



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

## STAATSKOERANT

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KAAPSTAD, 8 JULIE 1987

STATE PRESIDENT'S OFFICE

No. 1490.

8 July 1987

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

No. 32 of 1987: Constitutional Laws Amendment Act, 1987.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1490.

8 Julie 1987

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

No. 32 van 1987: Wysigingswet op Staatkundige Wetgewing, 1987.

Act No. 32, 1987

CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

## GENERAL EXPLANATORY NOTE:

**I** 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 Black Administration Act, 1927, so as to regulate the legal capacity of Black women in relation to the acquisition of ownership; to amend the Promotion of Black Self-government Act, 1959, so as to substitute or repeal obsolete expressions and provisions; to restrict the powers, functions and duties of commissioners-general; to make other provision for the appointment of representatives of self-governing territories; and to repeal the power to make regulations; to amend the Black Affairs Act, 1959, so as to abolish certain Black councils; to adjust the designation of the Minister of Co-operation and Development; to increase certain penalties; and to exclude the territory of South West Africa from the application of the said Act; to amend the National States Constitution Act, 1971, so as to provide for the appointment of Deputy Ministers; to provide that the State President may withhold his assent in respect of a bill of a legislative assembly; and to regulate the exercise of legislative powers in respect of the establishment of pension funds and the pensioning of certain persons; to amend the Black Local Authorities Act, 1982, so as to provide for the appointment of town clerks for town councils; and to extend the power to make regulations; to amend the Promotion of Local Government Affairs Act, 1983, so as to regulate the assignment of functions by local authorities; to amend the Black Communities Development Act, 1984, so as to make further provision in respect of the registration and alienation of leasehold; to repeal obsolete provisions; and to extend the power to make regulations; to amend the Local Government Training Act, 1985, so as to make other provision in respect of the designation of a certain member of the Training Board for Local Government Bodies; to amend the Provincial Government Act, 1986, so as to make further provision in respect of the administration of certain laws by the administrator of a province; and to postpone the repeal of a particular section; to provide for the temporary representation of non-elected management bodies on Regional Services Councils; to amend the Anti-Shark Measures Control Ordinance, 1964, of Natal, so as to provide with retrospective effect for certain functions of the Natal Sharks Board; and to amend Proclamation R.130 of 10 August 1984 so as to rectify a certain reference; and to provide for incidental matters.

(Afrikaans text signed by the State President.)  
(Assented to 30 June 1987.)

## WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1987

Wet No. 32, 1987

## ALGEMENE VERDUIDELIKENDE NOTA:

[

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

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

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## WET

Tot wysiging van die Swart Administrasie Wet, 1927, ten einde die handelingsbevoegdheid van Swart vroue met betrekking tot die verkryging van eiendomsreg te reël; tot wysiging van die Wet op die Bevordering van Swart Selfbestuur, 1959, ten einde uitgediende uitdrukings en bepalings te vervang of te herroep; die bevoegdhede, werksaamhede en pligte van kommissaris-generaal in te kort; ander voorsiening te maak vir die aanstelling van verteenwoordigers van selfregerende gebiede; en die bevoegdheid om regulasies uit te vaardig, te herroep; tot wysiging van die Wet op Swart Sake, 1959, ten einde sekere Swart rade af te skaf; die benaming van die Minister van Samewerking en Ontwikkeling aan te pas; sekere strawwe te verhoog; en die gebied Suidwes-Afrika van die toepassing van genoemde Wet uit te sluit; tot wysiging van die Grondwet van die Nasionale State, 1971, ten einde voorsiening te maak vir die aanstelling van Adjunk-ministers; voorsiening daarvoor te maak dat die Staatspresident sy toestemming kan weerhou ten opsigte van 'n wetsontwerp van 'n wetgewende vergadering; en die uitoefening van wetgewende bevoegdhede ten opsigte van die instelling van pensioenfondse en die pensioenering van sekere persone te reël; tot wysiging van die Wet op Swart Plaaslike Owerhede, 1982, ten einde voorsiening te maak vir die aanstelling van stadsklerke vir dorpsrade; en die bevoegdheid om regulasies uit te vaardig, uit te brei; tot wysiging van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, ten einde die opdrag van werksaamhede deur plaaslike owerhede te reël; tot wysiging van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, ten einde verdere voorsiening te maak ten opsigte van die registrasie en vervreemding van huurpag; uitgediende bepalings te herroep; en die bevoegdheid om regulasies uit te vaardig, uit te brei; tot wysiging van die Wet op Plaaslike Owerheidsopleiding, 1985, ten einde ander voorsiening te maak ten opsigte van die aanwysing van 'n sekere lid van die Opleidingsraad vir Plaaslike Owerheidsliggame; tot wysiging van die Wet op Proviniale Regering, 1986, ten einde verdere voorsiening te maak ten opsigte van die uitvoering van sekere wette deur die administrateur van 'n provinsie; en die herroeping van 'n bepaalde artikel uit te stel; om voorsiening te maak vir die tydelike verteenwoordiging van nie-verkose bestuursliggame in Streeksdiensterade; tot wysiging van die Ordonnansie op Beheer oor Haaibestrydingsmaatreëls, 1964, van Natal, ten einde met terugwerkende krag vir sekere werksaamhede van die Natalse Haaiaraad voorsiening te maak; en tot wysiging van Proklamasie R.130 van 10 Augustus 1984 ten einde 'n sekere verwysing reg te stel; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 30 Junie 1987.)

Act No. 32, 1987

## CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

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

Substitution of section 11A of Act 38 of 1927, as inserted by section 1 of Act 90 of 1985.

1. The following section is hereby substituted for section 11A of the Black Administration Act, 1927:

“Legal capacity of Black women in relation to leasehold and ownership.

**11A.** Notwithstanding any law affecting the status or contractual capacity of any person by virtue of Black law and custom, the capacity of a Black woman to perform any juristic act with regard to the acquisition by her of a right of leasehold [or], sectional leasehold or ownership under [the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), or the Black Communities Development Act, 1984 (Act No. 4 of 1984)] any law or the disposal of any such right or the borrowing of money on security of such right or the performance of any other juristic act in connection with such right or to enforce or defend her rights in connection with such right in any court of law, shall be determined and any such rights acquired by her shall vest in her and any obligation incurred by her shall be enforceable by or against her as if she were not subject to Black law and custom.”.

Repeal of preamble to Act 46 of 1959.

2. The preamble to the Promotion of Black Self-government Act, 1959, is hereby repealed.

Amendment of section 1 of Act 46 of 1959.

3. Section 1 of the Promotion of Black Self-government Act, 1959, is hereby amended—

- (a) by the deletion of the definition of “national unit” or “unit”; and
  - (b) by the insertion after the definition of “principal Act” of the following definitions:
- “Republic”, for the purposes of sections 4 and 5, does not include any self-governing territory; “self-governing territory” means a self-governing territory referred to in section 26 (1) of the National States Constitution Act, 1971 (Act No. 21 of 1971), and mentioned in section 2 (1);”.

Substitution of section 2 of Act 46 of 1959, as amended by section 9 of Act 12 of 1978, section 10 of Act 16 of 1979 and section 6 of Act 102 of 1983.

4. The following section is hereby substituted for section 2 of the Promotion of Black Self-government Act, 1959:

“Self-governing territories and appointment of commissioners-general.

**2. (1)** [The Black population shall for the purpose of this Act consist of the following national units, namely—

- (a) the North-Sotho unit;
- (b) the South-Sotho unit;
- (c) the Swazi unit;
- (d) the Tsonga unit;
- (e) the South Ndebele unit;
- (f) the Zulu unit.]

The provisions of this Act shall apply in respect of the following self-governing territories, namely—

- (a) Lebowa;
- (b) KwaNdebele;
- (c) QwaQwa;
- (d) KaNgwane;
- (e) Gazankulu; and
- (f) KwaZulu.

