

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

**NORTH-WEST  
NOORD WES**

**PROVINCIAL GAZETTE  
PROVINSIALEKOERANT**

Price R1,20

Prys R1,20

Vol. 1

02/09/1994

Nr. 35  
No.

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information.

Act No. 10 of 1994 : Mmabana Cultural Foundation Amendment Act, 1994.

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

Wet No. 10 van 1994 : Noord-Wes Wysigingswet op die Mmabana Kultuurstegting, 1994.



ACT

To amend the Mmabana Cultural Foundation Act, 1987; in section 3 so as to change the composition of the Board of Trustees and to dissolve the present Board; in section 5 to make provision for the disqualification of a person from remaining or being appointed a trustee under certain circumstances; in section 6 to provide further for the removal of a trustee from office; in section 26 to provide that the responsible Member only guarantees a loan subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa Act, 1993; and generally to substitute some terms so as to bring them in line with the terms used in the Constitution; and to provide for incidental matters.

(English text signed by the Premier on the 30 August 1994).

BE IT ENACTED by the Premier and the Provincial Legislature of the North West as follows:-

**Substitution of section 3 of Act 15 of 1987 as of force in the North West Province on 27 April 1994.**

1.(1) The following section is hereby substituted for section 3 of the Principal Act:

"Composition of Board of Trustees.	3.(1) Notwithstanding anything to the contrary contained in this Act, Mmabana shall be managed, controlled and represented by a Board of Trustees constituted and appointed in terms of this section, and all acts of that Board shall in law be regarded as the acts of Mmabana.
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(2) The Board of Trustee shall consist of the following members (trustees) appointed by the Premier namely -

- (a) not less than six and not more than twelve persons who, by virtue of their special qualifications, special interest and public participation or involvement, or their special knowledge, expertise or experience in the arts and cultural, educational, social and sports matters or in the development of human resources, are suitable for membership of the Board;
- (b) five trustees designated from the staff of Mmabana.

(3) The trustees referred to in subsection (2)(a) (hereinafter referred to as appointed trustees) shall be appointed on such terms and conditions and for such period (not exceeding five years) as the Premier may in respect of each such trustee determine and cause to be specified in such trustee's letter of appointment.

(4) Upon the expiration of a trustee's term of office, he shall be eligible for re-appointment.

(5) The Premier shall, from the number of the trustees referred to in subsection (2)(a), designate a chairperson, a vice-chairperson and a secretary/treasurer for the Board."

(2) This section shall be deemed to have come into operation on the twenty-seventh day of April, 1994 and the Board constituted in accordance

with the provisions of this Act prior to that date shall be deemed to have been dissolved.

**Amendment of section 5 of Act 15 of 1987 as of force in the North West Province on 27 April 1994.**

2. Section 5 of the Principal Act is hereby amended -

(a) by the deletion of the words "as of force in the Republic",  
in paragraph (a);

(b) by the substitution for paragraph (c) of the following  
paragraph:

"(c) he or she has been convicted of any offence under  
this Act or of any offence whatsoever in respect of  
which he or she was sentenced to imprisonment without  
the option of a fine for a period of not less than  
six months, irrespective of whether such imprisonment  
was wholly or partially suspended or not, unless he  
has received a grant of amnesty or a free pardon, or  
unless the period of such imprisonment or suspension  
has expired at least ten years before the date of his  
appointment as a member of the Board; or"

(c) by the addition immediately after paragraph (c) of the  
following paragraph:

"(d) he or she -

(i) is nominated as a candidate for election as a  
member of the National Assembly or any  
Provincial Legislature; or

(ii) is nominated as a senator; or

(iii) is a member of the Executive Council; or

(iv) is a Minister or Deputy Minister of State."

**Amendment of section 6 of Act 15 of 1987 as of force in the North West Province on 27 April 1994.**

3. Section 6 of the Principal Act is hereby amended -

(a) in subsection (1) -

(i) by the substitution for the expression "State President" of the term "Premier";

(ii) by the substitution for paragraph (d) of the following paragraph:

"(d) if he or she has become disqualified in terms of section 5;"

(iii) by the addition immediately after paragraph (d) of the following paragraph:

"(e) if in the opinion of the Premier there exist good and sufficient reasons for doing so;"

(b) by the substitution for the expression "State President" in subsection (2) of the term "Premier".

