



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprijs
(GST excluded/AVB uitgesluit)
Local **45c** Plaaslik
Other countries 60c Buitelands
Post free • Posvry

VOL. 241

CAPE TOWN, 31 JULY 1985

KAAPSTAD, 31 JULIE 1985

No. 9868

STATE PRESIDENT'S OFFICE

No. 1636.

31 July 1985

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

No. 109 of 1985: Regional Services Councils Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1636.

31 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. 109 van 1985: Wet op Streeksdiensterade, 1985.

Act No. 109, 1985

REGIONAL SERVICES COUNCILS ACT, 1985

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.

ACT

To provide for the joint exercise and carrying out of powers and duties in relation to certain functions in certain areas by local bodies within such areas; and to that end to provide for the delimitation of regions; the establishment of regional services councils; and the constitution, functioning, functions, powers, duties, assets, rights, employees and financing of such councils; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 10 July 1985.)

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

Definitions.**1. In this Act, unless the context otherwise indicates—**

- (i) "Administrator" means—
 - (a) in relation to a region which is situated in its entirety within any province, the Administrator-in-Executive-Committee of that province; or
 - (b) in relation to a region the greater part of which is situated in one province but a part of which is also situated in another province—
 - (i) the Administrator-in-Executive-Committee of the first-mentioned province acting with the concurrence of the Administrator-in-Executive-Committee of that other province; or
 - (ii) where the Administrator-in-Executive-Committee of that other province is not prepared to give the desired consent, the Minister; and
 - (c) for the purposes of sections 3 (1) and 7 (1), an Administrator as defined in paragraph (a) or (b) acting with the concurrence of the Minister,
- (ii) "council" means a regional services council established under section 3; (x)
- (iii) "employer"—
 - (a) means an employer as defined in paragraph 1 of Schedule 7 to the Income Tax Act, 1962 (Act No. 58 of 1962); and
 - (b) includes any partnership or sole trader; (xvii)
- (iv) "general affairs" means matters referred to in section 15 of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983); (ii)

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ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Om voorsiening te maak vir die gesamentlike uitoefening en uitvoering van bevoegdhede en pligte met betrekking tot sekere funksies in sekere gebiede deur plaaslike liggame in daardie gebiede; en om vir daardie doel voorsiening te maak vir die afbakening van streke; die instelling van streeksdiensterade; en die samestelling, funksionering, funksies, bevoegdhede, pligte, bates, regte, werknemers en finansiering van sodanige rade; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 10 Julie 1985.)*

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

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

- 5 (i) "Administrateur"—
 - (a) met betrekking tot 'n streek wat in sy geheel binne 'n provinsie geleë is, die Administrateur-in-Uitvoerende-Komitee van die betrokke provinsie; of
 - 10 (b) met betrekking tot 'n streek waarvan die grootste deel in 'n provinsie geleë is maar waarvan 'n deel ook in 'n ander provinsie geleë is—
 - 15 (i) die Administrateur-in-Uitvoerende-Komitee van eersgenoemde provinsie handelende met die instemming van die Administrateur-in-Uitvoerende-Komitee van daardie ander provinsie; of
 - (ii) waar die Administrateur-in-Uitvoerende-Komitee van die ander provinsie nie bereid is om die verlangde instemming te verleen nie, die Minister; en
 - 20 (c) by die toepassing van artikels 3 (1) en 7 (1), 'n Administrateur soos omskryf in paragraaf (a) of (b) handelende met die instemming van die Minister, na gelang van die geval; (i)
 - 25 (ii) "algemene sake" aangeleenthede bedoel in artikel 15 van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983); (iv)
 - (iii) "bestuursliggaam"—
 - 30 (a) 'n komitee bedoel in artikel 17 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983);
 - (b) 'n liggaam ingestel ingevolge die Wet op Landelike Kleurlinggebiede, 1979 (Wet No. 1 van 1979), van die Verteenwoordigende Kleurlingraad van die Republiek van Suid-Afrika;
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- (v) "local authority" means any institution or body contemplated in section 84 (1) (f) (i) of the Provincial Government Act, 1961 (Act No. 32 of 1961), or section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), but does not include a management body or representative body; (ix) 5
- (vi) "local body" means a local authority, management body or representative body; (viii)
- (vii) "management body" means—
 - (a) any committee referred to in section 17 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983); 10
 - (b) any body established in terms of the Rural Coloured Areas Law, 1979 (Law No. 1 of 1979), of the Coloured Persons Representative Council of 15 the Republic of South Africa;
 - (c) any body referred to in section 2 of the Community Councils Act, 1977 (Act No. 125 of 1977), one or more members of which are elected; (iii)
- (viii) "Minister" means the Minister of Constitutional Development and Planning; (v) 20
- (ix) "person" includes the State and the estate of a deceased person; (vii)
- (x) "region" means a region delimited, or the delimitation of which is contemplated, as the case may be, under section 2; (xi) 25
- (xi) "regional establishment levy" means a levy calculated—
 - (a) in relation to a vendor, on the taxable value on which such vendor is liable in the region in question for sales tax in terms of the Sales Tax Act, 1978 (Act No. 103 of 1978), or on such value as adjusted by the Minister of Finance by notice in the *Gazette* or on such other amount as determined by the said Minister in like manner; and 30 35
 - (b) in relation to a person other than a vendor, on an amount with regard to the business, trade or occupation of such person in the region in question, determined by the Minister of Finance from time to time by notice in the *Gazette* in such manner that the basis of liability of such person in terms of this paragraph will in the opinion of the said Minister be equal to the basis of liability of a vendor in terms of paragraph (a), 40at a rate from time to time determined by a council with the concurrence of the Minister of Finance and which the said Minister shall publish by notice in the *Gazette*; (xv) 45
- (xii) "regional function" means, in relation to a particular region or a part of a region, any function mentioned in Schedule 2 in relation to any matter which is a general affair; (xiv) 50
- (xiii) "regional service" means any service provided by a council in the exercise of any power or the carrying out of any duty in relation to a regional function; (xii) 55
- (xiv) "regional services levy" means a levy calculated—
 - (a) on remuneration as defined in paragraph 1 of Part 1 of Schedule 4 to the Income Tax Act, 1962 (Act No. 58 of 1962), but including the amounts referred to in subparagraphs (iv) and (vii) of that definition, paid or payable by an employer to the employees in his service within the region in question; and 60
 - (b) on taxable benefit as defined in paragraph 1 of Schedule 7 to the said Act, less any deductions referred to in paragraphs 14 and 15 of the said Schedule granted by an employer to the employees in his service within the region in question; or 65

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- (c) 'n liggaam bedoel in artikel 2 van die Wet op Gemeenskapsrade, 1977 (Wet No. 125 van 1977), waarvan een of meer lede verkies word; (vii)
- 5 (iv) "hierdie Wet" ook 'n regulasie kragtens hierdie Wet uitgevaardig; (xvi)
- (v) "Minister" die Minister van Staatskundige Ontwikkeling en Beplanning; (viii)
- 10 (vi) "ondernemer" 'n ondernemer soos omskryf in artikel 1 van die Verkoopbelastingwet, 1978 (Wet No. 103 van 1978); (xvii)
- (vii) "persoon" ook die Staat en die boedel van 'n oorlede persoon; (ix)
- (viii) "plaaslike liggaam" 'n plaaslike owerheid, bestuursliggaam of verteenwoordigende liggaam; (vi)
- 15 (ix) "plaaslike owerheid" 'n instelling of liggaam beoog in artikel 84 (1) (f) (i) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), of artikel 2 van die Wet op Swart Plaaslike Besture, 1982 (Wet No. 102 van 1982), maar nie ook 'n bestuursliggaam of 'n verteenwoordigende liggaam nie; (v)
- 20 (x) "raad" 'n streeksdiensteraad kragtens artikel 3 ingestel; (ii)
- (xi) "streek" 'n streek afgebaken of waarvan die afbakening beoog word, na gelang van die geval, kragtens artikel 2; (x)
- 25 (xii) "streeksdiens" enige diens wat deur 'n raad verskaf word in die uitoefening van enige bevoegdheid of die verrigting van enige plig in verband met 'n streeksfunksie; (xiii)
- 30 (xiii) "streeksdiensteheffing" 'n heffing wat bereken word—
- (a) op besoldiging soos omskryf in paragraaf 1 van Deel I van Bylae 4 by die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), maar met insluiting van die bedrae bedoel in subparagrafe (iv) en (vii) van daardie omskrywing wat deur 'n werkgewer aan die werknemers in sy diens binne die betrokke streek betaal word of betaalbaar is; en
- 35 (b) op die belasbare voordeel soos omskryf in paragraaf 1 van Bylae 7 by genoemde Wet min enige aftrekkings soos bedoel in paragrafe 14 en 15 van genoemde Bylae wat deur 'n werkgewer aan die werknemers in sy diens binne die betrokke streek verleen word; of
- 40 (c) in die geval van 'n vennootskap of alleenhandelaar, op die winste wat aan die vennote of alleenhandelaar uitgekeer word by wyse van onttrekkings of lenings,
- 45 teen die tarief wat 'n raad van tyd tot tyd met die instemming van die Minister van Finansies bepaal en wat genoemde Minister in die *Staatskoerant* bekend maak; (xiv)
- 50 (xiv) "streeksfunksie", met betrekking tot 'n bepaalde streek of gedeelte van 'n streek, enige funksie in Bylae 2 vermeld ten opsigte van 'n aangeleentheid wat 'n algemene saak is; (xii)
- 55 (xv) "streeksvestigingsheffing" 'n heffing bereken—
- (a) met betrekking tot 'n ondernemer, op die belasbare waarde waarop sodanige ondernemer in die betrokke streek vir verkoopbelasting aanspreeklik is ingevolge die Verkoopbelastingwet, 1978 (Wet No. 103 van 1978), of op sodanige waarde soos van tyd tot tyd deur die Minister van Finansies by kennisgewing in die *Staatskoerant* aangepas of op sodanige ander bedrag deur genoemde Minister op dieselfde wyse vasgestel; en
- 60 (b) met betrekking tot 'n ander persoon as 'n ondernemer, op 'n bedrag met betrekking tot die besigheid, handel of beroep van sodanige persoon in die betrokke streek, wat die Minister van Finansies

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- (c) in the case of a partnership or sole trader, on the profits distributed to the partners or sole trader by way of drawings or loans, at a rate from time to time determined by a council with the concurrence of the Minister of Finance and which the said Minister shall publish by notice in the *Gazette*; (xiii)
- (xv) "representative body" means any body of which one or more members of its executive are elected by the members of that body and the members of which body consist of persons residing or communities established outside the area of jurisdiction of any local authority or management body in a region, and—
 - (a) which body, in relation to certain affairs, manages the interests of the persons or communities that elected the executive in question;
 - (b) to members of which body any regional service is provided, or may be provided, against payment; and
 - (c) which body is recognized by the Administrator as a representative body for the purposes of this Act;
- (xvi) "this Act" includes any regulation made under this Act; (iv)
- (xvii) "vendor" means a vendor as defined in section 1 of the Sales Tax Act, 1978 (Act No. 103 of 1978). (vi)

Delimitation of regions.