(2) The State President shall appoint a commissioner-general in respect of each [of the units mentioned in subsection (1) but may, at any time whenever he deems it necessary or expedient, and instead of appointing a commissioner-general in respect of each of such units, appoint a commissioner-general in

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

1. Artikel 11A van die Swart Administrasie Wet, 1927, word hierby deur die volgende artikel vervang:

5 "Handelingsbevoegdheid van Swart vroue met betrekking tot huurpag en eiendomsreg." 11A. Ondanks enige wet rakende die status of handelingsbevoegdheid van iemand uit hoofde van Swart reg en gewoonte, word die bevoegdheid van 'n Swart vrou om enige regshandeling te verrig met betrekking tot die verkryging deur haar van 'n reg van huurpag of deelhuurpag, of van eiendomsreg, kragtens die [Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), of die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984)] een of ander wet of die beskikking oor so 'n reg of die leen van geld teen sekuriteit van so 'n reg of om enige ander regshandeling in verband met so 'n reg te verrig of om haar regte in verband met so 'n reg in 'n gereghof te handhaaf of te verdedig, bepaal, en berus enige sodanige regte wat sy verkry het by haar, en is enige verpligting aangegaan deur of teen haar afdwingbaar, asof sy nie aan Swart reg en gewoonte onderworpe is nie."

Vervanging van artikel 11A van Wet 38 van 1927, soos ingevoeg deur artikel 1 van Wet 90 van 1985.

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15 Die aanhef by die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby herroep.

Herroeping van aanhef by Wet 46 van 1959.

25 3. Artikel 1 van die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby gewysig—

(a) deur die omskrywing van "volkseenheid" of "eenheid" te skrap; en

30 (b) deur die volgende omskrywings by te voeg:  
"Republiek", by die toepassing van artikels 4 en 5, nie ook 'n selfregerende gebied nie;  
'selfregerende gebied' 'n selfregerende gebied in artikel 26 (1) van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), bedoel en in artikel 2 (1) vermeld."

Wysiging van artikel 1 van Wet 46 van 1959.

35 4. Artikel 2 van die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby deur die volgende artikel vervang:

40 "Seliregerende gebiede en aanstelling van kommissaris-generaal.  
(a) die Noord-Sotho-eenheid;  
(b) die Suid-Sotho-eenheid;  
(c) die Swazi-eenheid;  
(d) die Tsonga-eenheid;  
(e) die Suid-Ndebele-eenheid;  
(f) die Zoeloe-eenheid]

Vervanging van artikel 2 van Wet 46 van 1959, soos gewysig deur artikel 9 van Wet 12 van 1978, artikel 10 van Wet 16 van 1979 en artikel 6 van Wet 102 van 1983.

45 Die bepalings van hierdie Wet is ten opsigte van die volgende selfregerende gebiede van toepassing, naamlik—  
(a) Lebowa;  
(b) KwaNdebele;  
(c) QwaQwa;  
(d) KaNgwane;  
(e) Gazankulu; en  
(f) KwaZulu.

50 55 60 (2) Die Staatspresident moet 'n kommissaris-generaal aanstel ten opsigte van elke [eenheid in subartikel (1) genoem maar kan te eniger tyd wanneer hy dit nodig of raadsaam ag, en in plaas van 'n kommissaris-generaal ten opsigte van elk van daardie eenhede aan te stel, 'n kommissaris-generaal ten opsigte van

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respect of two or more of the said units] self-governing territory.

(3) A commissioner-general shall in relation to the [national unit] self-governing territory in respect of which he has been appointed exercise the powers and perform the functions and duties conferred or imposed upon a commissioner-general by this Act. 5

(4) A commissioner-general—

(a) shall be appointed on such conditions as the [Governor-General] State President may determine and shall hold office at the pleasure of the [Governor-General] State President, but not for a period exceeding five years: Provided that he may at any time be reappointed on the expiration of his period of office; 10

(b) shall not hold any other office of profit in the service of the State: Provided that a person who is in receipt of a pension from the State shall not be deemed to hold an office of profit in the service of the State for the purposes of this paragraph; and 15

(c) shall reside at a place which the Minister considers advisable [in order that he may best serve the interests of the national unit concerned]. 20

(5) A person who immediately prior to the commencement of the Constitutional Laws Amendment Act, 1987, was appointed as a commissioner-general in respect of a particular national unit shall upon that commencement be deemed to be appointed as a commissioner-general in respect of the self-governing territory concerned.”. 25 30

Substitution of section 3 of Act 46 of 1959.

5. The following section is hereby substituted for section 3 of the Promotion of Black Self-government Act, 1959:

“Powers, functions and duties of commissioners-general. 35 3. A commissioner-general shall represent the Government [with] of the Republic in the [national unit] self-governing territory in respect of which he has been appointed.”.

Substitution of section 4 of Act 46 of 1959, as substituted by section 2 of Act 49 of 1970 and amended by section 9 of Act 70 of 1974.

6. The following section is hereby substituted for section 4 of the Promotion of Black Self-government Act, 1959:

“Representatives of self-governing territories. 40 4. The government of a self-governing territory may—

(a) appoint a representative to represent that government in the Republic with the citizens of the self-governing territory who are or are resident in the Republic; 45  
 (b) appoint one or more assistant representatives to assist any such representative in the performance of his functions under this Act.”.

Substitution of section 5 of Act 46 of 1959, as substituted by section 3 of Act 49 of 1970 and amended by section 10 of Act 70 of 1974 and section 14 of Act 125 of 1977.

7. The following section is hereby substituted for section 5 of the Promotion of Black Self-government Act, 1959: 50

“Functions of representatives. 5. A representative appointed by the government of a self-governing territory under section 4—

(a) shall advise that government in connection with matters affecting the general interests of the citizens of the self-governing territory who are or are resident in the Republic; 55

(b) may, in such manner and subject to such conditions as that government may determine, con-

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**twee of meer van genoemde eenhede aanstel] self-regerende gebied.**

(3) 'n Kommissaris-generaal oefen met betrekking tot die **[volkseenheid]** selfregerende gebied ten opsigte waarvan hy aangestel is die bevoegdhede uit en verrig met betrekking tot daardie **[volkseenheid]** selfregerende gebied die werksaamhede en pligte wat **[deur]** by hierdie Wet aan 'n kommissaris-generaal verleen of opgedra word.

(4) 'n Kommissaris-generaal—

(a) word aangestel op die voorwaardes wat die **[Goewerneur-generaal]** Staatspresident bepaal en beklee sy amp solank dit die **[Goewerneur-generaal]** Staatspresident behaag, maar vir hoogstens vyf jaar: Met dien verstande dat hy te eniger tyd by verstryking van sy ampstermyn weer aangestel kan word;

(b) mag geen ander winsbetrekking in diens van die Staat beklee nie: Met dien verstande dat iemand wat 'n pensioen van die Staat ontvang, nie by die toepassing van hierdie paragraaf geag word 'n winsbetrekking in diens van die Staat te beklee nie; en

(c) moet woon op 'n plek wat die Minister wenslik ag **[ten einde die belang van die betrokke volkseenheid die beste te kan dien]**.

(5) 'n Persoon wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Staatkundige Wetgewing, 1987, as 'n kommissaris-generaal ten opsigte van 'n bepaalde volkseenheid aangestel was, word by daardie inwerkingtreding geag as 'n kommissaris-generaal ten opsigte van die betrokke selfregerende gebied aangestel te wees."

5. Artikel 3 van die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby deur die volgende artikel vervang:

"Bevoegdhede, werksaamhede en pligte van kommissaris-generaal.

3. 'n Kommissaris-generaal verteenwoordig die Regering **[by die volkseenheid]** van die Republiek in die selfregerende gebied ten opsigte waarvan hy aangestel is.".

Vervanging van artikel 3 van Wet 46 van 1959.

40 6. Artikel 4 van die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby deur die volgende artikel vervang:

4. Die regering van 'n selfregerende gebied kan—

(a) 'n verteenwoordiger aangestel om daardie regering in die Republiek te verteenwoordig by die burgers van die selfregerende gebied wat in die Republiek is of woon;

(b) een of meer assistent-verteenwoordigers aangestel om so 'n verteenwoordiger by die verrigting van sy werksaamhede kragtens hierdie Wet by te staan."

Vervanging van artikel 4 van Wet 46 van 1959, soos vervang deur artikel 2 van Wet 49 van 1970 en gewysig deur artikel 9 van Wet 70 van 1974.

