

No. 22, 1944.]

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ACT

To amend the National Roads Act, 1935, and the Advertising on Roads and Ribbon Development Act, 1940.

(Signed by the Officer Administering the Government in Afrikaans.)

(Assented to 29th April, 1944.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Interpretation.

1. In this Act, "principal Act" means the National Roads Act, 1935 (Act No. 42 of 1935), and any expression to which a meaning has been assigned in the principal Act bears, when used in this Act, the same meaning.

Amendment of section 1 of Act 42 of 1935.

2. Section *one* of the principal Act is hereby amended by the addition at the end of the definition of "declared road" of the words "and includes any deviation of such a road which is in terms of any law deemed to form part of the road";

Amendment of section 3 of Act 42 of 1935.

3. Section *three* of the principal Act is hereby amended by the substitution in sub-sections (1) and (3) for the words "chief technical adviser" of the words "chief engineer".

Amendment of section 4 of Act 42 of 1935, as amended by section 17 of Act 21 of 1940.

4. Section *four* of the principal Act is hereby amended by the insertion after sub-section (1) of the following sub-section:

"(1)*bis*. Any deviation of a declared road, consented to by the board or an officer thereof under section *thirteen*, shall be deemed to form part of the declared road as from the date on which the deviation is proclaimed by the Administrator concerned, or if the deviation is not to be so proclaimed, as from the date on which any notice, mark or other indication at or along the deviation whereby the deviation is brought to the notice of the public, is put up, made or given in terms of any law."

Amendment of section 5 of Act 42 of 1935, as amended by section 6 of Act 35 of 1936, and section 13 of Act 50 of 1937.

5. Section *five* of the principal Act is hereby amended by the insertion of the word "and" at the end of paragraph (c) of sub-section (1), and the addition after the said paragraph, of the following paragraph:

"(d) any other moneys received by the board."

Substitution of section 7 of Act 42 of 1935.

6. Section *seven* of the principal Act is hereby repealed and the following section substituted therefor:

"Expenses of 7. The board shall pay out of the fund its administrative expenses (including the remuneration paid from the fund and allowances of the members) and the expenses incurred in connection with the performance of its functions."

Amendment of section 13 of Act 42 of 1935.

7. Section *thirteen* of the principal Act is hereby amended—

(a) by the addition at the end thereof of the following proviso: "Provided that the board may, subject to such conditions as it may deem fit to impose, authorize in writing, either generally or in respect of a specific road, any technical officer of the board to consent, on behalf of the board, to any permanent deviation of any such road which may become necessary for the purposes of its proper construction or reconstruction."; and

(b) by the addition of the following sub-section, the existing section becoming sub-section (1):

"(2) The provisions of sub-section (1) shall not authorize the board to consent to a deviation of such a nature that the road as deviated does not conform to the description of the road in or referred to in the relevant proclamation under sub-section (1) of section *four*."

Amendment of section 15 of Act 42 of 1935.

8. Section *fifteen* of the principal Act is hereby amended—

(a) by the substitution in paragraph (i) of sub-section (1), for the words "its officers" of the words "any of its members or officers";

(b) by the substitution in paragraph (k) of the said sub-section, for the word "calendar" of the word "financial"; and

(c) by the substitution for paragraph (m) of the said sub-section of the following paragraphs:

“(m) to hire such premises or, with the approval of the Minister, to acquire such premises or to acquire land and erect thereon such buildings, as may be necessary to enable it to perform its functions, and with the said approval, to enlarge or alter any building so acquired or erected;

(m)bis. to acquire or hire such vehicles, animals, machinery, appliances, instruments, equipment and materials as may be necessary to enable it to perform its functions;

(m)ter. to sell, exchange or lease any part of its property;”.

Insertion of section 15bis in Act 42 of 1935.

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

“Investigations and surveys.

15bis. (1) Any officer of the board who has been directed to carry out on any land any investigation or survey necessary for or incidental to the performance of any function of the board under this Act or any other law, may, after notice to the owner, or if a person other than the owner is the occupier, to the occupier of the land, enter upon the land with such persons, animals, vehicles, machinery, appliances, instruments, equipment or materials, and perform such acts thereon, as may be necessary for or incidental to the purposes of the investigation or survey.

(2) Any person who hinders or obstructs any officer in the exercise of his powers under sub-section (1), shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months.”.

Amendment of section 16 of Act 42 of 1935.

10. Section *sixteen* of the principal Act is hereby amended by the insertion in paragraph (d) of sub-section (1), after the words “conditions of service”, of the words “(including the payment into a pension or provident fund of contributions by the board and such officers and the benefits to which they shall be entitled out of the fund)”.

Amendment of section 1 of Act 21 of 1940.

11. Section *one* of the Advertising on Roads and Ribbon Development Act, 1940, is hereby amended by the addition at the end of the definition of “declared road” of the words “and includes any deviation of such a road which is in terms of any law deemed to form part of the road;”.

Amendment of section 11 of Act 21 of 1940.

12. (1) Section *eleven* of the Advertising on Roads and Ribbon Development Act, 1940, is hereby amended by the insertion after sub-section (6) of the following sub-section:

“(6)bis. A condition mentioned in sub-section (6) may be imposed in such a manner as to permit of non-compliance therewith or departure therefrom with the approval or consent of the controlling authority.”.

(2) Sub-section (1) shall be deemed to have come into operation on the twentieth day of May, 1940.

Certain deviations to form part of declared roads.

13. (1) For the purposes of the principal Act and of the Advertising on Roads and Ribbon Development Act, 1940, any permanent deviation of a declared road consented to by the board under section *thirteen* of the principal Act or approved by the technical officer of the board concerned, before the commencement of this Act, shall, whether or not the deviation is of such a nature that the road as deviated conforms to the description of the road in or referred to in the relevant proclamation under sub-section (1) of section *four* of the principal Act, be deemed to form part of the declared road and to have formed part thereof as from the date on which the deviation is or was proclaimed by the Administrator concerned, or if the deviation is not to be or was not so proclaimed, as from the date on which any notice, mark or other indication at or along the deviation, whereby the deviation is brought to the notice of the public, is or was put up, made or given in terms of any law.

(2) The provisions of sub-section (1) shall not render any act which was done or any failure which occurred before the commencement of this Act an offence under sub-section (2) of section *fourteen* or sub-section (3) of section *sixteen* of the principal Act or section *fifteen* of the Advertising on Roads and Ribbon Development Act, 1940.

Short title.

14. This Act shall be called the National Roads and Ribbon Development Amendment Act, 1944.