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STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1459.

4 Julie 1990

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

No. 84 van 1990: Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990.

STATE PRESIDENT'S OFFICE

No. 1459.

4 July 1990

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

No. 84 of 1990: KwaZulu and Natal Joint Services Act, 1990.

Wet No. 84, 1990

WET OP GESAMENTLIKE DIENSTE VIR KWAZULU EN NATAL,
1990**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 op 'n streekbasis van sekere bevoegdhede en pligte met betrekking tot sekere funksies deur plaaslike liggame in die gebied wat bestaan uit die provinsie Natal en daardie deel van KwaZulu wat buite dié provinsie geleë is; om met hierdie doel voor oë voorsiening te maak vir die afbakening van streke; vir die instelling van gesamentlike diensterade; en vir die samestelling, funksionering, funksies, bevoegdhede, pligte, bates, regte, werknemers en finansiering van genoemde rade; om sekere wette te wysig; en voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 21 Junie 1990.)

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

Woordomskrappings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) “bestuurskomitee” ’n bestuurskomitee aangestel kragtens artikel 12; (x) 5
 - (ii) “bestuursliggaam”—
 - (a) ’n komitee bedoel in artikel 17 van die Wet op die Bevordering van Plaaslike Owerheidsaangeleenthede, 1983 (Wet No. 91 van 1983);
 - (b) ’n bestuursraad of raad bedoel in artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (Wet No. 9 van 1987); 10
 - (c) ’n plaaslike bestuursliggaam ingestel uit hoofde van die bepalings van artikel 30 (2) (a) van die Swart Administrasie Wet, 1927 (Wet No. 38 van 1927);
 - (d) ’n landelike raad, 15
 - (iii) “bevoegde owerheid”—
 - (a) met betrekking tot ’n streek wat geleë is binne dié deel van die provinsie Natal wat nie ’n deel uitmaak van die selfregerende gebied KwaZulu nie, of ’n deel van so ’n streek, die Administrateur van dié provinsie handelende in oorleg met die ander lede van die Uitvoerende Komitee van dié provinsie waarvan hy ’n lid is; en 20
 - (b) met betrekking tot ’n streek wat geleë is binne die selfregerende gebied KwaZulu, of ’n deel van so ’n streek, die Hoofminister van KwaZulu handelende in oorleg met die ander ministers in die Kabinet van KwaZulu; (ii) 25
 - (iv) “Gesamentlike Uitvoerende Owerheid” die Gesamentlike Uitvoerende Owerheid van KwaZulu en Natal ingestel ingevolge die Wet op die Gesamentlike Uitvoerende Owerheid vir KwaZulu en Natal, 1986 (Wet No. 80 van 1986); (vi)
 - (v) “hierdie Wet” ook ’n regulasie kragtens hierdie Wet uitgevaardig; (xx) 30

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 performance on a regional basis of certain powers and duties in relation to certain functions by local bodies in the area comprising the Province of Natal and that part of KwaZulu which falls outside that Province; to that end to provide for the delimitation of regions; for the establishment of joint services boards; and for the constitution, functioning, functions, powers, duties, assets, rights, employees and financing of such boards; to amend certain laws; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 21 June 1990.)*

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—

- 5 (i) "board" means a joint services board established under section 4; (xii)
(ii) "competent authority" means—
10 (a) in relation to a region which is situate within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or a part of such a region, the Administrator of that Province acting in consultation with the other members of the Executive Committee of that Province of which he is a member; and
15 (b) in relation to a region which is situate within the self-governing territory of KwaZulu, or a part of such a region, the Chief Minister of KwaZulu acting in consultation with the other Ministers in the Cabinet of KwaZulu; (iii)
(iii) "drawings", in relation to any person carrying on an enterprise as contemplated in section 16 (1) (b) (ii), means—
20 (a) any amount, whether in cash or otherwise, directly or indirectly withdrawn by him from the enterprise for his private use or consumption, including, in the case of any such person carrying on an enterprise in partnership, any amount withdrawn by him by way of a loan or advance against his share of the anticipated profits of the partnership; and
25 (b) an appropriate portion of any expenditure incurred in the course of such enterprise in respect of any asset or service used by such person for his private or domestic use; (xviii)
(iv) "employer"—
(a) means an employer as defined in paragraph 1 of the Seventh Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962); and

- (vi) "landelike raad" 'n raad kragtens artikel 17 ingestel; (xix)
- (vii) "*Offisiële Koerant*"—
 - (a) met betrekking tot iets wat in 'n *Offisiële Koerant* gepubliseer moet word ten opsigte van 'n streek wat in sy geheel geleë is binne daardie deel van die provinsie Natal wat nie 'n deel van die selfregerende gebied KwaZulu uitmaak nie, die *Offisiële Koerant* van die provinsie Natal; 5
 - (b) met betrekking tot iets wat in 'n *Offisiële Koerant* gepubliseer moet word ten opsigte van 'n streek wat in sy geheel geleë is binne die selfregerende gebied KwaZulu, die *Offisiële Koerant* van KwaZulu; en 10
 - (c) met betrekking tot iets wat in 'n *Offisiële Koerant* gepubliseer moet word ten opsigte van 'n streek wat geleë is gedeeltelik binne dié deel van die provinsie Natal wat nie deel uitmaak van die selfregerende gebied KwaZulu nie en gedeeltelik in genoemde selfregerende gebied, die *Offisiële Koerant* van sowel die provinsie Natal as KwaZulu; (xi) 15
- (viii) "onderneming" 'n beroep, besigheid, professie of ander bedrywigheid van 'n voortdurende aard, ongeag of dit vir winsbejag beoefen word al dan nie, maar nie ook 'n godsdienstige, liefdadigheids- of opvoedkundige bedrywigheid nie wat deur 'n godsdienstige, liefdadigheids- of opvoedkundige inrigting van 'n openbare aard beoefen word; (v) 20
- (ix) "persoon" of "iemand" ook die Staat en die boedel van 'n oorlede persoon; (xii)
- (x) "plaaslike liggaam" 'n plaaslike owerheid, bestuursliggaam of verteenwoordigende liggaam en ook—
 - (a) 'n stam-, gemeenskaps-, streeks- of gebiedsowerheid beoog in artikel 2 van die Wet op Swart Owerhede, 1951 (Wet No. 68 van 1951); en 25
 - (b) enige ander plaaslike owerheid van KwaZulu ingestel by of kragtens 'n ander wet van krag in die selfregerende gebied KwaZulu; (viii)
- (xi) "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), artikel 2 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet No. 102 van 1982), of 'n plaaslike raad ingestel kragtens artikel 2 van die Wet op Plaaslike Rade (Volksraad), 1987 (Wet No. 94 van 1987), maar nie ook 'n bestuursliggaam of 'n verteenwoordigende liggaam nie; (vii) 30
- (xii) "raad" 'n gesamentlike diensteraad kragtens artikel 4 ingestel; (i) 35
- (xiii) "streek" 'n streek afgebaken kragtens artikel 2; (xiii)
- (xiv) "streeksdiens" 'n diens wat deur 'n raad verskaf word by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig in verband met 'n streeksfunksie; (xvi)
- (xv) "streeksdiensteheffing" 'n heffing beoog in artikel 16 (1) (a) (i); (xvii) 40
- (xvi) "streeksfunksie", met betrekking tot 'n raad, 'n funksie in artikel 4 (1) (b) of (c) bedoel; (xv)
- (xvii) "streeksvestigingsheffing" 'n heffing beoog in artikel 16 (1) (a) (ii); (xiv)
- (xviii) "trekkings", met betrekking tot iemand wat 'n onderneming bedryf soos in artikel 16 (1) (b) (ii) bedoel— 45
 - (a) 'n bedrag, hetsy in kontant of andersins, regstreeks of onregstreeks deur hom vir sy private gebruik of verbruik uit die onderneming onttrek en ook, in die geval van so iemand wat in vennootskap 'n onderneming bedryf, 'n bedrag deur hom onttrek by wyse van 'n lening of voorskot teen sy deel van die verwagte winste van die vennootskap; 50 en
 - (b) 'n toepaslike deel van onkoste in die loop van bedoelde onderneming aangegaan ten opsigte van 'n bate of diens wat deur so iemand vir sy private of huishoudelike gebruik aangewend is; (iii)
- (xix) "verteenwoordigende liggaam" 'n liggaam— 55
 - (a) waarvan een of meer lede in sy bestuur verkies word deur die lede van dié liggaam;
 - (b) waarvan die lede bestaan uit persone woonagtig of gemeenskappe gevestig buite die regsgebied van 'n plaaslike owerheid of bestuursliggaam in 'n streek; 60
 - (c) wat, met betrekking tot bepaalde sake, die belange in dié streek of 'n gedeelte daarvan behartig van die persone of gemeenskappe wat die betrokke bestuur verkies het;

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- (b) includes any person carrying on an enterprise as contemplated in section 16 (1) (b) (ii); (xx)
- (v) "enterprise" means any trade, business, profession or other activity of a continuing nature, whether or not carried on for the purpose of deriving a profit, but excluding any religious, charitable or educational activity carried on by any religious, charitable or educational institution of a public character; (viii)
- (vi) "Joint Executive Authority" means the KwaZulu/Natal Joint Executive Authority established in terms of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986); (iv)
- (vii) "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), section 2 of the Black Local Authorities Act, 1982 (Act No. 102 of 1982), or any local council established under section 2 of the Local Councils Act (House of Assembly), 1987 (Act No. 94 of 1987), but does not include a management body or representative body; (xi)
- (viii) "local body" means a local authority, management body or representative body and includes—
- (a) any tribal, community, regional or territorial authority contemplated in section 2 of the Black Authorities Act, 1951 (Act No. 68 of 1951); and
- (b) any other KwaZulu local authority established by or under any other law in force in the self-governing territory of KwaZulu; (x)
- (ix) "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);
- (b) a board of management or board referred to in section 1 of the Rural Areas Act (House of Representatives), 1987 (Act No. 9 of 1987);
- (c) any local government body established by virtue of the provisions of section 30 (2) (a) of the Black Administration Act, 1927 (Act No. 38 of 1927);
- (d) a rural council, one or more members of which are elected; (ii)
- (x) "management committee" means a management committee appointed under section 12; (i)
- (xi) "Official Gazette" means—
- (a) in relation to anything required to be published in an *Official Gazette* in respect of a region which is situated in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, the *Official Gazette* of the Province of Natal;
- (b) in relation to anything required to be published in an *Official Gazette* in respect of a region which is situated in its entirety within the self-governing territory of KwaZulu, the *Official Gazette* of KwaZulu; and
- (c) in relation to anything required to be published in an *Official Gazette* in respect of a region which is situated partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said self-governing territory, the *Official Gazette* of both the Province of Natal and KwaZulu; (vii)
- (xii) "person" includes the State and the estate of a deceased person; (ix)
- (xiii) "region" means a region delimited under section 2; (xiii)
- (xiv) "regional establishment levy" means a levy contemplated in section 16 (1) (a) (ii); (xvii)
- (xv) "regional function", in relation to any board, means any function referred to in section 4 (1) (b) or (c); (xvi)
- (xvi) "regional service" means any service provided by a board in the exercise of any power or the performance of any duty in relation to a regional function; (xiv)
- (xvii) "regional services levy" means a levy contemplated in section 16 (1) (a) (i); (xv)
- (xviii) "representative body" means any body—
- (a) of which one or more members are elected to its executive by the members of that body;

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- (d) aan lede waarvan 'n streeksdiens verskaf word of verskaf kan word; en
- (e) wat erken word—
 - (i) in die geval van so 'n streek wat in sy geheel geleë is binne daardie deel van die provinsie Natal wat nie deel uitmaak van die selfregerende gebied KwaZulu nie, of in sy geheel geleë is binne genoemde gebied, deur die betrokke bevoegde owerheid; of
 - (ii) in die geval van so 'n streek wat geleë is gedeeltelik binne daardie deel van die provinsie Natal wat nie deel van die selfregerende gebied KwaZulu uitmaak nie en gedeeltelik binne genoemde gebied, deur die Gesamentlike Uitvoerende Owerheid, as 'n verteenwoordigende liggaam vir die doeleindes van hierdie Wet, indien genoemde bevoegde owerheid of Gesamentlike Uitvoerende Owerheid, na gelang van die geval, oortuig is dat die lede van genoemde liggaam nie genoegsaam deur middel van 'n landelike raad in 'n raad verteenwoordig word of kan word nie; (xviii)
- (xx) "werkgever"—
 - (a) 'n werkgever soos omskryf in paragraaf 1 van die Sewende Bylae by die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962); en
 - (b) ook iemand wat 'n onderneming bedryf soos in artikel 16 (1) (b) (ii) beoog. (iv)

Afbakening van streke

2. (1) Die Gesamentlike Uitvoerende Owerheid kan, behoudens die bepalinge van subartikel (2) en na oorweging van 'n verslag deur 'n advieskomitee aangestel ingevolge 'n proklamasie kragtens artikel 2 (4) van die Wet op die Gesamentlike Uitvoerende Owerheid vir KwaZulu en Natal, 1986 (Wet No. 80 van 1986), by kennisgewing in die *Offisiële Koerant*—

- (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 omskryf en van tyd tot tyd te verander;
- (b) twee of meer streke kombineer (hetsy hul gebiede aangrensend is of nie) en enige bevoegdheid in paragraaf (a) bedoel, ten opsigte van die aldus gekombineerde streek uitoefen;
- (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.