7. Artikel 5 van die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby deur die volgende artikel vervang:

5. 'n Verteenwoordiger wat deur die regering van 'n selfregerende gebied kragtens artikel 4 aangestel is—

(a) moet daardie regering van advies dien in verband met aangeleenthede wat die algemene belang raak van die burgers van die selfregerende gebied wat in die Republiek is of woon;

(b) kan, op die wyse en onderworpe aan die voorwaardes wat daardie regering bepaal, een of meer rade saamstel om hom by die verrigting

Vervanging van artikel 5 van Wet 46 van 1959, soos vervang deur artikel 3 van Wet 49 van 1970 en gewysig deur artikel 10 van Wet 70 van 1974 en artikel 14 van Wet 125 van 1977.

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Repeal of section  
14 of Act 46 of  
1959.Substitution of  
long title of  
Act 46 of 1959.Substitution of  
section 16 of  
Act 46 of 1959.Amendment of  
section 1 of  
Act 55 of 1959,  
as amended by  
section 3 of  
Act 111 of 1981.Amendment of  
section 2 of  
Act 55 of 1959,  
as substituted by  
section 4 of  
Act 111 of 1981.Repeal of  
sections 4 to 14 of  
Act 55 of 1959.Substitution of  
section 15 of  
Act 55 of 1959,  
as amended by  
section 5 of  
Act 49 of 1970,  
section 6 of  
Act 111 of 1981  
and section 1 of  
Act 83 of 1982.

(c) stitute one or more boards to assist him in the performance of his functions under this Act; and shall act as the representative of that government with such citizens and shall on behalf of that government serve the interests of such citizens.”.

**8. Section 14 of the Promotion of Black Self-government Act, 1959, is hereby repealed.**

**9. The following long title is hereby substituted for the long title of the Promotion of Black Self-government Act, 1959:** 10

**“ACT**

To provide for the [gradual development of self-governing Black national units and for direct consultation between the Government of the Union and the said national units in regard to matters affecting the interests of such national units] 15 appointment of commissioners-general to represent the Government of the Republic in the self-governing territories and the appointment of representatives to represent the governments of self-governing territories with their citizens in the Republic; to amend the Black Administration Act, 20 1927, the Development Trust and Land Act, 1936, and the Black Authorities Act, 1951, and to repeal the Representation of Blacks Act, 1936; and to provide for other incidental matters.”.

**10. The following section is hereby substituted for section 16 of the Promotion of Black Self-government Act, 1959:** 25

“Short title. **16. This Act shall be called the [Promotion of Black Self-government] Representation between the Republic of South Africa and Self-governing Territories Act, 1959.**”.

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**11. Section 1 of the Black Affairs Act, 1959, is hereby amended—**

- (a) by the deletion of the definition of “local council”; and
- (b) by the substitution for the definition of “Minister” of the following definition:  
“Minister” means the Minister of [Co-operation and Development] Constitutional Development and Planning.”.

**12. Section 2 of the Black Affairs Act, 1959, is hereby amended by the substitution for subsection (4) of the following subsection:** 40

“(4) Notwithstanding anything to the contrary in the Republic of South Africa Constitution Act, [1961 (Act No. 32 of 1961)] 1983 (Act No. 110 of 1983), a member of [the House of Assembly] Parliament may be appointed a member 45 of the commission and though he receives remuneration as such he shall not thereby be deemed to hold an office of profit under the Republic.”.

**13. Sections 4 to 14 of the Black Affairs Act, 1959, are hereby repealed.** 50

**14. The following section is hereby substituted for section 15 of the Black Affairs Act, 1959:**

“Regulations. **15. The State President may make regulations—**

- (a) providing for the procedure to be followed at meetings of the commission and in the conduct 55 of its business and for the preservation of secrecy in connection with matters dealt with by the commission;

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van sy werksaamhede kragtens hierdie Wet by te staan; en

- (c) dien as verteenwoordiger van daardie regering by sodanige burgers en behartig namens daardiel regering die belang van sodanige burgers.”.

8. Artikel 14 van die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby herroep.

Herroeping van artikel 14 van Wet 46 van 1959.

9. Die lang titel van die Wet op die Bevordering van Swart Selfbestuur, 1959, word hierby deur die volgende lang titel ver-10 vang:

Vervanging van lang titel van Wet 46 van 1959.

## “WET

Om voorsiening te maak vir die geleidelike ontwikkeling van selfbesturende Swart volkseenhede en vir regstreekse oorlegpleging tussen die Unieregering en bedoelde volkseenhede in verband met aangeleenthede wat die belang van daardie volkseenhede raak aanstelling van kommissarisgeneraal om die Regering van die Republiek in die selfregerende gebiede te verteenwoordig en die aanstelling van verteenwoordigers om die regerings van selfregerende gebiede by hul burgers in die Republiek te verteenwoordig; om die Swart Administrasie Wet, 1927, die Ontwikkelingstrust en Grond Wet, 1936, en die Wet op Swart Owerhede, 1951, te wysig, en die Swart Verteenwoordigings-Wet, 1936, te herroep; en om vir ander bykomstige aangeleenthede voorsiening te maak.”.

10. Artikel 16 van die Wet op die Bevordering van Swart Self-bestuur, 1959, word hierby deur die volgende artikel vervang:

Vervanging van artikel 16 van Wet 46 van 1959.

“Kort titel. 16. Hierdie Wet heet die Wet op die Bevordering van Swart Selfbestuur Verteenwoordiging tussen die Republiek van Suid-Afrika en Selfregerende Ge-30 biede, 1959.”.

11. Artikel 1 van die Wet op Swart Sake, 1959, word hierby gewysig—

Wysiging van artikel 1 van Wet 55 van 1959, soos gewysig deur artikel 3 van Wet 111 van 1981.

(a) deur die omskrywing van “Minister” deur die volgende omskrywing te vervang: “Minister” die Minister van Samewerking en Ontwikkeling Staatkundige Ontwikkeling en Beplanning.”; en

(b) deur die omskrywing van “plaaslike raad” te skrap.

40 12. Artikel 2 van die Wet op Swart Sake, 1959, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van artikel 2 van Wet 55 van 1959, soos vervang deur artikel 4 van Wet 111 van 1981.

“(4) Ondanks andersluidende bepalings van die Grondwet van die Republiek van Suid-Afrika, [1961 (Wet No. 32 van 1961)] 1983 (Wet No. 110 van 1983), kan ’n lid van die Volksraad Parlement as ’n lid van die kommissie aangestel word, en hoewel hy as sodanig vergoeding ontvang, word hy nie daardeur geag ’n winsbetrekking onder die Republiek te beklee nie.”.

50 13. Artikels 4 tot 14 van die Wet op Swart Sake, 1959, word hierby herroep.

Herroeping van artikels 4 tot 14 van Wet 55 van 1959.

14. Artikel 15 van die Wet op Swart Sake, 1959, word hierby deur die volgende artikel vervang:

Vervanging van artikel 15 van Wet 55 van 1959, soos gewysig deur artikel 5 van Wet 49 van 1970, artikel 6 van Wet 111 van 1981 en artikel 1 van Wet 83 van 1982.

“Regulasies. 15. Die Staatspresident kan regulasies uitvaardig—  
55 (a) wat voorsiening maak vir die prosedure wat op vergaderings van die kommissie en by die ver rigting van sy werksaamhede gevvolg moet word en vir geheimhouding in verband met sake deur die kommissie behandel;

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- (b) providing for the appointment or designation of persons to assist the commission in an advisory capacity in the performance of its functions and duties, and for the appointment of committees of the commission, whereof persons other than members of the commission may be members; 5
- (c) prescribing the qualifications of [its] the members of the commission, their remuneration and the period for which they shall hold office;
- (d) providing for the appointment or designation of 10 vice-chairmen and alternative members of the commission; [and]
- (e) prescribing the powers, functions and duties of vice-chairmen, [and] the allowances payable for services rendered, and the amounts which may 15 be reimbursed for travelling and subsistence expenses incurred in the course of such services, by persons appointed or designated to assist the commission in an advisory capacity and persons, other than members of the commission, who 20 have been appointed or designated as members of committees of the commission; and
- (f) generally for giving effect to the purposes of sections 2 and 3 [and 4; and]
- (b) applying either generally or in particular areas— 25
- (i) providing for the consultation of the inhabitants of areas for which a local council is to be established, and for the selection or election of members of such councils;
  - (ii) providing for the periods of office and remuneration of such members;
  - (iii) prescribing the procedure of local councils and the conduct of their business;
  - (iv) providing for the appointment and duties of officers of local councils; 35
  - (v) prescribing the method according to which rates and fees shall be collected and brought to account, the exemptions which may be allowed, and the penalties to be imposed on persons failing to pay such rates and fees, 40
- and generally for the better carrying out of any provision of this Act relating to local councils].”.

