



PROVINCE OF THE EASTERN CAPE  
IPHONDO LEMPUMA KOLONI  
PROVINSIE OOS-KAAP

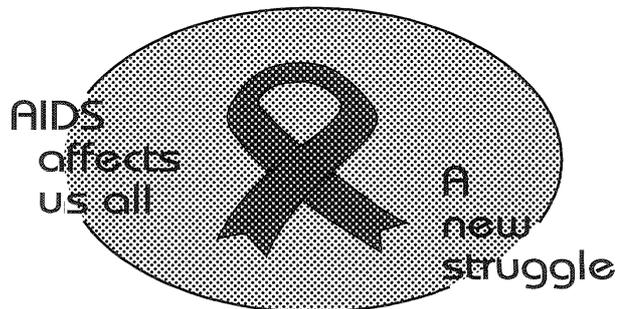
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No. 2925

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**PROVINCIAL NOTICE**

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**No. 39****PROVINCE OF THE EASTERN CAPE****PROVINCIAL PLANNING AND TREASURY****TRANSKEIAN DEVELOPMENT AND RESERVE FUND REPEAL BILL,  
2013**

The above- mentioned bill is hereby published for public comment in terms of rule 147 of the Standing Rules of the Legislature.

Any person who wishes to comment on the said Bill must submit such comments in writing within 14 days of publication hereof.

Comments must be submitted to -

The Head of Department  
Provincial Planning and Treasury  
Tyamzashe Building  
Phalo Avenue  
Bhisho  
5605

**Attention: Miss Lindelwa Bosman**

**Tel: 040-609 5527**

**Email: [lindelwa.bosman@ectreasury.gov.za](mailto:lindelwa.bosman@ectreasury.gov.za)**

**PROVINCE OF THE EASTERN CAPE**

**DEPARTMENT OF PROVINCIAL PLANNING AND TREASURY**

**TRANSKEIAN DEVELOPMENT AND RESERVE FUND REPEAL  
BILL, 2013**

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*As introduced*

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**B \* -2013(EC)**

**(BY THE MEMBER OF THE EXECUTIVE COUNCIL  
RESPONSIBLE FOR PROVINCIAL PLANNING AND TREASURY)**

# BILL

To provide for the repeal of the Transkeian Development and Reserve Fund Act; and to provide for matters incidental thereto.

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## ARRANGEMENT OF SECTIONS

1. Repeal of law
- 10 2. Transitional Arrangements
3. Short title and commencement

**BE IT ENACTED** by the Legislature of the Province of the Eastern Cape as follows:-

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### **Repeal of law**

1. The Transkeian Development and Reserve Fund Act, 1964 (Act No. 3 of 1964) is hereby repealed.

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### **Transitional Arrangements**

2. (1) (a) All immovable assets registered in the name of the Transkeian Development and Reserve Fund and obligations attached thereto, on the date of commencement of this Act shall be transferred to the Department of Roads and Public Works.

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- (b) Any other immovable property which has been in custody of the Transkeian Development and Reserve Fund and obligations attached thereto, on the date of commencement of this Act shall be transferred to the Department of Roads and Public Works.

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- (2) All the cash and monies vested in the Transkeian Development and Reserve Fund at the date of commencement of this Act shall be transferred to the Provincial Revenue Fund.

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- (3) Any other liability accrued as of the date of the repeal be funded out of Provincial Revenue Fund upon motivation and appropriated to a relevant Department.

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**Short title and commencement**

3. This Act is called the Transkeian Development and Reserve Fund Repeal Act, 2013, and comes into operation on a date of publication in the *Provincial Gazette*.
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## MEMORANDUM ON THE OBJECTS OF THE TRANSKEIAN DEVELOPMENT AND RESERVE FUND REPEAL BILL, 2013

### 1. BACKGROUND

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1.1. The Transkeian Development and Reserve Fund was enacted by an Act of Parliament, 1964 (Act No. 3 of 1964) ("TDRF") of the then Transkei Government.

