



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENT

No. 1552.

2 December 1998

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

No. 118 of 1998: South African Geographical Names Council Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1552.

2 Desember 1998

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

No. 118 van 1998: Wet op die Raad vir Suid-Afrikaanse Geografiese Name, 1998.

Act No. 118, 1998 SOUTH AFRICAN GEOGRAPHICAL NAMES COUNCIL ACT, 1998

*(English text signed by the President.)
(Assented to 20 November 1998.)*

ACT

To establish a permanent advisory body known as the South African Geographical Names Council to advise the Minister responsible for arts and culture on the transformation and standardisation of geographical names in South Africa for official purposes; to determine its objects, functions and methods of work; and to provide for matters connected therewith.

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

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Definitions

1. In this Act, unless the context indicates otherwise—	
(i) “Council” means the South African Geographical Names Council, established by section 2(1);	20
(ii) “Director-General” means the Director-General of the national department responsible for arts and culture;	
(iii) “geographical name” means the name of any terrestrial feature within the territorial limits of the Republic, together with the area of jurisdiction of the Republic acquired by treaty, whether—	25
(a) natural or made or adapted by human agency; or	
(b) populated or unpopulated;	
(iv) “Minister” means the Minister responsible for arts and culture;	
(v) “Municipality” means a municipality as defined in section 10B of the Local Government Transition Act, 1993 (Act No. 209 of 1993);	30
(vi) “regulations” means regulations made under section 12;	
(vii) “standardisation” means—	
(a) determination of—	
(i) the name to be applied to each geographical feature; and	
(ii) the written form of that name; and	
(b) the regulation by an appropriate authority of a geographical name, its written form and its application;	
(viii) “this Act” includes the regulations.	35

*(Engelse teks deur die Président geteken.)
(Goedgekeur op 20 November 1998.)*

WET

Tot instelling van 'n vaste adviesliggaam bekend as die Raad vir Suid-Afrikaanse Geografiese Name om die Minister verantwoordelik vir kuns en kultuur te adviseer oor die transformasie en standaardisering van geografiese name in Suid-Afrika vir amptelike doeleindeste; om die Kommissie se oogmerke, werksaamhede en werkwyse te bepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

RANGSKIKKING VAN ARTIKELS

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Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) "Direkteur-generaal" die Direkteur-generaal van die nasionale departement verantwoordelik vir kuns en kultuur;
 - (ii) "geografiese naam" die naam van enige aardse kenmerk binne die territoriale grense van die Republiek, tesame met die gebied van jurisdiksie van die Republiek verkry deur verdrag, hetsy—
 - (a) dit natuurlik is of deur menslike bemiddeling aangepas is; of
 - (b) bewoon of onbewoon is;
 - (iii) "hierdie Wet" ook die regulasies;
 - (iv) "Minister" die Minister verantwoordelik vir kuns en kultuur;
 - (v) "Munisipaliteit" 'n munisipaliteit soos omskryf is in artikel 10B van die Oorgangswet op Plaaslike Regering, 1993 (Wet No. 209 van 1993);
 - (vi) "Raad" beteken die Raad vir Suid-Afrikaanse Geografiese Name, ingestel by artikel 2(1);
 - (vii) "regulasies", regulasies kragtens artikel 12 uitgevaardig;
 - (viii) "standaardisering"—
 - (a) die bepaling van—
 - (i) die naam wat toegepas moet word op elke geografiese kenmerk; en
 - (ii) die geskrewe vorm daarvan; en
 - (b) die regulering deur 'n toepaslike owerheid van 'n geografiese naam en die geskrewe vorm en toepassing daarvan.

Act No. 118, 1998 SOUTH AFRICAN GEOGRAPHICAL NAMES COUNCIL ACT, 1998**Establishment and objects of Council**

- 2.** (1) There is hereby established a body to be known as the South African Geographical Names Council.
 (2) The objects of the Council are—
 (a) to facilitate the establishment of Provincial Geographical Names Committees; 5
 (b) to ensure the standardisation of geographical names;
 (c) to facilitate the transformation process for geographical names;
 (d) to promote the use of standardised South African geographical names at international level;
 (e) to ensure the implementation of standardised geographical names in South Africa; and 10
 (f) to promote awareness of the economic and social benefits of the standardisation of geographical names.

