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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1520.

12 July 1991

No. 1520.

12 Julie 1991

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

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

No. 126 of 1991: Development Aid Laws Amendment Act, 1991

No. 126 van 1991: Wysigingswet op Ontwikkelingshulpwetgewing, 1991

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Black Administration Act, 1927, so as to further regulate the recognition, appointment or deposition of chiefs and headmen; to amend the Representation between the Republic of South Africa and Self-governing Territories Act, 1959, so as to provide for the appointment of an acting commissioner-general; to amend the Self-governing Territories Constitution Act, 1971, so as to delete a redundant provision; to further regulate the establishment of magistrates' courts in self-governing territories; to further regulate the powers of the chief ministers, ministers and deputy ministers of the self-governing territories; to further regulate the executive powers, authorities and functions in self-governing territories; and to further regulate the legislative authority of self-governing territories in relation to professions, trades and occupations; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 27 June 1991.)

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

Amendment of section 2 of Act 38 of 1927, as substituted by section 2 of Act 21 of 1943 and amended by section 19 of Act 56 of 1949, section 19 of Act 54 of 1952, section 1 of Act 79 of 1957, section 6 of Act 46 of 1959, section 9 of Act 46 of 1962, section 1 of Act 23 of 1972, section 1 of Act 70 of 1974 and section 3 of Act 105 of 1986

1. Section 2 of the Black Administration Act, 1927, is hereby amended—

(a) by the substitution for subsection (7)*bis* of the following subsection:

“(7)*bis* When recognizing or appointing a person as chief of a Black tribe or at any time thereafter or when any person is or has been recognized or appointed as the chief of a Black tribe **[by a territorial authority by virtue of powers conferred upon it under subsection (8)*ter*]**, the Governor-General may, notwithstanding anything in this Act or in any other law contained, after a public enquiry by such persons having a knowledge of the language, customs and laws of the Black tribe concerned, as he may appoint for the purpose, make an order awarding to, or imposing upon, the person so recognized or appointed as chief such of the property, rights or obligations of the previous chief, whether deceased or deposed, as in his opinion were acquired or incurred by the previous chief by virtue of his office and as he may deem just.”; and

(b) by the deletion of subsections (8)*bis* and (8)*ter*.

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordenings aan.
- []** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Swart Administrasie Wet, 1927, ten einde die erkenning, aanstelling of afsetting van kapteins en hoofmanne verder te reël; tot wysiging van die Wet op die Verteenwoordiging tussen die Republiek van Suid-Afrika en Selfregerende Gebiede, 1959, ten einde voorsiening te maak vir die aanstelling van 'n waarnemende kommissaris-generaal; tot wysiging van die Grondwet van die Selfregerende Gebiede, 1971, ten einde 'n oorbodige bepaling te skrap; die instelling van landdroshowe in selfregerende gebiede verder te reël; die bevoegdhede van die hoofministers, ministers en adjunk-ministers van die selfregerende gebiede verder te reël; die uitvoerende bevoegdhede, gesag en werksaamhede in selfregerende gebiede verder te reël; en die wetgewende bevoegdhede van selfregerende gebiede met betrekking tot professies, ambagte en beroepe verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 27 Junie 1991.)

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

Wysiging van artikel 2 van Wet 38 van 1927, soos vervang deur artikel 2 van Wet 21 van 1943 en gewysig deur artikel 19 van Wet 56 van 1949, artikel 19 van Wet 54 van 1952, artikel 1 van Wet 79 van 1957, artikel 6 van Wet 46 van 1959, artikel 9 van Wet 46 van 1962, artikel 1 van Wet 23 van 1972, artikel 1 van Wet 70 van 1974 en artikel 3 van Wet 105 van 1986

1. Artikel 2 van die Swart Administrasie Wet, 1927, word hierby gewysig—

- (a) deur subartikel (7)*bis* deur die volgende subartikel te vervang:
- “(7)*bis* Wanneer die Goewerneur-generaal iemand as kaptein van 'n Swart stam erken of aanstel of te eniger tyd daarna of wanneer iemand as kaptein van 'n Swart stam erken of aangestel is of word **[deur 'n gebiedsowerheid ingevolge bevoegdheid kragtens subartikel (8)*ter* aan hom verleen]**, kan hy, ondanks die bepalings van hierdie of van enige ander wet, na 'n openbare ondersoek deur sodanige persone wat kennis dra van die taal, gewoontes en reg van die betrokke Swart stam, as wat hy vir die doel mag aanstel, 'n order uitvaardig wat aan die persoon wat aldus as kaptein erken of aangestel word sodanige van die eiendom, regte en verpligtings van die vorige kaptein, hetsy oorlede of afgesit, toeken of oplê, as wat na sy mening deur die vorige kaptein verkry of opgeloopt is kragtens sy amp en as wat hy billik ag.”; en
- (b) deur subartikels (8)*bis* en (8)*ter* te skrap.

