



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

No. 1233.

20 Junie 1984

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

No. 67 van 1984: Wet op die Leningsfonds vir Plaaslike Besture, 1984.

OFFICE OF THE PRIME MINISTER

No. 1233.

20 June 1984

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

No. 67 of 1984: Local Authorities Loans Fund Act, 1984.

WET

Om 'n leningsfonds vir die toestaan van lenings aan plaaslike besture, en 'n raad om daardie fonds te beheer, in te stel; die werksaamhede van daardie raad te omskryf; voorsiening te maak vir die betaling van sekere jaargelde, en van sekere bedrae ten bate van die Oranje-Vrystaatse Studiebeursfonds; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 Junie 1984.)

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

Woordomskrywing.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

- (i) "boekjaar" 'n jaar wat op 31 Maart in elke jaar eindig; 5
 - (iv)
 - (ii) "departement" die Departement van Finansies; (ii)
 - (iii) "direkteur-generaal" die Direkteur-generaal: Finansies; (iii)
 - (iv) "fonds" die Leningsfonds vir Plaaslike Besture by artikel 2 ingestel; (v)
 - (v) "Minister" die Minister van Finansies; (vii)
 - (vi) "plaaslike bestuur" 'n liggaam, raad of instelling in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog, 15 en ook—
 - (a) 'n bestuursraad kragtens artikel 40bis van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), ingestel;
 - (b) 'n Administrasieraad by artikel 2 van die Wet op 20 die Administrasie van Swart Sake, 1971 (Wet No. 45 van 1971), ingestel;
 - (c) 'n gemeenskapsraad kragtens artikel 2 van die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977), ingestel; 25
 - (d) 'n stadsraad of dorpsbestuur kragtens artikel 2 van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), ingestel; of
 - (e) 'n liggaam of instelling wat kragtens subartikel (2) tot 'n plaaslike bestuur vir die doeleindes van hier- 30 die Wet verklaar word; (vi)
 - (vii) "raad" die Raad van die Leningsfonds vir Plaaslike Besture ingestel by artikel 4. (i)
- (2) Die Minister kan by kennisgewing in die *Staatskoerant* 'n 35 liggaam of instelling—
- (a) wat by of kragtens 'n Wet van die Parlement ingestel is; en
 - (b) wat ingevolge of uit hoofde van daardie Wet bevoegdhede uitoefen en pligte verrig wat na die oordeel van

ACT

To establish a loans fund for the granting of loans to local authorities, and a board to manage that fund; to define the functions of that board; to provide for the payment of certain annuities, and of certain amounts for the benefit of the Orange Free State Study Bursaries Fund; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 7 June 1984.)*

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

1. (1) In this Act, unless the context indicates otherwise— Definitions.
- 5 (i) "board" means the Local Authorities Loans Fund Board established by section 4; (vii)
- (ii) "department" means the Department of Finance; (ii)
- (iii) "director-general" means the Director-General: Finance; (iii)
- 10 (iv) "financial year" means a year ending on 31 March in every year; (i)
- (v) "fund" means the Local Authorities Loans Fund established by section 2; (iv)
- 15 (vi) "local authority" means any body, council or institution contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and includes—
- (a) a management board established under section 40bis of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945);
- 20 (b) an Administration Board established by section 2 of the Black Affairs Administration Act, 1971 (Act No. 45 of 1971);
- (c) a community council established under section 2 of the Community Councils Act, 1977 (Act No. 125 of 1977);
- 25 (d) a town council or village council established under section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982); or
- (e) any body or institution declared under subsection (2) to be a local authority for the purposes of this Act; (vi)
- 30 (vii) "Minister" means the Minister of Finance. (v)
- (2) The Minister may by notice in the *Gazette* declare any body or institution—
- 35 (a) which has been established by or under any Act of Parliament; and
- (b) which exercises any powers and performs any duties in terms of or by virtue of that Act which, in the opinion

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WET OP DIE LENINGSFONDS VIR PLAASLIKE BESTURE, 1984

die Minister ooreenstem met die bevoegdhede en pligte wat gewoonlik uitgeoefen of verrig word deur—

- (i) 'n liggaam, raad of instelling in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), beoog; of 5
- (ii) 'n raad of bestuur in paragraaf (a), (b), (c) of (d) van die omskrywing van "plaaslike bestuur" bedoel, tot 'n plaaslike bestuur vir die doeleindes van hierdie Wet verklaar. 10

Instelling van Leningsfonds vir Plaaslike Besture.

2. (1) Daar word hierby 'n fonds met die naam die Leningsfonds vir Plaaslike Besture ingestel.

(2) Die fonds bestaan uit—

- (a) alle gelde in die plaaslike leningsfonds, ingestel by artikel 1 van die Plaaslike Leningswet, 1926 (Wet No. 19 van 1926), onmiddellik voor die inwerkingtreding van hierdie Wet;
- (b) gelde wat vir die doeleindes van hierdie Wet deur die Parlement van tyd tot tyd bewillig is en wat ten bate van die fonds betaal word op die tye en die wyse wat die Minister bepaal;
- (c) gelde wat ingevolge artikel 10 geleen word;
- (d) gelde ontvang by wyse van terugbetaling van 'n lening wat ingevolge artikel 11 uit die fonds toegestaan is of geag word toegestaan te wees; 25
- (e) rente ontvang op 'n lening wat ingevolge artikel 11 uit die fonds toegestaan is of geag word toegestaan te wees, en rente verkry uit 'n belegging van gelde wat in die krediet van die fonds staan; en
- (f) alle gelde wat die fonds uit enige ander bron toeval. 30

(3) Die raad moet enige gelde in die fonds wat nie vir onmiddellike gebruik nodig is nie, belê—

- (a) by die Openbare Beleggingskommissaris; of
- (b) indien die gelde te eniger tyd getrek moet word wanneer dit vir gebruik nodig is, by die Korporasie vir Openbare Deposito's ooreenkomstig die bepalings van die Wet op die Korporasie vir Openbare Deposito's, 1984. 35

Bankrekening.

