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No. 40

PROCLAMATION • PROKLAMASIE

PROCLAMATION

No. 29 (Premier's), 1995

LOCAL GOVERNMENT TRANSITION ACT, 1993
(ACT No. 209 OF 1993)

AMENDMENT OF THE LOCAL GOVERNMENT TRANSITION
ELECTION REGULATIONS, 1994

Under the powers vested in me by section 9 (2) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and with the concurrence of the Provincial Committee for Local Government, I hereby amend the Local Government Transition Election Regulations, 1994, as promulgated by Proclamation (Premier's) No. 48 of 1994, dated 22 December 1994 (hereinafter referred to as the Regulations) in the manner set out in the Schedule hereto.

This Proclamation shall come into operation with immediate effect.

Given under my Hand at Johannesburg this Twelfth day of June, One thousand Nine hundred and Ninety-five.

T. M. G. SEXWALE,
Premier-in-Executive Council.

PROKLAMASIE

No. 29 (Premiers-), 1995

OORGANGSWET OP PLAASLIKE REGERING, 1993
(WET NO. 209 VAN 1993)

WYSIGING VAN DIE VERKIESINGSREGULASIES VIR
PLAASLIKE OORGANGSREGERING, 1994

Kragtens die bevoegdheid my verleen by artikel 9 (2) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), en met die instemming van die Proviniale Komitee vir Plaaslike Regering, wysig ek hierby die Verkiesingsregulasies vir Plaaslike Oorgangsregering, 1994, soos aangekondig by Proklamasie (Premiers-) No. 48 van 1994, gedateer 22 Desember 1994 (hiernaams die Regulasies genoem) soos in die Bylae hiervan uiteengesit.

Hierdie Proklamasie tree in werking met onmiddellike effek.

Gegee onder my Hand te Johannesburg, op hede die Twaalfde dag van Junie Eenduisend Negehonderd Vyf-en-negentig.

T. M. G. SEXWALE,
Premier-in-Uitvoerende Raad.

SCHEDULE

The Regulations indicated below are amended as follows:

1. Regulation 53 (4) is amended by the insertion after the word "other" of the word "than" and by the insertion after the word "any" of the words "casting of a".
2. Regulation 72 (1) is amended by the substitution for the depiction "(c)" where it appears the second time of the depiction "(d)".

Gender

3. Regulations 65 (b), 66 (3), 67, 72 (1) (b), 72 (1) (c), 72 (2) (b), 72 (2) (c), 89 (1) (e), 89 (3) and 102 (d) are amended by the insertion after the word "his" or the word "him" wherever it appears of the words "or her".

Amendment to Regulation 1 (1) (viii)

Definition of day

4. Regulation 1 (1) (viii) is amended by the substitution for the words "Public Holidays Act, 1952 (Act 5 of 1952)" of the words "Public Holidays Act, 1994 (Act 36 of 1994)".

Amendment to Regulation 1 (1) (xiii)

Definition of identity document

5. Regulation 1 (1) (xiii) is amended by the substitution therefore of the following:

"(xiii) "identity document" means—

- (a) an identity document or a temporary identity certificate issued in terms of the Identification Act, 1986 (Act 72 of 1986) or any other applicable law of the Republic, as the case may be: Provided that an acknowledgement of receipt of an application for an identity document issued by the Director-General of the Department of Home Affairs shall be deemed to be an identity document only for purposes of registration for the election; or
- (b) a reference book issued in terms of the repealed Blacks (Abolition of Passes and Co-ordination of Documents) Act, 1952 (Act 67 of 1952); or
- (c) an identity document referred to in section 13 of the Population Registration Act, 1950 (Act 30 of 1950); or
- (d) a valid travel document issued in terms of any law of the former Republics of Transkei, Bophuthatswana, Venda and Ciskei; or
- (e) a valid Book of Life issued by the former Republics of—
 - (i) Ciskei in terms of Act 15 of 1981; or
 - (ii) Transkei in terms of Act 24 of 1976; or
 - (iii) Bophuthatswana in terms of Act 12 of 1978; or
 - (iv) Venda in terms of Act 6 of 1980.".

