

South Africa

Promotion of Local Government Affairs Act, 1983

Act 91 of 1983

Legislation as at 15 July 1992

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Promotion of Local Government Affairs Act, 1983

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[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]

[Amended by [Local Government Affairs Amendment Act, 1985 \(Act 110 of 1985\)](#) on 6 September 1985]

[Amended by [Promotion of Local Government Affairs Amendment Act, 1986 \(Act 79 of 1986\)](#) on 4 July 1986]

[Amended by [Constitutional Laws Amendment Act, 1987 \(Act 32 of 1987\)](#) on 8 July 1987]

[Amended by [Constitutional Laws Amendment Act, 1988 \(Act 43 of 1988\)](#) on 15 April 1988]

[Amended by [Promotion of Local Government Affairs Amendment Act, 1988 \(Act 82 of 1988\)](#) on 13 July 1988]

[Amended by [Local Government Affairs in Free Settlement Areas Act, 1988 \(Act 103 of 1988\)](#) on 1 August 1989]

[Amended by [Abolition of Racially Based Land Measures Act, 1991 \(Act 108 of 1991\)](#) on 30 June 1991]

[Amended by [Promotion of Local Government Affairs Amendment Act, 1991 \(Act 109 of 1991\)](#) on 5 July 1991]

[Amended by [Provincial and Local Authority Affairs Amendment Act, 1992 \(Act 134 of 1992\)](#) on 15 July 1992]

(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 establishment of a demarcation board in respect of certain areas; the establishment of an executive committee of the demarcation board; the establishment of committees to hold enquiries for the demarcation board; 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; the improvement of communication between certain committees and local authorities relating to certain matters; the exercise of certain powers by the Administrator in accordance with directives determined by the Minister; the extension of the functions of the said committees; and the assignment of functions by local authorities; to empower a local authority to form a company and to acquire shares therein; to provide that a local authority may transfer or second any of its officers or employees to or place his service at the disposal of a company; to empower a local authority to enter into certain agreements; to authorize Ministers of State to delegate certain powers relating to local government affairs; and to provide for incidental matters.

[longtitle substituted by section 6 of [Act 110 of 1985](#), by section 25 of [Act 32 of 1987](#), by section 3 of [Act 109 of 1991](#) and by section 10 of [Act 134 of 1992](#)]

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 7F, 17, 17A and 17B, the Administrator-in-executive committee of the province concerned;

[definition of "Administrator" amended by section 1 of [Act 116 of 1984](#) and by section 1(a) of [Act 110 of 1985](#)]

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

"**demarcation board**" means the Demarcation Board for Local Government Areas established by [section 7A](#);

[definition of "demarcation board" inserted by section 1(b) of [Act 110 of 1985](#)]

"**Department**" means the Department of Planning, Provincial Affairs and National Housing;

[definition of "Department" substituted by section 1(a) of [Act 109 of 1991](#)]

"**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: Planning, Provincial Affairs and National Housing;

[definition of "Director-General" substituted by section 1(b) of [Act 109 of 1991](#)]

"**free settlement area**" *[definition of "free settlement area" inserted by section 23(a) of [Act 103 of 1988](#) and deleted by section 52 of [Act 108 of 1991](#)];*

"**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) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 ([Act No. 9 of 1987](#));
- (b) a regional services council;
- (c) any local government body established by virtue of the provisions of section 30(2)(a) of the Black Administration Act, 1927 ([Act No. 38 of 1927](#));
- (d) a local authority as defined in the Black Local Authorities Act, 1982 ([Act No. 102 of 1982](#));
- (e) any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 ([Act No. 94 of 1987](#)).

