

South Africa

## Promotion of Local Government Affairs Act, 1983

Act 91 of 1983

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## Promotion of Local Government Affairs Act, 1983

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## South Africa

# Promotion of Local Government Affairs Act, 1983

Act 91 of 1983

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**Assented to on 30 June 1983**

**Commenced on 13 July 1983**

*[This is the version of this document as it was from 24 April 1985 to 5 September 1985.]*

*[Amended by [Promotion of Local Government Affairs Amendment Act, 1984 \(Act 116 of 1984\)](#) on 22 August 1984]*

*[Amended by [Promotion of Local Government Affairs Amendment Act, 1985 \(Act 45 of 1985\)](#) on 24 April 1985]*

(Afrikaans text signed by State President.)

## ACT

To make provision for the co-ordination of functions of general interest to local authorities and of those functions of local authorities which should in the national interest be co-ordinated; the establishment of a co-ordinating council for that purpose; the establishment of committees in order to assist the co-ordinating council in the performance of its functions; the establishment of an action committee of the co-ordinating council; the rendering of development aid to local authorities; the establishment of municipal development boards for that purpose; the designation of persons or institutions for purposes of membership of the co-ordinating council; and the improvement of communication between certain committees and local authorities relating to certain matters; and to provide for incidental matters.

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

### 1. Definitions

In this Act, unless the context otherwise indicates—

"**Administrator**" means, for the purpose of—

- (a) sections [3](#) and [5](#), the Administrator of a province;
- (b) sections [17](#) and [17A](#), the Administrator-in-executive committee of the province concerned;

*[definition of "Administrator" amended by section 1 of [Act 116 of 1984](#)]*

"**co-ordinating council**" means the Council for the co-ordination of Local Government Affairs established by [section 2](#);

"**Department**" means the Department of Constitutional Development and Planning;

"**development board**" a development board established under section 3 of the Black Communities Development Act, 1984 ([Act No. 4 of 1984](#));

*[definition of "development board" inserted by section 1(a) of [Act 45 of 1985](#)]*

"**Director-General**" means the Director-General: Constitutional Development and Planning;

"**local authority**" means any institution or body contemplated in section 84(1)(f) of the Provincial Government Act, 1961 ([Act No. 32 of 1961](#)), and includes—

- (a) an institution or body established under the Rural Coloured Areas Law, 1979 ([Law No. 1 of 1979](#)), of the Coloured Persons Representative Council of the Republic of South Africa;

- (b) a regional services council;
- (c) a community council established under the Community Councils Act, 1977 ([Act No. 125 of 1977](#)); or
- (d) a local authority as defined in the Black Local Authorities Act, 1982 ([Act No. 102 of 1982](#));

*[definition of "local authority" substituted by section 1(b) of [Act 45 of 1985](#)]*

"**Minister**" means the Minister of Constitutional Development and Planning;

"**municipal development board**" means a board established in terms of [section 8](#).

## Chapter I

### Council for the co-ordination of Local Government Affairs

#### 2. Establishment of Council for the Co-ordination of Local Government Affairs

There is hereby established a council, to be called the Council for the Co-ordination of Local Government Affairs, which shall exercise the powers and perform the functions entrusted or assigned to it in terms of this Act.

#### 3. **Constitution** of co-ordinating council

- (1) The co-ordinating council shall consist of the persons who are *ex officio* members thereof in terms of subsection (2), and the persons appointed by the Minister as members thereof in terms of subsection (3).
- (2) The following persons shall *ex officio* be members of the co-ordinating council, namely—
  - (a) the Minister;
  - (aA) the Minister of Co-operation, Development and Education;  
*[paragraph (aA) inserted by section 2(a) of [Act 45 of 1985](#)]*
  - (aB) every Minister of a department of State responsible for local government affairs;  
*[paragraph (aB) inserted by section 2(a) of [Act 45 of 1985](#)]*
  - (b) the Administrators of the respective provinces;
  - (c) that member, of each of the four executive committees of the provinces charged with local government affairs;
  - (d) the Director-General;
  - (e) the Director-General: Co-operation and Development;  
*[paragraph (e) substituted by section 2(b) of [Act 45 of 1985](#)]*
  - (eA) the Directors-General of the Administration: House of Assembly, the Administration: House of Representatives and the Administration House of Delegates;  
*[paragraph (eA) inserted by section 2(b) of [Act 45 of 1985](#)]*
  - (f) the holder of that post in the Department of Finance designated by the Minister of Finance;
  - (g) the Secretary of the United Municipal Executive of South Africa;
  - (h) the Secretary of the National *ad hoc* Committee of the Association of Coloured and Indian Consultative, Local Affairs and Management Committees;

