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PROCLAMATION

*by the
President*

of the Republic of South Africa

No. R. 59, 1995

AMENDMENT OF THE LOCAL GOVERNMENT
TRANSITION ACT, 1993

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, I hereby amend the said Act as set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Eighth day of June, One thousand Nine hundred and Ninety-five.

N. R. MANDELA,
President.

By Order of the President-in-Cabinet:

C. L. FISMER,
Minister of the Cabinet.

SCHEDULE

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.

PROKLAMASIE

*van die
President*

van die Republiek van Suid-Afrika

No. R. 59, 1995

WYSIGING VAN DIE OORGANGSWET OP
PLAASLIKE REGERING, 1993

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, wysig ek hierby genoemde Wet soos in die Bylae uiteengesit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Agtste dag van Junie Eenduisend Negehonderd Vyf-en-negentig.

N. R. MANDELA,
President.

Op las van die President-in-Kabinet:

C. L. FISMER,
Minister van die Kabinet.

BYLAE

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan.

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

Amendment of section 10 of Act 209 of 1994

1. Section 10 of the Local Government Transition Act, 1993, is hereby amended—

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

“For the purposes of this Act the Administrator concerned may in respect of the area of jurisdiction of the province for which he or she is appointed, but subject to the provisions of subsection (4)—”; and

(b) by the addition after subsection (3) of the following subsection:

“(4) (a) Where—

(i) after 30 April 1995 but before 7 June 1995, the Administrator in concurrence with the Committee made a delimitation, determination or any other decision whatsoever, the contents of which are by virtue of the provisions of the Act required to be incorporated or embodied in or to be given effect to by, an enactment made by the Administrator by proclamation in terms of this section; and

(ii) in consequence of one or more vacancies having arisen in the membership of the Committee by virtue of section 3 (5) (c), the remaining members in favour of such concurrence, do not constitute at least two-thirds of the Committee,

the Administrator shall not issue such proclamation until such time as such vacancies have been filled in terms of section 3 (5) (b) and—

(aa) the proposed enactment has first been submitted to the Committee for its approval in terms of subparagraph (bb); and

(bb) the Committee has in writing approved of such proposed enactment.

(b) A proclamation contemplated in paragraph (a) (aa) or (bb) which is issued without the prior approval required by that paragraph, shall be without any legal force and effect whatsoever.

(c) The fact that the contents of the delimitation, determination or decision contemplated in paragraph (a) are being duly incorporated or embodied in, or given effect to by, the proposed enactment and that the Committee has previously, that is, after 30 April 1995 but before 7 June 1995, concurred in such delimitation, determination or decision, shall not oblige the Committee to approve such proposed enactment nor preclude the Committee from withholding its approval where the Committee is satisfied that it would not have concurred in such delimitation, determination or decision had the Administrator, on or after 7 June 1995, notified the Committee in terms of section 4 (2) (a) of his or her intention to make such delimitation, determination or decision.”.

Wysiging van artikel 10 van Wet 209 van 1994

1. Artikel 10 van die Oorgangswet op Plaaslike Regering, 1993, word hierby gewysig—

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

“Vir die doeleindes van hierdie Wet kan die betrokke Administrateur ten opsigte van die regsgebied van die provinsie waarvoor hy of sy aangestel is, behoudens die bepalings van subartikel (4)—”; en

(b) deur na subartikel (3) die volgende subartikel in te voeg:

“(4) (a) Waar—

(i) die Administrateur, na 30 April 1995 maar voor 7 Junie 1995, met die instemming van die Komitee 'n afbakening of bepaling gedoen het of enige ander besluit hoegenaamd geneem het, waarvan die inhoud volgens voorskrif van die Wet beliggaam of vervat moet word in of uitvoering aan gegee moet word by, 'n maatreef deur die Administrateur by proklamasie ingevolge hierdie artikel uitgevaardig; en

(ii) ten gevolge van een of meer vakatures wat in die lidmaatskap van die komitee uit hoofde van artikel 3 (5) (c) ontstaan het, die oorblywende lede wat ten gunste van sodanige instemming is, nie minstens twee-derdes van die Komitee uitmaak nie,

word sodanige proklamasie nie deur die Administrateur uitgereik nie tot tyd en wyl sodanige vakature ingevolge artikel 3 (5) (b) gevul is en—

(aa) die voorgestelde maatreef eers aan die Komitee voorgelê is vir goedkeuring ingevolge subparagraaf (bb); en

(bb) die Komitee sodanige voorgestelde maatreef skriftelik goedgekeur het.

(b) 'n Proklamasie beoog in paragraaf (a) (aa) of (bb) wat sonder die vooraf-goedkeuring in daardie paragraaf vereis, uitgereik word, het hoegenaamd geen regskrag of -gevolg nie.

(c) Die feit dat die inhoud van die afbakening, bepaling of besluit beoog in paragraaf (a) na behore beliggaam of opgeneem word in, of uitvoering aan gegee word by die voorgestelde maatreefs en dat die Komitee voorheen, naamlik ná 30 April 1995 maar vóór 7 Junie 1995, ingestem het met sodanige afbakening, bepaling of besluit, plaas geen verpligting op die Komitee om sodanige voorgestelde maatreef goed te keur nie en verhoed ook nie die Komitee om sy goedkeuring te weerhou nie indien die Komitee oortuig is dat hy nie tot sodanige afbakening, bepaling of besluit sou ingestem het indien die Administrateur, op of na 7 Junie 1995, die Komitee ingevolge artikel 4 (2) (a) in kennis gestel het van sy of haar voorneme om sodanige afbakening of bepaling te doen of sodanige besluit te neem nie.”.

Short title and commencement

2. This Proclamation shall be called the **Local Government Transition Act Fourth Amendment Proclamation, 1995**, and shall be deemed to have come into operation on 30 April 1995.

Kort titel en inwerkingtreding

2. Hierdie Proklamasie heet die **Vierde Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1995**, en word geag op 30 April 1995 in werking te getree het.

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