3. (1) Daar word by die Suid-Afrikaanse Reserwebank 'n rekening in die naam van die fonds gehou— 40

- (a) waarin alle gelde wat ten bate van die fonds ontvang word, gestort word; en
- (b) waaruit alle betalings gedoen word wat ingevolge hierdie Wet gedoen moet word.

(2) Geen betalings word uit die rekening in subartikel (1) bedoel, gedoen nie behalwe op gesag van die raad of 'n persoon of persone vir dié doel deur die raad aangewys. 45

Bestuur van fonds.

4. (1) Die fonds word bestuur deur 'n raad wat die Raad van die Leningsfonds vir Plaaslike Besture heet, en wat die bevoegdhede uitoefen en die pligte verrig wat by hierdie Wet aan die raad verleen of hom opgedra word. 50

(2) Die raad is 'n regspersoon.

Samestelling van raad en ampstermyne en vergoeding van lede.

5. (1) Die raad bestaan uit—

- (a) die Minister of 'n persoon deur die Minister van tyd tot tyd aangewys, wat die voorsitter van die raad is; 55
- (b) drie persone deur die Minister aangestel, van wie minstens twee beamptes in die Staatsdiens moet wees, van wie minstens een 'n beampte in die departement moet wees; en
- (c) minstens een en hoogstens vier ander persone deur die Minister aangestel vanweë sy of hul besondere kennis van plaaslike bestuursangeleenthede. 60

(2) Die Minister stel, met inagneming van die bepalings van subartikel (1) (b) en (c), ten opsigte van elke lid in subartikel (1) (b) en (c) bedoel 'n persoon aan om, gedurende die afwesigheid 65 van daardie lid of sy onvermoë om as lid op te tree, as plaasvervanger op te tree vir die lid vir wie hy aldus aangestel is.

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of the Minister, correspond with the powers and duties ordinarily exercised or performed by—

- (i) any body, council or institution contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); or
 - (ii) any board or council referred to in paragraph (a), (b), (c) or (d) of the definition of "local authority",
- as a local authority for the purposes of this Act.

10 2. (1) There is hereby established a fund to be known as the Local Authorities Loans Fund. Establishment of Local Authorities Loans Fund.

(2) The fund shall consist of—

- (a) all moneys in the local loans fund, established by section 1 of the Local Loans Act, 1926 (Act No. 19 of 1926), immediately before the commencement of this Act;
- (b) moneys appropriated by Parliament from time to time for the purposes of this Act and paid for the benefit of the fund at such times and in such manner as the Minister may determine;
- (c) moneys borrowed in terms of section 10;
- (d) moneys received by means of repayment of any loan granted or deemed to be granted from the fund in terms of section 11;
- (e) interest received on any loan granted or deemed to be granted from the fund in terms of section 11, and interest derived from any investment of moneys standing to the credit of the fund; and
- (f) all moneys accruing to the fund from any other source.

30 (3) The board shall invest any moneys in the fund which are not required for immediate use—

- (a) with the Public Investment Commissioners; or
- (b) if such moneys are required to be withdrawn at any time when they are required for use, with the Corporation for Public Deposits in accordance with the provisions of the Corporation for Public Deposits Act, 1984.

3. (1) There shall be maintained at the South African Reserve Bank an account in the name of the fund— Bank account.

- (a) into which shall be deposited all moneys received for the benefit of the fund; and
- (b) from which shall be made all payments required to be made in terms of this Act.

(2) No payments shall be made from the account referred to in subsection (1) except on authority of the board or a person or persons designated for such purpose by the board.

4. (1) The fund shall be managed by a board to be known as the Local Authorities Loans Fund Board, which shall exercise the powers and perform the duties conferred or imposed upon the board by this Act. Management of fund.

50 (2) The board shall be a juristic person.

5. (1) The board shall consist of—

- (a) the Minister or any person designated by the Minister from time to time, who shall be the chairman of the board;
- (b) three persons appointed by the Minister, of whom at least two shall be officers in the public service, of whom at least one shall be an officer in the department; and
- (c) at least one and not more than four other persons appointed by the Minister on account of his or their special knowledge of local authority affairs.

(2) The Minister shall, with due regard to the provisions of subsection (1) (b) and (c), appoint in respect of each member referred to in subsection (1) (b) and (c) a person to act, during the absence of that member or his inability to act as a member, as alternate for the member for whom he has been so appointed.

Constitution of board and periods of office and remuneration of members.

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(3) Die Minister wys 'n lid van die raad wat 'n beampte in die departement is as vise-voorsitter van die raad aan.

(4) 'n Lid van die raad (behalwe die Minister of die persoon in subartikel (1) (a) bedoel, en 'n beampte in subartikel (1) (b) bedoel, wat sy amp beklee vir so lank dit die Minister behaag) beklee sy amp vir 'n tydperk van hoogstens vyf jaar wat die Minister ten tyde van sy aanstelling bepaal, en kan by die verstryking van sy ampstermyn weer aangestel word.

(5) Aan 'n persoon in subartikel (1) (b) en (c) bedoel en sy plaasvervanger, kan uit gelde wat vir dié doel bewillig word die vergoeding en toelaes betaal word wat die Minister bepaal.

Ontruiming van
amp deur lede.

6. (1) 'n Lid van die raad ontruim sy amp indien—

- (a) sy boedel gesekwestreer word of hy met sy skuldeisers 'n skikking aangaan;
- (b) hy volgens die reg as 'n geestesongestelde persoon aangehou word;
- (c) hy sonder verlof van die raad van drie agtereenvolgende vergaderings van die raad afwesig is; of
- (d) hy by skriftelike kennisgewing gerig aan die Minister bedank.

