

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)
Local **45c** Plaaslik
Other countries 60c Buitelands
Post free • Posvry

Vol. 243

CAPE TOWN, 6 SEPTEMBER 1985

No. 9932

KAAPSTAD, 6 SEPTEMBER 1985

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2058.

6 September 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

— 110 of 1985: Local Government Affairs Amendment Act, 1985.

No. 2058.

6 September 1985

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

No. 110 van 1985: Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1985.

Act No. 110, 1985

LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT, 1985

(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. 5

(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. 10

(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. 15

(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. 20

(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. 25 30

(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. 35

(12) The Minister shall appoint an officer in the Department to act as secretary of the demarcation board. 40

Co-option of persons to serve in demarcation board.

7B. (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. 45

(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. 50

(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. 55

Executive committee of demarcation board.

7C. (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. 60

(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. 65

Act No. 110, 1985

LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT, 1985

- (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. 5

Committees of demarcation board.

7D. (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. 10 15

(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. 20 25

(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. 30 35

General powers of demarcation board.

7E. (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. 35 40

(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. 45 50

Functions of demarcation board.

7F. (1) 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 50 55

(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. 60 65

(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. 65

(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, 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.

Investigation by demarcation board.

7G. (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), the secretary of the demarcation board shall cause to be published in both official languages, once in the *Government Gazette* and 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) (e) or (eA), according to the population group concerned, and such service shall be effected by registered post or by hand.

(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.

Meetings of demarcation board.

7H. (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."

Act No. 110, 1985

LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT, 1985

Substitution of section 15 of Act 91 of 1983.

3. The following section is hereby substituted for section 15 of the principal Act:

“Delegation. 15. 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).”

Substitution of section 16 of Act 91 of 1983.

4. The following section is hereby substituted for section 16 of the principal Act:

“Performance of administrative work. 16. 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, [or] a municipal development board or the demarcation board shall be performed by officers and employees of the Department.”

Insertion of section 17B in Act 91 of 1983.

5. The following section is hereby inserted in the principal Act after section 17A:

“Additional rights, powers, functions, duties and obligations of management bodies. 17B. (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, includ-

- ing 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. 5
- (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— 10
- (a) with the concurrence of the Ministers referred to in section 3 (2) (aB), according to the population group concerned; 15
- (b) after consultation with—
- (i) the local authority concerned; and
- (ii) the management body concerned. 20
- (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. 25 30
- (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. 35
- (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. 40 45 50
- (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; 55
- (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 this section 'management body' means a committee referred to in section 17 (1). 60

Act No. 110, 1985

LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT, 1985

“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; **[and]** 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; and the extension of the functions of the said committees; and to provide for incidental matters.”

Amendment of section 2 of Act 102 of 1982, as amended by section 69 of Act 4 of 1984.

7. Section 2 of the Black Local Authorities Act, 1982, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) after consultation with the administrator of the province in which, and with the development board in the administration area of which, the area in question is situated, establish under a name mentioned in the notice a town council or a village council for an area **[defined in the notice consisting of one or more townships or a portion or portions of a township or townships]** referred to in subsection (1A);”;

(b) by the deletion of paragraph (d) of subsection (1);

(c) by the insertion after subsection (1) of the following subsection:

“(1A) An administrator may by notice in the *Gazette* and after consultation with the Minister and with the development board in the administration area of which the area in question is situated—

(a) define an area in the notice consisting of one or more townships or a portion or portions of a township or townships;

(b) alter the area of jurisdiction of a town council or village council, after consultation with the town council or village council concerned, by excluding therefrom any portion thereof or by adding thereto a township or portion of a township.”

(d) by the substitution for subsection (5) of the following subsection:

“(5) If **[the Minister]** an administrator intends to alter the area of jurisdiction of a local authority under subsection **[(1) (d)] (1A) (b)**, he may direct the local authority concerned to cause a survey by a land surveyor or of any land determined by the **[Minister]** administrator to be carried out at its own expense, and if that local authority fails to comply with that direction within a reasonable period the **[Minister]** administrator may cause that survey to be carried out and may recover the costs thereof from the local authority.”

Short title.

8. This Act shall be called the Local Government Affairs Amendment Act, 1985.