[definition of "local authority" substituted by section 1(b) of [Act 45 of 1985](#) and by section 1 of [Act 82 of 1988](#)]

"**Minister**" means the Minister of Planning, Provincial Affairs and National Housing;

[definition of "Minister" substituted by section 1(c) of [Act 109 of 1991](#)]

"**municipal area**" means—

- (a) a municipal area as defined in section 2 of the Municipal Ordinance, 1974 ([Ordinance No. 20 of 1974](#) (Cape of Good Hope));
- (b) a municipality as defined in—
 - (i) section 2 of the Local Government Ordinance, 1939 ([Ordinance No. 17 of 1939](#) (Transvaal));
 - (ii) section 1 of the Local Government Ordinance, 1962 ([Ordinance No. 8 of 1962](#) (Orange Free State)); or
 - (iii) section 1 of the Local Authorities Ordinance, 1974 ([Ordinance No. 25 of 1974](#) (Natal)); or

- (c) an area in respect of which a local authority as defined in section 1 of the Black Local Authorities Act, 1982 ([Act No. 102 of 1982](#)), has jurisdiction;

[definition of "municipal area" inserted by section 23(b) of [Act 103 of 1988](#)]

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

"regional services council" means a regional services council established under section 3 of the Regional Services Councils Act, 1985 ([Act No. 109 of 1985](#)).

[definition of "regional services council" added by section 6(b) of [Act 43 of 1988](#)]

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 Finance;

[paragraph (aA) inserted by section 2(a) of [Act 45 of 1985](#) and substituted by section 1(a) of [Act 79 of 1986](#)]
 - (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) *[paragraph (e) substituted by section 2(b) of [Act 45 of 1985](#) and deleted by section 1(b) of [Act 79 of 1986](#)]*
 - (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) 13 persons nominated by the United Municipal Executive of South Africa: Provided that of the persons so appointed—
 - (i) 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; and
 - (ii) at least one shall be a chairman or member of a regional services council;
[paragraph (a) substituted by section 7(a) of [Act 43 of 1988](#)]
 - (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) *[paragraph (dA) inserted by section 2(d) of [Act 45 of 1985](#) and deleted by section 7(b) of [Act 43 of 1988](#)]*
 - (e) 11 members of the committee referred to in subsection (2) (h), nominated by that committee: Provided that of the persons so appointed at least one shall be a chairman or member of a regional services council;
[paragraph (e) substituted by section 7(c) of [Act 43 of 1988](#)]
 - (f) two members of the Association of Management Boards of Rural Coloured Areas, nominated by that Association;
 - (g) 11 persons nominated by the Urban Councils Association of South Africa: Provided that of the persons so appointed—
 - (i) at least five shall be attached to different city councils and at least four shall be attached to different local authorities, one in each province, as members or employees thereof; and
 - (ii) at least one shall be a chairman or member of a regional services council;
[paragraph (g) substituted by section 2(e) of [Act 45 of 1985](#), section 1(c) of [Act 79 of 1986](#) and by section 7(d) of [Act 43 of 1988](#)]
 - (gA) two members of the Regional Services Council Association, nominated by that Association;
[paragraph (gA) inserted by section 2(e) of [Act 45 of 1985](#), deleted by section 7(e) of [Act 43 of 1988](#) and inserted by section 2 of [Act 82 of 1988](#)]
 - (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 Finance;
[subparagraph (iA) inserted by section 3(a) of Act 45 of 1985 and substituted by section 2 of Act 79 of 1986]
 - (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) two of the persons referred to in [section 3](#) (3) (a), nominated for this purpose by the Executive referred to therein, one of whom shall be a person referred to in paragraph (ii) of the proviso to that section;
[subparagraph (iii) substituted by section 8(a) of Act 43 of 1988]
 - (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) two of the members appointed in terms of [section 3](#)(3)(e), nominated for this purpose by the committee referred to therein, one of whom shall be a person referred to in the proviso to that section;
[subparagraph (ix) substituted by section 8(b) of Act 43 of 1988]
 - (x) *[subparagraph (x) added by section 3(b) of Act 45 of 1985 and deleted by section 8(c) of Act 43 of 1988]*

- (xi) two of the members appointed in terms of [section 3\(3\)\(g\)](#), nominated for this purpose by the association referred to therein, one of whom shall be a person referred to in paragraph (ii) of the proviso to that section;

[subparagraph (xi) added by section 3(b) of [Act 45 of 1985](#) and substituted by section 8(d) of [Act 43 of 1988](#)]

- (xii) one of the members appointed in terms of [section 3\(3\)\(gA\)](#) nominated for this purpose by the association referred to therein.