Substitution of section 16 of Act 55 of 1959, as substituted by section 2 of Act 83 of 1982.

**15.** The following section is hereby substituted for section 16 of the Black Affairs Act, 1959:

“Penalties. **16. [1]** Any person contravening any [bye-law or] 45 regulation made under this Act [except any regulation referred to in subsection (2)] shall be liable on conviction to a fine not exceeding [R100] R500 or in default of payment to imprisonment for a period not exceeding [one month] three months.”. 50

**[2]** Any person contravening any regulation made under this Act with regard to the preservation of secrecy shall be liable on conviction to a fine not exceeding R500 or in default of payment to imprisonment for a period not exceeding six months.]”. 55

## WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1987

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- (b) wat voorsiening maak vir die aanstelling of aanwysing van persone om die kommissie in 'n adviserende hoedanigheid by te staan by die verrigting van sy werksaamhede en pligte, en vir die aanstelling van komitees van die kommissie, waarvan ander persone as lede van die kommissie lede kan wees;
- (c) wat die kwalifikasies van **[sy]** die lede van die kommissie, hul vergoeding en hul ampstermyn voorskryf;
- (d) wat voorsiening maak vir die aanstelling of aanwysing van ondervoorsitters en plaasvervangingende lede van die kommissie; **[en]**
- (e) wat voorskryf die bevoegdhede, werksaamhede en pligte van ondervoorsitters, **[en]** die toelaes betaalbaar vir dienste gelewer, en die bedrae terugbetaalbaar vir reis- en verblyfkoste in die loop van dié dienste aangegaan, deur persone wat aangestel of aangewys is om die kommissie in 'n adviserende hoedanigheid by te staan en ander persone as lede van die kommissie wat as lede van komitees van die kommissie aangestel of aangewys is; en
- (f) wat oor die algemeen **[om]** aan die doeleindes van artikels 2 en 3 **[en 4]** gevolg **[te]** gee **[en]**
- (b) wat of oor die algemeen of in besondere gebiede van toepassing is, en—
- (i) wat voorsiening maak vir die raadpleging van die inwoners van gebiede waarvoor 'n plaaslike raad ingestel gaan word, en vir die keuring of verkiesing van lede van sodanige rade;
  - (ii) wat vir die ampstermyn en vergoeding van sodanige lede voorsiening maak;
  - (iii) wat die prosedure van plaaslike rade en die verrigting van hul werksaamhede voorskryf;
  - (iv) wat vir die aanstelling en pligte van beampies van plaaslike rade voorsiening maak;
  - (v) wat die wyse voorskryf waarvolgens belastings en geldie ingesamel en rekenskap daarvan gegee moet word, die vrystellings wat toegelaat mag word, en die boetes wat persone opgelê moet word wat versum om sodanige belastings en geldie te betaal,
- en oor die algemeen vir die beter uitvoering van die bepalings van hierdie Wet betreffende plaaslike rade].”.

15. Artikel 16 van die Wet op Swart Sake, 1959, word hierby 50 deur die volgende artikel vervang:

“Strawwe. 16. **[(1)]** Iemand wat 'n **[verordening of]** regulasie wat kragtens hierdie Wet uitgevaardig is, **[behalwe 'n regulasie vermeld in subartikel (2)]** oortree, is by skuldigbevinding strafbaar met 'n boete van hoogstens **[R100]** **R500** of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens **[n maand]** drie maande.

**[(2)]** Iemand wat 'n regulasie wat kragtens hierdie Wet in verband met geheimhouding uitgevaardig is, oortree, is by skuldigbevinding strafbaar met 'n boete van hoogstens **R500** of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens ses maande.]”.

Vervanging van artikel 16 van Wet 55 van 1959, soos vervang deur artikel 2 van Wet 83 van 1982.

Act No. 32, 1987

## CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

Repeal of  
section 16A of  
Act 55 of 1959,  
as inserted by  
section 6 of  
Act 49 of 1970.

Substitution of  
long title of  
Act 55 of 1959.

**16.** Section 16A of the Black Affairs Act, 1959, is hereby repealed.

**17.** The following long title is hereby substituted for the long title of the Black Affairs Act, 1959:

"ACT

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To consolidate the laws providing for the establishment of a commission [and of Black councils] with a view to facilitating the administration of Black affairs."

Substitution of  
section 29 of  
Act 21 of 1971.

**18.** The following section is hereby substituted for section 29 of the National States Constitution Act, 1971:

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"Executive government of self-governing territory with regard to all matters referred to in Schedule 1 shall vest in a Cabinet, which shall consist of a Chief Minister and other Ministers and shall be constituted from members of the legislative assembly 15 of the territory.

(2) The provisions of this Act and a proclamation issued in terms of this Act with regard to an executive council, a Chief Councillor and a Member thereof Councillor shall *mutatis mutandis* apply with 20 regard to a Cabinet, a Chief Minister and a Minister, respectively.

(3) (a) A Chief Minister may appoint any member of the legislative assembly concerned to hold office during the Chief Minister's pleasure as Deputy Minister of any specified department, and to exercise or perform on behalf of a Minister any of the powers, functions and duties entrusted to such Minister in terms of any law or otherwise which may, subject to the directions of the Chief Minister, be assigned to him from time to time by such Minister.

25

(b) Subject to the provisions of paragraph (c), any reference in any law to a deputy to a Minister shall be construed as including a reference to a Deputy Minister appointed under this subsection, and any such reference to a Minister shall be construed as including a reference to a Deputy Minister acting in pursuance of an assignment under paragraph (a) by the Minister for whom he acts.

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(c) A Deputy Minister shall not be a member of the Cabinet.

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(4) A Deputy Minister shall before assuming his duties make and subscribe an oath in the form prescribed by proclamation for a member of the Cabinet, but with reference to his office as Deputy Minister, before the Speaker or Chairman of the legislative assembly, as the case may be.

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(5) Whenever any Deputy Minister is for any reason unable to perform any of the functions of his office, the Chief Minister concerned may appoint any other Deputy Minister or any member of the legislative assembly to act in the said Deputy Minister's stead, either generally or in the performance of any specific function.".

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Amendment of  
section 31 of  
Act 21 of 1971.

**19.** Section 31 of the National States Constitution Act, 1971, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

## WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1987

Wet No. 32, 1987

**16.** Artikel 16A van die Wet op Swart Sake, 1959, word hierby herroep.

Herroeping van artikel 16A van Wet 55 van 1959, soos ingevoeg deur artikel 6 van Wet 49 van 1970.

**17.** Die lang titel van die Wet op Swart Sake, 1959, word hierby deur die volgende lang titel vervang:

Vervanging van lang titel van Wet 55 van 1959.

5

**“WET”**

Tot samevatting van die wette wat voorsiening maak vir die instelling van 'n kommissie **[en Swart rade]** ten einde die administrasie van Swart sake te vergemaklik.”.

**18.** Artikel 29 van die Grondwet van die Nasionale State, 10 1971, word hierby deur die volgende artikel vervang:

Vervanging van artikel 29 van Wet 21 van 1971.

**“Uitvoerende gesag van selfregerende gebied** 29. (1) Die uitvoerende gesag van 'n selfregerende gebied met betrekking tot al die aangeleenthede in Bylae 1 bedoel, berus by 'n Kabinet, wat bestaan uit 'n Hoofminister en ander Ministers en wat saamgestel word uit lede van die wetgewende vergadering van die gebied.

15 (2) Die bepalings van hierdie Wet en 'n proklamasie kragtens hierdie Wet uitgevaardig met betrekking tot 'n uitvoerende raad, 'n Hoofraadslid en 'n **[lid daarvan]** raadslid is *mutatis mutandis* van toepassing met betrekking tot onderskeidelik 'n Kabinet, 'n Hoofminister en 'n Minister.