**Amendment of section 26 of Act 15 of 1987 as of force in the North West Province on 27 April 1994.**

4. Section 26 of the Principal Act is hereby amended -

(a) in subsection (1) -

(i) by the substitution for paragraphs (a) and (b) of the following paragraphs:

"(a) such moneys as from time to time be appropriated to Mmabana by the Provincial Legislature, together with such sums of money

which, upon the commencement of this Act, may be allocated to Mmabana by the Premier from public funds (which he is hereby empowered to);

- (b) loans raised or overdrafts obtained for Mmabana from any bank or financial institution registered in the Republic;"
- (b) in paragraph (d), by the substitution for the expression "State President" of the term "Premier";
- (c) in paragraph (g), by the substitution for the word "Bophuthatswana" of the word "North West";
- (d) in subsection (3), by the substitution for the expression "Minister of Finance" of the expression "Member of the Executive Council for Finance and Provincial Expenditure";
- (e) by the substitution for subsections (4) and (5) of the following subsections:

"(4) The Member of the Executive Council for Finance and Provincial Expenditure may, subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993), on behalf of the Government of the Province, guarantee the repayment of any loan raised by the Board in accordance with the provisions of subsection (1)(b), as well as the interests and any other charges and costs payable in connection with such loan.

(5) Any agreement entered into in pursuance of the provisions of subsection (4), may be signed on behalf of the government of the Province by the Member of the Executive Council for Finance and Provincial Legislature or

any person authorised thereto in writing by him or her.".

Amendment of Act 15 of 1987 as of force in the North West Province on 27 April 1994 by generally substituting the terms "State President", "chairman", "vice-chairman", "Secretary for Finance" and "National Assembly" of the terms "Premier", "chairperson", "vice-chairperson", "Member of the Executive Council for Finance and Provincial Expenditure" and "Provincial Legislature", respectively.

3. The Principal Act is hereby further amended, generally, by the substitution for the terms "State President", "chairman" and "vice-chairman", "Secretary for Finance" and "National Assembly" wherever they remain in the Principal Act after the amendments effected by the preceding sections of this Act, of the terms "Premier", and "chairperson", "vice-chairperson", "Member of the Executive Council for Finance and Provincial Expenditure" and "Provincial Legislature", respectively.

Insertion of section 31A of Act 15 of 1987 as of force in the North West Province on 27 April 1994.

4. The following section is hereby inserted as section 31A of the Principal Act:

"Application of Act to the North West territory.	31A. This Law and any amendment thereof shall apply in the whole territory of the North West Province as defined in Part I of Schedule 1 to the Constitution of the Republic of South Africa, 1993."
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**Short title.**

5. This Act shall be called the Mmabana Cultural Foundation Amendment Act, 1994.



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02/09/1994

Nr. 36  
No.

It is hereby notified that the Premier has  
assented to the following Act which is  
hereby published for general information.

Act No. 11 of 1994 : North-West Consumer  
Affairs Amendment Act, 1994.

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

Wet No. 11 van 1994 : Wysigingswet op Verbruikersake  
1994.



ACT

To amend the Consumer Affairs Act, 1984; in section 7 so as to change the composition of the Council, to dissolve the present Council and to further provide for circumstances under which a member may be removed from office; in section 34 to require the Member of the Executive Council for Finance and Provincial Expenditure to guarantee a loan subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa, 1993; to insert a new section 38A providing for the extension of the application of this Act to the whole territory of North West; and to provide for incidental matters.

(English text signed by the Premier on 31 August 1994).

