

REGULATIONS FRAMED IN TERMS OF PARAGRAPHS (b), (c) AND (j) OF SECTION SEVENTY OF THE WATER ACT, 1956 (ACT 54 OF 1956)

The Minister of Water Affairs and Forestry has under the powers vested in him by section seventy of the Water Act, 1956 (Act No. 54 of 1956) made the following regulations in respect of Government Dams and surrounding State-owned land.

1. INTERPRETATION

In these regulations, unless the context otherwise indicates -

"Act" means the Water Act, 1956 (Act No. 54 of 1956);

"animal" means any vertebrate animal (excluding a fish and a poisonous snake);

"authority" means a local authority, irrigation board or other statutory body, or a Government department, including the South African Railways and Harbours Administration, or a provincial administration referred to in paragraph (a) of subsection (1) of section sixty-nine of the Act;

"fish" includes crustacea and mollusca and water fauna in general and the eggs, hatch, spawn or the young of fishes and of such water fauna;

"flora" means any flower, herb, shrub, tree or plant but does not include weed as defined in section thirteen of the Weeds Act, 1937 (Act No. 42 of 1937).

"Storage Area" means the water surface and the submerged area of a Government Dam, as well as all surrounding State-owned land and also any Government Water Works in a Government Water Control Area in which such Government Dam is situated, in respect of which the Minister, in terms of sub-section (4) of section fifty-six of the Act, exercises rights and privileges;

and any expression to which a meaning has been assigned in the Act, bears, where used in these regulations, the same meaning.

2. CONTROL

(a) If the Minister has in terms of paragraph (a) of subsection (1) of section sixty-nine of the Act, at any time and for a period delegated and or all of the powers of control over any portion of State-owned land in a Storage Area or in connection with the entry to or the use of the submerged area of a "Government Dam or the water surface thereof, to any authority, such powers shall be exercised for such period subject to the provisions of these regulations and terms of conditions which the Minister may deem fit.

(b) The Minister may at any time prohibit the use of the water surface of any Government Dam or part thereof in a Storage Area for such period as he may deem fit.

(c) Notwithstanding the provisions of paragraph (b) or any delegation of power under paragraph (a) of subsection (1) of section sixty-nine of the Act, any Departmental officer or any person authorised thereto in terms of section one hundred and sixty-six of the said Act, shall in the course of his duties or the exercise of his functions or duties, have access to any part of a Storage Area.

3. ACCESS

- (a) Notwithstanding any delegations in terms of paragraph (a) of subsection (1) of section sixty-nine of the Act the Minister may allow or refuse any person access to any part of a Storage Area and may prohibit the -
- (i) holding or giving of any public entertainment;
 - (ii) collection of money from the public;
 - (iii) distribution of any pamphlet, book, handbill, or any other printed or written matter; or
 - (iv) organising, holding or addressing of any gathering in any Storage Area or part thereof.
- (b) Any person entering a Storage Area or any part thereof, shall if so requested by the Minister, furnish his full name and place of residence.

4. FIREARMS AND OTHER WEAPONS

No person other than an officer who is authorised in the exercise of his duties to carry a firearm, may have in the Storage Area, without the written approval of the Minister, a firearm or any kind of weapon on him or in his vehicle.

(Amended by Government Notice R.1161 dated 13/06/1975.)

5. SPEED LIMITS AND ROADS

Drivers of vehicles in a Storage Area shall observe any speed limits determined by the Minister and shall use only those roads authorised for the use of the general public by the Minister.

6. PARKING AREAS

The Minister may prohibit or allow the parking of vehicles in any part of a Storage Area, and where parking areas are provided, vehicles shall not be parked outside such areas.

7. TRADING

No trading shall be allowed within a Storage Area except with the written approval of the Minister and on such terms and conditions as he may deem fit to impose.

8. RESERVED AREAS

The Minister may reserve any defined area in a Storage Area, whether on land or on water, for the use of specified groups or persons, bodies, associations or clubs and no person who is not a member of such a group, body, association or club shall be permitted in the area or areas reserved for the use of such group, body, association or club, except with the permission of the Minister, who, under certain circumstances, in his discretion and subject to conditions which he may impose, may grant exemption to guests of such group, body, association or club for a particular occasion.

Similarly the Minister may reserve defined areas in Storage Areas for specific purposes and no person shall make use of such defined areas for any purpose other than the purposes for which they have been reserved.

9. FIRES

No person may make a fire in a Storage Area except in places where fire-places are provided.

10. HYGIENE

- 10.1 (a) No person shall dump or discharge in any place on land or into the water of a Storage Area, any refuse, waste or material of any kind whatsoever which may cause water pollution, but shall store it in containers suitable for the purpose.
- (b) Removal of the contents of containers referred to in paragraph (a) from a Storage Area, shall take place by means of either a waste removal service as established in terms of local authority or other legislation where such a service is available, or by the persons responsible for the contents of the containers. Where no waste removal service is available of a Storage Area, the contents of containers shall be removed by the responsible person to the nearest place where such a service is available.
- 10.2 (a) All waste from water closets, urinals, sinks, showers, wash basins, baths or any other facilities on board, shall be stored in a single storage tank.
- (b) The storage tank shall have a minimum capacity of not less than 1,25 times the capacity of the on board water tanks and/or containers. It shall be provided with a suction pipe and valve on top in order that it may be connected to containers or an extraction system ashore to empty the contents thereof. No other outlets that can be opened on board shall be provided.
- (c) The contents of storage tanks referred to in paragraphs (a) and (b) or the contents of portable toilets, shall be disposed of by the removal thereof to existing toilet facilities or to municipal or private sewage systems as approved by a local authority in terms of the relevant Provincial Ordinances or local authority legislation.

