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GOVERNMENT GAZETTE

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1623.

13 Julie 1990

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

No. 121 van 1990: Wysigingswet op Landelike Gebiede (Raad van Verteenwoordigers), 1990.

No. 1623.

13 July 1990

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

No. 121 of 1990: Rural Areas Amendment Act (House of Representatives), 1990.

Wet No. 121, 1990

WYSIGINGSWET OP LANDELIKE GEBIEDE (RAAD VAN VERTEENWOORDIGERS), 1990

ALGEMENE VERDUIDELIKENDE NOTA:

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

WET

Tot wysiging van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987, ten einde 'n sekere uitdrukking verder te omskrywe; die bevoegdhede van die Minister ten opsigte van bestuursrade uit te brei; vir die aanstelling van komitees van ondersoek voorsiening te maak; en die beplanning en uitleg van ingelyfde gebiede en bestaande gebiede verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)

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

Wysiging van artikel 1 van Wet 9 van 1987

1. Artikel 1 van die Wet op Landelike Gebiede (Raad van Verteenwoordigers), 1987 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing 5 van "Minister" deur die volgende omskrywing te vervang:

"Minister" die Minister wat as lid van die Ministersraad van die Raad van Verteenwoordigers hierdie Wet uitvoer;".

Vervanging van artikel 40 van Wet 9 van 1987

2. Artikel 40 van die Hoofwet word hierby deur die volgende artikel vervang: 10

"Bevoegdhede van Minister ten opsigte van bestuursraad

40. (1) Die Minister kan, indien hy, na aanleiding van 'n aanbeveling van 'n komitee kragtens artikel 40A aangestel of van die gronde van 'n versoek deur 'n bestuursraad, of uit eie beweging, oortuig is dat 'n raad versuim om enige bevoegdheid uit te oefen of enige plig te verrig wat by hierdie Wet aan die raad verleen of hom opgelê word, of dat daar nie 'n kworum vir 'n raad bestaan nie of dat 'n raad ontbind is, een of meer persone aanstel om vanaf 'n bepaalde datum bedoelde bevoegdheid of plig, vir sover die Minister gelas, uit te oefen of te verrig. 15

(2) Genoemde raad word dienooreenkomstig enige sodanige bevoegdheid ontnem en van enige sodanige plig onthef. 20

(3) 'n Persoon kragtens subartikel (1) aangestel—

- (a) beklee sy amp solank dit die Minister behaag;
- (b) oefen die bevoegdhede uit en verrig die pligte ten opsigte waarvan hy kragtens subartikel (1) aangestel is; en 25
- (c) doen enigiets wat met betrekking tot die uitoefening van bedoelde bevoegdhede of die verrigting van bedoelde pligte deur die betrokke bestuursraad gedoen sou kon word.

(4) Die koste van die uitoefening van so 'n bevoegdheid of verrigting van so 'n plig word uit die fondse van die raad betaal, en by gebrek aan 30

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GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Rural Areas Act (House of Representatives), 1987, so as to further define a certain expression; to extend the powers of the Minister in respect of boards of management; to provide for the appointment of committees of inquiry; and to further regulate the planning and layout of incorporated areas and existing areas; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 28 June 1990.)*

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

Amendment of section 1 of Act 9 of 1987

1. Section 1 of the Rural Areas Act (House of Representatives), 1987 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister who as a member of the Ministers' Council of the House of Representatives administers this Act;".

Substitution of section 40 of Act 9 of 1987

2. The following section is hereby substituted for section 40 of the principal Act:

"Powers of Minister in respect of board of management

40. (1) The Minister may if, in consequence of the recommendation of a committee appointed under section 40A or of the grounds of a request by a board of management, or of his own accord, he is satisfied that a board fails to exercise any power or to perform any duty conferred or imposed upon the board by this Act, or that there is no quorum for a board or that a board has been dissolved, appoint one or more persons to exercise such power or to perform such duty, in so far as the Minister may direct, as from a particular date.

(2) The said board shall accordingly be deprived of any such power and relieved of any such duty.

(3) A person appointed under subsection (1)—

- (a) shall hold office during the Minister's pleasure;
- (b) shall exercise the powers and perform the duties in respect of which he has been appointed under subsection (1); and
- (c) shall do anything which could have been done by the board of management concerned in relation to the exercise of such powers or the performance of such duties.

(4) The cost incurred in exercising any such power or performing any such duty shall be met from the funds of the board, and in the absence of

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fondse, uit geld wat die Raad van Verteenwoordigers vir dié doel bewillig of uit 'n spesiale belasting van hoogstens een kwart van die laaste algemene belasting wat ten opsigte van die betrokke raadsgebied gehef is, wat die Minister vir dié doel hef en op elke persoon vorder wat ingevolge hierdie Wet 'n jaarlikse belasting moet betaal.

