairs; for that purpose to establish a Water Research Commission and a Water Research Fund; and to provide for matters incidental thereto.

*(English text signed by the State President.)
(Assented to 7th May, 1971.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Water Act, 1956 (Act No. 54 of 1956), shall, when used in this Act, have the same meaning, and—

- (i) "commission" means the Water Research Commission established by section 2; (iii)
- (ii) "financial year" means the period from the first day of April in any year to the thirty-first day of March in the year next succeeding, both days inclusive; (i)
- (iii) "fund" means the Water Research Fund established by section 12; (ii)
- (iv) "university" means a university established by Act of Parliament. (iv)

Establishment and general objects of Water Research Commission.

2. (1) There is hereby established a commission to be known as the Water Research Commission.

(2) The Commission shall be a body corporate, capable of suing and being sued in its corporate name and of performing all such acts as are necessary for or incidental to the exercise of its powers and the performance of its functions and duties in terms of this Act.

(3) The objects of the commission are to co-ordinate, to promote, to encourage or to cause to be undertaken, as determined by the Minister specifically or in broad outline, research in respect of—

- (a) the occurrence, preservation, conservation, utilization, control, supply, distribution, purification, pollution or reclamation of water supplies and water;
- (b) the use of water for—
 - (i) agricultural purposes;
 - (ii) industrial purposes; or
 - (iii) urban purposes.

Functions of the commission.

3. (1) The functions of the commission shall be—

- (a) to cause, by itself or in collaboration with the Council for Scientific and Industrial Research established by section 2 of the Scientific Research Council Act, 1945 (Act No. 33 of 1945), any State department, university or other institution, research to be undertaken in respect of matters relating to water;

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- (b) to promote the research referred to in section 2 (3), and in connection therewith to establish research programmes or to alter research programmes so established;
- (c) to make grants, with the approval of the Minister, and on such conditions as the Minister may approve (including conditions relating to rights regarding inventions and discoveries arising therefrom) from the fund to individuals, universities and other institutions for the benefit of such research, the development work for the application of the results of such research and the establishment of facilities for such research;
- (d) to receive and to examine progress reports on such research and the development work for the application of the results of such research;
- (e) to obtain information relating to such research and to development work for the application of the results of such research;
- (f) to accumulate, to assimilate and to disseminate knowledge in regard to the results of such research and the application thereof, and to promote development work for the purposes of such application;
- (g) to co-operate with institutions undertaking such research in other countries, with a view to the accumulation or dissemination of knowledge of such research and the results thereof;
- (h) to advise the Minister in respect of the levying of rates or charges under section 11;
- (i) to take such other measures as the commission may consider conducive to the attainment of its objects.

(2) If progress reports on research by virtue of the provisions of subsection (1) (a), or on research, development work or the establishment of facilities, for the benefit of which any grant is made under subsection (1) (c), are not furnished by the person or body concerned as called for by the commission from time to time, the payment or any part thereof for the research concerned, or the paying over of the grant concerned or any part thereof, may be withheld as the commission may think fit.

Constitution of
commission, and
period of office
of its members.

4. (1) The commission shall consist of—
- (a) the secretary, *ex officio*, as chairman; and
 - (b) a vice-chairman and six other members appointed by the State President on grounds of their special knowledge or experience in regard to any aspect of the commission's functions.

(2) A member of the commission, with the exception of the chairman, shall hold office for such period and subject to such conditions as the State President may determine at the time of his appointment, but shall be eligible for reappointment at the expiry of such period: Provided that if in his opinion there are good reasons for doing so, the State President may at any time terminate the period of office of any member of the commission other than the chairman.

(3) The vice-chairman of the commission shall be appointed on a full-time basis, shall be the chief executive officer of the commission and manage and control the work authorized by the commission.

(4) If the vice-chairman of the commission was, immediately prior to his appointment to such office, a member of a pension or provident fund established by law and administered by the State, he shall as long as he occupies the office of vice-chairman of the commission retain all the rights and privileges and remain subject to all the obligations acquired or incurred by him in respect of such pension or provident fund.

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(5) Any contribution (other than a contribution by the said vice-chairman himself) to such pension or provident fund which would have been payable in respect of such vice-chairman had he not been appointed as vice-chairman of the commission, shall as from the date of such vice-chairman's appointment as such be paid by the commission as long as that vice-chairman occupies office as such.

Advisory members of commission.

5. (1) The commission may co-opt during its pleasure so many persons as the Minister may determine, in an advisory capacity as members of the commission.

(2) The members co-opted under subsection (1) may take part in the proceedings at any meeting of the commission but shall not be entitled to vote at such meeting.

Remuneration and allowances of members of commission.

6. Members of the commission (including co-opted members) who are not in the full-time employment of the State shall be paid in respect of the performance of their duties as such members, such remuneration and allowances as the Minister in consultation with the Minister of Finance may determine.

Meetings of commission.

7. (1) The first meeting of the commission shall be held at a time and place to be determined by its chairman, and thereafter meetings of the commission shall, subject to the provisions of subsection (2), be held at such times and places as the commission may determine.

(2) The chairman of the commission may at any time call a special meeting of the commission, and shall call such a meeting within fourteen days after receipt of a request therefor by the Minister.

(3) Four members of the commission shall form a quorum for any meeting of the commission.

(4) The chairman, or in his absence the vice-chairman, of the commission shall preside at all meetings thereof at which he is present, and if both the chairman and the vice-chairman are absent from any meeting, the members present shall elect one of their number to preside at such meeting.

