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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2377.

23 October 1987

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

No. 94 of 1987: Local Councils Act (House of Assembly), 1987.

No. 2377.

23 Oktober 1987

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

No. 94 van 1987: Wet op Plaaslike Rade (Volksraad), 1987.

Act No. 94, 1987

LOCAL COUNCILS ACT (HOUSE OF ASSEMBLY), 1987

ACT

To provide for the establishment of local councils in certain local government areas; to provide that such councils shall be juristic persons; to determine the functions of such councils; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 13 October 1987.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—
 - (i) “local authority” means an institution or body contemplated in section 84 (1) (f) (i) of the Provincial Government Act, 1961 (Act No. 32 of 1961); (iii)
 - (ii) “local council” means a council established under section 2; (iv)
 - (iii) “Minister” means the Minister of Local Government, Housing and Works in the Ministers’ Council of the House of Assembly; (ii)
 - (iv) “this Act” includes any regulation made under section 6. (i)

Establishment of local councils.

2. The Minister may by notice in the *Gazette*—
 - (a) establish a local council for one or more local government areas, whether such areas are contiguous or not, which have been declared by or under any general law as a local government area or areas for the White population group, and which are situated outside the area of jurisdiction of any existing local authority, other than a divisional council, to exercise or perform within the area for which the local council is established such powers and functions as are in terms of this Act imposed or conferred upon it; 15 20
 - (b) assign a name to any such local council or change any name so assigned; and 25
 - (c) abolish any such local council.

Local councils to be juristic persons.

3. A local council shall be a juristic person.

Duties and powers of local councils.

4. (1) A local council shall or may, within the area in respect of which it has been established— 30
 - (a) carry out or exercise such duties and powers as may be imposed or conferred upon it by or in terms of this Act;
 - (b) carry out or exercise such duties and powers as in terms of any law shall or may be carried out or exercised by local authorities in the Republic, and as may be specified by the Minister by notice in the *Gazette*, eith- 35

WET

Om voorsiening te maak vir die instelling van plaaslike rade in sekere plaaslike bestuursgebiede; te bepaal dat daardie rade regspersone is; die werkzaamhede van daardie rade te bepaal; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Oktober 1987.)

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

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "hierdie Wet" ook enige regulasie kragtens artikel 6 uitgevaardig; (iv)
 - (ii) "Minister" die Minister van Plaaslike Bestuur, Behuising en Werke in die Ministersraad van die Volksraad; (iii)
 - (iii) "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); (i)
 - (iv) "plaaslike raad" 'n raad kragtens artikel 2 ingestel. (ii)
2. Die Minister kan by kennisgewing in die *Staatskoerant*—
 - (a) 'n plaaslike raad instel vir een of meer plaaslike bestuursgebiede, hetsy sodanige gebiede aangrensend is al dan nie, wat by of kragtens 'n algemene wet tot 'n plaaslike bestuursgebied of -gebiede vir die Blanke bevolkingsgroep verklaar is, en wat buite die regsgebied van 'n bestaande plaaslike owerheid, behalwe 'n afdelingsraad, geleë is, om in die gebied waarvoor die plaaslike raad ingestel word, die pligte en bevoegdhede wat deur of ingevolge hierdie Wet aan hom opgelê of verleen word, uit te voer of uit te oefen;
 - (b) 'n naam aan sodanige plaaslike raad toeken of 'n naam aldus toegeken, verander; en
 - (c) sodanige plaaslike raad afskaf.
3. 'n Plaaslike raad is 'n regspersoon.
4. (1) 'n Plaaslike raad moet of kan, in die gebied ten opsigte waarvan hy ingestel is—
 - (a) die pligte en bevoegdhede uitvoer of uitoefen wat ingevolge hierdie Wet aan hom opgelê of verleen is;
 - (b) die pligte en bevoegdhede uitvoer of uitoefen wat ingevolge die een of ander wet deur plaaslike owerhede in die Republiek uitgevoer of uitgeoefen kan word, en wat deur die Minister by kennisgewing in die *Staatskoerant* bepaal word, hetsy in die algemeen ten opsigte van

Woord-
omskrywing.

Instelling van
plaaslike rade.

Plaaslike rade
is regspersone.

Pligte en
bevoegdhede van
plaaslike
rade.

Act No. 94, 1987

LOCAL COUNCILS ACT (HOUSE OF ASSEMBLY), 1987

(15) regulating the ownership of public places and public streets in the areas of local councils;

(16) regulating the acquisition of immovable property and rights thereto, as well as the alienation and letting of property by local councils;

(17) regulating the declaration, closing, construction, maintenance and naming of streets and public places;

(18) regulating the provision of services relating to sewerage, drainage, water, gas and electricity within the areas of local councils;

(19) regulating the establishment of cemeteries within the areas of local councils;

(20) regulating the entering into contracts by local councils, which includes the power to enter into contracts with local authorities or other persons for the carrying out or exercise of the duties or powers of local councils;

(21) regulating the levying and fixing of charges for services rendered by local councils;

(22) prescribing the matters which shall be decided upon at public meetings or by way of polls;

(23) prohibiting or regulating public nuisances in the areas of local councils;

(24) prescribing the manner in which and the matters with regard to which local councils can make by-laws;

(25) regulating the right of access of local councils and their employees and contractors to private property in the areas of local councils;

(26) regulating the powers of the Minister in the case of alleged illegal or irregular conduct by local councils;

(27) regulating the powers of the Minister in the case of the omission of local councils to carry out or to exercise the duties or powers imposed or conferred upon them;

(28) authorizing the adoption of a scheme which determines the use of land in the areas of local councils;

(29) providing for the granting by the Minister to local councils of any power which in the opinion of the Minister may serve a useful civic purpose.

