

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 promote co-ordinated physical planning and the utilization of the Republic's resources and for those purposes to provide for control of the zoning and subdivision of land for industrial purposes and of the establishment or extension of factories, for the establishment of controlled areas, for restrictions upon the subdivision and use of land in controlled areas and for other matters incidental thereto.

*(Afrikaans text signed by the Acting State President.)
(Assented to 19th June, 1967.)*

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

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "Administrator" means the Administrator of a province acting on the advice of the executive committee thereof; (i)
- (ii) "building" includes any structure; (v)
- (iii) "business" means any trade or occupation specified in the Second Schedule to the Licences Act, 1962 (Act No. 44 of 1962); (iii)
- (iv) "controlled area" means an area declared or deemed to have been declared a controlled area under section 5 and includes an area declared or deemed to have been declared under the said section to form part of a controlled area; (ii)
- (v) "factory" means a factory as defined in section 3 of the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), and includes any premises on which an activity is carried on which the State President, by proclamation in the *Gazette*, declares a factory for the purposes of this Act; (iv)
- (vi) "land" includes any portion of land and any building; (vi)
- (vii) "Minister" means the Minister of Planning; (viii)
- (viii) "resources" includes land, minerals, water, means of generating power, labour and means of transport. (vii)

Zoning and subdivision of land for industrial purposes.

2. (1) Without the prior written approval of the Minister—

- (a) no town planning scheme or any amendment thereof which provides for the zoning for industrial purposes, of land not zoned for such purposes, may be approved;
- (b) no land zoned for industrial purposes may be subdivided; and
- (c) no industrial township may be established.

(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 in connection with labour, housing, the consumption of water, or any other matter which in his opinion is relevant.

(3) Any condition imposed by the Minister under subsection (2) shall, according to the circumstances, be incorporated in the town planning scheme concerned or in the conditions of title of the land concerned or in the conditions of establishment of the industrial township concerned.

Establishment and extension of factories.

3. (1) No person shall, without the prior written approval of the Minister, establish or extend a factory or a factory of a particular class with reference to the establishment or extension of which this subsection applies.

(2) The State President may by proclamation in the *Gazette* declare subsection (1) to apply with reference to the establishment or extension of—

(a) a class of factory specified in the proclamation; or

(b) a class of factory specified in the proclamation either within or outside an area defined in the proclamation; or

(c) all factories either within or outside an area defined in the proclamation; or

(d) all factories, except a class of factory specified in the proclamation, either within or outside an area defined in the proclamation.

(3) 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 in connection with labour, housing, the consumption of water or any other matter which in his opinion is relevant.

(4) For the purpose of subsection (1) an extension of a factory means any increase in the number of Bantu employees employed in such factory.

Utilization of resources and determination of purpose for which land may be used.

4. (1) The Minister may, after consultation with the Administrator or Administrators of the province or provinces concerned, cause an investigation to be made into the manner in which the resources of the Republic or any portion thereof may best be exploited, developed or utilized, and may, subject to the provisions of any other law, by notice in the *Gazette* declare that any land involved in such investigation and specified in such notice, may be used only for a particular purpose, likewise specified.

(2) As from the date of the relevant notice issued in terms of subsection (1), no person shall, except under the authority of a permit, use any land specified in the notice for any purpose other than the particular purpose specified in the notice or the purpose for which it was being used at that date.

(3) Any servitude registered against or condition contained in the title deed of land, shall be suspended in so far as it prohibits or restricts the use of such land for the particular purpose determined by the Minister in terms of subsection (1) or authorized by permit in terms of section 8 (1) (a) (i).

Establishment and disestablishment of controlled areas.

5. (1) If the State President is satisfied—

(a) that an area should be declared a controlled area or part of an existing controlled area, he may by proclamation in the *Gazette* declare that area, as defined in the proclamation, a controlled area, or part of a controlled area as from a date specified therein;

(b) that any controlled area or any part thereof should be disestablished, he may by proclamation in the *Gazette* declare that such area or the part thereof defined in the proclamation, shall, as from a date specified therein, cease to be a controlled area or part of a controlled area, as the case may be.

(2) No proclamation shall be issued under subsection (1) unless in each case the Minister has previously consulted the Administrator or Administrators of the province or provinces concerned in regard thereto.

Restriction upon subdivision and use of land in controlled areas.

6. (1) Subject to subsection (2), no person shall, except under the authority of a permit and in accordance with a conditions specified therein—

- (a) subdivide land in a controlled area; or
- (b) grant to any person the right to an undivided share in land in a controlled area; or
- (c) use such land for a purpose for which it was not being used on the date as from which the area concerned was or is declared a controlled area or part of a controlled area.