- (i) the Director of the Urban Councils Association of South Africa.  
*[paragraph (i) added by section 2(c) of [Act 45 of 1985](#)]*
- (3) The Minister shall appoint as members of the council—
  - (a) 12 persons nominated by the United Municipal Executive of South Africa: Provided that of the persons so appointed at least five shall be attached to large cities and at least two shall be attached to rural regional authorities as members or employees thereof;
  - (b) one member of the Institute of Town Clerks of Southern Africa, nominated by that Institute;
  - (c) one member of the Institute of Municipal Treasurers and Accountants S.A., nominated by that Institute;
  - (d) one member of the Institute of Municipal Engineers of South Africa, nominated by that Institute;
  - (dA) one member of the Institute of Administrators of Community Affairs of the Republic of South Africa nominated by that Institute;  
*[paragraph (dA) inserted by section 2(d) of [Act 45 of 1985](#)]*
  - (e) 10 members of the committee referred to in subsection (2)(h), nominated by that committee;
  - (f) two members of the Association of Management Boards of Rural Coloured Areas, nominated by that Association;
  - (g) two persons nominated by the Urban Councils Association of South Africa;  
*[paragraph (g) substituted by section 2(e) of [Act 45 of 1985](#)]*
  - (gA) two persons nominated by the Council of Chairmen of the Development Boards;  
*[paragraph (gA) inserted by section 2(e) of [Act 45 of 1985](#)]*
  - (h) in the case of any natural person designated in terms of [section 14](#), that person, and, in the case of any other person or institution so designated, one person in respect of every such person or institution, nominated by such person or institution.
- (4) The names of the members of the co-ordinating council appointed in terms of subsection (3) shall be published in the *Gazette*.
- (5) The Minister shall be chairman of the co-ordinating council and if he is absent from any meeting of the council one of the other Ministers who are members of the council in terms of subsection (2) or the Administrator designated by the Minister shall preside at such meeting.  
*[subsection (5) substituted by section 2(f) of [Act 45 of 1985](#)]*
- (6) The Minister may, after the person or institution in question has nominated a person for this purpose, appoint an alternate member in respect of every member of the co-ordinating council.
- (7) A member of the co-ordinating council appointed in terms of subsection (3), and an alternate member appointed in respect of such member in terms of subsection (6), shall hold office for such period not exceeding four years as may be determined by the Minister at the time of his appointment, but shall be eligible for reappointment.
- (8) A member or alternate member of the council shall vacate his office—
  - (a) if his estate is sequestrated or he surrenders his estate in favour of his creditors;
  - (b) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;
  - (c) if he is absent from three successive meetings of the council without leave of the chairman;
  - (d) if he resigns;

- (e) if he is removed from office under subsection (9); or
  - (f) if he ceases to be a member of or to be represented on the institution or body of persons who nominated him as mentioned in subsection (3).
- (9) A member of the co-ordinating council appointed in terms of subsection (3) or the alternate member of such member may, at the request of the institution or body of persons who nominated him as mentioned in subsection (3), at any time be removed from office by the Minister if the Minister is of the opinion that there are sufficient reasons for doing so.
- (10) If a member or alternate member dies, or by written notice directed to the Minister resigns, or ceases to be a member or or alternate member in terms of subsection (8) or (9), the Minister may, subject to the provisions of subsections (3) and (6), appoint any person in the place of such member or alternate member for the unexpired period of office of such member or alternate member.
- (11) Any member or alternate member of the co-ordinating council who is not in the full-time employment of the State shall receive in respect of his services as such a member, out of money appropriated by Parliament for that purpose, such allowances as the Minister may with the concurrence of the Minister of Finance determine either in general or in any particular case.
- (12) The Minister shall appoint an officer in the Department to act as secretary of the co-ordinating council.

#### **4. Object and functions of co-ordinating council**

The object of the co-ordinating council shall be to advise the Government with regard to the co-ordination of those functions of local authorities which are of general interest to local authorities, as well as those matters relating to local authorities which should in the national interest be co-ordinated, and in order to achieve that object the council may—

- (a) make recommendations with regard to those functions which should receive priority in such co-ordination;
- (b) make recommendations with regard to the co-ordination of the actions of local authorities when performing particular functions;
- (c) make recommendations with regard to the creation of institutions for the performance of functions similar to those performed by local authorities;
- (d) make recommendations with regard to the bringing about of uniformity, in so far as it is practicable, of the manner in which such functions should be performed by local authorities;
- (e) make recommendations with regard to those functions which should be assigned to, or should be taken away from, local authorities;
- (f) make recommendations with regard to the introduction of legislation relating to the functions of local authorities;
- (g) make recommendations with regard to the steps which should be taken in order to bring about a better understanding of local authorities and their functions, among members of the public;
- (h) make recommendations with regard to the money or sources of income which should be made available for the execution of the recommendations of the co-ordinating council;
- (i) with the approval of the Minister, initiate or cause to be conducted and co-ordinate investigations into, studies and surveys of and research on any matter affect local authorities and their functions;
- (j) investigate any other matter affecting the functions of local authorities in general which, in the opinion of the co-ordinating council, should be investigated, or which the Government may through the agency of the Minister refer to the co-ordinating council, and submit its findings and recommendations to the Government through such agency;

