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GOVERNMENT GAZETTE

STAATSKOERANT

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No. 16787

OFFICE OF THE PRESIDENT

No. 1654.

20 October 1995

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

No. 89 of 1995: Local Government Transition Act Second Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1654.

20 Oktober 1995

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

No. 89 van 1995: Tweede Wysigingswet op die Oorgangswet op Plaaslike Regering, 1995.

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 Local Government Transition Act, 1993, so as to define or further define certain expressions; to extend the application of the said Act throughout the Republic; to make other provision in respect of the term of office of members of the Provincial Committees for Local Government and the filling of vacancies in and the conditions of service of members of the said Committees; to further regulate the procedure in respect of meetings of the said Committees; to make provision for the referral of certain questions for decision to the Special Electoral Court by the said Committees; to make further provision in respect of the functions of a negotiating forum; to provide for the establishment, constitution, procedures and functions of one or more arbitration committees as well as for the referral of matters to be decided by such committees; to empower Administrators to act in cases where a negotiating forum has not been established or recognized; to provide for the reviewing by Administrators of certain delimitations or determinations made by them; to provide that Administrators shall strive towards substantial uniformity in regard to the content of certain regulations; to make provision for the establishment of transitional rural local government; to extend Administrators' powers to issue proclamations to regulate the transition of local government, including the establishment of a body to assist any local government body, transitional council or transitional metropolitan substructure which may be affected by the provisions of any such proclamation; to empower an Administrator under certain circumstances to exercise or perform a power or function in a province other than that for which he or she has been appointed; to empower an Administrator to act where a Local Government Demarcation Board fails to furnish him or her with its recommendations within a reasonable time; to make provision that delegations made by a former administrator before the commencement of the said Act continue in force; to provide for the review within a certain period of the appointment or promotion of any person or the award of a term or condition of service which occurred after the commencement of the said Act; to repeal the power granted to the President to amend the said Act by way of proclamation; to provide for the validation of certain proclamations; to further regulate the qualifications for nomination as a member of a transitional council or transitional metropolitan substructure; to further regulate the eligibility of a person to vote in local government elections; to make provision that members of certain transitional councils may be elected instead of nominated; and to repeal certain laws; and to provide for matters connected therewith.

(Afrikaans text signed by the President.)
(Assented to 20 October 1995.)

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordnings aan.
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- Woerde met 'n volstreep daaronder, dui invoegings in bestaande verordnings aan.
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WET

Tot wysiging van die Oorgangswet op Plaaslike Regering, 1993, ten einde sekere uitdrukkings te omskryf of verder te omskryf; genoemde Wet oor die hele Republiek van toepassing te maak; ander voorsiening te maak ten opsigte van die ampstermy van lede van die Provinciale Komitees vir Plaaslike Regering en die vul van vakatures in en die diensvoorraades van lede van genoemde Komitees; die procedure ten opsigte van vergaderings van genoemde Komitees verder te reël; voorsiening te maak vir die verwysing van sekere vrae vir beslissing na die Spesiale Verkiesingshof deur genoemde Komitees; verder voorsiening te maak ten opsigte van die werksaamhede van 'n onderhandelingsforum; voorsiening te maak vir die instelling, samestelling, procedures en werksaamhede van een of meer arbitrasiekomitees sowel as vir die verwysing van aangeleenthede vir beslissing deur sodanige komitees; Administrateurs te magtig om op te tree in gevalle waar 'n onderhandelingsforum nie ingestel of erken is nie; voorsiening te maak vir die hersiening deur Administrateurs van sekere afbakenings of bepalings deur hulle gemaak; voorsiening te maak dat Administrateurs moet strewe na wesenlike eenvormigheid in verband met die inhoud van sekere regulasies; voorsiening te maak vir die instelling van landelike plaaslike oorgangsregering; die bevoegdhede van Administrateurs uit te brei om proklamasies uit te vaardig om die oorgang van plaaslike regering te reël, met inbegrip van die instelling van 'n liggaam om 'n plaaslike overheidsliggaam, oorgangraad of metropolitaanse oorgangsubstruktuur wat deur die bepalings van so 'n proklamasie geraak mag word, behulpsaam te wees; 'n Administrateur te magtig om onder sekere omstandighede 'n bevoegdheid of werksaamheid uit te oefen of te verrig in 'n ander provinsie as dié waarvoor hy of sy aangestel is; 'n Administrateur te magtig om op te tree waar 'n Afbakeningsraad vir Plaaslike Regering versuim om hom of haar binne 'n redelike tyd van sy aanbevelings te voorsien; voorsiening te maak dat die delegasies wat deur 'n voormalige administrateur voor die inwerkingtreding van genoemde Wet gemaak is, van krag bly; voorsiening te maak vir die hersiening binne 'n sekere tydperk van die aanstelling of bevordering van enige persoon of die toekenning van 'n beding of voorwaarde van diens wat na die inwerkingtreding van genoemde Wet geskied het; die bevoegdheid wat aan die President verleen is om genoemde Wet by wyse van proklamasie te wysig, te herroep; voorsiening te maak vir die geldigverklaring van sekere proklamasies; die kwalifikasies vir benoeming as 'n lid van 'n oorgangraad of metropolitaanse oorgangsubstruktuur verder te reël; die bevoegdheid van 'n persoon om in plaaslike regeringsverkiesings te stem, verder te reël; voorsiening te maak dat lede van sekere oorgangsrade verkies in plaas van benoem kan word; en sekere wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 20 Oktober 1995.)

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

Amendment of section 1 of Act 209 of 1993

1. (1) Section 1 of the Local Government Transition Act, 1993 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution in subsection (1) for the definition of “Administrator” of the following definition:

“Administrator”, in so far as this Act is applied in or in regard to a particular province, means a competent authority within the jurisdiction of the government of that particular province designated by the Premier 10
of that province;”;

- (b) by the deletion in subsection (1) of paragraph (a) of the definition of “local government body”;

- (c) by the insertion in subsection (1) after paragraph (j) of the definition of “local government body” of the following paragraph:

“(jA) any other local government body established by or under any law in force in an area which forms part of the national territory referred to in section 1 of the Constitution;”;

- (d) by the substitution in subsection (1) for the definition of “Minister” of the following definition:

“‘Minister’ means the Minister [of Local Government] for Provincial Affairs and Constitutional Development;”;

- (e) by the substitution in subsection (1) for the definition of “province” of the following definition:

“‘province’ means a province mentioned in section 124(1) of the Constitution;”;

- (f) by the insertion in subsection (1) after the definition of “province” of the following definition:

“‘provincial administration’ means the provincial administration established for a province by the Public Service Act, 1994 (Proclamation No. 103 of 1994);”;

- (g) by the deletion in subsection (1) of the definition of “Self-governing Territory”.

(2) Subsection (1) shall be deemed to have come into operation on 15 July 1994.

Substitution of section 2 of Act 209 of 1993

2. (1) The following section is hereby substituted for section 2 of the principal Act:

“Application of this Act

2. (1) This Act shall apply throughout the Republic.

(2) In the event of a conflict between this Act and any other law in force in a territory in which this Act did not apply before 27 April 1994, this Act 40
shall prevail.”;

(2) Subsection (1) shall be deemed to have come into operation on 15 July 1994.

Amendment of section 3 of Act 209 of 1993

3. (1) Section 3 of the principal Act is hereby amended—

- (a) by the substitution for subsection (5) of the following subsection:

“(5) (a) A member of the Committee shall hold office as a member [during the pleasure of the Transitional Executive Council, and, at the establishment of a provincial government for the province concerned in terms of the Constitution of the Republic of South Africa, 1993, during the pleasure of the Executive Council of that provincial government] at the Minister’s pleasure.

(b) Any vacancy in the membership of the Committee arising for any reason shall be filled by a person appointed by the [Transitional Executive Council in accordance with the provisions of subsection

(2): Provided that if any vacancy occurs when the Transitional

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

Wysiging van artikel 1 van Wet 209 van 1993

1. (1) Artikel 1 van die Oorgangswet op Plaaslike Regering, 1993 (hieronder die Hoofwet genoem), word hierby gewysig—
- deur in subartikel (1) die omskrywing van “Administrateur” deur die volgende omskrywing te vervang:
“‘Administrator’, vir sover hierdie Wet toegepas word in of met betrekking tot ‘n bepaalde provinsie, ‘n bevoegde gesag binne die regsbevoegdheid van die regering van daardie bepaalde provinsie wat aangewys is deur die Premier van dié provinsie;”;
 - deur in subartikel (1) die omskrywing van “Minister” deur die volgende omskrywing te vervang:
“‘Minister’ die Minister [van Plaaslike Regering] vir Proviniale Sake en Staatkundige Ontwikkeling;”;
 - deur in subartikel (1) paragraaf (a) van die omskrywing van “plaaslike owerheidsliggaam” te skrap;
 - deur in subartikel (1) die volgende paragraaf na paragraaf (j) van die omskrywing van “plaaslike owerheidsliggaam” in te voeg:
“(jA) enige ander plaaslike owerheidsliggaam ingestel by of kragtens enige wet van krag in ‘n gebied wat deel uitmaak van die nasionale grondgebied bedoel in artikel 1 van die Grondwet;”;
 - deur in subartikel (1) die volgende omskrywing na die omskrywing van “pre-interimfase” in te voeg:
“‘provinciale administrasie’ die provinsiale administrasie ingestel vir ‘n provinsie by die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994);”;
 - deur in subartikel (1) die omskrywing van “provinsie” deur die volgende omskrywing te vervang:
“‘provinsie ’n provinsie vermeld in artikel 124(1) van die Grondwet;”;
en
 - deur in subartikel (1) die omskrywing van “Selfregerende Gebied” te skrap.
- (2) Subartikel (1) word geag op 15 Julie 1994 in werking te getree het.

Vervanging van artikel 2 van Wet 209 van 1993

35. 2. (1) Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

“Toepassing van hierdie Wet

2. (1) Hierdie Wet is oor die hele Republiek van toepassing.

(2) In die geval van ‘n teenstrydigheid tussen hierdie Wet en enige ander wet van krag in ‘n gebied waarin hierdie Wet voor 27 April 1994 nie van toepassing was nie, geniet hierdie Wet voorrang.”.

- (2) Subartikel (1) word geag op 15 Julie 1994 in werking te getree het.

