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S. 559

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. 745.

15 April 1988

No. 745.

15 April 1988

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. 43 van 1988: Wysigingswet op Staatkundige Wetgewing, 1988.

No. 43 of 1988: Constitutional Laws Amendment Act, 1988.

Wet No. 43, 1988

WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1988

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 Voorkoming van Onregmatige Plakkery, 1951, ten einde sekere verouderde benamings in die Afrikaanse teks te vervang; tot wysiging van die Wet op Swart Plaaslike Owerhede, 1982, ten einde te bepaal dat sekere rade geag word stadsrade te wees; die kwalifikasies van stemgeregtigdes verder te omskryf; sekere verouderde verwysings te vervang; en die delegering van bevoegdhede verder te reël; 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; en ander voorsiening te maak aangaande die hantering van versoeke om advies ontvang deur die Afbakeningsraad vir Plaaslike Owerheidsgebiede; tot wysiging van die Wysigingswet op Staatkundige Aangeleenthede, 1985, ten einde die bepalings wat voorsiening maak vir algemene verkiesings vir plaaslike owerheidsliggame uit te brei; tot wysiging van die Wet op Provinsiale Regering, 1986, ten einde ander voorsiening te maak betreffende die voorlegging van sekere voorgestelde proklamasies en regulasies aan komitees van die Parlement; en die opdrag van ampsfunksies en delegering van bevoegdhede verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 31 Maart 1988.)

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

Vervanging van sekere benamings in Wet 52 van 1951

1. Die Wet op die Voorkoming van Onregmatige Plakkery, 1951, word hierby gewysig deur die woorde "magistraat" en "magistraatshof" oral waar dit voorkom 5 deur onderskeidelik die woorde "landdros" en "landdroshof" te vervang.

Wysiging van artikel 2 van Wet 102 van 1982, soos vervang deur artikel 2 van Wet 58 van 1986

2. Artikel 2 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig deur by subartikel (3) die volgende paragraaf te voeg: 10

"(d) 'n stadsraad soos onmiddellik voor die inwerkingtreding van die Wysigingswet op Swart Plaaslike Owerhede, 1986, in hierdie Wet omskryf, geag 'n stadsraad te wees en word die gebied van 'n stadsraad aldus omskryf, geag die gebied van die stadsraad te wees, en word 'n verwysing in enige wet of stuk na 'n stadsraad aldus omskryf, uitgelê as 'n verwysing na 'n stadsraad."

Wysiging van artikel 8 van Wet 102 van 1982, soos gewysig deur artikel 6 van Wet 58 van 1986

3. Artikel 8 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang: 20

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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 Prevention of Illegal Squatting Act, 1951, so as to replace certain obsolete designations in the Afrikaans text; to amend the Black Local Authorities Act, 1982, so as to provide that certain councils shall be deemed to be city councils; to further define the qualifications of voters; to replace certain obsolete references; and to further regulate the delegation of powers; 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; and to make other provision concerning the handling of requests for advice received by the Demarcation Board for Local Government Areas; to amend the Constitutional Affairs Amendment Act, 1985, so as to extend the provisions which provide for general elections for local government bodies; to amend the Provincial Government Act, 1986, so as to make other provision regarding the submission of certain proposed proclamations and regulations to committees of Parliament; and to further regulate the assignment of functions and delegation of powers; and to make provision for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 31 March 1988.)

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

Substitution of certain designations in Act 52 of 1951

1. The Prevention of Illegal Squatting Act, 1951, is hereby amended by the substitution in the Afrikaans text for the words “magistraat” and “magistraatshof” wherever they occur of the words “landdros” and “landdroshof”, respectively.

Amendment of section 2 of Act 102 of 1982, as substituted by section 2 of Act 58 of 1986

2. Section 2 of the Black Local Authorities Act, 1982, is hereby amended by the addition to subsection (3) of the following paragraph:

“(d) a town council as defined in this Act immediately prior to the commencement of the Black Local Authorities Amendment Act, 1986, shall be deemed to be a city council and the area of such town council shall be deemed to be the area of such city council and any reference in any law or document to such town council shall be construed as a reference to a city council.”.