(2) Die Minister kan die aanstelling van 'n lid in artikel 5 (1) (c) bedoel te eniger tyd voor die verstryking van sy ampstermyn intrek indien daar na die Minister se oordeel gegronde redes bestaan om dit te doen.

Vergaderings van
raad en besluite.

7. (1) Die raad moet minstens twee maal in elke boekjaar vergader op die tye en plekke wat die voorsitter van die raad bepaal.

(2) Die meerderheid van die lede van die raad maak 'n kworum vir 'n vergadering van die raad uit.

(3) Indien die voorsitter van die raad van 'n vergadering van die raad afwesig is of nie in staat is om sy werksaamhede as voorsitter te verrig nie, neem die vise-voorsitter as voorsitter waar, en terwyl hy aldus waarneem, het hy al die bevoegdhede en verrig hy al die pligte van die voorsitter.

(4) Indien die voorsitter van die raad sowel as die vise-voorsitter van die raad van 'n vergadering daarvan afwesig is, kies die aanwesige lede van die raad 'n voorsitter uit hul geledere om op daardie vergadering as voorsitter waar te neem, en terwyl hy aldus waarneem, het hy al die bevoegdhede en verrig hy al die pligte van die voorsitter.

(5) Die besluit van 'n meerderheid van die lede van die raad wat op 'n vergadering daarvan aanwesig is, is 'n besluit van die raad: Met dien verstande dat in die geval van 'n staking van stemme die persoon wat op 'n vergadering voorsit 'n beslissende stem benewens sy beraadslagende stem het.

(6) Die raad kan reëls maak met betrekking tot die hou van, en prosedure op, vergaderings van die raad.

Uitvoerende komi-
tee van raad.

8. (1) Die raad stel 'n uitvoerende komitee in—

- (a) wat uit drie persone bestaan wat deur die raad aangestel word, van wie minstens twee beamptes in die departement moet wees wat deur die direkteur-generaal benoem word; en
- (b) wat, onderworpe aan die voorskrifte van die raad, die bevoegdhede uitoefen en die pligte verrig wat by hierdie Wet aan die raad verleen of hom opgelê word.

(2) Die raad stel, met inagneming van die bepalings van subartikel (1), ten opsigte van elke lid van die uitvoerende komitee 'n persoon aan om, gedurende die afwesigheid van daardie lid of sy onvermoë om as lid op te tree, as plaasvervanger op te tree vir die lid vir wie hy aldus aangestel is.

(3) Die raad wys 'n lid van die uitvoerende komitee as voorsitter van die uitvoerende komitee aan.

(4) Die uitvoerende komitee vergader op die tye en plekke wat die raad of die voorsitter van die uitvoerende komitee bepaal.

(5) 'n Besluit van die uitvoerende komitee kan te eniger tyd deur die raad ingetrek of gewysig word en word, totdat dit aldus ingetrek of gewysig word, behalwe by die toepassing van hierdie subartikel, geag 'n besluit van die raad te wees.

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(3) The Minister shall designate a member of the board who is an officer in the department as vice-chairman of the board.

(4) A member of the board (except the Minister or the person referred to in subsection (1) (a), and an officer referred to in subsection (1) (b), who shall hold office at the Minister's pleasure) shall hold office for a period not exceeding five years determined by the Minister at the time of his appointment, and shall, after the expiration of his period of office, be eligible for re-appointment.

(5) A person referred to in subsection (1) (b) and (c) and his alternate may be paid, from moneys appropriated for such purpose, such remuneration and allowances as the Minister may determine.

6. (1) A member of the board shall vacate his office if—
 (a) his estate is sequestrated or he enters into a compromise with his creditors;
 (b) he is according to the law detained as a mentally ill person;
 (c) he has absented himself from three consecutive meetings of the board without the leave of the board; or
 (d) he resigns by notice in writing addressed to the Minister.

Vacation of office
by members.

(2) The Minister may revoke the appointment of a member referred to in section 5 (1) (c) at any time before the expiration of his period of office if in the opinion of the Minister there are good reasons for doing so.

7. (1) The board shall meet at least twice in every financial year at such times and places as the chairman of the board may determine.

Meetings of board
and decisions.

(2) The majority of the members of the board shall form a quorum for a meeting of the board.

(3) If the chairman of the board is absent from a meeting of the board or is unable to perform his functions as chairman, the vice-chairman shall act as chairman, and while he so acts he shall have all the powers and perform all the duties of the chairman.

(4) If both the chairman of the board and the vice-chairman of the board are absent from a meeting thereof, the members of the board present shall elect one from among their number to act as chairman at that meeting, and while he so acts he shall have all the powers and perform all the duties of the chairman.

(5) The decision of a majority of the members of the board present at a meeting thereof, shall be a decision of the board: Provided that in the event of an equality of votes the person presiding at a meeting shall have a casting vote in addition to his deliberative vote.

(6) The board may make rules in relation to the holding of, and procedure at, meetings of the board.

8. (1) The board shall establish an executive committee—
 (a) which shall consist of three persons appointed by the board, of whom at least two shall be officers in the department nominated by the director-general; and
 (b) which shall, subject to the directions of the board, exercise the powers and perform the duties conferred or imposed upon the board by this Act.

Executive committee
of board.

(2) The board shall, with due regard to the provisions of subsection (1), appoint in respect of each member of the executive committee a person to act, during the absence of that member or his inability to act as a member, as alternate for the member for whom he has been so appointed.

(3) The board shall designate a member of the executive committee as chairman of the executive committee.

(4) The executive committee shall meet at such times and places as the board or the chairman of the executive committee may determine.

(5) A decision of the executive committee may at any time be withdrawn or amended by the board and shall, until it is so withdrawn or amended, except for the purposes of this subsection, be deemed to be a decision of the board.

