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PROCLAMATION

by the

President

of the Republic of South Africa

No. R. 174, 1994

AMENDMENT OF THE LOCAL GOVERNMENT TRANSITION ACT, 1993, UNDER SECTION 16A OF THAT ACT

Under section 16A(1) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and with the approval of the select committees of the National Assembly and the Senate responsible for constitutional affairs as prescribed in section 16A(2) of that Act, I hereby amend the said Act and Schedules thereto as set out in the Annexure hereto.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirtieth day of November, One thousand Nine hundred and Ninety-four.

N. R. MANDELA,

President.

By Order of the President-in-Cabinet:

R. P. MEYER,

Minister of the Cabinet.

ANNEXURE

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

— Words underlined with solid line indicate insertions in existing enactments.

PROKLAMASIE

van die

President

van die Republiek van Suid-Afrika

No. R. 174, 1994

WYSIGING VAN DIE OORGANGSWET OP PLAASLIKE REGERING, 1993, KRAGTENS ARTIKEL 16A VAN DAARDIE WET

Kragtens artikel 16A(1) van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993), en met die goedkeuring van die gekose komitees van die Nasionale Vergadering en die Senaat verantwoordelik vir staatkundige aangeleenthede, soos voorgeskryf in artikel 16A(2) van daardie Wet, wysig ek hierby die gemelde Wet en Bylaes daar toe soos in die Aanhangsel hierby uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hierdie Dertigste dag van November Eenduisend Negehonderd Vier-en-negentig.

N. R. MANDELA,

President.

Op las van die President-in-Kabinet:

R. P. MEYER,

Minister van die Kabinet.

BYLAE

[] Woorde in vet gedruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

— Woorde met 'n volstreep daar onder, dui invoegings in bestaande verordenings aan.

Amendment of section 4 of Act 209 of 1993

1. Section 4 of the Local Government Transition Act, 1993 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of subsection (2) of the following paragraph:

"(b) On receipt of a notice referred to in paragraph (a), a meeting of the Committee shall be held within a period determined by the Administrator [as soon as practicable] for the purpose of furnishing the Administrator with the written decision of the Committee in regard to the exercise of a power or the performance of a duty referred to in paragraph (a): Provided that where such meeting cannot be held as determined, the members of the Committee shall consider the notice individually and shall without unreasonable delay furnish the chairperson of the Committee in writing with his or her decision in regard to the exercise of a power or the performance of a duty referred to in paragraph (a), in which case the decision of the majority of the members shall constitute the decision of the Committee.”.

Amendment of section 7 of Act 209 of 1993

2. Section 7 of the principal Act is hereby amended—

(a) by the addition in subsection (1) to the proviso to paragraph (i) of the proviso to paragraph (c) of the following paragraph:

"(dd) to be responsible for the preparation for and the conducting of the election contemplated in section 9(1) within its area of competence and for this purpose using the financial and other resources of its component local government bodies in addition to the financial resources referred to in paragraph (ccc) of the proviso to paragraph (bb) of the proviso to paragraph (i) of the proviso to subsection (1)(c).”;

(b) by the substitution for the words following upon paragraph (c) of subsection (1) of the following words:

"and shall submit any agreement reached to the Administrator [within a period of 90 days after the date of commencement of this Act or within such extended period as the Administrator may allow] before or on 30 November 1994 whereupon the Administrator shall, within a period of 45 days, exercise the powers conferred upon him or her by section 10(1) incorporating the provisions of such agreement in the proclamation contemplated in the said section.”;

Wysiging van artikel 4 van Wet 209 van 1993

1. Artikel 4 van die Oorgangswet op Plaaslike Regering, 1993 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

"(b) By ontvangs van 'n kennisgewing in paragraaf (a) bedoel, vergader die Komitee binne 'n tydperk deur die Administrateur bepaal, **[so gou moontlik]** ten einde die Administrateur van die skriftelike besluit van die Komitee in verband met die uitoefening van 'n bevoegdheid of die verrigting van 'n plig in paragraaf (a) bedoel, te voorsien: Met dien verstande dat indien sodanige vergadering nie gehou kan word soos bepaal nie, die lede van die komitee die kennisgewing individueel oorweeg en sonder onredelike vertraging die voorzitter van die komitee van sy of haar skriftelike besluit in verband met die uitoefening van 'n bevoegdheid of die verrigting van 'n plig bedoel in paragraaf (a) voorsien, in welke geval die besluit van die meerderheid van die lede die besluit van die komitee uitmaak.”.

Wysiging van artikel 7 van Wet 209 van 1993

2. Artikel 7 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die volgende paragraaf by die voorbehoudsbepaling by paragraaf (i) van die voorbehoudsbepaling by paragraaf (c) te voeg:

"(dd) om verantwoordelik te wees vir die voorbereiding vir en die hou van die verkiesing beoog in artikel 9(1) binne sy bevoegdheidsfeer en vir dié doel die finansiële en ander bronne van sy samestellende plaaslike owerheidsliggame aan te wend bo en behalwe die finansiële bronne bedoel in paragraaf (ccc) van die voorbehoudsbepaling by paragraaf (bb) van die voorbehoudsbepaling by paragraaf (i) van die voorbehoudsbepaling by subartikel (1)(c).”;

(b) deur die woorde wat op paragraaf (c) van subartikel (1) volg deur die volgende woorde te vervang:

"en enige ooreenkoms wat bereik word aan die Administrateur voorlê [binne 'n tydperk van 90 dae na die datum van inwerkingtreding van hierdie Wet of binne die verlengde tydperk wat die Administrateur toelaat] voor of op 30 November 1994 waarop die Administrateur, binne 'n tydperk van 45 dae, die bevoegdhede by artikel 10(1) aan hom of haar verleen, uitoefen, en die bepalings van sodanige ooreenkoms in die proklamasie beoog in gencemde artikel beliggaam.”;

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

"(2) (a) Where an agreement as contemplated in subsection (1) is not submitted to the Administrator [within the period referred to in that subsection, or within such extended period as the Administrator may allow] before or on 30 November 1994, the Administrator shall [within a period of 30 days, facilitate a process of independent mediation, the result of which shall be referred to the forum for a decision.