Amendment to Regulation 2 (1) (b)

Franchise: 18 year old voters

6. Regulation 2 (1) (b) is amended by the deletion of the expression "and" and the insertion after the word "years" of the words "on the day of the first election determined by the Minister in terms of section 9 of the Act".

Amendment to Regulation 3

No acknowledgement of liability

7. Regulation 3 is amended by the insertion after subregulation (12) of the following subregulation:

"(13) Where any person applying to be enrolled as a voter makes a claim in accordance with form ER1 and certifies or otherwise signifies as the basis of qualification or entitlement to such claim that he or she pays or is liable for the payment of assessment rates, rent, service charges or levies, such certification or signification of payment or liability for payment shall not be found or be used as evidence in respect of any legal action, claim or prosecution by a transitional authority, local government body or any other person or persons whatsoever."

BYLAE

Die Regulasies hieronder aangedui word soos volg gewysig:

1. Regulasie 53 (4) in die Engelse teks word gewysig deur die invoeging van die woord "than" na die woord "other" en deur die invoeging van die woorde "casting of a" na die woord "any".
2. Regulasie 72 (1) in die Engelse teks word gewysig deur die vervanging van die uitdrukking "(c)" waar dit die tweede keer voorkom met die uitdrukking "(d)".

Geslag

3. Regulasies 65 (b), 66 (3), 67, 72 (1) (b), 72 (1) (c), 72 (2) (b), 72 (2) (c), 89 (1) (e), 89 (3) en 102 (d) word gewysig deur die invoeging van die woorde "of haar" na die woord "sy" of die woord "hom" waar dit voorkom.

Wysiging van Regulasie 1 (1) (v)

Woordomskrywing van dag

4. Regulasie 1 (1) (v) word gewysig deur die vervanging van die woorde "Wet op Openbare Feesdae, 1952 (Wet 5 van 1952)" met die woorde "Wet op Openbare Feesdae, 1994 (Wet 36 van 1994)".

Wysiging van Regulasie 1 (1) (ix)

Woordomskrywing van identiteitsdokument

5. Regulasie 1 (1) (ix) word gewysig deur die vervanging daarvan met—

"(ix) "identiteitsdokument"—

(a) 'n identiteitsdokument of tydelike identiteitserfikaat kragtens die Wet op Identifikasie, 1986 (Wet 72 van 1986) of enige ander toepaslike wet van die Republiek, na gelang van die geval, uitgereik: Met dien verstande dat 'n erkenning van ontvangs van 'n aansoek om 'n identiteitsdokument deur die Direkteur-generaal van die Departement Binnelandse Sake, slegs vir doeleindes van registrasie vir die verkiesing, as 'n identiteitsdokument geag sal word; of

(b) 'n bewysboek kragtens die herroepe Wet op Swartes (Afskaffing van Passe en Koördinering van Dokumente), 1952 (Wet 67 van 1952) uitgereik; of

(c) 'n identiteitsdokument bedoel by artikel 13 van die Bevolkings-registrasiewet, 1950 (Wet 30 van 1950); of

(d) 'n geldige reisdokument kragtens enige Wet van die voormalige Republieke van Transkei, Bophuthatswana, Venda en Ciskei uitgereik; of

(e) 'n geldige Lewensboek uitgereik deur die voormalige Republieke van—

(i) Ciskei ingevolge Wet 15 van 1981; of

(ii) Transkei ingevolge Wet 24 van 1976; of

(iii) Bophuthatswana ingevolge Wet 12 van 1978; of

(iv) Venda ingevolge Wet 6 van 1980.".

Wysiging van Regulasie 2 (1) (b)

Stemreg: Agtienjarige kiesers

6. Regulasie 2 (1) (b) word gewysig deur die skrapping van die uitdrukking "; en" en die invoeging van die woorde "op die dag van die eerste verkiesing deur die Minister kragtens artikel 9 van die Wet bepaal" na die woorde "18 jaar oud of ouer is;".