BE IT ENACTED by the Premier and the Legislature of the North West Province as follows:-

**Amendment of section 1 of Act 34 of 1984 as of force in the North West Province on 27 April 1994.**

1. Section 1 of the Consumer Affairs Act, 1984 (hereinafter referred to as the Principal Act), is hereby amended -

(a) by the deletion of the definition of "chairman";

(b) by the insertion immediately after the definition of "advertisement" of the following definition:

" 'chairperson' means the chairperson of the Council appointed in terms of section 7;";

- (c) by the substitution for the definitions of "price" and "supplier" of the following definitions:

" 'price' means the total obligation or counter-performance payable, given, undertaken or assumed by a consumer under a consumer transaction to which he or she is a party;

'supplier' means any natural or juristic person, other than a consumer, who or which, in the course of his or her or its affairs or business, engages in or solicits, offers, advertises or promotes the disposition or supply of anything which constitutes the subject matter of consumer transaction, or who engages in, enforces or otherwise participates in a consumer transaction, irrespective of whether or not any privity of contract exists between such person and the consumer, and includes the manager, agent or employee of, the successor to, and the cessionary or assignee of, the supplier; and".

**Amendment of section 7 of Act 34 of 1984 as of force in the North West Province on 27 April 1994.**

2.(1) Section 7 of the Principal Act is hereby amended -

- (a) by the substitution for subsections (1) and (2) of the following subsections:

"(1) Notwithstanding anything to the contrary contained in this Act, the Council shall consist of the following members, namely -

- (a) the chairperson appointed in terms of subsection (2);
- (b) two persons likewise appointed, to be known as special members, one of whom shall be representative of the consumer interest, and the other of the interests of suppliers and the business sector;
- (c) not more than three persons likewise appointed, to be known as additional members, who, by virtue of their special qualifications, expertise or experience, are suitable for membership;
- (d) one officer in the employment of the Council;
- (e) the chairperson of the Competition Board referred to in section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act 49 of 1979):  
Provided that, if the said Act is not in operation on the date of the establishment of the Council, the Premier may designate any suitable person to act in the place of such chairperson until such time as the said Act has been put into operation;
- (f) two officers in the Public Service of whom one shall be an officer in the Department of Economic Affairs and another in the Department of Finance and Provincial Expenditure.

(2)(a) The members of the Council referred to in subsection (1)(a), (b) and (c) shall be appointed by the Premier on such terms and conditions and for such period, not exceeding five years, as he or she may determine.

(b) Any member referred to in paragraph (a) -hereinafter referred to as an appointed member - whose term of office has expired, shall be eligible for re-appointment."

- (b) (i) in subsection (3), by the substitution for the term "President" occurring in the portion immediately before paragraph (a) of the term "Premier";
- (ii) by the substitution for paragraphs (b), (c), (d), (e) and (f) of the following paragraphs:
- "(b) for unfitness for the duties of his or her office;
- (c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his or her office or discharging them properly;
- (d) if he or she is subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936 (Act 24 of 1936), as of force in the Republic, or if his or her estate is sequestrated in terms of the laws of any other country or territory by a competent court or authority of such a country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;
- (e) if he or she is subject to an order of a competent court declaring him or her to be of unsound mind or mentally disordered or defective;
- (f) if he or she has been convicted of any offence under this Act or of any offence whatsoever in



respect of which he or she was sentenced to imprisonment without the option of a fine for a period of not less than six months, irrespective of whether such imprisonment was wholly or partly suspended or not, unless he or she has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his or her appointment as such a member of the Council;";

(iii) by the addition immediately after paragraph (f) of the following paragraphs:

"(g) if he or she -

(i) is nominated as a candidate for election as a member of the National Assembly or any Provincial Legislature;

(ii) is nominated as a senator; or

(iii) is a member of the Executive Council; or

(iv) is a Minister or Deputy Minister of State;

(h) if in the opinion of the Premier, there are good and sufficient reasons for doing so.".