Wysiging van artikel 3 van Wet 209 van 1993

3. (1) Artikel 3 van die Hoofwet word hierby gewysig—

- deur subartikel (5) deur die volgende subartikel te vervang:
“(5) (a) ‘n Lid van die Komitee beklee sy of haar amp as lid solank dit die [Uitvoerende Oorgangsraad behaag, en, by die instelling van ‘n provinsiale regering van die betrokke provinsie ingevolge die Grondwet van die Republiek van Suid-Afrika, 1993, solank dit die Uitvoerende Raad van daardie provinsiale regering behaag] Minister behaag.
(b) ‘n Vakature in die lidmaatskap van die Komitee, wat om enige rede ontstaan, word gevul deur ‘n persoon deur die [Uitvoerende Oorgangsraad ooreenkomsdig die bepalings van subartikel (2) aangestel: Met dien verstande dat indien ‘n vakture ontstaan wanneer die Uitvoerende Oorgangsraad nie bestaan nie, dit deur ‘n

Executive Council is not in existence, it shall be filled by a person appointed by the Executive Council of the province concerned]
Minister in consultation with the Minister of Justice and after consultation with the Premier of the province concerned: Provided [further] that any person so appointed shall have knowledge of matters concerning local government and shall reside within the province concerned.”; and

(b) by the substitution for paragraph (a) of subsection (8) of the following paragraph:

“(a) The conditions of service, remuneration, allowances and other benefits of the members of the Committee shall be determined by the Administrator [with the concurrence of] subject to such norms and standards as may be determined by the Minister of Finance.”.

(2) (a) Paragraph (a) of subsection (1) shall be deemed to have come into operation on 7 June 1995.

(b) Paragraph (b) of subsection (1) shall be deemed to have come into operation on 15 July 1994.

Amendment of section 4 of Act 209 of 1993

4. (1) Section 4 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) On receipt of a notice referred to in paragraph (a), a meeting of the Committee shall be held [as soon as practicable] within a period determined by the Administrator for the purpose of furnishing the Administrator with the written decision of the Committee in regard to the exercise of a power or the performance of a duty referred to in paragraph (a): Provided that where such meeting cannot be held as determined, the members of the Committee shall consider the notice individually and shall without unreasonable delay furnish the chairperson of the Committee in writing with his or her decision in regard to the exercise of a power or the performance of a duty referred to in paragraph (a), in which case the decision of the majority of the members shall constitute the decision of the Committee.”; and

(b) by the addition of the following subsection:

“(4)(a) Any question relating to the exercise of a power or the performance of a duty by the Administrator or the Committee as contemplated in this Act or its objects, or the failure to exercise such power or perform such duty properly, expeditiously or at all, and which may negatively affect an election in terms of this Act, may be referred to the Chairperson of the Special Electoral Court by at least one half of the members of the Committee.

(b) A referral contemplated in paragraph (a) shall be in writing and set out the reasons therefor.

(c) If the Special Electoral Court is *prima facie* of the opinion that the question is one referred to in paragraph (a), that Court shall as soon as practicable consider the matter and give its decision, having due regard to any matter that the Court may deem relevant for its decision.

(d) The Special Electoral Court may make such decisions and give such orders or directions as it may consider appropriate in the circumstances, including—

- (i) an order for compliance with any provision of this Act, subject to the directions of the Court, including timeframes;
- (ii) an order setting aside any decision; and
- (iii) an order, where appropriate, that a matter shall be referred to it in terms of subsection (3).”.

(2) Paragraph (a) of subsection (1) shall be deemed to have come into operation on 30 November 1994.

Amendment of section 7 of Act 209 of 1993

5. (1) Section 7 of the principal Act is hereby amended—

(a) by the addition in subsection (1) to the proviso to paragraph (i) of the proviso to paragraph (c) of the following paragraph:

“(dd) to be responsible for the preparation for and the conducting of the election contemplated in section 9(1) within its area of competence”.

- 5 persoon gevul word wat deur die **Uitvoerende Raad van die betrokke provinsie aangestel word**] Minister in oorleg met die Minister van Justisie en na oorleg met die Premier van die betrokke provinsie aangestel: Met dien verstande [voorts] dat 'n persoon aldus aangestel, kennis moet hê van aangeleenthede rakende plaaslike regering, en binne die betrokke provinsie woonagtig moet wees."; en
- (b) deur paragraaf (a) van subartikel (8) deur die volgende paragraaf te vervang:
- "(a) Die diensvooraardes, vergoeding, toelaes en ander voordele van die lede van die Komitee word deur die Administrateur [**met die instemming van**] bepaal behoudens die norme en standaarde wat die Minister van Finansies bepaal."
- (2) (a) Paragraaf (a) van subartikel (1) word geag op 7 Junie 1995 in werking te getree het.
- (b) Paragraaf (b) van subartikel (1) word geag op 15 Julie 1994 in werking te getree het.

Wysiging van artikel 4 van Wet 209 van 1993

4. (1) Artikel 4 van die Hoofwet word hierby gewysig—
- (a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:
- "(b) By ontvangs van 'n kennisgewing in paragraaf (a) bedoel, vergader die Komitee [**so gou moontlik**] binne 'n tydperk deur die Administrateur bepaal, ten einde die Administrateur van die skriftelike besluit van die Komitee in verband met die uitoefening van 'n bevoegdheid of die verrigting van 'n plig in paragraaf (a) bedoel, te voorsien: Met dien verstande dat waar sodanige vergadering nie gehou kan word soos bepaal nie, die lede van die Komitee die kennisgewing individueeloorweeg en sonder onredelike vertraging die voorsitter van die Komitee van sy of haar skriftelike besluit in verband met die uitoefening van 'n bevoegdheid of die verrigting van 'n plig bedoel in paragraaf (a) voorsien, in welke geval die besluit van die meerderheid van die lede die besluit van die komitee uitmaak."; en
- (b) deur die volgende subartikel by te voeg:
- "(4) (a) Enige vraag betreffende die uitoefening van 'n bevoegdheid of die verrigting van 'n plig deur die Administrateur of die Komitee soos beoog in hierdie Wet of oogmerke daarvan, of die versuim om sodanige bevoegdheid of plig behoorlik, so gou moontlik of enigsins uit te oefen of te verrig, en wat 'n verkiesing ingevolge hierdie Wet nadelig kan raak, kan deur minstens een helfte van die lede van die Komitee na die Voorsitter van die Spesiale Verkiesingshof verwys word.
- (b) 'n Verwysing in paragraaf (a) beoog, moet skriftelik wees met 'n uiteensetting van die redes daarvoor.
- (c) Indien die Spesiale Verkiesingshof *prima facie* van oordeel is dat die vraag een is in paragraaf (a) bedoel, moet daardie Hof die aangeleentheid so gou doenlik oorweeg en sy beslissing gee, met behoorlike inagneming van enige aangeleentheid wat daardie Hof ter sake vir sy beslissing ag.
- (d) Die Spesiale Verkiesingshof kan die beslissings maak en die bevele of voorskrifte uitrek wat hy onder die omstandighede toepaslik ag, met inbegrip van—
- (i) 'n bevel vir die nakoming van 'n bepaling van hierdie Wet, behoudens die voorskrifte van die Hof, met inbegrip van tydskale;
- (ii) 'n bevel wat enige besluit tersyde stel; en
- (iii) 'n bevel, waar van toepassing, dat 'n aangeleentheid ingevolge subartikel (3) na hom verwys word."
- (2) Paragraaf (a) van subartikel (1) word geag op 30 November 1994 in werking te getree het.

Wysiging van artikel 7 van Wet 209 van 1993

5. (1) Artikel 7 van die Hoofwet word hierby gewysig—
- (a) deur in subartikel (1) die volgende paragraaf by die voorbehoudbepaling by paragraaf (i) van die voorbehoudbepaling by paragraaf (c) te voeg:
- "(dd) om verantwoordelik te wees vir die voorbereiding vir en die hou van die verkiesing beoog in artikel 9(1) binne sy bevoegdheidsfeer

and for this purpose using the financial and other resources of its component local government bodies in addition to the financial resources referred to in paragraph (ccc) of the proviso to paragraph (bb) of the proviso to paragraph (i) of the proviso to subsection (1)(c).";

- (b) by the substitution for the words following on paragraph (c) of subsection (1) of the following words:

"and shall submit any agreement reached to the Administrator [within a period of 90 days after the date of commencement of this Act or within such extended period as the administrator may allow] before or on 30 November 1994 whereupon the Administrator shall, within a period of 45 days, exercise the powers conferred upon him or her by section 10(1) incorporating the provisions of such agreement in the proclamation contemplated in the said section";

- (c) by the substitution for subsection (2) of the following subsection:

"(2) (a) Where an agreement as contemplated in subsection (1) is not submitted to the Administrator [within the period referred to in that subsection, or within such extended period as the Administrator may allow] before or on 30 November 1994, the Administrator shall [within a period of 30 days, facilitate a process of independent mediation, the result of which shall be referred to the forum for a decision.

(b) Where the forum arrives at a decision taken by the required majority contemplated in subsection (3), the Administrator shall exercise the powers conferred upon him or her by section 10(1), incorporating the provisions of such decision in the proclamation contemplated in the said section.

(c) Where the forum is unable to arrive at a decision as contemplated in paragraph (b), the Administrator shall—

(i) in the case of any local government body in the area of the forum concerned which, in terms of Board Notice No. 127 of 1993 of the Board on the Remuneration and Service Benefits of Town Clerks, as published in *Government Gazette* No. 15250 of 12 November 1993, is classified as a grade 8 local authority or lower, determine that the option referred to in paragraph (c) of subsection (1) shall be applied to such local government body; and

(ii) in the case of any local government body in the area of the forum concerned which in terms of Board Notice No. 127 of 1993 of the Board on the Remuneration and Service Benefits of Town Clerks, as published in *Government Gazette* No. 15250 of 12 November 1993, is classified as a grade 9 local authority or higher] before or on 21 December 1994 refer the matter to an arbitration committee referred to in subsection (2A).