Wysiging van Regulasie 3

Geen erkenning van aanspreeklikheid

7. Regulasie 3 word gewysig deur die invoeging van die volgende subregulasie na subregulasie (12):

"(13) Waar enige persoon aansoek doen om in 'n kieserslys opgeneem te word by wyse van 'n eis ooreenkomsdig vorm ER1 en sertifiseer of andersins aandui dat die grond van sy of haar kwalifikasie of reg tot sodanige eis die betaling of die aanspreeklikheid vir die betaling van eiendomsbelasting, huur, dienstegeld of heffings is, sal sodanige sertifisering of aanduiding van betaling of aanspreeklikheid nie as bewys dien of as getuenis gebruik word in enige hofgeding, eis of vervolging deur enige oorgangsraad, plaaslike regeringsliggaam of enige ander persoon of persone hoegenaamd nie.".

Amendment to Regulation 4**Claims and objections**

8. Regulation 4 (1) (b) (ii) is amended by the insertion after the word "oral" of the words "claim or".

Amendment to Regulation 5 (2)**Constitution of Revision Court**

9. Regulation 5 (2) is amended by the substitution for the full-stop of a colon, and the addition of the following:

"Provided that the Premier may, upon written application by the transitional authority concerned and upon being satisfied that there is no suitable legally qualified person, approve in writing the appointment by the transitional authority of some other suitably qualified person who shall be the presiding officer, and an alternate."

Amendment to Regulation 10**Expenditure**

10. Regulation 10 is amended by the insertion after the word "necessary" of the words "in terms of these regulations for the election and".

Amendment to Regulation 24 (1) (b) (vi)**Registration of parties**

11. Regulation 24 (1) (b) (vi) is amended by the deletion of the words "which list shall contain a number of candidates not in excess of the number of seats to be filled in terms of subregulation 22 (1) (a)."

Amendment to Regulation 30 (5)**Fees payable to returning officer**

12. Regulation 30 (5) is amended by the addition after paragraph (d) of the following paragraphs:

(e) Where the chief executive is *ex officio* the returning officer he or she shall, in addition to his or her normal remuneration and conditions of employment, be granted for a period of not more than two days any fee as may be determined by such transitional authority in terms of regulation 93.

(f) Where the transitional authority appoints in terms of subregulation (1) another person as returning officer it shall at the same time as such appointment determine by a majority of at least two thirds of all its members his or her remuneration and conditions of employment which may include for a period of not more than two days any fee as may be determined by such transitional authority in terms of regulation 93."

Amendment to Regulation 43 (1) (a)**Equipment for voting stations**

13. Regulation 43 (1) (a) is amended by the substitution for the word "and" after the word "officers" of the words "and in the opinion of the returning officer a reasonable number of tables and chairs for common use by".

Amendment to Regulation 53 (6)**Questions to voters**

14. Regulation 53 (6) is amended by the substitution for the words "returning officer" of the words "presiding officer".

Amendment to Regulation 62 (5)**Making up of election material**

15. Regulation 62 (5) is amended by the substitution for the numeral "51" of the numeral "62".

Amendment to Regulation 63**Delivery of election material**

16. Regulations 63 (1), (2) and (3) are amended by the addition before the expression "39 (b)" of the expression "39 (a) and".

Wysiging van Regulasie 4**Eise en besware**

8. Regulasie 4 (1) (b) (ii) word gewysig deur die invoeging van die woorde "neis in te dien of" na die woorde "mondelings".

Wysiging van Regulasie 5 (2)**Instelling van Hersieningshof**

9. Regulasie 5 (2) word gewysig deur die vervanging van die punt met 'n dubbelpunt en die invoeging van die volgende:

"Met dien verstande dat die Premier op die skriftelike versoek van die betrokke oorgangsraad indien tevreden dat daar nie 'n paslik regsgeskwalifiseerde persoon beskikbaar is nie, die oorgangsraad skriftelik kan magtig om 'n ander paslik gekwalfiseerde persoon as voorsittende beample asook 'n plaasvervanger aan te stel."

Wysiging van Regulasie 10**Uitgawes**

10. Regulasie 10 word gewysig deur die invoeging van die woorde "kragtens hierdie regulasie vir die verkiesing en" na die woorde "nodig mag wees".

Wysiging van Regulasie 24 (1) (b) (vi)**Registrasie van partye**

11. Regulasie 24 (1) (b) (vi) word gewysig deur die skrapping van die woorde "welke lys 'n getal kandidate sal bevat wat nie meer is as die getal setels wat ingevolge subregulasie 22 (1) (a) gevul moet word nie,".