[subparagraph (xii) added by section 3(b) of [Act 45 of 1985](#), deleted by section 8(e) of [Act 43 of 1988](#) and added by section 3 of [Act 82 of 1988](#)]

- (b) The action committee shall perform such functions as may be determined by the council.

[paragraph (b) substituted by section 8 of [Act 134 of 1992](#)]

- (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 IA

Demarcation Board for Local Government Areas

[Chapter IA inserted by section 2 of [Act 110 of 1985](#)]

7A. Establishment of Demarcation Board for Local Government Areas

- (1) There is hereby established a board, to be called the Demarcation Board for Local Government Areas, which shall exercise the powers and perform the functions entrusted or assigned to it in terms of this Act.
- (2) The demarcation board shall consist of the number of members appointed by the Minister after consultation with the action committee of the co-ordinating council and with the concurrence of the Ministers referred to in [section 3\(2\)\(aB\)](#).
[subsection (2) substituted by section 3 of [Act 79 of 1986](#)]
- (3) The Minister shall designate one of the members of the demarcation board as chairman of that board and another member as vice-chairman thereof.
- (4) Whenever the chairman is absent or unable to fulfil any of his functions, the vice-chairman may act in his stead.
- (5) A member of the demarcation board shall occupy his office for such period not exceeding five years as the Minister may determine at the time of his appointment, but shall, subject to the provisions of subsection [\(6\)](#) or [\(7\)](#), be eligible for reappointment.
- (6) The provisions of paragraphs [\(a\)](#) to [\(d\)](#) of [section 3\(8\)](#) shall *mutatis mutandis* apply to a member of the demarcation board.
- (7) A member of the demarcation board may 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.
- (8) A member of the demarcation board who ceases to be a member in terms of subsection [\(6\)](#) or [\(7\)](#) shall not again be appointed as a member of that board.
- (9) If a member of the demarcation board dies or ceases to be a member in terms of subsection [\(6\)](#) or [\(7\)](#), the Minister may, subject to the provisions of subsection [\(2\)](#), appoint any person in the place of such member for the unexpired period of office of such member.
- (10) A member of the demarcation board who is not in the full-time employment of the State shall receive in respect of his services as such a member, out of moneys 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.
- (11) Save as otherwise provided in this Act, the conditions of service of a member of the demarcation board who is not an officer in the public service as defined in section 1(1) of the Public Service Act, 1984 ([Act No. 111 of 1984](#)), shall be determined by the Minister.
- (12) The Minister shall appoint an officer in the Department to act as secretary of the demarcation board.

[section 7A inserted by section 2 of [Act 110 of 1985](#)]

7B. Co-option of persons to serve in demarcation board

- (1) The demarcation board may co-opt not more than three persons to serve on that board or to attend a particular meeting thereof in connection with a particular matter being considered by the said board.
- (2) A person co-opted under this section may participate in the proceedings of the demarcation board in connection with the matter or at the meeting in respect of which he was co-opted, and is entitled to vote in respect of any decision of that board.
- (3) A person so co-opted who is not in the full-time service of the State, may be paid 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.

[section 7B inserted by section 2 of [Act 110 of 1985](#)]

7C. Executive committee of demarcation board

- (1) There shall be an executive committee of the demarcation board consisting of the chairman, the vice-chairman and so many other members of that board as the Minister, with the concurrence of the Ministers referred to in [section 3\(2\)\(aB\)](#), may determine.
- (2) The chairman and vice-chairman of the demarcation board shall be the chairman and vice-chairman, respectively, of the executive committee.
- (3) The executive committee may, subject to the direction of the demarcation board, exercise all the powers and perform all the functions of that board during periods between meetings of that board, but shall not have the power, save in so far as that board may otherwise direct, to set aside or vary any decision of that board.
- (4)
 - (a) The executive committee shall meet at such times and places as the chairman of that committee may direct.
 - (b) A quorum for a meeting of the executive committee shall be three of the members thereof.

