



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

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No. 11937

STATE PRESIDENT'S OFFICE

No. 1198.

14 June 1989

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

No. 84 of 1989: Local Government Affairs Council Act (House of Assembly), 1989.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1198.

14 Junie 1989

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

No. 84 van 1989: Wet op die Raad op Plaaslike Bestuursangeleenthede (Volksraad), 1989.

ACT

To provide for the establishment of a Local Government Affairs Council and for executive committees of the said Council; to determine the functions, duties and powers of the said Council and executive committees; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 1 June 1989.)*

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) "chief executive officer", in relation to an executive committee of the Council, means a person referred to in section 12; (iii) 5
- (ii) "Council" means the Local Government Affairs Council established by section 2; (vii)
- (iii) "declared area" means an area referred to in item 6 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), which has by or under a general law been declared a local government area for the White population group but which is situated outside the area of jurisdiction of any existing local authority other than a divisional council, and which is further indicated or defined by the Minister by notice in the *Gazette*; (xi) 15
- (iv) "executive committee", in relation to the Council, means an executive committee referred to in section 10; (x)
- (v) "Head of the Department" means the head of the Department of Local Government, Housing and Works: Administration: House of Assembly; (i)
- (vi) "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); (v) 20
- (vii) "local council" means a local council referred to in the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987); (vi)
- (viii) "Minister" means the Minister of Local Government and Housing: House of Assembly; (iv) 25
- (ix) "prescribed" means prescribed by regulation; (xii)
- (x) "regulations" means regulations made under section 30; (viii)
- (xi) "special resolution", in relation to the Council, means a resolution carried by a majority of the total number of members of the Council; (ix)
- (xii) "this Act" includes the regulations. (ii) 30

Establishment, disestablishment and objects of Council

2. (1) There is hereby established, with effect from a date fixed by the Minister by notice in the *Gazette*, a council to be known as the Local Government Affairs Council.

WET

Om voorsiening te maak vir die instelling van 'n Raad op Plaaslike Bestuurs-
aangeleenthede en vir uitvoerende komitees van genoemde Raad; om die werksaam-
hede, pligte en bevoegdhede van genoemde Raad en uitvoerende komitees te bepaal;
en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 1 Junie 1989.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - 5 (i) "Departementshoof" die hoof van die Departement van Plaaslike Bestuur,
Behuising en Werke: Administrasie: Volksraad; (v)
 - (ii) "hierdie Wet" ook die regulasies; (xii)
 - (iii) "hoof- uitvoerende beampte", met betrekking tot 'n uitvoerende komitee
van die Raad, 'n persoon bedoel in artikel 12; (i)
 - 10 (iv) "Minister" die Minister van Plaaslike Bestuur en Behuising: Volksraad;
(viii)
 - (v) "plaaslike bestuur" 'n instelling of liggaam beoog in artikel 84 (1) (f) (i) van
die Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961); (vi)
 - (vi) "plaaslike raad" 'n plaaslike raad bedoel in die Wet op Plaaslike Rade
15 (Volksraad), 1987 (Wet No. 94 van 1987); (vii)
 - (vii) "Raad" die Raad op Plaaslike Bestuursaangeleenthede ingestel by artikel
2; (ii)
 - (viii) "regulasies" regulasies kragtens artikel 30 uitgevaardig; (x)
 - (ix) "spesiale besluit", met betrekking tot die Raad, 'n besluit aangeneem deur
20 'n meerderheid van die totale getal lede van die Raad; (xi)
 - (x) "uitvoerende komitee", met betrekking tot die Raad, 'n uitvoerende
komitee in artikel 10 bedoel; (iv)
 - (xi) "verklaarde gebied" 'n gebied bedoel in item 6 van Bylae 1 by die
25 Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van
1983), wat by of kragtens 'n algemene wet as 'n plaaslike bestuursgebied vir
die Blanke bevolkingsgroep verklaar is maar wat buite die regsgebied van
'n bestaande plaaslike bestuur behalwe 'n afdelingsraad geleë is, en wat
deur die Minister by kennisgewing in die *Staatskoerant* nader aangedui of
omskryf is; (iii)
 - 30 (xii) "voorgeskryf" by regulasie voorgeskryf, en het "voorgeskrewe" 'n ooreen-
stemmende betekenis. (ix)

Instelling, ontbinding en oogmerke van Raad

2. (1) Daar word hierby, met ingang van 'n datum deur die Minister by
kennisgewing in die *Staatskoerant* bepaal, 'n raad ingestel wat die Raad op Plaaslike
35 Bestuursaangeleenthede heet.

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(2) The Council is, subject to the provisions of this Act and of item 6 of Schedule 1 to the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), established for the purposes of matters relating to local government and local government development in declared areas.

(3) The Council shall be a juristic person.

(4) The Council shall only be disestablished by an Act of Parliament.

Constitution of Council

3. (1) The Council shall consist of so many members as may from time to time be determined by the Minister and who are appointed by him, and one or more persons from every province may be so appointed as members.

(2) The Minister shall appoint a person as a member of the Council on account of the person's special knowledge of local government affairs in declared areas, or of local government affairs in general.

(3) The name of every person appointed as a member of the Council and the date from which the appointment takes effect, shall be made known in the *Gazette*.

Remuneration, allowances and conditions of service of members of Council

4. (1) A member of the Council (excluding a person who is in the full-time employment of the State) shall receive such remuneration and allowances as the Minister may with the concurrence of the Minister of the Budget and Works determine: Provided that the remuneration and allowances of members may differ according to the offices that they hold and whether they serve in a full-time or part-time capacity.

(2) The conditions of service of a member of the Council who is not an officer as defined in section 1 (1) of the Public Service Act, 1984 (Act No. 111 of 1984), shall be determined by the Minister with the concurrence of the Minister of the Budget and Works.

(3) The remuneration and allowances referred to in subsection (1) and the expenditure connected with the application of conditions of service referred to in subsection (2), shall be paid out of the funds of the Council.

Chairman and deputy chairman

5. (1) The Minister shall appoint one of the members of the Council as chairman, and may in his discretion rescind such appointment at any time.

(2) (a) The Minister shall appoint one of the members of the Council as deputy chairman, who shall act as chairman whenever the chairman is for any reason absent, or unable to act as chairman, or whenever he is requested thereto by the chairman.

(b) The Minister may in his discretion rescind an appointment under paragraph (a) at any time.

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

Period of office of members of Council

6. (1) A member of the Council shall be appointed for such period as the Minister may in each case determine, and may on the expiration of his period of office be reappointed.