(b) The arbitration committee concerned shall consider the matter and before or on 12 January 1995 in writing notify the Administrator of the decision of the committee, whereupon the Administrator shall, within a period of 30 days, exercise the powers conferred upon him or her by section 10(1), incorporating the decision of the arbitration committee in the proclamation contemplated in the said section: Provided that where a decision of the arbitration committee is not submitted to the Administrator within the period referred to in this paragraph or where the arbitration committee notifies the Administrator within such period in writing that it cannot, for any reason, come to a decision, the Administrator shall—

(i) after due consideration of the negotiation process which took place in the forum; and
(ii) in order to obtain a result which would, in the circumstances of that particular case, best give effect to the objects of this Act, forthwith determine that the option referred to in paragraph (b) or (c) of subsection (1) shall be applied to [such local government body] the local government bodies in the area of the forum, and shall, within a

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- en vir dié doel die finansiële en ander bronne van sy samestellende plaaslike owerheidsliggame aan te wend bo en behalwe die finansiële bronne bedoel in paragraaf (ccc) van die voorbehoudsbepaling by paragraaf (bb) van die voorbehoudsbepaling by paragraaf (i) van die voorbehoudsbepaling by subartikel (1)(c).";
- (b) deur die woorde wat op paragraaf (c) van subartikel (1) volg deur die volgende woorde te vervang:
- "en enige ooreenkoms wat bereik word aan die Administrateur voorlê [binne 'n tydperk van 90 dae na die datum van inwerkingtreding van hierdie Wet of binne die verlengde tydperk wat die Administrateur toelaat] voor of op 30 November 1994 waarop die Administrateur, binne 'n tydperk van 45 dae, die bevoegdhede by artikel 10(1) aan hom of haar verleen, uitoefen, en die bepalings van sodanige ooreenkoms in die proklamasie beoog in genoemde artikel beliggaam";
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
- "(2) (a) Waar 'n ooreenkoms in subartikel (1) beoog, nie voor of op 30 November 1994 aan die Administrateur voorgelê word [binne die tydperk in daardie subartikel bedoel of binne die verlengde tydperk wat die Administrateur toelaat] nie, moet die Administrateur [binne 'n tydperk van 30 dae 'n proses van onafhanklike bemiddeling bewerkstellig, waarvan die uitslag na die forum verwys moet word vir 'n besluit.
- (b) Waar die forum 'n besluit neem met die vereiste meerderheid soos beoog in subartikel (3), oefen die Administrateur die bevoegdhede by artikel 10(1) aan hom of haar verleen uit, en beliggaam hy of sy die bepalings van sodanige besluit in die proklamasie in genoemde artikel beoog.
- (c) Waar die forum nie tot 'n besluit kan kom soos beoog in paragraaf (b) nie, moet die Administrateur—
- (i) in die geval van 'n plaaslike owerheidsliggaam in die gebied van 'n forum wat ingevolge Raadskennisgewing No. 127 van 1993 van die Raad op die Besoldiging en Diensvoordele van Stadsklerke, soos aangekondig in *Staatskoerant* No. 15250 van 12 November 1993, ingedeel is as 'n graad 8-plaaslike owerheid of laer, bepaal dat die opsie bedoel in paragraaf (c) van subartikel (1) op sodanige plaaslike owerheidsliggaam toegepas word; en
- (ii) in die geval van 'n plaaslike owerheidsliggaam in die gebied van 'n forum wat ingevolge Raadskennisgewing No. 127 van 1993 van die Raad op die Besoldiging en Diensvoordele van Stadsklerke, soos aangekondig in *Staatskoerant* No. 15250 van 12 November 1993, ingedeel is as 'n graad 9-plaaslike owerheid of hoër] voor of op 21 Desember 1994 die aangeleentheid na 'n arbitrasiekomitee in subartikel (2A) bedoel, verwys.
- (b) Die betrokke arbitrasiekomitee moet die aangeleentheid oorweeg en voor of op 12 Januarie 1995 die Administrateur skriftelik in kennis stel van die besluit van die komitee, waarop die Administrateur, binne 'n tydperk van 30 dae, die bevoegdhede by artikel 10(1) aan hom of haar verleen, uitoefen, en die besluit van die arbitrasiekomitee in die proklamasie beoog in genoemde artikel beliggaam: Met dien verstande dat waar 'n besluit van die arbitrasiekomitee nie binne die tydperk in hierdie paragraaf bedoel aan die Administrateur voorgelê word nie of waar die arbitrasiekomitee binne sodanige tydperk die Administrateur skriftelik in kennis stel dat hy, om enige rede, nie tot 'n besluit kan kom nie, die Administrateur—
- (i) na behoorlike oorweging van die onderhandelingsproses wat in die forum plaasgevind het; en
- (ii) ten einde 'n resultaat te verkry wat, in die omstandighede van daardie besondere geval, die beste uitvoering sal gee aan die oogmerke van hierdie Wet,
- onverwyld moet bepaal dat die opsie bedoel in paragraaf (b) of (c) van subartikel (1) op [sodanige plaaslike owerheidsliggaam] die plaaslike owerheidsliggame in die gebied van die forum toegepas word, en binne

period of 30 days, exercise the powers conferred upon him or her by section 10(1), incorporating the provisions of such determination in the proclamation contemplated in the said section.”;

(d) by the insertion after subsection (2) of the following subsection:

“(2A) (a) There is hereby established for each province one or more committees as determined by the Administrator to be known as an arbitration committee or as arbitration committees.

(b) An arbitration committee shall consist of four members appointed by the Administrator of whom two shall be broadly representative of the statutory component of forums in the province concerned and the other two shall be broadly representative of the non-statutory component of forums in the province concerned.

(c) (i) An arbitration committee shall appoint a chairperson who shall determine the times and places for meetings of the committee.

(ii) The majority of the members of a committee shall form a quorum for a meeting.

(iii) The decision of the majority of the members of a committee present at any meeting thereof, shall be a decision of the committee.

(iv) A committee may make rules in relation to the holding of and procedures at meetings of the committee.

(d) The administrative work incidental to the performance of the functions of an arbitration committee shall be performed by officers of the respective provincial administrations designated for that purpose by the Director-General concerned.; and

(e) by the substitution for subsection (3) of the following subsection:

“(3) Any agreement contemplated in subsection (1) shall be approved [and any decision contemplated in subsection (2) shall be taken] by a concurrent majority of two-thirds of both the statutory and non-statutory components of the forum: Provided that any such agreement [or decision] relating to the application of the option referred to in paragraph (b) of subsection (1) to any local government body within the area of the forum concerned which, in terms of Board Notice No. 127 of 1993 of the Board on the Remuneration [of] and Service Benefits of Town Clerks, as published in *Government Gazette* No. 15250 of 12 November 1993, is classified as a grade 8 local authority or lower, shall only be approved [or taken] by a concurrent majority of four-fifths of both the statutory and non-statutory components of the forum.”.

(2) Subsection (1) shall be deemed to have come into operation on 30 November 1994.

Insertion of section 7A in Act 209 of 1993

6. (1) The following section is hereby inserted in the principal Act after section 7:

“Powers of Administrator if forum is not established or recognized

7A. If a forum for any area has for any reason whatsoever not been established or recognized as contemplated in section 6 on 30 November 1994, the Administrator may, notwithstanding anything to the contrary contained in this Act, forthwith determine that the option referred to in paragraph (b) or (c) of section 7(1) shall be applied to the local government bodies in any such area and shall, within a period of 30 days of such determination, exercise the powers conferred upon him or her by section 10(1), incorporating the provisions of such determination in the proclamation contemplated in the said section.”.

(2) Subsection (1) shall be deemed to have come into operation on 30 November 1994.

Amendment of section 8 of Act 209 of 1993

7. (1) Section 8 of the principal Act is hereby amended—

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) the written representations of [any] a transitional council or

'n tydperk van 30 dae die bevoegdhede uitoefen by artikel 10(1) aan hom of haar verleen, en beliggaam hy of sy die bepalings van sodanige bepaling in die proklamasie in genoemde artikel beoog.'';

(d) deur die volgende subartikel na subartikel (2) in te voeg:

5 “(2A) (a) Daar word hierby vir elke provinsie een of meer komitees soos wat deur die Administrateur bepaal word, met die naam arbitrasiekomitee of arbitrasiekomitees ingestel.

10 (b) 'n Arbitrasiekomitee bestaan uit vier lede deur die Administrateur aangestel van wie twee algemeen verteenwoordigend van die statutêre komponent van forums in die betrokke provinsie en die ander twee algemeen verteenwoordigend van die nie-statutêre komponent van forums in die betrokke provinsie moet wees.

15 (c) (i) 'n Arbitrasiekomitee stel 'n voorsitter aan wat die tye en plekke van vergaderings van die komitee bepaal.

15 (ii) Die meerderheid van die lede van 'n komitee maak 'n kworum uit vir 'n vergadering.

20 (iii) Die besluit van die meerderheid van die lede van 'n komitee teenwoordig by 'n vergadering daarvan, is 'n besluit van die komitee.

20 (iv) 'n Komitee kan reëls maak met betrekking tot die hou van en prosedure by vergaderings van die komitee.

25 (d) Die administratiewe werk verbonde aan die verrigting van die werksaamhede van 'n arbitrasiekomitee word verrig deur beampies van die onderskeie provinsiale administrasies wat vir dié doel deur die betrokke Direkteur-generaal aangewys word.''; en

25 (e) deur subartikel (3) deur die volgende subartikel te vervang:

30 “(3) 'n Ooreenkoms in subartikel (1) beoog, word goedgekeur [en 'n besluit in subartikel (2) beoog, word geneem] deur 'n konkurrente meerderheid van twee derdes van sowel die statutêre as die nie-statutêre komponente van die forum: Met dien verstande dat enige sodanige ooreenkoms [of besluit] met betrekking tot die toepassing van die opsie bedoel in paragraaf (b) van subartikel (1) op 'n plaaslike owerheidsliggaam binne die gebied van die betrokke forum wat, ingevolge Raadskennisgewing No. 127 van 1993 van die Raad op die Besoldiging en Diensvoordele van Stadsklerke, soos aangekondig in *Staatskoerant* No. 15250 van 12 November 1993, ingedeel is as 'n graad 8-plaaslike owerheid of laer slegs goedgekeur [of geneem] word deur 'n konkurrente meerderheid van vier vyfdes van sowel die statutêre as die nie-statutêre komponente van die forum.'''.

35 (2) Subartikel (1) word geag op 30 November 1994 in werking te getree het.

40 Invoeging van artikel 7A in Wet 209 van 1993

6. (1) Die volgende artikel word hierby na artikel 7 in die Hoofwet ingevoeg:

“Bevoegdhede van Administrateur indien forum nie ingestel of erken is nie

45 7A. Indien 'n forum vir enige gebied om welke rede ook al nie op 30 November 1994 ingestel of erken is nie soos beoog in artikel 6, kan die Administrateur, ondanks andersluidende bepalings van hierdie Wet, onverwyld bepaal dat die opsie bedoel in paragraaf (b) of (c) van artikel 7(1) op die plaaslike owerheidsliggame in enige sodanige gebied toegepas word en, binne 'n tydperk van 30 dae na sodanige bepaling, die bevoegdhede uitoefen by artikel 10(1) aan hom of haar verleen, en beliggaam hy of sy die bepalings van sodanige bepaling in die proklamasie in genoemde artikel beoog.'''.