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(6) Die bepalings van artikel 7 (2), (4), (5) en (6) is *mutatis mutandis* met betrekking tot die uitvoerende komitee van toepassing.

Verrigting van administratiewe werk van raad.

9. Die administratiewe werk verbonde aan die verrigting van die werksaamhede van die raad word verrig deur beamptes in die departement wat vir dié doel deur die direkteur-generaal aangewys is. 5

Aangaan van lenings deur raad.

10. (1) Die raad kan te eniger tyd met die goedkeuring van die Minister geld binne of buite die Republiek leen, en kan dit doen— 10

(a) deur ooreenkomste met banke of ander finansiële instellings aan te gaan; of

(b) deur effekte, skuldbriewe of wissels uit te reik, op die bedinge en voorwaardes wat die Minister goedkeur.

(2) Ooreenkomste aangegaan en effekte, skuldbriewe of wissels uitgereik ingevolge hierdie artikel word onderteken deur 'n persoon of persone wat skriftelik deur die raad gemagtig is om dit te doen. 15

(3) Behoudens die bepalings van subartikel (4) is die bepalings van artikels 20 (2) (a), 21 (1), (3), (4) en (5), 22 (1), 23 en 24 (1) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), behalwe waar dit onbestaanbaar met die samehang of duidelik onvanpas is, *mutatis mutandis* van toepassing met betrekking tot 'n lening kragtens subartikel (1) aangegaan. 20

(4) By die toepassing van genoemde bepalings van die Skatkis- en Ouditwet, 1975, word 'n verwysing— 25

(a) na die Minister of die Tesourie, uitgelê as 'n verwysing na die raad;

(b) na die Staatsinkomstefonds of die Staatsinkomsterekening, uitgelê as 'n verwysing na die fonds; en 30

(c) na binnelandse ingeskrewe effekte of binnelandse geregistreerde effekte, uitgelê as 'n verwysing na geregistreerde effekte.

Lenings aan plaaslike besture.

11. (1) Behoudens die bepalings van hierdie Wet kan die raad, op aansoek deur 'n plaaslike bestuur en op die bedinge en voorwaardes deur die raad bepaal, met inagneming van die geldelike toestand van die fonds en die vereistes van elke geval, aan daardie plaaslike bestuur 'n lening toestaan vir enige van of al die volgende doeleindes, naamlik— 35

(a) om paaie, strate, afvoerslote, riole, waterleidings, pype, water- of ander hoofleidings, kraglyne, waterwerke, reservoirs, damme en werke, met inbegrip van geboue, in verband met die lewering van gas, water of elektrisiteit of van sanitêre dienste aan te lê, te verander of te verlê; 40 45

(b) om brûe, deurgange of duikweë te bou;

(c) om 'n openbare vervoerdiens in te stel of uit te brei;

(d) om, ten einde paaie of strate by wyse van verlegging of verandering te verbeter, eiendomme aan te koop of dit by wyse van onteiening te verkry; 50

(e) om onroerende goed te koop of te onteien wat nodig is vir, of geboue op grond op te rig of in te rig vir, stad-sale, kantore, markgeboue, openbare geriewe, parke, plantetuine, biblioteke, kunssale, teaters, gemeenskap-sale, museums, begraafplase, landboutoonstallings, openbare bymekaarkomplekke of terreine vir ontspanning en vermaak; 55

(f) om hospitale, afsonderingsplekke, toevlugsoorde, klinieke of ander geboue in verband met gesondheids- en liefdadigheidsdienste in te stel, op te rig of toe te rus; 60

(g) om grond of ander goed aan te koop wat nodig is om eienaars van onroerende goed wat onteien is soos in paragraaf (d) of (e) beoog, te vergoed, of vergoeding aan daardie eienaars te betaal;

(h) om 'n lening deur die plaaslike bestuur aangegaan of geld aan hom voorgeskiet, terug te betaal; en 65

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(6) The provisions of section 7 (2), (4), (5) and (6) shall apply *mutatis mutandis* in relation to the executive committee.

9. The administrative work incidental to the performance of the functions of the board shall be performed by officers in the department designated for such purpose by the director-general. Performance of administrative work of board.

10. (1) The board may at any time with the approval of the Minister borrow money within or outside the Republic, and may do so— Raising of loans by board.

(a) by entering into agreements with banks or other financial institutions; or

(b) by issuing stock, debentures or bills, on such terms and conditions as the Minister may approve.

(2) Agreements entered into and stock, debentures or bills issued in terms of this section shall be signed by a person or persons authorized in writing by the board to do so.

(3) Subject to the provisions of subsection (4), the provisions of sections 20 (2) (a), 21 (1), (3), (4) and (5), 22 (1), 23 and 24 (1) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), shall, except where they are inconsistent with the context or clearly inappropriate, apply *mutatis mutandis* in relation to a loan raised under subsection (1).

(4) For the purposes of the said provisions of the Exchequer and Audit Act, 1975, any reference—

(a) to the Minister or the Treasury, shall be construed as a reference to the board;

(b) to the State Revenue Fund or the State Revenue Account, shall be construed as a reference to the fund; and

(c) to internal inscribed stock or internal registered stock, shall be construed as a reference to registered stock.

11. (1) Subject to the provisions of this Act, the board may on application by a local authority and on such terms and conditions as the board may determine grant, with due regard to the financial position of the fund and the requirements of each case, a loan to such local authority for any of or all the following purposes, namely— Loans to local authorities.