Amendment of section 8 of Act 102 of 1982, as amended by section 6 of Act 58 of 1986

3. Section 8 of the Black Local Authorities Act, 1982, is hereby amended by the substitution for paragraph (c) of subsection (1) of the following paragraph:

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“(c) hy in die gebied van die betrokke plaaslike owerheid woonagtig is vir ’n tydperk van minstens drie maande of die eenaar is van onroerende goed in die gebied van daardie plaaslike owerheid;”.

Wysiging van artikel 23 van Wet 102 van 1982, soos gewysig deur artikel 7 van Wet 58 van 1986 5

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

“(o) kan ’n verteenwoordiger wat **[ten opsigte van ’n volkseenheid]** deur die regering van ’n selfregerende gebied ingevolge artikel 4 van die Wet op die 10 **[Bevordering van Swart Selfbestuur]** Verteenwoordiging tussen die Republiek van Suid-Afrika en Selfregerende Gebiede, 1959 (Wet No. 46 van 1959), **[erken]** aangestel is, bestaan en van advies dien betreffende aangeleenthede wat die betrokke **[volkseenheid]** selfregerende gebied raak;” 15

Wysiging van artikel 55 van Wet 102 van 1982, soos vervang deur artikel 15 van Wet 58 van 1986

5. Artikel 55 van die Wet op Swart Plaaslike Owerhede, 1982, word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang: 20

“(2) Die administrateur kan **[met die goedkeuring van die Minister]** ’n bevoegdheid, behalwe ’n bevoegdheid bedoel in artikels 2, 27, 29 en 56 of wat by kennisgewing in die *Staatskoerant* uitgeoefen moet word, by of ingevolge hierdie Wet aan hom verleen, delegeer aan—

(i) ’n lid of lede van die uitvoerende komitee van die betrokke provinsie; 25

(ii) ’n lid of lede van genoemde komitee en die provinsiale sekretaris van daardie provinsie gesamentlik;

(iii) genoemde provinsiale sekretaris; of

(iv) ’n beampte in die betrokke provinsiale administrasie of ’n beampte in diens van ’n plaaslike owerheidsliggaam in sy gebied **[delegeer]**, 30

of sodanige lid of lede, of sodanige lid of lede en genoemde provinsiale sekretaris gesamentlik, of genoemde provinsiale sekretaris, of so ’n beampte, magtig om ’n plig by of ingevolge hierdie Wet aan **[hom]** die administrateur opgedra, te verrig.”; en

(b) deur na subartikel (2) die volgende subartikel in te voeg: 35

“(2A) ’n Provinsiale sekretaris kan met die goedkeuring van die administrateur ’n bevoegdheid by of ingevolge hierdie Wet aan hom verleen, aan ’n beampte in die betrokke provinsiale administrasie delegeer, of so ’n beampte magtig om ’n plig by of ingevolge hierdie Wet aan hom opgedra, te verrig.”.

Wysiging van artikel 1 van Wet 91 van 1983, soos gewysig deur artikel 1 van Wet 116 van 1984, artikel 1 van Wet 45 van 1985 en artikel 1 van Wet 110 van 1985

6. Artikel 1 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig—

(a) deur paragraaf (b) van die omskrywing van “plaaslike owerheid” deur die volgende paragraaf te vervang: 45

“(b) ’n **[streekdiensteraad]** streeksdiensteraad;” en

(b) deur die volgende omskrywing by te voeg:

“‘streeksdiensteraad’ ’n streeksdiensteraad ingestel kragtens artikel 3 van die Wet op Streeksdiensterade, 1985 (Wet No. 109 van 1985).”.

Wysiging van artikel 3 van Wet 91 van 1983, soos gewysig deur artikel 2 van Wet 45 van 1985 en artikel 1 van Wet 79 van 1986 50

7. Artikel 3 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang: 55

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“(c) he is resident in the area of the local authority concerned for a period of not less than three months or is the owner of immovable property in the area of that local authority;”.