(2) Die Gesamentlike Uitvoerende Owerheid moet die bevoegdhede by subartikel (1) aan hom verleen, uitoefen—

- (a) met die instemming van—
 - (i) die betrokke bevoegde owerheid;
 - (ii) die Minister van Finansies van die Republiek;
 - (iii) die Minister van Beplanning en Provinsiale Sake van die Republiek;
- (b) na oorlegpleging met—
 - (i) die plaaslike liggame in die betrokke streek of streke;
 - (ii) die raad van elke streek wat deur die voorgestelde uitoefening van bevoegdhede geraak word;
 - (iii) enige ander liggaam of persoon wat hy nodig ag; en
- (c) met inagneming van die aangeleenthede in Bylae 1 vermeld.

(3) Die Gesamentlike Uitvoerende Owerheid kan, behoudens die bepalinge van subartikel (2) (b), 'n naam aan 'n streek gee en die setel in die streek bepaal van die raad wat vir die streek ingestel word.

(4) Behoudens die bepalinge van subartikel (2) kan die Gesamentlike Uitvoerende Owerheid 'n kennisgewing bedoel in subartikel (1) wysig, vervang of herroep.

Voorbereidende stappe vir die instelling van gesamentlike diensteraad

- 3. (1) (a) Behoudens die bepalinge van subartikel (2) kan die Gesamentlike Uitvoerende Owerheid met ingang van 'n datum deur hom bepaal, 'n plaaslike liggaam magtig en gelas om enigiets te doen wat, na die oordeel van die Gesamentlike Uitvoerende Owerheid, nodig of wenslik is om die instelling of die behoorlike funksionering van 'n raad te vergemaklik.

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- (b) of which the members consist of persons residing or communities established outside the area of jurisdiction of any local authority or management body in a region;
- 5 (c) which, in relation to certain affairs, manages the interests in such region or any part thereof of the persons or communities that elected the executive in question;
- (d) to members of which any regional service is provided or may be provided; and
- 10 (e) which is recognized—
- (i) in the case of any such region situate in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or situate in its entirety within the said territory, by the competent authority concerned; or
- 15 (ii) in the case of any such region situate partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said territory, by the Joint Executive Authority,
- 20 as a representative body for the purposes of this Act if the said competent authority or Joint Executive Authority, as the case may be, is satisfied that the members of the said body are not or cannot be adequately represented on a board by means of a rural council; (xix)
- (xix) "rural council" means a council established under section 17; (vi)
- (xx) "this Act" includes any regulation made under this Act. (v)

25 Delimitation of regions

2. (1) The Joint Executive Authority may, subject to the provisions of subsection (2) and after consideration of a report by an advisory committee appointed in terms of a proclamation under section 2 (4) of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986), by notice in the *Official Gazette*—
- 30 (a) delimit a region by determining and describing and from time to time altering the boundaries of the area or areas (whether or not such areas are contiguous) comprised by it;
- (b) combine two or more regions (whether or not their areas are contiguous) and exercise any power referred to in paragraph (a) in respect of the
- 35 combined region;
- (c) include any part of the area of any region in the area of another region, whether or not such part is contiguous to the area in which it is included; and
- (d) revoke the delimitation of a region.
- 40 (2) The Joint Executive Authority shall exercise the powers conferred upon it by subsection (1)—
- (a) with the concurrence of—
- (i) the competent authority concerned;
- (ii) the Minister of Finance of the Republic;
- 45 (iii) the Minister of Planning and Provincial Affairs of the Republic;
- (b) after consultation with—
- (i) the local bodies in the region or regions in question;
- (ii) the board of every region affected by the proposed exercise of powers;
- (iii) any other body or person that it deems necessary; and
- 50 (c) with regard to the matters mentioned in Schedule 1.
- (3) The Joint Executive Authority may, subject to the provisions of subsection (2) (b), assign a name to a region and determine the seat within the region of the board which is established for the region.
- (4) Subject to the provisions of subsection (2), the Joint Executive Authority may
- 55 amend, substitute or repeal any notice referred to in subsection (1).

Preparatory steps for establishment of joint services board

3. (1) (a) Subject to the provisions of subsection (2), the Joint Executive Authority may, with effect from a date determined by it, empower and direct any local body to do anything which may, in the opinion of the Joint Executive Authority, be
- 60 necessary or expedient to facilitate the establishment or the proper functioning of a board.

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- (b) Indien 'n plaaslike liggaam weier of versuim om aan 'n lasgewing ingevolge paragraaf (a) te voldoen, kan die Gesamentlike Uitvoerende Owerheid die handeling self verrig of laat verrig, en daarna word die handeling vir alle doeleindes geag deur dié plaaslike liggaam verrig te wees, en enige koste deur die Gesamentlike Uitvoerende Owerheid in daardie verband aange- 5
gaan, kan op dié plaaslike liggaam verhaal word.
- (2) Die Gesamentlike Uitvoerende Owerheid magtig of gelas nie 'n plaaslike liggaam ingevolge subartikel (1) nie ten opsigte van 'n aangeleentheid in artikel 16 bedoel, behalwe met die instemming van die Minister van Finansies van die Republiek, wat handel na oorlegpleging met die Minister van Finansies van 10
KwaZulu.
- (3) Die raad ten opsigte waarvan iets uit hoofde van subartikel (1) gedoen is, is aanspreeklik om die betrokke plaaslike liggaam te vergoed vir alle uitgawes deur dié liggaam aangegaan in verband met iets deur hom gedoen soos beoog in dié subartikel. 15

Instelling van gesamentlike diensterade

4. (1) (a) Die Gesamentlike Uitvoerende Owerheid kan, behoudens die bepalings van artikel 2 (2) (a) (i), (b) en (c), by kennisgewing in die *Offisiële Koerant* en met ingang van 'n datum in dié kennisgewing vermeld, 'n gesamentlike diensteraad vir 'n streek instel en van tyd tot tyd bekend maak watter 20
plaaslike liggame daarin verteenwoordig word.
- (b) 'n Raad is met regs persoonlikheid bekleed en is ten opsigte van sy streek belas met dié funksies of 'n deel van 'n funksie in Bylae 2 vermeld wat van tyd tot tyd deur die Gesamentlike Uitvoerende Owerheid, behoudens die bepalings van artikel 2 (2) (a) (i), (b) en (c) van hierdie Wet, artikel 3 (2) 25
(a) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), en 'n ooreenstemmende bepaling van 'n wet van KwaZulu by kennisgewing in die *Offisiële Koerant* as 'n streeksfunksie geïdentifiseer en aan daardie raad opgedra word.
- (c) Die Gesamentlike Uitvoerende Owerheid kan, behoudens die bepalings 30
van paragraaf (b), die kleinhandelvoorsiëning van elektrisiteit en water wat by dié inwerkingtreding van hierdie Wet deur 'n plaaslike liggaam of 'n ander instelling of liggaam in die betrokke streek of 'n deel daarvan onderneem word, ook as 'n streeksfunksie identifiseer en aldus opdra.
- (2) (a) Indien— 35
- (i) 'n plaaslike liggaam in subartikel (1) bedoel;
 - (ii) 'n streekwaterdiens korporasie ingestel ingevolge artikel 7 van die Ordonnansie op Waterdienste, 1963 (Ordonnansie No. 27 van 1963), van Natal; of
 - (iii) die Raad op Ontwikkeling en Dienste vermeld in artikel 1 van die 40
Ordonnansie op die Raad op Ontwikkeling en Dienste, 1941 (Ordonnansie No. 20 van 1941), van Natal,
- op die datum waarop 'n funksie of 'n deel van 'n funksie ingevolge subartikel (1) as 'n streeksfunksie geïdentifiseer en aan 'n raad opgedra word, met dié funksie of deel daarvan belas is, word dié liggaam of 45
korporasie of die Raad op Ontwikkeling en Dienste van sy pligte met betrekking tot daardie funksie of deel daarvan in die betrokke streek onthef met ingang van dié datum of die ander datum in die kennisgewing vermeld, en verskillende datums kan ten opsigte van verskillende streeksfunksies wat aldus geïdentifiseer is, bepaal word. 50
- (b) Die bevoegde owerheid kan, op aanbeveling van die Gesamentlike Uitvoerende Owerheid en behoudens die bepalings van artikel 5 (4) van hierdie Wet en artikel 14 van die Staatsdienswet, 1984, of 'n ooreenstemmende bepaling van 'n wet van KwaZulu, na gelang van die geval—
- (i) 'n beampte of werknemer in diens van 'n liggaam of korporasie of die 55
Raad op Ontwikkeling en Dienste vermeld in paragraaf (a), die Staat of die Regering van KwaZulu vir diens na 'n raad oorplaas of daaraan afstaan; of
 - (ii) die dienste van enige sodanige beampte of werknemer tot die beskikking van 'n raad stel. 60

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- (b) If a local body refuses or fails to comply with a directive in terms of paragraph (a), the Joint Executive Authority may perform the act itself, or cause it to be performed, and thereafter the act shall for all purposes be deemed to have been performed by that local body, and any costs incurred by the Joint Executive Authority in that respect may be recovered from that local body.
- (2) The Joint Executive Authority shall not empower or direct any local body in terms of subsection (1) in respect of any matter referred to in section 16, except with the concurrence of the Minister of Finance of the Republic acting after consultation with the Minister of Finance of KwaZulu.
- (3) The board in respect of which anything has been done by virtue of subsection (1), shall be liable to reimburse the local body concerned for all expenses incurred by the body in connection with anything done by it as contemplated in that subsection.

15 Establishment of joint services boards

4. (1) (a) The Joint Executive Authority may, subject to the provisions of section 2 (2) (a) (i), (b) and (c), by notice in the *Official Gazette* and with effect from a date specified in such notice establish a joint services board for any region and from time to time announce which local bodies are represented thereon.
- (b) A board 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) (i), (b) and (c) of this Act, section 3 (2) (a) of the Public Service Act, 1984 (Act No. 111 of 1984), and any corresponding provision of a law of KwaZulu, by notice in the *Official Gazette* be identified by the Joint Executive Authority as a regional function and be entrusted to that board.
- (c) The Joint Executive Authority 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 body or other institution or body in the region in question or in any part thereof.
- (2) (a) If—
- (i) a local body referred to in subsection (1);
- (ii) a regional water services corporation established in terms of section 7 of the Water Services Ordinance, 1963 (Ordinance No. 27 of 1963), of Natal; or
- (iii) the Development and Services Board mentioned in section 1 of the Development and Services Board Ordinance, 1941 (Ordinance No. 20 of 1941), of Natal,
- is on the date on which a function or any part of a function is in terms of subsection (1) identified as a regional function and entrusted to a board, charged with that function or any part thereof, that body or corporation or the Development and Services Board shall be relieved of its duties in relation to that function or part thereof 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.
- (b) The competent authority may, on the recommendation of the Joint Executive Authority and subject to the provisions of section 5 (4) of this Act and section 14 of the Public Service Act, 1984, or a corresponding provision of a law of KwaZulu, as the case may be—
- (i) transfer or second any officer or employee in the employment of any body or corporation or the Development and Services Board referred to in paragraph (a), the State or the Government of KwaZulu to the service of a board; or
- (ii) place the services of any such officer or employee at the disposal of a board.

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(3) Die Gesamentlike Uitvoerende Owerheid kan, behoudens die bepalings van artikel 2 (2) (a) (i), (b) en (c) van hierdie Wet, artikel 3 (2) (a) van die Staatsdienswet, 1984, en 'n ooreenstemmende bepaling van 'n wet van KwaZulu, 'n kennisgewing ingevolge hierdie artikel wysig, vervang of herroep.

Bevoegdhe en pligte van 'n raad

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5. (1) Behoudens die bepalings van artikel 4 (1) (b) en (c) moet 'n raad voorrang verleen aan die stigting, verbetering en instandhouding van infrastruktuurdienste en infrastruktuurgeriewe in gebiede waar die grootste behoefte daaraan bestaan.

(2) Behoudens die bepalings van—

- (a) hierdie Wet en enige ander wet, het 'n raad al die bevoegdhe en pligte van 'n plaaslike liggaam of 'n beampte in diens van 'n plaaslike liggaam ingevolge die wette wat van toepassing is in sy streek met betrekking tot 'n funksie of 'n deel van 'n funksie wat die Gesamentlike Uitvoerende Owerheid by die kennisgewing in artikel 4 (1) bedoel aan hom opdra, uitgesonderd 'n bevoegdheid om belasting op onroerende goed te hef; en
- (b) paragraaf (a), is alle ander wette wat van toepassing is op of ten opsigte van 'n plaaslike liggaam in die streek van 'n raad, *mutatis mutandis* van toepassing op of ten opsigte van dié raad in dié streek in verband met enige van die streeksfunksies van dié raad.

