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**No. 16521**

## PROCLAMATION

*by the  
President*

*of the Republic of South Africa*

**No. R. 65, 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 Johannesburg this Twenty-ninth day of June, One thousand Nine hundred and Ninety-five.

**N. R. MANDELA,**  
President.

By Order of the President-in-Cabinet:

**R. P. MEYER,**  
Minister of the Cabinet.

81406—A

## PROKLAMASIE

*van die  
President*

*van die Republiek van Suid-Afrika*

**No. R. 65, 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 Johannesburg, op hede die Negen-en-twintigste dag van Junie Eenduisend-Nege-honderd Vyf-en-negentig.

**N. R. MANDELA,**  
President.

Op las van die President-in-Kabinet:

**R. P. MEYER,**  
Minister van die Kabinet.

16521—1

**SCHEDULE****GENERAL EXPLANATORY NOTE:**

- [ ]** Words in bold type in square brackets indicated omissions from existing enactments  
 — Words underlined with a solid line indicate insertions in existing enactments

**Insertion of Part VA and sections 9A, 9B, 9C, 9D and 9E in Act 209 of 1993**

1. The following part is hereby inserted after Part V of the Local Government Transition Act, 1993:

**"PART VA****Rural Local Government****Definitions**

**9A.** In this Part, unless the context indicates otherwise—

'interest group' means—

- (a) farmers, land owners or levy payers;
- (b) farm labourers;
- (c) women; and
- (d) traditional leaders;

'district council' means a services council, sub-regional council or district council referred to in section 10(3)(i);

'remaining area' means any area which is situate within that part of the area of a district council which does not form part of the area of jurisdiction or area of a transitional local council, a transitional representative council or a transitional rural council;

'transitional representative council' means a transitional representative council referred to in section 9B(4)(a);

'transitional rural council' means a transitional council for a rural area of local government referred to in section 10(3)(A).

**Powers of Administrator relating to rural local government**

**9B.** (1) The Administrator may make such arrangements relating to the establishment of district councils, transitional representative councils and transitional rural councils as are necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Part, including—

- (a) the delimitation of the area of a transitional representative council after due consideration of the advice and written recommendations of the Board; and
- (b) the determination of the number of members of a district council or a transitional representative council.

(2) Without derogating from the generality of the power conferred by subsection (1) but subject to the provisions of this Part, the arrangements contemplated in that subsection may include the exercise of the powers conferred upon the Administrator by sections 9 and 10.

**BYLAE****ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordeninge aan  
 — Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan

**Invoeging van Deel VA en artikels 9A, 9B, 9C, 9D en 9E in Wet 209 van 1993**

1. Die volgende deel word hierby na Deel V van die Oorgangswet op Plaaslike Regering, 1993, ingevoeg:

**"DEEL VA****Landelike Plaaslike Regering****Woordomskrywing**

**9A.** In hierdie Deel, tensy uit die samehang anders blyk, beteken—

'distrikraad' 'n diensteraad, substreekraad of distrikraad in artikel 10(3)(i) bedoel;

'belangegroep'—

- (a) boere, grondeienaars of betalers van heffings;
- (b) plaaswerkers;
- (c) vroue; en
- (d) tradisionele leiers;

'landelike oorgangsraad' 'n oorgangsraad vir 'n landelike gebied van plaaslike regering in artikel 10(3)(A) bedoel;

'oorblywende gebied' 'n gebied wat geleë is binne daardie deel van die gebied van 'n distrikraad wat nie deel uitmaak van die regsgebied of gebied van 'n plaaslike oorgangsraad, 'n verteenwoordigende oorgangsraad of 'n landelike oorgangsraad nie;

'verteenwoordigende oorgangsraad' 'n verteenwoordigende oorgangsraad in artikel 9B(4)(a) bedoel.

**Bevoegdhede van Administrateur met betrekking tot landelike plaaslike regering**

**9B.** (1) Die Administrateur kan die reëlins met betrekking tot die instelling van distrikrade, verteenwoordigende oorgangsrade en landelike oorgangsrade tref wat nodig of dienstig is vir die doeltreffende uitvoering of bevordering van die bepalings en oogmerke van hierdie Deel, met inbegrip van—

- (a) die afbakening van die gebied van 'n verteenwoordigende oorgangsraad na behoorlike oorweging van die advies en skriftelike aanbevelings van die Raad; en
- (b) die bepaling van die getal lede van 'n distrikraad of 'n verteenwoordigende oorgangsraad.

