



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1425.

4 Julie 1986

No. 1425.

4 July 1986

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

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

No. 79 van 1986: Wysigingswet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1986.

No. 79 of 1986: Promotion of Local Government Affairs Amendment Act, 1986.

Wet No. 79, 1986

WYSIGINGSWET OP DIE BEVORDERING VAN PLAASLIKE OWERHEIDSAANGELEENTHEDE, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[

Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, ten einde die samestelling van die Raad vir die Koördinerende van Plaaslike Owerheidsaangeleenthede en die aksiekomitee van daardie raad verder te reël; die samestelling van die Afbakeningsraad vir Plaaslike Owerheidsgebiede verder te reël; en voorsiening te maak dat die regsgebied van 'n plaaslike owerheid onder sekere omstandighede verander kan word sonder die instelling van 'n ondersoek deur die afbakeningsraad; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1986.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 3 van Wet 91 van 1983, soos gewysig deur artikel 2 van Wet 45 van 1985.

1. Artikel 3 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (hieronder die Hoofwet genoem), word hierby gewysig— 5

(a) deur paragraaf (aA) van subartikel (2) deur die volgende paragraaf te vervang:

“(aA) die Minister van [**Samewerking, Ontwikkeling en Onderwys**] Finansies;”;

(b) deur paragraaf (e) van subartikel (2) te skrap; 10

(c) deur paragraaf (g) van subartikel (3) deur die volgende paragraaf te vervang:

“(g) [**twee**] tien persone wat deur die Vereniging van Stedelike Rade van Suid-Afrika benoem is: Met dien verstande dat van die persone wat aldus aangestel word minstens vyf aan verskillende stadsrade en minstens vier aan verskillende plaaslike owerhede, een in elke onderskeie provinsie, as lede of werknemers daarvan verbonde moet wees;” 15
20

Wysiging van artikel 5 van Wet 91 van 1983, soos gewysig deur artikel 3 van Wet 45 van 1985.

2. Artikel 5 van die Hoofwet word hierby gewysig deur subparagraaf (iA) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:

“(iA) die Minister van [**Samewerking, Ontwikkeling en Onderwys**] Finansies;” 25

Wysiging van artikel 7A van Wet 91 van 1983, soos ingevoeg deur artikel 2 van Wet 110 van 1985.

3. Artikel 7A van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die afbakeningsraad bestaan uit [**hoogstens sewe**] die aantal lede wat die Minister na oorlegpleging met die aksiekomitee van die koördinerende raad en met die instemming van die Ministers bedoel in artikel 3 (2) (aB) aanstel.” 30

PROMOTION OF LOCAL GOVERNMENT AFFAIRS AMENDMENT
ACT, 1986

Act No. 79, 1986

GENERAL EXPLANATORY NOTE:

[**]** Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Promotion of Local Government Affairs Act, 1983, so as to further regulate the constitution of the Council for the Co-ordination of Local Government Affairs and the action committee of that council; to further regulate the constitution of the Demarcation Board for Local Government Areas; and to provide that the area of jurisdiction of a local authority may under certain circumstances be altered without the holding of an enquiry by the demarcation board; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 27 June 1986.)*

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

1. Section 3 of the Promotion of Local Government Affairs Act, 1983 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for paragraph (aA) of subsection (2) of the following paragraph:
“(aA) the Minister of **[Co-operation, Development and Education] Finance**”;
- 10 (b) by the deletion of paragraph (e) of subsection (2);
- (c) by the substitution for paragraph (g) of subsection (3) of the following paragraph:
“(g) **[two] ten** persons nominated by the Urban Councils Association of South Africa: Provided that of the persons so appointed, 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;”.
- 15
- 20 2. Section 5 of the principal Act is hereby amended by the substitution for subparagraph (iA) of paragraph (a) of subsection (1) of the following subparagraph:
“(iA) The Minister of **[Co-operation, Development and Education] Finance**”.
- Amendment of section 3 of Act 91 of 1983, as amended by section 2 of Act 45 of 1985.
- Amendment of section 5 of Act 91 of 1983, as amended by section 3 of Act 45 of 1985.
- 25 3. Section 7A of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:
“(2) The demarcation board shall consist of **[not more than seven] 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).”.
- 30
- Amendment of section 7A of Act 91 of 1983, as inserted by section 2 of Act 110 of 1985.

Wet No. 79, 1986

WYSIGINGSWET OP DIE BEVORDERING VAN PLAASLIKE
OWERHEIDSAANGELEENTHEDE, 1986

Wysiging van
artikel 7F van
Wet 91 van 1983,
soos ingevoeg deur
artikel 2 van
Wet 110 van 1985.

4. Artikel 7F van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
“Behoudens die bepalings van subartikel (4), stel **[Die]** die afbakeningsraad **[stel]** op versoek van—”;
- (b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:
“Wanneer ’n bevoegdheid by of kragtens wet aan ’n Administrateur verleen om die regsgebied van ’n plaaslike owerheid te bepaal of te verander deur die betrokke Administrateur uitgeoefen word, word daardie bevoegdheid, nieteenstaande die bepalings van die Wet ingevolge waarvan dit uitgeoefen word, maar behoudens die bepalings van subartikel (4), slegs uitgeoefen—”; en
- (c) deur die volgende subartikel by te voeg:
“(4) Die betrokke Administrateur kan die regsgebied van ’n plaaslike owerheid verander sonder dat ’n ondersoek soos in subartikel (1) beoog, ingestel word indien—
- (a) alle plaaslike owerhede wat by die voorgestelde verandering ’n belang het skriftelik aandui—
- (i) dat die instelling van so ’n ondersoek, wat hulle betref, nie nodig is nie; en
- (ii) dat hulle geen beswaar teen die voorgestelde verandering het nie; en
- (b) geen besware teen die voorgestelde verandering ontvang is nie na publikasie van ’n kennisgewing ingevolge enige wet wat sodanige publikasie vereis.”.

Kort titel.

5. Hierdie Wet heet die Wysigingswet op die Bevordering van Plaaslike Owerheidsaangeleentede, 1986.

PROMOTION OF LOCAL GOVERNMENT AFFAIRS AMENDMENT
ACT, 1986

Act No. 79, 1986

4. Section 7F of the principal Act is hereby amended—

Amendment of
section 7F of
Act 91 of 1983,
as inserted by
section 2 of
Act 110 of 1985.

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

5 “Subject to the provisions of subsection (4), [The]
 the demarcation board shall at the request of—”;

- (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

10 “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
 15 to the provisions of subsection (4), only be exercised—”; and

- (c) by the addition of the following subsection:

20 “(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—
 25 (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.”.

5. This Act shall be called the Promotion of Local Govern- Short title.
 30 ment Affairs Amendment Act, 1986.