[section 7C inserted by section 2 of [Act 110 of 1985](#)]

7D. Committees of demarcation board

- (1) The demarcation board may appoint one or more committees consisting of one or more members of that board and such other persons as that board may co-opt as it deems fit to serve in any such committee, to hold an enquiry referred to in [section 7F\(1\)](#), and shall, where such committee consists of more than one member of that board, designate one such member to be chairman of such committee, and any such committee shall for the purposes of any such enquiry exercise all the powers conferred and perform all the duties imposed upon that board in respect of any such enquiry.
- (2) A committee appointed under this section shall submit to the demarcation board a written report in respect of any enquiry held by it in regard to any matter which the demarcation board is in terms of [section 7F\(1\)](#) required to investigate, and the board may thereupon act in regard to that matter as provided in the said section as if the board had itself held such enquiry.
- (3) A member of any such committee 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 moneys 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.

[section 7D inserted by section 2 of [Act 110 of 1985](#)]

7E. General powers of demarcation board

- (1) The provisions of sections [2](#), [3](#), [4](#), [5](#) and [6](#) of the Commissions Act, 1947 ([Act No. 8 of 1947](#)), shall *mutatis mutandis* apply to the demarcation board and its executive and other committees.
- (2) A member of the demarcation board or of any such committee of the demarcation board may, after due notice to the occupant, at all reasonable times enter upon and inspect any land or premises for the purposes of an enquiry being held, and the chairman of the demarcation board may authorize any other person so to enter upon and inspect any land or premises.

[section 7E inserted by section 2 of [Act 110 of 1985](#)]

7F. Functions of demarcation board

- (1) Subject to the provisions of subsection [\(4\)](#), the demarcation board shall at the request of—
 - (a) an Administrator hold an enquiry and advise him by means of a written report on the desirability or otherwise of demarcating, altering or withdrawing the demarcation of the area of jurisdiction of a local authority; or
 - (b) the Minister, the Minister appointed to administer local government affairs in respect of Black communities, the Ministers referred to in [section 3\(2\)\(aB\)](#) or an Administrator, hold an enquiry and advise the said Minister, Ministers or Administrator by means of a written report on any other particular demarcation, redemarcation or withdrawal of the demarcation of any area pertaining to local government affairs.

[subsection [\(1\)](#) amended by section 4(a) of [Act 79 of 1986](#)]

- (2) When the demarcation board advises an Administrator as contemplated in paragraphs [\(a\)](#) and [\(b\)](#) of subsection [\(1\)](#), any directions issued in terms of [section 17A](#) shall be taken into account.
- (3) Whenever a power conferred by or under any law upon an Administrator to determine or change the area of jurisdiction of a local authority, is exercised by the Administrator concerned, that power shall, notwithstanding the provisions of the law in accordance with which it is exercised, but subject to the provisions of subsection [\(4\)](#), only be exercised—
 - (a) after consideration of a written report of the demarcation board in terms of subsection [\(1\)](#) which contains proposals regarding the demarcation, alteration or withdrawal of the demarcation of the area of jurisdiction concerned; and
 - (b) after consultation with the Minister appointed to administer local government affairs in respect of Black communities or the Ministers referred to in [section 3\(2\)\(aB\)](#), according to the population group which is directly affected by the demarcation.

[subsection [\(3\)](#) amended by section 4(b) of [Act 79 of 1986](#)]

- (4) The Administrator concerned may alter the area of jurisdiction of a local authority without the holding of an enquiry contemplated in subsection [\(1\)](#) if—
 - (a) all local authorities which have an interest in the proposed alteration signify in writing—
 - (i) that the holding of such enquiry is, as far as they are concerned, not necessary; and
 - (ii) that they have no objection to the proposed alteration; and
 - (b) no objections against the proposed alteration were lodged after a notice was published in terms of any law requiring the publication of such notice.