(b) Where the forum arrives at a decision taken by the required majority contemplated in subsection (3), the Administrator shall exercise the powers conferred upon him or her by section 10(1), incorporating the provisions of such decision in the proclamation contemplated in the said section.

(c) Where the forum is unable to arrive at a decision as contemplated in paragraph (b), the Administrator shall—

(i) in the case of any local government body in the area of the forum concerned which, in terms of Board Notice No. 127 of 1993 of the Board on the Remuneration and Service Benefits of Town Clerks, as published in *Government Gazette* No. 15250 of 12 November 1993, is classified as a grade 8 local authority or lower, determine that the option referred to in paragraph (c) of subsection (1) shall be applied to such local government body; and

(ii) in the case of any local government body in the area of the forum concerned which, in terms of Board Notice No. 127 of 1993 of the Board on the Remuneration and Service Benefits of Town Clerks, as published in *Government Gazette* No. 15250 of 12 November 1993, is classified as a grade 9 local authority or higher] before or on 21 December 1994 refer the matter to an arbitration committee referred to in subsection (2A).

(b) The arbitration committee concerned shall consider the matter and before or on 12 January 1995 in writing notify the Administrator of the decision of the committee, whereupon the Administrator shall, within a period of 30 days, exercise the powers conferred upon him or her by section 10(1), incorporating the decision of the arbitration committee in the proclamation contemplated in the said section: Provided that where a decision of the

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

"(2) (a) Waar 'n ooreenkoms in subartikel (1) beoog, nie voor of op 30 November 1994 aan die Administrateur voorgelê word [binne die tydperk in daardie subartikel bedoel of binne die verlengde tydperk wat die Administrateur toelaat] nie, moet die Administrateur [binne 'n tydperk van 30 dae 'n proses van onafhanklike bemiddeling bewerkstellig, waarvan die uitslag na die forum verwys moet word vir 'n besluit.

(b) Waar die forum 'n besluit neem met die vereiste meerderheid soos beoog in subartikel (3), oefen die Administrateur die bevoegdhede by artikel 10(1) aan hom of haar verleen uit, en beliggaam hy of sy die bepalings van sodanige besluit in die proklamasie in genoemde artikel beoog.

(c) Waar die forum nie tot 'n besluit kan kom soos beoog in paragraaf (b) nie, moet die Administrateur—

(i) in die geval van 'n plaaslike owerheidsliggaam in die gebied van 'n forum wat ingevolge Raadskennisgewing No. 127 van 1993 van die Raad op die Besoldiging en Diensvoordele van Stadsklerke, soos aangekondig in *Staatskoerant* No. 15250 van 12 November 1993, ingedeel is as 'n graad 8- plaaslike owerheid of laer, bepaal dat die opsie bedoel in paragraaf (c) van subartikel (1) op sodanige plaaslike owerheidsliggaam toegepas word; en

(ii) in die geval van 'n plaaslike owerheidsliggaam in die gebied van 'n forum wat, ingevolge Raadskennisgewing No. 127 van 1993, soos gepubliseer in *Staatskoerant* No. 15250 van 12 November 1993, ingedeel is as 'n graad 9- plaaslike owerheid of hoërs] voor of op 21 Desember 1994 die aangeleentheid na 'n arbitrasiekomitee in subartikel (2A) bedoel, verwys.

(b) Die betrokke arbitrasiekomitee moet die aangeleentheidoorweeg en voor of op 12 Januarie 1995 die Administrateur skriftelik in kennis stel van die besluit van die komitee, waarop die Administrateur, binne 'n tydperk van 30 dae, die bevoegdhede by artikel 10(1) aan hom of haar verleen, uitoefen, en die besluit van die arbitrasiekomitee in die proklamasie beoog in genoemde artikel beliggaam: Met dien verstande dat waar 'n besluit

arbitration committee is not submitted to the Administrator within the period referred to in this paragraph or where the arbitration committee notifies the Administrator within such period in writing that it cannot, for any reason, come to a decision, the Administrator shall—

- (i) after due consideration of the negotiation process which took place in the forum; and
- (ii) in order to obtain a result which would, in the circumstances of that particular case, best give effect to the objectives of this Act,

forthwith determine that the option referred to in paragraph (b) or (c) of subsection (1) shall be applied to **[such local government body]** the local government bodies in the area of the forum, and shall, within a period of 30 days, exercise the powers conferred upon him or her by section 10(1), incorporating the provisions of such determination in the proclamation contemplated in the said section.”;

- (d) by the insertion after subsection (2) of the following subsection:

“(2A) (a) There is hereby established for each province one or more committees as determined by the Administrator to be known as an arbitration committee or arbitration committees.

(b) An arbitration committee shall consist of four members appointed by the Administrator of which two members shall be broadly representative of the statutory component of forums in the province concerned and the other two members shall be broadly representative of the non-statutory component of forums in the province concerned.

(c) (i) An arbitration committee shall appoint a chairperson who shall determine the times and places for meetings of the committee.