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1.2. The fund was established to perform specific functions that were identified by the Transkei Government, which includes inter alia the following:

- Indicate, acquire and establish or assist in establishing, maintain, support, takeover, manage or carry on any undertaking in the Transkei in the field of-

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- Industry

- Trade

- Finance

- Agriculture and Forestry

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- Provision of capital or the lending of money to any such undertaking upon such condition and against such security as the Cabinet may determine.

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1.3. Subsequent to the new dispensation in 1994, the Fund has not been active in any significant form in the activities it was established to perform, but owned some assets, such as properties, cash with Commercial Banks and shares held with MEEG Bank which have since been disposed of.

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A forensics audit conducted in August 2007 revealed that of the 14 properties, only one property (New Northcrest Flats) is registered in the name of the Fund and other properties are registered in the name of the Government of Transkei with the exception of a vacant ERF no. 4722 which has no title deed indicating ownership by TDRF.

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1.4. In December 2003, the National Treasury issued a Proclamation, No. R74 of 2003, assigning the Fund to the MEC for Finance as part of the Provincial Revenue Fund.

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1.5. On the 38<sup>th</sup> meeting of EXCO that took place on the 16<sup>th</sup> February 2011, the following resolution was taken:

- TDRF be dissolved by repealing the Act and funds be deposited in the Provincial Revenue Fund. The normal Executive Council processes should be followed in the allocation of funds.

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## **2. THE REASONS FOR AND EFFECT OF THE BILL**

2.1. This Bill is to ensure that the funds in the TDRF are integrated into the Provincial Revenue Fund.

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## **3. OBJECTS OF BILL**

10 The Bill seeks to repeal TDRF in whole and all its immovable properties be transferred to the Department of Roads and Public Works, and all its cash and money be transferred to the Provincial Revenue Fund.

## **4. CLAUSE-BY-CLAUSE EXPLANATION**

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### **4.1. Clause 1**

This Clause repeals the Transkeian Development and Reserve Fund Act No. 3 of 1964

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### **4.2. Clause 2**

This Clause causes the transfer of all movable and immovable assets, rights, liabilities and obligations of the TDRF to the Department of Roads and Public Work and all the cash and monies vested in the Fund will be transferred to the Provincial Revenue Fund.

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### **4.3. Clause 3**

This Clause provides for the Short Title and commencement of the Act.

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## **5. FINANCIAL IMPLICATIONS**

The immovable assets will be transferred to the Department of Roads and Public Works and the cash will be transferred to the Provincial Revenue Fund.

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Other than that there will be no financial implications for the implementation of the Act.

## **6. DEPARTMENTS/BODIES/PERSONS CONSULTED**

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6.1. All relevant Provincial Departments were consulted

6.2. Cabinet was also consulted

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## **7. COMPETENCY**

5 The Transkeian Development and Reserve Fund Act No. 3 of 1964 was assigned to the Province of the Eastern Cape and falls within the ambit of Schedule 4 of the Constitution.

The Legislature has therefore the competency to deal with this Bill.

## GENERAL NOTICES

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**No. 49**

**CLOSING OF A PORTION OF ERF 159 ADJOINING ERF 122**  
**STERKSPRUIT**

(Surveyor General Ref. No 13/3/028/1/2 v1 p29 )

Notice is hereby given in terms of the Transkei Municipal Act 1979 that a portion of Erf 159 Adjoining Erf 122 Sterkspruit to be permanently closed.

**MUNICIPAL MANAGER**

**Mr. M. Yawa**

**No. 50****REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)****ERF 2460, NEWTON PARK (62A WORRAKER STREET) (CF17/02460) (SN) (Ref. 32)**

Notice is given in terms of Section 3(6) of the above Act that the undermentioned application has been received and is open to inspection at room 4178, fourth floor, Office for Housing and Local Government : Eastern Cape, Tyamzashe Building, Civic Square, Bhisho, and at the offices of the Nelson Mandela Bay Municipality, second floor, Lillian Diedericks building, Govan Mbeki Avenue, Port Elizabeth. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, P O Box 116, Port Elizabeth 6000 **within 21 days of the appearance of this notice in the Provincial Gazette (Eastern Cape Gazette)**, quoting the above act and the objector's erf number.