[subsection [\(4\)](#) added by section 4(c) of [Act 79 of 1986](#)]

[section 7F inserted by section 2 of [Act 110 of 1985](#)]

7G. Investigation by demarcation board

- (1) On receipt of a request for advice called for by an Administrator or a Minister as contemplated in [section 7F\(1\)\(a\)](#) or (b), but subject to the provisions of subsection [\(3\)](#), the secretary of the demarcation board shall cause to be published in both official languages, once in the *Official Gazette* of the province concerned and once in a newspaper circulating in the area concerned in the proposed demarcation, alteration or withdrawal of a demarcation, a notice stating that such a request for advice had been received, that it is open to inspection at the office of the secretary and at any other place or places, if any, mentioned in the notice and that objections against or representations in connection with the proposed demarcation, alteration or withdrawal of a demarcation may be lodged with the secretary of the demarcation board on or before a specific date, which shall not be less than 21 days after the date of the publication of the notice, and the secretary shall cause a copy of the notice to be served on every local authority directly affected by the proposed demarcation, alteration or withdrawal of a demarcation and on every Director-General referred to in [section 3\(2\)\(eA\)](#), according to the population group concerned, and such service shall be effected by registered post or by hand.

[subsection (1) substituted by section 9(a) of [Act 43 of 1988](#)]

- (2) On the expiration of the period within which objections or representations may be lodged in terms of the notice referred to in subsection [\(1\)](#), the secretary of the demarcation board shall refer the request together with all objections and representations and all relevant documents and particulars to the demarcation board for investigation and its recommendation: Provided that in the event of no objection or representations having been received in terms of the provisions of subsection [\(1\)](#), the demarcation board may dispense with any hearing or inspection if it is of the opinion that such hearing or inspection is not necessary.
- (3) (a) If an Administrator calls for advice from the demarcation board in respect of the proposed alteration of the area of jurisdiction of a local authority in a case where—
- (i) particulars of the proposed alteration have been published in terms of any law in the *Gazette*, or in the *Official Gazette* of the province concerned, and in a newspaper circulating in the area concerned; and
 - (ii) objections against or representations in connection with the proposed alteration have been received by the Administrator,
- the Administrator shall refer the objections and representations to the demarcation board, which must then hold a hearing before giving the advice.
- (b) Not less than 14 days before the date of the hearing, the secretary of the demarcation board shall cause to be published in both official languages, once in the *Official Gazette* of the province concerned and once in a newspaper circulating in the area concerned, a notice in which the place and date of the hearing are made known and interested parties are invited to attend the hearing, and the secretary shall cause a copy of the notice to be served on every local authority directly affected by the proposed alteration and on every Director-General referred to in [section 3\(2\)\(eA\)](#), according to the population group concerned, and such service shall be effected by registered post or by hand.

[subsection (3) added by section 9(b) of [Act 43 of 1988](#)]

[section 7G inserted by section 2 of [Act 110 of 1985](#)]

7H. Meetings of demarcation board

- (1) The meetings of the demarcation board shall, subject to the provisions of subsection [\(2\)](#), be held at such times and places as that board or, if authorized thereto by that board, the chairman of that board may determine.

- (2) The chairman may at any time call a special meeting of the demarcation board to be held at such time and place as he may direct.
- (3) A quorum for a meeting of the demarcation board shall be three of the members thereof.
- (4) In the absence from any meeting of the demarcation board of both the chairman and the vice-chairman, the members present at that meeting may elect one of their number to preside at that meeting.
- (5) The decision of the majority of the members present at a meeting of the demarcation board shall be the decision of that board, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.

[section 7H inserted by section 2 of [Act 110 of 1985](#)]

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\(1\)\(b\)](#), [7A\(12\)](#) and [11\(2\)](#).

[section 15 substituted by section 3 of [Act 110 of 1985](#)]

16. Performance of administrative work

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

[section 16 substituted by section 4 of [Act 110 of 1985](#) and by section 4 of [Act 82 of 1988](#)]

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.
- (4) *[subsection (4) added by section 24 of [Act 103 of 1988](#) and deleted by section 53 of [Act 108 of 1991](#)]*
- (5) *[subsection (5) added by section 24 of [Act 103 of 1988](#) and deleted by section 53 of [Act 108 of 1991](#)]*

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](#)]

17B. Additional rights, powers, functions, duties and obligations of management bodies