(5) The decision of a majority of the members of the commission present at any meeting thereof shall be the decision of the commission, and in the event of an equality of votes on any matter before such a meeting, the person presiding at such meeting shall have a casting vote in addition to his deliberative vote.

(6) A member of the commission (including a co-opted member) shall not be present at or take part in the discussion of or vote upon any matter before the commission, in which he or his spouse or his partner or employer or the partner or employer of his spouse has, directly or indirectly, any pecuniary interest, unless—

(a) he has previously in writing informed the commission of such interest; and

(b) the commission has approved that he may be so present or so take part or so vote.

Validity of decision taken by, or act performed under authority of, the commission.

8. No decision taken by the commission or act performed under authority of the commission, shall be invalid by reason only of a defect in the appointment of a person purporting to be a member of, or the existence of a vacancy on, the commission, or of the fact that a person who was not entitled to sit and act as a member of the commission sat or acted as a member of the commission at the time when the decision was taken or the act was authorized, if the decision was taken or the act was authorized by the requisite majority of the members of the commission who were present at the time and entitled to sit and act as members.

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Rules of the commission.

9. The commission may make rules in relation to the procedure at meetings of the commission, including the keeping of minutes of the proceedings at meetings of the commission, and such other matters as it may consider necessary or expedient for the due performance of the functions of the commission.

How commission's functions are to be performed.

10. Subject to the laws governing the public service, the Minister shall appoint such officers and employees in the department as may be necessary for the carrying out of the administrative, professional and executive work arising from the performance by the commission of its functions.

Levying of rates and charges.

11. (1) Notwithstanding anything contained in any law, the Minister may, in consultation with the Minister of Finance, from time to time by notice in the *Gazette*—

(a) levy rates on land which may be irrigated by means of water supplied or made available by the State, an irrigation board or a water board;

(b) levy charges on water supplied or made available for use for agricultural purposes, urban purposes, industrial purposes or any other purposes by the State, an irrigation board, a water board, a local authority, the Rand Water Board or any other body; or

(c) levy both such rates and such charges.

(2) Rates or charges levied under subsection (1), shall be recovered in the manner prescribed by any such notice from the occupiers, or, failing such occupiers, from the owners, of land referred to in subsection (1) (a), or from the persons or bodies entitled to use water referred to in subsection (1) (b), by—

(a) the secretary, on behalf of the State;

(b) the irrigation board, water board, local authority or other body concerned, or the Rand Water Board,

as the case may be.

(3) (a) The amounts of such rates or charges recovered by any body referred to in subsection (2) (b) shall be paid over to the secretary.

(b) Duly audited statements in support of the amounts referred to in paragraph (a) shall be submitted annually to the secretary.

(4) Any notice referred to in subsection (1) may, in respect of the amount or tariff of such rates or charges, differentiate between different classes or categories of occupiers, owners, persons or bodies referred to in subsection (2), and may absolve any particular such class or category from liability for the payment of any such rate or charge.

Establishment of Water Research Fund.

12. There is hereby established a fund to be known as the Water Research Fund, into which shall be deposited all moneys which become payable to the commission.

Administration of the fund.

13. (1) The fund shall consist of—

(a) moneys appropriated by Parliament for the benefit of the fund;

(b) rates and charges levied under section 11;

(c) donations, bequests or contributions which the commission may receive from any other source.

(2) Subject to the provisions of subsection (6), the commission shall utilize the moneys in the fund for defraying expenses, in connection with the performance of its functions, which are not defrayed from other sources.

(3) The commission shall utilize any moneys appropriated by Parliament for the benefit of the commission in accordance with the statement in question of its estimated income and expenditure referred to in subsection (5) as approved by the Minister: Provided that, subject to the provisions of subsection (2), the commission may utilize any amount or portion of any amount required to be so utilized for a particular purpose in connection with a specified matter, for any other purpose in connection with that matter: Provided further that the com-

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mission may utilize any balance of such moneys remaining at the end of the commission's financial year in question, for any expenses in connection with the performance of its functions.

(4) The commission shall utilize any donations, bequests or contributions contemplated in subsection (1) (c) in accordance with the conditions (if any) imposed by the donor, testator or contributor in question.

(5) The commission shall in each financial year, at a time determined by the Minister, submit a statement of its estimated income and expenditure during the following financial year to the Minister for his approval in consultation with the Minister of Finance.

(6) The commission may invest any unexpended portion of its moneys with the Public Debt Commissioners or in such other manner as may be determined by the Minister in consultation with the Minister of Finance.

(7) The secretary shall cause proper books to be kept of all moneys deposited in or paid out of the fund.

Auditing and
annual report.

14. (1) The Controller and Auditor-General shall audit the accounts of the commission.

(2) The commission shall furnish the Minister with such information in connection with the activities and financial position of the commission as he may from time to time require, and shall in addition, as soon as practicable after the end of every financial year, submit to the Minister an annual report, including a balance sheet and a statement of income and expenditure certified by the Controller and Auditor-General, and such other particulars as the Minister may require.

(3) The Minister shall lay the said report upon the Table of the Senate and of the House of Assembly within fourteen days after receipt thereof, if Parliament is in ordinary session or, if Parliament is not in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session.

Application of Act
to South-West
Africa.

15. The State President may by proclamation in the *Gazette* declare any of or all the provisions of this Act and of any amendment thereof to be applicable in the territory of South-West Africa (including the Eastern Caprivi Zipfel) or any portion thereof.

Short title and
commencement.

16. This Act shall be called the Water Research Act, 1971, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.