- (k) hear representations of any person with regard to matters affecting local authorities, if the co-ordinating council after the consideration of a memorandum of such person is of the opinion that such representations will be in the interests of local authorities in general; and
- (l) in relation to any matter falling within the scope of its functions, consult any person or institution.

## 5. Committees of co-ordinating council

- (1) (a) There shall be an action committee of the co-ordinating council consisting of—
    - (i) the Minister, who shall be the chairman;
    - (iA) the Minister of Co-operation, Development and Education;  
*[subparagraph (iA) inserted by section 3(a) of Act 45 of 1985]*
    - (iB) every Minister of a department of State responsible for local government affairs;  
*[subparagraph (iB) inserted by section 3(a) of Act 45 of 1985]*
    - (ii) that Administrator designated by the Minister;
    - (iii) one of the persons referred to in [section 3\(3\)\(a\)](#) nominated for this purpose by the Executive referred to therein;
    - (iv) the person appointed in terms of in [section 3\(3\)\(d\)](#);
    - (v) the Director-general;
    - (vi) the officer referred to in [section 3\(2\)\(f\)](#);
    - (vii) the person appointed in terms of [section 3\(3\)\(b\)](#);
    - (viii) the person appointed in terms of [section 3\(3\)\(c\)](#); and
    - (ix) one of the members appointed in terms of [section 3\(3\)\(e\)](#), nominated for this purpose by the committee referred to therein.
    - (x) the person appointed in terms of [section 3\(3\)\(dA\)](#);  
*[subparagraph (x) added by section 3(b) of Act 45 of 1985]*
    - (xi) one of the members appointed in terms of [section 3\(3\)\(g\)](#), nominated for this purpose by the association referred to therein;  
*[subparagraph (xi) added by section 3(b) of Act 45 of 1985]*
    - (xii) one of the members appointed in terms of [section 3\(3\)\(gA\)](#), nominated for this purpose by the council referred to therein.  
*[subparagraph (xii) added by section 3(b) of Act 45 of 1985]*
  - (b) The action committee shall, with due regard to the provisions of [section 4](#), determine the agenda of a meeting of the co-ordinating council, and shall in addition perform such functions as may be determined by the council with the approval of the Minister.
  - (c) The action committee may allow any member of the co-ordinating council or any alternate of such member or a member of a committee referred to in subsection (2) who is not a member of the council, to attend any meeting of the action committee, and may allow such person to speak at such meeting.  
*[paragraph (c) inserted by section 3(c) of Act 45 of 1985]*
- (2) (a) The co-ordinating council may with the approval of the Minister establish committees, consisting of such persons as may be determined by the council, in order to assist the council in the performance of its functions.

- (b) The co-ordinating council shall designate a member of a committee so established as chairman of such committee.
- (3) The co-ordinating council may allow any member of a committee referred to in subsection (2) who is not a member of the council to attend any meeting of the council at which any matter relating to a function assigned to that committee is dealt with, and may allow such member to take part in the proceedings at such meeting.
- (4) A member of a committee of the co-ordinating council who is not in the full-time employment of the State shall in respect of his services as a member of such committee, receive out of money appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine, either in general or in any particular case.

## **6. Meetings of co-ordinating council**

- (1) The Minister shall in consultation with the co-ordinating council determine—
  - (a) the manner of the calling of, the quorum for and the procedure at meetings of the co-ordinating council; and
  - (b) the manner in which minutes of the meetings of the council shall be kept, the other records which shall be kept by the council and the manner in which the advice of the council shall, through the agency of the Minister, be submitted to the Government.
- (2) Any person may, at the invitation of the chairman of the co-ordinating council, attend a meeting of the council and take part in the discussions at such meeting.

## **7. Annual report on activities of co-ordinating council**

- (1) The Director-General shall as soon as is practicable after 31 December of each year frame a report on the activities of the co-ordinating council during the year which ended on that date, and every report framed in terms of this section shall be sent to the Minister and shall be laid upon the Table in the House of Assembly within 14 days after receipt thereof, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days of the commencement of its next ensuing ordinary session.
- (2) Such annual report shall contain a summary of all recommendations submitted by the co-ordinating council to the Government during the year in question.

# **Chapter II**

## **Development aid and advice to local authorities**

## **8. Municipal development boards**

The Minister may determine regions and may in respect of each such region establish a board for the rendering of development aid and advice to local authorities situated within the region in question.

