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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 392.

16 Maart 1977.

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

No. 19 van 1977: Wysigingswet op Onteiening, 1977.

No. 392.

16 March 1977.

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

No. 19 of 1977: Expropriation Amendment Act, 1977.

ACT

To amend the Expropriation Act, 1975, so as to further define the expression "Minister" in section 16 (4); to regulate the application of the said Act in relation to the expropriation of property by a provincial administration or a local authority for the construction of a public road; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 8 March 1977.)

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

Amendment of section 5 of Act 63 of 1975.

1. Section 5 of the Expropriation Act, 1975 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) If a local authority has the power to expropriate property or to take the right to use property temporarily, such power may, subject to the provisions of section 26 (2), only be exercised, *mutatis mutandis*, in accordance with the provisions of this Act and subject to the approval of, and the conditions imposed by, the executive committee concerned.”.

Amendment of section 16 of Act 63 of 1975.

2. Section 16 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) A sitting of a compensation court shall be before a president appointed by the Minister of Justice, and for the purposes of different sittings of such a court the said Minister may appoint so many presidents as he may from time to time deem necessary.”.

Amendment of section 26 of Act 63 of 1975.

3. Section 26 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisions of subsections (3) and (4), the provisions of this Act shall not derogate from the provisions of any other law relating to the taking or use or expropriation of property by a provincial administration or a local authority for the purposes of the construction or maintenance of a public road or the taking or use of property by a provincial administration or a local authority for the purposes of the construction or maintenance of any water, electricity, drainage or sewerage works, and the provisions of this Act shall not apply to the taking or use of property by the Rand Water Board in terms of section 24 (b) or (j) of the Rand Water Board Statutes (Private) Act, 1950 (Act No. 17 of 1950), or any expropriation in terms of section 120 of the Precious Stones Act, 1964 (Act No. 73 of 1964), or section 183 of the Mining Rights Act, 1967 (Act No. 20 of 1967).”.

Short title and commencement.

4. This Act shall be called the Expropriation Amendment Act, 1977, and shall be deemed to have come into operation on 1 January 1977.