50 (2) Subartikel (1) word geag op 30 November 1994 in werking te getree het.

Wysiging van artikel 8 van Wet 209 van 1993

55 7. (1) Artikel 8 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:
“(a) die skriftelike vertoë van [enig] 'n oorgangsaad of metropolitaanse

<p>transitional metropolitan substructure, <u>if any</u>, which is established at that stage and which may be affected;”;</p> <p>(b) by the addition of the following subsection:</p> <p>“(4) (a) Any delimitation or determination made in terms of subsection (2) may from time to time, but not later than a date three months prior to the day determined by the Minister as contemplated in section 9(1), be reviewed by the Administrator.</p> <p>(b) The provisions of subsections (2) and (3) shall apply <i>mutatis mutandis</i> to a delimitation and determination as a result of a review contemplated in paragraph (a).”.</p> <p>(2) Subsection (1) shall be deemed to have come into operation on 30 November 1994.</p>	5 10
Amendment of section 9 of Act 209 of 1993	
8. (1) Section 9 of the principal Act is hereby amended—	15
(a) by the substitution for subsection (3) of the following subsection:	
“(3) Regulations made under subsection (2)(a) may prescribe penalties for any contravention thereof or a failure to comply therewith, of a fine, or imprisonment for a period not exceeding [two] <u>five years</u> .”; and	20 25
(b) by the insertion after subsection (3) of the following subsection:	
“(3A) (a) The respective Administrators shall, as far as is practicable, having regard to special circumstances prevailing within each province, strive towards substantial uniformity in respect of the content of the regulations made under subsection (2)(a) and shall, to this end, before the publication of the regulations, consult with one another and reach agreement at a meeting between the Minister and the Administrators or their representatives.	30
(b) Where an Administrator fails to make the regulations referred to in subsection (2)(a) within a period agreed upon at the meeting contemplated in paragraph (a), the Minister may exercise the powers conferred upon that Administrator by subsection (2)(a) and the provisions of subsections (3) and (4) shall apply <i>mutatis mutandis</i> to the exercise of such powers by the Minister.”.	35
(2) (a) Paragraph (a) of subsection (1) shall be deemed to have come into operation on 31 March 1995.	35
(b) Paragraph (b) of subsection (1) shall be deemed to have come into operation on 2 February 1994.	
Insertion of Part VA in Act 209 of 1993	
9. (1) The following part is hereby inserted in the principal Act after Part V:	40
“PART VA	
RURAL LOCAL GOVERNMENT	
Definitions	
9A. In this Part, unless the context indicates otherwise—	
‘district council’ means a services council, sub-regional council, regional council or district council referred to in section 10(3)(i);	45
‘interest group’ means—	
(a) farmers, landowners or levy payers;	
(b) farm labourers;	
(c) women; and	
(d) traditional leaders;	50
‘remaining area’ means any area which is situate within that part of the area of a district council which does not form part of the area of jurisdiction or area of a transitional local council, a transitional representative council or a transitional rural council;	
‘transitional representative council’ means a transitional representative council referred to in section 9B(4)(a);	55
‘transitional rural council’ means a transitional council for a rural area of local government referred to in section 10(3)(iA).	

oorgangsubstruktuur, indien enige, wat op daardie stadium ingestel is en wat geraak kan word;"; en

(b) deur die volgende subartikel by te voeg:

“(4) (a) 'n Afbakening of bepaling gedoen ingevolge subartikel (2) kan van tyd tot tyd, maar nie later nie as 'n datum drie maande voor die dag wat deur die Minister bepaal is soos beoog in artikel 9(1), deur die Administrateur hersien word.

(b) Die bepalings van subartikels (2) en (3) is *mutatis mutandis* van toepassing op 'n afbakening en bepaling as gevolg van 'n hersiening beoog in paragraaf (a).”.

(2) Subartikel (1) word geag op 30 November 1994 in werking te getree het.

Wysiging van artikel 9 van Wet 209 van 1993

8. (1) Artikel 9 van die Hoofwet word hierby gewysig—

(a) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Regulasies wat kragtens subartikel (2)(a) uitgevaardig word, kan vir 'n oortreding daarvan of versuim om daaraan te voldoen strawwe voorskryf van 'n boete, of gevangenisstraf vir 'n tydperk van hoogstens [twee] vyf jaar."; en

(b) deur die volgende subartikel na subartikel (3) in te voeg:

“(3A) (a) Die onderskeie Administrateurs moet, sover doenlik, met inagneming van buitengewone omstandighede wat binne elke provinsie heers, wesenlike eenvormigheid ten opsigte van die inhoud van die regulasies kragtens subartikel (2)(a) uitgevaardig, nastreef, en, ten einde dié doel te bereik, voor die publikasie van die regulasies met mekaar oorleg pleeg en ooreenkoms bereik op 'n vergadering van die Minister en die Administrateurs of hul verteenwoordigers.

(b) Waar 'n Administrateur versuim om die regulasies in subartikel (2)(a) bedoel, te maak binne 'n tydperk waarop ooreengekom is tydens die vergadering beoog in paragraaf (a), kan die Minister die bevoegdhede by subartikel (2)(a) aan daardie Administrateur verleen, uitoefen en die bepalings van subartikels (3) en (4) is *mutatis mutandis* van toepassing op die uitoefening van sodanige bevoegdhede deur die Minister.”.

(2) (a) Paragraaf (a) van subartikel (1) word geag op 31 Maart 1995 in werking te getree het.

(b) Paragraaf (b) van subartikel (1) word geag op 2 Februarie 1994 in werking te getree het.

Invoeging van Deel VA in Wet 209 van 1993

9. (1) Die volgende deel word hierby na Deel V in die Hoofwet ingevoeg:

“DEEL VA

LANDELIKE PLAASLIKE REGERING

Woordomskrywing

9A. In hierdie Deel, tensy uit die samehang anders blyk, beteken—
'belangegroep'—

(a) boere, grondeienaars of betalers van heffings;

(b) plaaswerkers;

(c) vroue; en

(d) tradisionele leiers;

'distrikraad' 'n diensteraad, substreekraad, streekraad of distrikraad in artikel 10(3)(i) bedoel;

'landelike oorgangsraad' 'n oorgangsraad vir 'n landelike gebied van plaaslike regering in artikel 10(3)(iA) bedoel;

'oorblywende gebied' 'n gebied wat geleë is binne daardie deel van die gebied van 'n distrikraad wat nie deel uitmaak van dieregsgebied of gebied van 'n plaaslike oorgangsraad, 'n verteenwoordigende oorgangsraad of 'n landelike oorgangsraad nie;

'verteenwoordigende oorgangsraad' 'n verteenwoordigende oorgangsraad in artikel 9B(4)(a) bedoel.

Powers of Administrator relating to rural local government

9B. (1) The Administrator may make such arrangements relating to the establishment of district councils, transitional representative councils and transitional rural councils as are necessary or expedient for the effective carrying out or furtherance of the provisions and objects of this Part, including—

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- (a) the delimitation of the area of a transitional representative council after due consideration of the advice and written recommendations of the Board; and
- (b) the determination of the number of members of a district council or a transitional representative council.

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(2) Without derogating from the generality of the power conferred by subsection (1), but subject to the provisions of this Part, the arrangements contemplated in that subsection may include the exercise of the powers conferred upon the Administrator by sections 9 and 10.

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(3) Without derogating from the generality of the power conferred by section 9, a proclamation contemplated in that section may, in respect of rural local government, provide for—

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- (a) the qualifications for election or nomination as members of a district council or a transitional representative council, their election or nomination and periods of office, the vacating of their offices, and the filling of casual vacancies in such council; and
- (b) the election of a chairperson, a vice-chairperson or an acting chairperson of a district council or a transitional representative council.

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(4) Without derogating from the generality of the power conferred by section 10, a proclamation contemplated in that section may, in respect of rural local government, provide for—

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- (a) the establishment of, and the delimitation of the area of, a transitional representative council, and the convening of and procedure and quorum at meetings thereof;
- (b) the payment of transport and subsistence allowances to members of a transitional representative council; and
- (c) the dissolution of any transitional rural council or the conversion of any such council into a transitional representative council.

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Transitional representative councils

9C. (1) A transitional representative council shall consist of—

- (a) members elected in accordance with a system of proportional representation; and
- (b) if the Administrator considers it desirable, members nominated by interest groups recognized by the Administrator.

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(2) At least one member shall be nominated by each interest group by virtue of subsection (1)(b): Provided that—

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- (a) no single interest group shall nominate a number of members which exceeds 10 per cent of the total number of members to be elected and nominated in respect of the relevant transitional representative council;
- (b) the total number of members nominated by interest groups shall not exceed 20 per cent of the total number of members to be elected and nominated in respect of the relevant transitional representative council.

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(3) A transitional representative council shall be vested and charged with the following powers and duties, namely—

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- (a) subject to the provisions of section 9D(1)(b)(i), to elect from among its members a person or persons to represent the council on the district council in question;
- (b) to secure, through the said person or persons, the best services possible for the inhabitants of its area;
- (c) to serve as the representative body of its area—

Bevoegdhede van Administrateur met betrekking tot landelike plaaslike regering

9B. (1) Die Administrateur kan die reëlings met betrekking tot die instelling van distrikrade, verteenwoordigende oorgangsrade en landelike oorgangsrade tref wat nodig of dienstig is vir die doeltreffende uitvoering of bevordering van die bepalings en oogmerke van hierdie Deel, met inbegrip van—

- (a) die afbakening van dié gebied van 'n verteenwoordigende oorgangsrade na behoorlike oorweging van die advies en skriftelike aanbevelings van die Raad; en
- (b) die bepaling van die getal lede van 'n distrikraad of 'n verteenwoordigende oorgangsrade.

(2) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid by subartikel (1) verleen, maar behoudens die bepalings van hierdie Deel, kan die reëlings in daardie subartikel beoog die uitoefening van die bevoegdhede by artikels 9 en 10 aan die Administrateur verleen, insluit.

(3) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid by artikel 9 verleen, kan 'n proklamasie in daardie artikel beoog, ten opsigte van landelike plaaslike regering, voorsiening maak vir—

- (a) die kwalifikasies vir verkiesing of benoeming as lede van 'n distrikraad of 'n verteenwoordigende oorgangsrade, hul verkiesing of benoeming en ampstermyne, die ontruiming van hul ampte, en die vul van toevallige vakatures in so 'n raad; en
- (b) die verkiesing van 'n voorsitter, 'n ondervoorsitter of 'n waarnemende voorsitter van 'n distrikraad of 'n verteenwoordigende oorgangsrade.