- (1) An Administrator may from time to time by notice in the *Official Gazette* concerned invest and charge management bodies generally or any particular management body specified in the notice, in respect of its area of jurisdiction, with any right, power, function, duty or obligation which by or under any law has been or may be assigned to any local authority within whose area of jurisdiction such a management body is situated.
- (2) Unless a notice referred to in subsection (1) provides otherwise, the right, power, function, duty or obligation with which a management body is invested and charged under that notice, shall in respect of the area of jurisdiction of that management body devolve upon that management body to the exclusion of any local authority which immediately before the publication of the notice was invested and charged in respect of that area with that right, power, function, duty or obligation.
- (3) A notice under subsection (1) may, in addition—
 - (a) contain directions regarding the manner in which, the conditions on which or the circumstances in which any such right, power, function, duty or obligation may be exercised or shall be performed or fulfilled by the management body;
 - (b) provide that a provision of any law creating, describing or determining any such right, power, function, duty or obligation shall be deemed to be amended in a manner specified in the

- notice in so far as that right, power, function, duty or obligation is exercised, performed or fulfilled by the management body.
- (c) provide that any assets or obligations of the local authority as may be specified in the notice and as were vested in the local authority in connection with the exercise of any such power or the performance of any such function or duty before the management body was invested and charged with that power, function or duty shall devolve upon the management body, subject to such conditions as may be specified in the notice, including conditions (if any) regarding the payment of compensation by the management body;
 - (d) provide for any officer or employee in the employment of the local authority to be transferred to or seconded to or that his services are placed at the disposal of the management body.
- (4) A notice referred to in subsection (1) may at any time be amended or substituted by the Administrator.
- (5) An Administrator shall direct the issue of a notice in terms of subsection (1) read with subsection (3) or the amendment or substitution of a notice in terms of subsection (4) only—
- (a) with the concurrence of the Ministers referred to in [section 3\(2\)\(aB\)](#), according to the population group concerned;
 - (b) after consultation with—
 - (i) the local authority concerned; and
 - (ii) the management body concerned.
- (6) Subject to the provisions of this section, the provisions of the Regional Services Councils Act, 1985, relating to the transfer or secondment to or placement of their services at the disposal of, of officers or employees and of the transfer or devolution of assets or obligations to a regional services council in terms of the said Act, shall *mutatis mutandis* apply in the case of the transfer or secondment to or placement of their services at the disposal of, or transfer or devolution of assets or obligations to a management body in terms of this section.
- (7) (a) A notice issued in terms of subsection (1) which provides that any law shall be deemed to be amended in a manner determined in subsection (3)(b), shall be Tabled in Parliament by the Minister within 14 days after the date thereof if Parliament is then in session or, if Parliament is then not in session, within 14 days after its ensuing session.
- (b) If Parliament disapproves of any such notice or of any provision in any such notice, such notice or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such notice or of such provision thereof up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such notice or such provision thereof.
- (8) A management body which—
- (a) is at the commencement of this Act not yet vested with corporate personality, is as from such commencement a juristic person under its existing name;
 - (b) comes into existence after the commencement of this Act, is as from its coming into existence a juristic person under the name under which it so comes into existence.
- (9) For the purposes of the preceding provisions of this section “management body” means a committee referred to in [section 17\(1\)](#).
- [subsection (9) substituted by section 25(a) of [Act 103 of 1988](#)]*
- (10) *[subsection (10) added by section 25(b) of [Act 103 of 1988](#) and deleted by section 54 of [Act 108 of 1991](#)]*
- [section 17B inserted by section 5 of [Act 110 of 1985](#)]*

17C. Assignment of functions by local authorities

- (1) Subject to the provisions of any law which deals with the delegation of any power by a local authority in any particular case, the local authority may delegate to any committee of, or any officer or employee in the service of, the local authority any power conferred upon the local authority by or under any Act of Parliament, excluding the power—
 - (a) to make regulations or by-laws;
 - (b) to fix fees, tariffs or other charges; and
 - (c) to impose levies or other taxes,on such conditions as the local authority may determine.
- (2) A local authority may authorize any committee of, or any officer or employee in the service of, the local authority to perform any duty assigned to the local authority by or under any Act of Parliament.
- (3) Any delegation under subsection (1) shall not prevent the exercise of the relevant power by the local authority itself.