(2) A member of the Council shall vacate his office—

(a) if he resigns;

(b) if he is an unrehabilitated insolvent;

(c) if he becomes of unsound mind;

(d) if he is convicted of an offence and sentenced to imprisonment without the option of a fine;

(e) if he—

(i) in terms of the provisions of the Electoral Act, 1979 (Act No. 45 of 1979), is nominated as a candidate for the election of a member of the House of Assembly; or

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- (2) Die Raad word, behoudens die bepalings van hierdie Wet en van item 6 van Bylae 1 by die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), ingestel vir die doeleindes van aangeleenthede betreffende plaaslike bestuur en plaaslike bestuursontwikkeling in verklaarde gebiede.
- 5 (3) Die Raad is 'n regspersoon.
- (4) Die Raad word slegs by 'n Wet van die Parlement ontbind.

Samestelling van Raad

3. (1) Die Raad bestaan uit soveel lede as wat die Minister van tyd tot tyd bepaal en wat deur hom aangestel word, en een of meer persone uit elke provinsie kan aldus
10 as lede aangestel word.
- (2) Die Minister stel 'n persoon as lid van die Raad aan op grond van die persoon se besondere kennis van plaaslike bestuursaangeleenthede in verklaarde gebiede, of van plaaslike bestuursaangeleenthede in die algemeen.
- (3) Die naam van elke persoon wat as lid van die Raad aangestel word en die
15 datum vanaf wanneer die aanstelling geld, word in die *Staatskoerant* bekend gemaak.

Besoldiging, toelaes en diensvoorwaardes van lede van Raad

4. (1) 'n Lid van die Raad (uitgesonderd 'n persoon wat heeltyds in diens van die Staat is) ontvang die besoldiging en toelaes wat die Minister met die instemming van die Minister van Begroting en Werke bepaal: Met dien verstande dat die besoldiging
20 en toelaes van lede kan verskil na gelang die ampte wat hulle beklee en of hulle in 'n heeltydse of deeltydse hoedanigheid dien.
- (2) Die diensvoorwaardes van 'n lid van die Raad wat nie 'n beampte is soos omskryf in artikel 1 (1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), nie, word deur die Minister met die instemming van die Minister van Begroting en Werke
25 bepaal.
- (3) Die besoldiging en toelaes bedoel in subartikel (1) en die uitgawes verbonde aan die toepassing van diensvoorwaardes in subartikel (2) bedoel, word uit die fondse van die Raad betaal.

Voorsitter en adjunk-voorsitter

- 30 5. (1) Die Minister stel een van die lede van die Raad as voorsitter aan, en kan na goedgekeurde so 'n aanstelling te eniger tyd intrek.
- (2) (a) Die Minister stel een van die lede van die Raad as adjunk-voorsitter aan, wat as voorsitter optree wanneer die voorsitter om enige rede afwesig is, of
35 nie in staat is om as voorsitter op te tree nie, of wanneer die voorsitter hom daartoe versoek.
- (b) Die Minister kan 'n aanstelling kragtens paragraaf (a) te eniger tyd na goedgekeurde intrek.
- (3) Wanneer die voorsitter en die adjunk-voorsitter van die Raad om enige rede gelyktydig afwesig is of nie in staat is om op te tree nie, kies die Raad uit eie geledere
40 iemand om as voorsitter waar te neem.

Ampstermyn van lede van Raad

6. (1) 'n Lid van die Raad word aangestel vir die tydperk wat die Minister in elke geval bepaal, en kan by verstryking van sy ampstermyn weer aangestel word.
- (2) 'n Lid van die Raad ontruim sy amp—
45 (a) indien hy bedank;
(b) indien hy 'n ongerehabiliteerde insolvent is;
(c) indien hy geestelik versteurd raak;
(d) indien hy aan 'n misdryf skuldig bevind word en tot gevangenisstraf sonder die keuse van 'n boete gevonnis word;
- 50 (e) indien hy—
(i) ingevolge die bepalings van die Kieswet, 1979 (Wet No. 45 van 1979), as 'n kandidaat vir die verkiesing van 'n lid van die Volksraad genomineer word; of

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- (ii) in terms of the provisions of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), is nominated as a member of the House of Assembly, or is appointed or designated as a member of the President's Council;
 - (f) if he has been absent from three consecutive meetings of the Council without leave of the Council, which shall not be granted for a period exceeding six months in any period of 12 months; or
 - (g) if he is in terms of subsection (3) removed from office.
- (3) The Minister may at any time remove a member of the Council from office.

Meetings and decisions of Council

7. (1) The first meeting of the Council shall be held on a date and at a place determined by the Minister, and any other meetings of the Council shall be held at such times and places as the Council may determine.
- (2) The chief executive officer referred to in section 12 (4) shall give not less than seven days' written notice to the members of the Council of the time and place of any meeting, with reference to the purpose of the meeting.
- (3) If a member does not receive a notice contemplated in subsection (2), the validity of the relevant meeting shall not be affected thereby.
- (4) The quorum for a meeting of the Council shall be a majority of the members of the Council.
- (5) The procedure at a meeting of the Council, including the procedure for the convening of an extraordinary meeting of the Council, shall be determined by the Council.
- (6) The decision of a majority of the members of the Council present at a meeting thereof shall constitute a decision of the Council, and in the event of an equality of votes relating to any matter the member presiding at the meeting shall have a casting vote, in addition to his deliberative vote.
- (7) The chairman may allow any person who in his opinion can make a contribution to discussions of the Council relating to any matter to attend the proceedings of the Council, or to nominate a person for such purpose, and to take part in such discussions of the Council.
- (8) Minutes of the proceedings of every meeting of the Council shall be regularly kept, shall contain properly arranged details of the business conducted at the meeting and shall as soon as possible be confirmed at a meeting of the Council.

Meetings of Council deemed to be duly held

8. Whenever the minutes of the proceedings of a meeting have been confirmed in terms of section 7 (8), such meeting shall, unless the contrary is proved, be deemed to have been duly convened and held, and all members at the meeting shall be deemed to have been duly qualified to attend the meeting and participate in the proceedings.

Validity of decisions and acts of Council

9. No decision or act of the Council or act done under the authority of the Council shall be invalid by reason only of the fact that the Council did not consist of the full number of members determined under section 3 (1), or by reason only of the fact that a disqualified person was present or acted as a member of the Council, at the time such decision was taken or act was done.

Executive committees of Council

10. (1) (a) The Minister may, subject to the regulations, establish an executive committee or executive committees of the Council, which shall, subject to subsections (3) (a) and (4) (c), consist—
- (i) of the number of members determined by the Minister in consultation with the Council, and who are appointed by the Minister; or

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- (ii) ingevolge die bepalinge van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), as lid van die Volksraad benoem, of as lid van die Presidentsraad aangestel of aangewys word;
 - (f) indien hy van drie agtereenvolgende vergaderings van die Raad afwesig was sonder verlof van die Raad, wat nie vir 'n langer tydperk as ses maande in enige tydperk van 12 maande toegestaan word nie; of
 - (g) indien hy ingevolge subartikel (3) van sy amp onthef word.
- (3) Die Minister kan te eniger tyd 'n lid van die Raad van sy amp onthef.

