

No. 16, 1962.]

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ACT

To amend the Advertising on Roads and Ribbon Development Act, 1940.

(Afrikaans text signed by the State President.)
(Assented to 7th March, 1962.)

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

1. Section *one* of the Advertising on Roads and Ribbon Development Act, 1940 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "board" of the following definition:

"board" means the National Transport Commission appointed under section *three* of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948);".

Amendment of section 1 of Act 21 of 1940, as amended by section 11 of Act 22 of 1944 and section 1 of Act 28 of 1952.
2. Section *two* of the principal Act is hereby amended—

Amendment of section 2 of Act 21 of 1940.

 - (a) by the deletion in paragraph (a) of the proviso to sub-section (1) of the words "or on the curtilage appertaining thereto";
 - (b) by the deletion of paragraph (b) of the said proviso;
 - (c) by the insertion in sub-section (4), after the word "Act", of the words "or an advertisement which is being displayed lawfully at the commencement of the Advertising on Roads and Ribbon Development Amendment Act, 1962,"; and
 - (d) by the deletion of sub-section (5).
3. Section *nine* of the principal Act is hereby amended—

Amendment of section 9 of Act 21 of 1940.

 - (a) by the substitution in sub-section (1) for the expression "sub-section (2)" of the words "section *nine bis*";
 - (b) by the insertion in the said sub-section after the word "structure", where it occurs for the first time, of the words "or any other thing";
 - (c) by the insertion in the said sub-section after the word "land", where it occurs for the second time, of the words "or construct or lay or permit the construction or laying of anything under or below the surface of any land";
 - (d) by the insertion in the said sub-section after the word "road", where it occurs for the second time, of the words "or make or permit to be made any structural alteration or addition to any such structure or thing so situated";
 - (e) by the substitution for paragraph (c) of the said sub-section of the following paragraph:

"(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;";
 - (f) by the insertion in paragraph (e) of the said sub-section, after the word "structure", of the words "or thing";
 - (g) by the insertion after paragraph (e) of the said sub-section of the following paragraph:

"(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;";
 - (h) by the substitution in the said sub-section for the words "erection of a structure" of the words "doing of anything";
 - (i) by the deletion of sub-section (2);
 - (j) by the insertion in sub-section (3) after the word "structure", where it occurs for the first time, of the words "or other thing or alteration or addition";
 - (k) by the substitution in the said sub-section for the words "may be erected" of the words "or other thing or alteration or addition may be erected, constructed, laid or made and the obligations to be fulfilled by

the owner of the land in question if such structure or other thing or alteration or addition is erected, constructed, laid or made”;

- (l) by the insertion after sub-section (3) of the following sub-sections:

“(3)*bis* If any obligation to remove a structure or other thing is so prescribed the Registrar of Deeds in question shall at the written request of the controlling authority in question note such obligation on the title deed of the land in question and in the appropriate registers.

(3)*ter*. The cost of so noting such an obligation shall be borne by the person to whom, in terms of sub-section (3), the relevant permission was granted, and the controlling authority in question may enforce fulfilment of any obligation so noted.

(3)*quat*. The provisions of sub-sections (8) and (9) of section *eleven* shall *mutatis mutandis* apply in respect of any obligation so noted.”;

- (m) by the substitution for sub-section (4) of the following sub-section:

“(4) When a structure or any other thing or any alteration or addition has been erected, constructed, laid or made in contravention of sub-section (1), the controlling authority in question may deal with that structure, thing, alteration or addition and with the person who erected, constructed, laid or made it or permitted the erection, construction, laying or making thereof, *mutatis mutandis*, in accordance with the applicable provisions of section *four*.”; and

- (n) by the insertion in sub-section (5), after the word “shall”, of the words “except in so far as they have been amended by the Advertising on Roads and Ribbon Development Amendment Act, 1962.”.

4. The following section is hereby inserted in the principal Act after section *nine*:

“Prohibition of erection of structures and other things near inter-sections of certain roads.

9*bis*. (1) 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 fifteen hundred Cape feet measured at grade from the intersection of the centre line of a declared road with the centre line of another declared road or any other 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 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;
- (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 five feet above the surface of the land on which it stands;
- (e) an irrigation work, as defined in the law relating to irrigation, a farm dwellinghouse, or any other structure or thing on a farm intended to be used in connection with *bona fide* farming operations;

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 provisions of sub-sections (3), (3)*bis*, (3)*ter*., (3)*quat*. and (4) of section *nine* shall apply *mutatis mutandis* in connection with any permission mentioned in and anything done in contravention of sub-section (1).”.

Insertion of section 9*bis* in Act 21 of 1940.

5. Section *ten* of the principal Act is hereby amended by the deletion in sub-section (1) of the words "a declared road or" and of the words "in connection with gates mentioned in the latter part of the first proviso to paragraph (a) of sub-section (3) of section *fourteen* of the National Roads Act, 1935 (Act No. 42 of 1935), or". Amendment of section 10 of Act 21 of 1940.

6. Section *eleven* of the principal Act is hereby amended— Amendment of section 11 of Act 21 of 1940, as amended by section 12 of Act 22 of 1944 and section 2 of Act 28 of 1952.
- (a) by the substitution in sub-section (6) for the words "erection of any building or other structure thereon" of the words "erection, construction or laying of any structure or other thing on or under or below the surface of such land";
- (b) by the addition to sub-section (6) of the following paragraph, the existing sub-section becoming paragraph (a):
- "(b) In granting any such approval or consent the controlling authority may stipulate that if the land in question or any part thereof is consolidated with any other piece of land, the title to the consolidated land shall be subject to any condition to which such approval or consent was made subject under paragraph (a).";
- (c) by the addition to sub-section (7) of the following paragraph, the existing sub-section becoming paragraph (a):
- "(b) Any certificate of consolidated title issued in respect of any consolidated land contemplated in paragraph (b) of sub-section (6) shall contain every condition to which the title to such land should be subject in terms of the said paragraph, and the controlling authority in question may enforce compliance with any such condition.";
- and
- (d) by the insertion in sub-section (8), after the word "transfer" of the words "or certificate of consolidated title".

7. Section *thirteen* of the principal Act is hereby amended by the insertion in sub-section (1) after the word "*nine*" of the words "*nine bis*". Amendment of section 13 of Act 21 of 1940.

8. Section *fifteen* of the principal Act is hereby amended— Amendment of section 15 of Act 21 of 1940.
- (a) by the substitution for the words "or *nine*" of the words "*nine* or *nine bis*";
- (b) by the insertion after the word "*nine*", where it occurs for the second time, of the words "or by virtue of the provisions of sub-section (2) of section *nine bis*";
- (c) by the substitution for the words "fifty pounds" of the words "two hundred rand"; and
- (d) by the addition thereto of the following sub-section, the existing section becoming sub-section (1):
- "(2) Any person who without the authority in writing of the controlling authority in question constructs any gate, bridge, stile or other passage to gain access to or exit from any land through, under or over a fence, wall, hedge, trench, ditch or similar obstacle along or near the edge of a building restriction road outside an urban area and outside a township, shall, unless such controlling authority was in terms of sub-section (1) of section *ten* required not to withhold its authorization for the construction of such gate, bridge, stile or other passage, be guilty of an offence and liable to a fine not exceeding two hundred rand."

9. The long title to the principal Act is hereby amended by the substitution for the words "erection of structures" of the words "erection, construction or laying of structures and other things". Amendment of long title to Act 21 of 1940.

10. This Act shall be called the Advertising on Roads and Ribbon Development Amendment Act, 1962. Short title.