2. (1) The Administrator may, subject to the provisions of subsection (2) and after consideration of a report of the Demarcation Board for Local Government Areas referred to in section 7A of the Promotion of Local Government Affairs Act, 1983 30 (Act No. 91 of 1983), by notice in the *Official Gazette*—

- (a) delimit a region by determining and describing and from time to time altering the boundaries of the area or areas (whether such areas are contiguous or not) comprised by it; 35
- (b) combine two or more regions (whether their areas are contiguous or not), and exercise any power referred to in paragraph (a) in respect of the combined region;
- (c) include any part of the area of any region in the area of another region, whether such part is contiguous to the area in which it is included or not; and 40
- (d) revoke the delimitation of a region.

(2) The Administrator shall exercise the powers conferred upon him in terms of subsection (1)—

- (a) with the concurrence of— 45
 - (i) the Minister;
 - (ii) the Minister appointed to administer local government matters in respect of Black communities;
 - (iii) the Minister of Finance;
 - (iv) the Minister appointed in the Ministers' Council of the House of Assembly, the House of Representatives or the House of Delegates to administer local government matters, according to the population group concerned; 50
- (b) after consultation with— 55
 - (i) the local bodies in the region or regions in question;
 - (ii) the council of every region situated wholly or partially within the province concerned;
 - (iii) any other body or person that he deems necessary; 60 and

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- van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal op so 'n wyse dat die grondslag van sodanige persoon se aanspreeklikheid ingevolge hierdie paragraaf, na die mening van genoemde Minister gelyk sal wees aan die grondslag van aanspreeklikheid van 'n ondernemer ingevolge paragraaf (a),
- 5 teen die tarief wat 'n raad van tyd tot tyd met die instemming van die Minister van Finansies bepaal en wat genoemde Minister in die *Staatskoerant* bekend maak; (xi)
- 10 (xvi) "verteenwoordigende liggaam" 'n liggaam waarvan een of meer lede van sy bestuur verkies word deur die lede van daardie liggaam en welke liggaam se lede bestaan uit persone woonagtig of gemeenskappe gevestig buite die regsgebied van 'n plaaslike owerheid of bestuursliggaam in 'n streek, en—
- 15 (a) welke liggaam met betrekking tot bepaalde sake die belange behartig van die persone of gemeenskappe wat die betrokke bestuur verkies het;
- 20 (b) aan lede van welke liggaam teen betaling enige streeksdiens verskaf word of kan word; en
- (c) welke liggaam deur die Administrateur vir die doeleindes van hierdie Wet as 'n verteenwoordigende liggaam erken word; (xv)
- 25 (xvii) "werkgewer"—
- (a) 'n werkgewer soos omskryf in paragraaf 1 van Bylae 7 by die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962); en ook
- 30 (b) 'n vennootskap of alleenhandelaar. (iii)
2. (1) Die Administrateur kan, behoudens die bepalings van subartikel (2) en na oorweging van 'n verslag deur die Afbakeningsraad vir Plaaslike Owerheidsgebiede bedoel in artikel 7A van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983), by kennisgewing in die *Offisiële Koerant*—
- 35 (a) 'n streek afbaken deur die grense van die gebied of gebiede (hetsy sodanige gebiede aangrensend is of nie) wat daardeur beslaan word te bepaal en te beskryf en van tyd tot tyd te verander;
- 40 (b) twee of meer streke kombineer (hetsy hul gebiede aangrensend is of nie) en enige bevoegdheid in paragraaf (a) vermeld ten opsigte van die aldus gekombineerde streek, uitoefen;
- 45 (c) 'n deel van die gebied van enige streek by die gebied van 'n ander streek insluit, hetsy so 'n deel aangrensend is aan die gebied waarby dit ingelyf word of nie; en
- (d) die afbakening van 'n streek ophef.
- 50 (2) Die Administrateur oefen die bevoegdhede wat ingevolge subartikel (1) aan hom verleen word uit—
- (a) met die instemming van—
- 55 (i) die Minister;
- (ii) die Minister aangestel om plaaslike owerheidsaangeleenthede ten opsigte van Swart gemeenskappe te administreer;
- (iii) die Minister van Finansies;
- (iv) die Minister wat in die Ministersraad van die Volksraad, die Raad van Verteenwoordigers of die Raad van Afgevaardigdes aangestel is om plaaslike owerheidsaangeleenthede te administreer, na gelang van die bevolkingsgroep wat betrokke is;
- 60 (b) na oorleg met—
- (i) die plaaslike liggame in die betrokke streek of streke;
- 65 (ii) die raad van elke streek wat geheel of gedeeltelik in die betrokke provinsie geleë is;
- (iii) enige ander liggaam of persoon wat hy nodig ag; en

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Establishment
of regional
services
councils.

(c) with due regard to the matters referred to in Schedule 1.

(3) The Administrator may, subject to the provisions of subsection (2) (b), assign a name to a region and determine the seat within the region of the council which is established for the region. 5

(4) Subject to the provisions of subsection (2), the Administrator may amend, substitute or repeal any notice referred to in subsection (1).

3. (1) (a) The Administrator may, subject to the provisions of section 2 (2) (a) (ii), (iv), (b) and (c) by notice in the *Official Gazette* and with effect from a date specified in such notice, establish a regional services council for any region and from time to time announce which local bodies are represented thereon. 15

(b) A council shall be a juristic person and shall in respect of its region be charged with such functions or any part of a function mentioned in Schedule 2 as may from time to time, subject to the provisions of section 2 (2) (a) (ii), (iv), (b) and (c) of this Act and section 3 (2) (a) 20 of the Public Service Act, 1984 (Act No. 111 of 1984), by notice in the *Official Gazette* be identified by the Administrator as a regional function and be entrusted to that council.

(c) The Administrator may, subject to the provisions of paragraph (b), also identify and so entrust as a regional function the retail supply of electricity and water which at the commencement of this Act is undertaken by a local authority or other institution or body in the region in question or in any part thereof. 30

(2) (a) If—

(i) a local body referred to in subsection (1);

(ii) the Transvaal Board for the Development of Peri-Urban Areas established by section 2 of the Transvaal Board for the Development of Peri-Urban 35 Areas Ordinance, 1943 (Ordinance No. 20 of 1943), of the Transvaal;

(iii) the Development and Services Board mentioned in section 1 of the Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941), of 40 Natal;

(iv) a development board established by section 3 of the Black Communities Development Act, 1984 (Act No. 4 of 1984); or

(v) a regional water services corporation established 45 by section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal,

is at a date on which a function is in terms of subsection (1) identified as a regional function and entrusted to a council, charged with that function, that body, board or 50 corporation shall be relieved of its duties in relation to that function in the region concerned, with effect from that date or such other date as is mentioned in the notice, and different dates may be determined in respect of different regional functions which have been so identified. 55

(b) The Administrator may, subject to the provisions of section 4 (2) of this Act and section 14 of the Public Service Act, 1984, as the case may be, transfer or second to, or place his services at the disposal of, a council, any officer or employee in the employment of any body, board or corporation referred to in paragraph (a), a province or the State. 60

(3) The Administrator may, subject to the provisions of section 2 (2) (a) (ii), (iv), (b) and (c) of this Act and section 3 (2) (a) 65 of the Public Service Act, 1984, amend, substitute or repeal any notice in terms of this section.

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(c) met inagneming van die aangeleenthede in Bylae 1 vermeld.

(3) Die Administrateur kan, behoudens die bepalings van subartikel 2 (b), 'n naam aan 'n streek gee en die setel in die streek bepaal van die raad wat ingevolge artikel 3 vir die streek ingestel word.

(4) Behoudens die bepalings van subartikel (2) kan die Administrateur enige kennisgewing vermeld in subartikel (1) wysig, vervang of herroep.

- 10 3. (1) (a) Die Administrateur kan behoudens die bepalings van artikel 2 (2) (a) (ii), (iv), (b) en (c), by kennisgewing in die *Offisiële Koerant* en met ingang van 'n datum in sodanige kennisgewing vermeld, 'n streeksdiensteraad vir 'n streek instel en van tyd tot tyd bekend maak watter plaaslike liggame daarin verteenwoordig word.
- 15 (b) 'n Raad is met regspersoonlikheid beklee en is ten opsigte van sy streek belas met dié funksies of 'n gedeelte van 'n funksie in Bylae 2 vermeld wat van tyd tot tyd deur die Administrateur, behoudens die bepalings van artikel 2 (2) (a) (ii), (iv), (b) en (c), van hierdie Wet en artikel 3 (2) (a) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), by kennisgewing in die *Offisiële Koerant* as 'n streeksfunksie geïdentifiseer en aan daardie raad opgedra word.
- 20 (c) Die Administrateur kan behoudens die bepalings van paragraaf (b), die kleinhandel-voorsiening van elektrisiteit en water wat by die inwerkingtreding van hierdie Wet deur 'n plaaslike owerheid of 'n ander instelling of liggaam in die betrokke streek of 'n gedeelte daarvan onderneem word, ook as 'n streeksfunksie identifiseer en aldus opdra.
- 25 (2) (a) Indien—
- (i) 'n plaaslike liggaam in subartikel (1) bedoel;
- 35 (ii) die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede ingestel by artikel 2 van die Ordonnansie op die Transvaalse Raad vir die Ontwikkeling van Buitestedelike Gebiede, 1943 (Ordonnansie No. 20 van 1943), van Transvaal;
- 40 (iii) die Raad op Ontwikkeling en Dienste vermeld in artikel 1 van die Ordonnansie op die Raad op Ontwikkeling en Dienste, 1941 (Ordonnansie No. 20 van 1941), van Natal;
- 45 (iv) 'n ontwikkelingsraad ingestel by artikel 3 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984); of
- (v) 'n streekwaterdienskorporasie ingestel by artikel 7 van die Ordonnansie op Waterdienste, 1963 (Ordonnansie No. 27 van 1963), van Natal,
- 50 op die datum waarop 'n funksie ingevolge subartikel (1) as 'n streeksfunksie geïdentifiseer en aan 'n raad opgedra word, met daardie funksie belas is, word daardie liggaam, raad of korporasie van sy pligte met betrekking tot daardie funksie in die betrokke streek onthef met ingang van daardie datum of die ander datum in die kennisgewing vermeld, en verskillende datums kan ten opsigte van verskillende streeksfunksies wat aldus geïdentifiseer is, bepaal word.
- 55 (b) Die Administrateur kan, behoudens die bepalings van artikel 4 (2) van hierdie Wet en artikel 14 van die Staatsdienswet, 1984, na gelang van die geval, 'n beampte of werknemer in diens van 'n liggaam, raad of korporasie in paragraaf (a) bedoel, 'n provinsie of die Staat vir diens oorplaas na of afstaan aan, of sy dienste tot die beskikking stel van, 'n raad.
- 60 (3) Die Administrateur kan, behoudens die bepalings van artikel 2 (2) (a) (ii), (iv), (b) en (c), van hierdie Wet en artikel 3 (2) (a) van die Staatsdienswet, 1984, enige kennisgewing ingevolge hierdie artikel wysig, vervang of herroep.
- 65

Instelling van
streeksdiensterade.