(ii) The majority of the members of a committee shall form a quorum for a meeting.

(iii) The decision of the majority of the members of a committee present at any meeting thereof, shall be a decision of the committee.

(iv) A committee may make rules in relation to the holding of and procedures at meetings of the committee.

(d) The administrative work incidental to the performance of the functions of an arbitration committee shall be performed by officers of the respective provincial administrations designated for that purpose by the Director-General concerned.”; and

van die arbitrasiekomitee nie binne die tydperk in hierdie paragraaf bedoel aan die Administrateur voorgelê word nie of waar die arbitrasiekomitee binne sodanige tydperk die Administrateur in kennis stel dat hy, om enige rede, nie tot 'n besluit kan kom nie, moet die Administrateur—

- (i) na behoorlike oorweging van die onderhandelingsproses wat in die forum plaasgevind het; en
- (ii) ten einde 'n resultaat te verkry wat, in die omstandighede van daardie besondere geval, die beste uitvoering sal gee aan die oogmerke van hierdie Wet,

onverwyld bepaal dat die opsie bedoel in paragraaf (b) of (c) van subartikel (1) op **[sodanige plaaslike overheidsliggaam]** die plaaslike overheidsliggeme in die gebied van die forum toegepas word, en binne 'n tydperk van 30 dae die bevoegdhede uitoefen by artikel 10(1) aan hom of haar verleen, en beliggaam hy of sy die bepaling van sodanige bepaling in die proklamasie in genoemde artikel beoog.”;

- (d) deur na subartikel (2) die volgende subartikel in te voeg:

“(2A) (a) Daar word hierby vir elke provinsie een of meer komitees soos wat deur die Administrateur bepaal word, met die naam 'n arbitrasiekomitee of arbitrasiekomitees, ingestel.

(b) 'n Arbitrasiekomitee bestaan uit vier lede deur die Administrateur aangestel waarvan twee lede wyd verteenwoordigend van die statutêre komponent van forums in die betrokke provinsie en die ander twee lede wyd verteenwoordigend van die nie-statutêre komponent van forums in die betrokke provinsie, moet wees.

(c) (i) 'n Arbitrasiekomitee stel 'n voorsitter aan wat die tye en plekke van vergaderings van die komitee bepaal.

(ii) Die meerderheid van die lede van 'n komitee maak 'n kworum uit vir 'n vergadering.

(iii) Die besluit van die meerderheid van die lede van 'n komitee teenwoordig by 'n vergadering daarvan, is 'n besluit van die komitee.

(iv) 'n Komitee kan reëls maak met betrekking tot die hou van en prosedure by vergaderings van die komitee.

(d) Die administratiewe werk verbondé aan die verrigting van die werksaamhede van die komitee word verrig deur beampies van die onderskeie provinsiale administrasies wat vir dié doel deur die betrokke Direkteurgeneraal aangewys word.”; en

- (e) by the substitution for subsection (3) of the following subsection:

"(3) Any agreement contemplated in subsection (1) shall be approved **[and any decision contemplated in subsection (2) shall be taken]** by a concurrent majority of two-thirds of both the statutory and non-statutory components of the forum: Provided that any such agreement **[or decision]** relating to the application of the option referred to in paragraph (b) of subsection (1) to any local government body within the area of the forum concerned which, in terms of Board Notice No. 127 of 1993 of the Board on the Remuneration **[of]** and Service Benefits of Town Clerks, as published in *Government Gazette* No. 15250 of 12 November 1993, is classified as a grade 8 local authority or lower, shall only be approved **[or taken]** by a concurrent majority of four-fifths of both the statutory and non-statutory components of the forum."

Insertion of section 7A in Act 209 of 1993

3. The following section is hereby inserted in the principal Act after section 7:

"Powers of Administrator if forum is not established or recognized

7A. If a forum for any area has for any reason whatsoever not been established or recognized as contemplated in section 6 on 30 November 1994, the Administrator may, notwithstanding anything to the contrary contained in this Act, forthwith determine that the option referred to in paragraph (b) or (c) of section 7(1) shall be applied to the local government bodies in any such area and shall, within a period of 30 days of such determination, exercise the powers conferred upon him or her by section 10(1), incorporating the provisions of such determination in the proclamation contemplated in the said section."

Amendment of section 8 of Act 209 of 1993

4. Section 8 of the principal Act is hereby amended—

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

"(a) the written representations of **[any]** a transitional council or transitional metropolitan substructure, **if any**, which is established at that stage and which may be affected;"; and

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

"(4) (a) Any delimitation or determination made in terms of subsection (2) may from time to time, but not later than a date three months prior to the day determined by the Minister as contemplated in section 9(1), be reviewed by the Administrator.

- (e) deur subartikel (3) deur die volgende subartikel te vervang:

"(3) 'n Ooreenkoms in subartikel (1) beoog, word goedgekeur **[en 'n besluit in subartikel (2) beoog, word geneem]** deur 'n konkurrante meerderheid van twee derdes van sowel die statutêre as die nie-statutêre komponente van die forum: Met dien verstande dat enige sodanige ooreenkoms **[of besluit]** met betrekking tot die toepassing van die opsie bedoel in paragraaf (b) van subartikel (1) op 'n plaaslike owerheidsliggaam binne die gebied van die betrokke forum wat, ingevolge Raadskennisgewing No. 127 van 1993 van die Raad op die Besoldiging en Diensvoordele van Stadsklerke, soos aangekondig in *Staatskoerant* No. 15250 van 12 November 1993, ingedeel is as 'n graad 8- plaaslike owerheid of laer, slegs goedgekeur **[of geneem]** word deur 'n konkurrante meerderheid van vier vyfdes van sowel die statutêre as die nie-statutêre komponente van die forum."