Wysiging van Regulasie 30 (5)**Fees aan kiesbeample betaalbaar**

12. Regulasie 30 (5) word gewysig deur die invoeging van die volgende paragrawe na paragraaf (d):

(e) Waar die hoof uitvoerende beample *ex officio* die kiesbeample is, sal hy of sy bykomend tot sy of haar normale vergoeding en diensvoorraades geregtig wees op enige fooi vir nie meer as twee dae nie soos deur die oorgangsraad kragtens regulasie 93 bepaal.

(f) Waar die oorgangsraad 'n ander persoon ingevolge subregulasie (1) as kiesbeample aangestel het, sal die oorgangsraad ten tye van aanstelling sy of haar vergoeding en diensvoorraades wat enige fooi kragtens regulasie 93 vir 'n periode van nie meer as twee dae mag insluit nie, by 'n meerderheidsbesluit van ten minste twee derdes van al sy lede, bepaal."

Wysiging van Regulasie 43 (1) (a)**Toerusting en meubels vir stemlokale**

13. Regulasie 43 (1) (a) word gewysig deur die vervanging van die woorde "kiesbeampies en" met "verkiesingsbeampies en na oordeel van die kiesbeample 'n redelike hoeveelheid tafels en stoelle vir algemene gebruik deur".

Wysiging van Regulasie 53 (6)**Vrae aan kiesers**

14. Regulasie 53 (6) word gewysig deur die vervanging van die woorde "kiesbeample" met die woorde "voorsittende beample".

Wysiging van Regulasie 62 (5)**Opmaak van verkiesingsmateriaal**

15. Regulasie 62 (5) word gewysig deur die vervanging van die syfer "51" met die syfer "62".

Wysiging van Regulasie 63**Aflewering van verkiesingsmateriaal**

16. Regulasies 63 (1), (2) en (3) word gewysig deur die invoeging van die uitdrukking "39 (a) en" voor die uitdrukking "39 (b)".

Amendment to Regulation 75 (7)**Allocation of seats**

17. Regulation 75 (7) is amended by the insertion after the word "being" of the words "designated as a party representative in terms of regulation 82 (a) or from being".

Amendment to Regulation 81 (4) (b)**Transmittal of results and totals**

18. Regulation 81 (4) (b) is amended by the substitution for the expression "71 (1) (a)" of the expression "73 (1) (a)".

Amendment to Regulation 85 (a)**Nominations to Transitional Metropolitan Council**

19. Regulation 85 (a) is amended by the insertion after the words "to nominate" of the words "by resolution of the council of such substructure".

Amendment to Regulation 85 (a) (iii)**Percentage and quotas**

20. Regulation 85 (a) (iii) is amended by the substitution for the numeral "(v)" of the numeral "(iv)".

Amendment to Regulation 85 (a) (vi)**Percentage and quotas**

21. Regulation 85 (a) (vi) is amended by the substitution for the numeral "(vi)" of the numeral "(iv)".

Amendment to Regulation 90 (1) (b)**Constitution of election committee**

22. Regulation 90 (1) (b) is amended by the substitution for the full-stop of a colon, and the addition of the following:

"Provided that the Premier may, upon written application by the transitional authority concerned and upon being satisfied that there is no suitable legally qualified person, approve in writing the appointment by the transitional authority of some other suitably qualified person who shall be the presiding officer, and an alternate."

Amendment to Regulation 91 (e)**Bills and placards**

23. Regulation 91 (e) is amended by the substitution for the word "section" of the word "regulation".

Amendment to Regulation 90 (1) (e) (iii)**Election Committee**

24. Regulation 90 (1) (e) (iii) is amended by the substitution for the expression "29 (1) (f)" of the expression "29 (5) (f)".

Amendment to Regulation 95 (1)**Power to act in default**

25. Regulation 95 (1) is amended by the addition after sub-regulation (b) of the following subregulations:

(c) In order to ensure that the election is or will be conducted in accordance with these regulations, the Premier may, without prejudice to any other right or power which he or she may have, in writing appoint any authority, body or person who shall have the right to require any transitional authority, local government body or revision court to provide a written report from time to time as the Premier or such authority, body or person, as the case may be, deems necessary or expedient in his or her sole discretion in respect of the election or any part thereof.