(2) Subsection (1) shall not apply in respect of—

- (a) any area, immovable property, building, land or premises which is the subject of a proclamation issued or deemed to have been issued in terms of section 19, 23, 24 or 25 of the Group Areas Act, 1966 (Act No. 36 of 1966);
- (b) the subdivision of, or the granting of a right to an undivided share in, land—
 - (i) devolving by inheritance, provided no portion or undivided share assigned to any person is less than that to which he would be entitled in accordance with the provisions of the testamentary disposition concerned or by intestate succession; or
 - (ii) in pursuance of an order of court made before the date on which the area concerned was or is declared a controlled area or part of a controlled area; or
 - (iii) if a lawful contract for the granting of an undivided share was entered into or the surveyor completed the survey and submitted his subdivisional diagram and survey records for examination and approval by the surveyor-general concerned prior to the date with effect from which the area concerned was or is declared a controlled area or part of a controlled area;
- (c) the use of land—
 - (i) which is subject to a town planning scheme in operation or binding under any law or an amendment thereof; or
 - (ii) for agricultural, forestry or pastoral purposes or for purposes of a road or railway or purposes incidental to such purposes;
- (d) the subdivision of or the granting of a right to an undivided share in or the use of land for prospecting or mining for base minerals or for any other purpose for which authority, permission or consent is required in terms of any other law or a condition contained in the title deed of the land, except the use of land for the purposes of a business, brickfield, pottery, quarry or the erection of a dwelling in connection with mining or prospecting activities.

Exemptions.

7. The Minister may by notice in the *Gazette*, on such conditions as he may determine and in so far as he may deem it expedient, exempt any land or any class of land from any or all of the provisions of section 6 (1), and may in like manner at any time withdraw such exemption.

Issue of permits.

8. (1) The Minister may in his discretion—

- (a) direct that a permit (to be signed by an officer designated thereto by him) be issued subject to such conditions as he may determine, authorizing—
 - (i) the use of land specified in a notice issued in terms of section 4 (1) for a purpose other than the particular purpose specified in the notice or the purpose for which the land was being used at the date of such notice; or
 - (ii) the subdivision of land in a controlled area; or
 - (iii) the acquisition of an undivided share in land in a controlled area; or
 - (iv) the use of land in a controlled area for a purpose for which it was not being used at the date as from which the area concerned was or is declared a controlled area or part of a controlled area;

(b) direct that the conditions of a permit be amended or that the permit shall be available only for a portion of the land in respect of which it has been issued.

(2) The Minister may—

(a) at the request of the owner of land on whose application a permit has been issued under this section or of his successor in title, revoke or amend such permit; or

(b) if any land in respect of which a permit has been issued, is used contrary to a condition subject to which the permit has been issued, after not less than one month's notice, revoke the permit.

Delegation of powers by Minister.

9. (1) The Minister may, subject to such conditions as he may determine, delegate to an officer (with a rank not lower than that of under-secretary) in the Department of Planning any of his powers under section 2 (2) or 3 (3) to be exercised by that officer in consultation with officers (with a similar rank) of whom one each shall be nominated by the Ministers of Labour, of Bantu Administration and Development, of Economic Affairs, of Indian Affairs, of Coloured Affairs and of Water Affairs, respectively.

(2) The Minister may, subject to such conditions as he may determine, delegate to any officer (with a rank not lower than that of under-secretary) in the Department of Planning any of his powers under section 8.

(3) A permit issued or power exercised by virtue of a delegation under subsection (1) or (2) shall for all purposes be deemed to have been issued or exercised by the Minister.

(4) Any person who is aggrieved by a decision by virtue of a delegation under this section may at any time within sixty days after the date of such decision appeal to the Minister.

Withdrawal and amendment of proclamations and notices.

10. Whenever the State President or the Minister is by this Act authorized to issue a proclamation or notice, he may in like manner, whenever it is deemed expedient, withdraw or amend the proclamation or notice (including a proclamation or notice deemed to have been issued in terms of a provision of this Act).

Penalties.

11. (1) Any person who contravenes section 3 (1), 4 (2) or 6 (1) or fails to comply with a condition imposed in terms of section 2 (2) or 3 (3) shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand 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 contravention, to a fine not exceeding ten rand for every day during which the contravention is continued.

(2) Whenever any person is convicted of a contravention of section 3 (1), 4 (2) or 6 (1), or of a failure to comply with a condition imposed in terms of section 2 (2) or 3 (3), the court convicting him may, in addition to any other punishment imposed for that offence, summarily enquire into and assess the monetary equivalent of any advantage which that person may have gained in consequence of that offence and impose on him a fine equal to the amount so assessed or in default of payment, imprisonment for a period not exceeding one year.

(3) Notwithstanding anything in any other law contained, a magistrate's court shall have jurisdiction to impose any punishment prescribed in subsections (1) and (2).

Proof of certain facts.

12. A document which purports to have been certified by the Secretary for Planning, or by an officer in the Department of Planning authorized thereto by the said Secretary, to be a true and correct copy of any approval or permission granted in writing, or a permit issued or conditions imposed in terms of this Act, shall be *prima facie* evidence of the granting of such approval or permission or the imposition of such conditions, as the case may be.

Exclusion of Bantu Areas.

13. No provision of sections 2 to 12, inclusive, shall be applicable or be made applicable in any area consisting of land referred to in section 21 (1) of the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), or in a scheduled Bantu area as defined in that Act.

Repeal of laws
and savings.

14. (1) The Natural Resources Development Act, 1947 (Act No. 51 of 1947), and the Natural Resources Development Amendment Act, 1955 (Act No. 30 of 1955), are hereby repealed.

(2) A proclamation or permit issued or exemption granted or anything done under any provision of the laws repealed by subsection (1) shall be deemed to have been issued, granted or done under the corresponding provision of this Act.

Short title.

15. This Act shall be called the Physical Planning and Utilization of Resources Act, 1967, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.