(5) Die bepalings van artikels 32 en 37 is *mutatis mutandis* van toepassing ten opsigte van 'n spesiale belasting kragtens subartikel (4) gehef.

(6) Die Minister kan, indien hy dit op aanbeveling van 'n komitee kragtens artikel 40A aangestel of uit eie beweging of op versoek van en na raadpleging met 'n raad dit dienstig ag, enige lid of werknemer van 'n raad wat volgens die oordeel van die Minister nie sy bevoegdhede of pligte by hierdie Wet verleen of opgelê behoorlik ooreenkomstig die bepalings van hierdie Wet uitoefen of verrig nie, ontslaan: Met dien verstande dat 'n lid of werknemer nie aldus ontslaan word nie sonder dat hy 'n geleentheid gegee is om persoonlik of deur sy agent aangehoor te word.

(7) Die Minister kan op aanbeveling van 'n komitee kragtens artikel 40A aangestel of uit hoofde van 'n versoekskrif deur 'n twee-derde-meerderheid van die geregistreerde kiesers in die betrokke raadsgebied, 'n raad by kennisgewing in die *Staatskoerant* ontbind, en gelas dat 'n nuwe raad ingevolge hierdie Wet verkies en saamgestel word.

(8) (a) Die Minister kan te eniger tyd, uit eie beweging of op versoek van 'n bepaalde raad, by skriftelike of mondelinge kennisgewing van minstens 72 uur aan die betrokke raadslede, 'n spesiale vergadering van die betrokke raad belê om aandag te gee aan aangeleenthede in genoemde kennisgewing aangedui.

(b) Enige besluit geneem deur die meerderheid van die lede van die raad wat aanwesig is op so 'n vergadering, maak, ongeag die aantal lede aanwesig op die vergadering, die besluit van die raad uit."

Invoeging van artikel 40A in Wet 9 van 1987

3. Die volgende artikel word hierby in die Hoofwet na artikel 40 ingevoeg:

"Komitee van ondersoek

40A. (1) Wanneer enige aangeleentheid wat betrekking het op 'n onderwerp ten opsigte van die bevoegdhede, optredes, pligte, verantwoordelikhede, verrigtinge en bedrywighede van 'n bestuursraad of adviesraad en hul werknemers ingevolge die bepalings van hierdie Wet of die ontwikkeling, bestuur en beheer van landelike gebiede in die algemeen volgens die oordeel van die Minister 'n aangeleentheid is wat ondersoek vereis, kan die Minister 'n komitee aanstel om ondersoek na sodanige aangeleentheid in te stel en aan hom verslag daaroor te doen.

(2) Die komitee bestaan uit een of meer persone wat volgens die oordeel van die Minister gepaste ondervinding en bekwaamheid besit in verband met enige aangeleentheid waaroor die ondersoek gaan, en die Minister wys een lid van die komitee as voorsitter aan: Met dien verstande dat as enige komitee uit net een lid bestaan, sodanige lid voorsitter van sodanige komitee is.

(3) (a) Wanneer enige lid van 'n komitee bestaande uit meer as een persoon bedank of sterf of om enige ander rede permanent of tydelik nie in staat is om sy bevoegdhede of pligte uit te oefen of te verrig nie, kan die Minister die oorblywende lede magtig om die ondersoek voort te sit of iemand anders as 'n nuwe lid van sodanige komitee aanstel: Met dien verstande dat waar 'n nuwe lid aangestel word, die voorsitter uit eie beweging of op versoek van enige persoon of liggaam wat betrokke is by of geraak word deur die aangeleentheid wat ondersoek word, enige getuies wat reeds getuie is afgelê het, kan terugroep.

(b) Wanneer die lid van 'n komitee wat uit een persoon bestaan, bedank of sterf of om enige ander rede permanent of tydelik nie in staat is om sy bevoegdhede of pligte uit te oefen of te verrig nie, kan die Minister—

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funds, from moneys appropriated by the House of Representatives for that purpose, or from special rates not exceeding one quarter of the last general rates levied in respect of the board area concerned, which the Minister may levy for this purpose and recover from every person who is required under this Act to pay annual rates.

(5) The provisions of sections 32 and 37 shall apply *mutatis mutandis* in respect of subsection (4).