[section 17C inserted by section 24 of [Act 32 of 1987](#)]

17D. Local authority may form company and acquire shares therein

- (1) Notwithstanding anything to the contrary in any law contained, a local authority, or two or more local authorities acting jointly, may—
 - (a) form, register and promote a company as contemplated in the Companies Act, 1973 ([Act No. 61 of 1973](#)); and
 - (b) acquire and hold shares in a company as contemplated in the Companies Act, 1973:Provided that the main object or one of the objects of such company shall be the performance of a function or the rendering of a service which is substantially the same as a function or service which a local authority may legally perform or render.
- (2) The memorandum of a company in which shares are held by a local authority in terms of subsection (1) shall provide that such local authority shall systematically reduce its shareholding in the company in accordance with a programme contained in the memorandum.
- (3)
 - (a) A local authority or two or more local authorities contemplated in subsection (1), shall be represented on the board of directors of a company contemplated in the said subsection by a member, officer or employee of that local authority, and in the case of two or more such local authorities they shall be represented jointly by a member, officer or employee of one of those local authorities or by any other person on whom such local authorities may agree.
 - (b) Where there is a management body within the area of jurisdiction of a local authority, or where there is more than one management body within the areas of jurisdiction of two or more such local authorities acting jointly, such management body or management bodies, as the case may be, shall be represented on the board of directors of the company contemplated in subsection (1) by a member of such management body or in the case where there is more than one management body, by a member of one of those management bodies on whom they may agree.
- (4) A local authority shall act in terms of paragraph (a) or (b) of subsection (1) only with the concurrence of any management body within its area of jurisdiction.
- (5) Where a local authority is required by law to perform a function or render a service and it is a shareholder in a company contemplated in subsection (1) which undertakes to perform or render such function or service on behalf of that local authority, the memorandum of such company shall

irrevocably grant to that local authority a determining vote which may be exercised to prevent the discontinuation of such function or service by the company, unless that local authority elects to guarantee or resume the performance or the rendering of such function or service.

- (6) For the purposes of this section "management body" means a committee referred to in section [17\(1\)](#).

[section 17D inserted by section 2 of [Act 109 of 1991](#)]

17E. Local authority may transfer or second officer or employee to or place his services at the disposal of company

A local authority may, with effect from a date determined by such local authority, with the consent of the officer or employee concerned, transfer or second any of its officers or employees to or place his services at the disposal of any company referred to in section [17D](#): Provided that in the event of a transfer such officer or employee shall be employed by the company concerned on such terms and enjoy such rights and privileges as are not less favourable than those applicable to him at the time of such transfer.

[section 17E inserted by section 2 of [Act 109 of 1991](#)]

17F. Agreements

- (1) Notwithstanding the provisions of any other law, a local authority may, after consultation with the Administrator of the province in which its area is situated, enter into an agreement with any person, institution or body in any other area, province or state in terms of which—
- (a) the local authority undertakes to perform a function or render a service which that local authority may legally perform or render, on such conditions as may be agreed upon, on behalf of that person, institution or body; or
 - (b) that person, body or institution undertakes, on such conditions as may be agreed upon, on behalf of the local authority to perform a function or render a service which that local authority may legally perform or render.
- (2) Where such an agreement is entered into with a person, institution or body in another state, it shall be with the concurrence of the Administrator concerned and the Minister of Foreign Affairs.

[section 17F inserted by section 9 of [Act 134 of 1992](#)]

17G. Delegation of certain powers of Ministers

- (1) Any Minister of State may, notwithstanding the provisions of any other law, delegate any power conferred upon him by any law pertaining to local government to grant his concurrence, approval or consent for or in respect of any matter, to an officer in his department with a rank not lower than that of director.
- (2) Subsection [\(1\)](#) shall not derogate from a provision of any law referred to in that subsection in terms of which the delegation of any power of a Minister is specifically regulated.

[section 17G inserted by section 9 of [Act 134 of 1992](#)]

18. Short title

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