- (3) (a) Wanneer 'n funksie of 'n deel van 'n funksie ingevolge artikel 4 (1) (b) as 'n streeksfunksie geïdentifiseer en aan 'n raad opgedra word, kan die bevoegde owerheid, op aanbeveling van die Gesamentlike Uitvoerende Owerheid, by kennisgewing in die *Offisiële Koerant* verklaar dat 'n wet wat betrekking het op dié funksie of deel daarvan en uitgevaardig is deur 'n plaaslike liggaam in die streek van dié raad, geag word 'n wet te wees wat deur die raad ten opsigte van dié streek ingevolge subartikel (2) (a) uitgevaardig is.

- (b) 'n Raad kan by kennisgewing in die *Offisiële Koerant* enige wet bedoel in paragraaf (a), wysig ten einde uitvoering te gee aan die bepalings van daardie paragraaf.

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(4) Behoudens die bepalings van hierdie Wet is die bepalings van wette met betrekking tot die oorplasing van werknemers en die oordrag of oorgang van bates, bevoegdhe, pligte, regte en verpligtinge in die geval van die kombinerende van plaaslike liggame in die gebied van 'n raad, *mutatis mutandis* van toepassing in die geval waar beamptes of werknemers kragtens artikel 4 (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 of korporasie of die Raad op Ontwikkeling en Dienste ingevolge artikel 4 (2) (a) van 'n plig onthef word: Met dien verstande dat—

- (a) die bevoegde owerheid, op aanbeveling van die Gesamentlike Uitvoerende Owerheid en behoudens die bepalings van artikel 2 (2) (b), ander reëlings met betrekking tot sodanige oorplasing of oorgang kan tref—

- (i) ten einde voorsiening te maak vir gevalle waarvoor nie deur sodanige bepalings van dié wette voorsiening gemaak word nie;
- (ii) ten einde 'n resultaat te verkry wat na die oordeel van die bevoegde owerheid teenoor alle betrokkenes billik is; of
- (iii) ten einde administratiewe probleme op te los wat deur sodanige oordrag of oorgang meegebring word; en

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- (b) in die geval van die oorplasing van 'n werknemer na die diens van 'n raad, so 'n werknemer op voorwaardes in diens geneem word en 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.

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(5) 'n Reëling bedoel in paragraaf (a) van die voorbehoudsbepaling by subartikel (4), kan bepaal dat die betrokke bates, bevoegdhe, pligte, regte en verpligtinge slegs gedeeltelik oorgedra word of oorgaan.

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

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

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(3) The Joint Executive Authority may, subject to the provisions of section 2 (2) (a) (i), (b) and (c) of this Act, section 3 (2) (a) of the Public Service Act, 1984, and any corresponding provision of a law of KwaZulu, amend, substitute or repeal any notice in terms of this section.

5 Powers and duties of a board

5. (1) Subject to the provisions of section 4 (1) (b) and (c), a board shall give priority to the establishment, improvement and maintenance of infrastructural services and infrastructural facilities in areas where the greatest need therefor exists.

(2) Subject to the provisions of—

10 (a) this Act and any other law, a board shall have all the powers and duties of a local body or an officer in the employment of any local body in terms of the laws which apply in its region in relation to any function or any part of a function which the Joint Executive Authority entrusts to it by notice referred to in section 4 (1), but excluding the power to levy any rates on
15 immovable property; and

(b) paragraph (a), all other laws applicable to or in respect of a local body in the region of a board shall *mutatis mutandis* apply to or in respect of such board in such region with regard to any of the regional functions of that board.

20 (3) (a) When a function or any part of a function has in terms of section 4 (1) (b) been identified as a regional function and entrusted to a board, the competent authority may, on the recommendation of the Joint Executive Authority, by notice in the *Official Gazette* declare that any law relating to such function or any part thereof and which has been enacted by a local
25 body in the region of such board, shall be deemed to be a law enacted by the board in terms of subsection (2) (a) in respect of such region.

(b) A board may by notice in the *Official Gazette* amend any law referred to in paragraph (a) in order to give effect to the provisions of that paragraph.

(4) Subject to the provisions of this Act, the provisions of any laws relating to the
30 transfer of employees and the transfer or devolution of assets, powers, duties, rights and obligations in the case of the combining of local bodies in the region of a board, 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 board under section
35 4 (2) (b) and in the case where a body or corporation or the Development and Services Board is relieved from a duty in terms of section 4 (2) (a): Provided that—

(a) the competent authority may, on the recommendation of the Joint Executive Authority and subject to the provisions of section 2 (2) (b), make any other arrangement in regard to such transfer or devolution—

40 (i) in order to provide for matters for which no provision has been made by the provisions of such laws;

(ii) in order to obtain a result which in the opinion of the competent authority is fair to all concerned; or

(iii) in order to solve administrative difficulties caused by such transfer or devolution; and

45 (b) in the event of the transfer of an employee to the employment of a board, 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.

(5) Any arrangement referred to in paragraph (a) of the proviso to subsection (4)
50 may provide that the assets, powers, duties, rights and obligations in question shall only in part be transferred or devolve.

(6) (a) A board may, subject to the provisions of paragraph (b), enter into an agreement with a local body or other person or institution irrespective of whether the area of jurisdiction of that body, person or institution is
55 situated within or outside the region of that board, or within or outside the Republic, in terms of which—

(i) that board 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;

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- (ii) daardie plaaslike liggaam, persoon of instelling 'n streeksfunksie of deel daarvan ten behoeve van die raad uitvoer en ten behoeve van die raad 'n heffing beoog in artikel 16 kan vorder; en
- (iii) daardie raad onderneem om ten behoeve van sodanige plaaslike liggaam, persoon of instelling, indien die regsgebied van daardie plaaslike liggaam, persoon of instelling geleë is buite die Republiek of binne die gebied van 'n wetgewende vergadering van 'n selfregerende gebied soos bedoel in artikel 38 van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), 'n streeksfunksie of enige ander funksie van die raad ingevolge hierdie Wet uit te voer binne die regsgebied van dié plaaslike liggaam, persoon of instelling, in welke geval dié gebied, op die voorwaardes in die ooreenkoms bepaal, geag word deel uit te maak van die streek, en dié plaaslike liggaam, persoon of instelling in die raad verteenwoordig kan word op voorwaardes aldus bepaal.
- (b) 'n Ooreenkoms in paragraaf (a) bedoel, mag slegs met die goedkeuring van die Gesamentlike Uitvoerende Owerheid, die bevoegde owerheid en die Minister van Buitelandse Sake van die Republiek aangegaan word met 'n plaaslike liggaam, persoon of instelling waarvan die regsgebied buite die Republiek geleë is.
- (7) Geen vergoeding is betaalbaar nie ten opsigte van 'n bate of reg wat ingevolge hierdie artikel oorgedra word aan of oorgaan op 'n raad: Met dien verstande dat, behoudens die bepalinge van artikel 2 (2) (a) en (b), die Gesamentlike Uitvoerende Owerheid, ten einde 'n resultaat te verkry wat na sy oordeel teenoor alle betrokkenes billik is, anders kan gelas.
- (8) By die toepassing van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956), word 'n raad geag 'n plaaslike owerheid te wees.
- (9) Die bevoegde owerheid kan, op aanbeveling van die Gesamentlike Uitvoerende Owerheid, by kennisgewing in die *Offisiële Koerant* verklaar dat 'n verwysing na 'n plaaslike liggaam in 'n wet, uitgesonderd die Eskomwet, 1987 (Wet No. 40 van 1987), en die Elektrisiteitswet, 1987 (Wet No. 41 van 1987), in die kennisgewing vermeld, uitgelê moet word as 'n verwysing ook na 'n raad.

Gebruik van dienste

6. Elke plaaslike liggaam waarvan die regsgebied geleë is in die streek van 'n raad en wat in dié raad verteenwoordig is, asook elke persoon wat in die regsgebied van so 'n plaaslike liggaam woonagtig is, mag slegs gebruik maak van streeksdienste wat dié raad in dié streek verskaf: Met dien verstande dat die raad op aansoek van enige sodanige plaaslike liggaam, dié liggaam of iemand wat in die regsgebied van dié plaaslike liggaam woonagtig is, kan vrystel van die plig om van enige sodanige streeksdiens gebruik te maak.

Samestelling van raad en toedeling van stemme

7. (1) 'n Raad bestaan uit—
- (a) 'n voorsitter ingevolge artikel 8 (1) aangestel;
- (b) die aantal lede wat die Gesamentlike Uitvoerende Owerheid van tyd tot tyd bepaal by kennisgewing in die *Offisiële Koerant* en wat ingevolge subartikel (2) van hierdie artikel benoem word; en
- (c) die aantal lede wat ingevolge artikel 5 (6) (a) (iii) by ooreenkoms toegelaat word.
- (2) Elke plaaslike liggaam wat in 'n raad verteenwoordig word, moet uit eie geledere een lid van die raad benoem vir elke 10 persent of deel van 10 persent van die totale aantal stemme waarop hy ingevolge subartikel (4) (a) geregtig is, maar geen sodanige plaaslike liggaam mag meer as vyf lede benoem nie: Met dien verstande dat elke plaaslike liggaam minstens een lid mag benoem.
- (3) Gelyktydig met die benoeming van 'n lid ingevolge subartikel (2), word 'n plaasvervangende lid ten opsigte van dié lid op dieselfde wyse as dié lid benoem, om in die plek van dié lid waar te neem wanneer hy om die een of ander rede afwesig is of nie in staat is om sy bevoegdhede en pligte as lid van die raad uit te oefen of te verrig nie.

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- (ii) that local body, person or institution undertakes to perform any regional function or part thereof on behalf of the board and may claim a levy contemplated in section 16 on behalf of the board; and
- (iii) that board undertakes on behalf of such local body, person or institution, if the area of jurisdiction of that local body, person or institution is situated outside the Republic or within the area of a legislative assembly of a self-governing territory referred to in section 38 of the National States Constitution Act, 1971 (Act No. 21 of 1971), to perform any regional or other function of the board in terms of this Act, within the area of jurisdiction of such local body, person or institution, in which event such area shall on the conditions specified in the agreement be deemed to form part of the region and such local body, person or institution may on conditions so specified be represented on the board.
- (b) Any agreement referred to in paragraph (a) shall only with the approval of the Joint Executive Authority, the competent authority and the Minister of Foreign Affairs of the Republic be entered into with a local body, person or institution whose area of jurisdiction is situated outside the Republic.
- (7) 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 board: Provided that, subject to the provisions of section 2 (2) (a) and (b), the Joint Executive Authority may, in order to obtain a result which in its opinion is fair to all parties concerned, direct otherwise.
- (8) For the purposes of the Labour Relations Act, 1956 (Act No. 28 of 1956), a board shall be deemed to be a local authority.
- (9) The competent authority may, on the recommendation of the Joint Executive Authority, by notice in the *Official Gazette* declare that a reference to a local body in any law, excluding the Eskom Act, 1987 (Act No. 40 of 1987), and the Electricity Act, 1987 (Act No. 41 of 1987), specified in the notice shall be construed as a reference also to a board.

Use of services

6. Every local body whose area of jurisdiction is situated in the region of a board and which is represented on such board and every person resident in the area of jurisdiction of such a local body may only make use of regional services provided by such board in such area: Provided that such board may, on the application of any such local body, exempt such body or any person resident in the area of jurisdiction of such local body from the duty to make use of any such regional service.

Constitution of board and apportionment of votes

7. (1) A board shall consist of—
- (a) a chairman appointed in terms of section 8 (1);
- (b) such number of members as the Joint Executive Authority 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
- (c) such number of members as may be admitted by agreement in terms of section 5 (6) (a) (iii).
- (2) Every local body represented on a board shall from its members nominate one member of the board 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 subsection (4) (a), but no local body shall nominate more than five members: Provided that each local body may nominate at least one member.
- (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 and duties as a member of the board.