## **9. Constitution of municipal development boards**

- (1) A municipal development board shall consist of such number of members as may be determined by the Minister from time to time.
- (2) (a) The Minister shall appoint as members of a municipal development board persons who in his opinion are experts on any aspect of local authorities and who in his opinion are capable of making a substantial contribution towards the rendering of development aid to local authorities.



- (b) At least one of the members appointed under paragraph (a) shall be an experienced municipal councillor.
- (3) The Minister shall designate one of the members of a municipal development board as chairman of the development board and another member as deputy chairman thereof.
- (4) A member of a municipal development board shall hold office for such period as may be determined by the Minister at the time of the appointment of such member, but shall be eligible for reappointment: Provided that if in the opinion of the Minister good reasons exist for doing so, he may at any time remove a member from office.
- (5) Any member of a municipal development board appointed under subsection (2) or co-opted under [section 11](#)(2) who is not in the full-time employment of the State shall in respect of his services as a member of a municipal development board or a committee thereof, receive, out of money appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine either in general or in any particular case.

## 10. Object and functions of municipal development boards

The object of a municipal development board shall be to render to local authorities situated in the region in respect of which it has been established development aid so as to render such authorities as soon as is practicable as self-sufficient as possible, and a municipal development board may to that end submit to the Department proposals as to the steps which should be taken.

## 11. Committees

- (1) A municipal development board may, subject to the provisions of subsection (2), from among its own number establish one or more committees to perform any function of the development board.
- (2) A municipal development board may with the consent of the Minister co-opt any person who is not a member of that development board as a member of a committee established under subsection (1), whether for a definite or for an indefinite period or for a particular purpose.
- (3) The municipal development board concerned shall designate one of the members of a committee as the chairman of such committee.

## 12. Meetings

A meeting of the municipal development board or of any committee thereof shall be held at such time and place as the chairman of the development board or committee in question may from time to time determine.

## 13. Annual reports by municipal development boards

The chairman of a municipal development board shall annually submit a report to the Director-General in connection with the activities of the board during the previous year.

# Chapter III

## General provisions

## 14. Designation of persons or institutions for purposes of membership of co-ordinating council

If the Minister is of the opinion that any person or institution is capable of making a substantial contribution towards promoting the object of the co-ordinating council and should be appointed to or

represented on the council, the Minister may by notice, in the *Gazette* designate such person or institution for the purpose of paragraph (h) of [section 3\(3\)](#).

## 15. Delegation

The Minister may, subject to such conditions as he may determine, delegate to an officer in the Department (with a rank not lower than that of deputy director) any or all of the powers conferred upon him by sections [3\(12\)](#), [6\(1\)\(b\)](#) and [11\(2\)](#).

## 16. Performance of administrative work

The administrative work connected with the performance of the functions of the co-ordinating council, a municipal development board and any committee of the co-ordinating council or a development board shall be performed by officers and employees of the Department.

## 17. Improvement of communication between local authorities and certain committees

- (1) The Minister may in consultation with the Administrator of any province make regulations which shall be applicable to local authorities situated within the province concerned and which provide for the application by such local authorities of measures aimed at the improvement of communication between such authorities and Coloured and Indian consultative, local affairs and management committees.
- (2) Any such regulation may authorize the Administrator to apply any such measure referred to in subsection (1) himself or to take other appropriate steps in its stead if any such authority has failed, after having been directed by the Administrator to do so and on the expiry of a reasonable period after such direction, to apply that measure, and may authorize the Administrator to recover the cost connected with the application of such measure or the taking of such steps from the local authority concerned.
- (3) In the event of a conflict between a regulation under this section and an ordinance or a regulation under an ordinance, the first-mentioned regulation shall prevail.

## 17A. Certain powers to be exercised by Administrator in accordance with directives determined by Minister

- (1) Whenever a power conferred by or under any law upon an Administrator—
  - (a) to establish or dissolve any local authority or to combine two or more local authorities into a single local authority;
  - (b) to determine or alter the area of jurisdiction of a local authority; or
  - (c) to classify local authorities or any category of local authorities according to grades,is exercised by the Administrator, that power shall be exercised by the Administrator in accordance with such general directives setting out the criteria, norms and standards to be taken into account by an Administrator in any decision in respect of the above matters as the Minister may, after consultation with the co-ordinating council, determine by notice in the *Gazette*.
- (2) Subsection (1) shall not derogate from a provision of a law therein referred to in so far as that provision is not contrary to the directives determined under that subsection.

[section 17A inserted by section 2 of [Act 116 of 1984](#)]

## 18. Short title

This Act shall be called the Promotion of Local Government Affairs Act, 1983.