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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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No. 9826

STATE PRESIDENT'S OFFICE

No. 1420.

3 July 1985

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

No. 90 of 1985: Laws on Co-operation and Development Second Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1420.

3 Julie 1985

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

No. 90 van 1985: Tweede Wysigingswet op Wetgewing op Samewerking en Ontwikkeling, 1985.

Act No. 90, 1985

LAWS ON CO-OPERATION AND DEVELOPMENT SECOND
AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Black Administration Act, 1927, so as to regulate the powers of Black women with regard to the acquisition of leasehold rights; to amend the Black Local Authorities Act, 1982, so as to make other arrangements in regard to the exercise or performance of a power, function or duty of a local authority which it is for any reason unable to exercise or perform; to amend the Black Communities Development Act, 1984, so as to effect certain textual improvements; to provide for the exercise, carrying out or performance of certain powers, duties and functions under certain laws; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 20 June 1985.)

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

Insertion of
section 11A in
Act 38 of 1927.

1. The Black Administration Act, 1927, is hereby amended by the insertion after section 11 of the following section:

“Capacity of
Black
women in re-
spect of
leasehold.

11A. Notwithstanding any law affecting the status 5
or contractual capacity of any person by virtue of
Black law and custom, the capacity of a Black
woman to perform any juristic act with regard to the
acquisition by her of a right of leasehold or sectional
leasehold under the Blacks (Urban Areas) Consoli- 10
dation Act, 1945 (Act No. 25 of 1945), or the Black
Communities Development Act, 1984 (Act No. 4 of
1984), or the disposal of any such right or the bor-
rowing of money on security of such right or the per- 15
formance of any other juristic act in connection with
such right or to enforce or defend her rights in con-
nection with such right in any court of law, shall be
determined and any such rights acquired by her shall
vest in her and any obligation incurred by her shall
be enforceable by or against her as if she were not 20
subject to Black law and custom.”.

Insertion of
section 29A in
Act 102 of 1982.

2. The following section is hereby inserted in the Black Local Authorities Act, 1982, after section 29:

“Inability of
local author-
ity to per-
form its
functions.

29A. (1) If at any time and for any reason the 25
number of vacancies in a local authority is such that
the Minister is of the opinion that the local authority
is unable to exercise, perform or fulfil any right,
power, function or duty assigned to it by or under

TWEDE WYSIGINGSWET OP WETGEWING OP SAMEWERKING
EN ONTWIKKELING, 1985

Wet No. 90, 1985

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Swart Administrasie Wet, 1927, ten einde die bevoegdhede van Swart vroue met betrekking tot die verkryging van huurpagregte te reël; tot wysiging van die Wet op Swart Plaaslike Besture, 1982, ten einde ander reëlings te tref in verband met die uitoefening of verrigting van 'n bevoegdheid, werksaamheid of plig van 'n plaaslike bestuur wat hy om enige rede nie in staat is om uit te oefen of te verrig nie; tot wysiging van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, ten einde sekere teksverbeterings aan te bring; om voorsiening te maak vir die uitoefening, uitvoering of verrigting van sekere bevoegdhede, pligte en werksaamhede kragtens sekere wette; en om vir bykomende aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1985.)

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

1. Die Swart Administrasie Wet, 1927, word hierby gewysig deur die volgende artikel na artikel 11 in te voeg:

Invoeging van
artikel 11A in
Wet 38 van 1927.

- 5 "Bevoegdheid van Swart vroue met betrekking tot huurpag. **11A. Ondanks enige wet rakende die status of handelingsbevoegdheid van iemand uit hoofde van Swart reg en gewoonte, word die bevoegdheid van 'n Swart vrou om enige regshandeling te verrig met betrekking tot die verkryging deur haar van 'n reg van huurpag of deelhuurpag kragtens die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), of die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), of die beskikking oor so 'n reg of die leen van geld teen sekuriteit van so 'n reg of om enige ander regshandeling in verband met so 'n reg te verrig of om haar regte in verband met so 'n reg in 'n geregshof te handhaaf of te verdedig, bepaal, en berus enige sodanige regte wat sy verkry het by haar, en is enige verpligting aangegaan deur of teen haar afdwingbaar, asof sy nie aan Swart reg en gewoonte onderworpe is nie.**"

2. Die volgende artikel word hierby in die Wet op Swart Plaaslike Besture, 1982, na artikel 29 ingevoeg:

Invoeging van
artikel 29A in
Wet 102 van 1982.