Composition of Council

- 3.** (1) The Council consists of no fewer than 15 and no more than 25 members appointed by the Minister, of whom—
 (a) nine must be nominated by the provinces;
 (b) one must be nominated by each of the following:
 (i) The South African Post Office;
 (ii) the Chief Directorate: Surveys and Mapping; 20
 (iii) the Pan South African Language Board,
 or any other organisation, body or institution the Minister considers relevant.
 (2) Members of the Council other than those referred to in subsection (1)(a) and (b) must be appointed by the Minister in the prescribed manner, and the regulations prescribing the manner of appointment must apply the principles of transparency and representativity and must take into account—
 (a) special competence, experience and interest in the relevant fields; and
 (b) the linguistic, cultural and demographic characteristics of the population of the Republic.

Term of office

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- 4.** (1) A member of the Council is appointed for a period of three years.
 (2) A member of the Council may be reappointed for a further period of three years.
 (3) If a member dies or resigns, the Minister must appoint another person to fill that vacancy for the remaining portion of the term of office of that member.
 (4) The Minister must, in consultation with the Council, appoint one of the members as chairperson of the Council to serve for a renewable term of three years. 35
 (5) If the chairperson dies or resigns, the Minister must appoint another person as chairperson for the remaining portion of the term of the first-mentioned chairperson.
 (6) A vice-chairperson is elected by the Council from among its members.
 (7) The Minister may terminate a person's membership of the Council— 40
 (a) if that member has been absent from three consecutive meetings of the Council without sufficient reasons; or
 (b) on the recommendation of the Council for reasons which are fair and just.

Meetings of Council

- 5.** (1) The Council may meet as often as necessary, but at least three times a year. 45
 (2) The chairperson may convene a special meeting or postpone or cancel a meeting in accordance with the necessity for a meeting.
 (3) The majority of the members of the Council form a quorum.
 (4) If consensus cannot be reached, decisions of the Council are taken by resolution of the majority of members present at the meeting, and in the event of an equality 50

Instelling en oogmerke van Raad

- 2.** (1) Hierby word 'n liggaam ingestel wat as die Raad vir Suid-Afrikaanse Geografiese Name bekend staan.
- (2) Die oogmerke van die Kommissie is om—
- 5 (a) die stigting van Provinciale Geografiese Name-komitees te faciliteer;
- (b) die standaardisering van geografiese name;
- (c) die gebruik van gestandaardiseerde Suid-Afrikaanse geografiese name op internasionale vlak te bevorder;
- 10 (d) die implementering van gestandaardiseerde geografiese name in Suid-Afrika te verseker;
- (e) om die transformasieproses van geografiese name te faciliteer; en
- (f) bewustheid van die ekonomiese en maatskaplike voordele van die standaardisering van geografiese name te bevorder.

Samestelling van Raad

- 15** **3.** (1) Die Raad bestaan uit nie minder nie as 15 en hoogstens 25 lede aangestel deur die Minister, van wie—
- (a) nege deur die provinsies benoem moet word;
- (b) een deur elk van die volgende benoem moet word:
- 20 (i) Die Suid-Afrikaanse Poskantoor;
- (ii) die Hoofdirektoraat: Opmeting en Kartering;
- (iii) die Pan-Suid-Afrikaanse Taalraad,
- of enige ander organisasie, liggaam of instelling wat die Minister tersaaklik ag.
- (2) Lede van die Raad, uitgesonderd dié bedoel in subartikel (1)(a) en (b) word deur die Minister op die voorgeskrewe wyse aangestel, en die regulasies wat die wyse van aanstelling voorskryf, moet die beginsels van deursigtigheid en verteenwoordigendheid toepas en moet—
- 25 (a) spesiale bevoegdhede in, ervaring van en belang by die tersaaklike terreine in ag neem; en
- 30 (b) die taalkundige, kulturele en demografiese eienskappe van die bevolking van die Republiek in ag neem.