(2) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid by subartikel (1) verleen maar behoudens die bepalings van hierdie Deel, kan die reëlins in daardie subartikel beoog die uitoefening van die bevoegdhede by artikels 9 en 10 aan die Administrateur verleen, insluit.



(3) Without derogating from the generality of the power conferred by section 9, a proclamation contemplated in that section may, in respect of rural local government, provide for—

- (a) the qualifications for election or nomination as members of a district council or a transitional representative council, their election or nomination and periods of office, the vacating of their offices, and the filling of casual vacancies in such council; and
- (b) the election of a chairperson, a vice-chairperson or an acting chairperson of a district council or a transitional representative council.

(4) Without derogating from the generality of the power conferred by section 10, a proclamation contemplated in that section may, in respect of rural local government, provide for—

- (a) the establishment of, and the delimitation of the area of, a transitional representative council, and the convening of and procedure and quorum at meetings thereof;
- (b) the payment of transport and subsistence allowances to members of a transitional representative council; and
- (c) the dissolution of any transitional rural council or the conversion of any such council into a transitional representative council.

#### Transitional representative councils

**9C.** (1) A transitional representative council shall consist of—

- (a) members elected in accordance with a system of proportional representation; and
- (b) if the Administrator considers it desirable, members nominated by interest groups recognised by the Administrator.

(2) At least one member shall be nominated by each interest group by virtue of subsection (1)(b): Provided that—

- (a) no single interest group shall nominate a number of members which exceeds 10 per cent of the total number of members to be elected and nominated in respect of the relevant transitional representative council;
- (b) the total number of members nominated by interest groups shall not exceed 20 per cent of the total number of members to be elected and nominated in respect of the relevant transitional representative council.

(3) A transitional representative council shall be vested or charged with the following powers and duties, namely—

- (a) to nominate from among its members a person or persons to represent the council on the district council in question;

(3) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid by artikel 9 verleen, kan 'n proklamasie in daardie artikel beoog, ten opsigte van landelike plaaslike regering, voorsiening maak vir—

- (a) die kwalifikasies vir verkiesing of benoeming as lede van 'n distrikraad of 'n verteenwoordigende oorgangsraad, hul verkiesing of benoeming en ampstermyne, die ontruiming van hul ampte, en die vul van toevallige vakatures in so 'n raad; en
- (b) die verkiesing van 'n voorsitter, 'n ondervoorsitter of 'n waarnemende voorsitter van 'n distrikraad of 'n verteenwoordigende oorgangsraad.

(4) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid by artikel 10 verleen, kan 'n proklamasie in daardie artikel beoog, ten opsigte van landelike plaaslike regering, voorsiening maak vir—

- (a) die instelling van, en die afbakening van die gebied van, 'n verteenwoordigende oorgangsraad, en die byeenroeping van, procedure by en kworum vir vergaderings daarvan;
- (b) die betaling van reis- en verblyftoelaes aan lede van 'n verteenwoordigende oorgangsraad; en
- (c) die ontbinding van 'n landelike oorgangsraad of die omskepping van so 'n raad in 'n verteenwoordigende oorgangsraad.

#### Verteenwoordigende oorgangsraade

**9C.** (1) 'n Verteenwoordigende oorgangsraad bestaan uit—

- (a) lede wat verkies word ooreenkomstig 'n stelsel van proporsionele verteenwoordiging; en
- (b) indien die Administrateur dit wenslik ag, lede wat benoem word deur belangegroep wat deur die Administrateur erken word.

(2) Minstens een lid moet deur elke belangegroep uit hoofde van subartikel (1)(b) benoem word: Met dien verstande dat—

- (a) geen enkele belangegroep 'n getal lede benoem wat 10 persent van die totale getal lede wat ten opsigte van die betrokke verteenwoordigende oorgangsraad verkies en benoem moet word, oorskry nie;
- (b) die totale getal lede wat deur belangegroep benoem word, nie 20 persent van die totale getal lede wat ten opsigte van die betrokke verteenwoordigende oorgangsraad verkies en benoem moet word, oorskry nie.

(3) 'n Verteenwoordigende oorgangsraad is beklee of belas met die volgende bevoegdhede en pligte, naamlik—

- (a) om uit sy lede 'n persoon of persone te nomineer om die raad in die betrokke distrikraad te verteenwoordig;

- (b) to secure, through the said person or persons, the best services possible for the inhabitants of its area;
- (c) to serve as the representative body of its area—
  - (i) in respect of any benefits resulting from the reconstruction and development programme; and
  - (ii) in the development of a democratic, effective and affordable system of local government; and
- (d) in general, to represent the inhabitants of its area in respect of any matter relating to rural local government.