Amendment of section 23 of Act 102 of 1982, as amended by section 7 of Act 58 of 1986

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

10 “(o) may assist and advise any representative **[recognized in respect of any national unit]** appointed by the government of any self-governing territory in terms of section 4 of the **[Promotion of Black Self-Government]** Representation between the Republic of South Africa and Self-governing Territories Act, 1959 (Act No. 46 of 1959), regarding matters affecting the **[national unit]** self-governing territory concerned;”.

Amendment of section 55 of Act 102 of 1982, as substituted by section 15 of Act 58 of 1986

15 5. Section 55 of the Black Local Authorities Act, 1982, is hereby amended—

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

“(2) The administrator may **[with the approval of the Minister]** delegate any power conferred upon him by or under this Act, excluding a power referred to in sections 2, 27, 29 and 56 or to be exercised by notice in the

20 *Gazette*, to—

(i) any member or members of the executive committee of the province in question;

(ii) any member or members of the said committee and the provincial secretary of that province jointly;

25 (iii) the said provincial secretary; or

(iv) any officer in the provincial administration in question or any officer in the employment of a local government body in his area,

or authorize any such member or members, or any such member or members and the said provincial secretary jointly, or the said provincial secretary, or any such officer, to perform any duty assigned to **[him]** the administrator by or under this Act.”; and

30 (b) by the insertion after subsection (2) of the following subsection:

“(2A) A provincial secretary may with the approval of the administrator delegate any power conferred upon him by or under this Act, to any officer in the provincial administration in question, or authorize any such officer to perform any duty assigned to him by or under this Act.”.

35

Amendment of section 1 of Act 91 of 1983, as amended by section 1 of Act 116 of 1984, section 1 of Act 45 of 1985 and section 1 of Act 110 of 1985

40 6. Section 1 of the Promotion of Local Government Affairs Act, 1983, is hereby amended—

(a) by the substitution in the Afrikaans text for paragraph (b) of the definition of “plaaslike owerheid” of the following paragraph:

“(b) ’n **[streekdiensteraad]** streekdiensteraad;”;

(b) by the addition of the following definition:

45 “‘regional services council’ means a regional services council established under section 3 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985).”.

Amendment of section 3 of Act 91 of 1983, as amended by section 2 of Act 45 of 1985 and section 1 of Act 79 of 1986

50 7. Section 3 of the Promotion of Local Government Affairs Act, 1983, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

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- “(a) **[12]** 13 persone wat deur die Verenigde Munisipale Bestuur van Suid-Afrika benoem is: Met dien verstande dat van die persone wat aldus aangestel word—
- (i) minstens vyf aan groot stede en minstens twee aan landelike streeksinstellings as lede of werknemers daarvan verbonde moet wees; en
 - (ii) minstens een ’n voorsitter of lid van ’n streeksdiensteraad moet wees;”;
- (b) deur paragraaf (dA) van subartikel (3) te skrap;
- (c) deur paragraaf (e) van subartikel (3) deur die volgende paragraaf te vervang:
- “(e) **[10]** 11 lede van die komitee in subartikel (2) (h) vermeld wat deur daardie komitee benoem is: Met dien verstande dat van die persone wat aldus aangestel word minstens een ’n voorsitter of lid van ’n streeksdiensteraad moet wees;”;
- (d) deur paragraaf (g) van subartikel (3) deur die volgende paragraaf te vervang:
- “(g) **[tien]** 11 persone wat deur die Vereniging van Stedelike Rade van Suid-Afrika benoem is: Met dien verstande dat van die persone wat aldus aangestel word—
- (i) 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; en
 - (ii) minstens een ’n voorsitter of lid van ’n streeksdiensteraad moet wees;”;
- (e) deur paragraaf (gA) van subartikel (3) te skrap.