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- (4) (a) Behoudens die bepalings van subartikel (5) is elke plaaslike liggaam verteenwoordig in 'n raad, geregtig om ten opsigte van die beslissings van die raad die getal stemme uit te bring wat by die aanvang van die raad se boekjaar gelykstaan met die verhouding, uitgedruk as 'n persentasie, tussen die bedrag wat deur sodanige plaaslike liggaam en die persone in sy regsgebied betaal word vir die verskaffing deur die raad van streeksdienste en die totale bedrag wat deur die raad verkry word as gevolg van die verskaffing van sodanige streeksdienste in daardie streek ten behoeve van al sodanige plaaslike liggame: Met dien verstande dat—
- (i) die voorafgaande bepalings van hierdie artikel nie van toepassing is nie ten opsigte van enige streeksdienste wat verskaf word in 'n nywerheidsgebied of sentrale sakegebied wat die Gesamentlike Uitvoerende Owerheid by kennisgewing in die *Offisiële Koerant* en behoudens die bepalings van artikel 2 (2) (a) en (b) afgebaken het na oorweging van 'n verslag deur 'n advieskomitee aangestel ingevolge artikel 5 (4) (b) van die Wet op die Gesamentlike Uitvoerende Owerheid vir KwaZulu en Natal, 1986 (Wet No. 80 van 1986), welke verslag gegrond moet wees op kriteria's bepaal deur genoemde Gesamentlike Uitvoerende Owerheid by kennisgewing in die *Offisiële Koerant*; en
 - (ii) indien die Gesamentlike Uitvoerende Owerheid van mening is dat die grondslag vir die toedeling van stemme soos in hierdie subartikel bepaal, nie toegepas kan word ten opsigte van 'n bepaalde plaaslike liggaam nie, hy, ten einde 'n resultaat te verkry wat na sy oordeel teenoor alle betrokkenes billik is, maar *mutatis mutandis* behoudens die bepalings van subparagraaf (i), 'n ander grondslag kan bepaal waarvolgens die aantal stemme vir sodanige plaaslike liggaam bepaal moet word.
- (b) Iemand wat ingevolge artikel 5 (6) (a) (iii) by ooreenkoms as 'n lid van die raad toegelaat word, is geregtig om ten opsigte van die beslissings van die raad aangaande 'n aangeleentheid waarop die ooreenkoms betrekking het, of wat finansiële implikasies het vir die plaaslike liggaam, persoon of instelling wat hy verteenwoordig, die getal stemme uit te bring wat in die betrokke ooreenkoms bepaal word.
- (5) (a) Indien daar meer as twee plaaslike liggame in 'n streek is wat in die raad vir dié streek verteenwoordig is, is geen sodanige plaaslike liggaam ten opsigte van die beslissings van dié 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.
- (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 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.
- (6) (a) Die getal stemme wat deur lede van 'n plaaslike liggaam ten opsigte van besluite van die raad uitgebring kan word, moet so deur die voorsitter van die raad toegedeel word 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.
- (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.
- (7) (a) Behoudens die bepalings 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), (2) en (4) 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.

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- (4) (a) Subject to the provisions of subsection (5), every local body represented on a board shall in respect of the decisions of the board be entitled to cast such number of votes as is, at the commencement of the financial year of the board, equal to the proportion, expressed as a percentage, between the amount paid by such local body and the persons in its area of jurisdiction for the provision by the board of regional services and the total amount obtained by the board as a result of the provision of such regional services in that region on behalf of all such local bodies: Provided that—
- (i) the foregoing provisions of this section shall not apply in respect of any regional services provided in any industrial area or central business area which the Joint Executive Authority has, subject to the provisions of section 2 (2) (a) and (b), delimited by notice in the *Official Gazette* after consideration of a report by an advisory committee appointed in terms of section 5 (4) (b) of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986), which report shall be based on criteria laid down by the said Joint Executive Authority by notice in the *Official Gazette*; and
- (ii) if the Joint Executive Authority is of the opinion that the basis for the apportionment of votes as determined in this subsection cannot be applied in respect of a specific local body, it may, in order to achieve a result which in its opinion is fair to all persons concerned, but subject *mutatis mutandis* to the provisions of subparagraph (i), determine any other basis according to which the number of votes for such local body shall be determined.
- (b) Any person admitted by agreement in terms of section 5 (6) (a) (iii) as a member of the board shall in respect of the decisions of the board in regard to any matter to which the agreement relates, or which has financial implications for the local body, person or institution which he represents, be entitled to cast such number of votes as is specified in the agreement in question.
- (5) (a) If there are more than two local bodies in any region which are represented on a board for such region, no such local body shall in respect of the decisions of such board 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 board for regional services, bears to the total amount obtained by the board for the provision of regional services to such local bodies.
- (6) (a) The number of votes which may be cast by members of a local body in respect of decisions of the board shall be so apportioned by the chairman of the board among the members of that local body that the votes that may be cast by members nominated by that 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 board, the local body concerned may in writing authorize another member to cast the vote or votes concerned, on its behalf.
- (7) (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 board be calculated by the board in accordance with subsections (1), (2) and (4) on the basis of a certificate issued by the treasurer of the board, and the apportionment of votes shall apply from such calculation until the next calculation is made.

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- (b) By die eerste samestelling of enige hersamestelling van 'n raad word die getal stemme waarop plaaslike liggame geregtig is, deur die Gesamentlike Uitvoerende Owerheid behoudens die bepalings van artikel 2 (2) (a) (i) bepaal op grond van beëdigde inligting wat hy van die plaaslike liggame in die betrokke streek verkry of op die ander grondslag wat hy ingevolge die tweede voorbehoudsbepaling by subartikel (4) (a) bepaal. 5

Voorsitter en ondervoorsitter

8. (1) Die Gesamentlike Uitvoerende Owerheid moet ten opsigte van elke raad 'n voorsitter aanstel en kan te eniger tyd na sy goeddunke sodanige aanstelling intrek.
(2) 'n Raad moet, behoudens die bepalings van artikel 14 (2) (a) en (b) (i), op sy eerste vergadering en jaarliks daarna een van sy lede as ondervoorsitter kies, wat as voorsitter moet optree wanneer die voorsitter om enige rede afwesig is of nie in staat is om as voorsitter op te tree nie of wanneer die voorsitter hom daartoe versoek.
(3) Wanneer die voorsitter en die ondervoorsitter van 'n raad om enige rede gelyktydig afwesig is of nie in staat is om as voorsitter op te tree nie, moet die raad 15 vanuit sy eie geledere iemand kies om as voorsitter op te tree.

Ampstermyn en vergoeding van voorsitter en lede

9. (1) Behoudens die voorwaardes wat die Gesamentlike Uitvoerende Owerheid 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. 20
(2) Behoudens die bepalings 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.
(3) 'n Lid van 'n raad ontruim sy amp— 25
(a) as hy bedank;
(b) wanneer hy ophou om lid te wees van die plaaslike liggaam wat hom benoem het;
(c) wanneer die plaaslike liggaam wat hom benoem het, sy benoeming terugtrek, 30
in welk geval iemand ingevolge artikel 7 (2) vir die onverstreke gedeelte van sy ampstermyn benoem word.
(4) Die vergoeding en toelaes van die voorsitter, die ondervoorsitter, die lede van die raad en lede van 'n komitee in artikel 11 bedoel wat nie lede van die raad is nie, word deur die Gesamentlike Uitvoerende Owerheid met die instemming van die 35 Minister van Finansies van die Republiek bepaal.

Vergaderings

10. (1) Die eerste vergadering van 'n raad vind plaas op die tyd en plek deur die Gesamentlike Uitvoerende Owerheid bepaal, en daarna word, behoudens die bepalings van subartikel (2), minstens 10 vergaderings per jaar, of die kleiner getal 40 wat die Gesamentlike Uitvoerende Owerheid goedkeur, gehou op die tyd en plek wat die raad of, indien deur die raad daartoe gemagtig, die voorsitter bepaal.
(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. 45
(3) Kennis van 'n vergadering van 'n raad moet aan die lede daarvan gegee word soos voorgeskryf in die reglement in subartikel (6) bedoel.
(4) (a) Lede wat tesame oor twee-derdes van die totale getal stemme beoog in artikel 7 (4) 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 14 (5) 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 55 maak lede wat tesame beskik oor die helfte van die totale getal stemme beoog in artikel 7 (4), 'n kworum uit.

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- (b) In respect of the first constitution or any reconstitution of a board, the number of votes to which local bodies shall be entitled shall be determined by the Joint Executive Authority, subject to the provisions of section 2 (2) (a) (i), on the basis of sworn information obtained by it from the local bodies in the region concerned or on such other basis as it may determine in terms of the second proviso to subsection (4) (a).

Chairman and deputy chairman

8. (1) The Joint Executive Authority shall in respect of every board appoint a chairman and may at any time in its discretion rescind such appointment.
- 10 (2) A board shall, subject to the provisions of section 14 (2) (a) and (b) (i), at its first meeting and annually thereafter 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 or whenever he is requested thereto by the chairman.
- 15 (3) Whenever the chairman and the deputy chairman of a board are for any reason simultaneously absent or unable to act as chairman, the board shall from among its number elect a person to act as chairman.

Tenure of office and remuneration of chairman and members

9. (1) Subject to the conditions determined by the Joint Executive Authority, the chairman of a board shall be appointed for a period not exceeding five years at a time, but shall at the expiration of his term of office be eligible for reappointment.
- 20 (2) Subject to the provisions of subsection (3), a member of a board shall hold office for a period of five years, but shall at the expiration of his term of office be eligible for renomination.
- (3) A member of a board shall vacate his office—
- 25 (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 7 (2) for the unexpired portion of his term of office.
- 30 (4) The remuneration and allowances of the chairman, the deputy chairman, the members of the board and members of a committee referred to in section 11 who are not members of the board, shall be determined by the Joint Executive Authority with the concurrence of the Minister of Finance of the Republic.

Meetings

- 35 10. (1) The first meeting of a board shall take place at a time and place determined by the Joint Executive Authority, and thereafter, subject to the provisions of subsection (2), at least 10 meetings, or the lesser number which the Joint Executive Authority may approve, shall be held per year at a time and place determined by the board or the chairman if authorized thereto by the board.
- 40 (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 board.
- (3) Notice of a meeting of a board shall be given to the members thereof as prescribed in the standing orders referred to in subsection (6).
- 45 (4) (a) Members who together are entitled to two-thirds of the total number of votes contemplated in section 7 (4), shall constitute a quorum for a meeting of the board.
- (b) If the number of members present at the time and place determined for a meeting convened for the consideration of any matter referred to in section
- 50 14 (5), is on two consecutive occasions less than the required number contemplated in paragraph (a), a meeting of the board 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 together are entitled to one half of the total number of votes
- 55 contemplated in section 7 (4) shall form a quorum.

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- (c) Indien 'n kworum soos in paragraaf (b) bedoel nie verkry kan word nie, moet die aangeleentheid vir die oorweging waarvan die vergadering belê is, deur die voorsitter verwys word na die Gesamentlike Uitvoerende Owerheid vir sy beslissing, wat deur die raad uitgevoer moet word.
- (5) Die voorsitter kan 'n persoon of instelling wat na sy mening 'n belang by die werksaamhede van die raad het, toelaat om iemand te benoem om die verrigtinge van die raad of enige komitee daarvan by te woon en deel te neem aan daardie besprekings van die raad of die betrokke komitee 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. 5
- (6) (a) Behoudens die bepalings van hierdie Wet kan 'n raad 'n reglement goedkeur vir die reëling van sy verrigtinge en van alle ander sake wat betrekking het op die bestuur, bevoegdhede en pligte van die raad.
- (b) 'n Reglement kan— 10
- (i) voorsiening maak vir die wyse waarop komitees bedoel in artikels 11 en 12 kan stem ondanks die bepalings van artikel 7; en 15
- (ii) bepaal dat iemand wat 'n bepaling van die reglement oortree, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete van hoogstens R500 of, by wanbetaling, met gevangenisstraf vir 'n tydperk van hoogstens drie maande. 20

Komitees

11. (1) 'n Raad—
- (a) kan een of meer komitees aanstel om die werksaamhede te verrig wat hy kragtens artikel 15 gemagtig word om te verrig; en
- (b) moet 'n voorsitter vir so 'n komitee aanwys en die kworum vir vergaderings van so 'n komitee bepaal. 25
- (2) Die voorsitter van die raad is *ex officio* 'n lid van elke komitee kragtens subartikel (1) aangestel, en wanneer hy om enige rede afwesig is of nie in staat is om as voorsitter van die raad op te tree nie, of wanneer hy die ondervoorsitter versoek om as voorsitter van die raad op te tree, is die ondervoorsitter sodanige *ex officio*-lid: 30
- Met dien verstande dat die voorsitter of ondervoorsitter van die raad of 'n lid van so 'n komitee wat nie lid van die raad is nie, nie oor 'n stem op 'n vergadering van so 'n komitee beskik nie.