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Powers and duties
of council.

4. (1) Subject to the provisions of—
- (a) this Act and any other law, a council shall in relation to any of its regional functions have all the powers and duties of a local authority or an officer in the employment of any local authority in terms of the laws which apply in the province where the seat of the council is situated and which the Administrator entrusts to it by notice referred to in section 3 (1), but a council shall not have the power to levy any rates on immovable property; 10
 - (b) paragraph (a), all other laws applicable to or in respect of a local authority in the province where the seat of a council is situated, shall *mutatis mutandis* apply to or in respect of the council in its region with regard to any of the regional functions of that council. 15

(2) Subject to the provisions of this Act, the provisions of laws relating to the transfer of employees and the transfer or devolution of assets, powers, duties, rights and obligations in the case of the combining of local authorities in the province where the seat of a council is situated, shall *mutatis mutandis* apply in any case where officers or employees are transferred or seconded to or their services are placed at the disposal of a council under section 3 (2) (b) and in the case where a body, board or corporation is relieved from a duty in terms of section 3 (2) (a): Provided that the Administrator may, subject to the provisions of section 25 2 (2) (a) and (b), make any other arrangement in regard to such transfer or devolution—

- (a) in order to provide for matters for which no provision has been made by the provisions of such laws;
- (b) in order to obtain a result which in the opinion of the Administrator is fair to all concerned; and 30
- (c) in order to solve administrative difficulties caused by such transfer or devolution:

Provided further that in the event of the transfer of an employee to the employment of a council, such employee shall be employed on such terms and enjoy such rights and privileges as are not less favourable than those applicable to him at the time of such transfer. 35

- (3) (a) A council may, subject to the provisions of paragraph (b), enter into an agreement with a local body or any other person or institution which is a juristic person, irrespective of whether the area of jurisdiction of that body, person or institution is situated within or outside the region of that council, or within or outside the Republic, in terms of which— 45
- (i) that council undertakes on behalf of that local body, person or institution to exercise a power or perform a duty which that local body, person or institution may exercise or is obliged to perform;
 - (ii) that local body, person or institution undertakes to exercise or perform any regional function or part thereof on behalf of the council; and 50
 - (iii) the area of jurisdiction of that local body, person or institution, if situated outside the Republic or within the area of a legislative assembly or a self-governing territory referred to in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), may, on such conditions as may be specified in the agreement, in the performance of the functions of the council in terms of this Act be administered as a part of the region of the council, and the local bodies, persons or institutions in question may be represented on the council. 55 60

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4. (1) Behoudens die bepalings van—

Bevoegdhe en
pligte van raad.

(a) hierdie Wet en enige ander wet, het 'n raad met betrekking tot enige van sy streeksfunksies al die bevoegdhe en pligte van 'n plaaslike owerheid of 'n beampte in diens van 'n plaaslike owerheid ingevolge die wette wat van toepassing is in die provinsie waarin die setel van die raad geleë is wat die Administrateur by die kennisgewing in artikel 3 (1) bedoel aan hom opdra, maar 'n raad is nie bevoeg om belasting op onroerende goed te hef nie;

(b) paragraaf (a), is alle ander wette wat van toepassing is op of ten opsigte van 'n plaaslike owerheid in die provinsie waarin die setel van 'n raad geleë is, *mutatis mutandis* van toepassing op of ten opsigte van die raad in sy streek in verband met enige van die streeksfunksies van daardie raad.

(2) Behoudens die bepalings van hierdie Wet is die wetsbepalings met betrekking tot die oorplasing van werknemers en die oordrag of oorgang van bates, bevoegdhe, pligte, regte en verpligtinge in die geval van die kombinerings van plaaslike owerhede in die provinsie waarin die setel van 'n raad geleë is, *mutatis mutandis* van toepassing in die geval waar beamptes of werknemers kragtens artikel 3 (2) (b) oorgeplaas word na, afgestaan word aan, of hul dienste tot die beskikking gestel word van, 'n raad, en in die geval waar 'n liggaam, raad of korporasie ingevolge artikel 3 (2) (a) van 'n plig onthef word: Met dien verstande dat die Administrateur, behoudens die bepalings van artikel 2 (2) (a) en (b), 'n ander reëling met betrekking tot sodanige oordrag of oorgang kan tref—

(a) ten einde voorsiening te maak vir gevalle waarvoor nie deur sodanige wetsbepalings voorsiening gemaak word nie;

(b) ten einde 'n resultaat te verkry wat na die oordeel van die Administrateur teenoor alle betrokkenes billik is; en

(c) ten einde administratiewe probleme op te los wat deur sodanige oordrag of oorgang meegebring word:

Met dien verstande voorts dat in die geval van die oorplasing van 'n werknemer na die diens van 'n raad, so 'n werknemer op die voorwaardes in diens geneem word en die regte en voorregte geniet wat nie minder gunstig is nie as die regte en voorregte wat op hom van toepassing was ten tyde van sodanige oorplasing.

(3) (a) 'n Raad kan, behoudens die bepalings van paragraaf (b), met 'n plaaslike liggaam of enige ander persoon of instelling wat met regspersoonlikheid bekleed is en ongeag of die regsgebied van daardie liggaam, persoon of instelling binne of buite die streek van daardie raad of binne of buite die Republiek geleë is, 'n ooreenkoms aangaan ingevolge waarvan—

(i) daardie raad ten behoeve van daardie plaaslike liggaam, persoon of instelling 'n bevoegdheid uitoefen of plig uitvoer wat daardie plaaslike liggaam, persoon of instelling kan uitoefen of moet uitvoer;

(ii) daardie plaaslike liggaam, persoon of instelling 'n streeksfunksie of gedeelte daarvan ten behoeve van die raad uitvoer; en

(iii) die regsgebied van daardie plaaslike liggaam, persoon of instelling, indien dit buite die Republiek of binne die gebied van 'n wetgewende vergadering of 'n selfregerende gebied soos bedoel in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), geleë is, op die voorwaardes in die ooreenkoms bepaal by die verrigting van die raad se funksies ingevolge hierdie Wet as 'n deel van die raad se streek geadministreer kan word, en die betrokke plaaslike liggame, persone of instellings in die raad verteenwoordig kan word.

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(b) Any agreement referred to in paragraph (a) which is entered into with a local body, person or institution whose area of jurisdiction is situated outside the Republic, shall only be concluded with the approval of the Administrator and the Minister of Foreign Affairs. 5

(4) No compensation shall be payable in respect of any asset or right which in terms of this section is transferred to or devolves upon a council: Provided that the Administrator may, in order to obtain a result which in his opinion is fair to all parties concerned, subject to the provisions of section 2 (2) (a) and (b) 10 direct otherwise.

(5) For the purposes of the Labour Relations Act, 1956 (Act No. 28 of 1956), a council shall be deemed to be a local authority.

Obligatory use of services.

5. Every local body the area of jurisdiction of which is situated 15 in a region and which is represented on the council of that region and the residents represented on or the members of such body may only make use of regional services provided by the council in that region, and may not in any other manner acquire, perform or allow to be performed any services similar to re- 20 gional services unless the council on the application of a local body exempts that body or the residents or members in question from the obligation to make use of any particular regional service.

Constitution of council.

6. (1) A council shall consist of a chairman appointed in terms 25 of section 7 (1), such number of members as the Administrator may from time to time determine by notice in the *Official Gazette* and who are nominated in terms of subsection (2) of this section, and such number of members as may be admitted by agreement in terms of section 4 (3) (a) (iii). 30

(2) Every local body represented on a council shall from its members nominate one member of the council for every 10 per cent or part of 10 per cent of the total number of votes to which it is entitled in terms of section 9 (1) (a) or (4) (b), but no local body shall nominate more than five members. 35

(3) Simultaneously with the nomination of a member in terms of subsection (2), an alternate member shall be nominated in respect of that member, in the same manner as such member, to act in the place of such member when such member is for any reason absent or unable to exercise or perform any of his powers 40 and duties as a member of the council.

Chairman and deputy chairman.

7. (1) Subject to the provisions of section 2 (2) (a) (ii) and (iv), the Administrator shall in respect of every council appoint a chairman, and may at any time in his discretion rescind such appointment. 45

(2) A council shall at its first meeting elect one of its members as deputy chairman, who shall act as chairman whenever the chairman is for any reason absent or unable to act as chairman.

(3) Whenever the chairman and the deputy chairman of a council are for any reason simultaneously absent or unable to act 50 as chairman, the council shall from among its number elect a person to act as chairman.

Tenure of office and remuneration of chairman and members.

8. (1) Subject to the conditions determined by the Administrator, the chairman of a council shall be appointed for a period not exceeding five years at a time, but shall at the expiration of his 55 term of office be eligible for reappointment.

(2) (a) Subject to the provisions of paragraph (b) and of subsection (3), a member of a council shall hold office for a period of five years, but shall at the expiration of his term of office be eligible for renomination. 60

(b) Every member of a council shall vacate his office on the day fixed in terms of section 7 (1) of the Constitutional Affairs Amendment Act, 1985, in respect of the local body which nominated him.