Invoeging van artikel 7A in Wet 209 van 1993

3. Die volgende artikel word hierby in die Hoofwet na artikel 7 ingevoeg:

"Bevoegdhede van Administrateur indien forum nie ingestel of erken is nie

7A. Indien 'n forum vir enige gebied om welke rede ook al nie op 30 November 1994 ingestel of erken is nie soos beoog in artikel 6, kan die Administrateur, ondanks andersluidende bepallisings van hierdie Wet, onverwyld bepaal dat die opsie bedoel in paragraaf (b) of (c) van artikel 7(1) op die plaaslike owerheidsliggame in enige sodanige gebied toegepas word en, binne 'n tydperk van 30 dae na sodanige bepaling, die bevoegdhede uitoefen by artikel 10(1) aan hom of haar verleen, en beliggaam hy of sy die bepallisings van sodanige bepaling in die proklamasie in genoemde artikel beoog."

Wysiging van artikel 8 van Wet 209 van 1993

4. Artikel 8 van die Hoofwet word hierby gewysig—

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

"(a) die skriftelike vertoë van **[enige]** 'n oorgangsraad of metropolitaanse oorgangsubstruktuur, **indien** enige, wat op daardie stadium ingestel is en wat geraak kan word;"; en

- (b) deur die volgende subartikel by te voeg:

"(4) (a) 'n Afbakening of bepaling gedoen ingevolge subartikel (2) kan van tyd tot tyd, maar nie later nie as 'n datum drie maande voor die dag wat deur die Minister bepaal is soos beoog in artikel 9(1), deur die Administrateur hersien word.

(b) The provisions of subsections (2) and (3) shall apply *mutatis mutandis* to a delimitation and determination as a result of a review contemplated in paragraph (a).".

Amendment of section 9 of Act 209 of 1993

5. Section 9 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsection:

"(3A) (a) The respective Administrators shall, as far as is practicable, having regard to special circumstances prevailing within each province, strive towards substantial uniformity in respect of the content of the regulations made under subsection (2)(a) and shall, to this end, before the publication of the regulations, consult with each other and reach agreement at a meeting between the Minister and the Administrators or their representatives.

(b) Where an Administrator fails to make the regulations referred to in subsection (2)(a) within a period agreed upon at the meeting contemplated in paragraph (a), the Minister may exercise the powers conferred upon that Administrator by subsection (2)(a) and the provisions of subsections (3) and (4) shall *mutatis mutandis* apply to the exercise of such powers by the Minister.".

Amendment of section 10 of Act 209 of 1993

6. Section 10 of the principal Act is hereby amended—

(a) by the insertion after paragraph (i) of subsection (3) of the following paragraph:

"(iA) the establishment of a transitional council for a rural area of local government not falling within the area of jurisdiction of a transitional metropolitan council or a transitional local council, including the delimitation of the area of jurisdiction of such council after due consideration of the advice and written recommendations of the Board, and the constitution, election, functioning, powers, duties, assets, rights, employees and financing of such council;"; and

(b) by the addition to subsection (3) of the following paragraph:

"(k) the establishment of a body at the request of any local government body, transitional council or transitional metropolitan substructure to assist any such local government body, transitional council or transitional metropolitan substructure which

(b) Die bepalings van subartikels (2) en (3) is *mutatis mutandis* van toepassing op 'n afbakening en bepaling as gevolg van 'n hersiening bedoel in paragraaf (a).".

Wysiging van artikel 9 van Wet 209 van 1993

5. Artikel 9 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (3) in te voeg:

"(3A) (a) Die onderskeie Administrateurs moet, sover doenlik, met inagneming van buitengewone omstandighede wat binne elke provinsie heers, wesenlike eenvormigheid ten opsigte van die inhoud van die regulasies kragtens subartikel (2)(a) gemaak, nastreef, en, ten einde dié doel te bereik met mekaar ooreenkomst pleeg en ooreenkoms bereik op 'n vergadering van die Minister en die Administrateurs of hul verteenwoordigers.

(b) Waar 'n Administrateur versuim om die regulasies in subartikel (2)(a) bedoel, te maak binne 'n tydperk waarop ooreengekom is tydens die vergadering beoog in paragraaf (a), kan die Minister die bevoegdhede by subartikel (2)(a) aan daardie Administrateur verleen, uitoefen en die bepalings van subartikels (3) en (4) is *mutatis mutandis* van toepassing op die uitoefening van sodanige bevoegdhede deur die Minister.".

Wysiging van artikel 10 van Wet 209 van 1993

6. Artikel 10 van die Hoofwet word hierby gewysig—

(a) deur die volgende paragraaf na paragraaf (i) van subartikel (3) by te voeg:

"(iA) die instelling van 'n oorgangsaad vir 'n landelike gebied van plaaslike regering wat nie binne die regsgebied van 'n metropolitaanse oorgangsaad of 'n plaaslike oorgangsaad val nie, met inbegrip van die afbakening van die regsgebied van sodanige raad na behoorlike oorweging van die advies en skriftelike aanbevelings van die Raad, en die samestelling, verkiesing, funksionering, bevoegdhede, pligte, bates, regte, werknemers en finansiering van sodanige raad;"; en

(b) deur die volgende paragraaf by subartikel (3) te voeg:

"(k) die instelling van 'n liggaam op die versoek van 'n plaaslike owerheidsliggaam, oorgangsaad of metropolitaanse oorgangsubstruktur om sodanige plaaslike owerheidsliggaam, oorgangsaad of metropolitaanse oorgangsubstruktur wat geraak kan word deur die bepalings van 'n proklamasie kragtens subartikel (1) uitgevaardig,

may be affected by the provisions of any proclamation made under subsection (1) to manage the implementation of the provisions of such proclamation, including the constitution, functioning, powers, duties, employees and financing of such body: Provided that the functioning, powers and duties of such body shall in no way derogate from the autonomy and powers of a local government body, transitional council or transitional metropolitan substructure under the applicable laws, including this Act.”.