(6) The Minister may, if he deems it expedient on the recommendation of a committee appointed under section 40A or of his own accord or at the request of and after consultation with a board, dismiss any member or employee of a board who in the opinion of the Minister does not properly exercise or perform his powers or duties conferred or imposed by this Act: Provided that a member or employee shall not be so dismissed without being offered an opportunity to be heard personally or by his agent.

(7) The Minister may on the recommendation of a committee appointed under section 40A or by virtue of a petition by a two-thirds majority of the registered voters in the board area concerned, dissolve a board by notice in the *Gazette*, and direct that a new board be elected and constituted in terms of this Act.

(8) (a) The Minister may at any time, of his own accord or at the request of a particular board, convene a special meeting of the board concerned by written or oral notice of at least 72 hours to the board members concerned, to deal with matters indicated in the said notice.

(b) Any decision taken by the majority of the members of the board who are present at such meeting shall irrespective of the number of members present at the meeting, constitute the decision of the board."

30 Insertion of section 40A in Act 9 of 1987

3. The following section is hereby inserted in the principal Act after section 40:

"Committee of inquiry

40A. (1) Whenever any matter relating to a subject in respect of the powers, actions, duties, responsibilities, proceedings and activities of a board of management or an advisory board and their employees in terms of the provisions of this Act or the development, management and control of rural areas in general is in the opinion of the Minister a matter requiring investigation, he may appoint a committee to investigate such matter and report to him thereon.

(2) The committee shall consist of one or more persons having in the opinion of the Minister suitable experience and capability with regard to any matter being dealt with by the inquiry, and the Minister shall designate one member of the committee as chairman: Provided that if any committee consists of one member only, such member shall be chairman of such committee.

(3) (a) If any member of a committee consisting of more than one person resigns or dies or for any other reason becomes permanently or temporarily unable to exercise or perform his powers or duties, the Minister may authorize the remaining members to proceed with the investigation or may appoint some other person to be a new member of such committee: Provided that where a new member is appointed the chairman may of his own accord or at the request of any person or body concerned in or affected by the matter being investigated, recall any witnesses who have already given evidence.

(b) If the member of a committee consisting of one person resigns or dies or for any other reason becomes permanently or temporarily unable to exercise or perform his powers or duties, the Minister may—

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- (i) gelas dat die verrigtinge van sodanige komitee tersyde gestel word; en
- (ii) indien hy aldus gelas het, 'n nuwe komitee aanstel om die betrokke aangeleentheid te ondersoek.
- (4) Die Minister kan, na oorleg met die voorsitter van 'n komitee—
- (a) 'n sekretaris of dié ander werknemers of 'n sekretaris en dié ander werknemers aanstel; en
- (b) dié ander hulp, met inbegrip van finansiële bystand, verleen, wat nodig is om sodanige komitee in staat te stel om sy bevoegdhede en pligte uit te oefen en te verrig.
- (5) Elke lid, sekretaris of ander werknemer van 'n komitee wat nie in die diens van die Staat is nie, ontvang die besoldiging of die toelaes deur die Tesourie bepaal.
- (6) (a) 'n Komitee kan—
- (i) by wyse van skriftelike kennisgewing wat in opdrag van die voorsitter aan enige persoon beteken word, van sodanige persoon vereis om getuienis voor die komitee af te lê;
- (ii) getuienis onder eed of bevestiging afneem; en
- (iii) van enige liggaam of ander persoon vereis om alle inligting te verstrek waaroor sodanige liggaam of persoon beskik en om die boeke, dokumente, aantekeninge, rekeninge en ander bronne van inligting wat op die ondersoek betrekking het, oor te lê en insae daarin te verleen.
- (b) Die reg met betrekking tot privilegie soos van toepassing op 'n getuie wat in die Hooggeregshof getuienis aflê of aan wie kennis gegee is om aldaar 'n boek, dokument, aantekening, rekening of enigiets anders oor te lê, geld in verband met die aflê van getuienis voor of die oorlegging van 'n boek, dokument, aantekening, rekening of bron van inligting aan 'n komitee.
- (7) Enige lid van 'n komitee en enige persoon deur die voorsitter daartoe gemagtig, het vir die doeleindes van 'n ondersoek kragtens hierdie artikel toegang—
- (a) tot of oor enige eiendom; en
- (b) tot die boeke, dokumente, aantekeninge, rekeninge en ander bronne van inligting van enige liggaam wat volgens sy oordeel betrokke is by of geraak word deur die aangeleentheid wat ondersoek word.
- (8) Die verrigtinge van 'n komitee is nie vir die publiek toeganklik nie tensy die Minister na oorleg met die voorsitter anders besluit en gelas.
- (9) (a) By ontvangs van 'n komitee se verslag kan die Minister sodanige verslag ter Tafel lê in die Raad van Verteenwoordigers en 'n afskrif of opsomming van of uittreksel uit sodanige verslag verskaf aan die Direkteur-generaal: Administrasie: Raad van Verteenwoordigers en enige ander persoon of liggaam wat volgens sy oordeel betrokke is by of geraak word deur die aangeleentheid wat ondersoek is.
- (b) Die Minister, die lede van 'n komitee en die sekretaris en ander werknemers in subartikel (4) beoog is nie aanspreeklik weens enige skade deur enige persoon gelyk omrede van die verskaffing ingevolge paragraaf (a) van 'n afskrif of opsomming van of uittreksel uit sodanige komitee se verslag nie.
- (c) Na oorweging van die kommentaar en vertoë (indien daar is) van enige persoon of liggaam in paragraaf (a) beoog, kan die Minister die lasgewings uitreik, die handeling verrig en die stappe doen wat hy nodig of dienstig ag.
- (10) (a) Die Minister kan gelas dat die koste of dié gedeelte wat hy bepaal van die koste van enige komitee verhaal word op die persoon of liggaam of persone of liggame wat volgens sy oordeel betrokke is by of geraak word deur die aangeleentheid wat ondersoek is in die verhoudings wat hy bepaal: Met dien verstande dat die Minister kan gelas dat die volle koste of enige gedeelte daarvan uit geld deur die Raad van Verteenwoordigers vir dié doel bewillig, betaal word.