#### Framework for rural local government

**9D.** (1) The following principles shall apply in respect of rural local government, namely—

- (a) provision shall be made for the division of the whole area of each province into areas of jurisdiction of transitional metropolitan councils, if any, and areas of district councils;
  - (b) a district council shall consist of—
    - (i) members nominated by transitional local councils, transitional representative councils or transitional rural councils, the areas of jurisdiction or areas of which are situate within the area of such regional council; and
    - (ii) in the case where there is a remaining area, members elected or elected and nominated from such area in accordance with a ratio based on the inhabitant numbers of the region;
  - (c) the provisions of paragraph (b)(ii) shall cease to apply in respect of any remaining area with effect from the date upon which such area is included within the area of jurisdiction of a local government established by or under legislation contemplated in section 245(2) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), or the date upon which a period of six months has elapsed from the polling day or polling period for elections in terms of this Act, whichever is the later date;
  - (d) district councils, transitional local councils, transitional representative councils and transitional rural councils shall be utilised with a view to developing a democratic, effective and affordable system of local government.
- (2) The members referred to in subsection (1)(b)(ii) shall—
- (a) be elected in accordance with a system of proportional representation; and

- (b) om, deur bemiddeling van bedoelde persoon of persone, die bes moontlike dienste vir die inwoners van sy gebied te verseker;
- (c) om as die verteenwoordigende liggaam van sy gebied te dien—
  - (i) ten opsigte van enige voordele wat uit die heropbou- en ontwikkelingsprogram voortspruit; en
  - (ii) by die ontwikkeling van 'n demokratiese, doeltreffende en bekostigbare plaaslike regeringstelsel; en
- (d) in die algemeen, om die inwoners van sy gebied te verteenwoordig ten opsigte van 'n aangeleentheid wat op landelike plaaslike regering betrekking het.

#### Raamwerk vir landelike plaaslike regering

**9D.** (1) Die volgende beginsels is van toepassing ten opsigte van landelike plaaslike regering, naamlik—

- (a) voorsiening moet gemaak word vir die verdeling van die hele gebied van elke provinsie in regsgebiede van metropolitaanse oorgangsrade, indien daar is, en gebiede van distrikrade;
  - (b) 'n distrikraad bestaan uit—
    - (i) lede wat benoem word deur plaaslike oorgangsrade, verteenwoordigende oorgangsrade of landelike oorgangsrade waarvan die regsgebiede of gebiede binne die gebied van so 'n streekraad geleë is; en
    - (ii) in die geval waar daar 'n oorblywende gebied is, lede wat uit so 'n gebied verkies of verkies en benoem word ooreenkomstig 'n verhouding wat op die inwonertal van die streek gebaseer is;
  - (c) die bepalings van paragraaf (b)(ii) hou op om ten opsigte van 'n oorblywende gebied van toepassing te wees met ingang van die datum waarop so 'n gebied ingesluit word by die regsgebied van 'n plaaslike regering wat by of kragtens wetgewing beoog in artikel 245(2) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), ingestel word of die datum waarop 'n tydperk van ses maande vanaf die stembdag of stemtydperk vir verkiesings ingevolge hierdie Wet verloop het, na gelang van watter datum die laaste is;
  - (d) distrikrade, plaaslike oorgangsrade, verteenwoordigende oorgangsrade en landelike oorgangsrade word aangewend met die oog op die ontwikkeling van 'n demokratiese, doeltreffende en bekostigbare plaaslike regeringstelsel.
- (2) Die lede bedoel in subartikel (1)(b)(ii) word—
- (a) verkies ooreenkomstig 'n stelsel van proporsionele verteenwoordiging; en

(b) if the Administrator considers it desirable, be nominated by interest groups recognised by the Administrator.

(3) At least one member shall be nominated by each interest group by virtue of subsection (2)(b): Provided that—

(a) no single interest group shall nominate a number of members which exceeds 10 per cent of the total number of members to be elected and nominated in respect of the relevant remaining area;

(b) the total number of members nominated by interest groups shall not exceed 20 per cent of the total number of members to be elected and nominated in respect of the relevant remaining area.

(4) In the delimitation of the area of any transitional representative council and the area of jurisdiction of any transitional rural council, preference shall be given to a delimitation which has the effect that the said area or area of jurisdiction is situated within the boundaries of a magisterial district.