(d) The Premier, authority, body or person contemplated in subregulation (c) shall have the right to conduct inspections at or in the offices of any transitional authority, local government body or revision court to ascertain the state of affairs in respect of the election or any part thereof and to peruse and make extracts from files, books, registers and records which may have a bearing on the election.

Wysiging van Regulasie 75 (7)**Toekennung van setels**

17. Regulasie 75 (7) word gewysig deur die invoeging na die woorde "verder kwalifiseer" voor die woorde "om as partyverteenvoordiger ingevolge regulasie 82 (a) aangewys te wees nie of".

Wysiging van Regulasie 81 (4) (b)**Oordrag van uitslae en totale**

18. Regulasie 81 (4) (b) word gewysig deur die vervanging van die uitdrukking "71 (1) (a)" met die uitdrukking "73 (1) (a)".

Wysiging van Regulasie 85 (a)**Nominasies vir Metropolitaanse Oorgangsraad**

19. Regulasie 85 (a) word gewysig deur die invoeging van die woorde "by besluit van die raad van sodanige substruktuur" na die woorde "nomineer".

Wysiging van Regulasie 85 (a) (iii)**Persentasie en kwotas**

20. Regulasie 85 (a) (iii) word gewysig deur die vervanging van die syfer "(v)" met die syfer "(iv)".

Wysiging van Regulasie 85 (a) (vi)**Persentasie en kwotas**

21. Regulasie 85 (a) (vi) word gewysig deur die vervanging van die sysfer (vi) met die sysfer "(iv)".

Wysiging van Regulasie 90 (1) (b)**Samestelling van verkiesingskomitee**

22. Regulasie 90 (1) (b) word gewysig deur die vervanging van die punt met 'n dubbelpunt en die invoeging van die volgende:

"Met dien verstande dat die Premier op die skriftelike versoek van die betrokke oorgangsraad en indien tevrede dat daar nie 'n paslike regsgewekte persoon beskikbaar is nie, die oorgangsraad skriftelik kan magtig om 'n ander paslik gekwalfiseerde persoon as voorsittende beampete asook 'n plaasvervanger aan te stel."

Wysiging van Regulasie 91 (e)**Aanplakbiljette en plakkate**

23. Regulasie 91 (e) word gewysig deur die vervanging van die woord "afdeling" met die woord "regulasie".

Wysiging van Regulasie 90 (1) (e) (iii)**Verkiesingskomitee**

24. Regulasie 90 (1) (e) (iii) word gewysig deur die vervanging van die uitdrukking "29 (1) (f)" met die uitdrukking "29 (5) (f)".

Wysiging van Regulasie 95 (1)**Bevoegdheid om versuim op te tree**

25. Regulasie 95 (1) word gewysig deur die invoeging van die volgende subregulasies na subregulasie (b):

(c) Ten einde te verseker dat verkiesings ingevolge die bepalings van hierdie regulasies gehou word, kan die Premier sonder afbreuk aan enige regte of magte waaroor hy of sy beskik, enige owerheid, liggaam of persoon skriftelik aanstel wat daarop geregtig sal wees om van enige oorgangsraad, plaaslike owerheidsliggaam of hersieningshof te vereis om 'n skriftelike verslag soos van tyd tot tyd deur die Premier of sodanige owerheid, liggaam of persoon na gelang van die geval en in sy of haar uitsluitlike diskresie nodig of wenslik geag word met betrekking tot die verkiesing of enige deel daarvan, voor te lê.

(d) Die Premier, owerheid, liggaam of persoon soos bedoel in subregulasies (c) sal oor die bevoegdheid beskik om inspeksies in of by die kantore van enige oorgangsraad, plaaslike owerheidsliggaam of hersieningshof te doen ten einde die stand van sake met betrekking tot die verkiesing of enige deel daarvan te bepaal en om leers, boeke, registers en rekords wat op die verkiesing betrekking mag hê, te ondersoek en uittreksels daarvan te maak.

(e) Any authority, body or person appointed in terms of sub-regulation (c) shall submit a written report to the Premier when required by the Premier, setting out the state of affairs in respect of the election or any part thereof in one or more transitional authority, local government body or revision court and shall make recommendations in respect thereof.