Wysiging van artikel 5 van Wet 91 van 1983, soos gewysig deur artikel 3 van Wet 45 van 1985 en artikel 2 van Wet 79 van 1986

8. Artikel 5 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig—
- (a) deur subparagraaf (iii) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(iii) **[een]** twee van die persone in artikel 3 (3) (a) bedoel, wat vir dié doel benoem is deur die Bestuur daarin vermeld, van wie een ’n persoon vermeld in paragraaf (ii) van die voorbehoudsbepaling by daardie artikel moet wees;”;
- (b) deur subparagraaf (ix) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(ix) **[een]** twee van die lede ingevolge artikel 3 (3) (e) aangestel, wat vir dié doel deur die komitee daarin vermeld, benoem is, van wie een ’n persoon vermeld in die voorbehoudsbepaling by daardie artikel moet wees;”;
- (c) deur subparagraaf (x) van paragraaf (a) van subartikel (1) te skrap;
- (d) deur subparagraaf (xi) van paragraaf (a) van subartikel (1) deur die volgende subparagraaf te vervang:
- “(xi) **[een]** twee van die lede ingevolge artikel 3 (3) (g) aangestel, wat vir dié doel deur die vereniging daarin vermeld, benoem is, van wie een ’n persoon vermeld in paragraaf (ii) van die voorbehoudsbepaling by daardie artikel moet wees;”;
- (e) deur subparagraaf (xii) van paragraaf (a) van subartikel (1) te skrap.

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

9. Artikel 7G van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983, word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:
- “(1) By ontvangs van ’n versoek om advies, gerig deur ’n Administrateur of Minister soos by artikel 7F (1) (a) of (b) beoog, maar behoudens die bepalinge van subartikel (3), laat die sekretaris van die afbakeningsraad een keer **[in die Staatskoerant en]** in die *Offisiële Koerant* van die betrokke provinsie en een keer in ’n

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- “(a) **[12]** 13 persons nominated by the United Municipal Executive of South Africa: Provided that of the persons so appointed—
- (i) at least five shall be attached to large cities and at least two shall be attached to rural regional authorities as members or employees thereof; and
- (ii) at least one shall be a chairman or member of a regional services council;”;
- (b) by the deletion of paragraph (dA) of subsection (3);
- (c) by the substitution for paragraph (e) of subsection (3) of the following paragraph:
- “(e) **[10]** 11 members of the committee referred to in subsection (2) (h), nominated by that committee: Provided that of the persons so appointed at least one shall be a chairman or member of a regional services council;”;
- (d) by the substitution for paragraph (g) of subsection (3) of the following paragraph:
- “(g) **[ten]** 11 persons nominated by the Urban Councils Association of South Africa: Provided that of the persons so appointed—
- (i) at least five shall be attached to different city councils and at least four shall be attached to different local authorities, one in each province, as members or employees thereof; and
- (ii) at least one shall be a chairman or member of a regional services council;”;
- (e) by the deletion of paragraph (gA) of subsection (3).

25 Amendment of section 5 of Act 91 of 1983, as amended by section 3 of Act 45 of 1985 and section 2 of Act 79 of 1986

8. Section 5 of the Promotion of Local Government Affairs Act, 1983, is hereby amended—

- (a) by the substitution for subparagraph (iii) of paragraph (a) of subsection (1) of the following subparagraph:
- “(iii) **[one]** two of the persons referred to in section 3 (3) (a), nominated for this purpose by the Executive referred to therein, one of whom shall be a person referred to in paragraph (ii) of the proviso to that section;”;
- (b) by the substitution for subparagraph (ix) of paragraph (a) of subsection (1) of the following subparagraph:
- “(ix) **[one]** two of the members appointed in terms of section 3 (3) (e), nominated for this purpose by the committee referred to therein, one of whom shall be a person referred to in the proviso to that section;”;
- (c) by the deletion of subparagraph (x) of paragraph (a) of subsection (1);
- (d) by the substitution for subparagraph (xi) of paragraph (a) of subsection (1) of the following subparagraph:
- “(xi) **[one]** two of the members appointed in terms of section 3 (3) (g), nominated for this purpose by the association referred to therein, one of whom shall be a person referred to in paragraph (ii) of the proviso to that section;”;
- (e) by the deletion of subparagraph (xii) of paragraph (a) of subsection (1).