**Applicant:** G J Loots on behalf of Peach Property Investments cc

**Nature of application:** Removal of title conditions applicable to Erf 2460, Newton Park

**I TSATSIRE**

**ACTING MUNICIPAL MANAGER**

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**NELSON MANDELABAAI MUNISIPALITEIT****WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)****ERF 2460, NEWTONPARK (WORRAKERSTRAAT 62A) (CF17/02460) (SN) (Verw. 32)**

Kennis word gegee kragtens Artikel 3(6) van bogemelde Wet dat onderstaande aansoek ontvang is en ter insae lê by kamer 4178, vierde verdieping, Kantoor vir Behuising en Plaaslike Regering : Oos-Kaap, Tyamzashe-gebou, Civic Square, Bhisho en in die kantore van die Nelson Mandelabaai Munisipaliteit, tweede verdieping, Lillian Diedericks-gebou, Govan Mbekilaan, Port Elizabeth. Enige besware, volledig gemotiveer, **moet binne 21 dae van die verskyning van hierdie Kennisgewing in die Provinsiale Koerant (Oos-Kaap)** skriftelik by die Munisipale Bestuurder, Posbus 116, Port Elizabeth 6000 ingedien word, met vermelding van bogenoemde wet en die beswaarmaker se ernommer.

**Aansoeker:** G J Loots namens Peach Property Investments bk

**Aard van aansoek:** Die opheffing van die titelvoorwaardes van toepassing op Erf 2460, Newtonpark.

**I TSATSIRE**

**WAARNEMENDE MUNISIPALE BESTUURDER**

**No. 51****NELSON MANDELA BAY MUNICIPALITY****REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)****ERF 498, SUNRIDGE PARK (52 STELLA LONDT DRIVE) (CF24/00498) (SN) (Ref. 18)**

Notice is given in terms of Section 3(6) of the above Act that the undermentioned application has been received and is open to inspection at room 4178, fourth floor, Office for Housing and Local Government : Eastern Cape, Tyamzashe Building, Civic Square, Bhisho, and at the offices of the Nelson Mandela Bay Municipality, second floor, Lillian Diedericks building, Govan Mbeki Avenue, Port Elizabeth. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, P O Box 116, Port Elizabeth 6000 **within 21 days of the appearance of this notice in the Provincial Gazette (Eastern Cape Gazette)**, quoting the above act and the objector's erf number.

**Applicant:** Arctix Property Planning on behalf of the registered owners of the property.

**Nature of application:** Removal of title conditions applicable to Erf 498, Sunridge Park.

**I TSATSIRE**  
**ACTING MUNICIPAL MANAGER**

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**NELSON MANDELABAAI MUNISIPALITEIT****WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)****ERF 498, SUNRIDGEPARK (STELLA LONDRYLAAN 52) (CF24/00498) (SN) (Verw. 18)**

Kennis word gegee kragtens Artikel 3(6) van bogemelde Wet dat onderstaande aansoek ontvang is en ter insae lê by kamer 4178, vierde verdieping, Kantoor vir Behuising en Plaaslike Regering : Oos-Kaap, Tyamzashe-gebou, Civic Square, Bhisho en in die kantore van die Nelson Mandelabaai Munisipaliteit, tweede verdieping, Lillian Diedericks-gebou, Govan Mbekilaan, Port Elizabeth. Enige besware, volledig gemotiveer, **moet binne 21 dae van die verskyning van hierdie Kennisgewing in die Provinsiale Koerant (Oos-Kaap)** skriftelik by die Munisipale Bestuurder, Posbus 116, Port Elizabeth 6000 ingedien word, met vermelding van bogenoemde wet en die beswaarmaker se ernommer.

**Aansoeker:** Arctix Property Planning namens die geregistreerde eienaars van die eiendom

**Aard van aansoek:** Die opheffing van die titelvoorwaardes van toepassing op Erf 498, Sunridgepark.

**I TSATSIRE**  
**WAARNEMENDE MUNISIPALE BESTUURDER**

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