Amendment of section 2 of Act 46 of 1959, as substituted by section 4 of Act 32 of 1987

2. Section 2 of the Representation between the Republic of South Africa and Self-governing Territories Act, 1959, is hereby amended by the addition of the following subsections:

“(6) The Minister may appoint an acting commissioner-general in respect of a self-governing territory to discharge the duties of the office of the commissioner-general of such territory whenever the commissioner-general is for any reason unable to perform the duties of his office.

(7) An acting commissioner-general—

(a) shall be appointed on such conditions as the Minister may determine; and

(b) shall not hold any other office of profit in the service of the State, unless the Minister determines otherwise.”.

Repeal of section 11A of Act 21 of 1971

3. Section 11A of the Self-governing Territories Constitution Act, 1971, is hereby repealed.

Amendment of section 14 of Act 21 of 1971, as amended by section 22 of Act 70 of 1974, section 6 of Act 91 of 1985, section 2 of Act 34 of 1986 and Proclamation No. 38 of 14 March 1986

4. Section 14 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the deletion of subsections (3) and (4).

Amendment of section 15 of Act 21 of 1971

5. Section 15 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) Any law made by a legislative assembly in respect of inferior courts may [subject to the provisions of section 14(3)] provide for the amendment or repeal of the Magistrates' Courts Act, 1944, or the provisions of the Black Administration Act, 1927, relating to courts, in so far as the said Act or the said provisions apply in the area concerned.”.

Substitution of section 25 of Act 21 of 1971

6. The following section is hereby substituted for section 25 of the Self-governing Territories Constitution Act, 1971:

“Executive powers, authorities and functions to vest temporarily in Minister

25. (1) All such executive powers, authorities and functions as are necessary to be exercised or performed in terms of this Act [for bringing this Act into operation and, if necessary] for ensuring the continuation of the administration and government in any area in terms of this Act, may be exercised or performed by the Minister or a person designated by him.

(2) In order to give effect to subsection (1), moneys may be withdrawn from a Revenue Fund in terms of an Act of Parliament or, if Parliament is not then in session, in terms of a proclamation issued by the State President in the *Gazette*.”.

Wysiging van artikel 2 van Wet 46 van 1959, soos vervang deur artikel 4 van Wet 32 van 1987

2. Artikel 2 van die Wet op die Verteenwoordiging tussen die Republiek van Suid-Afrika en Selfregerende Gebiede, 1959, word hierby gewysig deur die volgende subartikels by te voeg:

“(6) Die Minister kan ’n waarnemende kommissaris-generaal ten opsigte van ’n selfregerende gebied aanstel om die ampspligte van die kommissaris-generaal van sodanige gebied te vervul wanneer die kommissaris-generaal om enige rede nie in staat is om sy ampspligte te vervul nie.

(7) ’n Waarnemende kommissaris-generaal—

(a) word aangestel op die voorwaardes wat die Minister bepaal; en

(b) mag geen ander winsbetrekking in diens van die Staat beklee nie, tensy die Minister anders bepaal.”.

15 Herroeping van artikel 11A van Wet 21 van 1971

3. Artikel 11A van die Grondwet van die Selfregerende Gebiede, 1971, word hierby herroep.

20 Wysiging van artikel 14 van Wet 21 van 1971, soos gewysig deur artikel 22 van Wet 70 van 1974, artikel 6 van Wet 91 van 1985, artikel 2 van Wet 34 van 1986 en Proklamasie No. 38 van 14 Maart 1986

4. Artikel 14 van die Grondwet van die Selfregerende Gebiede, 1971, word hierby gewysig deur subartikels (3) en (4) te skrap.

Wysiging van artikel 15 van Wet 21 van 1971

5. Artikel 15 van die Grondwet van die Selfregerende Gebiede, 1971, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) ’n Wet ten opsigte van laerhowe deur ’n wetgewende vergadering gemaak, kan **[behoudens die bepalings van subartikel 14(3)]** voorsiening maak vir die wysiging of herroeping van die Wet op Landdroshowe, 1944, of die bepalings van die Swart Administrasie Wet, 1927, met betrekking tot howe, vir sover bedoelde Wet of bedoelde bepalings in die betrokke gebied geld.”.

