

GN. R. 1487
GG16686
29 September 1995

**CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT No. 43 OF 1983)
IRRIGATION IMPROVEMENT SCHEME: ESTABLISHMENT**

I, Andre Isak van Niekerk, Minister of Agriculture, hereby establish by virtue of section 8, read with section 9 of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983), the Irrigation Improvement Scheme in the Schedule.

A.I. VAN NIEKERK
Minister of Agriculture

SCHEDULE

Definitions

1. In this scheme, unless otherwise indicated, any word or expression to which a meaning has been assigned in the Act shall have that meaning and -

engineer means an engineer, technologist or technician who has been registered in that capacity with the Engineering Council of South Africa;

extension office means an office of a provincial department of Agriculture which has been established with a view to rendering agricultural extension services;

farming unit means-

- (a) land being farmed as a unit by a single land user, whether that land is registered in a deeds office as such or whether it is comprised out of two or more pieces of land of which each piece is registered in a deeds office; or
- (b) communal land or a piece thereof which is being farmed and which has been assigned in writing to a single land user;

the Act means the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983); and

water utilisation work means a work of a class referred to in section 6 of this scheme.

Name of scheme

2. This scheme shall be known as the Irrigation Improvement Scheme.

Objectives of scheme

3. The objectives of this scheme shall be, as far as irrigation is concerned, to control or prevent the soil from becoming waterlogged, to control and prevent salinisation, to utilise and protect water courses and water sources, to promote the construction of water utilisation works and to arrange for the payment of subsidies using money voted by Parliament for the purposes of this scheme.

Application of scheme

4. This scheme shall apply to all land with the exception of land mentioned in section 2 (1) of the Act.

Acts for which subsidies may be paid

5. In terms of this scheme, subsidies may be paid for the erection of water utilisation works.

Classification of water utilisation works

6. For the purposes of this scheme, a water utilisation work shall be classified as-
 - (a) a distribution work, being a canal, border, pipeline or any other work constructed or equipment erected to prevent waterlogging or salinisation of irrigation land;
 - (b) an irrigation work, being a pump installation, sluicgate, gauging post, gauging notch, watergauge, furrow, border or mechanical or gravitational system for the irrigation of soil, or any other work constructed or equipment erected for the purpose of controlling waterlogging or salinisation of soil;
 - (c) a storage work, being a reservoir, weir, dam or any other work constructed or equipment erected to utilise a water course or a water source; or
 - (d) a protection work, being a protective wall, embankment or any other work constructed or equipment erected to protect a water course or water source.

Basis for determination of subsidy

- 7.(1) A subsidy may be paid for the erection of a. water utilisation work-
 - (a) once during a period of 10 years to a single land user in respect of a particular farming unit; and
 - (b) to a maximum of $33\frac{1}{3}$ % of the total cost of the water utilisation work or an amount of R7 500,00, whichever amount is smaller.
- (2) Subject to the provisions of subsection (3), the Minister may, on written application, give approval for the payment of a subsidy that exceeds the amounts referred to in subsection (1).
- (3) Parliament may, on application by the Minister and after an investigation by him or her, give approval for the payment of a subsidy in excess of R4 million.

Requirements for payment of subsidy

8. A land user may apply to the executive officer for the payment of a subsidy for the erection of a water utilisation work if -
- (a) he or she is the owner, lessee or occupant of the farm unit where the water utilisation work is to be erected;
 - (b) the farming unit on which the water utilisation unit is to be erected, falls within the area referred to in section 4 of this scheme;
 - (c) the water utilisation work is classified as a water utilisation work in terms of section 6 of this scheme;
 - (d) the application is accompanied by-
 - (i) a plan of the farming unit drawn for purposes of the erection of the water utilisation work, on which the water utilisation work concerned is indicated as a proposed work; and
 - (ii) comprehensive dimensions, specifications and other particulars of the proposed water utilisation work.

Requirements for payment of subsidy

9. A subsidy may be paid to a land user for the erection of a water utilisation work if -
- (a) the application for the payment of a subsidy has been accepted and consent for the erection of the water utilisation work has been given;
 - (b) the land user gave notice of completion of the water utilisation work to the executive officer;
 - (c) the location of the water utilisation work corresponds more or less with the position thereof as indicated on the plan referred to in paragraph (d) (i) of section 8;
 - (d) the dimensions, specifications and other particulars of the water utilisation work correspond with the dimensions, specifications and other particulars referred to in paragraph (d) (ii) of section 8;
 - (e) an engineer has made a statement or drawn up a report with regard to the water utilisation work;
 - (f) the statement or report referred to in paragraph (e) has been accepted by the executive officer and money voted for purposes of this scheme is available; and
 - (g) all the provisions of this scheme pertaining to the water utilisation work and the farming unit where it is erected, have been complied with.

Payment of subsidy

- 10.(1) If the executive officer accepts the statement or report referred to in paragraph (e) of section 9, he shall calculate the amount payable as a subsidy for the water utilisation work concerned.

- (2) The amount referred to in subsection (1) shall be calculated in accordance with the provisions of section 7.
- (3) The subsidy thus calculated shall, subject to the provisions of subsection (4) and with the regard to the availability of money for purposes of this scheme, be paid to the applicant as soon as possible.
- (4) The applicant may request the executive officer in writing to pay any subsidy due to him to a person specified in the request.
- (5) Approval granted for the erection of a water utilisation work for purposes of a subsidy payable in terms of any other Act in force on the date of commencement of this scheme, shall be deemed to be approval referred to in section 8 (e) of this scheme.