(a) to construct, alter or divert roads, streets, drains, sewers, aqueducts, pipes, water or other main lines, power lines, waterworks, reservoirs, dams and works, including buildings, in connection with the supply of gas, water or electricity or of sanitary services;

(b) to construct bridges, thoroughfares or subways;

(c) to establish or extend a public transport service;

(d) in order to improve roads or streets by means of diversion or alteration, to purchase properties or to acquire them by means of expropriation;

(e) to purchase or expropriate immovable property that may be necessary for, or to erect or equip buildings on land for, town halls, offices, market houses, public conveniences, parks, botanical gardens, libraries, art galleries, theatres, community halls, museums, cemeteries, agricultural shows, places of public resort or areas for recreation and pleasure;

(f) to establish, erect or equip hospitals, places of isolation, asylums, clinics or other buildings in connection with health and charitable services;

(g) to purchase land or other property that may be necessary to compensate owners of immovable goods expropriated as contemplated in paragraph (d) or (e), or to pay compensation to those owners;

(h) to repay any loan raised by such local authority or money advanced to it; and

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- (i) om in die algemeen enige bevoegdheid uit te oefen of plig te verrig wat by of kragtens die een of ander wet aan die plaaslike bestuur verleen of hom opgelê word en wat die Minister by kennisgewing in die *Staatskoerant* bepaal. 5
- (2) (a) Die voorwaardes wat die raad ingevolge subartikel (1) kan bepaal, kan ook betrekking hê op die rente wat op 'n lening betaalbaar is.
- (b) Die raad kan van tyd tot tyd die rentekoers wat op agterstallige paaielemente op 'n lening van toepassing is, 10 bepaal.
- (3) 'n Plaaslike bestuur moet, wanneer hy by skriftelike kennisgewing deur die raad aangesê word om dit te doen, aan die raad, binne die in die kennisgewing vermelde tydperk of binne die verdere tydperk wat hy toelaat, 'n gesertifiseerde afskrif van 15 sy geouditeerde rekeninge, sy begroting van inkomste en uitgawes en die ander state en verslae in die kennisgewing vermeld, verstrek.
- (4) Indien 'n plaaslike bestuur versuim om aan die bepalings van subartikel (3) te voldoen, kan die raad die rekeninge en 20 boeke van daardie plaaslike bestuur laat ondersoek, nasien en ouditeer en alle uitgawes deur die raad aangegaan in verband met die ondersoek, nasiening en ouditering op die plaaslike bestuur verhaal.

Aansoek om 'n lening.

- 12. (1) 'n Aansoek om 'n lening in artikel 11 beoog, moet ge- 25 doen word in die vorm wat die raad bepaal en wat die doeleinde waarvoor die lening verlang word, vermeld, en moet vergesel gaan—
- (a) behalwe in die geval van 'n doeleinde in artikel 11 (1) (h) beoog, van 'n gedetailleerde beraming van— 30
 - (i) die verwagte uitgawes in verband met die doeleinde waarvoor die lening verlang word;
 - (ii) die verwagte jaarlikse uitgawes in verband met die instandhouding daarvan; en
 - (iii) die verwagte jaarlikse inkomste wat daaruit verkry 35 kan word en die tydperk waartydens 'n inkomste daaruit verkry kan word; en
- (b) van die ander inligting of stukke wat die raad vereis.
- (2) Die raad—
- (a) oorweeg nie 'n aansoek in subartikel (1) bedoel nie ten- 40 sy die betrokke plaaslike bestuur ingevolge die wet waarby of waarkragtens hy ingestel is, gemagtig word om 'n lening aan te gaan, en—
 - (i) in die geval van 'n lening vir die doeleindes van die aanleg of verandering van werke— 45
 - (aa) deur middel waarvan openbare water ooreenkomstig die vereistes van die bepalings van die Waterwet, 1956 (Wet No. 54 van 1956), opgedam of opgegaar kan word, of water aldus uit 'n openbare stroom geneem of gelei 50 kan word; of
 - (bb) om ooreenkomstig die vereistes van die bepalings van die Waterwet, 1956 (Wet No. 54 van 1956), water wat vir nywerheidsdoeleindes gebruik is en enige uitvloei deur daardie 55 gebruik voortgebring of wat daaruit ontstaan het, te suiwer, of aldus oor daardie water te beskik, die aansoek deur die Minister van Omgewingsake en Visserie aanbeveel word; of 60
 - (ii) in die geval van 'n lening vir 'n doeleinde in artikel 11 (1) (f) beoog, die aansoek deur die Minister van Gesondheid en Welsyn aanbeveel word;
- (b) oorweeg, behoudens die bepalings van paragraaf (a), 'n aansoek in subartikel (1) bedoel tesame met die inlig- 65 ting en stukke wat die aansoek vergesel, en kan enige ondersoek in verband daarmee doen wat hy nodig ag.

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- (i) generally, to exercise any power or perform any duty conferred or imposed upon such local authority by or under any law that the Minister may by notice in the *Gazette* determine.
- 5 (2) (a) The conditions which the board may determine in terms of subsection (1) may relate also to the interest payable on any loan.
- (b) The board may determine from time to time the rate of interest applicable to arrear instalments on any loan.
- 10 (3) Any local authority shall, when required by the board by notice in writing to do so, furnish it, within the period specified in the notice or within such further period as it may allow, with a certified copy of its audited accounts, its estimate of revenue and expenditure and such other statements and reports as may be
- 15 specified in such notice.
- (4) If any local authority fails to comply with the provisions of subsection (3) the board may cause the accounts and books of that local authority to be investigated, examined and audited and recover all expenditure incurred by the board in connection
- 20 with such investigation, examination and auditing from such local authority.
12. (1) An application for a loan contemplated in section 11 shall be made in such form as the board may determine and shall mention the purpose for which the loan is desired, and shall
- 25 be accompanied—
- (a) except in the case of a purpose contemplated in section 11 (1) (h), by a detailed estimate of—
- (i) the expected expenses in connection with the purpose for which such loan is desired;
- 30 (ii) the expected annual expenses in connection with the maintenance thereof; and
- (iii) the expected annual income which may be derived therefrom and the period during which any income may be derived therefrom; and
- 35 (b) by such other information or documents as the board may require.
- (2) The board—
- (a) shall not consider any application referred to in subsection (1) unless the local authority concerned is authorized in terms of the law by or under which it has been established to raise a loan, and—
- 40 (i) in the case of a loan for the purposes of the construction or alteration of works—
- (aa) by means of which public water may, in accordance with the requirements of the provisions of the Water Act, 1956 (Act No. 54 of 1956), be impounded or stored, or water may be so abstracted or diverted from a public stream; or
- 45 (bb) to purify, in accordance with the requirements of the provisions of the Water Act, 1956 (Act No. 54 of 1956), water used for industrial purposes and any effluent produced by or resulting from that use, or so to dispose of that water,
- 50 such application is recommended by the Minister of Environment Affairs and Fisheries; or
- (ii) in the case of a loan for a purpose contemplated in section 11 (1) (f), such application is recommended by the Minister of Health and Welfare;
- 60 (b) shall, subject to the provisions of paragraph (a), consider any application referred to in subsection (1), together with the information and documents which accompanied such application, and may make any inquiry in connection therewith which it may deem necessary.
- 65