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- (b) 'n Ooreenkoms in paragraaf (a) bedoel wat aangegaan word met 'n plaaslike liggaam, persoon of instelling waarvan die regsgebied buite die Republiek geleë is, geskied slegs met die goedkeuring van die Administrateur en die Minister van Buitelandse Sake.
- 5 (4) Geen vergoeding is betaalbaar nie ten opsigte van enige bate of reg wat ingevolge hierdie artikel oorgedra word aan of oorgaan op 'n raad: Met dien verstande dat die Administrateur, ten einde 'n resultaat te verkry wat na sy oordeel teenoor alle
- 10 betrokkenes billik is, behoudens die bepalings van artikel 2 (2) (a) en (b) anders kan gelas.
- (5) By die toepassing van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), word 'n raad geag 'n plaaslike owerheid te wees.
- 15 5. Elke plaaslike liggaam waarvan die regsgebied geleë is in 'n streek en wat in die raad van daardie streek verteenwoordig is, en die inwoners verteenwoordig in of die lede van so 'n liggaam, mag slegs gebruik maak van streeksdienste wat die raad in daardie streek verskaf, en mag nie dienste soortgelyk aan streeks-
- 20 dienste op 'n ander wyse verkry, verrig of laat verrig nie, tensy die raad op aansoek van 'n plaaslike liggaam daardie liggaam of die betrokke inwoners of lede vrystel van die verpligting om van 'n bepaalde streeksdiens gebruik te maak.
6. (1) 'n Raad bestaan uit 'n voorsitter ingevolge artikel 7 (1) aangestel, die getal lede wat die Administrateur van tyd tot tyd by kennisgewing in die *Offisiële Koerant* bepaal en wat ingevolge subartikel (2) van hierdie artikel benoem word, en die getal lede wat ingevolge artikel 4 (3) (a) (iii) by ooreenkoms toegelaat word.
- 25 (2) Elke plaaslike liggaam verteenwoordig in 'n raad benoem uit eie geledere een lid van die raad vir elke 10 persent of gedeelte van 10 persent van die totale getal stemme waarop hy ingevolge artikel 9 (1) (a) of (4) (b) geregtig is, maar geen plaaslike liggaam mag meer as vyf lede benoem nie.
- 30 (3) Gelyktydig met die benoeming van 'n lid ingevolge subartikel (2), word 'n plaasvervangende lid ten opsigte van daardie lid op dieselfde wyse as sodanige lid benoem, om in die plek van sodanige lid waar te neem wanneer sodanige lid om die een of ander rede afwesig is of nie in staat is om sy bevoegdhede en
- 35 40 pligte as lid van die raad uit te oefen of te verrig nie.
7. (1) Behoudens die bepalings van artikel 2 (2) (a) (ii) en (iv), stel die Administrateur vir elke raad 'n voorsitter aan, en kan sodanige aanstelling te eniger tyd na goeddunke intrek.
- (2) 'n Raad kies op sy eerste vergadering een van sy lede as
- 45 adjunk-voorsitter, wat as voorsitter optree wanneer die voorsitter om enige rede afwesig is of nie in staat is om as voorsitter op te tree nie.
- (3) Wanneer die voorsitter en die adjunk-voorsitter van 'n raad om enige rede gelyktydig afwesig is of nie in staat is om as voorsitter op te tree nie, kies die raad uit eie geledere iemand om as voorsitter waar te neem.
8. (1) Behoudens die voorwaardes wat die Administrateur bepaal, word die voorsitter van 'n raad vir 'n tydperk van hoogstens vyf jaar op 'n keer aangestel, maar kan hy by die verstryking van sy ampstermyn weer aangestel word.
- 55 (2) (a) Behoudens die bepalings van paragraaf (b) en van subartikel (3) beklee 'n lid van 'n raad sy amp vir 'n tydperk van vyf jaar, maar kan hy by die verstryking van sy ampstermyn weer benoem word.
- 60 (b) Elke lid van 'n raad ontruim sy amp op die dag wat ingevolge artikel 7 (1) van die Wysigingswet op Staatskundige Aangeleenthede, 1985, bepaal word ten opsigte van die plaaslike liggaam wat hom benoem het.

Verpligte gebruik van dienste.

Samestelling van raad.

Voorsitter en adjunk-voorsitter.

Ampstermyn en vergoeding van voorsitter en lede.

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(3) A member of a council shall vacate his office—

- (a) if he resigns;
- (b) when he ceases to be a member of the local body which nominated him;
- (c) when the local body which nominated him withdraws his nomination,

in which case a person shall be nominated in terms of section 6 (2) for the unexpired portion of his term of office.

(4) The remuneration and allowances of the chairman, deputy chairman and the members of the council shall be determined by the Administrator with the concurrence of the Minister of Finance.

Apportionment of
votes in council.

9. (1) (a) Subject to the provisions of subsection (2), every local body represented on a council shall in respect of the decisions of the council be entitled to cast such number of votes as is equal to the proportion, expressed as a percentage, between the amount paid by any local authority, or management body and the persons in their areas of jurisdiction or the members of a representative body, as the case may be, for the provision by the council of regional services (excluding regional services provided in any industrial area or central business area which the Administrator shall, subject to the provisions of section 2 (2) (a) and (b), delimit by notice in the *Official Gazette* after consideration of a report by the Demarcation Board for Local Government Areas referred to in section 7A of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983), which report shall be based on criteria prescribed by the Administrator, by notice in the *Official Gazette*, and the total amount obtained by the council as a result of the provision of such regional services in that region on behalf of all such local bodies.

(b) Any member admitted by agreement in terms of section 4 (3) (a) (iii) as a member of the council shall in respect of the decisions of the council be entitled to cast such number of votes as is specified in the agreement in question.

(2) (a) If there are more than two local bodies in any region, no such local body shall in respect of the decisions of the council be entitled to a number of votes which is in excess of 50 per cent of the total number of votes which may be cast in respect of such decisions.

(b) If a local body would, but for the provisions of paragraph (a), have been entitled to cast a number of votes which is in excess of 50 per cent of the total number of such votes, the number of votes which is in excess of 50 per cent shall be apportioned among the other local bodies in the region concerned in the proportion, expressed as a percentage, which the amount paid by any such local body or the residents represented by it to the council for regional services, bears to the total amount obtained by the council for the provision of regional services to such local bodies.

(3) (a) The number of votes which may be cast by members of a local body in respect of decisions of the council shall be so apportioned among the members of that local body that the votes that may be cast by members nominated by a local body, are as far as possible equal.

(b) If a member or his alternate for some reason cannot cast his vote or votes in respect of a decision of the council, the local body concerned may in writing authorize another member to cast the vote concerned on its behalf.

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- (3) 'n Lid van 'n raad ontruim sy amp—
 (a) as hy bedank;
 (b) wanneer hy ophou om lid te wees van die plaaslike liggaam wat hom benoem het;
 5 (c) wanneer die plaaslike liggaam wat hom benoem het sy benoeming terugtrek,
 in welke geval iemand ingevolge artikel 6 (2) vir die onverstreke gedeelte van sy ampstermyn benoem word.
 (4) Die vergoeding en toelaes van die voorsitter, adjunk-voor-
 10 sitter en lede van die raad word deur die Administrateur met die instemming van die Minister van Finansies bepaal.
9. (1) (a) Behoudens die bepalings van subartikel (2) is elke plaaslike liggaam verteenwoordig in 'n raad geregtig om ten opsigte van die beslissings van die raad die getal
 15 stemme uit te bring wat gelykstaan met die verhouding, uitgedruk as 'n persentasie, tussen die bedrag wat deur 'n plaaslike owerheid of bestuursliggaam en die persone in hul regsgebiede of die lede van 'n verteenwoordigende liggaam, na gelang van die geval, betaal word vir die verskaffing deur die raad van streeksdienste
 20 (uitgesonderd streeksdienste verskaf in 'n nywerheidsgebied of sentrale sakegebied wat die Administrateur, behoudens die bepalings van artikel 2 (2) (a) en (b) by kennisgewing in die *Offisiële Koerant* afbaken, na ooreenstemming van 'n verslag deur die Afbakeningsraad vir Plaaslike Owerheidsgebiede bedoel in artikel 7A van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983), welke verslag gebaseer word op maatstawwe deur die Administrateur by kennisgewing in die *Offisiële Koerant* voorgeskryf), en die totale bedrag wat deur die raad verkry word as gevolg van die verskaffing van sodanige streeksdienste in die streek ten behoeve van al daardie
 25 plaaslike liggame.
 (b) 'n Lid wat ingevolge artikel 4 (3) (a) (iii) by ooreenkoms tot 'n raad toegelaat word, is geregtig om ten opsigte van die beslissings van die raad die getal stemme uit te bring wat in die betrokke ooreenkoms bepaal word.
 30 (2) (a) Indien daar meer as twee plaaslike liggame in 'n streek is, is geen sodanige plaaslike liggaam ten opsigte van die beslissings van die raad geregtig nie op 'n getal stemme wat meer is as 50 persent van die totale getal stemme wat uitgebring kan word ten opsigte van sodanige beslissings.
 35 (b) Indien 'n plaaslike liggaam, as dit nie vir die bepalings van paragraaf (a) was nie, geregtig sou wees om 'n getal stemme uit te bring wat meer is as 50 persent van sodanige totale getal stemme, moet die getal stemme wat 50 persent oorskry, toegedeel word aan die ander
 40 plaaslike liggame in die betrokke streek, in die verhouding, uitgedruk as 'n persentasie, waarin die bedrag wat deur enige sodanige plaaslike liggaam of die inwoners wat hy verteenwoordig aan die raad betaal word vir streeksdienste, staan tot die totale bedrag deur die raad verkry vir die verskaffing van streeksdienste aan sodanige plaaslike liggame.
 45 (3) (a) Die getal stemme wat deur lede van 'n plaaslike liggaam ten opsigte van besluite van die raad uitgebring kan word, word so toegedeel onder die lede van daardie plaaslike liggaam dat die stemme wat uitgebring kan word deur lede wat deur daardie plaaslike liggaam benoem word, sover doenlik ewe veel is.
 50 (b) Indien 'n lid of sy plaasvervanger om die een of ander rede nie sy stem of stemme ten opsigte van 'n besluit van die raad kan uitbring nie, kan die betrokke plaaslike liggaam 'n ander lid skriftelik magtig om die betrokke stem of stemme namens hom uit te bring.
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Toedeling van stemme in raad.

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- (4) (a) Subject to the provisions of paragraph (b), the number of votes to which local bodies are entitled shall annually within a period of three months after the end of the financial year of the council be calculated by the council in accordance with subsections (1) and (2) on the basis of a certificate issued by the treasurer of the council, and the apportionment of votes shall apply from such calculation until the following calculation is made. 5
- (b) In respect of the first constitution or any reconstitution of a council, the number of votes to which local bodies shall be entitled shall be determined by the Administrator, subject to the provisions of section 2 (2) (a), on the basis of sworn information obtained by him from the local bodies in the region concerned. 10

Meetings.

10. (1) The first meeting of a council shall take place at a time and place determined by the Administrator, and thereafter, subject to the provisions of subsection (2), at least 10, or the lesser number of meetings which the Administrator may approve, shall be held per year at a time and place determined by the council or the chairman if authorized thereto by the council. 20

(2) The chairman may at any time and shall within 14 days after receiving a written request signed by not fewer than six members, call a special meeting of the council.

