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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 411.

17 Maart 1976.

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

No. 6 van 1976: Wysigingswet op Adverteer Langs en Toebou van Paaie, 1976.

DEPARTMENT OF THE PRIME MINISTER

No. 411.

17 March 1976.

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

No. 6 of 1976: Advertising on Roads and Ribbon Development Amendment Act, 1976.

ADVERTISING ON ROADS AND RIBBON DEVELOPMENT
AMENDMENT ACT, 1976

Act No. 6, 1976

ACT

To amend the provisions of the Advertising on Roads and Ribbon Development Act, 1940, so as to regulate the erection of structures or the laying or construction of other things near intersections of certain roads; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 4 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. Section 9 of the Advertising on Roads and Ribbon Development Act, 1940 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 9 of Act 21 of 1940, as amended by section 3 of Act 16 of 1962 and section 29 of Act 54 of 1971.

“(1) Subject to the provisions of section 9A no person shall erect or permit the erection of any structure or any other thing which is attached to the land on which it stands, even though it does not form part of that land, or construct or lay or permit the construction or laying of anything under or below the surface of any land within a distance of ninety-five metres from the centre line of a building restriction road, or make or permit to be made any structural alteration or addition to any such structure or thing so situated, except in accordance with the permission in writing granted by the controlling authority concerned: Provided that the preceding provisions of this section shall not apply in connection with—

- (a) the completion of a structure whose erection was commenced on a date before the road in question became a building restriction road or before 1 June 1939, whichever date is the later;
- (b) a structure erected by the Railway Administration on land under its control;
- (c) a structure or other thing erected, constructed or laid in an urban area or on, under or below an erf or lot in a township;
- (d) an enclosure, a fence or a wall which does not rise higher than one comma six metres above the surface of the land on which it stands;
- (e) a water work as defined in section 1 of the Water Act, 1956 (Act No. 54 of 1956), a farm dwelling-house or any other structure or thing on a farm intended to be used in connection with *bona fide* farming operations;

ADVERTISING ON ROADS AND RIBBON DEVELOPMENT
AMENDMENT ACT, 1976

Act No. 6, 1976

(f) the completion of the erection, construction, laying or alteration of or any addition to any structure or other thing lawfully commenced prior to the commencement of the Advertising on Roads and Ribbon Development Amendment Act, 1962;

and provided, further, that any permission granted under this section shall not legalize the doing of anything which is unlawful under any other law.”.

2. The following section is hereby inserted in the principal Act after section 9:

Insertion of
section 9A in
Act 21 of 1940.

“Prohibition
of erection
of structures
or construc-
tion of other
things near
intersections
of certain
roads.

9A. (1) No person shall—

- (a) on land situated within a distance of five hundred metres from the intersection of the centre line of a building restriction road with the centre line of another building restriction road or any other road except a national road as defined in the National Roads Act, 1971 (Act No. 54 of 1971), erect any structure or any other thing which is attached to the land on which it stands, whether or not it forms part of that land;
- (b) construct or lay anything beneath the surface of land situated as contemplated in paragraph (a);
- (c) make any structural alteration or addition to a structure erected on, or anything constructed or laid beneath the surface of, land situated as contemplated in paragraph (a);
- (d) permit the erection of a structure on, or the construction or laying of anything beneath the surface of, land situated as contemplated in paragraph (a), or the making of any structural alteration or addition to a structure erected on, or anything constructed or laid beneath the surface of, land so situated,

except if it is done in accordance with a written permission granted by the controlling authority concerned: Provided that the preceding provisions of this section shall not apply in connection with—

- (i) the completion of the erection, construction, laying or alteration of or any addition to any structure or other thing, lawfully commenced prior to the date of commencement of this section;
- (ii) a structure erected by the Railway Administration on land under its control;
- (iii) a structure or other thing erected, constructed or laid in an urban area or on, or beneath the surface of, an erf or lot in a township;
- (iv) an enclosure, a fence or a wall which does not rise higher than one comma six metres above the surface of the land on which it stands;
- (v) a water work as defined in section 1 of the Water Act, 1956 (Act No. 54 of 1956), a farm dwelling-house or any other structure or thing on a farm intended to be used in connection with *bona fide* farming operations:

ADVERTISING ON ROADS AND RIBBON DEVELOPMENT
AMENDMENT ACT, 1976

Act No. 6, 1976

Provided, further, that any permission granted under this section shall not legalize the doing of anything which is unlawful under any other law.

(2) The provisions of sections 9 (3), (3)*bis*, (3)*ter*, (3)*quat* and (4) shall *mutatis mutandis* apply in respect of any permission referred to in, or anything done in contravention of, subsection (1)."

3. Section 13 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 13 of Act 21 of 1940, as amended by section 7 of Act 16 of 1962 and section 29 of Act 54 of 1971.

"(1) When a person has applied to a controlling authority for any permission, authorization, approval or consent mentioned in section 9, 9A, 10 or 11 and the controlling authority has refused the application or has granted a qualified or conditional permission, authority, approval or consent, or when a controlling authority has withdrawn any such authorization under section 10 (2), the applicant or any person affected by the withdrawal may appeal to the Minister, who may, in his discretion, dismiss the appeal or allow the appeal wholly or in part, and grant the application or vary the permission, authorization, approval or consent granted by the controlling authority or vary, suspend or cancel the withdrawal and generally act in relation to any matter to which the appeal relates, as the controlling authority could have acted, and any such action taken by the Minister shall, for the purposes of this Act, be deemed to be the action of the controlling authority."

4. Section 15 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 15 of Act 21 of 1940, as amended by section 8 of Act 16 of 1962 and section 29 of Act 54 of 1971.

"(1) Any person who contravenes any provision of section 2, 8, 9 or 9A or who fails to comply with a lawful direction issued to him by a controlling authority under section 4 (1), 8 (3) or 9 (4) or by virtue of the provisions of section 9A (2), shall be guilty of an offence and liable to a fine not exceeding two hundred rand."

5. This Act shall be called the Advertising on Roads and Ribbon Development Amendment Act, 1976.