(4) Sonder om afbreuk te doen aan die algemeenheid van die bevoegdheid by artikel 10 verleen, kan 'n proklamasie in daardie artikel beoog, ten opsigte van landelike plaaslike regering, voorsiening maak vir—

- (a) die instelling van, en die afbakening van die gebied van, 'n verteenwoordigende oorgangsrade, en die byeenroeping van, prosedure by en kworum vir vergaderings daarvan;
- (b) die betaling van reis- en verblyftoeplaes aan lede van die verteenwoordigende oorgangsrade; en
- (c) die ontbinding van 'n landelike oorgangsrade of die omskepping van so 'n raad in 'n verteenwoordigende oorgangsrade.

Verteenwoordigende oorgangsrade

9C. (1) 'n Verteenwoordigende oorgangsrade bestaan uit—

- (a) lede wat verkies word ooreenkomsdig 'n stelsel van proporsionele verteenwoordiging; en
- (b) indien die Administrateur dit wenslik ag, lede wat benoem word deur belangegroepe wat deur die Administrateur erken word.

(2) Minstens een lid moet deur elke belangegroep uit hoofde van subartikel (1)(b) benoem word: Met dien verstande dat—

- (a) geen enkele belangegroep 'n getal lede benoem wat 10 persent van die totale getal lede wat ten opsigte van die betrokke verteenwoordigende oorgangsrade verkies en benoem moet word, oorskry nie;
- (b) die totale getal lede wat deur belangegroepe benoem word, nie 20 persent van die totale getal lede wat ten opsigte van die betrokke verteenwoordigende oorgangsrade verkies en benoem moet word, oorskry nie.

(3) 'n Verteenwoordigende oorgangsrade is beklee en belas met die volgende bevoegdhede en pligte, naamlik—

- (a) om, behoudens die bepalings van artikel 9D(1)(b)(i), uit sy lede 'n persoon of persone te verkies om die raad in die betrokke distrikraad te verteenwoordig;
- (b) om, deur bemiddeling van bedoelde persoon of persone, die besmoontlike dienste vir die inwoners van sy gebied te verseker;
- (c) om as die verteenwoordigende liggaam van sy gebied te dien—

- (i) in respect of any benefits resulting from the reconstruction and development programme; and
- (ii) in the development of a democratic, effective and affordable system of local government; and
- (d) in general, to represent the inhabitants of its area in respect of any matter relating to rural local government.
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Framework for rural local government

- 9D.** (1) The following principles shall apply in respect of rural local government, namely—
- (a) provision shall be made for the division of the whole area of each province into areas of jurisdiction of transitional metropolitan councils, if any, and areas of district councils;
- (b) a district council shall consist of—
- (i) members elected as prescribed by regulation under section 12 by transitional local councils, transitional representative councils or transitional rural councils, the areas of jurisdiction or areas of which are situate within the area of such district council; and
- (ii) in the case where there is a remaining area, members elected or elected and nominated from such area in accordance with a ratio based on the inhabitant numbers of the area of such district council in relation to such numbers of the remaining area;
- (c) the provisions of paragraph (b)(ii) shall cease to apply in respect of any remaining area with effect from the date upon which such area is included within the area of jurisdiction of a local government established by or under legislation contemplated in section 245(2) of the Constitution, or the date upon which a period of six months has elapsed from the polling day or polling period for elections in terms of this Act, whichever is the later date;
- (d) district councils, transitional local councils, transitional representative councils and transitional rural councils shall be utilized with a view to developing a democratic, effective and affordable system of local government.
- (2) The members referred to in subsection (1)(b)(ii) shall—
- (a) be elected in accordance with a system of proportional representation; and
- (b) if the Administrator considers it desirable, be nominated by interest groups recognized by the Administrator.
- (3) At least one member shall be nominated by each interest group by virtue of subsection (2)(b): Provided that—
- (a) no single interest group shall nominate a number of members which exceeds 10 per cent of the total number of members to be elected and nominated in respect of the relevant remaining area;
- (b) the total number of members nominated by interest groups shall not exceed 20 per cent of the total number of members to be elected and nominated in respect of the relevant remaining area.
- (4) In the delimitation of the area of any transitional representative council and the area of jurisdiction of any transitional rural council, preference shall be given to a delimitation which has the effect that the said area or area of jurisdiction is situate within the boundaries of a magisterial district.
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- 50

Construction of this Part

9E. The provisions of this Part shall apply in addition to, and not in substitution for, the other provisions of this Act.”

- (2) Subsection (1) shall be deemed to have come into operation on 30 June 1995.

- 5 (i) ten opsigte van enige voordele wat uit die heropbou- en ontwikkelingsprogram voortspruit; en
 (ii) by die ontwikkeling van 'n demokratiese, doeltreffende en bekostigbare plaaslike regeringstelsel; en
 (d) in die algemeen, om die inwoners van sy gebied te verteenwoordig ten opsigte van 'n aangeleentheid wat op landelike plaaslike regering betrekking het.

Raamwerk vir landelike plaaslike regering

- 10 **9D.** (1) Die volgende beginsels is van toepassing ten opsigte van landelike plaaslike regering, naamlik—
 (a) voorsiening moet gemaak word vir die verdeling van die hele gebied van elke provinsie in regsgebiede van metropolitaanse oorgangsrade, indien daar is, en gebiede van distrikrade;
 (b) 'n distrikraad bestaan uit—
 15 (i) lede wat verkieë word soos by regulasie kragtens artikel 12 voorgeskryf deur plaaslike oorgangsrade, verteenwoordigende oorgangsrade of landelike oorgangsrade waarvan die regsgebiede of gebiede binne die gebied van so 'n distrikraad geleë is; en
 (ii) in die geval waar daar 'n oorblywende gebied is, lede wat uit so 'n gebied verkieë of verkieë en benoem word ooreenkomsdig 'n verhouding wat op die inwonertal van die gebied van so 'n distrikraad met betrekking tot die inwonertal van die oorblywende gebied gebaseer is;
 20 (c) die bepalings van paragraaf (b)(ii) hou op om ten opsigte van 'n oorblywende gebied van toepassing te wees met ingang van die datum waarop so 'n gebied ingesluit word by die regsgebied van 'n plaaslike regering wat by of kragtens wetgewing beoog in artikel 245(2) van die Grondwet ingestel word, of die datum waarop 'n tydperk van ses maande vanaf die stemdag of stemtydperk vir verkiegings ingevolge hierdie Wet verloop het, na gelang van watter datum die laaste is;
 25 (d) distrikrade, plaaslike oorgangsrade, verteenwoordigende oorgangsrade en landelike oorgangsrade word aangewend met die oog op die ontwikkeling van 'n demokratiese, doeltreffende en bekostigbare plaaslike regeringstelsel.
 30 (2) Die lede bedoel in subartikel (1)(b)(ii) word—
 (a) verkieë ooreenkomsdig 'n stelsel van proporsionele verteenwoordiging; en
 35 (b) indien die Administrateur dit wenslik ag, benoem deur belangegroep wat deur die Administrateur erken word.
 (3) Minstens een lid moet deur elke belangegroep uit hoofde van subartikel (2)(b) benoem word: Met dien verstande dat—
 40 (a) geen enkele belangegroep 'n getal lede benoem wat 10 persent van die totale getal lede wat ten opsigte van die betrokke oorblywende gebied verkieë en benoem moet word, oorskry nie;
 (b) die totale getal lede wat deur belangegroep benoem word, nie 20 persent van die totale getal lede wat ten opsigte van die betrokke oorblywende gebied verkieë en benoem moet word, oorskry nie.
 45 (4) By die afbakening van die gebied van 'n verteenwoordigende oorgangsrade en die regsgebied van 'n landelike oorgangsrade moet voorkeur verleen word aan 'n afbakening wat die uitwerking het dat bedoelde gebied of regsgebied binne die grense van 'n landdrostdistrik geleë is.

55 Uitleg van hierdie Deel

9E. Die bepalings van hierdie Deel geld benewens die ander bepalings van hierdie Wet, en dien nie ter vervanging daarvan nie.”

- (2) Subartikel (1) word geag op 30 Junie 1995 in werking te getree het.

Amendment of section 10 of Act 209 of 1993

10. (1) Section 10 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs, respectively:
 - “(b) provide in any such enactment for the amendment or repeal of [any] a law in force in or in a part of that province, including [any] an Act of Parliament or [the legislative assembly of any Self-governing Territory] any provision of such a law, in so far as it relates to any such matter and applies in [the] or in such part of that province; and
 - “(c) provide in any such enactment that any law, including any Act of Parliament, or [the legislative assembly of a Self-governing Territory] any provision of such a law, pertaining to local government affairs shall, subject to the adjustment or amendment of such law or provision as he or she may make in such enactment, apply to any local government body, transitional council, or transitional metropolitan substructure referred to in section 16, or to any category of such local government bodies, transitional councils or transitional metropolitan substructures, in that province or a part thereof;”;
- (b) by the substitution for paragraph (i) of subsection (3) of the following paragraph:
 - “(i) the disestablishment of any local government body referred to in paragraph (h) or (i) of the definition of local government body and the establishment of a body to be known as a services council, sub-regional council, regional council or district council to jointly exercise the powers and perform the duties in relation to certain local government functions for a non-metropolitan area of local government by transitional local councils, local government co-ordinating committees or local government bodies within such areas, including the delimitation of such an area after due consideration of the advice and written recommendations of the Board, and the constitution, functioning, powers, duties, assets, rights, employees and financing of such body: Provided that such services council, sub-regional council, regional council or district council shall have the power to levy and claim the regional services levy and the regional establishment levy referred to in section 12(1)(a) of the Regional Services Councils Act, 1985, or section 16(1)(a) of the KwaZulu and Natal Joint Services Act, 1990, as the case may be, which the disestablished local government body referred to in paragraph (h) or (i) of the definition of local government body would, but for its disestablishment, have levied and claimed;”;
- (c) by the insertion after paragraph (i) of subsection (3) of the following paragraph:
 - “(iA) the establishment of a transitional council for a rural area of local government not falling within the area of jurisdiction of a transitional metropolitan council or a transitional local council, including the delimitation of the area of jurisdiction of such council after due consideration of the advice and written recommendations of the Board, and the constitution, election, functioning, powers, duties, assets, rights, employees and financing of such council;”;
- (d) by the addition to subsection (3) of the following paragraph:
 - “(k) the establishment of a body at the request of any local government body, transitional council or transitional metropolitan substructure to assist any such local government body, transitional council or