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- (i) direct that the proceedings of such committee be set aside; and
- (ii) if he has so directed, appoint a new committee to investigate the matter in question.

5 (4) The Minister may, after consultation with the chairman of a committee—

- (a) appoint a secretary or such other employees or a secretary and such other employees; and
- (b) render such other assistance, including financial aid, as may be necessary to enable such committee to exercise and perform its powers and duties.

10 (5) Every member, secretary or other employee of a committee who is not in the service of the State shall receive such remuneration or such allowances as the Treasury may determine.

15 (6) (a) A committee may—

- (i) by notice in writing, served on any person on the direction of the chairman, require such person to give evidence before the committee;
- (ii) take evidence under oath or affirmation; and
- (iii) require any body or other person to furnish all information in the possession of such body or person and to produce and give access to the books, documents, records, accounts and other sources of information relating to the investigation.

20 (b) The law relating to privilege as applicable to a witness giving evidence in the Supreme Court or to whom notice has been given to produce a book, document, record, account or any other thing therein shall apply in connection with the giving of evidence before or the production of a book, document, record, account or source of information to a committee.

25 (7) Any member of a committee and any person authorized thereto by the chairman shall for the purposes of an investigation under this section have access—

- (a) to or over any property; and
- (b) to the books, documents, records, accounts and other sources of information of any body which in his opinion is concerned in or affected by the matter being investigated.

30 (8) The proceedings of a committee shall not be open to the public unless the Minister, after consultation with the chairman, decides and directs otherwise.

35 (9) (a) On receipt of a committee's report the Minister may lay such report upon the Table in the House of Representatives and supply a copy or summary of or extract from such report to the Director-General: Administration: House of Representatives and any other person or body who or which in his opinion is concerned in or affected by the matter investigated.

40 (b) No action shall lie against the Minister, the members of a committee and the secretary and other employees contemplated by subsection (4) on account of any damage suffered by any person by reason of the supply in terms of paragraph (a) of a copy or summary of or extract from such committee's report.

45 (c) After considering the comments and representations (if any) of any person or body contemplated in paragraph (a) the Minister may issue such directions, perform such acts and take such steps as he may deem necessary or expedient.

50 (10) (a) The Minister may direct that the costs or such portion as he may determine of the costs of any committee be recovered from the person or body of persons or bodies who or which in his opinion is or are concerned in or affected by the matter investigated, in such proportions as he may determine: Provided that the Minister may direct that the full costs or any portion thereof shall be paid out of moneys appropriated by the House of Representatives for that purpose.