Bestuurskomitee

12. (1) 'n Raad kan, en moet indien die Gesamentlike Uitvoerende Owerheid dit versoek, 'n bestuurskomitee vir sy streek aanstel. 35
- (2) (a) 'n Bestuurskomitee bestaan uit die voorsitter en die ondervoorsitter van die raad, wat onderskeidelik die voorsitter en ondervoorsitter van die komitee is, en hoogstens ses lede wat lede van die raad is en deur die raad aangewys word, en van wie hoogstens twee lede lede van dieselfde plaaslike liggaam mag wees: Met dien verstande dat die voorsitter nie op 'n vergadering van enige sodanige komitee mag stem nie. 40
- (b) 'n Meerderheid van die totale getal lede van 'n bestuurskomitee maak 'n kworum uit.
- (3) (a) 'n Lid dien in die bestuurskomitee vir 'n tydperk van een jaar, maar kan weer aangewys word, en bly in sy amp aan totdat sy opvolger aangewys is. 45
- (b) By verstryking van die ampstermyn van 'n lid van 'n bestuurskomitee moet die vakature deur die betrokke raad op sy eersvolgende gewone vergadering gevul word of, by ontstentenis daarvan, op 'n spesiale vergadering wat die voorsitter van die raad vir dié doel binne 21 dae na dié gewone vergadering belê. 50
- (c) 'n Toevallige vakature in 'n bestuurskomitee ontstaan indien 'n lid van die komitee bedank, of indien hy ophou om lid van die betrokke raad te wees soos beoog in artikel 9 (3).
- (d) Indien 'n toevallige vakature in 'n bestuurskomitee ontstaan, moet die vakature deur die betrokke raad op sy eersvolgende gewone vergadering gevul word of, by ontstentenis daarvan, op 'n spesiale vergadering wat die voorsitter van die raad vir dié doel binne 21 dae na die gewone vergadering 55

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- (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 Joint Executive Authority for its decision, which decision shall be carried out by the board.
- 5 (5) The chairman may allow any person or institution which in his opinion has an interest in the functions of the board, to nominate a person to attend the proceedings of the board or any committee thereof and to take part in such discussions of the board or the committee concerned 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
- 10 in respect of any decision.
- (6) (a) Subject to the provisions of this Act, a board may approve standing orders for the regulation of its proceedings and of all other matters relating to the management, powers and duties of the board.
- (b) Any standing orders may—
- 15 (i) provide for the manner in which committees referred to in sections 11 and 12 may vote notwithstanding the provisions of section 7; and
- (ii) provide that any person contravening a provision of the standing orders shall be guilty of an offence and on conviction liable to a fine not exceeding R500 or in default of payment to imprisonment for a period
- 20 not exceeding three months.

Committees

11. (1) A board—
- (a) may appoint one or more committees to perform such functions as it may under section 15 be authorized to perform; and
- 25 (b) shall designate a chairman for any such committee and determine the quorum for meetings of such committee.
- (2) The chairman of the board shall be a member *ex officio* of every committee appointed under subsection (1) and, whenever he is for any reason absent or unable to act as chairman of the board or he requests the deputy chairman to act as chairman
- 30 of the board, such deputy chairman shall be such *ex officio* member: Provided that the chairman or deputy chairman of the board or any member of such committee who is not a member of the board shall not have a vote at any meeting of any such committee.

Management committee

- 35 12. (1) A board may and, if the Joint Executive Authority so requests, shall appoint a management committee for its region.
- (2) (a) A management committee shall consist of the chairman and the deputy chairman of the board, who shall be the chairman and deputy chairman of such committee respectively, and not more than six members, who shall be
- 40 members of the board designated by the board, and of whom not more than two members may be members of the same local body: Provided that the chairman shall not have a vote at any meeting of any such committee.
- (b) A majority of the total number of members of a management committee shall constitute a quorum.
- 45 (3) (a) A member shall serve on the management committee for a period of one year, but may again be designated, and shall remain in office until his successor is designated.
- (b) Upon the expiry of the term of office of any member of a management committee, the vacancy shall be filled by the board concerned at its next
- 50 ensuing ordinary meeting or, failing which, at a special meeting convened for that purpose by the chairman of the board within 21 days after that ordinary meeting.
- (c) A casual vacancy on a management committee shall occur if a member resigns as a member of such committee, or if he ceases to be a member of the board concerned as contemplated in section 9 (3).
- 55 (d) If a casual vacancy occurs on a management committee such vacancy shall be filled by the board concerned at its next ensuing ordinary meeting or, failing which, at a special meeting convened for that purpose by the chairman of the board within 21 days after that ordinary meeting, and the

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belê, en die persoon wat aangewys word om die vakature te vul, tree in daardie hoedanigheid op vir die onverstreke gedeelte van die ampstermyn van sy voorganger.

- (e) Indien 'n raad oortuig is dat sy bestuurskomitee tydelik nie kan funksioneer nie omdat geen kworum verkry kan word nie, kan die raad soveel lede 5
aanwys as wat nodig is om 'n kworum uit te maak, om tydelik in dié bestuurskomitee te dien in die plek van die afwesige lede totdat daardie lede weer 'n vergadering van dié bestuurskomitee kan bywoon.

(4) 'n Bestuurskomitee moet minstens een gewone vergadering hou gedurende die maand waarin die raad vergader soos in artikel 10 (1) beoog. 10

(5) 'n Spesiale vergadering van 'n bestuurskomitee—

- (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 bestuurskomitee daartoe versoek word.

Bevoegdhede van bestuurskomitee

15

13. (1) 'n Bestuurskomitee het die bevoegdheid—

- (a) om toe te sien dat die besluite van die raad uitgevoer word;
(b) om 'n aangeleentheid wat ingevolge die bepalinge van die een of ander wet aan die raad opgedra is (uitgesonderd 'n aangeleentheid wat die raad bepaal), te oorweeg en die raad daaromtrent te adviseer; 20
(c) om opgawes van die raad se inkomste en uitgawes op te stel;
(d) om die uitgawe van geld deur die raad in sy goedgekeurde begroting en alle ander geld of fondse deur die raad beskikbaar gestel, te beheer; en
(e) om by elke gewone vergadering van die raad oor die werksaamhede van die komitee verslag te doen. 25

Besluite, heroorweging en appèl

14. (1) 'n Besluit van 'n raad moet geneem word deur 'n meerderheid van minstens twee-derdes van die stemme van lede (uitgesonderd die voorsitter in artikel 8 (1) bedoel, wat nie oor 'n stem beskik nie) wat op 'n vergadering van die raad teenwoordig is. 30

- (2) (a) Indien 'n raad nie 'n besluit oor enige aangeleentheid kan neem nie omdat 'n meerderheid in subartikel (1) bedoel nie verkry is nie, moet die raad op sy daaropvolgende vergadering daardie aangeleentheid heroorweeg.
(b) Indien 'n raad by heroorweging van 'n aangeleentheid soos in paragraaf (a) beoog, nie 'n besluit kan neem nie omdat die vereiste meerderheid nie 35
verkry is nie—

- (i) geskied die verkiesing van die ondervoorsitter van die raad kragtens artikel 8 (2), die aanstelling van 'n komitee en die aanwysing van die voorsitter daarvan kragtens artikel 11 of die aanstelling van die lede van 'n bestuurskomitee kragtens artikel 12 deur 'n gewone meerderheid van die stemme van die lede wat op daardie vergadering teenwoordig is; en
(ii) moet enige ander aangeleentheid deur die voorsitter na die Gesamentlike Uitvoerende Owerheid vir sy beslissing verwys word.

- (3) (a) 'n Besluit van 'n raad, uitgesonderd 'n besluit in subartikel (2) (b) (i) 45
bedoel, moet op versoek van 'n plaaslike liggaam wat verteenwoordig was by die bespreking van die betrokke aangeleentheid op die vergadering waarop sodanige besluit geneem is, op die daaropvolgende vergadering van die raad, en daarna nie weer binne ses maande nie, heroorweeg word.
(b) 'n Plaaslike liggaam wat nie aldus verteenwoordig was nie, kan skriftelik 50
aan die voorsitter van die raad redes verstrek waarom hy nie aldus verteenwoordig was nie, waarop die voorsitter op versoek van daardie plaaslike liggaam moet besluit of die betrokke besluit aldus heroorweeg moet word.

(4) 'n Plaaslike liggaam wat in 'n raad verteenwoordig is en wie se belange geraak 55
word deur 'n besluit van daardie raad geneem na heroorweging ingevolge subartikel (3), kan binne die tydperk en op die wyse deur die Gesamentlike Uitvoerende Owerheid bepaal, teen daardie besluit by die Gesamentlike Uitvoerende Owerheid appèl aanteken, wat—

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- (ii) in the case of a person (other than a company) carrying on or deemed to be carrying on an enterprise in the region for his sole account or in partnership with one or more other persons, on his drawings in relation to such enterprise,
- 5 at a rate from time to time determined by the board with the concurrence of the Minister of Finance of the Republic acting after consultation with the Administrator of the Province of Natal and the Minister of Finance of KwaZulu, and published by the said Minister of Finance of the Republic by notice in the *Gazette*.
- 10 (c) A regional establishment levy shall be imposed on the basis and at the rate determined from time to time by the board with the concurrence of the Minister of Finance of the Republic acting after consultation with the Administrator of the Province of Natal and the Minister of Finance of KwaZulu and published by the said Minister of Finance of the Republic by
- 15 notice in the *Gazette*.
- (d) The Minister of Finance of the Republic may, after consultation with the Administrator of the Province of Natal and the Minister of Finance of KwaZulu, by notice in the *Gazette* determine the manner in which the regional services levy and the regional establishment levy shall be calculated and paid.
- 20 (e) The rate of any levy under paragraph (a) may differ in respect of different categories of enterprises or, as the case may be, different categories of employees.
- (2) The Minister of Finance of the Republic may in any notice contemplated in
- 25 subsection (1) (d)—
- (a) determine the circumstances in which an employee shall be deemed to be employed within a region;
- (b) determine the circumstances in which a person shall be deemed to be carrying on an enterprise within a region;
- 30 (c) determine how an amount upon which the regional establishment levy is payable shall be calculated;
- (d) exempt any employer or person from the regional services levy or the regional establishment levy in relation to any enterprise;
- (e) authorize the Commissioner for Inland Revenue of the Republic to—
- 35 (i) take such steps as the Commissioner may deem necessary to ensure that any levy payable under this Act is paid;
- (ii) conduct audits of the affairs of any person who is or may be liable for the payment of any such levy;
- (iii) require any person to produce for examination any books, records or
- 40 accounts or any other documents which in the opinion of the said Commissioner are or may be necessary to determine the liability of such person or any other person for the payment of any such levy;
- (iv) determine or estimate the liability of any person for any such levy and direct a board to make an assessment of such levy; and
- 45 (v) furnish a board with a ruling or directive on the interpretation of any provision of this Act or such notice relating to the determination of the liability of any person for the payment of any such levy, which ruling or directive the board shall be obliged to apply;
- (f) authorize a board to administer, subject to any ruling or directive furnished
- 50 by the said Commissioner under the provisions of paragraph (e) (v), any provision of this Act or of any such notice in so far as it relates to the determination of the liability of any person for or the payment or recovery of any such levy;
- (g) authorize a board, if it appears to the board that the total monthly amount
- 55 for which an employer or person in respect of the payment of a regional services levy and a regional establishment levy shall be liable, is less than the amount determined from time to time by the said Minister, to permit that employer or person to pay the total amount of such levies once per annum at the time determined in the permission;
- 60 (h) provide for an appeal against any decision of a board or the said Commissioner to the special court referred to in section 83 of the Income Tax Act, 1962 (Act No. 58 of 1962), and for an appeal against any decision of the said court;

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- (i) die ander voorsiening maak wat hy nodig ag om 'n raad in staat te stel om so 'n heffing op te lê en te vorder.
- (3) (a) Elke raad moet 'n rekening op sy naam open en in stand hou en daarin stort—
- (i) alle inkomste, skenkings, lenings, bewilligings en geld wat die raad uit enige bron ontvang; 5
 - (ii) boetes wat betaal word ten opsigte van 'n oortreding van die bepalings van hierdie Wet in die regsgebied van die raad; en
 - (iii) rente verkry uit die belegging van geld in hierdie paragraaf en paragraaf (b) bedoel. 10
- (b) Die Minister van Finansies van die Republiek kan, uit geld wat vir die doel deur die Parlement bewillig is, rentevrye voorskotte aan 'n raad voorsien om die werksaamhede van dié raad te finansier tot tyd en wyl dié raad genoegsame fondse bymeekaargemaak het om hom in staat te stel om dié lening te likwideer. 15
- (4) Geen geld mag uit die rekening bedoel in subartikel (3) getrek word nie, behalwe ooreenkomstig die bepalings van hierdie Wet.
- (5) 'n Raad moet voor die einde van sy boekjaar 'n afskrif van sy begroting vir die daaropvolgende boekjaar aan die Minister van Finansies van die Republiek voorlê en sy goedkeuring daarvan verkry. 20
- (6) 'n Raad moet een-twintigste persent van die totale opbrengste in 'n gegewe boekjaar van die heffings in subartikel (1) bedoel, of die ander persentasie daarvan wat die Minister van Finansies van die Republiek bepaal na oorlegpleging met die bevoegde owerheid, in 'n fonds stort wat genoemde Minister op aanbeveling van die Gesamentlike Uitvoerende Owerheid bepaal, vir die opleiding van persone in die diens van plaaslike liggame. 25
- (7) Behoudens die bepalings van subartikel (6) moet 'n raad by besluit die fondse in subartikel (3) bedoel, in of buite sy streek of volgens 'n ooreenkoms ingevolge artikel 5 (6) aanwend vir—
- (a) die delging of gedeeltelike delging van die koste aangegaan by die uitoefening of verrigting van 'n bevoegdheid of funksie wat ingevolge artikel 4 (1) (b) en (c) aan 'n raad opgedra word; 30
 - (b) die delging of gedeeltelike delging van die koste aangegaan in die streek deur 'n plaaslike liggaam by die uitoefening of verrigting van enige van sy bevoegdhede of funksies, maar mag geen betalings doen nie ten opsigte van 'n streeksdiens waarvoor vrystelling ingevolge artikel 6 verleen is; 35
 - (c) die delging of gedeeltelike delging van alle koste wat voortspruit uit die invordering van die heffings in subartikel (1) bedoel en die administrasie van hierdie Wet;
 - (d) die delging of gedeeltelike delging van die koste van die instelling, verbetering en instandhouding van 'n infrastruktuur vir, en die bedryf van vervoerdienste vir pendelaars tussen hulle wonings binne of buite, die streek of buite die Republiek en die plekke waar hulle in die streek werksaam is; 40
 - (e) enige ander doel wat die Gesamentlike Uitvoerende Owerheid na oorlegpleging met die Minister van Finansies van die Republiek goedkeur: 45
- Met dien verstande dat die raad by die vasstelling van die prioriteite in verband met die aanwending van fondse voorkeur moet verleen aan die instelling, verbetering en instandhouding van infrastruktuurdienste en infrastruktuurgeriewe in gebiede waar die grootste behoefte daaraan bestaan.
- (8) Geen werkgewer of persoon mag— 50
- (a) 'n heffing bedoel in subartikel (1) verhaal deur dit as 'n afsonderlike item by sy pryse of tariewe of die koste van sy dienste te tel nie;
 - (b) enige sodanige heffing van die lone of salarisse wat deur hom betaal word, aftrek nie;
 - (c) 'n werknemer afdank ten einde die betaling van enige sodanige heffing te vermy nie; of 55
 - (d) die salaris of loon van 'n werknemer verminder of hom op enige ander wyse benadeel nie ten einde 'n vermindering te bewerkstellig van die bedrag van sodanige heffing wat deur hom betaalbaar is.
- (9) 'n Heffing in subartikel (1) bedoel, kan deur 'n werkgewer of persoon as 'n bedryfsuitgawe vir die doeleindes van inkomstebelasting afgetrek word. 60
- (10) Iemand wat versuim om 'n heffing bedoel in subartikel (1) (a) te betaal, of wat 'n bepaling van subartikel (8) oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of gevangenisstraf vir 'n tydperk van hoogstens twaalf maande of met sowel sodanige boete as sodanige gevangenisstraf. 65