Wysiging van artikel 10 van Wet 209 van 1993

- 10.** (1) Artikel 10 van die Hoofwet word hierby gewysig—
 (a) deur paragrawe (b) en (c) van subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
- (b) in so 'n maatreël voorsiening maak vir die wysiging of herroeping van 'n wet van krag in of in 'n gedeelte van daardie provinsie, met inbegrip van 'n Wet van die Parlement, of [**die wetgewende vergadering van 'n Selfregerende Gebied**] enige bepaling van so 'n wet, vir sover dit op so 'n aangeleenthed betrekking het en in [**die**] of in sodanige gedeelte van daardie provinsie van toepassing is; en
- (c) in so 'n maatreël voorsiening maak vir die toepassing van enige wet, met inbegrip van 'n Wet van die Parlement [**of die wetgewende vergadering van 'n Selfregerende Gebied**] of enige bepaling van so 'n wet wat betrekking het op plaaslike regerings-aangeleenthede, behoudens die aanpassing of wysiging van sodanige wet of bepaling wat hy of sy in sodanige maatreël kan aanbring, op 'n plaaslike owerheidsliggaam, oorgangsraad of metropolitaanse oorgangsubstruktuur in artikel 16 bedoel, of op enige kategorie sodanige plaaslike owerheidsliggame, oorgangsrade of metropolitaanse oorgangsubstrukture, in daardie provinsie of 'n gedeelte daarvan;”;
- (b) deur paragraaf (i) van subartikel (3) deur die volgende paragraaf te vervang:
 (i) die ontbinding van 'n plaaslike owerheidsliggaam in paragraaf (h) of (i) van die omskrywing van plaaslike owerheidsliggaam bedoel, en die instelling van 'n liggaam wat bekend staan as 'n diensteraad, substreekraad, streekraad of distrikraad om gesamentlik bevoegdhede en pligte uit te oefen en te verrig met betrekking tot bepaalde plaaslike owerheidsfunksies vir 'n nie-metropolitaanse gebied van plaaslike regering deur plaaslike oorgangsrade, plaaslike owerheidskoördineringskomitees van plaaslike owerheidsliggame binne sodanige gebiede, met inbegrip van die afbakening van so 'n gebied na behoorlike oorweging van die advies en skriftelike aanbevelings van die Raad, en die samestelling, funksionering, bevoegdhede, pligte, bates, regte, werknemers en finansiering van sodanige liggaam: Met dien verstande dat sodanige diensteraad, substreekraad, streekraad of distrikraad die bevoegdheid het om die streeksdiensteheffing en die streeksvestigingsheffing bedoel in artikel 12(1)(a) van die Wet op Streeksdiensterade, 1985, of artikel 16(1)(a) van die Wet op die Gesamentlike Dienste vir KwaZulu en Natal, 1990, na gelang van die geval, wat die ontbinde plaaslike owerheidsliggaam bedoel in paragraaf (h) of (i) van die omskrywing van plaaslike owerheidsliggaam, sou gehef en geëis het, as dit nie vir sy afskaffing was nie, te hef en te eis;”;
- (c) deur die volgende paragraaf na paragraaf (i) van subartikel (3) in te voeg:
 (iA) die instelling van 'n oorgangsraad vir 'n landelike gebied van plaaslike regering wat nie binne dieregsgebied van 'n metropolitaanse oorgangsraad of 'n plaaslike oorgangsraad val nie, met inbegrip van die afbakening van dieregsgebied van sodanige raad na behoorlike oorweging van die advies en skriftelike aanbevelings van die Raad, en die samestelling, verkiesing, funksionering, bevoegdhede, pligte, bates, regte, werknemers en finansiering van sodanige raad;”; en
- (d) deur die volgende paragraaf by subartikel (3) te voeg:
 (k) die instelling van 'n liggaam op die versoek van 'n plaaslike owerheidsliggaam, oorgangsraad of metropolitaanse oorgangsubstruktuur om sodanige plaaslike owerheidsliggaam, oorgangsraad

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transitional metropolitan substructure which may be affected by the provisions of any proclamation made under subsection (1) to manage the implementation of the provisions of such proclamation, including the constitution, functioning, powers, duties, employees and financing of such body: Provided that the functioning, powers and duties of such body shall in no way derogate from the autonomy and powers of a local government body, transitional council or transitional metropolitan substructure under the applicable laws, including this Act."

(2) (a) Paragraph (a) of subsection (1) shall be deemed to have come into operation 10 on 15 July 1994.

(b) Paragraphs (c) and (d) of subsection (1) shall be deemed to have come into operation on 30 November 1994.

Insertion of section 10A in Act 209 of 1993

11. (1) The following section is hereby inserted in the principal Act after section 10: 15

"Exercise or performance of provincial powers and duties outside province"

10A. (1) The Administrator of a province may, with the approval of the President and after agreement or arrangement with the Administrator of any other province, and after consultation with any negotiating forum or local government body which may be affected, in accordance with such agreement or arrangement exercise any power or perform any duty conferred or imposed on him or her by this Act, in the other province which he or she may exercise or perform in respect of the area of jurisdiction of the province for which he or she is appointed, and for the purpose of the exercise or performance of such power or duty and for the purposes of the provisions of this Act, such other province shall be deemed to constitute part of the province for which he or she is appointed.

(2) A Board established for a province as contemplated in section 11(1) may, with the consent of the Administrator appointed for that province, granted with the approval of the President, perform any function referred to in section 11(6) in any other province in terms of an agreement or arrangement between the Administrator of that province and the Administrator of such other province, and for the purpose of the performance of that function such other province shall be deemed to constitute part of that province".

(2) Subsection (1) shall be deemed to have come into operation on 30 November 1994.

Amendment of section 11 of Act 209 of 1993

12. (1) Section 11 of the principal Act is hereby amended by the substitution for 40 paragraph (b) of subsection (6) of the following paragraph:

"(b) When the Board makes recommendations to the Administrator as contemplated in paragraph (a), it shall do so—

(i) within a reasonable time after having been requested to do so; or
(ii) within a reasonable period determined by the Administrator, and shall take into account the criteria listed in Schedule 6: Provided that if the Board fails to furnish the Administrator with its written recommendations within the period referred to in subparagraph (ii) the Administrator may, notwithstanding anything to the contrary contained in this Act, exercise any power or perform any duty conferred or imposed upon him or her by this Act without considering the advice and written recommendations of the Board.".

(2) Subsection (1) shall be deemed to have come into operation on 30 November 1994.

5 of metropolitaanse oorgangsubstruktuur wat geraak kan word deur die bepalings van 'n proklamasie kragtens subartikel (1) uitgevaardig, behulpsaam te wees om die implementering van die bepaling van sodanige proklamasie te bestuur, met inbegrip van die samestelling, funksionering, bevoegdhede, pligte, werknemers en finansiering van sodanige liggaam: Met dien verstande dat die funksionering, bevoegdhede en pligte van sodanige liggaam geensins afbreuk doen aan die outonomie en bevoegdhede van 'n plaaslike owerheidsliggaam, oorgangsraad of metropolitaanse oorgangsubstruktuur kragtens die toepaslike wette, met inbegrip van hierdie Wet, nie.".

10 (2) (a) Paragraaf (a) van subartikel (1) word geag op 15 Julie 1994 in werking te getree het.
 (b) Paragrawe (c) en (d) van subartikel (1) word geag op 30 November 1994 in 15 werking te getree het.

Invoeging van artikel 10A in Wet 209 van 1993

11. (1) Die volgende artikel word hierby na artikel 10 in die Hoofwet ingevoeg:

"Uitoefening of verrigting van provinsiale bevoegdhede of pligte buite provinsie

20 **10A.** (1) Die Administrateur van 'n provinsie kan, met die goedkeuring van die President en na ooreenkoms of reëling met die Administrateur van 'n ander provinsie, en na oorlegpleging met enige onderhandelingsforum of plaaslike owerheidsliggaam wat geraak kan word, ooreenkomstig bedoelde ooreenkoms of reëling enige bevoegdheid of plig wat by hierdie Wet aan hom of haar verleen of opgelê word wat hy of sy ten opsigte van die regssgebied van die provinsie waarvoor hy of sy aangestel is, kan uitoefen of verrig, in die ander provinsie uitoefen of verrig, en vir die doel van die uitoefening of verrigting van sodanige bevoegdheid of plig en vir die doeleinnes van die bepalings van hierdie Wet word daardie ander provinsie geag deel van die provinsie waarvoor hy of sy aangestel is, uit te maak.
 (2) 'n Raad ingestel vir 'n provinsie soos beoog in artikel 11(1), kan met die toestemming van die Administrateur aangestel vir daardie provinsie, wat met die goedkeuring van die President verleen is, in 'n ander provinsie enige werksaamheid bedoel in artikel 11(6) verrig ingevolge 'n ooreenkoms of reëling tussen die Administrateur van daardie provinsie en die Administrateur van sodanige ander provinsie, en vir die doel van die verrigting van daardie werksaamheid word sodanige ander provinsie geag deel van daardie provinsie uit te maak."

25 40 (2) Subartikel (1) word geag op 30 November 1994 in werking te getree het.

Wysiging van artikel 11 van Wet 209 van 1993

12. (1) Artikel 11 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:

45 "(b) Wanneer die Raad aanbevelings aan die Administrateur doen soos in paragraaf (a) beoog, doen hy dit—
 (i) binne 'n redelike tyd nadat hy daartoe versoek is; of
 (ii) binne 'n redelike tydperk deur die Administrateur bepaal,
 met inagneming van die riglyne in Bylae 6 genoem: Met dien verstande dat indien die Raad nalaat om binne die tydperk bedoel in subparagraaf (ii) sy skriftelike aanbevelings aan die Administrateur te verskaf, die Administrateur, ondanks andersluidende bepalings van hierdie Wet, 'n bevoegdheid of plig kan uitoefen of verrig wat by hierdie Wet aan hom of haar verleen of opgelê word sonder oorweging van die advies en skriftelike aanbevelings van die Raad."

50 (2) Subartikel (1) word geag op 30 November 1994 in werking te getree het.

Amendment of section 13 of Act 209 of 1993

13. (1) Section 13 of the principal Act is hereby amended by the addition to paragraph (b) of subsection (6) of the following proviso:

“Provided that any delegation of a former administrator which was in force in respect of such an area immediately before the commencement of this Act shall, subject to the provisions of this Act, continue in force for the purpose of the continued administration of such an area, until such delegation is revoked or otherwise is no longer in force in law.”

(2) Subsection (1) shall be deemed to have come into operation on 2 February 1994.