- 25 "Onvermoë van plaaslike bestuur om sy werksaamhede te verrig. **29A. (1) Indien te eniger tyd en om enige rede die aantal vakatures in 'n plaaslike bestuur sodanig is dat na oordeel van die Minister die plaaslike bestuur nie in staat is om enige van die regte, bevoegdhede, werksaamhede, pligte of verpligtinge wat by of krag-**

Act No. 90, 1985

LAWS ON CO-OPERATION AND DEVELOPMENT SECOND
AMENDMENT ACT, 1985

this Act, the Minister may, notwithstanding the provisions of sections 6 (3) and 9 (2), by notice in the *Gazette* dissolve the local authority or authorize any person or body to exercise, perform or fulfil any or all of such rights, powers, functions, duties and obligations during a period mentioned in the notice. 5

(2) The Minister may by like notice curtail or extend the period referred to in subsection (1).

(3) The provisions of section 2 (3) (b) shall *mutatis mutandis* apply in respect of the dissolution of a local authority under subsection (1), and in any such application any reference to a notice in that section shall be construed as a notice issued under subsection (1). 10

(4) A right, power, function, duty or obligation exercised, performed or fulfilled by a person or body as may be authorized under subsection (1), shall be deemed to have been exercised, performed or fulfilled by the local authority concerned. 15

(5) Expenditure incurred by a person or body by virtue of subsection (1) shall be payable by or recoverable from the local authority concerned.”. 20

Amendment of
section 35 of
Act 4 of 1984.

3. (1) Section 35 of the Black Communities Development Act, 1984, is hereby amended by the substitution for subsection (4) of the following subsection: 25

“(4) Any area defined and set apart under the provisions of section 2 (1) (a), (b) or (c) of the Blacks (Urban Areas) Consolidation Act, 1945 (Act No. 25 of 1945), and situated in the administration area as defined in the Black Affairs Administration Act, 1971 (Act No. 45 of 1971), of an administration board as so defined, which administration area is under section 3 deemed to have been established as the development board area of a board, shall be deemed to have been set apart under subsection (1) (a), (b) or (c), respectively.”. 30

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1984. 35

Interim
provisions.

4. (1) Until Parliament has made other provision, any power, duty or function which may or shall be exercised, carried out or performed in terms of any law mentioned in the Schedule to the Black Communities Development Act, 1984 (Act No. 4 of 1984), which law was immediately prior to the passing of this section still in force, shall or may be exercised carried out or performed by an authority (including a development board referred to in the said Act), or any person in the service of such authority, or by any other functionary (including a person in the service of the State), determined by the State President by proclamation in the *Gazette* either generally or in respect of any particular area, including the area of jurisdiction of any authority or functionary, as may be determined in that proclamation. 45

(2) The State President may in such or any subsequent proclamation effect in such law, or regulation made in terms of any such law, such adjustments as may in his opinion be necessary or desirable in order to enable the authority, person or functionary referred to in subsection (1) effectively to exercise, carry out or perform any power, duty or function. 50 55