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Terugbetaling van lenings.

- 13. (1)** 'n Lening wat ingevolge artikel 11 aan 'n plaaslike bestuur toegestaan is, moet terugbetaal word—
- (a) binne die tydperk wat die raad bepaal;
 - (b) in die paalemente van kapitaal, tesame met rente op 'n gedeelte daarvan wat nog nie terugbetaal is nie, en op die datums wat die raad bepaal wanneer die lening toegestaan word. 5
- (2) Die inkomste en bates van die plaaslike bestuur dien as sekuriteit vir die terugbetaling van 'n lening tesame met rente daarop. 10

Versuim van plaaslike bestuur om lening terug te betaal of paalemente daarop te betaal.

- 14. (1)** Indien 'n plaaslike bestuur wat ingevolge artikel 11 'n lening uit die fonds ontvang het, versuim om die lening binne die tydperk kragtens artikel 13 bepaal, terug te betaal of 'n paalement daarop op die datum aldus bepaal, te betaal, kan die raad na verloop van 'n tydperk van minstens 60 dae na daardie tydperk verstryk het of na daardie datum, na gelang van die geval, die bedrag van die lening of paalement wat nog nie terugbetaal of betaal is nie, tesame met die rente daarop verskuldig, op die plaaslike bestuur verhaal—
- (a) deur te verklaar dat enige inkomste van die plaaslike bestuur aangewend moet word ter betaling van daardie bedrag, en deur 'n ontvanger te benoem wat hierby gemagtig word om die gedeelte van daardie inkomste in te vorder wat nodig is om daardie bedrag te betaal en om dit aan die raad oor te betaal; 20 25
 - (b) deur—
 - (i) in die geval van 'n plaaslike bestuur wat bevoeg is om belastinge te hef, 'n spesiale belasting te hef en in te vorder op alle belasbare eiendom binne die regsgebied van daardie plaaslike bestuur tot tyd en wyl daardie bedrag betaal is; of 30
 - (ii) in die geval van 'n plaaslike bestuur wat nie bevoeg is om belastinge te hef nie, die waarde te laat bepaal deur twee persone deur die raad benoem van alle eiendomme binne die regsgebied van daardie plaaslike bestuur wat ingevolge die een of ander wet belasbaar sou gewees het indien daardie plaaslike bestuur 'n munisipale raad was en deur belastinge ooreenkomstig daardie wet te hef en in te vorder op daardie eiendomme tot tyd en wyl daardie bedrag betaal is; of 35 40
 - (c) deur besit te neem van enige bates van die plaaslike bestuur wat as sekuriteit vir die terugbetaling van die lening en rente daarop dien.
- (2) Wanneer enige bates kragtens subartikel (1) (c) in besit geneem is, kan die raad— 45
- (a) minstens een maand nadat 'n kennisgewing van sy voorneme om te verkoop in 'n Afrikaanse of Engelse nuusblad wat in omloop is in die gebied waarin bedoelde bates geleë is, gepubliseer is, daardie eiendom by openbare veiling verkoop; en 50
 - (b) daardie bates aan die koper oordra en hom 'n regsgeldige titel daarop gee en, in die geval van onroerende eiendom, sonder om die titelbewyse aan die registrator van aktes voor te lê, mits gesertifiseer word dat die raad daardie titelbewyse nie kan verkry nie. 55
- (3) Die opbrengs van belastinge kragtens subartikel (1) gehef of van die verkoop van enige bates kragtens subartikel (2) word aangewend om—
- (a) alle uitgawes wat in verband met die heffing en invordering van daardie belastinge of die verkoop van daardie bates aangegaan is; en 60
 - (b) alle bedrae wat aan die fonds verskuldig is, te betaal, en die saldo word aan die persoon wat wettiglik geregtig is om sodanige saldo te ontvang, betaal. 65

Boekhouding en ouditering.

15. Die raad moet—

- (a) van alle geldelike transaksies wat deur hom ingevolge hierdie Wet aangegaan word, behoorlik boek laat hou; en

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13. (1) Any loan granted to a local authority in terms of section 11 shall be repaid—

Repayment of loans.

- (a) within such period as the board may determine;
- (b) in such instalments of capital, together with interest on any portion thereof which has not been repaid, and on such dates as the board may determine when the loan is granted.

(2) The revenue and assets of the local authority shall be the security for the repayment of any loan together with any interest thereon.

14. (1) If a local authority which has received a loan from the fund in terms of section 11 fails to repay such loan within the period determined under section 13 or to pay any instalment thereon on the date so determined, the board may, after the expiration of a period of at least 60 days after that period has expired or after that date, as the case may be, recover from such local authority the amount of the loan or instalment not yet repaid or paid, together with interest due thereon—

Failure by local authority to repay loan or to pay instalments thereon.

