



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

Verkoopprys • Selling price  
(AVB uitgesluit/GST excluded)  
Plaaslik **50c** Local  
Buitelands 70c Other countries  
Posvry • Post free

Vol. 274

KAAPSTAD, 8 APRIL 1988

CAPE TOWN, 8 APRIL 1988

No. 11234

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 671.

8 April 1988

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

No. 35 van 1988: Wysigingswet op die Ontwikkeling van Kerkplein, Pretoria (Volksraad), 1988.

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

No. 35 of 1988: Church Square, Pretoria, Development Amendment Act (House of Assembly), 1988.

CHURCH SQUARE, PRETORIA, DEVELOPMENT AMENDMENT  
ACT (HOUSE OF ASSEMBLY), 1988

Act No. 35, 1988

## GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with solid line indicate insertions in existing enactments.

# ACT

To amend the Church Square, Pretoria, Development Act, 1972, so as to insert, delete, amend or further define certain expressions; and to provide for the delegation by the Minister of Local Government, Housing and Works: Administration: House of Assembly of certain powers; and to provide for incidental matters thereto.

*(Afrikaans text signed by the State President.)*  
*(Assented to 24 March 1988.)*

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

## Amendment of section 1 of Act 53 of 1972, as amended by section 1 of Act 65 of 1978

1. Section 1 of the Church Square, Pretoria, Development Act, 1972 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion after the definition of "committee" of the following definition:

10 "management committee" means the management committee of the City Council of Pretoria as established in terms of section 51 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance No. 40 of 1960 of the Transvaal);"

(b) by the substitution for the definition of "Minister" of the following definition:

15 "Minister" means the Minister of [Public Works] Local Government, Housing and Works: Administration: House of Assembly;"

(c) by the deletion of the definition of "Secretary"; and

(d) by the substitution for the definition of "stadsraad" in the Afrikaans text of the following definition:

"Stadsraad" die [Stadsraad] Stadsraad van Pretoria."

## 20 Substitution of section 2 of Act 53 of 1972, as amended by section 2 of Act 65 of 1978

2. The following section is hereby substituted for section 2 of the principal Act:

"Prohibition of development of Church Square, Pretoria, and adjoining sites without prior approval of Minister

25 2. (1) With effect from the date on which this Act comes into operation—

(a) no alteration may be effected to the planning, lay-out or design of the piece of land known as Church Square, in the City of Pretoria, and more fully described in Schedule A to this Act; and

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- (b) no building or other structure on any site, or portion thereof, situated within the area described in Schedule B to this Act, may be erected, extended, architecturally adapted or demolished, without the prior written approval of the Minister having been obtained.
- 5 (2) The Minister may in his discretion withhold or grant his approval referred to in subsection (1), and if he grants it, he may impose such conditions as he may deem fit, including conditions relating to height restrictions, architectural finishes, styles of architecture, or any other matter which in his opinion is relevant.
- 10 (3) Any provision of any lay-out or town planning scheme which is inconsistent with any condition imposed by the Minister under subsection (2) shall, to the extent of such inconsistency, lapse.
- 15 (4) The Minister may withhold or grant his approval referred to in subsection (1) only after he has **[obtained and considered the written advice of the City Council and after he has]** consulted the committee **[: Provided that the Minister may act without such advice having been obtained from the City Council if it is not submitted to him within ninety days after the City Council was asked therefor].**”