Vergaderings en besluite van Raad

7. (1) Die eerste vergadering van die Raad word gehou op 'n datum en plek deur die Minister bepaal, en ander vergaderings van die Raad word gehou op die tye en plekke wat die Raad bepaal.
- (2) Die hoof- uitvoerende beambte bedoel in artikel 12 (4) gee minstens sewe dae skriftelike kennis aan die lede van die Raad van die tyd en plek van enige vergadering, met vermelding van die doel van die vergadering.
- (3) Indien 'n lid nie 'n kennisgewing beoog in subartikel (2) ontvang nie, word die geldigheid van die betrokke vergadering nie daardeur geraak nie.
- (4) 'n Meerderheid van die lede van die Raad maak 'n kworum vir 'n vergadering van die Raad uit.
- (5) Die prosedure op 'n vergadering van die Raad, met inbegrip van die prosedure vir die belê van 'n buitengewone vergadering van die Raad, word deur die Raad bepaal.
- (6) Die beslissing van 'n meerderheid van die lede van die Raad wat op 'n vergadering daarvan aanwesig is, maak 'n besluit van die Raad uit, en by 'n staking van stemme oor enige aangeleentheid het die persoon wat op die betrokke vergadering voorsit, benewens sy beraadslagende stem, ook 'n beslissende stem.
- (7) Die voorsitter kan 'n persoon wat na sy oordeel 'n bydrae kan maak tot besprekings van die Raad met betrekking tot enige aangeleentheid toelaat om die verrigtinge van die Raad by te woon of om iemand vir so 'n doel te benoem, en om deel te neem aan daardie besprekings van die Raad.
- (8) Notule van die verrigtinge van elke vergadering van die Raad moet gereeld bygehou word, moet behoorlik gerangskikte besonderhede van die sake bevat wat op die vergadering behandel is en moet so spoedig moontlik op 'n vergadering van die Raad bekragtig word.

35 Vergaderings van Raad geag behoorlik gehou te gewees het

8. Wanneer die notule van die verrigtinge van 'n vergadering ingevolge artikel 7 (8) bekragtig is, word so 'n vergadering, tensy die teendeel bewys word, geag behoorlik belê en gehou te gewees het, en word alle lede by die vergadering geag behoorlik bevoeg te gewees het om die vergadering by te woon en aan die verrigtinge deel te neem.

Geldigheid van beslissings en handeling van Raad

9. Geen besluit of handeling van die Raad of handeling verrig op gesag van die Raad is ongeldig bloot omrede die feit dat die Raad nie uit die volle getal lede kragtens artikel 3 (1) bepaal, bestaan het nie, of bloot omrede die feit dat 'n onbevoegde persoon aanwesig was of gehandel het as lid van die Raad toe 'n besluit geneem of handeling verrig is nie.

Uitvoerende komitees van Raad

10. (1) (a) Die Minister kan, behoudens die regulasies, 'n uitvoerende komitee of uitvoerende komitees van die Raad instel, wat, behoudens subartikels (3) (a) en (4) (c), bestaan—
- (i) uit die getal lede wat die Minister in oorleg met die Raad bepaal, en wat deur die Minister aangestel word; of

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- (ii) if the Minister so determines, of the number of members—
 - (aa) appointed by the Minister; and
 - (bb) elected in the prescribed manner:

Provided that the Minister shall, in consultation with the Council, determine the number of members to be appointed and the number of members to be elected. 5

- (b) The provisions of section 3 (2) shall apply *mutatis mutandis* to the appointment of persons under paragraph (a) as members of an executive committee.
- (c) A member of an executive committee may also be a member of the Council. 10
- (2) A majority of the members of an executive committee shall constitute a quorum for a meeting of the committee.
- (3) (a) The Minister shall designate one of the members of the Council as a member and as chairman of an executive committee for the period 15 determined by the Minister.
- (b) An executive committee shall at its first meeting, and thereafter annually, elect from its members a deputy chairman.
- (4) (a) A member of an executive committee shall serve on the executive committee for the period determined by the Minister but may again be 20 appointed or elected, and shall remain in office until his successor has been appointed or elected, as the case may be.
- (b) The provisions of subsections (2) and (3) of section 6 shall *mutatis mutandis* apply to a member of an executive committee.
- (c) If a casual vacancy occurs on an executive committee, such vacancy shall be 25 filled by appointment or election according to whether the member who vacated his office was appointed or elected, and the person so appointed or elected to fill the vacancy shall act in that capacity for the unexpired portion of the term of office of his predecessor.
- (5) An executive committee shall hold an ordinary meeting as often as the 30 chairman deems it necessary.
- (6) A special meeting of an executive committee—
 - (a) may at any time be convened by the chairman thereof; and
 - (b) shall be convened by the chairman if he is requested thereto in writing by a majority of the members of the executive committee. 35
- (7) The members of an executive committee shall be paid such remuneration and allowances as may be determined by the Council, with the concurrence of the Minister and the Minister of the Budget and Works.
- (8) An executive committee shall meet at a place determined by the chairman.

Duties and powers of executive committees

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11. An executive committee—

- (a) shall ensure that resolutions of the Council are carried out;
- (b) may consider any matter entrusted to the Council in terms of the provisions of any law (excluding any matter determined by the Council) and may advise the Council thereon; 45
- (c) shall exercise any power delegated to it in terms of section 31 (2), subject to the provisions of that section; and
- (d) shall cause a written report on its activities to be submitted to the Council at every ordinary meeting of the Council.

Chief executive officer

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12. (1) The Council shall appoint a person, to be known as the chief executive officer of an executive committee, in the administration of an executive committee at such remuneration and on such conditions of service as may from time to time be determined by the Council, with the concurrence of the Minister and the Minister of the Budget and Works. 55

(2) The chief executive officer shall, subject to the control and directions of the Council, be responsible for the carrying out of the resolutions of the council and the administration of the affairs of the executive committee.