(f) For the purposes of subregulations (c) and (d), the transitional authority, local government body or revision court concerned shall be obliged to furnish the required written report, files, books, registers and records and to give its full co-operation in respect of the inspections contemplated by sub-regulation (d).".

Amendment to Regulation 100 (a)

Determination of period

26. Regulation 100 (a) is amended by the substitution for the numerals "24:00" of the expression "23:59 hours".

Amendment to Regulation 105

Personation

27. Regulation 105 is amended by the substitution for the words "Any person who, at the election" of the words "Any person who, at any voting area referred to in regulation 41 (1) during the election—".

Amendment to Regulation 110 (1) (g)

Offences

28. Regulation 110 (1) (g) is amended by the substitution for the numeral "101" of the numeral "100 (a)".

Amendment to Form ER3 (B)

Party ballot paper

29. Form ER3 (B) is amended by the substitution for the word "CANDIDATE" of the word "PARTY".

Amendment to Form ER5

Nomination for ward election

30. Form ER5 is amended by the substitution for the expression "section 2 (1)" of the expression "regulation 21".

Amendment to Form ER15

Questions to voters

31. Form ER15 is amended by the substitution for the words "A ballot paper was/was not* issued to the applicant." of the following:

- "1. *The following ballot papers were issued to the applicant:
- (a) Ward candidate: Counterfoil No.
- (b) Proportional representation: Counterfoil No.
- (c) Transitional Metropolitan Council: Counterfoil No.

OR

- 2. *No ballot paper was issued to the applicant."

(e) Enige owerheid, liggaam of persoon kragtens subregulasie (c) aangestel sal wannek deur die Premier daarvoor versoek, 'n skriftelike verslag waarin die stand van sake met betrekking tot die verkiesing of enige deel daarvan in een of meer oorgangssrade, plaaslike owerheidsliggame of hersieningshof uiteengesit is, voorlê en aanbevelings in daardie verband maak.

(f) Vir die doeleinde van subregulasies (c) en (d), sal die betrokke oorgangssraad plaaslike owerheidsliggame of hersieningshof verplig wees om die verlangde skriftelike verslag, lêers, boeke, registers en rekords voor te lê en volle samewerking ten opsigte van die inspeksies soos beoog by subregulasie (d) te gee.".

Wysiging van Regulasie 100 (a)

Vasstelling van tydperk

26. Regulasie 100 (a) word gewysig deur die vervanging van die syfers "24:00" met die uitdrukking "23:59 uur".

Wysiging van Regulasie 105

Uitgee vir ander

27. Regulasie 105 word gewysig deur die vervanging van die woorde "lemand wat by die verkiesing—" met die woorde "lemand wat gedurende die verkiesing by enige stemgebied soos bedoel by regulasie 41 (1)—".

Wysiging van Regulasie 110 (1) (g)

Oortredings

28. Regulasie 110 (1) (g) word gewysig deur die vervanging van die syfer "101" met die syfer "100 (a)".

Wysiging van Vorm ER3 (B)

Partystembrief

29. Vorm ER3 (B) word gewysig deur die vervanging van die woorde "KANDIDAAT" met die woorde "PARTY".

Wysiging van Vorm ER5

Nominasie vir wyksverkiesing

30. Vorm ER5 word gewysig deur die vervanging van die uitdrukking "artikel 2 (1)" met die uitdrukking "regulasie 21".

Wysiging van Vorm ER15

Vrae aan kiesers

31. Vorm ER15 word gewysig deur die vervanging van die woorde "'n Stembrief is/is nie*" aan die aansoeker uitgereik (nie*)." met die volgende:

- "1. *Die volgende stembreve was aan die applikant uitgereik:
 - (a) Wykskandidaat: Teenblad No.
 - (b) Proporsionele verteenwoordiging: Teenblad No.
 - (c) Metropolitaanse Oorgangssraad: Teenblad No.

OR

- 2. *Geen stembrief was aan die applikant uitgereik nie."

Save a drop — and save a million

Water conservation is very important to the community and industry to ensure their survival. So save water!