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Amendment of section 16 of Act 209 of 1993

14. (1) Section 16 of the principal Act is hereby amended by the insertion after subsection (3) of the following subsection:

“(3A) Notwithstanding the provisions of section 10(3)(j), the conclusion or amendment of any contract, the appointment or promotion of any person, or the award of a term or condition of service or other benefit, which occurred since the date of commencement of this Act in respect of any person employed by any local government body, may, within six months of 30 November 1994, be reviewed by a commission appointed by the Administrator and presided over by a judge, and if not proper or justifiable in the circumstances of the case, the commission may reverse or alter the contract, appointment, promotion or award.”

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(2) Subsection (1) shall be deemed to have come into operation on 30 November 1994.

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Substitution of section 16A of Act 209 of 1993

15. (1) The following section is hereby substituted for section 16A of the principal Act:

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“Validation of certain proclamations

16A. (1) A proclamation issued under section 10(1) and published before 30 June 1995, shall not be invalid merely because—

- (a) it was not issued or published within a period or before a date specified in section 7 or 7A;
- (b) in the circumstances contemplated in subsection (2)(a) of section 7, a matter had not been referred to an arbitration committee before or on 21 December 1994 as required by the said subsection;
- (c) in any case where a matter had been referred to an arbitration committee for its consideration and decision in terms of subsection (2)(b) of section 7, that committee had not notified the Administrator of its decision before or on 12 January 1995 as required by the said subsection;
- (d) the provisions of subsection (2)(a) of section 7 requiring the referral of a matter to an arbitration committee for decision in accordance with subsection (2)(b) of that section, or any requirement of the said subsection (2)(b) in so far as it relates to arbitration, was for any reason not complied with by the Administrator prior to making a determination and exercising the powers conferred upon him or her by section 10(1) as contemplated in the said subsection; or
- (e) any specific provision of any agreement contemplated in section 7(1) was not incorporated in such proclamation.

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(2) The institution of any action in a court of law relating to the validity of a proclamation contemplated in subsection (1) shall not delay or suspend the implementation or operation of such proclamation.”

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(2) Subsection (1) shall be deemed to have come into operation on 23 November 1994.

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Amendment of Schedule 1 to Act 209 of 1993

16. (1) Schedule 1 to the principal Act is hereby amended by the substitution for subparagraph (3) of paragraph 5 of the following subparagraph:

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Wysiging van artikel 13 van Wet 209 van 1993

13. (1) Artikel 13 van die Hoofwet word hierby gewysig deur die volgende voorbehoudbepaling by paragraaf (b) van subartikel (6) te voeg:

- “Met dien verstande dat 'n delegasie van 'n voormalige administrateur wat gegeld het ten opsigte van so 'n gebied onmiddellik voor die inwerkingtreding van hierdie Wet, behoudens die bepalings van hierdie Wet, van krag bly vir die doeleindes van die voortgesette administrasie van so 'n gebied, totdat sodanige delegasie ingetrek word of andersins ophou om regskrag te hê.”
- 5 (2) Subartikel (1) word geag op 2 Februarie 1994 in werking te getree het.

10 Wysiging van artikel 16 van Wet 209 van 1993

14. (1) Artikel 16 van die Hoofwet word hierby gewysig deur die volgende subartikel na subartikel (3) in te voeg:

- “(3A) Ondanks die bepalings van artikel 10(3)(j), kan die sluiting of wysiging van 'n kontrak, die aanstelling of bevordering van 'n persoon, of die toekenning van 'n beding of voorwaarde van diens of 'n ander voordeel, wat sedert die datum van die inwerkingtreding van hierdie Wet ten opsigte van 'n persoon in die diens van 'n plaaslike owerheidsliggaam geskied het, binne ses maande na 30 November 1994, deur 'n kommissie wat deur die Administrateur aangestel is en waarby 'n regter voorsit, hersien word, en indien dit in die omstandighede van die geval nie behoorlik geskied het of nie geregverdig kan word nie, kan die kommissie die kontrak, aanstelling, bevordering of toekenning tersyde stel of 15 wysig.”
- 20 (2) Subartikel (1) word geag op 30 November 1994 in werking te getree het.

Vervanging van artikel 16A van Wet 209 van 1993

- 25 **15.** (1) Artikel 16A van die Hoofwet word hierby deur die volgende artikel vervang:

“Geldigverklaring van sekere proklamasies

16A. (1) 'n Proklamasie kragtens artikel 10(1) uitgereik en voor 30 Junie 1995 gepubliseer, is nie ongeldig nie bloot omrede—

- 30 (a) dit nie binne 'n tydperk of voor 'n datum in artikel 7 of 7A vermeld, uitgereik of gepubliseer is nie;
- (b) 'n aangeleentheid nie, onder die omstandighede beoog in subartikel 2(a) van artikel 7, na 'n arbitrasiekomitee verwys is voor of op 21 Desember 1994 soos by genoemde subartikel vereis nie;
- 35 (c) in 'n geval waar 'n aangeleentheid na 'n arbitrasiekomitee verwys is vir oorweging en beslissing ingevalge subartikel 2(b) van artikel 7, daardie komitee nie die Administrateur voor of op 12 Januarie 1995 van sy besluit in kennis gestel het soos by genoemde subartikel vereis nie;
- 40 (d) die bepalings van subartikel 2(a) van artikel 7 waarby vereis word dat 'n aangeleentheid verwys word na 'n arbitrasiekomitee vir beslissing ooreenkomsdig subartikel 2(b) van daardie artikel, of enige vereiste van bedoelde subartikel 2(b) vir sover dit op arbitrasie betrekking het, om enige rede nie deur die Administrateur nagekom is nie voor die maak van 'n bepaling en uitoefening van die bevoegdhede by artikel 10(1) aan hom of haar verleen soos in genoemde subartikel bedoel; of
- 45 (e) 'n spesifieke bepaling van 'n ooreenkoms beoog in artikel 7(1) nie in sodanige proklamasie beliggaam is nie.
- 50 (2) Die instelling van 'n aksie in 'n gereghof wat verband hou met die geldigheid van 'n proklamasie beoog in subartikel (1) vertraag of skort nie die implementering of werking van sodanige proklamasie op nie.”
- (2) Subartikel (1) word geag op 23 November 1994 in werking te getree het.

Wysiging van Bylae 1 by Wet 209 van 1993

- 16.** (1) Bylae 1 by die Hoofwet word hierby gewysig deur subparagraaf (3) van 55 paragraaf 5 deur die volgende subparagraaf te vervang:

“(3) Any person who is eligible to vote in terms of section 6 of the Constitution, read with section 15 of the Electoral Act, 1993 (Act No. 202 of 1993), and who is ordinarily resident within the area of jurisdiction of one of the participating local government bodies, or under law liable for the payment of assessment rates, rent, service charges or levies to one of the participating local government bodies, may be nominated as a member of any transitional council or transitional metropolitan substructure [shall meet the qualifications of a member of one of the participating local government bodies] unless—

(a) he or she is a member of the National Assembly, the Senate or a provincial legislature;

(b) he or she is disqualified to be elected as a member of the National Assembly in terms of the Constitution; or

(c) he or she is an employee of one of the participating local government bodies or any other local government body: Provided that the Administrator may exempt any such person if the Administrator is satisfied that such exemption is in the public interest and proof of such exemption accompanies the nomination:

Provided that no person shall be nominated as a member of more than one transitional council or metropolitan substructure.”.

(2) Subsection (1) shall be deemed to have come into operation on 2 February 1994: 20

Provided that this subsection shall not affect the validity of any agreement reached by a forum in terms of the principal Act or the validity of any proclamation issued by an Administrator in terms of section 10(1) of the principal Act, reached or issued before 30 November 1994 in respect of the members of a transitional local council or transitional metropolitan council and transitional metropolitan substructure. 25

Amendment of Schedule 4 to Act 209 of 1993

17. (1) Schedule 4 to the principal Act is hereby amended—

(a) by the substitution for paragraph 1 of the following paragraph:

“1. Any natural person who is—

(a) [eligible to vote in terms of section 6 of the Constitution of the Republic of South Africa, 1993, read with section 16 of the Electoral Act 1993 (Act No. 202 of 1993); and] of or over the age of 18 years;

(b) (i) a South African citizen; or
(ii) permanently resident in the Republic and who is in possession of an identity document contemplated in paragraph 5;

(c) not subject to any disqualification mentioned in section 16 of the Electoral Act, 1993 (Act No. 202 of 1993); and

[**(b)**] [**(d)**] ordinarily resident within the area of jurisdiction of a local government, or under law liable for the payment of assessment rates, rent, service charges or levies to the local government concerned,

shall be entitled to be included in the voters' roll of that local government and shall thereupon be entitled to vote in an election for members of the council of such local government: Provided that any person shall be entitled to exercise only one vote for any local government: Provided further that the exercise of a vote as contemplated in this paragraph may entail the marking of two or three ballot papers representing the proportional and ward components of a vote referred to in paragraphs 7 and 8.”;

(b) by the substitution for paragraph 5 of the following paragraph:

“5. Identification for voting purposes shall be by production of a voter's eligibility document [**as defined**] referred to in paragraphs (a), (c) and (d) of the definition of 'voter's eligibility document' in section 1 of the Electoral Act, 1993.”;

(c) by the substitution for subparagraph (a) of paragraph 6 of the following subparagraph:

“(a) he or she is [**an elected**] a member of the National Assembly, [**or**] the Senate or a provincial legislature;”;

- “(3) ’n Persoon wat geregtig is om te stem ingevolge artikel 6 van die Grondwet, gelees met artikel 15 van die Kieswet, 1993 (Wet No. 202 van 1993), en wat normaalweg woonagtig is binne die regsgebied van een van die deelnemende plaaslike owerheidsliggame, of by wet aanspreeklik is vir die betaling van eiendomsbelasting, huur, dienstegelde of heffings aan een van die deelnemende plaaslike owerheidsliggame kan as ’n lid van ’n oorgangsaad of metropolitaanse oorgangsubstruktuur benoem word, [moet aan die kwalifikasies van ’n lid van een van die deelnemende plaaslike owerheidsliggame voldoen] tensy—
- (a) hy of sy ’n lid is van die Nasionale Vergadering, die Senaat of ’n provinsiale wetgewer;
- (b) hy of sy gediskwalifiseer is om verkieks te word as ’n lid van die Nasionale Vergadering ingevolge die Grondwet; of
- (c) hy of sy ’n werknemer van een van die deelnemende plaaslike owerheidsliggame of ’n ander plaaslike owerheidsliggaam is: Met dien verstande dat die Administrateur enige sodanige persoon kan vrystel indien die Administrateur oortuig is dat so ’n vrystelling in die openbare belang is en bewys van so ’n vrystelling die benoeming vergesel:
- Met dien verstande dat geen persoon as ’n lid van meer as een oorgangsaad of metropolitaanse oorgangsubstruktuur benoem word nie.”.
- (2) Subartikel (1) word geag op 2 Februarie 1994 in werking te getree het: Met dien verstande dat hierdie subartikel nie die geldigheid van ’n ooreenkoms wat voor 30 November 1994 ingevolge die Hoofwet deur ’n forum bereik is of die geldigheid van ’n proklamasie wat voor 30 November 1994 ingevolge artikel 10(1) van die Hoofwet deur ’n Administrateur uitgevaardig is, wat betref die lede van ’n plaaslike oorgangsaad of metropolitaanse oorgangsaad en metropolitaanse oorgangsubstruktuur, raak nie.