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- (ii) indien die Minister aldus bepaal, uit die getal lede—
 - (aa) wat die Minister aanstel; en
 - (bb) wat op die voorgeskrewe wyse verkies word:
- 5 Met dien verstande dat die Minister, in oorleg met die Raad, die getal lede wat aangestel en die getal lede wat verkies word, bepaal.
- (b) Die bepalings van artikel 3 (2) is *mutatis mutandis* van toepassing op die aanstelling kragtens paragraaf (a) van persone as lede van 'n uitvoerende komitee.
- (c) 'n Lid van 'n uitvoerende komitee kan ook 'n lid van die Raad wees.
- 10 (2) 'n Meerderheid van die lede van 'n uitvoerende komitee maak 'n kworum vir 'n vergadering van die komitee uit.
- (3) (a) Die Minister wys een van die lede van die Raad as lid en as voorsitter van 'n uitvoerende komitee aan vir die tydperk wat die Minister bepaal.
- (b) 'n Uitvoerende komitee kies op sy eerste vergadering, en daarna jaarliks, 15 'n adjunk-voorsitter vanuit sy lede.
- (4) (a) 'n Lid van 'n uitvoerende komitee dien in die uitvoerende komitee vir die tydperk deur die Minister bepaal, maar kan weer aangestel of verkies word, en bly in sy amp aan totdat sy opvolger aangestel of verkies is, na gelang van die geval.
- 20 (b) Die bepalings van subartikels (2) en (3) van artikel 6 is *mutatis mutandis* van toepassing op 'n lid van 'n uitvoerende komitee.
- (c) Indien 'n toevallige vakature in 'n uitvoerende komitee ontstaan, word die vakature deur aanstelling of verkiesing gevul na gelang die lid wat sy amp ontruim het, aangestel of verkies was, en die persoon wat aldus aangestel of verkies word om die vakature te vul, tree in daardie hoedanigheid op vir 25 die onverstreke gedeelte van die ampstermyn van sy voorganger.
- (5) 'n Uitvoerende komitee hou 'n gewone vergadering so dikwels as wat die voorsitter dit nodig ag.
- (6) 'n Spesiale vergadering van 'n uitvoerende komitee—
 - 30 (a) kan te eniger tyd deur die voorsitter daarvan belê word; en
 - (b) moet deur die voorsitter belê word indien hy skriftelik deur 'n meerderheid van die lede van die uitvoerende komitee daartoe versoek word.
- (7) Aan die lede van 'n uitvoerende komitee word die vergoeding en toelaes betaal wat die Raad, met die instemming van die Minister en die Minister van Begroting en 35 Werke, bepaal.
- (8) 'n Uitvoerende komitee vergader op 'n plek deur die voorsitter bepaal.

Pligte en bevoegdhede van uitvoerende komitees

- 11. 'n Uitvoerende komitee—
 - (a) moet toesien dat besluite van die Raad uitgevoer word;
 - 40 (b) kan 'n aangeleentheid wat ingevolge die bepalings van enige wet aan die Raad opgedra is (uitgesonderd 'n aangeleentheid wat die Raad bepaal), oorweeg en kan die Raad daarvoor adviseer;
 - (c) moet 'n bevoegdheid aan hom ingevolge artikel 31 (2) gedelegeer, behoudens die bepalings van daardie artikel uitoefen; en
 - 45 (d) moet 'n skriftelike verslag oor sy werksaamhede tydens elke gewone vergadering van die Raad aan die Raad laat voorlê.

Hoof- uitvoerende beampte

- 12. (1) Die Raad stel 'n persoon, wat die hoof- uitvoerende beampte van 'n uitvoerende komitee genoem word, in die administrasie van 'n uitvoerende komitee 50 aan teen die besoldiging en op die diensvoorwaardes van tyd tot tyd deur die Raad, met die instemming van die Minister en die Minister van Begroting en Werke, bepaal.
- (2) Die hoof- uitvoerende beampte is, onderworpe aan die beheer en voorskrifte van die Raad, verantwoordelik vir die uitvoering van die besluite van die Raad en 55 die administrasie van die uitvoerende komitee se sake.

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(3) The chief executive officer shall not be removed from office or dismissed therefrom, and his remuneration shall not be reduced, except under the authority of a special resolution adopted by the Council at a meeting specially convened for that purpose, and unless the Minister has approved the removal, dismissal or reduction.

(4) The Council shall designate the chief executive officer of a specific executive committee to perform the administrative work of the Council arising from the performance of the functions of the Council.

(5) Whenever the chief executive officer of an executive committee is absent or is unable to perform his functions, or the office of chief executive officer is vacant, the functions of the chief executive officer shall be performed by a person in the service of the council designated for such purpose by the Council.

Departments

13. (1) The Council may, with the approval of the Minister, for the effective performance of its functions create one or more departments in the administration of each executive committee, and entrust each department with such functions and duties as the Council may determine.

(2) The Council shall for each department created by it under subsection (1) appoint a person referred to in section 14 as head of the department.

(3) A head of a department shall be responsible for the administration of his department and shall perform his functions subject to the control and directions of the chief executive officer of the executive committee concerned.

Staff of Council

14. The work incidental to the performance of the functions of the Council and of an executive committee shall be performed—

- (a) if persons have in terms of any law been transferred or seconded to the service of the Council, by such persons; and
- (b) by persons appointed by the Council on such conditions and at such remuneration as the Council, with the concurrence of the Minister and the Minister of the Budget and Works, may determine.

Transfer of persons to local authorities

15. (1) The Council may, with the concurrence of a local authority or a local council and with the approval of the Minister, transfer or second a person in its service in the prescribed manner, and with the consent of such person, to the service of any such local authority or council.

(2) Any person transferred under subsection (1) shall as from the date of his transfer be appointed to a post established at the local authority or council on such conditions as may be applicable to such post and at such remuneration as may be determined for such post: Provided that—

- (a) the said conditions and remuneration shall not be less favourable than the conditions and remuneration which were applicable to him as a person employed by the Council;
- (b) any sick or vacation leave which stood to the credit of such person immediately prior to his transfer shall be deemed to be leave credited to him in the service of the local authority or council;
- (c) pensionable service performed by such person before his transfer shall be deemed to be pensionable service performed by him at the local authority or council;
- (d) a person shall not as a consequence of such transfer and appointment acquire a retirement age which is less favourable than that which applied to him in the service of the Council; and
- (e) any disciplinary steps instituted or being considered against such person in respect of alleged misconduct committed before the date of his transfer, shall be dealt with in terms of the provisions of the laws that applied to such person at the time of the alleged misconduct.

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- (3) Die hoof- uitvoerende beampte word nie van sy amp onthef of daaruit ontslaan nie, en sy besoldiging word nie verminder nie, behalwe op gesag van 'n spesiale besluit wat deur die Raad aangeneem is op 'n vergadering wat spesiaal vir dié doel belê is, en tensy die Minister die ontheffing, ontslag of vermindering goedgekeur het.
- 5 (4) Die Raad wys die hoof- uitvoerende beampte van 'n bepaalde uitvoerende komitee aan om die administratiewe werk wat voortspruit uit die verrigting van die werksaamhede van die Raad te verrig.
- (5) Wanneer die hoof- uitvoerende beampte van 'n uitvoerende komitee afwesig is of nie in staat is om sy werksaamhede te verrig nie, of die amp van hoof-
10 uitvoerende beampte vakant is, word die werksaamhede van die hoof- uitvoerende beampte verrig deur 'n persoon in diens van die Raad wat vir dié doel deur die Raad aangewys word.

