

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 Nuisblad by die Poskantoor Geregistreer

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

Vol. 144]

CAPE TOWN, 29 JUNE 1977

KAAPSTAD, 29 JUNIE 1977

[No. 5614

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1164.

29 June 1977.

No. 1164.

29 Junie 1977.

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

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

No. 85 of 1977: Expropriation (Establishment of Undertakings) Amendment Act, 1977.

No. 85 van 1977: Wysigingswet op Onteiening (Oprigting van Ondernemings), 1977.

Act No. 85, 1977

EXPROPRIATION (ESTABLISHMENT OF UNDERTAKINGS)
AMENDMENT ACT, 1977.**ACT**

To amend the Expropriation (Establishment of Undertakings) Act, 1951, so as to further regulate the powers of certain undertakings to inspect land for purposes of expropriation or of the taking of the right to use land temporarily; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 17 June 1977.)

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

Substitution of
section 7 of
Act 39 of 1951.

1. The following section is hereby substituted for section 7 of the Expropriation (Establishment of Undertakings) Act, 1951:

“Inspection of land for purposes of expropriation or taking of right to use temporarily.

7. (1) If any land or the temporary use of any land or substance or, in the case of any real right in or over land, the substance to which such right relates, is required for any purpose referred to in section 2, the person referred to in that section or his authorized representative may—

- (a) for the purpose of ascertaining whether any particular land or substance is suitable for the purpose or use contemplated, or for the purpose of determining the value thereof—
- (i) enter upon any land in question with the necessary workmen, equipment, material and vehicles;
 - (ii) survey and determine the area and levels of that land;
 - (iii) dig or bore on or into that land;
 - (iv) construct and maintain a measuring weir in any river or stream;
 - (v) in so far as it may be necessary to gain access to that land, enter upon and go across any other land with the necessary workmen, equipment, material and vehicles; and
- (b) demarcate the boundaries of any land required, or land the use of which is required, or land required for the exercise of any real right, for the said purpose:

Provided that such person shall not, without the consent of the registered owner and, if any person other than the said owner is the occupier, also such occupier, enter upon the land or enter any building or enclosed yard thereon or any garden attached to such building, unless he has given the owner and, if any person other than the said owner is the occupier, also such occupier, at least fourteen days' notice of his intention to do so.

Act No. 85, 1977

EXPROPRIATION (ESTABLISHMENT OF UNDERTAKINGS)
AMENDMENT ACT, 1977.

(2) If any person has suffered any damage as a result of the exercise of any power conferred in terms of subsection (1), the person concerned referred to in section 2 shall be liable to pay damages or to repair such damage.

(3) Any proceedings by virtue of the provisions of subsection (2) shall be instituted within six months after the damage in question has been caused or within six months after the completion of the acts contemplated in subsection (1), whichever period is the longer, and may only be instituted if the plaintiff has given the said person not less than one month's notice thereof and of the cause of the alleged damage."

Short title.

2. This Act shall be called the Expropriation (Establishment of Undertakings) Amendment Act, 1977.