Ampstermyn

- 4.** (1) 'n Lid van die Raad word vir 'n tydperk van drie jaar aangestel.
- (2) 'n Lid van die Raad kan vir 'n verdere ampstermyn van drie jaar heraangestel word.
- 35 (3) In die geval van die afsterwe of bedanking van 'n lid moet die Minister iemand anders vir die oorblywende gedeelte van die ampstermyn in daardie vakature aanstel.
- (4) Die Minister moet, in oorleg met die Raad, een van die lede as voorsitter van die Raad aanstel om vir 'n hernubare termyn van drie jaar te dien.
- 40 (5) In die geval van die bedanking of afsterwe van die voorsitter moet die Minister iemand anders as voorsitter vir die oorblywende gedeelte van die termyn van eersgenoemde voorsitter aanstel.
- (6) 'n Ondervoorsitter word deur die Raad vanuit sy geledere gekies.
- (7) Die Minister kan 'n persoon se lidmaatskap van die Raad beëindig—
- 45 (a) indien daardie lid sonder voldoende rede van drie agtereenvolgende vergaderings van die Raad afwesig was; of
- (b) op aanbeveling van die Raad op grond van billike en regverdigde redes.

Vergaderings van Raad

- 5.** (1) Die Raad kan so gereeld bymekaar kom as wat nodig is, maar ten minste drie keer per jaar.
- (2) Die voorsitter kan 'n spesiale vergadering belê of 'n vergadering ooreenkomsdig die noodsaaklikheid daarvan uitstel of kanselleer.
- (3) 'n Kworum vir 'n vergadering van die Raad is die meerderheid van sy lede.
- (4) Indien konsensus nie bereik kan word nie, word 'n besluit van die Raad geneem
- 55 by besluit van die meerderheid lede aanwesig by die vergadering, en in die geval van

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of votes the person presiding at the meeting has a casting vote in addition to his or her deliberative vote.

Executive functions of Council

6. (1) The executive functions of the Council must be performed by a section established by the Director-General in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994). 5

(2) The functions of the section are to—

- (a) perform administrative and secretarial services; and
- (b) establish and maintain a research section and the necessary infrastructure, incorporating a computerised database, a library, reference material and 10 document archives.

Subcommittees of Council and other assistance

7. (1) The Council may establish subcommittees not limited to its own members to perform work for the Council.

(2) The Council may delegate its powers and assign its duties to a subcommittee or to 15 any other body.

(3) The Council is not absolved from exercising or performing any power or duty so delegated or assigned.

(4) Any delegated power or duty so exercised or performed is regarded to have been 20 exercised or performed by the Council.

Allowances of members of Council and subcommittees

8. The Minister may, with the concurrence of the Minister of Finance, determine the allowances payable to members of the Council and any subcommittee it may establish who are not in the full-time employ of the State.

Powers and duties of Council 25

9. (1) The Council must—

- (a) set guidelines for the operation of Provincial Geographical Names Committees;
- (b) set standards and guidelines for local and provincial authorities in their respective areas of jurisdiction;
- (c) receive proposed geographical names submitted by State departments, statutory bodies, provincial governments, municipalities and other bodies or individuals;
- (d) recommend geographical names falling within the national competence to the Minister for approval;
- (e) advise the Minister on—
 - (i) the standardisation of proposed new geographical names;
 - (ii) existing geographical names not yet standardised;
 - (iii) the changing, removing or replacing of geographical names; and
 - (iv) geographical names and their orthography;
- (f) in consultation with provincial governments, identify existing geographical names in need of revision, and co-ordinate requests for advice on geographical names and standardisation;
- (g) communicate decisions and relevant information on geographical names approved in terms of section 10(1) effectively to the various State departments, the public, and all other users of geographical names at national and international level by means of gazetteers, lists, maps and other published and electronic media;
- (h) liaise with—
 - (i) national and international organisations concerned with geographical names; and
 - (ii) cultural, historical and linguistic organisations;
- (i) in consultation with the Minister and the Provincial Geographical Names Committees, formulate policies, principles and procedures, taking cognisance

'n staking van stemme het die voorsitter 'n beslissende stem benewens sy of haar beraadslagende stem.