Departemente

13. (1) Die Raad kan, met die goedkeuring van die Minister, vir die doeltreffende
15 verrigting van sy werksaamhede een of meer departemente in die administrasie van elke uitvoerende komitee skep, en elke departement belas met die werksaamhede en pligte wat die Raad bepaal.
- (2) Die Raad moet vir elke departement kragtens subartikel (1) deur hom geskep 'n persoon bedoel in artikel 14 as hoof van die departement aanstel.
- 20 (3) 'n Hoof van 'n departement is verantwoordelik vir die administrasie van sy departement en verrig sy werksaamhede onderworpe aan die beheer en voorskrifte van die hoof- uitvoerende beampte van die betrokke uitvoerende komitee.

Personeel van Raad

14. Die werk verbonde aan die verrigting van die werksaamhede van die Raad en
25 van 'n uitvoerende komitee word verrig—
- (a) indien persone ingevolge enige wet na die diens van die Raad oorgeplaas of gesekondeer word, deur sodanige persone; en
- (b) deur persone wat deur die Raad aangestel word op die voorwaardes en teen die besoldiging wat die Raad, met die instemming van die Minister en die
30 Minister van Begroting en Werke, bepaal.

Oorplasing van persone na plaaslike besture

15. (1) Die Raad kan, met die instemming van 'n plaaslike bestuur of 'n plaaslike raad en met die goedkeuring van die Minister, 'n persoon in sy diens op die voorgeskrewe wyse, en met die instemming van sodanige persoon, na die diens van
35 enige sodanige plaaslike bestuur of raad oorplaas of sekondeer.
- (2) Iemand wat ingevolge subartikel (1) oorgeplaas is, word vanaf die datum van sy oorplasing aangestel in 'n pos wat by die plaaslike bestuur of raad ingestel is op die voorwaardes wat op daardie pos van toepassing is en teen die besoldiging wat vir daardie pos bepaal is: Met dien verstande dat—
- 40 (a) bedoelde voorwaardes en besoldiging nie minder gunstig mag wees as die voorwaardes en besoldiging wat op hom van toepassing was as 'n persoon in diens van die Raad nie;
- (b) siekte- en vakansieverlof waarmee so iemand onmiddellik voor sy oorplasing gekrediteer was, geag word verlof te wees waarmee hy in die diens van
45 die plaaslike bestuur of raad gekrediteer is;
- (c) pensioengewende diens deur so iemand voor sy oorplasing verrig, geag word pensioengewende diens te wees wat deur hom by die plaaslike bestuur of raad verrig is;
- (d) aan iemand nie as gevolg van sodanige oorplasing en aanstelling 'n minder
50 gunstige aftree-ouderdom toegeken word as dié wat hy in diens van die Raad gehad het nie; en
- (e) enige tugstappe ingestel of beoog teen so iemand ten opsigte van beweerde wangedrag gepleeg voor die datum van sy oorplasing, afgehandel word ingevolge die bepalings van die wette wat op so iemand van toepassing was
55 ten tyde van die beweerde wangedrag.

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Powers and duties of Council

16. The Council may—

- (a) develop declared areas and their management bodies with a view to the establishment of local authorities in such areas;
- (b) render advice on local government matters to local councils and the Minister; 5
- (c) administer the provisions of any law which is assigned for administration to the Council under section 17 by the Minister, in accordance with the provisions of the assignment;
- (d) render agency services to any other governmental institution or make use of agency services; 10
- (e) conclude agreements with any person for the rendering of services to, for or by the Council; and
- (f) advise the Minister on any matter which the Minister submits for that purpose to the Council. 15

Assignment of administration of laws to Council

17. The Minister may by notice in the *Gazette*, subject to such conditions as he deems fit (including conditions relating to the transfer of assets, liabilities, rights and obligations, including money), assign the administration of any law relating to local government which the Minister administers in a declared area, to the Council— 20

- (a) either specifically in respect of any particular provision of the law, or by way of a general assignment of the administration of such law or of all such laws; and
- (b) either generally or in so far as such provision, law or laws relate to any matter mentioned in the assignment. 25

Revenue of Council

18. The revenue of the Council shall consist—

- (a) if the administration of a law referred to in section 17 is assigned under that section to the Council, of all moneys which are in any manner levied, claimed or recovered by, under or by virtue of any such law; 30
- (b) of the amounts which the Minister with the concurrence of the Minister of the Budget and Works determines out of moneys appropriated by the House of Assembly for that purpose, for the purposes, on the basis and subject to the conditions determined by the Minister; and
- (c) of any other moneys accruing to the Council from any other source. 35

Investments by Council

19. The Council may in the manner approved by the Minister invest moneys which are not necessary for current expenditure.

Accounting officer

20. The chief executive officer of a specific executive committee designated by the Council shall be the accounting officer of the Council, and shall as such be entrusted with the responsibility of accounting for all moneys received and all payments made by the Council. 40

Financial year of Council

21. The financial year of the Council shall run from 1 July in any year to 30 June in the next succeeding year, both dates included. 45

Accounts

22. (1) The accounting officer shall cause such books of account to be kept as may be necessary to maintain a proper record of all matters relating to the financial transactions of the Council, including— 50

- (a) cash receipts and cash payments;
- (b) revenue earned but not received;

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Bevoegdhede en pligte van Raad**16. Die Raad kan—**

- (a) verklaarde gebiede en hulle bestuursliggame ontwikkel met die oog daarop dat plaaslike besture in dié gebiede ingestel kan word;
- 5 (b) advies betreffende plaaslike bestuursaangeleenthede aan plaaslike rade en die Minister lewer;
- (c) die bepalings van enige wet wat deur die Minister kragtens artikel 17 vir uitvoering aan die Raad opgedra word ooreenkomstig die bepalings van die opdrag uitvoer;
- 10 (d) agentskapsdienste aan enige ander owerheidsinstelling lewer of van agentskapsdienste gebruik maak;
- (e) ooreenkomste met enige persoon aangaan vir die lewering van dienste aan, vir of deur die Raad; en
- 15 (f) die Minister van advies dien oor enige aangeleentheid wat die Minister vir daardie doel aan die Raad voorlê.

Opdra van uitvoering van wette aan Raad

17. Die Minister kan by kennisgewing in die *Staatskoerant*, behoudens die voorwaardes wat hy goeddink (met inbegrip van voorwaardes betreffende die oordrag van bates, laste, regte en verpligtinge, met inbegrip van geld), die uitvoering

20 van 'n wet met betrekking tot plaaslike bestuur wat deur die Minister uitgevoer word binne 'n verklaarde gebied, opdra aan die Raad—

- (a) hetsy spesifiek ten opsigte van 'n besondere bepaling van die wet, of by wyse van 'n algemene opdrag van die uitvoering van so 'n wet of van alle sodanige wette; en
- 25 (b) hetsy in die algemeen hetsy vir sover sodanige bepaling, wet of wette betrekking het op 'n aangeleentheid in die opdrag genoem.