## Amendment of section 2A of Act 53 of 1972, as inserted by section 3 of Act 65 of 1978

- 20 3. Section 2A of the principal Act is hereby amended—
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) (a) The Minister shall appoint a committee consisting of—
- (i) **[an officer in the Department of Public Works] the Town Clerk of Pretoria**, who shall act as chairman;
- 25 **[(ii) the Town Clerk of Pretoria;**
- (iii)] (ii) the [Director] Head of the Architectural Services Section in the Department of [Public Works] Local Government, Housing and Works: Administration: House of Assembly;**
- [(iv)] (iii) the Senior Director of [Buildings] Works and Estates in the Department of Posts and Telecommunications;**
- 30 **[(v) the Director of Works in the Transvaal Provincial Administration;**
- (vi) the Director of Cultural Affairs in the Department of National Education;]**
- (iv) an officer in the Department of Education and Culture: Administration: House of Assembly;**
- 35 **[(vii)] (v) an officer in the Department of [Planning and the Environment] Environment Affairs;**
- [(viii)] (vi) two practising architects in Pretoria [appointed by the Minister after having been nominated by the South African Council for Architects]; and**
- 40 **[(ix)] (vii) two persons [appointed by the Minister on account of their] who in the opinion of the Minister have professional knowledge of the development of the piece of land and area referred to in section 2 (1).**
- 45 (b) The period of office of the persons referred to in subparagraphs **[(viii)] (vi)** and **[(ix)] (vii)** of paragraph (a) shall be determined by the Minister at the time of appointment.”; and
- (b) by the substitution for subsection (3) of the following subsection:
- 50 “(3) The Minister shall appoint **[an officer in the Department of Public Works] a member of the City Council** as alternate member to attend on behalf of the chairman of the committee any meeting of the committee which the chairman is unable to attend, and such alternate member shall, at any meeting of the committee which he so attends, have all the powers and perform all the functions of the chairman of the committee.”.

## 55 Substitution of section 2B of Act 53 of 1972, as inserted by section 3 of Act 65 of 1978

4. The following section is hereby substituted for section 2B of the principal Act:

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**"Delegation of powers by Minister**

5 2B. (1) The Minister may delegate to the management committee the powers conferred upon him by subsections (1), (2) and (4) of section 2, and anything done by the management committee under and within the scope of the power so delegated to it shall be as valid and effective as if done by the Minister himself.

10 (2) The Minister may delegate any power referred to in subsection (1) subject to any conditions he may determine, and he may accordingly issue directives with regard to the exercise of any power so delegated by him.

(3) Any delegation under subsection (1) shall not prevent the exercise of the relevant power by the Minister himself."

**Amendment of section 3 of Act 53 of 1972**

5. Section 3 of the principal Act is hereby amended by the substitution for 15 subsection (1) of the following subsection:

20 "(1) Any person who contravenes section 2 (1) or contravenes or fails to comply with a condition imposed under section 2 (2) shall be guilty of an offence and liable on conviction to a fine not exceeding [one thousand rand] R10 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment, and, in the case of a continuing offence, to a fine of not less than [fifty rand] R100 for every day during which the offence is continued."

**Repeal of section 5 of Act 53 of 1972**

6. Section 5 of the principal Act is hereby repealed.

**Substitution of section 6 of Act 53 of 1972**

25 7. The following section is hereby substituted for section 6 of the principal Act:

**"Application for approval**

30 6. Any application to obtain an approval referred to in section 2 (1), shall be addressed to the [Secretary] Town Clerk of Pretoria in the form prescribed by the Minister from time to time and shall be accompanied by all such documents and particulars as the Minister may require."

**Substitution of long title of Act 53 of 1972**

8. The following long title is hereby substituted for the long title of the principal Act:

**"ACT**

35 To make the development of Church Square, Pretoria, and of certain sites bordering thereon and in the immediate vicinity thereof subject to the approval of the Minister of [Public Works] Local Government, Housing and Works: Administration: House of Assembly; and to provide for incidental matters."

**Transitional provision**

40 9. Any member of a committee referred to in section 2A (1) (a) (viii) and (ix) of the principal Act who immediately prior to the date of commencement of this Act was appointed by virtue of the said section 2A (1) (a) (viii) and (ix), shall be deemed to have been appointed by virtue of section 2A (1) (a) (vi) and (vii) of the principal Act, and that member shall serve on the committee for the remaining portion of his 45 period of office.

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**Short title and commencement**

**10.** This Act shall be called the Church Square, Pretoria, Development Amendment Act (House of Assembly), 1988, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.