Insertion of section 10A in Act 209 of 1993

7. The following section is hereby inserted in the principal Act after section 10:

“Exercise or performance of provincial powers and duties outside province

10A. (1) The Administrator of a province may, with the approval of the President and after agreement or arrangement with the Administrator of any other province, and after consultation with any negotiating forum or local government body which may be affected, in accordance with such agreement or arrangement exercise any power or perform any duty conferred or imposed on him or her by this Act, in the other province which he or she may exercise or perform in respect of the area of jurisdiction of the province for which he or she is appointed, and for the purpose of the exercise or performance of such power or duty and for the purposes of the provisions of this Act, such other province shall be deemed to constitute part of the province for which he or she is appointed.

(2) A Board established for a province as contemplated in section 11(1) may, with the consent of the Administrator appointed for that province, granted with the approval of the President, perform any function referred to in section 11(6) in any other province in terms of an agreement or arrangement between the Administrator of that province and the Administrator of such other province, and for the purpose of the performance of that function such other province shall be deemed to constitute part of that province.”.

Amendment of section 11 of Act 209 of 1993

8. Section 11 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (6) of the following paragraph:

“(b) When the Board makes recommendations to the Administrator as contemplated in paragraph (a), it shall do so—

(i) within a reasonable time after having been requested to do so; or

behulpsaam te wees om die implementering van die bepalings van sodanige proklamasie te bestuur, met inbegrip van die samestelling, funksionering, bevoegdhede, pligte, werknekmers en finansiering van sodanige liggaam: Met dien verstande dat die funksionering, bevoegdhede en pligte van sodanige liggaam geensins afbreuk doen aan die outonomie en bevoegdhede van 'n plaaslike owerheidsliggaam, oorgangsraad of metropolitaanse oorgangsubstruktuur kragtens die toepaslike wette, met inbegrip van hierdie Wet, nie.”.

Invoeging van artikel 10A in Wet 209 van 1993

7. Die volgende artikel word hierby in die Hoofwet na artikel 10 ingevoeg:

“Uitoefening of verrigting van provinsiale bevoegdhede of plig buite provinsie

10A. (1) Die Administrateur van 'n provinsie kan, met die goedkeuring van die President en na ooreenkoms of reëling met die Administrateur van 'n ander provinsie, en na oorlegpleging met enige onderhandelingsforum of plaaslike owerheidsliggaam wat geraak kan word, ooreenkombig bedoelde ooreenkoms of reëling enige bevoegdhede of plig wat by hierdie Wet aan hom of haar verleen of opgelê word wat hy of sy ten opsigte van die regsgebied van die provinsie waarvoor hy of sy aangestel is kan uitoefen of verrig, in die ander provinsie uitoefen of verrig, en vir die doel van die uitoefening of verrigting van sodanige bevoegdheid of plig en vir die doelendes van hierdie Wet word daardie provinsie geag deel van die provinsie waarvoor hy of sy aangestel is uit te maak.

(2) 'n Raad ingestel vir 'n provinsie soos beoog in artikel 11(1), kan met die toestemming van die Administrateur van daardie provinsie wat met die goedkeuring van die President verleen is, in 'n ander provinsie enige werkzaamheid bedoel in artikel 11(6) verrig ingevolge 'n ooreenkoms of reëling tussen die Administrateur van daardie provinsie en die Administrateur van sodanige ander provinsie, en vir die doel van die verrigting van daardie werkzaamheid word sodanige ander provinsie geag deel van daardie provinsie uit te maak.”.

Wysiging van artikel 11 van Wet 209 van 1993

8. Artikel 11 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:

“(b) Wanneer die Raad aanbevelings aan die Administrateur doen soos in paragraaf (a) beoog, doen hy dit—

(i) binne 'n redelike tyd nadat hy daartoe versoek is; of

(ii) within a reasonable period determined by the Administrator,

and shall take into account the criteria listed in Schedule 6: Provided that if the Board fails to furnish the Administrator with its written recommendations within the period referred to in subparagraph (ii) the Administrator may, notwithstanding anything to the contrary contained in this Act, exercise any power or perform any duty conferred or imposed upon him or her by this Act without considering the advice and written recommendations of the Board.”.

Amendment of section 13 of Act 209 of 1993

9. Section 13 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (6) of the following paragraph:

“(b) An area defined by the Administrator in terms of section 2(11) of the Black Local Authorities Act, 1982, and an area deemed to be so defined in terms of section 2(12) of that Act, shall, subject to the provisions of this Act, be deemed to be an area defined in terms of paragraph (a) of this subsection: Provided that any delegation of a former administrator which was in force in respect of such an area immediately before the commencement of this Act shall, subject to the provisions of this Act, continue in force for the purpose of the continued administration of such an area, until such delegation is revoked or otherwise is no longer in force in law.”.