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- (b) 'n Sertifikaat deur genoemde Direkteur-generaal is afdoende bewys van die bedrag betaalbaar deur enige persoon of liggaam uit hoofde van paragraaf (a).
- (11) Iemand—
- (a) aan wie kennis gegee is om voor 'n komitee te verskyn en getuienis af te lê of enige boek, dokument, aantekening, rekening of bron van inligting oor te lê en wat sonder genoegsame rede (waarvan die bewyslas op hom rus)—
- (i) versuim om op die tyd en plek in die kennisgewing vermeld, te verskyn en daar te bly totdat die ondersoek afgeloop het of totdat die voorsitter hom verskoon het;
- (ii) versuim om sodanige boek, dokument, aantekening, rekening of bron van inligting in sy besit of bewaring of onder sy toesig oor te lê;
- (iii) weier om 'n eed af te lê of 'n bevestiging as getuie te doen; of
- (iv) nadat hy 'n eed afgelê of 'n bevestiging gedoen het, versuim om enige vraag wat wettig aan hom gestel word, volledig en bevredigend te beantwoord;
- (b) wat onder eed of bevestiging wetens valse getuienis aflê;
- (c) wat weier of versuim om na sy beste vermoë te voldoen aan enige wettige vereiste gestel deur die voorsitter van 'n komitee by die uitoefening van sy bevoegdhede of die verrigting van sy pligte;
- (d) wat enige lid van 'n komitee of die sekretaris of ander werknemer in subartikel (4) beoog, by die uitoefening van sy bevoegdhede of die verrigting van sy pligte dreig, weerstaan, hinder of belemmer, of vuil, beledigende of lasterlike taal teenoor of op hom besig; of
- (e) wat hom valslik voordoen as 'n lid van 'n komitee of as 'n sekretaris of ander werknemer in subartikel (4) beoog, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met sodanige boete sowel as sodanige gevangenisstraf.”.

Invoeging van artikel 49A in Wet 9 van 1987

4. Die volgende artikel word hierby in die Hoofwet na artikel 49 ingevoeg:

“Optrede in ingelyfde of bestaande gebied

49A. (1) Die Minister kan, na oorlegpleging met 'n bestuursraad, openbare strate en plekke in 'n ingelyfde gebied of bestaande gebied by kennisgewing in die *Staatskoerant* sluit.

(2) Ten einde gevolg te gee aan enige optrede van die Minister kragtens subartikel (1), moet die betrokke Landmeter-generaal op las van die Minister die vereiste heropstelling, verandering, wysiging, intrekking of kansellering van 'n relevante algemene plan aanbring.

(3) Die betrokke registrateur van aktes moet op las van die Minister enige voorwaardes opgelê betreffende enige grond of eiendom in 'n ingelyfde gebied of bestaande gebied en wat in sy registers of op die titelbewys van sodanige grond in die betrokke aktekantoor geregistreer is of word, gratis ophef, wysig of aanvul.”.

Kort titel

5. Hierdie Wet heet die Wysigingswet op Landelike Gebiede (Raad van Verteenwoordigers), 1990.

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- (b) A certificate by the said Director-General shall be conclusive proof of the amount payable by any person or body by virtue of paragraph (a).
- (11) Any person—
- 5 (a) who has been given notice to appear before a committee and give evidence or produce any book, document, record, account or source of information and who without sufficient cause (the onus of proof whereof shall rest upon him)—
- 10 (i) fails to appear at the time and place specified in the notice and to remain there until the investigation has concluded or until he has been excused by the chairman;
- (ii) fails to produce such book, document, record, account or source of information in his possession or custody or under his control;
- 15 (iii) refuses to take an oath or make affirmation as a witness; or
- (iv) having taken an oath or made affirmation, fails to answer fully and satisfactorily any question lawfully put to him;
- (b) who under oath or affirmation knowingly gives false evidence;
- 20 (c) who refuses or fails to comply to the best of his ability with any lawful requirement made by the chairman of a committee in the exercise of his powers or the performance of his duties;
- (d) who threatens, resists, hinders or obstructs or uses foul, abusive or insulting language towards or at any member of a committee or the secretary or other employee contemplated in subsection (4) in the exercise of his powers or the performance of his duties; or
- 25 (e) who falsely holds himself out to be a member of a committee or a secretary or some other employee contemplated in subsection (4), shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.”.
- 30

Insertion of section 49A in Act 9 of 1987

4. The following section is hereby inserted in the principal Act after section 49:

“Action in incorporated or existing area

- 35 **49A. (1)** The Minister may, after consultation with a board of management, close public streets and places in an incorporated area or existing area by notice in the *Gazette*.
- (2) In order to give effect to any action of the Minister under subsection (1), the Surveyor-General concerned shall by order of the Minister effect the required reframing, alteration, amendment, withdrawal or cancellation of a relevant general plan.
- 40 (3) The registrar of deeds concerned shall by order of the Minister annul, amend or supplement free of charge any conditions laid down with regard to any land or property in an incorporated area or existing area and registered or being registered in his registers or on the title deed of
- 45 such land in the deeds office concerned.”.

Short title

5. This Act shall be called the Rural Areas Amendment Act (House of Representatives), 1990.