(3) Not less than 10 days' written notice of a meeting of a council shall be given to the members of the Council: Provided that an urgent matter may be treated on shorter notice if the reasons for the urgency are stated at the meeting and are accepted by the council. 25

(4) (a) Members who together are entitled to two-thirds of the total number of votes contemplated in section 9 (1), shall constitute a quorum for a meeting of the council. 30

(b) If the number of members present at the time and place determined for a meeting for the consideration of any matter referred to in section 11 (4), is on two consecutive occasions less than the required number contemplated in paragraph (a), a meeting of the council shall be held within seven days after the second such occasion after not less than three days' written notice has been given to members, and at that meeting members who are entitled to one half of the total number of votes contemplated in section 9 (1) shall form a quorum. 35

(c) If a quorum as contemplated in paragraph (b) cannot be formed, the matter for the consideration of which the meeting was called, shall be referred by the chairman to the Administrator for his decision, which decision shall be carried out by the council. 45

(5) (a) A person designated by a development board established by section 3 of the Black Communities Development Act, 1984 (Act No. 4 of 1984), in a region, may attend the proceedings of the council and take part in the discussions thereof but that person may not vote in respect of any decision. 50

(b) A council may allow any person or institution which in its opinion has an interest in the functions of the council to nominate a person to attend the proceedings of the council and to take part in such discussions of the council as in the opinion of the chairman relate to the interests of the person or institution in question, but such a nominee may not vote in respect of any decision. 55

(6) Subject to the provisions of this Act, a council may approve standing orders for the regulation of its proceedings and for all other matters relating to the management, powers and duties of the council. 65

Decisions, reconsideration and appeal.

11. (1) A decision of a council shall be taken by a majority of at least two-thirds of the votes of the members (other than the

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- (4) (a) Behoudens die bepalinge van paragraaf (b) word die getal stemme waarop plaaslike liggame geregtig is elke jaar binne 'n tydperk van drie maande na die einde van die boekjaar van die raad, deur die raad ooreenkomstig subartikels (1) en (2) bereken op grond van 'n sertifikaat uitgereik deur die tesourier van die raad, en die toedeling van stemme geld vanaf sodanige berekening totdat die daaropvolgende berekening gedoen word.
- (b) By die eerste samestelling of enige hersamestelling van 'n raad, word die getal stemme waarop plaaslike liggame geregtig is deur die Administrateur, behoudens die bepalinge van artikel 2 (2) (a), bepaal op grond van beëdigde inligting wat hy van die plaaslike liggame in die betrokke streek verkry.
10. (1) Die eerste vergadering van 'n raad vind plaas op die tyd en plek deur die Administrateur vasgestel, en daarna word, behoudens die bepalinge van subartikel (2), minstens 10, of die kleiner getal wat die Administrateur goedkeur, vergaderings per jaar gehou op die tyd en plek wat die raad of, indien deur die raad daartoe gemagtig, die voorsitter bepaal. Vergaderings.
- (2) Die voorsitter kan te eniger tyd, en moet binne 14 dae na ontvangs van 'n skriftelike versoek deur minstens ses lede onderteken, 'n buitengewone vergadering van die raad belê.
- (3) Minstens 10 dae skriftelike kennis van 'n vergadering van 'n raad word aan die lede daarvan gegee: Met dien verstande dat 'n dringende saak op korter kennisgewing behandel kan word indien die redes vir die dringendheid by die vergadering vermeld en deur die raad aanvaar word.
- (4) (a) Lede wat tesame oor twee derdes van die totale getal stemme beoog in artikel 9 (1) beskik, maak 'n kworum uit vir 'n vergadering van die raad.
- (b) As die getal aanwesige lede op die tyd en plek wat bepaal is vir 'n vergadering wat belê is vir die oorweging van 'n aangeleentheid in artikel 11 (4) bedoel, by twee agtereenvolgende geleenthede minder is as die vereiste getal lede in paragraaf (a) bedoel, moet 'n vergadering van die raad binne sewe dae na die tweede sodanige geleentheid gehou word nadat minstens drie dae skriftelike kennis aan lede gegee is, en op daardie vergadering maak lede wat tesame oor die helfte van die totale getal stemme beoog in artikel 9 (1) beskik, 'n kworum uit.
- (c) Indien 'n kworum soos in paragraaf (b) bedoel nie verkry kan word nie, word die aangeleentheid vir die oorweging waarvan die vergadering belê is, deur die voorsitter na die Administrateur vir beslissing verwys, welke beslissing deur die raad uitgevoer moet word.
- (5) (a) Iemand aangewys deur die ontwikkelingsraad ingestel by artikel 3 van die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet No. 4 van 1984), in sy streek, kan die verrigtinge van die raad bywoon en aan die besprekings daarvan deelneem, maar daardie persoon kan nie ten opsigte van enige besluit stem nie.
- (b) 'n Raad kan 'n persoon of instelling wat na sy mening 'n belang het by die werksaamhede van die raad toelaat om iemand te benoem om die verrigtinge van die raad by te woon en deel te neem aan daardie besprekings van die raad wat na die mening van die voorsitter betrekking het op die belange van die betrokke persoon of instelling, maar so 'n benoemde kan nie ten opsigte van enige besluit stem nie.
- (6) Behoudens die bepalinge van hierdie Wet kan 'n raad 'n reglement vir die reëling van sy verrigtinge en van alle ander sake wat betrekking het op die bestuur, bevoegdhede en pligte van die raad goedkeur.

11. (1) 'n Besluit van 'n raad word geneem by 'n meerderheid van minstens twee derdes van die getal stemme van lede (uitge- Besluite, heroorweging en appell.

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chairman referred to in section 7 (1), who shall not have a vote) of the council present at a meeting of the council.

(2) A decision of a council or a proposal in respect of which the majority referred to in subsection (1) was not obtained, shall at the request of a member present at the meeting at which such decision was taken or the proposal served, be reconsidered at the following meeting of the council and not again within six months thereafter.

(3) Any local body represented on a council and whose interests are affected by a decision of that council taken after reconsideration in terms of subsection (2), may within such time and in such manner as the Administrator may prescribe by regulation, appeal against that decision to an appeal board—

(a) which shall in respect of any matter referred to in subsection (4) consist of—

- (i) the Administrator, who shall be the chairman;
- (ii) the Minister appointed to administer local government matters in respect of Black communities or his nominee;
- (iii) the Minister from the Ministers' Council of the House of Assembly, the House of Representatives or the House of Delegates appointed to administer local government matters, according to the population group concerned or his nominee;

(b) which shall in respect of any matter referred to in section 12, other than a matter referred to in the proviso to section 12 (6), consist of—

- (i) the Minister of Finance who shall be the chairman;
- (ii) the Ministers referred to in paragraph (a) (ii) and (iii).

(4) An appeal in terms of subsection (3) (a) shall be noted only in respect of—

- (a) the failure of the council to perform a regional function;
- (b) the insufficient performance by the council of a regional function;
- (c) any decision or proposal of the council relating to a tariff or levy for services rendered by the council;
- (d) any determination by the council of a priority in connection with the appropriation of funds; and
- (e) the refusal by the council of any application for exemption referred to in section 5.

(5) The execution of a decision shall not be affected by a request for reconsideration in terms of subsection (2) or by an appeal in terms of subsection (3), but a determination referred to in subsection (4) (d) shall be suspended pending the result of the request or appeal.

(6) For the purposes of the application of this section "Administrator" means the official appointed by the State President under section 66 (1) of the Provincial Government Act, 1961 (Act No. 32 of 1961).

(7) A decision by four of its members shall be a decision of the appeal board, and the council shall carry out that decision.

(8) If a decision as contemplated in subsection (7) cannot be reached, the appeal shall be deemed to have been dismissed.

Financing of council.

12. (1) (a) Subject to the provisions of section 4 (1), a council shall levy and claim from each employer in its region a regional services levy and from each vendor or person in its region a regional establishment levy in the manner and according to the instructions which the Minister of Finance, after consultation with the Administrator, the council and subject to the provisions of section 2 (2) (a) (ii), (iv) and (b) (iii), may from time to time determine by notice in the *Gazette*.

(b) The Minister of Finance may, after consultation with the Administrator and the council and subject to the provisions of section 2 (2) (a) (ii), (iv) and (b) (iii), by

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sonderd die voorsitter in artikel 7 (1) bedoel, wat nie oor 'n stem beskik nie) wat op 'n vergadering van die raad teenwoordig is.

(2) 'n Besluit van 'n raad of 'n voorstel ten opsigte waarvan die in subartikel (1) bedoelde meerderheid nie verkry is nie, word op versoek van 'n lid wat aanwesig was tydens die vergadering waarop sodanige besluit geneem is of die voorstel gedien het, op die daaropvolgende vergadering van die raad, en daarna nie weer binne ses maande nie, heroorweeg.

(3) 'n Plaaslike liggaam wat in 'n raad verteenwoordig is en wie se belange geraak word deur 'n besluit van daardie raad geneem na heroorweging ingevolge subartikel (2), kan binne die tydperk en op die wyse deur die Administrateur by regulasie voorgeskryf teen daardie besluit appelleer na 'n appèlraad—

(a) wat ten opsigte van 'n aangeleentheid in subartikel (4) bedoel, bestaan uit—

- (i) die Administrateur, wat die voorsitter is;
- (ii) die Minister aangestel om plaaslike owerheidsaangeleenthede ten opsigte van Swart gemeenskappe te administreer of sy genomineerde;
- (iii) die Minister in die Ministersraad van die Volksraad, die Raad van Verteenwoordigers of die Raad van Afgevaardigdes aangestel om plaaslike owerheidsaangeleenthede te administreer, na gelang van die bevolkingsgroep wat betrokke is, of sy genomineerde;

(b) wat ten opsigte van 'n aangeleentheid in artikel 12 bedoel, uitgesonderd 'n aangeleentheid in die voorbehoudsbepaling by artikel 12 (6) bedoel, bestaan uit—

- (i) die Minister van Finansies wat die voorsitter is; en
- (ii) die Ministers bedoel in paragraaf (a) (ii) en (iii).

(4) 'n Appèl ingevolge subartikel (3) (a) word aangeteken slegs met betrekking tot—

- (a) die versuim van die raad om 'n streeksfunksie te verrig;
- (b) die gebrekkige verrigting deur die raad van 'n streeksfunksie;
- (c) enige besluit of voorstel van die raad wat betrekking het op 'n tarief of heffing vir dienste deur die raad gelewer;
- (d) enige vasstelling deur die raad van 'n prioriteit in verband met die aanwending van fondse; en
- (e) die weiering deur die raad van 'n in artikel 5 bedoelde aansoek om vrystelling.