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- (i) make such other provision as he deems necessary to enable a board to impose and claim any such levy.
- (3) (a) Every board shall open and maintain an account in its name and shall pay into it—
- 5 (i) all income, donations, loans, appropriations and money received by the board from any source;
- (ii) fines paid in respect of any contravention of the provisions of this Act in the area of jurisdiction of the board; and
- 10 (iii) interest received on the investment of money referred to in this paragraph and paragraph (b).
- (b) The Minister of Finance of the Republic may, from moneys appropriated by Parliament for the purpose, make advances, free of interest, to any board for the purpose of financing the activities of such board until such time as the board has accumulated sufficient funds to enable it to liquidate
- 15 such loan.
- (4) No money shall be withdrawn from the account referred to in subsection (3) save in accordance with the provisions of this Act.
- (5) A board 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 of the Republic and
- 20 obtain his approval thereof.
- (6) A board shall pay one-twentieth per cent of the total proceeds, in a specific financial year, of the levies referred to in subsection (1) or such other percentage thereof as the Minister of Finance of the Republic may, after consultation with the competent authority, determine, into a fund determined by the said Minister on the
- 25 recommendation of the Joint Executive Authority, for the training of persons in the employ of local bodies.
- (7) Subject to the provisions of subsection (6), a board shall, by resolution, utilize the funds referred to in subsection (3) within or outside its region or in accordance with an agreement in terms of section 5 (6), for—
- 30 (a) the payment or part payment of the costs incurred in the exercise or performance of any power or function entrusted to a board in terms of section 4 (1) (b) and (c);
- (b) the payment or part payment of the costs incurred in the region by a local body in the exercise or performance of any of the powers or functions of
- 35 such local body, but shall not make any payments in respect of a regional service in respect of which exemption has been granted in terms of section 6;
- (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;
- 40 (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 Joint Executive Authority after consultation with the Minister of Finance of the Republic:
- Provided that in determining the priorities in connection with the utilization of funds the board shall give preference to the establishment, improvement and maintenance of infrastructural services and infrastructural facilities in areas where the greatest
- 50 needs therefor exist.
- (8) No employer or person shall—
- (a) recover a levy referred to in subsection (1) by adding it as a separate item to his prices or tariffs or the cost of his services;
- (b) deduct any such levy from the wages or salaries paid by him;
- 55 (c) dismiss any employee in order to avoid the payment of any such levy; or
- (d) reduce the salary or wages of or in any other manner penalize any employee in order to effect a reduction of the amount of such levy payable by him.
- (9) Any levy referred to in subsection (1) may be deducted as an operating expense for the purposes of income tax by any employer or person.
- 60 (10) Any person who fails to pay any levy referred to in subsection (1) (a) or who contravenes a provision of subsection (8) shall be guilty of an offence and on conviction be liable to a fine not exceeding R5000 or imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

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(11) 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 vir betaling ingevolge hierdie Wet voorgeskryf, word, tensy die betrokke raad met inagneming van die omstandighede van die geval anders gelas, rente op die uitstaande balans van die heffing deur daardie persoon betaalbaar teen dieselfde koers as die koers wat van tyd tot tyd bepaal word vir die doeleindes van paragraaf (b) van die omskrywing van "voorgeskrewe koers" in artikel 1 van die Inkomste-belastingwet, 1962 (Wet No. 58 van 1962), bereken vanaf die einde van genoemde tydperk. 5

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

Instelling van landelike rade

17. (1) In die geval van—

- (a) 'n streek wat in sy geheel binne daardie deel van die provinsie Natal geleë is wat nie deel uitmaak van die selfregerende gebied KwaZulu nie, of deel van so 'n streek, kan die Minister in artikel 24 (3) bedoel, volgens die betrokke bevolkingsgroep; 15
- (b) 'n streek wat in sy geheel binne die selfregerende gebied KwaZulu geleë is, of deel van so 'n streek, kan die Hoofminister van KwaZulu; en 20
- (c) 'n streek wat gedeeltelik binne daardie deel van die provinsie Natal wat nie deel uitmaak van die selfregerende gebied KwaZulu nie en gedeeltelik binne voornoemde selfregerende gebied geleë is, of deel van so 'n streek, kan die Minister in paragraaf (a) bedoel, handelende na oorlegpleging met die Administrateur van die provinsie Natal en genoemde Hoofminister 25

op aanbeveling van die Gesamentlike Uitvoerende Owerheid en met behoorlike inagneming van die aangeleenthede vermeld in Bylae 1, by kennisgewing in die *Staatskoerant* in die geval beoog in paragraaf (a), die *Offisiële Koerant* van KwaZulu in die geval beoog in paragraaf (b), en in albei sodanige *Koerante* in die geval beoog in paragraaf (c), met ingang van die datum in dié kennisgewing vermeld, een of meer landelike rade (maar altesaam hoogstens drie sodanige rade) instel om die belange van lede van enige bepaalde bevolkingsgroep te verteenwoordig, of om die belange van lede van meer as een bevolkingsgroep gesamentlik te verteenwoordig, wat in sodanige streek of deel daarvan, maar buite die regsgebied van 'n plaaslike owerheid, woonagtig is. 30 35

(2) Die lede van die landelike raad word verkies deur die persone bedoel in subartikel (1).

(3) 'n Landelike raad is met regspersoonlikheid bekleed.

(4) Die oogmerke van 'n landelike raad is om verteenwoordiging in 'n raad te verleen aan persone in 'n streek buite die regsgebiede van plaaslike owerhede om die belange en welsyn van dié persone te bevorder, en vir dié doel is 'n landelike raad bekleed en belas met die bevoegdhede en pligte wat—

- (a) in die geval van 'n landelike raad in 'n streek wat in sy geheel geleë is binne daardie deel van die provinsie Natal wat nie deel van die selfregerende gebied KwaZulu uitmaak nie, of deel van so 'n streek, die Minister in artikel 24 (3) bedoel volgens die betrokke bevolkingsgroep, handelende na oorleg met die bevoegde owerheid vir sodanige streek of deel daarvan; 45
- (b) in die geval van 'n landelike raad in 'n streek wat in sy geheel binne die selfregerende gebied KwaZulu geleë is, of deel van so 'n streek, die Hoofminister van KwaZulu; en 50
- (c) in die geval van 'n landelike raad in 'n streek wat geleë is gedeeltelik binne daardie deel van die provinsie Natal wat nie deel uitmaak van die selfregerende gebied KwaZulu nie en gedeeltelik binne genoemde selfregerende gebied, of deel van so 'n streek, die Minister in paragraaf (a) bedoel, handelende na oorleg met die Administrateur van die provinsie Natal en genoemde Hoofminister gesamentlik, 55

van tyd tot tyd identifiseer in die *Staatskoerant* in die geval beoog in paragraaf (a), of die *Offisiële Koerant* van KwaZulu in die geval beoog in paragraaf (b), en in albei sodanige *Koerante* in die geval beoog in paragraaf (c), as die bevoegdhede en pligte van sodanige landelike raad, maar sodanige bevoegdhede mag nie die bevoegdheid om 'n heffing of diensvordering op te lê of om belasting op onroerende goed te hef, insluit nie. 60

(11) If any person who is liable for the payment of a levy under subsection (1) fails to pay such levy in full within the period for payment prescribed in terms of this Act, interest shall, unless the relevant board, having regard to the circumstances of the case, otherwise directs, become payable by that person on the balance of the levy outstanding at the same rate as the rate determined from time to time for the purposes of paragraph (b) of the definition of "prescribed rate" in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962), reckoned from the end of the said period.

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

Establishment of rural councils

17. (1) In the case of—

- 15 (a) a region which is situate in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or part of such region, the Minister referred to in section 24(3), according to the population group concerned;
 - (b) a region which is situate in its entirety within the self-governing territory of KwaZulu, or part of such region, the Chief Minister of KwaZulu; and
 - 20 (c) a region which is situate partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said self-governing territory, or part of such region, the Minister contemplated in paragraph (a), acting after consultation with the Administrator of the Province of Natal and the said Chief Minister jointly,
- 25 may, on the recommendation of the Joint Executive Authority and with due regard to the matters mentioned in Schedule 1, by notice in the *Gazette* in the case contemplated in paragraph (a), the *Official Gazette* of KwaZulu in the case contemplated in paragraph (b), and in both such *Gazettes* in the case contemplated in paragraph (c), establish, with effect from the date mentioned in such notice, one
- 30 or more rural councils (but not exceeding three such councils in all) to represent the interests of members of any particular population group, or to represent the interests jointly of members of more than one population group, who are resident in such region or part but outside the area of jurisdiction of a local authority.

(2) The members of the rural council shall be elected by the persons referred to in subsection (1).

(3) A rural council shall be a juristic person.

(4) The objects of a rural council are to grant representation on a board to persons in a region outside the areas of jurisdiction of local authorities to promote the interests and welfare of those persons, and for such purpose a rural council shall be

40 vested and entrusted with the powers and duties which—

- (a) in the case of a rural council in any region which is situate in its entirety within that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu, or part of such region, the Minister referred to in section 24 (3) according to the population group concerned acting after consultation with the competent authority concerned;
 - 45 (b) in the case of a rural council in any region which is situate in its entirety within the self-governing territory of KwaZulu, or part of such region, the Chief Minister of KwaZulu; and
 - 50 (c) in the case of a rural council in any region which is situate partly in that part of the Province of Natal which does not form part of the self-governing territory of KwaZulu and partly in the said self-governing territory, or part of such region, the Minister contemplated in paragraph (a), acting after consultation with the Administrator of the Province of Natal and the said Chief Minister jointly,
- 55 may from time to time identify in the *Gazette* in the case contemplated in paragraph (a), or the *Official Gazette* of KwaZulu in the case contemplated in paragraph (b), and in both such *Gazettes* in the case contemplated in paragraph (c), as the powers and duties of such rural council, but such powers shall not include the power to impose any levy or service charge or to levy taxes on immovable property.

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(5) Die uitgawes in verband met die administrasie van 'n landelike raad word bestry uit geld deur die Parlement vir dié doel bewillig.