Wysiging van Bylae 4 by Wet 209 van 1993

17. (1) Bylae 4 by die Hoofwet word hierby gewysig—
- (a) deur paragraaf 1 deur die volgende paragraaf te vervang:
- “1. ’n Natuurlike persoon wat—
- (a) [geregtig is om te stem ingevolge artikel 6 van die Grondwet van die Republiek van Suid-Afrika, 1993, gelees met artikel 16 van die Kieswet, 1993 (Wet No. 202 van 1993); en] 18 jaar of ouer is;
- (b) (i) ’n Suid-Afrikaanse burger is; of
- (ii) permanente verblyf in Suid-Afrika het en wat in besit is van ’n identiteitsdokument in paragraaf 5 beoog;
- (c) nie onderhewig is aan enige diskwalifikasie genoem in artikel 16 van die Kieswet, 1993 (Wet No. 202 van 1993), nie; en
- (b)(d) normaalweg woonagtig is binne die regsgebied van ’n plaaslike regering, of by wet aanspreeklik is vir die betaling van eiendomsbelasting, huur, dienstegelde of heffings aan die betrokke plaaslike regering,
- is daarop geregtig om ingesluit te word in die kieserslys van daardie plaaslike regering en is daarop geregtig om te stem in ’n verkiesing vir lede van die raad van sodanige plaaslike regering: Met dien verstande dat ’n persoon geregtig is om slegs een stem vir ’n plaaslike regering uit te bring: Met dien verstande voorts dat die uitbring van ’n stem soos beoog in hierdie paragraaf die merk van twee of drie stembriewe kan inhoud wat die proporsionele en wykkomponente van ’n stem verteenwoordig waarna in paragrawe 7 en 8 verwys word.”;
- (b) deur paragraaf 5 deur die volgende paragraaf te vervang:
- “5. Identifikasie vir stemdoeleindes geskied deur die voorlegging van ’n stemgeregtigdekieser-dokument [soos omskryf] bedoel in paragrawe (a), (c) en (d) van die omskrywing van ‘stemgeregtigdekieser-dokument’ in artikel 1 van die Kieswet, 1993.”;
- (c) deur subparagraph (a) van paragraaf 6 deur die volgende subparagraph te vervang:
- “(a) hy of sy ’n [verkose] lid is van die Nasionale Vergadering, [of] die Senaat of ’n provinsiale wetgewer;”;

(d) by the insertion after paragraph 6 of the following paragraph:

“**6A.** Subject to the provisions of paragraph 8, no person nominated for election as a member of a transitional council or a metropolitan substructure shall be nominated for election as a member of any other transitional council or metropolitan substructure.”; and

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(e) by the substitution for paragraph 8 of the following paragraph:

“**8.** Forty per cent of the members of a transitional metropolitan council shall be elected according to the system of proportional representation contemplated in paragraph 7, and sixty per cent of the members shall be [nominated] elected as prescribed by regulation under section 12 by the transitional metropolitan substructures from among their members on a *pro rata* basis according to the number of registered voters in the areas of jurisdiction of such transitional metropolitan substructures: Provided that each such transitional metropolitan substructure shall be entitled to at least one representative.”.

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(2) (a) Paragraph (a) of subsection (1) shall be deemed to have come into operation on 1 January 1995.

(b) Paragraphs (b), (c) and (d) of subsection (1) shall be deemed to have come into operation on 30 November 1994.

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Substitution of long title of Act 209 of 1993

18. (1) The following long title is hereby substituted for the long title of the principal Act:

“ACT

To provide for revised interim measures with a view to promoting the restructuring of local government, and for that purpose to provide for the establishment of Provincial Committees for Local Government in respect of the various provinces; to provide for the recognition and establishment of forums for negotiating such restructuring of local government; for the exemption of certain local government bodies from certain provisions of the Act; for the establishment of appointed transitional councils in the pre-interim phase; for the delimitation of areas of jurisdiction and the election of transitional councils in the interim phase; for the establishment of transitional rural local government structures; for the issuing of proclamations by the Administrators of the various provinces; for the establishment of Local Government Demarcation Boards in respect of the various provinces; and for the repeal of certain laws; and to provide for matters connected therewith.”.

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(2) Subsection (1) shall be deemed to have come into operation on 30 June 1995.

Repeal of laws, and saving

19. (1) Subject to subsection (2), the laws mentioned in the second column of the Schedule are hereby repealed.

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(2) Anything purporting to have been done under or in terms of a law repealed by subsection (1), shall be deemed to have been done under the corresponding provision of the principal Act as amended by this Act.

Short title

20. This Act shall be called the Local Government Transition Act Second Amendment Act, 1995.

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(d) deur die volgende paragraaf na paragraaf 6 in te voeg:

“6A. Behoudens die bepaling van paragraaf 8 word geen persoon wat benoem is om verkies te word as ’n lid van ’n oorgangsraad of metropolitaanse oorgangsubstruktuur benoem om verkies te word as ’n lid van ’n ander oorgangsraad of metropolitaanse oorgangsubstruktuur nie.”; en

(e) deur paragraaf 8 deur die volgende paragraaf te vervang:

“8. Veertig persent van die lede van ’n metropolitaanse oorgangsraad word verkies ooreenkomsdig die stelsel van proporsionele verteenwoordiging bedoel in paragraaf 7, en sestig persent van die lede word deur die metropolitaanse oorgangsubstrukture uit eie geledere [benoem] verkies soos by regulasie kragtens artikel 12 voorgeskryf op ’n pro rata-basis ooreenkomsdig die getal geregistreerde kiesers in die regsgebiede van daardie metropolitaanse oorgangsubstrukture: Met dien verstande dat elke sodanige metropolitaanse oorgangsubstruktuur op ten minste een verteenwoordiger geregtig is.”.

(2) (a) Paragraaf (a) van subartikel (1) word geag op 1 Januarie 1995 in werking te getree het.

(b) Paragrawe (b), (c) en (d) van subartikel (1) word geag op 30 November 1994 in werking te getree het.

Vervanging van lang titel van Wet 209 van 1993

18. (1) Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“WET

25 Om voorsiening te maak vir hersiene tussentydse maatreëls ten einde die herstrukturering van plaaslike regering te bevorder, en om vir dié doel voorsiening te maak vir die instelling van Proviniale Komitees vir Plaaslike Regering ten opsigte van die onderskeie provinsies; voorsiening te maak vir die erkenning en instelling van forums vir die onderhandeling van sodanige herstrukturering van plaaslike regering; vir die vrystelling van sekere plaaslike owerheidsliggame van sekere bepaling van die Wet; vir die instelling van benoemde oorgangsrade in die pre-interimfase; vir die afbakening van regsgebiede en die verkiesing van oorgangsrade in die interimfase; **vir die instelling van landelike plaaslike regering-oorgangstrukture;** vir die uitvaardiging van proklamasies deur die Administrateurs van die onderskeie provinsies; vir die instelling van Afbakeningsrade vir Plaaslike Regering ten opsigte van die onderskeie provinsies; en vir die herroeping van sekere wette; en om voorsiening te maak vir aangeleenthede wat daar mee in verband staan.”.

(2) Subartikel (1) word geag op 30 Junie 1995 in werking te getree het.

40 Herroeping van wette, en voorbehoud

19. (1) Behoudens subartikel (2), word die wette in die tweede kolom van die Bylae vermeld hierby herroep.

(2) Enigiets wat voorgee gedoen te wees kragtens of ingevolge ’n bepaling van ’n wet by subartikel (1) herroep, word geag kragtens die ooreenstemmende bepaling van die Hoofwet soos deur hierdie Wet gewysig, gedoen te gewees het.

Kort titel

20. Hierdie Wet heet die Tweede Wysigingswet op die Oorgangswet op Plaaslike Regering, 1995.

Act No. 89, 1995**LOCAL GOVERNMENT TRANSITION ACT SECOND
AMENDMENT ACT, 1995****SCHEDULE****Laws repealed**

Number and year of law	Title
Proclamation No. R. 129, 1994	Assignment of the Local Government Transition Act, 1993, to the Provinces under section 235(8) of the Constitution of the Republic of South Africa, 1993
Act No. 34 of 1994	Local Government Transition Act Amendment Act, 1994
Proclamation No. R. 174, 1994	The Local Government Transition Act Amendment Proclamation, 1994
Proclamation No. R. 35, 1995	The Local Government Transition Act Amendment Proclamation, 1995
Proclamation No. R. 54, 1995	The Local Government Transition Act Second Amendment Proclamation, 1995
Proclamation No. R. 58, 1995	The Local Government Transition Act Third Amendment Proclamation, 1995
Proclamation No. R. 59, 1995	The Local Government Transition Act, Fourth Amendment Proclamation, 1995
Proclamation No. R. 65, 1995	The Local Government Transition Act Fifth Amendment Proclamation, 1995

BYLAE**Wette herroep**

Nommer en jaar van wet	Titel
Proklamasie No. R. 129, 1994	Opdra van die Oorgangswet op Plaaslike Regering, 1993, aan die Provincies kragtens artikel 235(8) van die Grondwet van die Republiek van Suid-Afrika, 1993
Wet No. 34 van 1994	Wysigingswet op die Oorgangswet op Plaaslike Regering, 1994
Proklamasie No. R. 174, 1994	Die Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1994
Proklamasie No. R. 35, 1995	Die Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1995
Proklamasie No. R. 54, 1995	Die Tweede Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1995
Proklamasie No. R. 58, 1995	Die Derde Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1995
Proklamasie No. R. 59, 1995	Die Vierde Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1995
Proklamasie No. R. 65, 1995	Die Vyfde Proklamasie op die Wysiging van die Oorgangswet op Plaaslike Regering, 1995