(5) Die uitvoering van 'n besluit word nie deur 'n versoek om heroorweging ingevolge subartikel (2) of 'n appèl ingevolge subartikel (3), geraak nie, maar 'n vasstelling bedoel in subartikel (4) (d) word opgeskort hangende die uitslag van die versoek of appèl.

(6) By die toepassing van hierdie artikel beteken "Administrateur" die amptenaar kragtens artikel 66 (1) van die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), deur die Staatspresident aangestel.

(7) 'n Besluit deur vier van sy lede maak 'n beslissing van die appèlraad uit en die raad moet daardie beslissing uitvoer.

(8) Indien 'n beslissing soos bedoel in subartikel (7) nie verkry kan word nie, word dit geag dat die appèl van die hand gewys is.

12. (1) (a) Behoudens die bepalings van artikel 4 (1) hef en vorder 'n raad van elke werkgewer in sy streek 'n streeksdiensteheffing en van elke ondernemer of persoon in sy streek 'n streeksvestigingsheffing op die wyse en volgens die voorskrifte wat die Minister van Finansies, na oorleg met die Administrateur, die raad en behoudens die bepalings van artikel 2 (2) (a) (ii), (iv) en (b) (iii) van tyd tot tyd by kennisgewing in die *Staatskoerant* bepaal.

(b) Die Minister van Finansies kan na oorleg met die Administrateur en die raad en behoudens die bepalings van artikel 2 (2) (a) (ii), (iv) en (b) (iii), enige klas

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notice in the *Gazette* exempt any category of employer, vendor or person from any levy referred to in paragraph (a).

(2) Every council shall open and maintain an account in its name and shall pay into it— 5

- (a) all income, donations, loans, appropriations and money received by the council from any source;
- (b) fines paid in respect of any contravention of the provisions of this Act in the area of jurisdiction of the council; 10
- (c) interest received on the investment of money referred to in paragraphs (a) and (b).

(3) No money shall be withdrawn from the account referred to in subsection (2) save in accordance with the provisions of this Act. 15

(4) A council shall before the end of its financial year submit a copy of its budget for the next ensuing financial year to the Minister of Finance, and obtain his approval thereof.

(5) A council shall pay one twentieth per cent of the total proceeds in a specific financial year of the levies referred to in subsection (1) to the training fund established by section 7 of the Local Government Training Act, 1985 (Act No. 41 of 1985).

(6) Subject to the provisions of subsection (5), the council shall, by resolution, appropriate the funds referred to in subsection (2) within or outside its region or in accordance with an agreement in terms of section 4 (3), for— 25

- (a) the payment or part payment of the costs incurred in the execution or performance of any power or function entrusted to a council in terms of section 3 (1) (b) and (c); 30
- (b) the payment or part payment of the costs incurred in the region by a local body in the execution or performance of any of its powers or functions: Provided that a council shall not make any payments in respect of a regional service in respect of which exemption has been granted in terms of section 5; 35
- (c) the payment or part payment of the costs resulting from the collection of the levies referred to in subsection (1) and the administration of this Act;
- (d) the payment or part payment of the costs of the establishment, improvement and maintenance of an infrastructure for and the running of transport services for commuters between their places of residence within or outside the region or outside the Republic and their places of employment in the region; 45
- (e) any other purpose approved by the Minister of Finance after consultation with the Administrator:

Provided that in determining the priorities in connection with the appropriation of funds, the council shall give preference to the establishment, improvement and maintenance of infrastructural services and infrastructural facilities in areas where the greatest needs therefor exist.

(7) A levy referred to in subsection (1) shall not be recovered by any employer, vendor or person by adding it as a separate item to his prices or tariffs or the cost of his services or by deducting it from the wages or salaries paid by him. 55

(8) Any levy referred to in subsection (1) may be deducted as an operating expense for the purposes of income tax by any employer, vendor or person.

(9) Any person who fails to pay any levy referred to in subsection (1) (a) or who contravenes a provision of subsection (7) shall be guilty of an offence and on conviction be liable to a fine not exceeding R5 000 or imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment. 60

(10) If any person who is liable for the payment of a levy under subsection (1) fails to pay such levy in full within the time prescribed in terms of this Act, interest shall become payable by 65

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werkgewer, ondernemer of persoon by kennisgewing in die *Staatskoerant* vrystel van 'n heffing in paragraaf (a) bedoel.

(2) Elke raad moet 'n rekening in sy naam open en in stand 5 hou en daarin stort—

- (a) alle inkomste, skenkings, lenings, bewilligings en geld wat die raad uit enige bron ontvang;
- (b) boetes wat ten opsigte van enige oortreding van die bepalings van hierdie Wet in die regsgebied van die raad, 10 betaal word;
- (c) rente verkry uit die belegging van geld in paragrawe (a) en (b) bedoel.

(3) Geen geld word uit die rekening in subartikel (2) bedoel getrek nie behalwe ooreenkomstig die bepalings van hierdie 15 Wet.

(4) 'n Raad moet voor die einde van sy boekjaar 'n afskrif van sy begroting vir die daaropvolgende boekjaar aan die Minister van Finansies voorlê en sy goedkeuring daarvan verkry.

(5) 'n Raad betaal een twintigste persent van die totale op- 20 brengs in 'n gegewe boekjaar van die heffings in subartikel (1) bedoel, aan die opleidingsfonds ingestel by artikel 7 van die Wet op Plaaslike Owerheidsopleiding, 1985 (Wet No. 41 van 1985).

(6) Behoudens die bepalings van subartikel (5) wend 'n raad by besluit die fondse in subartikel (2) bedoel, in of buite sy 25 streek of volgens 'n ooreenkoms ingevolge artikel 4 (3), aan vir—

- (a) die delging of gedeeltelike delging van die koste aange- gaan by die uitoefening of verrigting van enige bevoegd- heid of funksie wat ingevolge artikel 3 (1) (b) en (c) 30 aan 'n raad opgedra word;
- (b) die delging of gedeeltelike delging van die koste aange- gaan by die uitoefening of verrigting in die streek deur 'n plaaslike liggaam van enige van sy bevoegdhede of funksies: Met dien verstande dat 'n raad geen betalings doen nie ten opsigte van 'n streeksdiens waarvoor vry- stelling ingevolge artikel 5 verleen is;
- (c) die delging of gedeeltelike delging van alle noodsaak- like koste voortspruitend uit die invordering van die heffings in subartikel (1) bedoel en die administrasie 35 van hierdie Wet;
- (d) die delging of gedeeltelike delging van die koste van die instelling, verbetering en instandhouding van 'n in- frastruktuur vir en die bedryf van vervoerdienste vir pendelaars tussen hulle wonings binne of buite die 40 streek of buite die Republiek en die plekke waar hulle in die streek werksaam is;
- (e) enige ander doel wat die Minister van Finansies na oor- leg met die Administrateur goedkeur:

Met dien verstande dat die raad by die vasstelling van prioriteite 50 in verband met die aanwending van fondse voorkeur verleen aan die instelling, verbetering en instandhouding van infrastruktuur- dienste en infrastruktuurfasiliteite in gebiede waar die drin- gendste behoefte daaraan bestaan.

(7) 'n Heffing in subartikel (1) bedoel, mag nie deur 'n werk- 55 gewer, ondernemer of persoon verhaal word deur dit as 'n af- sonderlike item by sy pryse of tariewe of die koste van sy dienste by te tel of van die lone of salarisse wat hy betaal, af te trek nie.

(8) 'n Heffing in subartikel (1) bedoel, kan deur 'n werkge- wer, ondernemer of persoon as 'n bedryfsuitgawe vir doeleindes 60 van inkomstebelasting afgetrek word.

(9) Iemand wat versuim om 'n heffing in subartikel (1) (a) be- doel, te betaal, of wat 'n bepaling van subartikel (7) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of gevangenisstraf vir 'n tydperk 65 van hoogstens 12 maande of daardie boete sowel as daardie ge- vangenisstraf.

(10) Indien iemand wat kragtens subartikel (1) vir die betaling van 'n heffing aanspreeklik is, versuim om daardie heffing ten volle te betaal binne die tydperk ingevolge hierdie Wet voorge-

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that person on the balance of the levy outstanding at the rate and from a date prescribed by the Minister of Finance by notice in the *Gazette*.

(11) A levy, or interest payable in terms of subsection (10), shall be deemed to be a debt due to the council and may be recovered by the council by way of judicial process in a competent court. 5

Regulations.

13. (1) (a) The Administrator may, subject to the provisions of subsection (3), by notice in the *Official Gazette* make regulations in respect of any matter referred to in this Act (except a matter contemplated in section 12, but including a matter contemplated in the proviso to subsection (6) thereof) which in the opinion of the Administrator is necessary or expedient for the effective execution or furtherance of the provisions and objects 15 of this Act.

(b) Different regulations may be made in respect of different regions.

(2) (a) The Minister of Finance may, subject to the provisions of subsection (3), make regulations in regard to any matter referred to in section 12 (excluding a matter contemplated in the proviso to subsection (6) thereof) which in the opinion of the said Minister is necessary or expedient for the effective execution or furtherance of the provisions and objects of this Act. 25

(b) Different regulations may be made in respect of different regions and different rates of or exemptions from levies may be determined for different regions.

(3) Regulations made under this Act shall be made only—

(a) after consultation with the Council for the Co-ordination of Local Government Affairs established by section 2 of the Promotion of Local Government Affairs Act, 1983 (Act No. 91 of 1983); and

(b) subject to the provisions of section 2 (2) (a) (ii) and (iv). 35

(4) In the case of a conflict between a regulation in terms of this Act and an ordinance or a regulation made under an ordinance, the first-mentioned regulation shall prevail.

(5) Any regulation issued under this section may provide for penalties for any contravention of or any failure to comply with the provisions of such regulations, of a fine not exceeding R5 000 or imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Secrecy.

14. (1) A person employed in the carrying out of the provisions of section 12 of this Act shall not— 45

(a) disclose to any person or his representative any matter in respect of any other person that may in the exercise of his powers or the performance of his duties under the said provisions come to his knowledge; or

(b) permit any person to have access to any records in the possession or custody of the council, 50

except in the exercise of his powers or the performance of his duties under this Act or by order of a competent court: Provided that the Auditor-General in the performance of his duties in terms of section 42 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and the Commissioner for Inland Revenue in the exercise of his functions under this or any other Act, shall have access to all records and documents in the possession or custody of the council for the purposes of this Act.