Regulasies

18. (1) (a) Die bevoegde owerheid kan op aanbeveling van die Gesamentlike Uitvoerende Owerheid en behoudens die bepalings van subartikel (3), by kennisgewing in die *Offisiële Koerant* regulasies uitvaardig ten opsigte van enige aangeleentheid in hierdie Wet bedoel (uitgesonderd 'n aangeleentheid in artikel 16 beoog, maar met inbegrip van 'n aangeleentheid in die voorbehoudsbepaling by subartikel (7) daarvan beoog) wat na die mening van die Gesamentlike Uitvoerende Owerheid nodig of dienstig is vir die doeltreffende uitvoering of bevordering van die bepalings en oogmerke van hierdie Wet.
- (b) Verskillende regulasies kan ingevolge paragraaf (a) ten opsigte van verskillende streke uitvaardig word.
- (2) (a) Die Minister van Finansies van die Republiek kan, op aanbeveling van die Gesamentlike Uitvoerende Owerheid en behoudens die bepalings van subartikel (3), regulasies uitvaardig met betrekking tot enige aangeleentheid in artikel 16 bedoel (uitgesonderd 'n aangeleentheid beoog in die voorbehoudsbepaling by subartikel (7) daarvan) wat na sy mening nodig of dienstig is vir die doeltreffende uitvoering of bevordering van die bepalings en oogmerke van hierdie Wet.
- (b) Verskillende regulasies kan ingevolge paragraaf (a) ten opsigte van verskillende streke uitvaardig word, en verskillende tariewe of vrystellings van heffings kan vir verskillende streke bepaal word.
- (3) Indien 'n regulasie kragtens hierdie artikel van toepassing moet wees in 'n streek wat buite die selfregerende gebied KwaZulu geleë is, of 'n deel van so 'n streek, kan dié regulasie slegs uitvaardig word met die instemming van die Ministers in artikel 2 (2) (a) (iii) en 24 (3) bedoel.
- (4) In die geval van 'n botsing tussen 'n regulasie kragtens hierdie artikel en 'n ordonnansie van die provinsie Natal, 'n wet van die Wetgewende Vergadering van KwaZulu of 'n regulasie van krag kragtens so 'n ordonnansie of wet, geld eersgenoemde regulasie.
- (5) 'n Regulasie kragtens hierdie artikel kan voorsiening maak vir strawwe vir 'n oortreding daarvan of 'n vérsuim om daaraan te voldoen, van hoogstens 'n boete van R5 000 of gevangenisstraf vir 'n tydperk van hoogstens 12 maande of sowel sodanige boete as sodanige gevangenisstraf.

Rekeninge en audit

19. (1) Die raad moet volledige en juiste rekenings laat hou van alle geld deur hom ontvang of bestee, van al sy bates en laste en van alle finansiële transaksies deur hom aangegaan.
- (2) Die boeke, state, rekenings en balansstate van 'n raad word deur die Ouditeur-generaal van die Republiek geouditeer.

Geheimhouding

20. (1) Iemand wat diens doen by die uitvoering van die bepalings van hierdie Wet, mag nie—
- (a) enige aangeleentheid ten opsigte van iemand anders wat by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens genoemde bepalings tot sy kennis kom, aan iemand of sy verteenwoordiger openbaar nie; of
- (b) iemand toelaat om toegang te verkry tot aantekeninge in die besit of 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 gereghof: Met dien verstande dat die Kommissaris van Binnelandse Inkomste by die uitvoering van sy werksaamhede kragtens hierdie Wet of enige ander wet, toegang het tot alle aantekeninge en stukke in die besit of bewaring van die raad vir die doeleindes van hierdie Wet.

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(5) The expenditure in connection with the administration of a rural council shall be defrayed out of money appropriated by Parliament for such purpose.

Regulations

- 5 18. (1) (a) The competent authority may, on the recommendation of the Joint Executive Authority and 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 16, but including a matter contemplated in the proviso to subsection (7) thereof) which in the opinion of the Joint Executive Authority are necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Act.
- 10 (b) Different regulations may be made in terms of paragraph (a) in respect of different regions.
- 15 (2) (a) The Minister of Finance of the Republic may, on the recommendation of the Joint Executive Authority and subject to the provisions of subsection (3), make regulations in regard to any matter referred to in section 16 (excluding a matter contemplated in the proviso to subsection (7) thereof) which in his opinion are necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Act.
- 20 (b) Different regulations may be made in terms of paragraph (a) in respect of different regions, and different rates of or exemptions from levies may be determined for different regions.
- (3) If any regulation under this section is to be applicable in any region which is situate outside the self-governing territory of KwaZulu, or any part of such region, such regulation shall be made only with the concurrence of the Ministers referred to in sections 2 (2) (a) (iii) and 24 (3).
- 25 (4) In the case of a conflict between a regulation under this section and an ordinance of the Province of Natal, a law of the KwaZulu Legislative Assembly or any regulation in force under any such ordinance or law, such first-mentioned regulation shall prevail.
- 30 (5) Any regulation under this section may provide for penalties for any contravention thereof or failure to comply therewith not exceeding a fine of R5 000 or imprisonment for a period not exceeding 12 months or both such fine and such imprisonment.

35 Accounts and audit

19. (1) The board shall cause full and correct accounts to be kept of all moneys received or expended by it, of all its assets and liabilities and of all financial transactions concluded by it.
- (2) The books, statements, accounts and balance sheets of a board shall be audited by the Auditor-General of the Republic.
- 40

Secrecy

20. (1) A person employed in the carrying out of the provisions 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 board,
- 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 Commissioner for Inland Revenue shall, in the exercise of his functions under this Act or any other law, have access to all records and documents in the possession or custody of the board for the purposes of this Act.
- 50

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(2) 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 met sodanige boete sowel as sodanige gevangenisstraf.

Verstreking van inligting

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21. 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 van die Republiek of iemand deur hom aangewys, aan 'n raad die inligting verstrek wat na die oordeel van genoemde Kommissaris of persoon nodig is vir die bepaling en invordering van 'n streeksdiensteheffing of 'n streeksvestigingsheffing.

Verwydering van strydighede en administratiewe probleme

22. (1) Indien dit by die toepassing van hierdie Wet blyk dat 'n bepaling daarvan in stryd met 'n ander wet is of dat administratiewe probleme ondervind word—

- (a) in 'n streek wat nie in die selfregerende gebied KwaZulu geleë is nie, of 'n deel van so 'n streek, kan die Minister van Beplanning en Provinsiale Sake van die Republiek, na oorleg met die Gesamentlike Uitvoerende Owerheid en behoudens die bepalings van subartikel (2) (a) en (b), by kennisgewing in die *Staatskoerant* regulasies uitvaardig ten einde sodanige strydigheid of administratiewe probleme uit die weg te ruim; en
- (b) in 'n streek wat in die selfregerende gebied KwaZulu geleë is, of 'n deel van so 'n streek, kan die Hoofminister van KwaZulu, na oorleg met die Gesamentlike Uitvoerende Owerheid, by kennisgewing in die *Offisiële Koerant* en behoudens die bepalings van subartikel (2) (c), regulasies uitvaardig ten einde sodanige strydigheid of administratiewe probleme uit die weg te ruim.
- (2) (a) Die betrokke Minister mag 'n regulasie bedoel in subartikel (1) (a) slegs met die instemming van die Minister bedoel in artikel 24 (3) uitvaardig.
- (b) Ten opsigte van enige aangeleentheid in artikel 16 bedoel, word 'n regulasie kragtens subartikel (1) (a) uitgevaardig soos daarin beoog deur die Minister van Finansies van die Republiek.
- (c) Ten opsigte van enige aangeleentheid in artikel 16 bedoel, word 'n regulasie kragtens subartikel (1) (b) uitgevaardig soos daarin beoog deur die Minister van Finansies van KwaZulu, na oorleg met die Minister van Finansies van die Republiek.
- (3) (a) 'n Afskrif van 'n regulasie ingevolge subartikel (1) moet deur die betrokke Minister in die Parlement of die Wetgewende Vergadering van KwaZulu ter Tafel gelê word binne 14 dae na die uitvaardiging daarvan, indien die Parlement of dié Wetgewende Vergadering dan in sessie is of, indien die Parlement of dié Wetgewende Vergadering dan nie in sessie is nie, binne 14 dae na die aanvang van sy eersvolgende sessie.
- (b) Indien die Parlement of die Wetgewende Vergadering van KwaZulu so 'n regulasie of 'n bepaling daarvan afkeur, verval die regsrag van dié regulasie of dié bepaling vir sover dit aldus afgekeur word, dog sonder om afbreuk te doen aan die geldigheid van iets wat ingevolge dié regulasie of dié bepaling gedoen is tot die datum waarop die regsrag daarvan aldus verval het, of aan 'n reg, voorreg, verpligting of aanspreeklikheid wat op genoemde datum kragtens en uit hoofde van dié regulasie of dié bepaling verkry, opgehoop of aangegaan is.

Wet bindend vir Staat en statutêre liggame, en uitwerking van sekere vrystellings van belasting of heffings

23. Hierdie Wet bind die Staat en alle liggame by of kragtens 'n wet ingestel, en geen bepaling vervat in 'n ander wet afgekondig voor of op 31 Julie 1985 wat voorsiening maak vir 'n vrystelling van enige belastings of heffings, is op die streeksdiensteheffing of streeksvestigingsheffing van toepassing nie.

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(2) 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.

5 Furnishing of information

21. 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 of the Republic or any person designated by him, may furnish to a board such information as in the opinion of the said Commissioner or person is necessary for the determination and collection of any regional services levy or regional establishment levy.

Removal of conflict and administrative problems

22. (1) If in the application of this Act it appears that any provision thereof is in conflict with any other law or that administrative problems are being experienced—
- 15 (a) in any region which is not situate in the self-governing territory of KwaZulu, or any part of such region, the Minister of Planning and Provincial Affairs of the Republic may, after consultation with the Joint Executive Authority and subject to the provisions of subsection (2) (a) and (b), by notice in the *Gazette* make regulations to remove such conflict or
- 20 administrative problems; and
- (b) in any region which is situate in the self-governing territory of KwaZulu, or any part of such region, the Chief Minister of KwaZulu may, after consultation with the Joint Executive Authority and subject to the provisions of subsection (2) (c), by notice in the *Official Gazette* make regulations to remove such conflict or administrative problems.
- 25 (2) (a) The Minister concerned shall make a regulation referred to in subsection (1) (a) only with the concurrence of the Minister referred to in section 24 (3).
- (b) In respect of any matter referred to in section 16, a regulation under subsection (1) (a) shall be made as contemplated therein by the Minister of Finance of the Republic.
- 30 (c) In respect of any matter referred to in section 16, a regulation under subsection (1) (b) shall be made as contemplated therein by the Minister of Finance of KwaZulu after consultation with the Minister of Finance of the Republic.
- 35 (3) (a) A copy of a regulation in terms of subsection (1) shall be laid upon the Table in Parliament or in the Legislative Assembly of KwaZulu by the Minister concerned within 14 days after the publication thereof if Parliament or such Legislative Assembly is then in session or, if Parliament or such Legislative Assembly is then not in session, within 14 days after the commencement of its next ensuing session.
- 40 (b) If Parliament or the Legislative Assembly of KwaZulu disapproves of any such regulation or any provision thereof, such regulation or such provision shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such regulation or such provision up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such regulation or such provision.
- 45

50 Act binding on State and statutory bodies, and effect of certain exemptions from taxes or levies

23. This Act shall bind the State and all bodies established by or under any law, and no provision contained in any other law published on or before 31 July 1985 providing for an exemption from any taxes or levies shall be applicable to the

55 regional services levy or the regional establishment levy.

Wet No. 84, 1990

WET OP GESAMENTLIKE DIENSTE VIR KWAZULU EN NATAL,
1990**Algemeen****24. (1) Die bepalings van hierdie Wet—**

- (a) is ondanks enige andersluidende bepaling in die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971), van krag en van toepassing in die provinsie Natal en enige deel van die selfregerende gebied KwaZulu wat buite daardie provinsie geleë is; 5
- (b) is aanvullend tot en nie ter vervanging nie van die bepalings van die Wet op die Gesamentlike Uitvoerende Owerheid vir KwaZulu en Natal, 1986 (Wet No. 80 van 1986), en enige proklamasie uitgevaardig ingevolge artikel 2 (4) van laasgenoemde Wet; en 10
- (c) word uitgelê asof die Wetgewende Vergadering en die Uitvoerende Gesag van die selfregerende gebied KwaZulu, soos ingestel by Proklamasie No. R.11 van 28 Januarie 1977, ingevolge die Grondwet van die Nasionale State, 1971, nie wetgewende en uitvoerende bevoegdhede het nie oor aangeleenthede wat in hierdie Wet behandel word. 15

(2) Iets wat in die *Staatskoerant* of 'n *Offisiële Koerant* deur of in opdrag van die Gesamentlike Uitvoerende Owerheid of 'n raad gepubliseer moet word, moet deur die hoof- uitvoerende beampte van die Gesamentlike Uitvoerende Owerheid of die voorsitter van die raad, na gelang van die geval, onderteken word.

(3) Indien die Administrateur van die provinsie Natal, as die bevoegde owerheid soos bedoel in paragraaf (a) van die omskrywing van "bevoegde owerheid" in artikel 1, sy instemming by die toepassing van hierdie Wet moet verleen, word sodanige instemming slegs verleen met die instemming van die betrokke Ministers van die Republiek wat aangestel is om plaaslike bestuursaangeleenthede te administreer. 20

(4) Uitgawes aangegaan deur 'n plaaslike owerheid of 'n ander liggaam ingevolge 'n bepaling van 'n wet wat deur hierdie Wet gewysig of herroep is, en wat ingevolge 'n bepaling van hierdie Wet aangegaan sou kon word, word na goeë dunde van die Gesamentlike Uitvoerende Owerheid geag aangegaan te gewees het ingevolge laasgenoemde bepaling. 25

Herroeping en wysiging van wette

30

25. Die wette in Bylae 3 vermeld, vir sover hulle van toepassing is op die provinsie Natal en daardie deel van KwaZulu wat buite daardie provinsie geleë is, word hierby herroep of gewysig in die mate in die derde kolom daarvan aangedui.