Uitvoerende funksies van Raad

6. (1) Die uitvoerende funksies van die Raad moet uitgeoefen word deur 'n afdeling wat deur die Direkteur-generaal ingevolge die Staatsdienswet, 1994 (Proklamasie 103 van 1994), ingestel word.

(2) Die funksies van die afdeling is om—

- (a) alle administratiewe en sekretariële dienste te verrig; en
- (b) 'n navorsingafdeling en die nodige infrastruktur, wat 'n gerekenariseerde databasis, 'n biblioteek, verwysingsmateriaal en argiewe vir dokumente insluit, te stig en in stand te hou.

Subkomitees van Raad en ander bystand

7. (1) Die Raad kan subkomitees instel wat nie beperk is tot die lede van die Raad nie om werk vir die Raad te doen.

15 (2) Die Raad kan sy bevoegdhede of pligte aan 'n subkomitee of enige ander liggaam deleger of opdra.

(3) Die Raad is nie vrygestel van die uitoefening of verrigting van enige bevoegdheid of plig aldus gedelegeer of opgedra nie.

20 (4) Enige gedelegeerde bevoegdheid of plig aldus uitgeoefen, word geag uitgeoefen of verrig te wees deur die Raad.

Toelaes van lede van Raad en subkomitees

8. Die Minister mag, met die instemming van die Minister van Finansies, die toelaes bepaal wat betaalbaar is aan lede van die Raad en enige subkomitee wat dit mag stig, wat nie in die heetydse diens van die Staat is nie.

25 Bevoegdhede en pligte van Raad

- 9.** (1) Die Raad moet—
- (a) riglyne stel vir die werking van die Provinciale Geografiese Name-komitees;
 - (b) standaarde en riglyne stel vir munisipale en provinsiale owerhede in hul respektiewe gebiede van jurisdiksie;
 - 30 (c) voorgestelde geografiese name ontvang wat voorgelê word deur Staatsdepartemente, statutêre liggame, provinsiale regerings, munisipaliteite en ander liggame of individue;
 - (d) geografiese name wat binne die nasionale bevoegdheid val by die Minister vir goedkeuring aanbeveel;
 - 35 (e) die Minister adviseer oor—
 - (i) die standaardisering van voorgestelde nuwe geografiese name;
 - (ii) bestaande geografiese name wat nog nie gestandaardiseer is nie;
 - (iii) die verandering, verwydering of vervanging van geografiese name; en
 - (iv) geografiese name en hulle ortografie;
 - 40 (f) in oorleg met provinsiale regerings bestaande geografiese name wat hersien moet word, identifiseer en versoek om advies oor geografiese name en standaardisering koördineer;
 - (g) beslissings en tersaaklike inligting oor geografiese name wat ingevolge artikel 10(1) goedgekeur is, doeltreffend aan die onderskeie Staatsdepartemente, die publiek en alle ander gebruikers van geografiese name op nasionale en internasionale vlak kommunikeer deur middel van geografiese woordeboeke, lyste, kaarte en ander gepubliseerde en elektroniese media;
 - 45 (h) skakel met—
 - (i) nasionale en internasjonale organisasies gemoeid met geografiese name; en
 - (ii) kulturele, historiese en taalkundige organisasies;
 - 50 (i) in oorleg met die Minister en die Provinciale Geografiese Name-komitee, beleid, beginsels en procedures formuleer, met inagneming van resolusies

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- of the United Nations resolutions and international practice with reference to the standardisation of geographical names;
- (j) perform any other duty imposed on it by this Act or any other law.
- (2) The Council may—
- (a) exercise any power conferred on it by this Act or any other law; and
 - (b) generally, do everything which is necessary to perform its duties referred to in subsection (1).

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Approval and revision of geographical names

10. (1) The Minister may approve or reject a geographical name recommended by the Council in terms of section 9(1)(d). 10

(2) A geographical name approved or rejected by the Minister in terms of subsection (1) must be published in the *Gazette*.

(3) Any person or body dissatisfied with a geographical name approved by the Minister may, within one month from the date of publication of the geographical name in the *Gazette*, lodge a complaint in writing to the Minister. 15

(4) The Minister may refer the complaint to the Council for advice whether or not to reject or amend a geographical name so approved.