Inkomste van Raad**18. Die inkomste van die Raad bestaan—**

- 30 (a) indien die uitvoering van 'n wet bedoel in artikel 17 kragtens daardie artikel aan die Raad opgedra word, uit alle gelde wat op enige wyse by, kragtens of uit hoofde van so 'n wet heef, gevorder of gein word;
- (b) uit die bedrae wat die Minister met die instemming van die Minister van Begroting en Werke bepaal uit geld wat die Volksraad vir dié doel bewillig, vir die doeleindes en op die grondslag en onderworpe aan die voorwaardes
- 35 wat die Minister bepaal; en
- (c) uit enige ander gelde wat uit enige ander bron aan die Raad toeval.

Beleggings deur Raad

19. Die Raad kan op die wyse deur die Minister goedgekeur alle gelde wat nie vir lopende uitgawes nodig is nie, belê.

40 Rekenpligtige beampte

20. Die hoof- uitvoerende beampte van 'n bepaalde uitvoerende komitee deur die Raad aangewys, is die rekenpligtige beampte van die Raad, en is as sodanig belas met die verantwoording van alle gelde ontvang en alle betalings gedoen deur die Raad.

45 Boekjaar van Raad

21. Die boekjaar van die Raad strek vanaf 1 Julie in 'n jaar tot en met 30 Junie in die daaropvolgende jaar.

Rekeninge

22. (1) Die rekenpligtige beampte moet dié rekeningboeke laat hou wat nodig is om behoorlik aantekening te hou van alle aangeleenthede met betrekking tot die finansiële transaksies van die Raad, met inbegrip van

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- (a) kontantontvangste en kontantbetalings;
- (b) inkomste verdien maar nie ontvang nie;

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(c) expenditure incurred but not paid; and
(d) registers indicating all capital assets and the financing thereof,
and shall maintain a clear distinction between capital and revenue.

(2) The accounting officer shall not later than four months, or such longer period as may be determined by the Head of the Department, after the close of each financial year on 30 June cause the said books to be closed and balanced to the end of such year, and shall within one month of that closing date prepare financial statements in the manner determined by the Minister. 5

Annual estimates

23. (1) The Council shall annually at a special meeting held not later than 31 May, after at least 14 days' notice of the meeting has been given, adopt estimates of— 10

(a) income and expenditure on revenue account for the next ensuing financial year; and

(b) capital expenditure to be incurred by the Council during such financial year, indicating the funds from which such capital expenditure is to be met. 15

(2) The estimates adopted by the Council shall be signed by the chairman and accounting officer and shall be available for inspection at the head office of the Council to any interested persons as determined by the Council.

(3) Within 30 days of the holding of the special meeting referred to in subregulation (1), the Council shall cause a duly authenticated copy of the estimates adopted by the Council to be submitted to the Head of the Department, who may call for such further documents and information as he may deem fit. 20

(4) The Council shall not—

(a) exceed the total amount of the estimates of revenue and expenditure adopted by it: Provided that such amount may pursuant to a special resolution be exceeded— 25

(i) by an amount not exceeding three per cent thereof; and

(ii) by such further amount as the Minister may approve; or

(b) in respect of the estimates of capital expenditure adopted by it, exceed the separate total amounts to be financed by means of or from— 30

(i) current revenue;

(ii) internal loans;

(iii) external loans; and

(iv) any other source,

unless the prior approval of the Minister has been obtained. 35

Borrowing powers

24. (1) Subject to the provisions of this Act and the prior written approval of and terms determined by the Minister, the Council may pursuant to a special resolution raise a loan for defraying expenditure incurred in the performance of its functions.

(2) The Council may pursuant to a special resolution— 40

(a) raise a loan for repaying an existing loan: Provided that—

(i) the loan shall not exceed the amount outstanding on the existing loan;

(ii) the period within which the loan is redeemable shall not exceed the unexpired portion of the period within which the existing loan is redeemable; and 45

(iii) the interest rate of the existing loan shall not be exceeded without the approval of the Minister;

(b) raise a short-term loan not exceeding two years, or arrange for bank overdraft facilities, including a loan at call, without any restriction as to rates of interest, in order to finance temporarily loan expenditure and expenditure on revenue account: Provided that the temporary financing in the last-mentioned case shall not exceed the current year's estimated income. 50

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- (c) uitgawe opgeloo maar nie betaal nie; en
 (d) registers wat alle kapitaalbate en die finansiering daarvan aantoon, en moet 'n duidelike onderskeid tussen kapitaal en inkomste handhaaf.
- (2) Die rekenpligtige beampte moet nie later nie as vier maande, of die langer tydperk wat die Departementshoof bepaal, na die sluiting van elke boekjaar op 30 Junie die voormelde boeke laat afsluit en tot aan die einde van sodanige jaar laat saldeer, en moet binne 'n maand vanaf daardie afsluitingsdatum die finansiële state opstel op die wyse deur die Minister bepaal.

Jaarlikse begroting

- 10 23. (1) Die Raad moet jaarliks op 'n spesiale vergadering wat nie later nie as 31 Mei gehou word nadat minstens 14 dae kennis van die vergadering gegee is, 'n begroting aanneem van—
- (a) inkomste en uitgawe op inkomsterekening vir die eersvolgende boekjaar; en
- 15 (b) kapitaaluitgawe wat gedurende sodanige boekjaar deur die Raad aangegaan staan te word, met 'n aanduiding van die fondse waaruit sodanige kapitaaluitgawe bestry staan te word.
- (2) Die begroting wat deur die Raad aangeneem word, word deur die voorsitter en rekenpligtige beampte onderteken en lê by die hoofkantoor van die Raad ter insae
- 20 vir alle deur die Raad bepaalde betrokkenes.
- (3) Binne 30 dae nadat die spesiale vergadering bedoel in subartikel (1) gehou is, laat die Raad 'n behoorlik gewaarmerkte kopie van die begroting deur die Raad aangeneem, voorlê aan die Departementshoof, wat die nadere dokumente en inligting kan aanvra wat hy nodig ag.
- 25 (4) Die Raad mag nie—
- (a) die totale bedrag van die begroting van inkomste en uitgawe deur hom aangeneem, oorskry nie: Met dien verstande dat sodanige totale bedrag uit hoofde van 'n spesiale besluit oorskry kan word—
- (i) met 'n bedrag van hoogstens drie persent daarvan; en
- 30 (ii) met die verdere bedrag wat die Minister goedkeur; of
- (b) ten opsigte van die begroting van kapitaaluitgawe deur hom aangeneem, die afsonderlike totale bedrae wat gefinansier moet word deur middel van of uit—
- (i) lopende inkomste;
- 35 (ii) interne lenings;
- (iii) eksterne lenings; en
- (iv) enige ander bron,
- oorskry nie, tensy die goedkeuring van die Minister vooraf verkry is.