20 (3) (a) 'n Hoofminister kan 'n lid van die betrokke wetgewende vergadering aanstel om solank dit die Hoofminister behaag die amp te beklee van Adjunk-minister van 'n gemelde departement, en om namens 'n Minister enige bevoegdhede, werkzaamhede en pligte uit te oefen of te verrig wat ingevolge 'n wet of andersins aan die Minister toegeewys is en wat die Minister, behoudens die voorskrifte van die Hoofminister, van tyd tot tyd aan hom opdra.

25 (b) Behoudens die bepalings van paragraaf (c) word 'n verwysing in 'n wet na 'n plaasvervanger van 'n Minister uitgelê ook as 'n verwysing na 'n Adjunk-minister wat ingevolge hierdie subartikel aangestel is, en word so 'n verwysing na 'n Minister uitgelê ook as 'n verwysing na 'n Adjunk-minister handelende uit hoofde van 'n opdrag ingevolge paragraaf (a) deur die Minister namens wie hy optree.

30 (c) 'n Adjunk-minister is nie 'n lid van die Kabinet nie.

35 (4) 'n Adjunk-minister moet, voordat hy sy pligte aanvaar, 'n eed in die vorm by proklamasie vir 'n lid van die Kabinet voorgeskryf, maar met verwysing na sy amp as Adjunk-minister, voor die Speaker of Voorsitter van die wetgewende vergadering, na gelang van die geval, aflé en onderteken.

40 (5) Wanneer 'n Adjunk-minister om die een of ander rede nie in staat is om enige van die funksies van sy amp te verrig nie, kan die betrokke Hoofminister 'n ander Adjunk-minister of 'n lid van die wetgewende vergadering aanstel om in bedoelde Adjunk-minister se plek op te tree, hetsy in die algemeen hetsy om 'n bepaalde funksie te verrig.”.

**19.** Artikel 31 van die Grondwet van die Nasionale State, 1971, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

Wysiging van artikel 31 van Wet 21 van 1971.

Act No. 32, 1987

## CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

- "(a) The State President may on the presentation to him of a bill declare that he assents thereto or that he withholds assent or refer it back to the legislative assembly for further consideration in the light of such further information and advice as may be given: Provided that the State President shall not declare that he withholds assent unless he is satisfied that the bill is inconsistent with this Act or relates to any matter or subject in respect of which the legislative assembly may not make laws.".

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Amendment of Schedule 1 to Act 21 of 1971, as amended by section 12 of Act 23 of 1972, section 15 of Act 7 of 1973, section 24 of Act 70 of 1974, section 10 of Act 71 of 1974, section 4 of Act 115 of 1977, section 19 of Act 12 of 1978 and Proclamations R.150 of 1979, R.3 of 1980, 172 of 1980, R.235 of 1980, R.116 of 1984, R.112 of 1985 and 38 of 1986.

**20.** Schedule 1 to the National States Constitution Act, 1971, is hereby amended by the substitution for item 31Y of the following item:

"31Y. [Pension funds] The establishment of pension funds for, and the pensioning of, any persons other than officers and employees referred to in item 18.".

Amendment of section 1 of Act 102 of 1982, as amended by section 10 of Act 102 of 1983, section 69 of Act 4 of 1984 and section 1 of Act 58 of 1986.

**21.** Section 1 of the Black Local Authorities Act, 1982, is hereby amended by the substitution in subsection (1) for the definition of "chief executive officer" of the following definition:

"chief executive officer", in relation to a city council, a town council, a town committee or a local authority committee, means a person appointed under section 30 (1) as the town clerk of a city council or [the town secretary] of a town council or the secretary of a town committee or of a local authority committee;".

25

Amendment of section 30 of Act 102 of 1982, as amended by section 15 of Act 102 of 1983 and section 10 of Act 58 of 1986.

**22.** Section 30 of the Black Local Authorities Act, 1982, is hereby amended—

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

"(1) A local authority shall appoint a person, in the case of a local authority which is a city council [as the town clerk of that city council] or [in the case of a local authority which is] a town council, as the town [secretary] clerk of that city council or town council, or in the case of a local authority which is a town committee or a local authority committee, as the secretary of that town committee or local authority committee."; and

(b) by the substitution for subsection (2) of the following subsection:

"(2) The town clerk of a city council or a town council shall be the chief executive officer of the city council [the town secretary of a town council shall be the chief executive officer of the] town council and the secretary of a town committee or a local authority committee shall be the chief executive officer of the town committee or local authority committee.".

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## WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1987

Wet No. 32, 1987

5        "(a) Die Staatspresident kan, wanneer 'n wetsontwerp aan hom voorgelê word, verklaar dat hy daarin toestem of dat hy toestemming weerhou of dit na die wetgewende vergadering terugverwys vir verdere oorweging in die lig van die verdere inligting en advies wat gegee word: Met dien verstande dat die Staatspresident nie verklaar 10      dat hy toestemming weerhou nie tensy hy oortuig is dat die wetsontwerp met hierdie Wet strydig is of betrekking het op 'n aangeleenthed of onderwerp ten opsigte waarvan die wetgewende vergadering nie bevoeg is om wette te maak nie."

15      20. Bylae 1 by die Grondwet van die Nasionale State, 1971, word hierby gewysig deur item 31Y deur die volgende item te vervang:

15      "31Y. **[Pensioenfondse]** Die instelling van pensioenfondse vir, en die pensioenering van, ander persone as beamptes en werknekmers in item 18 bedoel."

Wysiging van  
Bylae 1 by  
Wet 21 van 1971,  
soos gewysig deur  
artikel 12 van  
Wet 23 van 1972,  
artikel 15 van  
Wet 7 van 1973,  
artikel 24 van  
Wet 70 van 1974,  
artikel 10 van  
Wet 71 van 1974,  
artikel 4 van  
Wet 115 van 1977,  
artikel 19 van  
Wet 12 van 1978  
en Proklamasies  
R.150 van 1979,  
R.3 van 1980,  
172 van 1980,  
R.235 van 1980,  
R.116 van 1984,  
R.112 van 1985  
en 38 van 1986.

21. Artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig deur in subartikel (1) die omskrywing van 20 "hoof- uitvoerende beampte" deur die volgende omskrywing te vervang:

25      "hoof- uitvoerende beampte", met betrekking tot 'n stadsraad, 'n dorpsraad, 'n dorpskomitee of 'n plaaslike owerheidskomitee, iemand kragtens artikel 30 (1) as die stadsklerk van 'n stadsraad of **[die dorpsekretaris]** van 'n dorpsraad of die sekretaris van 'n dorpskomitee of van 'n plaaslike owerheidskomitee aangestel;".

Wysiging van  
artikel 1 van  
Wet 102 van 1982,  
soos gewysig deur  
artikel 10 van  
Wet 102 van 1983,  
artikel 69 van  
Wet 4 van 1984  
en artikel 1 van  
Wet 58 van 1986.

22. Artikel 30 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig—

30      (a) deur subartikel (1) deur die volgende subartikel te vervang:

35      "(1) 'n Plaaslike owerheid moet iemand, in die geval van 'n plaaslike owerheid wat 'n stadsraad **[is, as die stadsklerk van daardie stadsraad]** of **[in die geval van 'n plaaslike owerheid wat]** 'n dorpsraad is, as die **[dorpsekretaris]** stadsklerk van daardie stadsraad of dorpsraad, of in die geval van 'n plaaslike owerheid wat 'n dorpskomitee of 'n plaaslike owerheidskomitee is, as die sekretaris van daardie dorpskomitee of plaaslike owerheidskomitee, aanstel;" en

40      (b) deur subartikel (2) deur die volgende subartikel te vervang:

45      "(2) Die stadsklerk van 'n stadsraad of 'n dorpsraad is die hoof- uitvoerende beampte van dié stadsraad **[die dorpsekretaris van 'n dorpsraad is die hoof-uitvoerende beampte van dié]** of dorpsraad en die sekretaris van 'n dorpskomitee of 'n plaaslike owerheidskomitee is die hoof- uitvoerende beampte van dié dorpskomitee of plaaslike owerheidskomitee."