- (a) by declaring that any revenue of the local authority shall be applied to the payment of that amount, and by nominating a receiver, who is hereby authorized to collect such portion of that revenue as may be necessary to pay such amount and to pay it over to the board;

- (b) by—
 - (i) in the case of a local authority empowered to levy rates, levying and collecting a special rate on all rateable property within the area of jurisdiction of that local authority until such time as that amount is paid; or

- (ii) in the case of a local authority not empowered to levy rates, causing the value to be determined by two persons nominated by the board of all properties within the area of jurisdiction of that local authority which would have been rateable in terms of any law if that local authority were a municipal council and by levying and collecting rates on those properties in accordance with that law until such time as that amount is paid; or

- (c) by taking possession of any assets of such local authority which may be security for the repayment of the loan and interest thereon.

(2) When any assets have been taken in possession under subsection (1) (c) the board may—

- (a) at least one month after a notice of its intention to sell has been published in an English or Afrikaans newspaper circulating in the area in which such assets are situated, sell that property by public auction; and
- (b) transfer those assets to the purchaser and give a valid title thereto and, in the case of immovable property, without submitting to the registrar of deeds the title deeds, provided it is certified that the board has been unable to obtain those title deeds.

(3) The proceeds of the rates levied under subsection (1) or of the sale of any assets under subsection (2) shall be utilized to pay—

- (a) all expenses incurred in connection with the levying and collection of those rates or the sale of those assets; and
 - (b) all amounts due to the fund,
- and the balance shall be paid to any person who is legally entitled to receive such balance.

15. The board shall—

- (a) cause proper account to be kept of all financial transactions entered into by it in terms of this Act; and

Bookkeeping and auditing.

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- (b) so gou doenlik maar nie later nie as ses maande na die einde van 'n boekjaar—
- (i) finansiële state ten opsigte van die betrokke boekjaar laat opstel in die vorm deur die raad, na oorlegpleging met die Ouditeur-generaal, bepaal; en 5
 - (ii) daardie state aan die Ouditeur-generaal vir ondersoek, nasiening en ouditering deurstuur.

Jaarverslag.

16. (1) Die raad moet so gou doenlik na die einde van 'n boekjaar maar nie later nie as nege maande na die einde van die boekjaar 'n verslag aangaande sy werksaamhede gedurende 10 daardie boekjaar opstel.

(2) Die finansiële state in artikel 15 (b) (i) bedoel en die verslag in subartikel (1) van hierdie artikel bedoel, word deur die Minister in die Parlement ter Tafel gelê binne 14 dae nadat dit beskikbaar geword het indien die Parlement dan in sessie is of, 15 indien die Parlement nie dan in sessie is nie, binne 14 dae na die aanvang van sy eersvolgende sessie.

Herroeping en wysiging van wette.

17. (1) Behoudens die bepalings van subartikel (2) word die wette in die Bylae vermeld hierby herroep of gewysig vir sover in die derde kolom van daardie Bylae aangedui. 20

(2) Ondanks die herroeping van die Plaaslike Leningswet, 1926 (Wet No. 19 van 1926), kragtens subartikel (1) van hierdie artikel—

- (a) berus alle bates, laste, regte en verpligtinge wat ingevolge laasgenoemde Wet met betrekking tot die plaaslike leningsfonds by die Openbare Beleggingskommissaris berus het, by die raad; 25
- (b) word enigiets wat kragtens 'n bepaling van daardie Wet deur die Openbare Beleggingskommissaris of 'n ander persoon gedoen is en wat kragtens 'n ooreenstemmende bepaling van hierdie Wet gedoen kan word, geag kragtens daardie ooreenstemmende bepaling deur die raad of daardie persoon gedoen te wees. 30

(3) Subartikel (1) van hierdie artikel, vir sover dit betrekking het op artikels 3 (2) en (3) en 6bis van die Plaaslike Leningswet, 1926 (Wet No. 19 van 1926), word geag op 31 Maart 1984 in werking te getree het.

Oordrag aan Universiteit van die Oranje-Vrystaat van sekere bedrag geld en betaling van sekere jaargelde en bedrae.

18. Die raad moet—

- (a) so gou moontlik nadat die verpligting om jaargelde ingevolge artikel 5 van die "Plaatselik Leenfonds (Beurzen en Jaargelden) Wet, 1909" (Wet No. 34 van 1909), van die Oranje-Vrystaat te betaal, ophou om te bestaan, 'n bedrag van R100 000 uit die fonds aan die Universiteit van die Oranje-Vrystaat ten bate van die Oranje-Vrystaatse Studiebeursfonds betaal; 45
- (b) tot tyd en wyl daardie bedrag ingevolge paragraaf (a) betaal word, 'n bedrag van R100 000 uit die fonds by die Korporasie vir Openbare Deposito's ingestel by artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984, belê; en 50
- (c) die rente wat op daardie bedrag ontvang word, aanwend volgens voorskrif van artikel 5 van genoemde "Plaatselik Leenfonds (Beurzen en Jaargelden) Wet, 1909", en enige rente wat nie aldus aangewend word nie so gou moontlik na die einde van 'n boekjaar aan 55 die Raad van die Universiteit van die Oranje-Vrystaat ten bate van die Oranje-Vrystaatse Studiebeursfonds betaal.

Kort titel en inwerkingtreding.