#### Construction of this Part

9E. The provisions of this Part shall apply in addition to, and not in substitution for, the other provisions of this Act."

#### Substitution of long title of Act 209 of 1993

2. The following long title is hereby substituted for the long title of the Local Government Transition Act, 1993:

### "ACT

To provide for revised interim measures with a view to promoting the restructuring of local government, and for that purpose to provide for the establishment of Provincial Committees for Local Government in respect of the various provinces; to provide for the recognition and establishment of forums for negotiating such restructuring of local government; for the exemption of certain local government bodies from certain provisions of the Act; for the establishment of appointed transitional councils in the pre-interim phase; for the delimitation of areas of jurisdiction and the election of transitional councils in the interim phase; for the establishment of rural local government structures; for the issuing of proclamations by the Administrators of the various provinces; for the establishment of Local Government Demarcation Boards in respect of the various provinces; and for the repeal of certain laws; and to provide for matters connected therewith."

#### Short title

3. This Proclamation shall be called the Local Government Transition Act Fifth Amendment Proclamation, 1995.

(b) indien die Administrateur dit wenslik ag, benoem deur belangegroep wat deur die Administrateur erken word.

(3) Minstens een lid moet deur elke belangegroep uit hoofde van subartikel (2)(b) benoem word: Met dien verstande dat—

(a) geen enkele belangegroep 'n getal lede benoem wat 10 persent van die totale getal lede wat ten opsigte van die betrokke oorblywende gebied verkies en benoem moet word, oorskry nie;

(b) die totale getal lede wat deur belangegroep benoem word, nie 20 persent van die totale getal lede wat ten opsigte van die betrokke oorblywende gebied verkies en benoem moet word, oorskry nie.

(4) By die afbakening van die gebied van 'n verteenwoordigende oorgangsraad en die regsgebied van 'n landelike oorgangsraad moet voorkeur verleen word aan 'n afbakening wat die uitwerking het dat bedoelde gebied of regsgebied binne die grense van 'n landdrosdistrik geleë is.

#### Uitleg van hierdie Deel

9E. Die bepalings van hierdie Deel geld benewens die ander bepalings van hierdie Wet, en dien nie ter vervanging daarvan nie."

#### Vervanging van lang titel van Wet 209 van 1993

2. Die lang titel van die Oorgangswet op Plaaslike Regering, 1993, word hierby deur die volgende lang titel vervang:

### "WET

Om voorsiening te maak vir hersiene tussen-tydse maatreëls ten einde die herstrukture-ring van plaaslike regering te bevorder, en om vir dié doel voorsiening te maak vir die instelling van Provinsiale Komitees vir Plaaslike Regering ten opsigte van die onderskeie provinsies; voorsiening te maak vir die erkenning en instelling van forums vir die onderhandeling van sodanige herstruk-turering van plaaslike regering; vir die vrystelling van sekere plaaslike owerheids-liggame van sekere bepalings van die Wet; vir die instelling van benoemde oorgangs-rade in die pre-interimfase; vir die afbake-ning van regsgebiede en die verkiesing van oorgangsrade in die interimfase; vir die instelling van landelike plaaslike regering-strukture; vir die uitvaardiging van proklamasies deur die Administrateurs van die onderskeie provinsies; vir die instelling van Afbakeningsrade vir Plaaslike Regering ten opsigte van die onderskeie provinsies; en vir die herroeping van sekere wette; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan."

#### Kort titel

3. Hierdie Proklamasie heet die Vyfde Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1995.



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- ▶ **3 August**, Thursday, for the issue of Friday **11 August**
- ▶ **21 September**, Thursday, for the issue of Friday **29 September**
- ▶ **20 December**, Wednesday, for the issue of Friday **29 December**
- ▶ **28 December**, Thursday, for the issue of Friday **5 January 1996**

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GOEWERMENSKENNISGEWINGS 1995**

*Die sluitingstyd is stiptelik 15:00 op die volgende dae:*

- ▶ **3 Augustus**, Donderdag, vir die uitgawe van Vrydag **11 Augustus**
- ▶ **21 September**, Donderdag, vir die uitgawe van Vrydag **29 September**
- ▶ **20 Desember**, Woensdag, vir die uitgawe van Vrydag **29 Desember**
- ▶ **28 Desember**, Donderdag, vir die uitgawe van Vrydag **5 Januarie 1996**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word.

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DAAPHNE BURGER June 1991 issue of  
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