Leningsbevoegdheid

- 40 24. (1) Behoudens die bepalings van hierdie Wet en die voorafverkreë skriftelike goedkeuring van en bedinge wat die Minister bepaal, kan die Raad uit hoofde van 'n spesiale besluit 'n lening aangaan om uitgawes wat by die verrigting van sy werksaamhede aangegaan word, te bestry.
- (2) Die Raad kan uit hoofde van 'n spesiale besluit—
- 45 (a) 'n lening aangaan om 'n bestaande lening terug te betaal: Met dien verstande dat—
- (i) die lening nie die uitstaande bedrag op die bestaande lening oorskry nie;
- (ii) die tydperk waarbinne die lening terugbetaalbaar is, nie die onverstreke gedeelte van die tydperk van die bestaande lening oorskry nie;
- 50 en
- (iii) die rentekoers van die bestaande lening nie sonder die Minister se toestemming oorskry word nie;
- (b) 'n korttermynlening van nie langer as twee jaar nie, of 'n reëling vir 'n oortrokke bankrekening, met inbegrip van 'n onmiddellik opvraagbare lening, sonder enige beperking met betrekking tot rentekoerse, aangaan vir die tydelike finansiering van leningsuitgawes en uitgawes op inkomsterekening: Met dien verstande dat tydelike finansiering in laasgenoemde
- 55 geval nie die lopende jaar se geraamde inkomste oorskry nie.

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Repayment of loans and sinking-fund

25. (1) Any loan, other than an overdraft and a short-term loan (including a loan at call), shall be repayable in annual or biannual instalments or at the end of the term of the loan: Provided that the Council may in the manner contemplated by subsection (2) establish a sinking-fund for the purpose of ensuring the repayment of any loan at the date of its maturity. 5

(2) The Council shall pay out of revenue account into the sinking-fund referred to in subsection (1)—

- (a) such equal annual contributions as will, together with the applicable interest thereon compounded annually; or 10
- (b) such equal annual instalments as will, without taking into account any interest thereon,

be sufficient to redeem the loan for which such sinking-fund was established at the date of maturity thereof.

(3) If in any year the sum of the annual contributions paid into a sinking-fund in accordance with subsection (2) (a), together with the interest earned thereon, is less than the accumulation required by actuarial calculation to satisfy the requirements of subsection (2), the deficiency shall immediately be made good by the Council from revenue account. 15

(4) Interest earned on instalments referred to in subsection (2) (b), shall be paid by the Council into its revenue account. 20

(5) Subject to the provisions of section 19, the moneys in a sinking-fund shall be used only to redeem the loan for which it was established: Provided that any surplus in the sinking-fund may be used for any purpose authorized by the Minister.

Proceeds of sale of assets

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26. Where an asset of a capital nature is sold by the Council, so much of the proceeds of such sale as equals the amount of capital still owing on any loan which was raised for such purchase and from which such asset was purchased or, if the amount so owing exceeds the proceeds of such sale, the entire proceeds of such sale shall— 30

- (a) if the conditions of such loan permit thereof, be used to repay or reduce, as the case may be, the amount so owing; or
- (b) be used only with the prior approval of the Minister:

Provided that the proceeds of the sale of an asset which is traded in as part payment for the purchase of a replacing asset shall for the purposes of this section not be regarded as the proceeds of the sale of the asset. 35

Application of loan moneys

27. The Council may apply loan moneys received solely to the purposes for which they have been borrowed: Provided that the Council may—

- (a) (i) temporarily utilize for other purposes any loan moneys not immediately required for the purposes for which such moneys were borrowed; 40
- and
- (ii) with the approval of the Minister, apply any loan moneys remaining as surplus after the achievement of the purpose for which the loan concerned was raised, to any other purpose; 45
- (b) pay interest accruing during the period of construction of any work or undertaking on a relevant loan or bank overdraft from the loan moneys in respect of such work or undertaking.

Renewal fund

28. (1) The Council shall annually from its revenue account set aside in a renewal fund such sums of money as may be necessary for the purpose of meeting the cost of renewing assets, works or undertakings, or portions thereof, which have been acquired from loan funds, excluding any asset, work or undertaking, or portion thereof, which in the opinion of the Council has a period of use of not less than the loan period. 50 55

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Terugbetaling van lenings en delgingsfonds

25. (1) Enige lening, uitgesonderd 'n oortrekking en 'n korttermynlening (met inbegrip van 'n onmiddellik opvraagbare lening), is terugbetaalbaar in jaarlikse of halfjaarlikse paaieimente of aan die einde van die leningstermyn: Met dien verstande dat die Raad op die wyse by subartikel (2) beoog 'n delgingsfonds kan stig met die doel om die terugbetaling van enige lening op die vervaldatum daarvan te verseker.
- (2) Die Raad stort uit inkomsterekening in 'n delgingsfonds in subartikel (1) bedoel—
- (a) die gelyke jaarlikse bydraes wat, tesame met die toepaslike rente daarop jaarliks saamgestel; of
- (b) die gelyke jaarlikse paaieimente wat, sonder inagneming van enige rente daarop, voldoende sal wees om die lening waarvoor sodanige delgingsfonds gestig is, op die vervaldatum daarvan af te los.
- (3) Indien in enige jaar die som van die jaarlikse bydraes wat ooreenkomstig subartikel (2) (a) in 'n delgingsfonds gestort is, tesame met die rente daarop verdien, minder is as die ophoping wat by aktuariële berekening vereis word om die vereistes van subartikel (2) na te kom, word die tekort onmiddellik deur die Raad uit inkomsterekening aangesuiwer.
- (4) Rente verdien op paaieimente in subartikel (2) (b) bedoel, word deur die Raad in sy inkomsterekening gestort.
- (5) Behoudens die bepalings van artikel 19 word die gelde in 'n delgingsfonds net gebruik om die lening waarvoor dit gestig is, af te los: Met dien verstande dat enige surplus in die delgingsfonds gebruik kan word vir enige doel deur die Minister gemagtig.

Opbrengs van verkoop van bates

26. Waar 'n bate van kapitale aard deur die Raad verkoop word, moet soveel van die opbrengs van die verkoping as wat gelyk is aan die bedrag aan kapitaal wat nog verskuldig is op enige lening wat vir sodanige koop aangegaan is en waaruit sodanige bate aangekoop is of, indien die bedrag aldus verskuldig meer is as die opbrengs van die verkoping, die volle opbrengs van die verkoping—
- (a) indien dit ingevolge die voorwaardes van die lening toelaatbaar is, gebruik word om die verskuldigde bedrag terug te betaal of te verminder, na gelang van die geval; of
- (b) net gebruik word met die voorafverkreë goedkeuring van die Minister: Met dien verstande dat die opbrengs van die verkoop van 'n bate wat ingeruil word as gedeeltelike betaling vir die aankoop van 'n vervangende bate, by die toepassing van hierdie artikel nie as die opbrengs van die verkoop van die bate beskou word nie.