(5) The Minister must inform the complainant of the decision on the complaint and the reasons for the decision.

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Annual report

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11. (1) The Council must annually submit a report on its activities, including an assessment of the extent to which its objects have been achieved, to the Minister.

(2) The Minister must cause the report to be tabled in Parliament within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ordinary session. 25

Regulations

12. (1) The Minister must make regulations as to the criteria to be followed when deciding whether or not a geographical name should be regarded as a national, provincial or local competence.

(2) The Minister must make regulations regarding any matter referred to in section 3. 30

(3) The Minister may, after consultation with the Council, make regulations regarding—

- (a) any other matter which is required or permitted to be prescribed under this Act; and
- (b) generally, any matter which is necessary or expedient to be prescribed in order to achieve the objects of this Act. 35

(4) The regulations may provide that any person contravening any regulation or failing to comply therewith is guilty of an offence and liable on conviction to a penalty not exceeding that prescribed in the regulations.

Short title and commencement

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13. This Act is called the South African Geographical Names Council Act, 1998, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

- van die Verenigde Nasies en internasionale praktyk met betrekking tot die standaardisering van geografiese name;
- (j) enige ander pligte by hierdie Wet opgelê, uitvoer.
- (2) Die Raad kan—
- 5 (a) enige bevoegdheid by hierdie Wet of enige ander wet aan hom verleen, uitoefen; en
- (b) in die algemeen enigets doen wat nodig is om die pligte bedoel in subartikel (1) uit te voer.

Goedkeuring en hersiening van geografiese name

- 10 10. (1) Die Minister kan 'n geografiese naam wat ingevolge artikel 9(1)(d) deur die Raad aanbeveel is, goedkeur of afkeur.
- (2) 'n Geografiese naam goedgekeur of afgekeur deur die Minister ingevolge subartikel (1) moet in die *Staatskoerant* gepubliseer word.
- (3) Enige persoon of liggaam wat ontevrede is met 'n geografiese naam wat deur die 15 Minister goedgekeur is, mag binne een maand vanaf die datum van publikasie van die geografiese naam in die *Staatskoerant*, skriftelik 'n klage by die Minister aanhangig maak.
- (4) Die Minister kan die klage na die Raad verwys vir advies of die goedgekeurde geografiese naam afgekeur of gewysig moet word al dan nie.
- 20 (5) Die Minister moet die klaer inlig van sy besluit oor die klage en die redes vir die besluit.

Jaarverslag

11. (1) Die Raad moet jaarliks 'n verslag oor sy werksaamhede, met inbegrip van 'n evaluering van die mate waarin sy oogmerke bereik is, aan die Minister voorlê.
- 25 (2) Die Minister moet die verslag binne 14 dae na ontvangs in die Parlement ter tafel laat lê indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie.

Regulasies

12. (1) Die Minister moet regulasies uitvaardig ten opsigte van die kriteria om 30 gevolg te word wanneer besluit word of 'n geografiese naam geag moet word deel te wees van die nasionale, provinsiale of plaaslike bevoegdheid al dan nie.
- (2) Die Minister moet regulasies uitvaardig oor enige aangeleentheid waarna in artikel 3 verwys word.
- (3) Die Minister kan, na oorleg met die Raad, regulasies uitvaardig oor—
- 35 (a) enige ander aangeleentheid wat vereis of toegelaat word om ingevolge hierdie Wet voorgeskryf te word; en
- (b) in die algemeen, enige aangeleentheid wat noodsaaklik of wenslik is om gereguleer te word om die doelstellings van die Wet te bereik.
- (4) Die regulasies mag bepaal dat enige persoon wat enige regulasie oortree of nie 40 nakom nie, skuldig is aan 'n misdryf en by skuldigbevinding strafbaar is met 'n boete wat nie die bedrag in die regulasies voorgeskryf, oorskry nie.

Kort titel en inwerkingtreding

13. Hierdie Wet heet die Wet op die Raad vir Suid-Afrikaanse Geografiese Name, 1998, en tree in werking op 'n datum wat die President by proklamasie in die 45 *Staatskoerant* bepaal.