(c) in subsections (4) and (5) by the substitution for the term "President" of the term "Premier" wherever it occurs in those subsections;

(d) by the substitution for subsection (6) of the following subsection:

"(6) The appointed members of the Council shall, in connection with the performance of their functions and

duties as members of the Council, be paid such remuneration and allowances and be entitled to such perquisites (including leave of absence) as the Premier in consultation with the Member of the Executive Council for Finance and Provincial Expenditure may from time to time determine (if any): Provided that the said remuneration, allowances and perquisites so determined in respect of any particular appointed member shall not be reduced or adversely affected during his or her term of office, except under authority of the law of the Provincial Legislature specifically adopted for that purpose."

(2) This section shall be deemed to have come into operation on the twenty-seventh day of April, 1994 and the Council constituted in terms of the provisions of this Act prior to that date, shall be deemed to have been dissolved.

**Amendment of section 34 of Act 34 of 1984 as of force in the North West Province on 27 April 1994.**

3. Section 34 of the Principal Act is hereby amended -

(a) in subsection (1) -

(i) by the substitution for paragraph (a) of the following paragraph:

"(a) such moneys as may from time to time be appropriated to the Council by the Provincial Legislature, together with such moneys, which, upon the commencement of this Act,

may be allocated to the Council by the Premier from public funds;"

- (ii) by the substitution for the word "President" wherever it occurs in paragraph (g) of the word "Premier";
- (b) in subsection (2), by the substitution for the expression "Minister of Finance" of the expression "Member of the Executive Council for Finance and Provincial Expenditure";
- (c) by the substitution for subsection (3) of the following subsection:

"(3) The Member of the Executive Council for Finance and Provincial Expenditure may, subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), on behalf of the Government of the Province, guarantee the repayment of any loan raised in terms of subsection (1)(b), as well as the interests and any other charges and costs payable in connection with such loan.";

- (d) in subsection (4), by the substitution for the terms "Republic" and "Minister of Finance" wherever they occur in that subsection of the terms "Province" and "Member of the Executive Council for Finance and Provincial Expenditure", respectively.

Insertion of section 38A of Act 34 of 1984 as of force in the North West Province on 27 April 1994.

4. The following section is hereby inserted as section 38A of the Principal Act:

"Application of Act to the North West territory.	38A. This law and any amendment thereof shall apply in the whole territory of the North West Province as defined in Part 1 of Schedule 1 to the Constitution of the Republic of South Africa, 1993."
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Substitution of section 40 of Act 34 of 1984 as of force in the North West Province on 27 April 1994.

5. The following section is hereby substituted for section 40 of the Principal Act:

"Short title and date of commencement.	40. This Act shall be called the North West Consumer Affairs Act, 1984 and shall be deemed to have come into operation on a date to be determined by the Premier by notice in the Provincial <u>Gazette</u> ."
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Amendment of Act 34 of 1984 as of force in the North West Province on 27 April 1994 by generally substituting the terms "Republic", "President", "he", "his", "him", "himself", "chairman", "Gazette", "Minister of Education", "Department of State", "acting chairman", "vice-chairman", "Parliament", "Secretary for Finance" and "National Assembly" for the terms "Province", "Premier", "he or she", "his or her", "him or her", "himself or herself", "chairperson", "Provincial Gazette", "Member of the Executive

Council for Education, Training and Culture", "Provincial Department", "acting chairperson", "vice-chairperson", "Provincial Legislature", "Member of the Executive Council for Finance and Provincial Expenditure" and "Provincial Legislature", respectively.

6. The Principal Act is hereby further amended, generally, by the substitution for the terms "Republic", "President", "he", "his", "him", "himself", "chairman", "Gazette", "Minister of Education", "Department of State", "acting chairman", "vice-chairman", "Parliament", "Secretary for Finance" and "National Assembly" wherever they remain in the Principal Act after the amendments effected by the preceding sections of this Act, of the terms "Province", "Premier", "he or she", "his or her", "him or her", "himself or herself", "chairperson", "Provincial Gazette", "Member of the Executive Council for Education, Training and Culture", "Provincial Department", "acting chairperson", "vice-chairperson", "Provincial Legislature", "Member of the Executive Council for Finance and Provincial Expenditure" and "Provincial Legislature", respectively.

**Short title.**

7. This Act shall be called the North West Consumer Affairs Amendment Act, 1994.