Aanwending van leningsgeld

27. Die Raad mag leningsgeld wat ontvang word, slegs aanwend vir die doeleindes waarvoor dit geleen is: Met dien verstande dat die Raad—
- (a) (i) leningsgeld wat nie onmiddellik nodig is vir die doeleindes waarvoor die geld geleen is nie, tydelik vir ander doeleindes kan gebruik; en
- (ii) met die goedkeuring van die Minister, enige leningsgeld wat as surplus oorbly na bereiking van die doel waarvoor die betrokke lening aangegaan is, vir enige ander doel kan aanwend;
- (b) rente wat gedurende die boutydperk van enige werk of onderneming ophoop op 'n betrokke lening of 'n oortrokke bankrekening, kan betaal uit die leningsgeld ten opsigte van die werk of onderneming.

50 Hernuwingsfonds

28. (1) Die Raad moet jaarliks uit sy inkomsterekening die bedrae geld in 'n hernuwingsfonds afsonder wat nodig is ter bestryding van die koste van hernuwing van bates, werke of ondernemings, of van gedeeltes daarvan, wat uit leningsgelde aangeskaf is, uitgesonderd enige bate, werk of onderneming, of gedeelte daarvan, wat na die oordeel van die Raad 'n gebruiksduur van minstens die tydperk van die betrokke lening het.

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LOCAL GOVERNMENT AFFAIRS COUNCIL ACT (HOUSE OF ASSEMBLY), 1989

(2) When any asset, work or undertaking, or portion thereof, referred to in subsection (1) is written off or sold, the moneys set aside in respect thereof in terms of subsection (1) shall be paid into the capital account of the Council.

(3) The Council shall invest the amount so set aside in a renewal fund in accordance with the provisions of section 19: Provided that the interest earned on such investment, when received, shall be paid into the revenue account of the Council if the calculation of the amount set aside annually has been based on the estimated period of use of the relevant assets, works or undertakings, but shall be paid into the renewal fund if the sum set aside has been calculated as contemplated in section 25 (2) (a).

Auditing of accounts

29. The accounts of the Council shall be audited annually by the Auditor-General.

Regulations

30. (1) The Minister may, after consultation with the Council, make regulations which are not contrary to this Act or any other law regarding any matter which is required or permitted to be prescribed in terms of this Act, and regarding any matter which he may deem necessary or expedient to prescribe in order that the objects of this Act may be achieved and, in particular, regarding—

(a) the qualifications for appointment or election of persons as members of executive committees;

(b) the procedure at meetings of executive committees, and the keeping of minutes of those meetings;

(c) the dissolution of executive committees.

(2) Different regulations may be made in respect of different declared areas and different executive committees.

(3) The regulations may in respect of any contravention thereof or failure to comply therewith prescribe a penalty not exceeding a fine of R1 000 or imprisonment for a period of one year.

Delegation of powers

31. (1) The Minister may delegate any power conferred on him by this Act, excluding a power referred to in sections 2 (1), 10 (1) (a), 17 and 30, to the Head of the Department, to an officer in the Department of Local Government, Housing and Works: Administration: House of Assembly or to the Council, and anything done under and within the scope of the power so delegated, shall be as valid and effective as if done by the Minister himself.

(2) The Council may delegate any power conferred on it by, under or by virtue of this Act to an executive committee or any person in the service of the Council or any prescribed person, subject to such conditions as the Council may deem fit.

Short title and commencement

32. This Act shall be called the Local Government Affairs Council Act (House of Assembly), 1989, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

WET OP DIE RAAD OP PLAASLIKE
BESTUURSAANGELEENTHEDE (VOLKSRAAD), 1989

Wet No. 84, 1989

(2) Wanneer 'n bate, werk of onderneming, of gedeelte daarvan, in subartikel (1) bedoel, afgeskryf of verkoop word, moet die geld wat ingevolge subartikel (1) ten opsigte daarvan afgesonder is, in die kapitaalrekening van die Raad gestort word.

(3) Die Raad moet die geld wat aldus in 'n hernuwingsfonds afgesonder is, ooreenkomstig die bepalings van artikel 19 belê: Met dien verstande dat die rente wat op sodanige beleggings verdien word, wanneer dit ontvang word, in die inkomsterekening van die Raad gestort moet word indien die berekening van die bedrag wat jaarliks afgesonder word op die geskatte gebruiksduur van die betrokke bates, werke of ondernemings gegrond is, maar in die hernuwingsfonds gestort moet word as die afgesonderde bedrag bereken is soos in artikel 25 (2) (a) beoog.

Ouditering van rekenings

29. Die rekenings van die Raad word jaarliks deur die Ouditeur-generaal geouditeer.

Regulasies

30. (1) Die Minister kan na oorleg met die Raad regulasies wat nie met hierdie Wet of enige ander wet strydig is nie, betreffende enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word, en betreffende enige aangeleentheid wat hy nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik, uitvaardig en, in die besonder, betreffende—

- (a) die kwalifikasies vir aanstelling of verkiesing van persone as lede van uitvoerende komitees;
- (b) die prosedure op vergaderings van uitvoerende komitees, en die hou van notules van daardie vergaderings;
- (c) die ontbinding van uitvoerende komitees.

(2) Verskillende regulasies kan ten opsigte van verskillende verklaarde gebiede en ten opsigte van verskillende uitvoerende komitees uitgevaardig word.

(3) Die regulasies kan vir 'n oortreding daarvan of 'n versuim om daaraan te voldoen 'n straf voorskryf wat 'n boete van R1 000 of gevangenisstraf vir 'n tydperk van een jaar nie te bowe gaan nie.

30 Delegering van bevoegdheid

31. (1) Die Minister kan enige bevoegdheid by hierdie Wet aan hom verleen, uitgesonderd 'n bevoegdheid bedoel in artikels 2 (1), 10 (1) (a), 17 en 30, aan die Departementshoof, aan 'n beampte in die Departement van Plaaslike Bestuur, Behuising en Werke: Administrasie: Volksraad of aan die Raad delegeer, en enigiets gedoen kragtens en binne die bestek van die bevoegdheid wat aldus gedelegeer is, is net so geldig en bindend asof dit deur die Minister self gedoen is.

(2) Die Raad kan enige bevoegdheid by, kragtens of uit hoofde van hierdie Wet aan hom verleen, aan 'n uitvoerende komitee of aan enige persoon in diens van die Raad of aan 'n voorgeskrewe persoon delegeer, onderworpe aan die voorwaardes wat die Raad dienstig ag.

Kort titel en inwerkingtreding

32. Hierdie Wet heet die Wet op die Raad op Plaaslike Bestuursaangeleenthede (Volksraad), 1989, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