Amendment of section 16 of Act 209 of 1993

10. Section 16 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsection:

“(3A) Notwithstanding the provisions of section 10(3)(j), the conclusion or amendment of any contract, the appointment or promotion of any person, or the award of a term or condition of service or other benefit, which occurred since the date of the commencement of this Act in respect of any person employed by any local government body, may, within six months of 30 November 1994, be reviewed by a commission appointed by the Administrator and presided over by a judge, and if not proper or justifiable in the circumstances of the case, the commission may reverse or alter the contract, appointment, promotion or award.”.

(ii) binne 'n redelike tydperk deur die Administrateur bepaal,

met inagneming van die riglyne in Bylae 6 genoem: Met dien verstande dat indien die Raad nalaat om binne die tydperk bedoel in subparaagraaf (ii) sy skriftelike aanbevelings aan die Administrateur te verskaf, die Administrateur, ondanks andersluidende bepalings van hierdie Wet, 'n bevoegdheid of plig kan uitoeft of verrig wat by hierdie Wet aan hom of haar verleen of opgelê word sonder oorweging van die advies en skriftelike aanbevelings van die Raad.”.

Wysiging van artikel 13 van Wet 209 van 1993

9. Artikel 13 van die Hoofwet word hierby gewysig deur subartikel (b) van subartikel (6) deur die volgende paragraaf te vervang:

“(b) 'n Gebied wat deur die Administrateur kragtens artikel 2(11) van die Wet op Swart Plaaslike Owerhede, 1982, omskryf is, en 'n gebied wat ingevolge artikel 2(12) van daardie Wet geag word as sodanig omskryf te wees, word, behoudens die bepalings van hierdie Wet, geag 'n gebied te wees wat ingevolge paragraaf (a) van hierdie subartikel omskryf is: Met dien verstande dat 'n delegasie van 'n voormalige administrateur wat gegeld het ten opsigte van so 'n gebied onmiddellik voor die inwerkingtreding van hierdie Wet, behoudens die bepalings van hierdie Wet, van krag bly vir die doeleindes van die voortgesette administrasie van so 'n gebied, totdat sodanige delegasie ingetrek word of andersins ophou om regskrag te hê.”.

Wysiging van artikel 16 van Wet 209 van 1993

10. Artikel 16 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (3) by te voeg:

“(3A) Ondanks die bepalings van artikel 10(3)(j) kan die sluiting of wysiging van 'n kontrak, die aanstelling of bevordering van 'n persoon, of die toekenning van 'n beding of voorwaarde van diens of 'n ander voordeel, wat sedert die datum van die inwerkingtreding van hierdie Wet ten opsigte van 'n persoon in die diens van 'n plaaslike owerheidsliggaam geskied het, binne ses maande na 30 November 1994, deur 'n kommissie wat deur die Administrateur aangestel is en waarby 'n regter voorsit, hersien word, en indien dit in die omstandighede van die geval nie behoorlik geskied het of nie geregverdig kan word nie, kan die kommissie die kontrak, aanstelling, bevordering of toekenning tersydel of wysig.”.

Amendment of Schedule 1 to Act 209 of 1993

11. Schedule 1 to the principal Act is hereby amended by the substitution for subparagraph (3) of paragraph 5 of the following subparagraph:

"(3) Any person who is eligible to vote in terms of section 6 of the Constitution, read with section 16 of the Electoral Act, 1993 (Act No. 202 of 1993), and who is ordinarily resident within the area of jurisdiction of one of the participating local government bodies, or under law liable for the payment of assessment rates, rent, service charges or levies to one of the participating local government bodies, may be nominated as a member of any transitional council or transitional metropolitan substructure [shall meet the qualifications of a member of one of the participating local government bodies] unless—

- (a) he or she is a member of the National Assembly, the Senate or a provincial legislature;**
- (b) he or she is disqualified to be elected as a member of the National Assembly in terms of the Constitution; or**
- (c) he or she is an employee of one of the participating local government bodies or any other local government body: Provided that the Administrator may exempt any such person if the Administrator is satisfied that such exemption is in the public interest and proof of such exemption accompanies the nomination:**

Provided that no person shall be nominated as a member of more than one transitional council or metropolitan substructure.”.

Amendment of Schedule 4 to Act 209 of 1993

12. Schedule 4 to the principal Act is hereby amended—

- (a) by the substitution for paragraph 1 of the following paragraph:**
 - "1. Any natural person who is—**
 - (a) eligible to vote in terms of section 6 of the Constitution of the Republic of South Africa, 1993, read with section 16 of the Electoral Act, 1993 (Act No. 202 of 1993); and**
 - (b) ordinarily resident within the area of jurisdiction of a local government, or under law liable for the payment of assessment rates, rent, service charges or levies to the local government concerned,**

Wysiging van Bylae 1 by Wet 209 van 1993

11. Bylae 1 by die Hoofwet word hierby gewysig deur subparagraph (3) van paragraaf 5 deur die volgende subparagraph te vervang:

"(3) 'n Persoon wat geregtig is om te stem ingevolge artikel 6 van die Grondwet, gelees met artikel 16 van die Kieswet, 1993 (Wet No. 202 van 1993), en wat normaalweg woonagtig is binne dieregsgebied van een van die deelnemende plaaslike owerheidsliggome, of by wet aanspreeklik is vir die betaling van eiendomsbelasting, huur, dienstegelde of heffings aan een van die deelnemende plaaslike owerheidsliggome kan as 'n lid van 'n oorgangsraad of metropolitaanse oorgangsubstruktuur benoem word, [moet aan die kwalifikasies van 'n lid van een van die deelnemende plaaslike owerheidsliggome voldoen] tensy—

- (a) hy of sy 'n lid is van die Nasionale Vergadering, die Senaat of 'n provinsiale wetgewer;**
- (b) hy of sy gediskwalifiseer is om verkieks te word as 'n lid van die Nasionale Vergadering ingevolge die Grondwet; of**
- (c) hy of sy 'n werknemer van een van die deelnemende plaaslike owerheidsliggome of 'n ander plaaslike owerheidsliggom is: Met dien verstande dat die Administrateur enige sodanige persoon kan vrystel indien die Administrateur oortuig is dat so 'n vrystelling in die openbare belang is en bewys van so 'n vrystelling die benoeming vergesel:**

Met dien verstande dat geen persoon as 'n lid van meer as een oorgangsraad of metropolitaanse oorgangsubstruktuur benoem word nie.”.