TWEEDE WYSIGINGSWET OP WETGEWING OP SAMEWERKING
EN ONTWIKKELING, 1985

Wet No. 90, 1985

- tens hierdie Wet aan hom opgedra is, uit te oefen, te verrig of na te kom nie, kan die Minister, ondanks die bepalings van artikels 6 (3) en 9 (2), by kennisgewing in die *Staatskoerant* die plaaslike bestuur ontbind of enige persoon of liggaam magtig om, gedurende 'n tydperk in die kennisgewing vermeld, enige of al sodanige regte, bevoegdhede, werksaamhede, pligte en verpligtinge uit te oefen, te verrig of na te kom.
- (2) Die Minister kan 'n tydperk bedoel in subartikel (1) by dergelike kennisgewing verkort of verleng.
- (3) Die bepalings van artikel 2 (3) (b) is *mutatis mutandis* van toepassing ten opsigte van die ontbinding van 'n plaaslike bestuur kragtens subartikel (1), en by sodanige toepassing word 'n verwysing na 'n kennisgewing in daardie artikel uitgelê as 'n verwysing na 'n kennisgewing kragtens subartikel (1) uitgereik.
- (4) 'n Reg, bevoegdheid, werksaamheid, plig of verpligting uitgeoefen, verrig of nagekom deur 'n persoon of liggaam wat kragtens subartikel (1) gemaagtig word, word geag deur die betrokke plaaslike bestuur uitgeoefen, verrig of nagekom te wees.
- (5) Uitgawe deur 'n persoon of liggaam uit hoofde van subartikel (1) aangegaan, is deur die betrokke plaaslike bestuur betaalbaar of op hom verhaalbaar."

3. (1) Artikel 35 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

Wysiging van
artikel 35 van
Wet 4 van 1984.

- "(4) 'n Gebied wat bepaal en afgesonder is kragtens die bepalings van artikel 2 (1) (a), (b) of (c) van die Swartes (Stadsgebiede) Konsolidasiewet, 1945 (Wet No. 25 van 1945), en wat geleë is in die administrasiegebied soos omskryf in die Wet op die Administrasie van Swart Sake, 1971 (Wet No. 45 van 1971), van 'n administrasieraad, soos aldus omskryf, watter administrasiegebied kragtens artikel 3 as die ontwikkelingsraadsgebied van 'n raad geag word ingestel te wees, word geag kragtens subartikel (1) (a), (b) of (c), onderskeidelik, afgesonder te wees."
- (2) Subartikel (1) word geag op 1 April 1984 in werking te getree het.

4. (1) Totdat die Parlement ander voorsiening gemaak het, word enige bevoegdheid, plig of werksaamheid wat uitgeoefen, uitgevoer of verrig kan of moet word ingevolge 'n wet vermeld in die Bylae by die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), watter wet onmiddellik voor die aanname van hierdie artikel steeds gegeld het, uitgeoefen, uitgevoer of verrig deur 'n gesag (met inbegrip van 'n ontwikkelingsraad in genoemde Wet vermeld), of 'n persoon in die diens van so 'n gesag, of deur enige ander funksionaris (met inbegrip van 'n beampte in die diens van die Staat), wat bepaal word deur die Staatspresident by proklamasie in die *Staatskoerant*, of in die algemeen of ten opsigte van 'n bepaalde gebied, met inbegrip van die regsgebied van enige gesag of funksionaris, soos in daardie proklamasie bepaal word.

Tussentydse
bepalings.

- (2) Die Staatspresident kan in so 'n of 'n latere proklamasie in so 'n wet, of 'n regulasie ingevolge so 'n wet uitgevaardig, dié aanpassings aanbring wat na sy oordeel nodig of wenslik mag wees ten einde die gesag, persoon of funksionaris in subartikel (1) vermeld, in staat te stel om sodanige bevoegdheid, plig of werksaamheid doeltreffend uit te oefen, uit te voer of te verrig.

Act No. 90, 1985

LAWS ON CO-OPERATION AND DEVELOPMENT SECOND
AMENDMENT ACT, 1985

(3) A proclamation under this section shall come into operation on a date fixed in the proclamation, which date may also be a date before that of the proclamation.

(4) This section shall be deemed to have come into operation on 1 April 1984.

5

Short title.

5. This Act shall be called the Laws on Co-operation and Development Second Amendment Act, 1985.

TWEEDE WYSIGINGSWET OP WETGEWING OP SAMEWERKING
EN ONTWIKKELING, 1985

Wet No. 90, 1985

(3) 'n Proklamasie kragtens hierdie artikel tree in werking op 'n datum in die proklamasie bepaal, watter datum ook 'n datum voor dié van die proklamasie kan wees.

(4) Hierdie artikel word geag op 1 April 1984 in werking te 5 getree het.

5. Hierdie Wet heet die Tweede Wysigingswet op Wetgewing Kort titel. op Samewerking en Ontwikkeling, 1985.