Kort titel en inwerkingtreding

26. (1) Hierdie Wet heet die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 35

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

KWAZULU AND NATAL JOINT SERVICES ACT, 1990

Act No. 84, 1990

General

24. (1) The provisions of this Act shall—
- (a) notwithstanding anything to the contrary in the National States Constitution Act, 1971 (Act No. 21 of 1971), be of force and effect in the Province of Natal and any portion of the self-governing territory of KwaZulu which is situate outside that Province;
 - (b) be in addition to and not in substitution of the provisions of the Joint Executive Authority for KwaZulu and Natal Act, 1986 (Act No. 80 of 1986), and any proclamation issued in terms of section 2 (4) of the last-mentioned Act; and
 - (c) be construed as if the Legislative Assembly and the Executive Government of the self-governing territory of KwaZulu, as established by Proclamation No. R.11 of 28 January 1977 in terms of the National States Constitution Act, 1971, do not have legislative and executive powers over matters dealt with in this Act.
- (2) Anything required to be published in the *Gazette* or an *Official Gazette* by or at the instance of the Joint Executive Authority or a board shall be signed by the chief executive officer of the Joint Executive Authority or the chairman of the board, as the case may be.
- (3) Where the Administrator of the Province of Natal is, as the competent authority referred to in paragraph (a) of the definition of "competent authority" in section 1, required to grant concurrence for the purposes of this Act, such concurrence shall only be granted with the concurrence of the Ministers concerned of the Republic who are appointed to administer local government matters.
- (4) Any expenditure incurred by a local authority or any other body in terms of a provision of a law amended or repealed by this Act and which could be incurred in terms of a provision of this Act, shall in the discretion of the Joint Executive Authority be deemed to have been incurred in terms of the last-mentioned provision.

30 Repeal and amendment of laws

25. The laws mentioned in Schedule 3, in so far as they apply to the Province of Natal and that part of KwaZulu which falls outside that province, are hereby repealed or amended to the extent indicated in the third column thereof.

Short title and commencement

26. (1) This Act shall be called the KwaZulu and Natal Joint Services Act, 1990, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.
- (2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

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WET OP GESAMENTLIKE DIENSTE VIR KWAZULU EN NATAL,
1990**Bylae 1**

Aangeleenthede in artikel 2 (2) (c) 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 selfversorging ten opsigte van dienslewering.
8. Ontwikkelingspotensiaal.

Bylae 2

Funksies in artikel 4 (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. Omgewingsbewaring.
20. Bevordering van toerisme.
21. Die instelling, verbetering en instandhouding van ander infrastruktuurdienste en -fasiliteite.
22. Ander strecksfunksies.

KWAZULU AND NATAL JOINT SERVICES ACT, 1990

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Schedule 1

Matters referred to in section 2 (2) (c)

1. Community of interest 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 residence, 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 4 (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.

Wet No. 84, 1990

WET OP GESAMENTLIKE DIENSTE VIR KWAZULU EN NATAL,
1990

Bylae 3

No. en jaar van wet	Titel	Omvang van herroeping of wysiging
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 bedoel in artikel 16 van hierdie Wet in dié 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 bedoel in artikel 16 van hierdie Wet in dié streek ingestel word.
Ordonnansie No. 11 van 1973, van Natal	Ordonnansie op Lisensies en Besigheidsure, 1973	Die herroeping van enige bepaling wat 'n verpligting opleë om lisensiegeld bedoel in artikel 9 (3) te betaal met betrekking tot 'n streek vanaf die datum waarop die heffings bedoel in artikel 16 van hierdie Wet in dié streek ingestel word.
Wet No. 88 van 1967	Wet op Fisiese Beplanning, 1967	(a) Die wysiging van artikel 1 deur na die omskrywing van "gebou" die volgende omskrywing in te voeg: <u>"gesamentlike diensteraad" 'n gesamentlike diensteraad ingestel kragtens artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990;"</u> en (b) die wysiging van artikel 6A— (i) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang: <u>"(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] gesamentlike diensteraad verteenwoordig word, moet 'n afskrif van sodanige voorstelle by die betrokke [streeksdiensteraad] gesamentlike diensteraad ingedien word."</u> (ii) deur subartikel (9) deur die volgende subartikel te vervang: <u>"(9) Na ontvangs van die ondersoekkomitee se advies moet die Direkteur-generaal daardie advies, alle kommentaar en versoë 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] gesamentlike diensteraad op wie se gebied die betrokke plan betrekking het binne 60 dae, of die langer tydperk wat die Minister bepaal, aan die Minister voorlê."</u> (iii) deur die voorbehoudsbepaling by subartikel (12) deur die volgende voorbehoudsbepaling te vervang: <u>"Met dien verstande dat in die geval waar die skema of grond in hierdie subartikel bedoel binne die regsgebied van 'n [streeksdiensteraad] gesamentlike diensteraad geleë is, 'n verwysing in hierdie subartikel na 'Administrateur' uitgelê word as 'n verwysing na die betrokke [streeksdiensteraad] gesamentlike diensteraad."</u> (iv) deur die voorbehoudsbepaling by paragraaf (a) van subartikel (13) deur die volgende voorbehoudsbepaling te vervang: <u>"Met dien verstande dat waar 'n gidsplan in hierdie paragraaf bedoel, betrekking het op grond wat binne die regsgebied van 'n [streeksdiensteraad] gesamentlike diensteraad 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] gesamentlike diensteraad'."</u>

KWAZULU AND NATAL JOINT SERVICES ACT, 1990

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Schedule 3

No. and year of law	Title	Extent of repeal or amendment
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 16 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 16 of this Act are introduced in that region.
Ordinance No. 11 of 1973, of Natal	Licences and Business Hours Ordinance, 1973	The repeal of any provision imposing a 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 16 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 "industrial activities" of the following definition: "<u>joint services board</u> means a <u>joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990</u>"; and (b) the amendment of section 6A— (i) by the substitution for paragraph (b) of subsection (4) of the following paragraph: "(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 <u>[regional services council] joint services board</u>, a copy of such proposals shall be submitted to the <u>[regional services council] joint services board</u> concerned."; (ii) by the substitution for subsection (9) of the following subsection: "(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 <u>[regional services council] joint services board</u> 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."; (iii) by the substitution for the proviso to subsection (12) of the following proviso: "Provided that where the scheme or land referred to in this subsection is situated within the area of jurisdiction of a <u>[regional services council] joint services board</u>, any reference in this subsection to 'Administrator' shall be construed as a reference to the <u>[regional services council] joint services board</u> concerned."; (iv) by the substitution for the proviso to paragraph (a) of subsection (13) of the following proviso: "Provided that where a guide plan referred to in this paragraph, applies to land situated within the area of jurisdiction of a <u>[regional services council] joint services board</u>, any reference in this paragraph to 'Minister' and 'Administrator', wherever they occur, shall be construed as a reference to 'Administrator' and '<u>[regional services council] joint services board</u> concerned', respectively.";

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WET OP GESAMENTLIKE DIENSTE VIR KWAZULU EN NATAL,
1990

No. en jaar van wet	Titel	Omvang van herroeping of wysiging
		(v) deur die voorbehoudsbepaling by paragraaf (b) van subartikel (13) deur die volgende voorbehoudsbepaling te vervang: “Met dien verstande dat waar 'n plan of planne in hierdie paragraaf bedoel, betrekking het op grond wat binne die regsgebied van 'n <u>[streeksdiensteraad]</u> gesamentlike diensteraad 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 <u>[streeksdiensteraad]</u> gesamentlike diensteraad' en 'hoof-uitvoerende beampte van die betrokke <u>[streeksdiensteraad]</u> gesamentlike diensteraad'.”; (vi) deur die voorbehoudsbepaling by paragraaf (c) van subartikel (13) deur die volgende voorbehoudsbepaling te vervang: “Met dien verstande dat waar 'n plan of planne in hierdie paragraaf bedoel, betrekking het op grond wat binne die regsgebied van 'n <u>[streeksdiensteraad]</u> gesamentlike diensteraad 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 <u>[streeksdiensteraad]</u> gesamentlike diensteraad'.”; en (vii) deur paragraaf (b) van subartikel (19) deur die volgende paragraaf te vervang: “(b) die kommentaar van die betrokke Administrateur en die betrokke <u>[streeksdiensteraad]</u> gesamentlike diensteraad en, indien grond wat ingevolge die gidsplan vir landbou-doeleindes 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	Die wysiging van artikel 1—
		(a) deur paragraaf (b) van die omskrywing van “Administrateur” deur die volgende paragraaf te vervang: “(b) by die toepassing van artikels 11, 12, 13, 14, 15 en 16 in die geval waar 'n <u>[streeksdiensteraad]</u> gesamentlike diensteraad as 'n kernstad aangewys word, die betrokke <u>[streeksdiensteraad]</u> gesamentlike diensteraad.”; en (b) deur na die omskrywing van “fonds” die volgende omskrywing in te voeg: “‘gesamentlike diensteraad’ 'n gesamentlike diensteraad ingestel kragtens artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990.”.
Wet No. 115 van 1984	Wet op die Besoldiging van Stads-klerke, 1984	Die wysiging van artikel 1 deur in subartikel (1) paragraaf (a) van die omskrywing van “plaaslike owerheid” deur die volgende paragraaf te vervang:
Wet No. 117 van 1984	Wet op Stemreg vir Plaaslike Owerheidsliggame, 1984	“(a) 'n gesamentlike diensteraad ingestel kragtens artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990.”. Die wysiging van artikel 1 deur in subartikel (1) paragraaf (d) van die omskrywing van “regspersoon” deur die volgende paragraaf te vervang: “(d) 'n gesamentlike diensteraad beoog in artikel 4 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990; en”.
Wet No. 109 van 1985	Wet op Streekdienstere, 1985	Die herroeping van die geheel.

KWAZULU AND NATAL JOINT SERVICES ACT, 1990

Act No. 84, 1990

No. and year of law	Title	Extent of repeal or amendment
		(v) by the substitution for the proviso 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] joint services board, 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] joint services board concerned and ‘chief executive officer of the [regional services council] joint services board concerned’, respectively.”; (vi) by the substitution for the proviso 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] joint services board, any reference in this paragraph to ‘Minister’ and ‘Administrator’, wherever they occur, shall be construed as a reference to ‘Administrator’ and [regional services council] joint services board 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] joint services board 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	The amendment of section 1— (a) by the substitution for paragraph (b) of the definition of “Administrator” of the following paragraph: “(b) for the purposes of sections 11, 12, 13, 14, 15 and 16 in the case where a [regional services council] joint services board is designated as a core city, the [regional services council] joint services board concerned.”; and (b) by the insertion after the definition of “guide plan committee” of the following definition: “‘joint services board’ means a joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990.”.
Act No. 115 of 1984	Remuneration of Town Clerks Act, 1984	The amendment of section 1 by the substitution in subsection (1) for paragraph (a) of the definition of “local authority” of the following paragraph: “(a) a joint services board established under section 4 of the KwaZulu and Natal Joint Services Act, 1990.”.
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 joint services board contemplated in section 4 of the KwaZulu and Natal Joint Services Act, 1990; and”.
Act No. 109 of 1985	Regional Services Councils Act, 1985	The repeal of the whole.

Wet No. 84, 1990

WET OP GESAMENTLIKE DIENSTE VIR KWAZULU EN NATAL,
1990

No. en jaar van wet	Titel	Omvang van herroeping of wysiging
Wet No. 41 van 1987	Elektrisiteitswet, 1987	Die wysiging van artikel 6 deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang: “(d) ’n <u>[streeksdiensteraad]</u> gesamentlike diensteraad, vir die doeleindes van die voorsiening van elektrisiteit— (i) binne die regsgebied van ’n plaaslike owerheid; en (ii) binne ’n gebied ten opsigte waarvan die raad ’n lisensie aan ’n plaaslike owerheid toegestaan het, ten opsigte van welke regsgebied of gebied die bevoegdhede en pligte, of ’n gedeelte daarvan, met betrekking tot die voorsiening van elektrisiteit, aan sodanige <u>[streeksdiensteraad]</u> gesamentlike diensteraad opgedra word, maar onderworpe aan die voorwaardes van ’n lisensie in subparagraaf (ii) bedoel;”.

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No. and year of law	Title	Extent of repeal or amendment
Act No. 41 of 1987	Electricity Act, 1987	The amendment of section 6 by the substitution for paragraph (d) of subsection (1) of the following paragraph: “(d) any [regional services council] joint services board, for the purposes of the supply of electricity— (i) within the area of jurisdiction of a local authority; and (ii) within any area in respect of which the board has granted a licence to a local authority, in respect of which area of jurisdiction or area the powers and duties, or any part thereof, in regard to the supply of electricity are entrusted to such [regional services council] joint services board, but subject to the conditions of any licence referred to in subparagraph (ii);”