Wysiging van Bylae 4 by Wet 209 van 1993

12. Bylae 4 by die Hoofwet word hierby gewysig—

- (a) deur paragraaf 1 deur die volgende paragraaf te vervang:**
 - "1. 'n Natuurlike persoon wat—**
 - (a) geregtig is om te stem ingevolge artikel 6 van die Grondwet van die Republiek van Suid-Afrika, 1993, gelees met artikel 16 van die Kieswet, 1993 (Wet No. 202 van 1993); en**
 - (b) normaalweg woonagtig is binne dieregsgebied van 'n plaaslike regering, of by wet aanspreeklik is vir die betaling van eiendomsbelasting, huur, dienstegelde of heffings aan die betrokke plaaslike regering,**

shall be entitled to be included in the voters' roll of that local government and shall thereupon be entitled to vote in an election for members of the council of such local government: Provided that any person shall be entitled to exercise only one vote for any local government: Provided further that the exercise of a vote as contemplated in this paragraph may entail the marking of two or three ballot papers representing the proportional and ward components of a vote referred to in paragraphs 7 and 8.”;

- (b) by the substitution for paragraph 5 of the following paragraph:

“5. Identification for voting purposes shall be by production of a voter's eligibility document referred to in paragraphs (a), (c) and (d) of the definition of 'voter's eligibility document' [as defined] in section 1 of the Electoral Act, 1993.”;

- (c) by the substitution for subparagraph (a) of paragraph 6 of the following subparagraph:

“(a) he or she is [an elected] a member of the National Assembly, [or] the Senate or a provincial legislature;”;

and

- (d) by the insertion after paragraph 6 of the following paragraph:

“6A. Subject to the provisions of paragraph 8, no person nominated for election as a member of a transitional council or metropolitan substructure shall be nominated for election as a member of any other transitional council or metropolitan substructure.”.

Short title and commencement

13. (1) This Proclamation shall be called the Local Government Transition Act Amendment Proclamation, 1994, and shall, subject to the provisions of subsections (2) and (3), come into operation on 30 November 1994.

(2) Section 9 of this Proclamation shall be deemed to have come into operation on 2 February 1994.

(3) Section 11 of this Proclamation shall be deemed to have come into operation on 2 February 1994: Provided that this subsection shall not affect the validity of any agreement reached by a forum in terms of the principal Act or the validity of any proclamation issued by the Administrator in terms of section 10(1) of the principal Act, reached or issued before the commencement of this Proclamation in respect of the members of a transitional local council or transitional metropolitan council and transitional metropolitan substructure.

is daarop geregtig om ingesluit te word in die kieserslys van daardie plaaslike regering en is daarop geregtig om te stem in 'n verkiesing vir lede van die raad van sodanige plaaslike regering: et dien verstande dat 'n persoon geregtig is om slegs een stem vir 'n plaaslike [overheid] regering uit te bring: Met dien verstande voorts dat die uitbring van 'n stem soos beoog in hierdie paragraaf die merk van twee of drie stembriewe kan inhoud wat die proporsionele en wykkomponente van 'n stem verteenwoordig waarna in paragrawe 7 en 8 verwys word.”;

- (b) deur paragraaf 5 deur die volgende paragraaf te vervang:

“5. Identifikasie vir stemdoeleindes geskied deur die voorlegging van 'n stemgeregtigde kiesersdokument bedoel in paragrawe (a), (c) en (d) van die omskrywing van 'n 'stemgeregtigde kiesersdokument' [soos omskryf] in artikel 1 van die Kieswet, 1993.”;

- (c) deur subparagraaf (a) van paragraaf 6 deur die volgende subparagraaf te vervang:

“(a) hy of sy 'n [verkose] lid is van die Nasionale Vergadering, [of] die Senaat of 'n provinsiale wetgewer;”;

- (d) deur na paragraaf 6 die volgende paragraaf in te voeg:

“6A. Behoudens die bepalings van paragraaf 8 word geen persoon wat benoem is om verkies te word as 'n lid van 'n oorgangsraad of metropolitaanse oorgangsubstruktuur benoem om verkies te word as 'n lid van 'n ander oorgangsraad of metropolitaanse oorgangsubstruktuur nie.”.

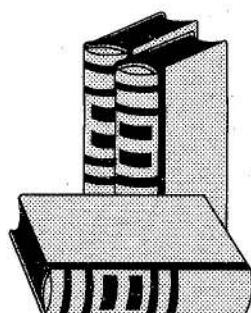
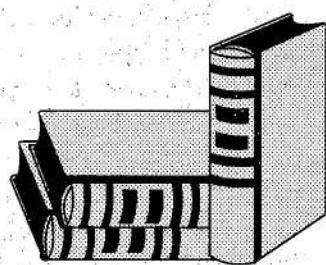
Kort titel en inwerkingtreding

13. (1) Hierdie Proklamasie heet die Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1994, en tree, behoudens die bepalings van subartikels (2) en (3), op 30 November 1994 in werking.