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

9. Section 7G of the Promotion of Local Government Affairs Act, 1983, is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) On receipt of a request for advice called for by an Administrator or a Minister as contemplated in section 7F (1) (a) or (b), but subject to the provisions of subsection (3), the secretary of the demarcation board shall cause to be published in both official languages, once **[in the Government-Gazette and]** in the *Official Gazette* of the province concerned and once in

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nuusblad wat in omloop is in die gebied betrokke by die voorgestelde afbakening, verandering of intrekking van 'n afbakening, 'n kennisgewing in albei amptelike tale publiseer waarin vermeld word dat so 'n versoek om advies ontvang is, dat dit ter insae lê by die kantoor van die sekretaris en die ander plek of plekke, indien daar is, wat in die kennisgewing vermeld word, en dat besware teen of verdoë in verband met die voorgestelde afbakening, verandering of intrekking van 'n afbakening by die sekretaris van die afbakingsraad ingedien kan word op of voor 'n bepaalde datum, wat minstens 21 dae na die datum van die publikasie van die kennisgewing moet wees, en laat die sekretaris 'n afskrif van die kennisgewing bestel aan elke plaaslike owerheid wat regstreeks deur die voorgestelde afbakening, verandering of intrekking van 'n afbakening geraak word en aan elke Direkteur-generaal bedoel in artikel 3 (2) [(e) of] (eA), na gelang van die betrokke bevolkingsgroep, en sodanige bestelling moet per aangetekende pos of per hand geskied.”; en

(b) deur die volgende subartikel by te voeg:

“(3) (a) Indien 'n Administrateur 'n versoek om advies ten opsigte van die voorgestelde verandering van die regsgebied van 'n plaaslike owerheid tot die afbakingsraad rig in 'n geval waar—

(i) besonderhede van die voorgestelde verandering ingevolge 'n wet in die *Staatskoerant*, of in die *Offisiële Koerant* van die betrokke provinsie, en in 'n nuusblad wat in omloop is in die betrokke gebied gepubliseer is; en

(ii) besware teen of verdoë in verband met die voorgestelde verandering deur die Administrateur ontvang is, verwys die Administrateur die besware en verdoë na die afbakingsraad, wat daarop 'n verhoor moet hou alvorens die advies verskaf word.

(b) Minstens 14 dae voor die datum van die verhoor laat die sekretaris van die afbakingsraad een keer in die *Offisiële Koerant* van die betrokke provinsie en een keer in 'n nuusblad wat in omloop is in die betrokke gebied, 'n kennisgewing in albei amptelike tale publiseer waarin die plek en datum van die verhoor bekend gemaak word en belangstellendes uitgenooi word om die verhoor by te woon, en laat die sekretaris 'n afskrif van die kennisgewing bestel aan elke plaaslike owerheid wat regstreeks deur die voorgestelde verandering geraak word en aan elke Direkteur-generaal bedoel in artikel 3 (2) (eA), na gelang van die betrokke bevolkingsgroep, en sodanige bestelling moet per aangetekende pos of per hand geskied.”.

Wysiging van artikel 7 van Wet 104 van 1985

10. Artikel 7 van die Wysigingswet op Staatkundige Aangeleenthede, 1985, word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) By die toepassing van hierdie artikel beteken—

‘Administrateur’ die Administrateur-in-Uitvoerende Komitee van die betrokke provinsie, handelende na oorleg met die Minister van Staatkundige Ontwikkeling en Beplanning of die Minister wat die Departement van Plaaslike Bestuur, Behuising en Werke van die Administrasie: Volksraad, die Departement van Plaaslike Bestuur, Behuising en Landbou van die Administrasie: Raad van Verteenwoordigers of die Departement van Plaaslike Bestuur, Behuising en Landbou van die Administrasie: Raad van Afgevaardigdes administreer, na gelang van die bevolkingsgroep wat betrokke is;

‘plaaslike owerheidsliggaam’ 'n plaaslike owerheidsliggaam soos omskryf in artikel 1 (1) van die Wet op Stemreg vir Plaaslike Owerheidsliggame, 1984 (Wet No. 117 van 1984), of 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), maar nie ook 'n plaaslike raad ingestel kragtens artikel 2 van die Wet op Plaaslike Rade (Volksraad), 1987 (Wet No. 94 van 1987), nie;

‘toepaslike kieswet’ 'n toepaslike kieswet soos omskryf in artikel 1 (1) van die Wet op Stemreg vir Plaaslike Owerheidsliggame, 1984, of die Wet op Swart Plaaslike Owerhede, 1982, na gelang van die geval.”.