Vervanging van artikel 25 van Wet 21 van 1971

6. Artikel 25 van die Grondwet van die Selfregerende Gebiede, 1971, word hierby deur die volgende artikel vervang:

“Uitvoerende bevoegdhede, gesag en werksaamhede berus tydelik by Minister

25. (1) Alle uitvoerende bevoegdhede, gesag en werksaamhede wat nodig is om ingevolge hierdie Wet uitgeoefen of verrig te word ten einde **[hierdie Wet in werking te stel en, indien nodig]** die voortsetting van die administrasie en regering in ’n gebied ingevolge hierdie Wet te verseker, kan deur die Minister of iemand deur hom aangewys, uitgeoefen of verrig word.

(2) Ten einde uitvoering aan subartikel (1) te gee, kan geld onttrek word uit ’n Inkomstefonds ingevolge ’n Wet van die Parlement of, indien die Parlement nie dan in sitting is nie, ingevolge ’n proklamasie deur die Staatspresident in die Staatskoerant uitgevaardig.”.

Amendment of section 29 of Act 21 of 1971, as substituted by section 18 of Act 32 of 1987

7. Section 29 of the Self-governing Territories Constitution Act, 1971, is hereby amended by the addition of the following subsection:

- “(6) Notwithstanding the provisions of this Act, a Chief Minister, Minister and Deputy Minister may—
- (a) be appointed as a member of any council or committee established by or under an Act of Parliament; or
 - (b) on the invitation of a council or committee referred to in paragraph (a) attend the proceedings of such a council or committee.”.

Insertion of section 37C in Act 21 of 1971

8. The following section is hereby inserted in the Self-governing Territories Constitution Act, 1971, after section 37B:

“Control of professions, trades and occupations

37C. If the Government of the Republic and the government of a self-governing territory agree thereto, the State President may, notwithstanding anything to the contrary contained in this Act, by proclamation in the *Gazette*—

- (a) declare that an Act of Parliament, or part thereof, and a regulation or other measure made thereunder which regulate the control of a profession, trade or occupation shall apply to that area to the extent stated in the proclamation;
- (b) amend or adapt an Act referred to in paragraph (a) in order to regulate its application in that area;
- (c) repeal or amend an Act, or part thereof, of the legislative assembly of that area and a regulation or other measure made thereunder in order to regulate any matter which, in his opinion, requires to be regulated in consequence of such application.”.

Short title and commencement

9. This Act shall be called the Development Aid Laws Amendment Act, 1991, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Wysiging van artikel 29 van Wet 21 van 1971, soos vervang deur artikel 18 van Wet 32 van 1987

7. Artikel 29 van die Grondwet van die Selfregerende Gebiede, 1971, word hierby gewysig deur die volgende subartikel by te voeg:

- 5 “(6) Ondanks die bepalings van hierdie Wet kan ’n Hoofminister, Minister en Adjunk-minister—
- (a) aangestel word as lid van enige raad of komitee wat by of kragtens ’n Wet van die Parlement ingestel is; of
- 10 (b) op uitnodiging van ’n raad of komitee bedoel in paragraaf (a) die verrigtinge van sodanige raad of komitee bywoon.”.

Invoeging van artikel 37C in Wet 21 van 1971

8. Die volgende artikel word hierby in die Grondwet van die Selfregerende Gebiede, 1971, na artikel 37B ingevoeg:

“Beheer oor professies, ambagte en beroepe

- 15 **37C.** Indien die Regering van die Republiek en die Regering van ’n selfregerende gebied daartoe ooreenkom, kan die Staatspresident, ondanks andersluidende bepalings van hierdie Wet, by proklamasie in die *Staatskoerant*—
- 20 (a) verklaar dat ’n Wet van die Parlement, of deel daarvan, en ’n regulasie of ander maatreël daarkragtens gemaak wat die beheer oor ’n professie, ambag of beroep reël, in daardie gebied van toepassing is in die mate in die proklamasie genoem;
- (b) ’n Wet bedoel in paragraaf (a) wysig of aanpas ten einde die toepassing daarvan in daardie gebied te reël;
- 25 (c) ’n Wet, of deel daarvan, van die wetgewende vergadering van daardie gebied en ’n regulasie of ander maatreël daarkragtens gemaak, herroep of wysig ten einde ’n aangeleentheid te reël wat na sy oordeel as gevolg van so ’n toepassing gereël moet word.”.

30 Kort titel en inwerkingtreding

9. Hierdie Wet heet die Wysigingswet op Ontwikkelingshulp-wetgewing, 1991, en tree in werking op ’n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