19. Hierdie Wet heet die Wet op die Leningsfonds vir Plaaslike Besture, 1984, en tree, behoudens die bepalings van artikel 17 (3), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 60

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- (b) as soon as possible but not later than six months after the end of any financial year—
- (i) cause in respect of the financial year in question financial statements to be compiled in such form as the board may determine after consultation with the Auditor-General; and
 - (ii) transmit those statements to the Auditor-General for investigation, examination and auditing.
16. (1) The board shall as soon as possible after the end of a financial year but not later than nine months after the end of such financial year compile a report regarding its activities during that financial year. Annual report.
- (2) The financial statements referred to in section 15 (b) (i) and the report referred to in subsection (1) of this section shall be laid upon the Table of Parliament by the Minister within 14 days after it became available, if Parliament is then in session, or, if Parliament is not then in session, within 14 days after the commencement of its next ensuing session.
17. (1) Subject to the provisions of subsection (2), the laws mentioned in the Schedule are hereby repealed or amended to the extent set out in the third column of that Schedule. Repeal and amendment of laws.
- (2) Notwithstanding the repeal of the Local Loans Act, 1926 (Act No. 19 of 1926), under subsection (1) of this section—
- (a) all assets, liabilities, rights and obligations which vested in the Public Investment Commissioners in terms of the latter Act in relation to the local loans fund, shall vest in the board;
 - (b) anything done under any provision of that Act by the Public Investment Commissioners or any other person which may be done under a corresponding provision of this Act by the board, shall be deemed to have been done by the board or that person under that corresponding provision.
- (3) Subsection (1) of this section, in so far as it relates to sections 3 (2) and (3) and 6bis of the Local Loans Act, 1926 (Act No. 19 of 1926), shall be deemed to have come into operation on 31 March 1984.
18. The board shall—
- (a) as soon as possible after the obligation to pay annuities in terms of section 5 of the Local Loans Fund (Bursaries and Annuities) Act, 1909 (Act No. 34 of 1909), of the Orange Free State has ceased, pay an amount of R100 000 from the fund to the University of the Orange Free State for the benefit of the Orange Free State Study Bursaries Fund; Transfer to University of the Orange Free State of certain amount of money and payment of certain annuities and amounts.
 - (b) until such time as that amount is paid in terms of paragraph (a), invest an amount of R100 000 from the fund with the Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984; and
 - (c) utilize the interest received on that amount as provided in section 5 of the said Local Loans Fund (Bursaries and Annuities) Act, 1909, and any interest not so utilized shall be paid to the Council of the University of the Orange Free State for the benefit of the Orange Free State Study Bursaries Fund as soon as possible after the end of a financial year.
19. This Act shall be called the Local Authorities Loans Fund Act, 1984, and shall, subject to the provisions of section 17 (3), come into operation on a date to be fixed by the State President by proclamation in the *Gazette*. Short title and commencement.

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Bylae

WETTE HERROEP OF GEWYSIG

No. en jaar van wet	Kort titel	Omvang van herroeping of wysiging
Wet No. 19 van 1926...	Plaaslike Leningswet, 1926	Die herroeping van die geheel.
Wet No. 82 van 1963...	Wet op die Oranje-Vrystaatse Studiebeursfonds, 1963	(a) Die herroeping van artikel 2; (b) die wysiging van artikel 3 deur subartikel (1) deur die volgende subartikel te vervang: “(1) Die Raad moet 'n skenkingsfonds, bekend as die Oranje-Vrystaatse Studiebeursfonds, stig wat gekrediteer word met alle bedrae, met inbegrip van skenkings, wat deur die Raad uit enige bron ten bate van die fonds ontvang word.”; (c) die herroeping van artikels 5, 6 en 7; (d) die wysiging van artikel 8— (i) deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang: “Met dien verstande dat die bepalinge van hierdie subartikel, ten opsigte van subartikel (1) van artikel 5, subartikel (1) van artikel 7 en artikel 8 van genoemde Wet, slegs in werking tree op die datum waarop die bedrag wat ingevolge artikel 18 (a) van die Wet op die Leningsfonds vir Plaaslike Besture, 1984, betaalbaar is, aan die Universiteit betaal word.”; en (ii) deur subartikel (3) te skrap; en (e) die vervanging van die lang titel deur die volgende lang titel: “Om voorsiening te maak vir die stigting deur die Raad van die Universiteit van die Oranje-Vrystaat van 'n Oranje-Vrystaatse Studiebeursfonds; vir die beheer van genoemde fonds en die aanwending van inkomste verkry uit die belegging van die gelde daarin; vir die herroeping van sekere wette; en vir toekomstige aangeleenthede.”.
Wet No. 111 van 1977...	Finansiewet, 1977	Die herroeping van artikel 7.
Wet No. 93 van 1983...	Finansiewet, 1983	Die herroeping van artikels 5, 6 en 7.

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Schedule

LAWS REPEALED OR AMENDED

No and year of law	Short title	Extent of repeal or amendment
Act No. 19 of 1926	Local Loans Act, 1926	The repeal of the whole
Act No. 82 of 1963	Orange Free State Study Bursaries Fund Act, 1963	(a) The repeal of section 2; (b) the amendment of section 3 by the substitution for subsection (1) of the following subsection: “(1) The Council shall establish a gift fund to be known as the Orange Free State Study Bursaries Fund, to the credit of which shall be placed all amounts, including donations, received by the Council for the benefit of the fund from any source.”; (c) the repeal of sections 5, 6 and 7; (d) the amendment of section 8— (i) by the substitution for the proviso to subsection (1) of the following proviso: “Provided that the provisions of this subsection shall, in respect of subsection (1) of section 5, subsection (1) of section 7 and section 8 of the said Act, only come into operation on the date on which the amount payable in terms of section 18 (a) of the Local Authorities Loans Fund Act, 1984, is paid to the University.”; and (ii) by the deletion of subsection (3); and (e) the substitution for the long title of the following long title: “To provide for the establishment by the Council of the University of the Orange Free State of an Orange Free State Study Bursaries Fund; for the administration of the said Fund and the application of the income derived from the investment of the moneys therein; for the repeal of certain laws; and for incidental matters.”.
Act No. 111 of 1977 ...	Finance Act, 1977	The repeal of section 7
Act No. 93 of 1983	Finance Act, 1983	The repeal of sections 5, 6 and 7