Wysiging van  
artikel 30 van  
Wet 102 van 1982,  
soos gewysig deur  
artikel 15 van  
Wet 102 van 1983  
en artikel 10 van  
Wet 58 van 1986.

**Act No. 32, 1987****CONSTITUTIONAL LAWS AMENDMENT ACT, 1987**

Amendment of section 56 of Act 102 of 1982, as amended by section 69 of Act 4 of 1984 and section 16 of Act 58 of 1986.

Insertion of section 17C in Act 91 of 1983.

**23.** Section 56 of the Black Local Authorities Act, 1982, is hereby amended by the substitution for paragraph (j) of subsection (1) of the following paragraph:

"(j) the powers, functions and duties and the misconduct and discipline of persons appointed under section 34 (1);".

**24.** The following section is hereby inserted after section 17B of the Promotion of Local Government Affairs Act, 1983:

"Assignment of functions by local authorities."

**17C.** (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.".

Substitution of long title of Act 91 of 1983.

**25.** The following long title is hereby substituted for the long title of the Promotion of Local Government Affairs Act, 1983:

"ACT

30

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; and the extension of the functions of the said committees; and the assignment of functions by local authorities; and to provide for incidental matters.".

Amendment of section 1 of Act 4 of 1984, as amended by section 1 of Act 52 of 1985 and section 1 of Act 74 of 1986.

**26.** Section 1 of the Black Communities Development Act, 1984, is hereby amended by the deletion in subsection (1) of the definition of "accommodation manager".

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## WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1987

Wet No. 32, 1987

**23.** Artikel 56 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang:

5        "(j) die bevoegdhede, werksaamhede en pligte en die wan-  
gedrag en tug van persone kragtens artikel 34 (1) aan-  
gestel;".

**24.** Die volgende artikel word hierby na artikel 17B van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, ingevoeg:

10 "Opdrag van      **17C.** (1) Behoudens die bepalings van die een of  
werksaam-      ander wet wat die delegering van 'n bevoegdheid  
hede deur      deur 'n plaaslike owerheid in 'n besondere geval  
plaaslike      reël, kan die plaaslike owerheid aan 'n komitee van,  
owerhede.      of 'n beampete of werknemer in die diens van, die  
plaaslike owerheid 'n bevoegdheid by of kragtens 'n  
Wet van die Parlement aan die plaaslike owerheid  
verleen, uitgesonderd die bevoegdheid—  
(a) om regulasies of verordeninge uit te vaardig;  
(b) om gelde, tariewe of ander vorderings vas te  
stel; en  
(c) om heffings of ander belastings op te lê,  
delegeer op die voorwaardes wat die plaaslike ower-  
heid bepaal.  
(2) 'n Plaaslike owerheid kan 'n komitee van, of 'n  
beampete of werknemer in die diens van, die plaaslike  
owerheid magtig om 'n plig by of kragtens 'n Wet  
van die Parlement aan die plaaslike owerheid opge-  
dra, te verrig.  
(3) 'n Delegering kragtens subartikel (1) belet nie  
die uitoefening van die betrokke bevoegdheid deur  
die plaaslike owerheid self nie."

**25.** Die lang titel van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby deur die volgende lang titel vervang:

35                  "WET  
Om voorsiening te maak vir die koördinering van werk-  
saamhede wat van algemene belang vir plaaslike owerhede  
is en van daardie werksaamhede van plaaslike owerhede  
wat in die nasionale belang gekoördineer behoort te word;  
40                  die instelling van 'n koördinerende raad vir daardie doel;  
die instelling van komitees om die koördinerende raad by  
die verrigting van sy werksaamhede by te staan; die instel-  
ling van 'n aksiekomitee van die koördinerende raad; die  
instelling van 'n afbakeningsraad ten opsigte van sekere ge-  
biede; die instelling van 'n uitvoerende komitee van die  
afbakeningsraad; die instelling van komitees om sekere on-  
dersoek namens die afbakeningsraad in te stel; die verle-  
ning van ontwikkelingshulp aan plaaslike owerhede; die  
instelling van munisipale ontwikkelingsrade vir daardie  
50                  doel; die aanwysing van persone van instellings vir doeleindes  
van lidmaatskap van die koördinerende raad; die verbete-  
ring van kommunikasie tussen sekere komitees en plaaslike  
owerhede betreffende sekere aangeleenthede; die uitoefe-  
ning van sekere bevoegdhede deur die Administrateur oor-  
eenkomstig voorskrifte deur die Minister bepaal; **[en]** die  
55                  uitbreiding van die werksaamhede van genoemde komitees;  
en die opdrag van werksaamhede deur plaaslike owerhede;  
en om vir bykomstige aangeleenthede voorsiening te  
maak."

**60 26.** Artikel 1 van die Wet op die Ontwikkeling van Swart Ge-  
meenskappe, 1984, word hierby gewysig deur in subartikel (1)  
die omskrywing van "behuisingsbestuurder" te skrap.

Wysiging van  
artikel 56 van  
Wet 102 van 1982,  
soos gewysig deur  
artikel 69 van  
Wet 4 van 1984 en  
artikel 16 van  
Wet 58 van 1986.

Invoeging van  
artikel 17C in  
Wet 91 van 1983.

Vervanging van lang  
titel van  
Wet 91 van 1983.

Wysiging van  
artikel 1 van  
Wet 4 van 1984,  
soos gewysig deur  
artikel 1 van  
Wet 52 van 1985  
en artikel 1 van  
Wet 74 van 1986.

**Act No. 32, 1987****CONSTITUTIONAL LAWS AMENDMENT ACT, 1987**

Amendment of section 52 of Act 4 of 1984, as amended by section 16 of Act 52 of 1985 and section 21 of Act 74 of 1986.

**27. Section 52 of the Black Communities Development Act, 1984, is hereby amended—**

- (a) by the substitution for subsection (5) of the following subsection:

“(5) Leasehold may, notwithstanding the provisions of subsection (1) but subject to the provisions of subsections (6) and (7), be granted in respect of premises situated within a development area although such premises have not been surveyed by a land surveyor or, if such premises have so been surveyed, although such premises are not yet shown on a diagram or a general plan, and such leasehold may be registered and hypothecated, provided—

(a) the premises concerned are shown on [a diagram] an aerial photograph or a plan showing the relative situation of such premises and such [diagram] photograph or plan is certified in accordance with the prescribed requirements by [an officer in the Department of Constitutional Development and Planning] a land surveyor as relating to such premises;

(b) the board, local authority or township developer, as the case may be—

(i) causes the premises concerned, so [identified] certified, to be surveyed by a land surveyor; and

(ii) causes the relevant diagram or general plan to be lodged with a Surveyor-General for approval,

within a period of four years from such grant.”;

30

- (b) by the substitution for subsection (6) of the following subsection:

“(6) If the premises in respect of which leasehold has been granted, have not been surveyed by a land surveyor, or the relevant diagram or general plan has not been lodged with the Surveyor-General, such leasehold [may] shall not be disposed of except by way of a sale in execution [in the event of insolvency or succession] or a sale in respect of an insolvent or a deceased estate.”;

- (c) by the substitution for subsection (7) of the following subsection:

“(7) If the board, local authority or township developer who granted a leasehold referred to in subsection (5), fails to have the [premises concerned surveyed by a land surveyor] relevant diagram or general plan lodged with the Surveyor-General within the period referred to in subsection (5) (b), the holder of the leasehold concerned may, if the premises concerned are not yet surveyed by a land surveyor, cause the premises to be so surveyed and cause that diagram or general plan to be lodged with the Surveyor-General, and in any such case such board, local authority or township developer shall pay the prescribed part of the costs [of the survey] incurred by such holder.”; and

- (d) by the substitution for subsection (14) of the following subsection:

“(14) The provisions of the Alienation of Land Act, 1981 (Act No. 68 of 1981), shall apply mutatis mutandis with respect to any alienation of a leasehold, and any

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27. Artikel 52 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, word hierby gewysig—

(a) deur subartikel (5) deur die volgende subartikel te vervang:

5       “(5) Ondanks die bepalings van subartikel (1) maar behoudens die bepalings van subartikels (6) en (7) kan 'n huurpag verleen word ten opsigte van 'n perseel wat in 'n ontwikkelingsgebied geleë is, alhoewel dit nie deur 'n landmeter opgemeet is nie of, indien dit aldus opgemeet is, alhoewel dit nog nie op 'n diagram of 'n algemene plan aangedui word nie, en kan sodanige huurpag **[kan]** geregistreer en met 'n verband beswaar word, mits—

10      (a) die betrokke perseel aangedui word op 'n **[diagram]** lugfoto of 'n plan wat die betreklike ligging van so 'n perseel aantoon en daardie **[diagram]** foto of plan deur 'n **[beampete in die Departement van Staatkundige Ontwikkeling en Beplanning]** landmeter ooreenkomsdig die voorgeskrewe voor-skrifte gesertifiseer is tot die effek dat dit betrekking het op sodanige perseel;

15      (b) die raad, plaaslike owerheid of dorpsontwikkelaar, na gelang van die geval—

20      (i) die betrokke perseel, aldus **[geïdentifiseer]** gesertifiseer, **[binne 'n tydperk van vier jaar vanaf sodanige verlening]** deur 'n landmeter laat opmeet; en

25      (ii) die betrokke diagram of algemene plan by 'n Landmeter-generaal vir goedkeuring laat indien,

30      binne **'n tydperk van vier jaar vanaf sodanige verlening.'';**

35      (b) deur subartikel (6) deur die volgende subartikel te vervang:

40      “(6) Indien die perseel ten opsigte waarvan huurpag toegestaan is, nie deur 'n landmeter opgemeet is nie, of die betrokke diagram of algemene plan nie by die Landmeter-generaal ingedien is nie, mag oor daardie huurpag nie beskik word nie behalwe by wyse van 'n verkoping in eksekusie **[in die geval van insolvensie of erfopvolging]** of 'n verkoping ten opsigte van 'n insolvente of bestorwe boedel.”;

45      (c) deur subartikel (7) deur die volgende subartikel te vervang:

50      “(7) Indien die raad, plaaslike owerheid of dorpsont-wikkelaar wat 'n in subartikel (5) bedoelde huurpag verleen het, versuim om die betrokke **[perseel]** **[diagram]** of **algemene plan** in die in subartikel (5) (b) bedoelde tydperk **[deur 'n landmeter te laat opmeet]** by die Landme-

55      ter-generaal te laat indien, kan die houer van die betrokke huurpag, indien die betrokke perseel nog nie deur 'n landmeter opgemeet is nie, dit aldus laat opmeet en daardie diagram of algemene plan by die Landmeter-generaal laat indien, en in so 'n geval moet daardie raad, plaaslike owerheid of dorpsontwikkelaar die voorgeskrewe deel van die **[opmetingskoste]** **koste** aangegaan deur sodanige houer betaal.”; en

60      (d) deur subartikel (14) deur die volgende subartikel te vervang:

65      “(14) Die bepalings van die Wet op Vervreemding van Grond, 1981 (Wet No. 68 van 1981), is **mutatis mutandis** van toepassing met betrekking tot enige ver-vreemding van 'n huurpag, en enige verwysing na

Wysiging van artikel 52 van Wet 4 van 1984, soos gewysig deur artikel 16 van Wet 52 van 1985 en artikel 21 van Wet 74 van 1986.

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## CONSTITUTIONAL LAWS AMENDMENT ACT, 1987

Repeal of  
sections 58 and 59  
of Act 4 of 1984.

reference to 'land', 'erf' or 'unit' in the said Act shall be construed as a reference to the relevant leasehold.”.

**28.** Sections 58 and 59 of the Black Communities Development Act, 1984, are hereby repealed.

Amendment of  
section 66 of  
Act 4 of 1984,  
as amended by  
section 28 of  
Act 74 of 1986.

**29.** Section 66 of the Black Communities Development Act, 1984, is hereby amended—

- (a) by the deletion of paragraphs (f), (g) and (m) of subsection (1); and
  - (b) by the insertion after subparagraph (iv) of paragraph (n) of subsection (1) of the following subparagraph:
- “(ivA) the issue, prior to the registration of the grant or transfer of a leasehold or the transfer of ownership, of a certificate to the effect that the levies or charges in respect of the premises concerned have been paid to the local authority.”.

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Amendment of  
section 2 of  
Act 41 of 1985.

**30.** Section 2 of the Local Government Training Act, 1985, is hereby amended—

- (a) by the substitution for paragraph (f) of subsection (2) of the following paragraph:  
“(f) an officer of the department designated by the director-general;”;
- (b) by the substitution for paragraph (d) of subsection (3) of the following paragraph:  
“(d) the [Directors] Director mentioned in [subsections] subsection (2) (e) [and (f)], the Director [concerned];”;
- (c) by the addition to subsection (3) of the following paragraph:  
“(e) the member intended in subsection (2) (f), the director-general.”.

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Amendment of  
section 15 of  
Act 69 of 1986.

**31.** Section 15 of the Provincial Government Act, 1986, is hereby amended by the addition of the following subsection:

“(4) Whenever the administration of a law or a provision of a law referred to in subsection (1) has been assigned to the administrator of a province under the said subsection, the provisions of section 10 (5) and (5A) of the Interpretation Act, 1957 (Act No. 33 of 1957), shall apply *mutatis mutandis* as if that administrator, the provincial administration concerned, and an officer of that administration, were a Minister of State, the department of State controlled by him, and an officer in the public service, respectively.”.

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Substitution of  
section 22 of  
Act 69 of 1986.

**32.** The following section is hereby substituted for section 22 of the Provincial Government Act, 1986:

- “Amendment 22. **[(1)]** The laws mentioned in—  
and repeal of laws.
- (a) Part 1 of the Schedule to this Act are hereby amended as set out in that Part: Provided that such amendment of section 82 of the Constitution Act and of Act No. 66 of 1975 shall come into operation on 1 April 1987;
  - (b) Part 2 of that Schedule are hereby repealed to the extent indicated in the third column of that Part: Provided that such repeal—
    - (i) of section 88 of Act No. 32 of 1961 and of Acts Nos. 18 of 1972 and 65 of 1976 shall come into operation on 1 April 1987; and
    - (ii) of section 6 of Act No. 3 of 1965 shall come into operation on the date on which the Constitutional Laws Amendment Act, 1987, comes into operation.”.

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## WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1987

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'grond', 'erf' of 'eenheid' in bedoelde Wet word uitgelê as 'n verwysing na die betrokke huurpag.'.

28. Artikels 58 en 59 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, word hierby herroep. Herroeping van artikels 58 en 59 van Wet 4 van 1984.
- 5 29. Artikel 66 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, word hierby gewysig—  
 (a) deur paragrawe (f), (g) en (m) van subartikel (1) te skrap; en  
 10 (b) deur na subparagraaf (iv) van paragraaf (n) van subartikel (1) die volgende subparagraaf in te voeg:  
 "(ivA) die uitreiking, voor die registrasie van die toekenning of oordrag van 'n huurpag of die oordrag van eiendomsreg, van 'n sertifikaat met die strekking dat die heffings of vorderings ten opsigte van die betrokke perseel aan die plaaslike owerheid betaalbaar is;". Wysiging van artikel 66 van Wet 4 van 1984, soos gewysig deur artikel 28 van Wet 74 van 1986.
- 15 30. Artikel 2 van die Wet op Plaaslike Owerheidsopleiding, 1985, word hierby gewysig—  
 (a) deur paragraaf (f) van subartikel (2) deur die volgende paragraaf te vervang:  
 "f) 'n beampete van die departement aangewys deur die direkteur-generaal;";  
 20 (b) deur paragraaf (d) van subartikel (3) deur die volgende paragraaf te vervang:  
 "(d) die [Direkteurs] Direkteur genoem in [subartikels] subartikel (2) (e) [en (f)], die [betrokke] Direkteur;"; en  
 25 (c) deur die volgende paragraaf by subartikel (3) te voeg:  
 "(e) die lid bedoel in subartikel (2) (f), die direkteur-generaal.". Wysiging van artikel 2 van Wet 41 van 1985.
- 30 31. Artikel 15 van die Wet op Proviniale Regering, 1986, word hierby gewysig deur die volgende subartikel by te voeg: Wysiging van artikel 15 van Wet 69 van 1986.  
 "(4) Wanneer die uitvoering van 'n wet of 'n bepaling van 'n wet in subartikel (1) bedoel kragtens genoemde subartikel aan die administrateur van 'n provinsie opgedra is, is die bepaling van artikel 10 (5) en (5A) van die Interpretasiewet, 1957 (Wet No. 33 van 1957), *mutatis mutandis* van toepassing asof daardie administrateur, die betrokke provinsiale administrasie, en 'n beampete van daardie administrasie, onderskeidelik 'n Staatsminister, die Staatsdepartement deur hom beheer, en 'n beampete in die Staatsdiens, was.".
- 35 32. Artikel 22 van die Wet op Proviniale Regering, 1986, word hierby deur die volgende artikel vervang: Vervanging van artikel 22 van Wet 69 van 1986.  
 "Wysiging 45 en herroep van wette. 22. [(1)] Die wette genoem in—  
 (a) Deel 1 van die Bylae by hierdie Wet word hierby gewysig in die mate in daardie Deel aangedui: Met dien verstande dat bedoelde wysiging van artikel 82 van die Grondwet en van Wet No. 66 van 1975 op 1 April 1987 in werking tree;  
 50 (b) Deel 2 van daardie Bylae word hierby herroep in die mate in die derde kolom van daardie Deel aangedui: Met dien verstande dat bedoelde herroeping—  
 (i) van artikel 88 van Wet No. 32 van 1961 en van Wette Nos. 18 van 1972 en 65 van 1976 op 1 April 1987 in werking tree; en  
 55 (ii) van artikel 6 van Wet No. 3 van 1965 in werking tree op die datum waarop die Wysigingswet op Staatkundige Wetgewing, 1987, in werking tree.".
- 60