Wysiging van artikel 5 van Wet 69 van 1986

11. Artikel 5 van die Wet op Provinsiale Regering, 1986, word hierby gewysig deur subartikels (3) en (4) deur die volgende subartikels te vervang:

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5 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.”; and

15 (b) by the addition of the following subsection:

“(3) (a) If an Administrator calls for advice from the demarcation board in respect of the proposed alteration of the area of jurisdiction of a local authority in a case where—

20 (i) particulars of the proposed alteration have been published in terms of any law in the *Gazette*, or in the *Official Gazette* of the province concerned, and in a newspaper circulating in the area concerned; and

25 (ii) objections against or representations in connection with the proposed alteration have been received by the Administrator, the Administrator shall refer the objections and representations to the demarcation board, which must then hold a hearing before giving the advice.

30 (b) Not less than 14 days before the date of the hearing, the secretary of the demarcation board shall cause to be published in both official languages, once in the *Official Gazette* of the province concerned and once in a newspaper circulating in the area concerned, a notice in which the place and date of the hearing are made known and interested parties are invited to attend the hearing, and the secretary shall cause a copy of the notice to be served on every local authority directly affected by the proposed alteration and on every Director-General referred to in section 3 (2) (eA), according to the population group concerned, and such service shall be effected by registered post or by hand.”.

Amendment of section 7 of Act 104 of 1985

35 **10.** Section 7 of the Constitutional Affairs Amendment Act, 1985, is hereby amended by the substitution for subsection (3) of the following subsection:

40 “(3) For the purposes of this section—

45 ‘Administrator’ means the Administrator-in-Executive Committee of the province in question, acting after consultation with the Minister of Constitutional Development and Planning or the Minister who administers the Department of Local Government, Housing and Works of the Administration: House of Assembly, the Department of Local Government, Housing and Agriculture of the Administration: House of Representatives or the Department of Local Government, Housing and Agriculture of the Administration: House of Delegates, according to the population group in question;

50 ‘appropriate electoral law’ means an appropriate electoral law as defined in section 1 (1) of the Local Government Bodies Franchise Act, 1984 (Act No. 117 of 1984), or the Black Local Authorities Act, 1982 (Act No. 102 of 1982), as the case may be;

55 ‘local government body’ means a local government body as defined in section 1 (1) of the Local Government Bodies Franchise Act, 1984, or a local authority as defined in section 1 of the Black Local Authorities Act, 1982, but excluding any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987).”.

60 Amendment of section 5 of Act 69 of 1986

11. Section 5 of the Provincial Government Act, 1986, is hereby amended by the substitution for subsections (3) and (4) of the following subsections:

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WYSIGINGSWET OP STAATKUNDIGE WETGEWING, 1988

“(3) Voordat die Staatspresident ’n proklamasie kragtens subartikel (1) uitvaardig, moet hy ’n konsep van die voorgestelde proklamasie in die *Staatskoerant* laat publiseer tesame met ’n kennisgewing wat ’n beroep doen op alle belanghebbende persone om enige besware en vertoë binne ’n tydperk van 21 dae vanaf die datum van publikasie van die kennisgewing skriftelik by die Sekretaris van die Parlement in te dien vir voorlegging aan ’n **[staande]** gesamentlike komitee van die Parlement beoog in artikel 64 van die Grondwet. (4) ’n Proklamasie beoog in subartikel (1) word slegs uitgereik op die advies van die **[staande]** gesamentlike komitee beoog in subartikel (3).”

