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CAPE TOWN, 17TH MARCH, 1971.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 408.

17 Maart 1971.

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

No. 3 van 1971: Wysigingswet op Omheining, 1971.

DEPARTMENT OF THE PRIME MINISTER.

No. 408.

17th March, 1971.

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

No. 3 of 1971: Fencing Amendment Act, 1971.

Act No. 3, 1971

FENCING AMENDMENT ACT, 1971.

ACT

To amend the Fencing Act, 1963, so as to substitute, for the purposes of the said Act, metric measures for certain other measures; and to provide for the determination of the remuneration of the members of a board appointed in terms of the Second Schedule to the said Act.

*(Afrikaans text signed by the State President.)
(Assented to 11th March, 1971.)*

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 17 of
Act 31 of 1963.

1. Section 17 of the Fencing Act, 1963 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Any person erecting a boundary fence may clean any bush along the line of the fence up to 1·5 metres on each side thereof and remove any tree standing in the immediate line of the fence.”.

Amendment of
section 21 of
Act 31 of 1963.

2. Section 21 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) Subject to the provisions of paragraphs (b) and (c), the owner of any fence crossing a public road shall allow an opening of not less than 4·5 metres across the road and shall erect and maintain in good order a gate made of iron or wood or of an iron or wooden frame spanned with wire, placed as near as possible at right angles to the road and properly fixed by hinges or pivots to posts erected for the purpose, so as to facilitate the opening and closing of the gate and to ensure that it will swing clear of the ground.”.

Amendment of
First Schedule to
Act 31 of 1963.

3. The “Specifications of Fence” in the First Schedule to the principal Act is hereby amended—

- (a) by the substitution in paragraph 1 for the word “feet” of the word “metres”, and by the deletion in the said paragraph of the word “inches”;
- (b) by the substitution in paragraph 3 for the word “inches” of the word “centimetres”;
- (c) by the substitution in paragraph 6 for the expression “lbs.” of the expression “kg”, and for the word “inches” of the word “centimetres”;
- (d) by the substitution in paragraphs 5, 7 and 11 for the word “yards” of the word “metres”; and
- (e) by the substitution in paragraph 9 for the word “feet” of the word “metres”.

WYSIGINGSWET OP OMHEINING, 1971.

Wet No. 3, 1971

WET

Tot wysiging van die Omheiningswet, 1963, ten einde metriekemate in die plek van sekere ander mate vir die doeleindes van genoemde Wet te stel; en voorsiening te maak vir die bepaling van die vergoeding van die lede van 'n raad wat ingevolge die Tweede Bylae by genoemde Wet aangestel word.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Maart 1971.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 17 van die Omheiningswet, 1963 (hieronder die Wysiging van Hoofwet genoem), word hierby gewysig deur subartikel (1) artikel 17 van Wet 31 van 1963, deur die volgende subartikel te vervang:

„(1) Iemand wat 'n grensheining oprig, kan die lyn waarlangs die heining loop tot 1·5 meter weerskante daarvan van bos skoonmaak en bome verwyder wat reg op die lyn staan.”.

2. Artikel 21 van die Hoofwet word hierby gewysig deur Wysiging van paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

„(a) Behoudens die bepalings van paragrawe (b) en (c), moet die eienaar van 'n heining wat oor 'n openbare pad loop, 'n opening van minstens 4·5 meter oor die pad laat en so na moontlik reghoekig op die pad 'n hek aanbring en in goeie orde hou, wat van yster of hout of van 'n yster- of houtraam met draad bespan gemaak is en behoorlik deur middel van skarniere of spille aan vir die doel opgerigte pale vasgemaak is sodat die hek maklik oop- en toegemaak kan word en vry bo die grond kan swaai.”.

3. Die „Spesifikasies van Heining” in die Eerste Bylae by die Wysiging van Hoofwet word hierby gewysig:

- (a) deur in paragraaf 1 die woord „voet” deur die woord „meter” te vervang en die woord „duim” te skrap;
- (b) deur in paragraaf 3 die woord „duime” deur die woord „sentimeter” te vervang;
- (c) deur in paragraaf 6 die uitdrukking „lbs.” deur die uitdrukking „kg”, en die woord „duime” deur die woord „sentimeter” te vervang;
- (d) deur in paragrawe 5, 7 en 11 die woord „jaarts” deur die woord „meter” te vervang; en
- (e) deur in paragraaf 9 die woord „voet” deur die woord „meter” te vervang.

Act No. 3, 1971**FENCING AMENDMENT ACT, 1971.**

Amendment of
Second Schedule
to Act 31 of 1963.

4. The Second Schedule to the principal Act is hereby amended by the substitution for paragraph 11 of the following paragraph:

"11. The board shall have power to award to either owner as against the other owner the costs of or incidental to the determination of the matter in dispute, including the remuneration, and allowances to defray the expenditure, of the members of the board at a rate determined by the Minister in consultation with the Minister of Finance."

Short title.

5. This Act shall be called the Fencing Amendment Act, 1971.

WYSIGINGSWET OP OMHEINING, 1971.

Wet No. 3, 1971

4. Die Tweede Bylae by die Hoofwet word hierby gewysig deur paragraaf 11 deur die volgende paragraaf te vervang:

Wysiging van
Tweede Bylae by
Wet 31 van 1963.

„11. Die raad is bevoeg om die koste van of verbonde aan die beslissing van die saak, met inbegrip van die beloning, en toelaes ter bestryding van die uitgawes, van die lede van die raad teen 'n skaal deur die Minister in oorleg met die Minister van Finansies bepaal, aan enigeen van die twee eienaars teenoor die ander toe te ken.”.

5. Hierdie Wet heet die Wysigingswet op Omheining, 1971. Kort titel.