(Substituted by G.N. R./1262 dated 12/06/1987.)

11. **CAMPING AND ACCOMMODATION**

- (a) No person shall remain in a Storage Area outside the times laid down by the Minister except in official accommodation or on sites specially allotted for that purpose, as provided for in paragraph (b) below.
- (b) The Minister may provide accommodation or camping facilities in any Storage Area and may levy charges for the use of such accommodation or camping facilities.

12. **ACCESS TO WORKS**

Access to the dam wall and appurtenant structures in any Storage Area may be granted by the Minister on such conditions and during such times as he may determine and different times may be laid down by him for different groups of the public.

13. **PHOTOGRAPHY**

The Minister may at any time prohibit or restrict the taking of photographs within a Storage Area.

14. **SAFETY RULES**

The Minister may lay down general or specific rules for the safety of the public in a Storage Area and cause them to be posted up in places approved by him for such purpose.

15. **RECKLESS AND UNSEEMLY CONDUCT**

(Deleted by Government Notice R.206 dated 04/02/1983.)

16. **DAMAGE TO PROPERTY**

Any person who wilfully or negligently cause damage to any Government or other property within a Storage Area shall be guilty of an offence.

17. PROHIBITED AREAS

The Minister may prohibit access to any part of a Storage Area and may cause notices to that effect to be posted at the entrance to such prohibited areas. Any person who, contrary to such notice, enters such areas shall be guilty of an offence.

18. PROTECTION OF FAUNA

No person shall in a Storage Area kill, injure, capture or disturb any animal or bird or destroy the nest or eggs of any bird except on the authority of a permit issued by the Minister in terms of this regulation and on the conditions specified therein: Provided that a rat or mouse or a dangerous animal or reptile may be killed: provided further that any person acting in the exercise of his official duties shall be except from any of the provisions of this regulation.

(Substituted by G.N. R.1161 dated 13/06/1975.)

19. PROTECTION OF FLORA

No person shall in a Storage Area cut, injure, uproot or destroy any flora or remove any flora from such area: Provided that the Minister in his discretion may exempt any officer of a Government Department or of a Provincial Administration in the execution of his official duties from any of the provisions of this regulation.

20. SWIMMING

The Minister may prohibit swimming or diving, including skin-diving, in any Storage Area or restrict swimming or diving to such times and such areas of any Storage Area as he may from time to time determine.

21. ANGLING

- (a) The Minister may prohibit angling in any Storage Area or restrict angling to such times and such areas as he may determine from time to time. Where angling is allowed the provisions of any applicable Provincial Ordinance and any regulations made under any Provincial Ordinance shall apply.
- (b) No fish or other aquatic life shall be introduced into any Government dam in a Storage Area except with the written permission of the Minister and subject to such conditions as he may determine.

22. BOATING REGULATIONS

- (i) No person may use a boat of any description on any Government dam in a Storage Area except with the written permission of the Minister who may in respect of any Storage Area require that a registration number allotted by him in respect of such boat, shall be displayed thereon in such manner as he may determine from time to time.
- (ii) Applications for such permission shall be made to the Secretary whereupon the Minister may issue a permit for such period and on such conditions as he may deem fit: Provided that he may, without giving any reason, refuse a permit or suspend or withdraw a permit at any time.
- (iii) The Minister may on application and subject to the provisions of paragraphs (i) and (ii) above, issue a permit for a boat to ply for hire subject to such conditions and on payment of such special charges as he may from time to time determine.
- (iv) A permit issued in terms of paragraphs (ii) and (iii) shall reflect the name and address of the person to whom issued, the type and registration number of the boat in respect of which it has been issued, the maximum number of passengers the boat may carry, the period for which the permit shall be valid and such other information and conditions as the Minister may from time to time determine.