Wysiging van artikel 14 van Wet 69 van 1986

12. Artikel 14 van die Wet op Provinsiale Regering, 1986, word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) behoudens die bepalings van artikel 16, by proklamasie in die betrokke *Offisiële Koerant*—

(i) enige bepaling van ’n ordonnansie van die provinsie wysig, herroep of 15
vervang;

(ii) aangeleenthede genoem in subartikel (1) reël:

Met dien verstande dat so ’n proklamasie slegs uitgereik word nadat dit goedgekeur is deur ’n **[gesamentlike]** staande komitee van die Parlement beoog in artikel 64 van die Grondwet;”

Wysiging van artikel 15 van Wet 69 van 1986, soos gewysig deur artikel 31 van Wet 32 van 1987

13. Artikel 15 van die Wet op Provinsiale Regering, 1986, word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van ’n bepaling in ’n wet wat aan ’n Minister in artikel 20 (b) of (c) van die Grondwet bedoel, ’n bevoegdheid, plig of werksaamheid toewys, aan die administrateur van ’n provinsie opdra—”;

(b) deur na subartikel (1) die volgende subartikels in te voeg:

“(1A) Die Staatspresident kan by proklamasie in die *Staatskoerant* die uitvoering van ’n bepaling in ’n wet wat hy kragtens subartikel (1) aan ’n administrateur opgedra het, aan ’n Minister in artikel 20 (b) of (c) van die Grondwet bedoel, opdra, hetsy in die algemeen hetsy vir sover die bepaling betrekking het op ’n aangeleentheid of op ’n kategorie persone in die opdrag genoem.

(1B) ’n Minister in artikel 21 (1) van die Grondwet bedoel, kan, ondanks die bepalings van enige ander wet maar onderworpe aan voorskrifte van die Staatspresident, die administrateur van ’n provinsie skriftelik magtig om in die algemeen of in ’n bepaalde geval of in gevalle van ’n bepaalde aard, ’n bevoegdheid, plig of werksaamheid namens die Minister uit te oefen of te verrig wat by of ingevolge enige wet aan die Minister verleen of opgedra is.”;

(c) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die administrateur van ’n provinsie kan—

(a) ’n lid of lede van die uitvoerende komitee van daardie provinsie;

(b) ’n lid of lede van genoemde uitvoerende komitee en die provinsiale sekretaris van daardie provinsie gesamentlik;

(c) genoemde provinsiale sekretaris;

(d) enigiemand in diens van die betrokke provinsiale administrasie, skriftelik magtig om in die algemeen of in ’n bepaalde geval of in gevalle van ’n bepaalde aard, ’n bevoegdheid, plig of werksaamheid uit te oefen of te verrig—

(i) wat die administrateur ingevolge subartikel (1B) gemagtig is om uit te oefen of te verrig; of

(ii) wat by of ingevolge hierdie Wet of enige ander Wet van die Parlement aan die administrateur verleen of opgedra is, behalwe die bevoegdheid om proklamasies of regulasies uit te vaardig.”;

(d) deur subartikel (3) deur die volgende subartikel te vervang:

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5 “(3) Before the State President issues a proclamation under subsection (1) he shall cause to be published in the *Gazette* a draft of the proposed proclamation together with a notice calling upon all interested persons to lodge any objections and representations in writing within a period of 21 days from the date of publication of the notice with the Secretary to Parliament for submission to a **[standing] joint** committee of Parliament contemplated in section 64 of the Constitution Act.

(4) A proclamation contemplated in subsection (1) shall be issued only on the advice of the **[standing] joint** committee contemplated in subsection (3).”.

10 **Amendment of section 14 of Act 69 of 1986**

12. Section 14 of the Provincial Government Act, 1986, is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) subject to the provisions of section 16, by proclamation in the *Official Gazette* concerned—

15 (i) amend, repeal or substitute any provision of an ordinance of the province;

(ii) regulate any matters mentioned in subsection (1):

20 Provided that such a proclamation shall only be issued after it has been approved by a **[joint] standing** committee of Parliament contemplated in section 64 of the Constitution Act;”.

Amendment of section 15 of Act 69 of 1986, as amended by section 31 of Act 32 of 1987

13. Section 15 of the Provincial Government Act, 1986, is hereby amended—

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

25 “The State President may by proclamation in the *Gazette* assign the administration of any provision in any law which entrusts to a Minister referred to in section 20 (b) or (c) of the Constitution Act any power, duty or function, to the administrator of any province—”;

(b) by the insertion after subsection (1) of the following subsections:

30 “(1A) The State President may by proclamation in the *Gazette* assign the administration of any provision in any law which he has assigned to an administrator under subsection (1), to a Minister referred to in section 20 (b) or (c) of the Constitution Act, either generally or in so far as such provision relates to any matter or any category of persons mentioned in such assignment.

