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GOVERNMENT GAZETTE

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CAPE TOWN, 24TH MAY, 1972.

[No. 3509.

KAAPSTAD, 24 MEI 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 859.

24th May, 1972.

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

No. 38 of 1972: Sea-shore Amendment Act, 1972.

No. 859.

24 Mei 1972.

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

No. 38 van 1972: Strandwysigingswet, 1972.

ACT

To amend the Sea-shore Act, 1935, so as to replace or further define certain expressions; to provide for increased penalties for contravention of the regulations; and to provide for additional delegation of powers by the Minister; to amend the Reservation of Separate Amenities Act, 1953, so as to regulate supervision of and control over certain parts of the sea and the sea-shore; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 16th May, 1972.)

BE IT ENACTED by the State President, the Senate 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 by the substitution for the definition of "Minister" of the following definition:
"Minister" means the Minister of Agriculture, 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;".
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.
2. Section 10 of the principal Act is hereby amended 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 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.".
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 and section 1 of Act 45 of 1969.
3. The following section is hereby substituted for section 11 of the principal Act:
"Delegation of powers. 11. (1) The Minister may delegate to any officer in the full-time service of the State, the powers conferred upon him by section 3 (1) or (2) or 9, but shall not thereby be divested of his powers so delegated, and may modify or withdraw any decision of such officer.
(2) The Minister may delegate to the executive committee of a province, in respect of the sea or the sea-shore or any part of the sea or the sea-shore in that province, any power conferred upon him by section 10.".
Substitution of section 11 of Act 21 of 1935, as inserted by section 2 of Act 45 of 1969.

SEA-SHORE AMENDMENT ACT, 1972.

Act No. 38, 1972

4. The principal Act is hereby amended—

- (a) by the substitution for the word "Governor-General", wherever it occurs, of the words "State President"; and
- (b) by the substitution for the word "Union", wherever it occurs, of the word "Republic".

Substitution in Act 21 of 1935 of "State President" and "Republic" for "Governor-General" and "Union"

5. The following section is hereby inserted in the Reservation of Separate Amenities Act, 1953, after section 2:

Insertion of section 2A in Act 49 of 1953.

"Supervision of and control over the sea and sea-shore.

2A. (1) Notwithstanding anything to the contrary contained in any law the executive committee of a province shall for the purposes of section 2 of this Act be deemed to be the person who in that province is in charge of or has control of that part of the sea and the sea-shore, as defined in section 1 of the Sea-shore Act, 1935 (Act No. 21 of 1935), of which the State President is in terms of section 2 of the last-mentioned Act the owner.

(2) An executive committee may by notice in the *Official Gazette* concerned declare that a local authority as defined in section 1 of the Sea-shore Act, 1935, and specified in such notice shall for the purposes of section 2 of this Act have charge and control of any part of the sea or sea-shore, so specified and of which such executive committee is in terms of subsection (1) of this section deemed to have charge and control, and thereupon that local authority shall for the purposes of the said section 2 be deemed to be the person who is in charge of or has control of that part of the sea or sea-shore."

6. This Act shall be called the Sea-shore Amendment Act, 1972, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.