

No. 39, 1951.]

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.

ACT

To provide for the expropriation of land for the purpose of constructing, operating or maintaining pipe lines, private railway branch lines or railway sidings in connection with undertakings of national importance.

(Afrikaans text signed by the Governor-General.)
(Assented to 1st June, 1951.)

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:—

Definitions.

1. In this Act—

- (i) "board" means the Board of Trade and Industries established by section *two* of the Board of Trade and Industries Act, 1944 (Act No. 19 of 1944); (iv)
- (ii) "land" means any land, howsoever held, and includes any servitude or other right in respect of land and any land (as herein defined) held by or the control of which is vested in a local authority; (i)
- (iii) "local authority" means any institution or body contemplated in paragraph (vi) of section *eighty-five* of the South Africa Act, 1909; (iii) and
- (iv) "Minister" means the Minister of Economic Affairs. (ii)

Expropriation of land by certain persons for pipe lines and private railway branch lines or railway sidings.

2. (1) Any person who has established or intends to establish any undertaking which has by resolution of both Houses of Parliament been declared to be an undertaking to which this Act applies, may with the approval of the Minister, granted on the written application of such person, and subject to such conditions as the Minister may impose, acquire any land described in the application under the relevant law referred to in section *three*, for the purpose of constructing, operating or maintaining any pipe line, private railway branch line or railway siding in connection with such undertaking.

(2) The Minister may, before granting his approval under sub-section (1), refer the application to the board under paragraph (*m*) of sub-section (1) of section *nine* of the Board of Trade and Industries Act, 1944 (Act No. 19 of 1944), for enquiry and report, and shall not grant his approval unless he is satisfied—

- (a) that the pipe line, private railway branch line or railway siding is necessary for the establishment or the better carrying on of the undertaking;
- (b) that the acquisition of the land is necessary for the construction, operation or maintenance of the pipe line, private railway branch line or railway siding; and
- (c) in the case of an applicant who intends to establish any such undertaking, that it is his firm intention to do so, and either that he has adequate means for doing so or that the arrangements by which he proposes to obtain such means are satisfactory.

(3) Before granting his approval under sub-section (1) the Minister shall, at the expense of the applicant, either—

- (a) cause to be served by post upon the registered owner of any land to which the application relates and if such owner is not the local authority, also upon the local authority within whose area of jurisdiction such land is situate, a notice specifying the extent of the proposed expropriation of such land in terms of the application; or
- (b) cause to be published in the *Gazette* and in a newspaper circulating in the district in which the land concerned is situate a notice specifying a place within the district where a copy of the application and a plan showing the route of the proposed pipe line, railway branch line or railway siding may be inspected,

and by such notice invite the owner of any such land and such local authority (if any) to lodge with the Minister within a period specified therein (which shall not be less than ten days

after the date of the notice or after its last publication under paragraph (b), as the case may be) any representations in writing which such owner or local authority may wish to make in connection with the application.

(4) The Minister may at any time before the land in question has been registered in the name of the applicant, withdraw his approval granted under sub-section (1), if the applicant has failed to comply with any condition imposed under the said sub-section, and thereupon it shall be deemed that no such approval has been granted in respect of that land.

Application of laws relating to expropriation.

3. Upon the approval of the Minister being granted under sub-section (1) of section *two* in respect of any land in the province of Natal, the provisions of the Provincial and Local Authorities Expropriation Ordinance, 1945 (Ordinance No. 19 of 1945) of Natal (except section *eighteen* thereof), and upon such approval being granted in respect of any land in any other province, the provisions of the law in force in that province relating to the expropriation of land by the State (other than the railway administration or a provincial administration) for public purposes, shall *mutatis mutandis* apply in respect of the acquisition of that land by (including in the case of a servitude or other right, the vesting thereof in and the exercise thereof by) the person to whom the approval has been granted, the determination of compensation therefor and the payment thereof by such person.

Power of local authority to alienate.

4. A local authority shall have power to alienate any land held by it or to grant any servitude or other right in respect thereof, to a person referred to in sub-section (1) of section *two*, for any purpose for which such person may acquire such land in terms of the said sub-section.

Effect of expropriation by local authority.

5. If any land in respect of which a servitude or other right has been acquired under this Act, is expropriated by a local authority, the expropriation shall not in any way affect such servitude or right.

Effect of restrictive conditions.

6. Any land acquired under this Act may, notwithstanding any restrictive condition registered against the title deeds thereof or imposed under any law relating to the establishment of townships or in terms of any town planning scheme, be used for the purpose for which it has been so acquired.

Powers of entry.

7. Any person referred to in sub-section (1) of section *two* who intends to apply for approval under the said section may, for the purpose of ascertaining the situation, suitability and extent of the land required or of describing it in the application, after not less than fourteen days' notice in writing to the registered owner of any land, or if a person other than such owner is the occupier, also to the occupier, and subject to the payment of compensation to such owner and occupier for any damage or inconvenience which may be caused thereby to the owner or occupier, enter upon the land with such persons, appliances, instruments and materials as may be necessary for surveying or inspecting the land for the said purpose, and perform such acts thereon as may be necessary for or incidental to such survey or inspection.

Short title.

8. This Act shall be called the Expropriation (Establishment of Undertakings) Act, 1951.