35 (1B) A Minister referred to in section 21 (1) of the Constitution Act may, notwithstanding the provisions of any other law but subject to directives of the State President, in writing authorize the administrator of a province to exercise or perform in general or in a particular case or in cases of a particular nature, on behalf of the Minister, any power, duty or function conferred or imposed on the Minister by or in terms of any law.”;

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

“(2) The Administrator of a province may in writing authorize—

45 (a) any member or members of the executive committee of that province;

(b) any member or members of such executive committee and the provincial secretary of that province jointly;

(c) the said provincial secretary;

50 (d) any person in the service of the provincial administration concerned, to exercise or perform in general or in a particular case or in cases of a particular nature, any power, duty or function—

(i) which the administrator is authorized in terms of subsection (1B) to exercise or perform; or

(ii) conferred or imposed on the administrator by or in terms of this Act or any other Act of Parliament,

55 except the power to issue proclamations or make regulations.”;

(d) by the substitution for subsection (3) of the following subsection:

“(3) Genoemde administrateur kan ’n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), of deur hom goedgekeur, insgelyks magtig, en so ’n instelling of liggaam wat aldus gemagtig is, kan met die goedkeuring van die betrokke administrateur ’n komitee van sy lede of iemand in sy diens voorts insgelyks magtig.”; en

(e) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Wanneer die uitvoering van ’n wet of ’n bepaling van ’n wet—

(a) in subartikel (1) bedoel kragtens **[genoemde]** daardie subartikel aan die administrateur van ’n provinsie;

(b) in subartikel (1A) bedoel kragtens daardie subartikel aan ’n Minister, opgedra is, is die bepalings 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 beampte van daardie administrasie, onderskeidelik ’n Staatsminister, die Staatsdepartement deur hom beheer, en ’n beampte in die Staatsdiens, was.”.

Kort titel en inwerkingtreding

14. (1) Hierdie Wet heet die Wysigingswet op Staatkundige Wetgewing, 1988.

(2) Artikels 2 en 3 word geag op 25 Junie 1986 in werking te getree het.

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- 5 “(3) The said administrator may similarly authorize any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), or approved by him, and any such institution or body so authorized may, with the approval of the administrator concerned, further so authorize a committee of its members or any person in its employ.”; and
- (e) by the substitution for subsection (4) of the following subsection:
- 10 “(4) Whenever the administration of a law or a provision of a law referred to—
- (a) in subsection (1), has been assigned to the administrator of a province under **[the said]** that subsection;
- (b) in subsection (1A), has been assigned to a Minister under that subsection,
- 15 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.”.

Short title and commencement

- 20 **14.** (1) This Act shall be called the Constitutional Laws Amendment Act, 1988.
(2) Sections 2 and 3 shall be deemed to have come into operation on 25 June 1986.

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(3) The said administrator may similarly authorize any institution or body contemplated in section 8 (1) (a) of the Provincial Government Act 1961 (Act No. 32 of 1961), or approved by him, and any institution or body so authorized may, with the approval of the administrator concerned, further so authorize a committee of its members or any person in its employ, and

(c) by the substitution for subsection (4) of the following subsection:

(4) Whenever the administration of a law or a provision of a law referred to —

(a) in subsection (1), has been assigned to the administrator of a province under [the said] subsection

(b) in subsection (1A), has been assigned to a Minister under that subsection

the provisions of section 10 (3) and (2A) of the Interpretation Act 1957 (Act No. 33 of 1957), shall apply mutatis mutandis as if that administrator the provincial administration concerned, and in effect of that administration were a Minister of State, the department of state controlled by him, and an officer in the public service, respectively.

Short title and commencement

14. (1) This Act shall be called the Constitutional Laws Amendment Act, 1988.

(2) Sections 2 and 3 shall be deemed to have come into operation on 27 June 1988.