(2) Artikel 9 van hierdie Proklamasie word geag op 2 Februarie 1994 in werking te getree het.

(3) Artikel 11 van hierdie Proklamasie word geag op 2 Februarie 1994 in werking te getree het: Met dien verstande dat hierdie subartikel nie die geldigheid van 'n ooreenkoms wat voor die datum van inwerkingtreding van hierdie Proklamasie ingevolge die Hoofwet deur 'n forum bereik is of die geldigheid van 'n proklamasie wat voor die inwerkingtreding van hierdie Proklamasie ingevolge artikel 10(1) van die Hoofwet deur 'n Administrateur uitgereik is, wat betrek die lede van 'n plaaslike oorgangsraad of metropolitaanse oorgangsraad en metropolitaanse oorgangsubstruktuur, raak nie.

Where is the largest amount of meteorological information in the whole of South Africa available?

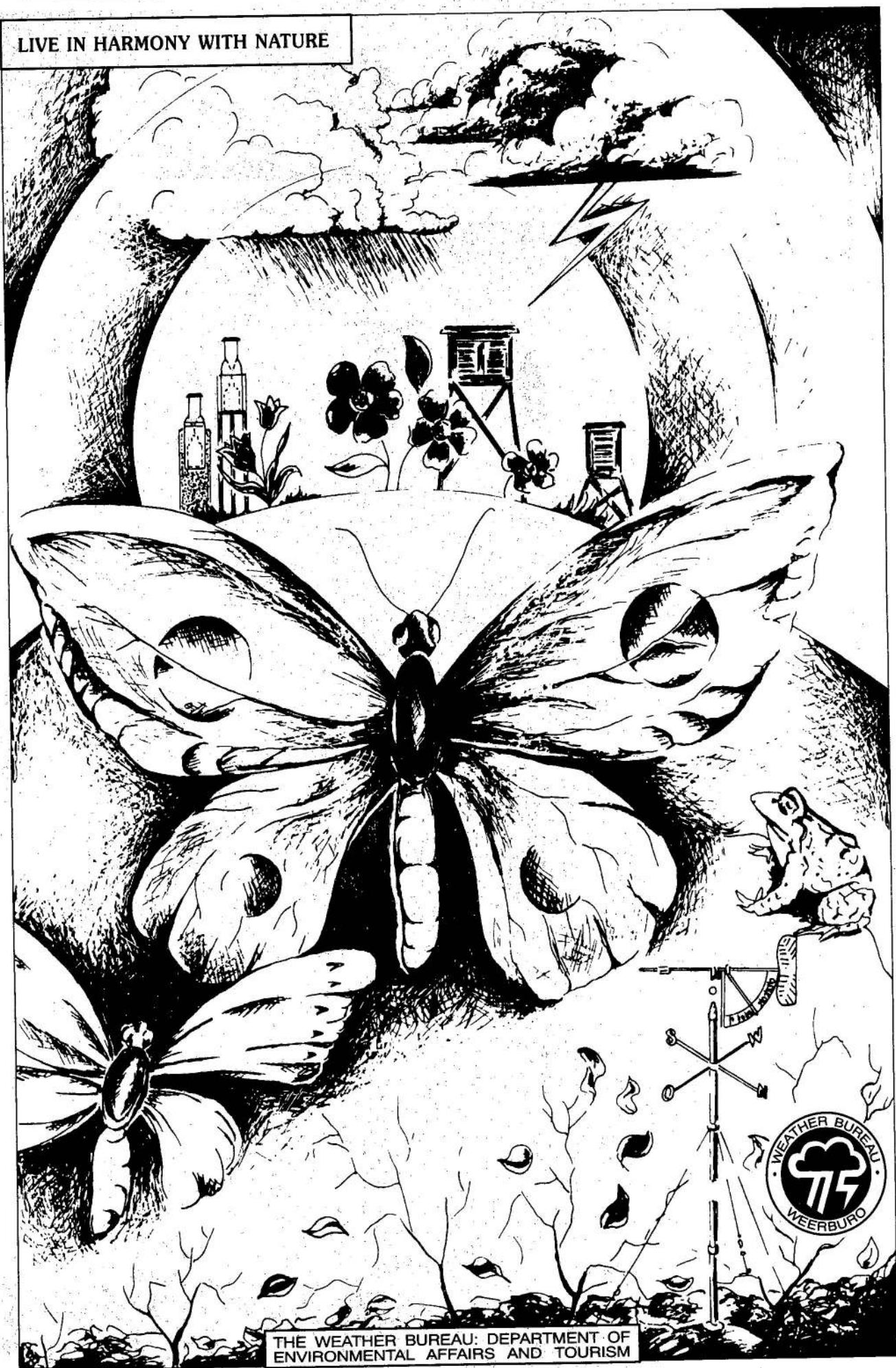


Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?





LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF
ENVIRONMENTAL AFFAIRS AND TOURISM



LEEF IN HARMONIE MET DIE NATUUR



DIE WEERBURO: DEPARTEMENT VAN
OMGEWINGSAKE EN TOERISME

CONTENTS

| No. | PROCLAMATION |
|--------|--|
| R. 174 | Local Government Transition Act (209/1993): Amendment under section 16A..... |

INHOUD

| No. | Gazette No. | Bladsy No. |
|--|----------------|---------------|
| R. 174 | 1 : 16093 | 1 : 16093 |
| PROKLAMASIE | | |
| R. 174 Oorgangswet op Plaaslike Regering (209/1993): Wysiging kragtens artikel 16A | | 16093 |