- (v) No person in charge of such boat shall carry therein more persons than the maximum number stated in the permit issued.
- (vi) No person under the age of sixteen years may pilot or be in charge of any boat other than a rowing boat or canoe on any Government dam in a Storage Area.
- (vii) The Minister may at any time inspect or cause to be inspected any boat kept or used in a Storage Area and direct that such repairs or alterations as he may deem fit, be made to it. If an owner of a boat fails to carry out such repairs or alterations within the stipulated time the Minister may withdraw the permit and order the removal of the said boat from the Storage Area.
- (viii) The Minister may erect landing, docking or mooring places and buoys, boathouses, jetties or appurtenant works or may permit the construction of such works under such terms and conditions as he may deem fit.
- (ix) Every boat shall at all times carry -
 - (a) two or more suitable and efficient oars and sufficient efficient rowlocks or hole-pins;
 - (b) efficient life-saving equipment adequate for the safety of the maximum number of persons permitted to be carried;
 - (c) pumping or bailing apparatus;
 - (d) a notice prominently displayed giving the number of persons the boat is permitted to carry.
- (x) From sunset to sunrise power and sailing boats under way shall carry signal lights which shall be prominently shown as follows:
 - (a) Aft, one white light visible from all sides;
 - (b) forward, one green light visible to the right side (starboard) and one red light visible to the left side (port), both lights to be visible also from the front.
- (xi) From sunset to sunrise, rowing boats or canoes or any other type of water craft without mechanical or sail power, when in use shall carry a white light in such a position as to be clearly visible to every other craft in the vicinity.
- (xii) After sunset all boats at anchor, away from their moorings, shall display forward and well above the hull, a white light visible from all sides.
- (xiii) Power boats, yachts and any other type of craft may be used only in the areas demarcated for the particular type to which they belong. The Minister may limit the speeds at which power boats may be operated in areas demarcated for such boats or in any other area.
- (xiv) The Minister may in his discretion require that an efficient muffler be fitted to the exhaust system of an engine of any power boat used in a Storage Area.
- (xv) No substance such as petrol, oil or anything similar used in engine-driven craft, may be disposed of in the water.
- (xvi) The Minister may demarcate areas within which craft may not be operated.
- (xvii) No amphibian aircraft shall be permitted to land on any dam in a Storage Area without the prior permission of the Minister. When such permission is given, special areas for landing, mooring and taking off may be demarcated and the amphibian aircraft shall keep within such areas and the person or persons in control thereof shall comply with all other conditions attaching to the said permission.

- (xviii) All such boats, when not in use, shall be securely anchored or moored so as not to endanger other craft or persons on the water or along the shore. The owners of such boats floating loose will be held responsible for any injury or damage caused by such boats. Boats found adrift and without control may be taken in charge by the Minister and the owners shall be liable for any expense incurred by such action.
- (xix) The Minister reserves the right to cancel or suspend for any specified period the permit of any person failing to comply with these regulations or rules applicable in the Storage Area concerned by giving notice orally or in writing and such person shall remove his boat, landing equipment and other boating appurtenances from the Storage Area within seven days from the receipt of such notice, failing which the Minister may impound such boat, landing equipment or other boating appurtenances and dispose thereof by public auction after a further period of thirty days, and recover the cost of such action from the owner.
- (xx) No person may negligently, recklessly or with intentional or wilful disregard of the safety or other persons or property, drive any boat of whichever nature in or on a submerged area.
- (xxi) No person may drive any boat of whichever nature in or on a submerged area -
 - (a) while under the influence of intoxicating liquor or a drug having a narcotic effect; or
 - (b) while the concentration of alcohol in any specimen of blood taken from any part of his body is not less than 0,08 gram per 100 millilitres: Provided that, if in a prosecution for a contravention of the provisions of this subparagraph or an omission to comply therewith, the intended concentration of alcohol at any time within two hours after the alleged offence was not less than 0,08 gram per 100 millilitres, it shall be presumed, unless the contrary is proved, that such concentration at the time of the alleged offence was not less than 0,08 gram per 100 millilitres.

(Paragraph (xx) and (xxi) inserted by Government Notice R.206 dated 04/02/1983.)

23. WATER-SKIING AND HYDROPLANING

The Minister may prohibit water-skiing or hydroplaning in any Storage Area or restrict water-skiing and hydroplaning to such times and such areas as he may from time to time determine.

24. RULES

The Minister may in respect of any Storage Area, prescribe rules relating to -

- (a) access to the Storage Area or works;
- (b) use of the Storage Area and the conduct of persons in such Area;
- (c) water and land speed limits applicable in the Storage Area;
- (d) reservation of certain areas for the use of specified groups of persons, bodies, associations or clubs or for specific purposes;
- (e) hygiene;
- (f) times during which the Storage Area will be open to the public;
- (g) access to the Government Water Works within the Storage Area;
- (h) taking of photographs in the Storage Area;

- (i) safety measures;
- (j) fees payable for access, or for the use of the amenities or other facilities provided in the Storage Area;
- (k) boating;
- (l) swimming;
- (m) water-skiing and hydroplaning;
- (n) angling; and
- (o) generally any other matters which he considers necessary or expedient to prescribe in order that the objects of the Act and of these regulations may be achieved.

25. OFFENCES AND PENALTIES

- (a) Any person who by any act or omission contravenes any of these regulations or any stipulation prescribed by the Minister in respect of any specific Storage Area, or who wilfully fails to observe any condition contained in a permit issued in terms of regulation 18, shall be guilty of an offence and liable to summary ejectment from such area or prosecution in terms of section 170 of the Act, or to both such ejectment and prosecution.
- (b) The Minister shall have the right to refuse such offenders admission to any Storage Area either permanently or for such period or periods as he may determine.

(Paragraph 25(a) substituted by G.N. R.1161 dated 13/06/1975.)