

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

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[No. 5068

DEPARTMENT OF THE PRIME MINISTER

No. 586. 7 April 1976.

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

No. 41 of 1976: Mountain Catchment Areas Amendment Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 586. 7 April 1976.

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

No. 41 van 1976: Wysigingswet op Bergopvanggebiede, 1976.

MOUNTAIN CATCHMENT AREAS AMENDMENT ACT, 1976. Act No. 41, 1976

ACT

To amend the Mountain Catchment Areas Act, 1970, so as to make provision for the erection of beacons for purposes of the definition of mountain catchment areas; to provide for a right of entry on, and way over, land for certain persons for certain purposes; extend the power of the Minister to make regulations; further regulate the delegation of powers by the Minister and the Secretary, respectively; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 19 March 1976.)

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

1. The following section is hereby inserted after section 2 of the Mountain Catchment Areas Act, 1970 (hereinafter referred to as the principal Act):

Insertion of section 2A in Act 63 of 1970.

"Beacons. 2A. (1) The Secretary may, for the purposes of the definition of any area by the Minister under section 2, cause beacons to be erected on the land concerned at places designated by the Minister.

(2) A certificate purporting to be signed by the Secretary, in which it is stated that a beacon which has been erected under subsection (1) complies with the regulations and has been erected at a place designated by the Minister, shall on its mere production in any civil or criminal proceedings be *prima facie* proof that such beacon complies with the regulations and has been erected at a place so designated."

2. Section 11 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of section 11 of Act 63 of 1970.

"(3) Any person duly authorized thereto by the Secretary may enter upon any land at all reasonable times, subject to prior notification of the landowner, occupier or manager concerned, and shall for that purpose have right of way over any other land, with such equipment and number of assistants as are required for the performance on that land of any act connected with—

- (a) the exercise by the Minister of any power conferred on him in terms of section 2 or 2A;
- (b) the exercise by the Secretary of any power conferred on him in terms of section 2A; and
- (c) the construction, erection, marking, maintenance and repair of any beacon referred to in section 2A (1)."

MOUNTAIN CATCHMENT AREAS AMENDMENT ACT, 1976. Act No. 41, 1976

3. Section 13 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (c) of the following paragraph: Amendment of section 13 of Act 63 of 1970.

“(cA) the form and dimensions of beacons referred to in section 2A (1), and the manner of their construction, erection, marking for identification, maintenance and repair;”.

4. Section 14 of the principal Act is hereby amended— Amendment of section 14 of Act 63 of 1970.

(a) by the deletion of the word “or” at the end of paragraph (d); and

(b) by the addition of the following paragraph:

“(f) alters, moves, disturbs or wilfully damages or destroys any beacon erected under section 2A (1).”.

5. The following section is hereby substituted for section 17 of the principal Act: Substitution of section 17 of Act 63 of 1970.

“Delegation of powers. 17. The Minister or the Secretary, as the case may be, may delegate to any officer in any department of State all or any of the powers conferred upon him by this Act, other than the powers referred to in sections 2, 2A and 13.”.

6. This Act shall be called the Mountain Catchment Areas Amendment Act, 1976. Short title.