**Act No. 32, 1987****CONSTITUTIONAL LAWS AMENDMENT ACT, 1987**

Temporary representation of non-elected management bodies on Regional Services Councils.

Amendment of section 5 of Ordinance 10 of 1964 of Natal, as amended by section 1 of Ordinance 10 of 1965, section 3 of Ordinance 13 of 1971, section 2 of Ordinance 19 of 1981, section 1 of Ordinance 24 of 1985 and section 1 of Ordinance 4 of 1986.

Amendment of Proclamation R.130 of 1984.

Short title and commencement.

**33.** (1) For the purposes of the Regional Services Councils Act, 1985 (Act No. 109 of 1985), the words "one or more members of which are elected" in the definition of "management body" in section 1 of the said Act shall be deemed to be deleted.

(2) Subsection (1) shall cease to be of force in respect of any particular province with effect from the day fixed by the Administrator in question in terms of section 7 (1) of the Constitutional Affairs Amendment Act, 1985 (Act No. 104 of 1985).

**34.** Section 5 of the Anti-Shark Measures Control Ordinance, 1964, of Natal, is hereby amended by the substitution for paragraph (gA) of subsection (1) of the following paragraph:

"(gA) whether for remuneration or otherwise, to render assistance to or place its services at the disposal of—

(i) a local authority in relation to or for the purposes of the exercise or performance by such local authority of the powers, duties and functions conferred and imposed on such local authority by any law in connection with—

[(i)] (aa) the sea and the sea-shore;

[(ii)] (bb) inland waters;

20

[(iii)] (cc) life-saving and other emergency services; and

[(iv)] (dd) scientific research, studies and surveys undertaken by or on behalf of such authority;

(ii) any department of State;

(iii) the Council for Scientific and Industrial Research referred to in section 2 of the Scientific Research Council Act, 1984 (Act No. 82 of 1984);

(iv) the Sea Fisheries Institute;

(v) the South African Association for Marine Biological Research;

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(vi) the Surf Lifesaving Association of South Africa;

(vii) the National Sea Rescue Institute;

(viii) any angling, boating or sporting association or institution approved by the Administrator;

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(ix) any university; and

(x) any aquarium or museum;".

**35.** Proclamation R.130 of 10 August 1984 is hereby amended by the substitution for the expression "Proclamation R.42 of 15 March 1968, as amended," of the expression "Proclamation No. 303 of 1 December 1972".

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**36.** (1) This Act shall be called the Constitutional Laws Amendment Act, 1987.

(2) The provisions of—

(a) section 20 shall be deemed to have come into operation on 1 April 1977;

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(b) sections 21 and 22 shall be deemed to have come into operation on 25 June 1986;

(c) sections 31 and 32 shall be deemed to have come into operation on 1 July 1986;

(d) section 34 shall be deemed to have come into operation on 13 August 1964; and

(e) section 35 shall be deemed to have come into operation on 1 September 1984.

## WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1987

Wet No. 32, 1987

**33.** (1) By die toepassing van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985), word die woorde "waarvan een of meer lede verkies word" in die omskrywing van "bestuursliggaam" in artikel 1 van genoemde Wet geag geskrap te wees.

5 (2) Subartikel (1) hou ten opsigte van 'n bepaalde provinsie op om van krag te wees met ingang van die dag wat die betrokke Administrateur ingevolge artikel 7 (1) van die Wysigingswet op Staatkundige Aangeleenthede, 1985 (Wet No. 104 van 1985), bepaal.

10 **34.** Artikel 5 van die Ordonnansie op Beheer oor Haaibestrydingsmaatreëls, 1964, van Natal, word hierby gewysig deur paragraaf (gA) van subartikel (1) deur die volgende paragraaf te vervang:

15 "(gA) om, hetsy vir vergoeding dan wel andersins, hulp te verleen of sy dienste beskikbaar te stel aan—

(i) 'n plaaslike owerheid met betrekking tot of vir die doeleindes van die uitoefening of verrigting deur sodanige plaaslike owerheid van die bevoegdhede, pligte en funksies wat sodanige plaaslike owerheid

20 verleen en opgelê is by of kragtens enige wet in verband met—

[(i)] (aa) die see en die strand;

[(ii)] (bb) binnelandse waters;

[(iii)] (cc) lewensredding en ander nooddienste; en

25 [(iv)] (dd) wetenskaplike navorsing, studies en opnames onderneem deur of namens sodanige plaaslike owerheid;

(ii) enige Staatsdepartement;

30 (iii) die Wetenskaplike en Nywerheidnavorsingsraad bedoel in artikel 2 van die Wet op die Wetenskaplike Navorsingsraad, 1984 (Wet No. 82 van 1984);

(iv) die Seevisserye Instituut;

35 (v) die Suid-Afrikaanse Vereniging vir Marine Biologiese Navorsing;

(vi) die Strand Lewensreddingsvereniging van Suid-Afrika;

(vii) die Nasionale Seereddingsinstituut;

40 (viii) enige hengel-, roei- of sportvereniging of -instelling deur die Administrateur goedgekeur;

(ix) enige universiteit; en

(x) enige akwarium of museum;".

**35.** Proklamasie R.130 van 10 Augustus 1984 word hierby gewysig deur die uitdrukking "Proklamasie R.42 van 15 Maart 1968, soos gewysig," deur die uitdrukking "Proklamasie No. 303 van 1 Desember 1972" te vervang.

Tydelike verteenwoordiging van nie-verkose bestuursliggame in Streeksdiensterade.

Wysiging van artikel 5 van Ordonnansie 10 van 1964 van Natal, soos ge-

wysig deur artikel 1 van Ordonnansie 10 van 1965,

artikel 3 van Ordonnansie 13 van 1971, artikel 2 van Ordonnansie

19 van 1981, artikel 1 van Ordonnansie 24 van 1985 en

artikel 1 van Ordonnansie 4 van 1986.

**36.** (1) Hierdie Wet heet die Wysigingswet op Staatkundige Wetgewing, 1987.

Wysiging van Proklamasie R.130 van 1984.

(2) Die bepalings van—

50 (a) artikel 20 word geag op 1 April 1977 in werking te getree het;

(b) artikels 21 en 22 word geag op 25 Junie 1986 in werking te getree het;

(c) artikels 31 en 32 word geag op 1 Julie 1986 in werking te getree het;

55 (d) artikel 34 word geag op 13 Augustus 1964 in werking te getree het; en

(e) artikel 35 word geag op 1 September 1984 in werking te getree het.

Kort titel en inwerkingtreding.