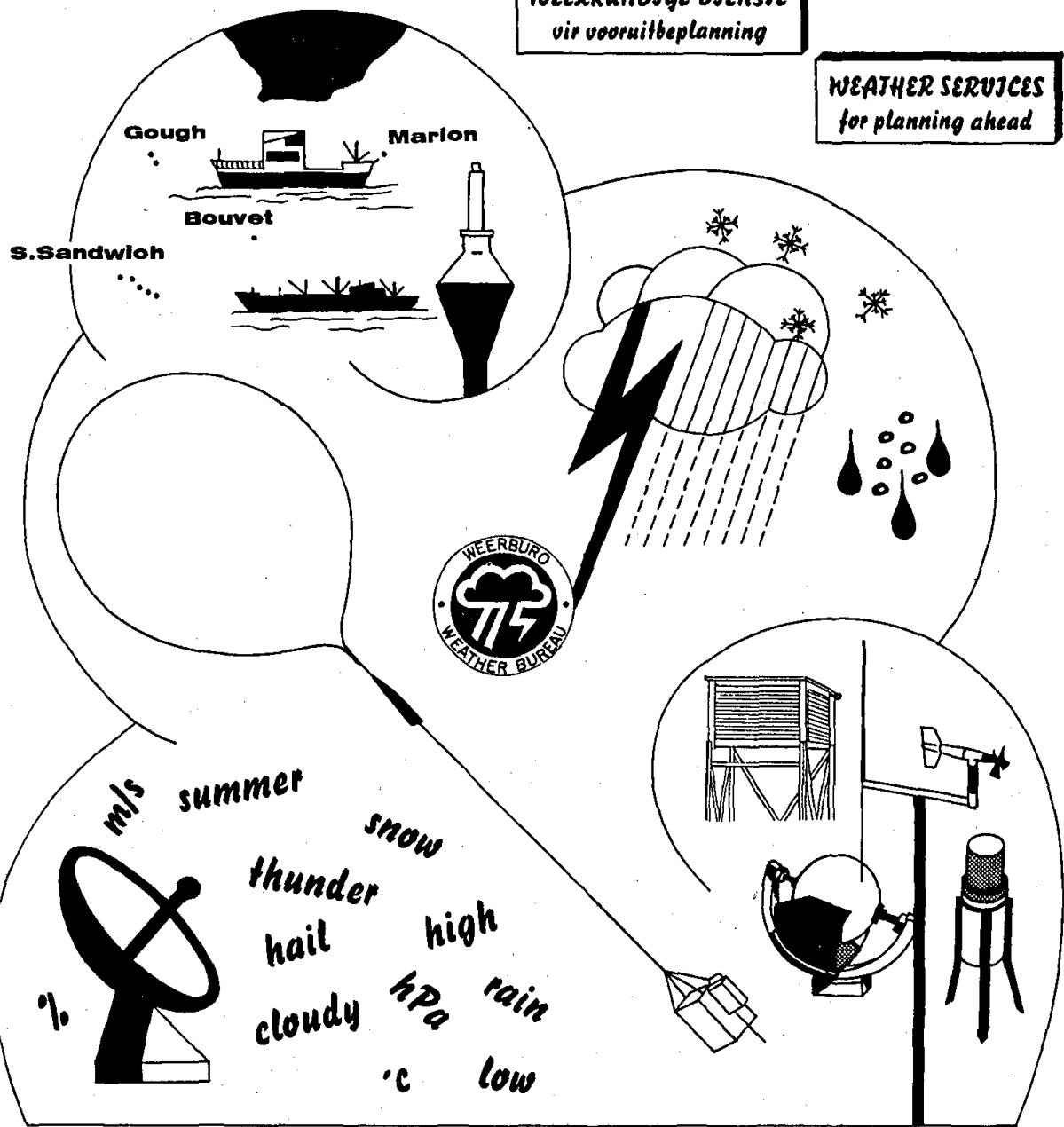
Spaar 'n druppel — en vul die dam

Indien almal van ons besparingsbewus optree, besnoei ons nie slegs uitgawes nie maar wen ook ten opsigte van ons kosbare water- en elektrisiteitsvoorraad

SA WEATHER BUREAU · SA WEERBURO

WEERKUNDIGE DIENSTE
vir vooruitbeplanning

WEATHER SERVICES
for planning ahead



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