Minister may perform certain acts in local government area in contemplation of establishment of local council.

7. (1) The Minister may at any time in respect of any local government area for which no local council has been established and until a local council is established, perform any function or render any service which could have been performed or rendered by a local council, if the Minister is of the opinion that the performance of such function or the rendering of such service because of the nature thereof cannot be postponed or because it is in his opinion in the interests of that local government area or of the persons residing therein.

(2) Any function or service mentioned in subsection (1) shall in accordance with the direction of the Minister be performed or rendered by persons in the employment of any department in the Administration: House of Assembly, or of any department of State for general affairs, or of any provincial administration, or of any local authority, or of any regional services council, with whom the Minister has concluded an appropriate agreement for that purpose, and the costs incidental to such performance or rendering may initially be defrayed from the Revenue Account: House of Assembly mentioned in section 2 of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and may, when a local council has been established for that local authority area, be recovered by the Minister from such local authority in such manner as he may deem fit.

Short title.

8. This Act shall be called the Local Councils Act (House of Assembly), 1987.

WET OP PLAASLIKE RADE (VOLKSRAAD), 1987

Wet No. 94, 1987

- (15) wat die eiendomsreg op openbare plekke en openbare strate in die gebiede van plaaslike rade reël;
- (16) wat die verkryging van onroerende goed en regte daarop asook die vervreemding en verhuring van goed deur plaaslike rade, reël;
- (17) wat die verklaring, sluiting, aanleg, onderhoud en benaming van strate en openbare plekke reël;
- (18) wat die voorsiening van dienste met betrekking tot riolering, dreinerings, water, gas en elektrisiteit binne die gebiede van plaaslike rade reël;
- (19) wat die instelling van begraafplase binne die gebiede van plaaslike rade reël;
- (20) wat die aangaan van kontrakte deur plaaslike rade reël, wat die bevoegdheid insluit om kontrakte met plaaslike owerhede of ander persone aan te gaan vir die uitvoering of uitoefening van die pligte en bevoegdhede van plaaslike rade;
- (21) wat die heffing en vasstelling van gelde vir dienste deur plaaslike rade gelever, reël;
- (22) wat die sake voorskryf waarvoor op openbare vergaderings of by wyse van stemmings besluit moet word;
- (23) wat openbare oorlaste in die gebiede van plaaslike rade verbied of reël;
- (24) wat die wyse waarop en die aangeleenthede met betrekking waartoe plaaslike rade verordeninge kan maak, voorskryf;
- (25) wat die reg van toegang van plaaslike rade en hul werknemers of aannemers tot private eiendom in die gebiede van plaaslike rade reël;
- (26) wat die Minister se bevoegdhede reël in die geval van beweerde onwettige of onreëlmatige optrede deur plaaslike rade;
- (27) wat die Minister se bevoegdhede reël in geval van versuim deur plaaslike rade om die pligte of bevoegdhede aan hulle opgedra of verleen, uit te voer of uit te oefen;
- (28) wat die aanvaarding van 'n skema wat die gebruik van grond in die gebiede van plaaslike rade vasstel, magtig;
- (29) wat voorsiening maak vir die verlening deur die Minister aan plaaslike rade van enige bevoegdheid wat na die oordeel van die Minister 'n nuttige munisipale doel kan dien.

7. (1) Die Minister kan te eniger tyd ten opsigte van enige plaaslike bestuursgebied waarvoor geen plaaslike raad ingestel is nie en totdat 'n plaaslike raad ingestel word, enige werksaamheid verrig of diens lewer wat deur 'n plaaslike raad verrig of gelever sou kon word, indien die Minister van oordeel is dat die verrigting van daardie werksaamheid of die lewering van daardie diens weens die aard daarvan nie uitgestel kan word nie of dat sodanige verrigting na sy oordeel in die belang is van die betrokke plaaslike bestuursgebied of van die persone wat daarin woon.

(2) Enige werksaamheid of diens in subartikel (1) vermeld, word na gelang die Minister gelas, verrig of gelever deur persone in diens van enige departement in die Administrasie: Volksraad, of van enige Staatsdepartement vir algemene sake, of van enige provinsiale administrasie, of van 'n plaaslike bestuur, of van enige streeksdiensteraad, met wie die Minister 'n gepaste ooreenkoms vir daardie doel gesluit het, en die koste verbonde aan sodanige verrigting of lewering kan aanvanklik uit die Inkomsterekening: Volksraad vermeld in artikel 2 van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), bestry word en kan, wanneer 'n plaaslike raad vir daardie plaaslike bestuursgebied ingestel is, deur die Minister op die wyse wat hy goedvind, op die plaaslike raad verhaal word.

Minister kan sekere handeling in plaaslike bestuursgebied verrig in afwagting van instelling van plaaslike raad.

8. Hierdie Wet heet die Wet op Plaaslike Rade (Volksraad), Kort titel. 1987.