(2) Any person who is so employed shall, before acting under this Act, take and subscribe before a commissioner of oaths such oath of secrecy as the Minister of Finance may prescribe by regulation.

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skryf, word rente op die uitstaande balans van die heffing deur daardie persoon betaalbaar teen die koers en vanaf 'n datum deur die Minister van Finansies by kennisgewing in die *Staatskoerant* voorgeskryf.

- 5 (11) 'n Heffing, of rente ingevolge subartikel (10) betaalbaar, word geag 'n skuld aan die raad te wees en kan deur die raad by wyse van geregtelike prosesse in 'n bevoegde hof verhaal word.

- 10 13. (1) (a) Die Administrateur kan, behoudens die bepalings van subartikel (3), by kennisgewing in die *Offisiële Koerant* regulasies uitvaardig met betrekking tot enige aangeleentheid in hierdie Wet bedoel (uitgesonderd 'n aangeleentheid in artikel 12 bedoel, maar met inbegrip van 'n aangeleentheid bedoel in die voorbehoudsbepaling by subartikel (6) daarvan) wat na die mening van die Administrateur nodig of wenslik is vir die doeltreffende uitvoering of bevordering van die bepalings en oogmerke van hierdie Wet.

- 15 (b) Verskillende regulasies kan vir verskillende streke uitgevaardig word.

- 20 (2) (a) Die Minister van Finansies kan behoudens die bepalings van subartikel (3) regulasies uitvaardig met betrekking tot enige aangeleentheid in artikel 12 bedoel (uitgesonderd 'n aangeleentheid bedoel in die voorbehoudsbepaling by subartikel (6) daarvan) wat na die mening van die genoemde Minister nodig of wenslik is vir die doeltreffende uitvoering of bevordering van die bepalings en oogmerke van hierdie Wet.

- 25 (b) Verskillende regulasies kan vir verskillende streke uitgevaardig word en verskillende tariewe of vrystellings van heffings kan vir verskillende streke bepaal word.

- 30 (3) Regulasies wat kragtens hierdie Wet uitgevaardig word, word slegs uitgevaardig—

- 35 (a) na oorleg met die Raad vir die Koördinering van Plaaslike Owerheidsaangeleenthede ingestel by artikel 2 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983); en

- (b) behoudens die bepalings van artikel 2 (2) (a) (ii) en (iv).

- 40 (4) In die geval van 'n botsing tussen 'n regulasie ingevolge hierdie Wet en 'n ordonnansie of 'n regulasie kragtens 'n ordonnansie uitgevaardig, geld eersgenoemde regulasie.

- (5) Regulasies kragtens hierdie artikel uitgevaardig kan vir 'n oortreding daarvan of 'n versuim om aan 'n bepaling daarvan te voldoen voorsiening maak vir 'n boete van hoogstens R5 000 of 45 gevangenisstraf vir 'n tydperk van hoogstens 12 maande of daardie boete sowel as daardie gevangenisstraf.

14. (1) Iemand wat diens doen by die uitvoering van die bepalings van artikel 12 van hierdie Wet, mag nie— Geheimhouding.

- 50 (a) enige aangeleentheid ten opsigte van iemand anders wat by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens daardie bepalings tot sy kennis kom, aan iemand of sy verteenwoordiger openbaar nie; of

- 55 (b) iemand toelaat om toegang te verkry tot aantekeninge in die besit of onder die bewaring van die raad nie, behalwe by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens hierdie Wet of op bevel van 'n bevoegde geregtshof: Met dien verstande dat die Ouditeur-generaal by die uitvoering van sy pligte ingevolge artikel 42 van die Skatkis- en 60 Ouditwet, 1975 (Wet No. 66 van 1975), en die Kommissaris van Binnelandse Inkomste by die uitvoering van sy werksaamhede kragtens hierdie of enige ander Wet, toegang het tot alle aantekeninge en stukke in die besit of onder die bewaring van die raad vir die doeleindes van hierdie Wet.

- 65 (2) Iemand wat aldus diens doen, moet, voordat hy ingevolge hierdie Wet optree, 'n eed van geheimhouding wat die Minister van Finansies by regulasie voorskryf, voor 'n kommissaris van ede aflê en onderteken.

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(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction be liable to a fine not exceeding R5 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

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Furnishing of information.

15. Notwithstanding the provisions of section 4 of the Income Tax Act, 1962 (Act No. 58 of 1962), and section 4 of the Sales Tax Act, 1978 (Act No. 103 of 1978), the Commissioner for Inland Revenue or any person designated by him, may furnish to a council such information as is necessary for the determination and collection of any regional services levy and any regional establishment levy.

10

State bound.

16. This Act shall bind the State.

Repeal and amendment of laws.

17. The laws mentioned in Schedule 3 are hereby repealed or amended to the extent indicated in the third column of Schedule 15 3.

Short title.

18. This Act shall be called the Regional Services Councils Act, 1985.

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(3) Iemand wat die bepalings van subartikel (1) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of gevangenisstraf vir 'n tydperk van hoogstens 12 maande of daardie boete sowel as daardie gevangenisstraf.

15. Ondanks die bepalings van artikel 4 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), en artikel 4 van die Verkoopbelastingwet, 1978 (Wet No. 103 van 1978), kan die Kommissaris van Binnelandse Inkomste of iemand deur hom 10 aangewys, aan 'n raad dié inligting verstrek wat nodig is vir die bepaling en invordering van 'n streekdiensteheffing en 'n streeksvestigingsheffing.

Verstreking van inligting.

16. Hierdie Wet bind die Staat.

Staat gebind.

17. Die wette in Bylae 3 vermeld, word hierby herroep of ge- 15 wysig in die mate in die derde kolom van die Bylae aangedui.

Herroeping en wysiging van wette.

18. Hierdie Wet heet die Wet op Streeksdiensterade, 1985.

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Schedule 1*Matters referred to in section 2 (2) (b)*

1. Community of interests between the residents.
2. Nature of services rendered.
3. Cost-effectiveness and efficiency in the rendering of services.
4. Natural and geographical characteristics.
5. Existing administrative boundaries.
6. Economic interdependency between residents in respect of residency, work, commuting, recreation and predominant consumer spending.
7. Financial self-sufficiency with regard to the rendering of services.
8. Development potential.

Schedule 2*Functions referred to in section 3 (1) (b)*

1. Bulk supply of water.
2. Bulk supply of electricity.
3. Sewerage purification works and main sewerage disposal pipelines.
4. Land usage and transport planning in the region.
5. Roads and stormwater drainage.
6. Passenger transport services.
7. Traffic matters.
8. Abattoirs.
9. Fresh produce markets.
10. Refuse dumps.
11. Cemeteries and crematoriums.
12. Ambulance and fire brigade services.
13. Health services.
14. Airports.
15. Civil defence.
16. Libraries.
17. Museums.
18. Recreation facilities.
19. Environment conservation.
20. Promotion of tourism.
21. The establishment, improvement and maintenance of other infrastructural services and facilities.
22. Other regional functions.

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Bylae 1*Aangeleenthede in artikel 2 (2) (b) bedoel*

1. Gemeenskaplikheid van belange tussen die inwoners.
2. Aard van dienste wat gelewer word.
3. Koste-effektiwiteit en doeltreffendheid van dienslewering.
4. Natuurlike en geografiese kenmerke.
5. Bestaande administratiewe grense.
6. Ekonomiese interafhanklikheid tussen inwoners ten opsigte van residensie, werk, pendel, ontspanning en oorwegende verbruiksbesteding.
7. Finansiële selfversorgendheid ten opsigte van dienslewering.
8. Ontwikkelingspotensiaal.

Bylae 2*Funksies in artikel 3 (1) (b) bedoel*

1. Grootmaat-watervoorsiening.
2. Grootmaat-elektrisiteitsvoorsiening.
3. Riolsuiweringswerke en hoofrioolafvoergeleidings.
4. Grondgebruik- en vervoerbeplanning in die streek.
5. Paaie en stormwaterdreinerings.
6. Passasiersvervoerdienste.
7. Verkeersaangeleenthede.
8. Abattoirs.
9. Varsproduktemarkte.
10. Vullisstortingsterreine.
11. Begraafplase en krematoriums.
12. Ambulans- en brandweerdienste.
13. Gesondheidsdienste.
14. Lughawens.
15. Burgerlike beskerming.
16. Biblioteke.
17. Museums.
18. Ontspanningsgeriewe.
19. Omgewingsbewing.
20. Bevordering van toerisme.
21. Die instelling, verbetering en instandhouding van ander infrastruktuur-dienste en -fasiliteite.
22. Ander streeksfunksies.

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Schedule 3

No. and year of law	Title	Extent of repeal or amendment
Act No. 25 of 1945	Blacks (Urban Areas) Consolidation Act, 1945	The repeal of section 9 (4) in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Act No. 53 of 1957	Black Transport Services Act, 1957	The repeal of the whole in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Act No. 27 of 1972	Transport Services for Coloured Persons and Indians Act, 1972	The repeal of the whole in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Act No. 29 of 1972	Contributions in respect of Black Labour Act, 1972	The repeal of the whole in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Ordinance No. 8 of 1972, of the Orange Free State	Licences Ordinance, 1972	The liability to pay licence fees referred to in section 9 (3) in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Ordinance No. 11 of 1973, of Natal	Licences and Business Hours Ordinance, 1973	The liability to pay licence fees referred to in section 9 (3) in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Ordinance No. 19 of 1974, of the Transvaal	Licences Ordinance, 1974	The liability to pay licence fees referred to in section 10 (1) in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Ordinance No. 17 of 1981, of the Cape of Good Hope	Licences Ordinance, 1981	The liability to pay licence fees referred to in section 3 (2) (b) in relation to a region as from the date on which the levies referred to in section 12 of this Act are introduced in that region.
Act No. 88 of 1967	Physical Planning Act, 1967	(a) The amendment of section 1 by the insertion after the definition of "quarry" of the following definition: <u>"regional services council" means a regional services council established in terms of the Regional Services Councils Act, 1985;"</u> (b) The amendment of section 6A— (i) by the substitution for paragraph (b) of subsection (4) of the following paragraph: <u>"(b) Any such proposals by a local authority shall be so submitted through the provincial administration concerned and if that local authority is represented on a regional services council, a copy of such proposals shall be submitted to the regional services council concerned;"</u> (ii) by the substitution for subsection (9) of the following subsection: <u>"(9) After receipt of the advice of the investigation committee, the Director-General shall submit to the Administrator such advice, all comments and representations received in connection with the draft guide plan, as well as his own comments thereon, and the Administrator shall submit his comments as well as the comments (if any) of every regional services council to the area of which the plan in question applies to the Minister within 60 days or such longer period as the Minister may determine;"</u> (iii) by the addition to subsection (12) of the following proviso: <u>"Provided that where the scheme or land referred to in this subsection is situated within the area of jurisdiction of a regional services council, any reference in this subsection to 'Administrator' shall be construed as a reference to the regional services council concerned;"</u> (iv) by the addition to paragraph (a) of subsection (13) of the following proviso: <u>"Provided that where a guide plan referred to in this paragraph, applies to land situated within the area of jurisdiction of a regional services council, any reference in this paragraph to 'Minister' and 'Administrator' "</u>

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Bylae 3

No. en jaar van wet	Titel	In hoeverre herroep of gewysig
Wet No. 25 van 1945 ...	Swartes (Stadsgebiede) Konsolidasiewet, 1945...	Die herroeping van artikel 9 (4) met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Wet No. 53 van 1957 ...	Wet op Vervoerdienste vir Swartes, 1957	Die herroeping in geheel met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Wet No. 27 van 1972 ...	Wet op Vervoerdienste vir Kleurlinge en Indiërs, 1972	Die herroeping in geheel met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Wet No. 29 van 1972 ...	Wet op Bydraes ten opsigte van Swart Arbeid, 1972	Die herroeping in geheel met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Ordonnansie No. 8 van 1972, van die Oranje-Vrystaat	Ordonnansie op Lisensies, 1972	Die verpligting tot die betaling van lisensiegeld bedoel in artikel 9 (3) met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Ordonnansie No. 11 van 1973, van Natal ..	Ordonnansie op Lisensies en Besigheidsure, 1973	Die verpligting tot die betaling van lisensiegeld bedoel in artikel 9 (3) met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Ordonnansie No. 19 van 1974, van Transvaal	Ordonnansie op Lisensies, 1974	Die verpligting tot die betaling van lisensiegeld bedoel in artikel 10 (1) met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Ordonnansie No. 17 van 1981, van die Kaap die Goeie Hoop	Lisensieordonnansie, 1981	Die verpligting tot die betaling van lisensiegeld bedoel in artikel 3 (2) (b) met betrekking tot 'n streek vanaf die datum waarop die heffings in artikel 12 van hierdie Wet bedoel in daardie streek ingestel word.
Wet No. 88 van 1967 ...	Wet op Fisiese Beplanning, 1967	(a) Die wysiging van artikel 1 deur na die omskrywing van "plaaslike bestuur" die volgende omskrywing in te voeg: "streeksdiensteraad" 'n streeksdiensteraad ingestel ingevolge die Wet op Streeksdiensteraade, 1985;" (b) Die wysiging van artikel 6A— (i) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang: "(b) Sodanige voorstelle deur 'n plaaslike bestuur moet deur middel van die betrokke provinsiale administrasie aldus voorgelê word en indien daardie plaaslike bestuur in 'n streeksdiensteraad verteenwoordig word, moet 'n afskrif van sodanige voorstelle by die betrokke streeksdiensteraad ingedien word;" (ii) deur subartikel (9) deur die volgende subartikel te vervang: "(9) Na ontvangs van die ondersoekkomitee se advies moet die Direkteur-generaal daardie advies, alle kommentaar en verhoë wat in verband met die ontwerp-gidsplan ontvang is sowel as sy eie kommentaar daarop, aan die Administrateur voorlê, en die Administrateur moet sy kommentaar asook die kommentaar (as daar is) van elke streeksdiensteraad op wie se gebied die betrokke plan betrekking het binne 60 dae, of die langer tydperk wat die Minister bepaal, aan die Minister voorlê;" (iii) deur by subartikel (12) die volgende voorbehoudsbepaling te voeg: "Met dien verstande dat in die geval waar die skema of grond in hierdie subartikel bedoel binne die regsgebied van 'n streeksdiensteraad geleë is, 'n verwysing in hierdie subartikel na 'Administrateur' uitgelê word as 'n verwysing na die betrokke streeksdiensteraad;" (iv) deur by paragraaf (a) van subartikel (13) die volgende voorbehoudsbepaling te voeg: "Met dien verstande dat waar 'n gidsplan in hierdie paragraaf bedoel, betrekking het op grond wat binne die regsgebied van 'n streeksdiensteraad geleë is, 'n verwysing in hierdie paragraaf na 'Minister' en 'Admini-

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		wherever they occur, shall be construed as a reference to 'Administrator' and 'regional services council concerned', respectively."; (v) by the addition to paragraph (b) of subsection (13) of the following proviso: "Provided that where a plan or plans referred to in this paragraph, apply to land situated within the area of jurisdiction of a regional services council, any reference in this paragraph to 'Minister', 'Administrator' and 'officer in charge of the local government section of the provincial administration concerned', shall be construed as a reference to 'Administrator', 'regional services council concerned' and 'chief executive officer of the regional services council concerned', respectively."; (vi) by the addition to paragraph (c) of subsection (13) of the following proviso: "Provided that where a plan or plans referred to in this paragraph, apply to land situated within the area of jurisdiction of a regional services council, any reference in this paragraph to 'Minister' and 'Administrator', wherever they occur, shall be construed as a reference to 'Administrator' and 'regional services council concerned', respectively."; and (vii) by the substitution for paragraph (b) of subsection (19) of the following paragraph: "(b) the comments of the Administrator concerned and the regional services council concerned and, if land which in terms of the guide plan may be used for agricultural purposes can in the opinion of the Minister be affected by the proposed amendment or withdrawal, the comments of the Minister of Agriculture shall be obtained.".
Act No. 78 of 1977	Urban Transport Act, 1977	(a) The amendment of section 1— (i) by the substitution for the definition of "Administrator" of the following definition: "'Administrator' means— (a) an Administrator acting on the advice and with the consent of the executive committee of which he is a member; (b) for the purposes of sections 11, 12, 13, 14, 15 and 16 in the case where a regional services council is designated as a core city, the regional services council concerned."; and (ii) by the insertion after the definition of "officer" of the following definition: "'regional services council' means a regional services council established in terms of the Regional Services Councils Act, 1985;". (b) The amendment of section 24 by the substitution for subsection (2) of the following subsection: "(2) Any Administrator may in writing delegate any power conferred on him by this Act to a core city or any person in the services of his administration."
Act No. 115 of 1984	Remuneration of Town Clerks Act, 1984	The amendment of section 1 by the substitution in subsection (1) for the definition of "local authority" of the following definition: "'local authority' means any institution or body contemplated in section 84 (1) (f) of the [Republic of South Africa Constitution Act] Provincial Government Act, 1961 (Act No. 32 of 1961), in connection with which a provincial council may make ordinances, and also a regional services council established under the Regional Services Councils Act, [1984] 1985;".
Act No. 117 of 1984	Local Government Bodies Franchise Act, 1984	The amendment of section 1 by the substitution in subsection (1) for paragraph (d) of the definition of "juristic person" of the following paragraph: "(d) a regional services council contemplated in the Regional Services Councils Act, [1984] 1985; and"

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		strateur', waar dit ook al voorkom, uitgelê word as 'n verwysing na onderskeidelik 'Administrateur' en 'betrokke streeksdiensteraad'"; (v) deur by paragraaf (b) van subartikel (13) die volgende voorbehoudsbepaling te voeg: "Met dien verstande dat waar 'n plan of planne in hierdie paragraaf bedoel, betrekking het op grond wat binne die regsgebied van 'n streeksdiensteraad geleë is, 'n verwysing in hierdie paragraaf na 'Minister', 'Administrateur' en 'beampte in bevel van die afdeling plaaslike bestuur van die betrokke provinsiale administrasie', uitgelê word as 'n verwysing na onderskeidelik 'Administrateur', 'betrokke streeksdiensteraad' en 'hoofuitvoerende beampte van die betrokke streeksdiensteraad'"; (vi) deur by paragraaf (c) van subartikel (13) die volgende voorbehoudsbepaling te voeg: "Met dien verstande dat waar 'n plan of planne in hierdie paragraaf bedoel, betrekking het op grond wat binne die regsgebied van 'n streeksdiensteraad geleë is, 'n verwysing in hierdie paragraaf na 'Minister' en 'Administrateur', waar dit ook al voorkom, uitgelê word as 'n verwysing na onderskeidelik 'Administrateur' en 'betrokke streeksdiensteraad'"; en (vii) deur paragraaf (b) van subartikel (19) deur die volgende paragraaf te vervang: "(b) die kommentaar van die betrokke Administrateur en die betrokke streeksdiensteraad en, indien grond wat ingevolge die gidsplan vir landboudoeleindes gebruik mag word na die oordeel van die Minister deur die beoogde wysiging of intrekking geraak kan word, die kommentaar van die Minister van Landbou verkry moet word."
Wet No. 78 van 1977 ...	Wet op Stedelike Vervoer, 1977	(a) Die wysiging van artikel 1— (i) deur die omskrywing van "Administrateur" deur die volgende omskrywing te vervang: "Administrateur"— (a) 'n Administrateur handelende op die advies en met die toestemming van die uitvoerende komitee waarvan hy lid is; (b) by die toepassing van artikels 11, 12, 13, 14, 15 en 16 in die geval waar 'n streeksdiensteraad as 'n kernstad aangewys word, die betrokke streeksdiensteraad"; en (ii) deur na die omskrywing van "raad" die volgende omskrywing in te voeg: "streeksdiensteraad" 'n streeksdiensteraad ingestel ingevolge die Wet op Streeksdiensterade, 1985"; (b) Die wysiging van artikel 24 deur subartikel (2) deur die volgende subartikel te vervang: "(2) 'n Administrateur kan enige bevoegdheid wat by hierdie Wet aan hom verleen word, skriftelik aan 'n kernstad of enigiemand in diens van sy administrasie delegeer."
Wet No. 115 van 1984 ...	Wet op die Besoldiging van Stadsklerke, 1984 ...	Die wysiging van artikel 1 deur in subartikel (1) die omskrywing van "plaaslike owerheid" deur die volgende omskrywing te vervang: "plaaslike owerheid" 'n instelling of liggaam beoog in artikel 84 (1) (f) van die [Grondwet van die Republiek van Suid-Afrika] Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), in verband waarmee 'n provinsiale raad ordonnansies kan maak, en ook 'n streeksdiensteraad ingestel kragtens die Wet op Streeksdiensterade, [1984] 1985";
Wet No. 117 van 1984 ...	Wet op Stemreg vir Plaaslike Owerheidsliggame, 1984	Die wysiging van artikel 1 deur in subartikel (1) paragraaf (d) van die omskrywing van "regspersoon" deur die volgende paragraaf te vervang: "(d) 'n streeksdiensteraad beoog in die Wet op Streeksdiensterade, [1984] 1985; en"

