



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2058.

6 September 1985

No. 2058.

6 September 1985

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

No. 110 of 1985: Local Government Affairs Amendment Act, 1985.

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

No. 110 van 1985: Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1985.

Act No. 110, 1985

LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Promotion of Local Government Affairs Act, 1983, so as to provide for the establishment of a Demarcation Board for Local Government Areas, and for the assignment of additional rights, powers, functions, duties and obligations to certain management bodies; to amend the Black Local Authorities Act, 1982, so as to further regulate the establishment of town councils and village councils; and to provide for incidental matters.

*(English text signed by the State President.)
(Assented to 4 September 1985.)*

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

Amendment of section 1 of Act 91 of 1983, as amended by section 1 of Act 116 of 1984 and section 1 of Act 45 of 1985.

1. Section 1 of the Promotion of Local Government Affairs Act, 1983 (hereinafter referred to as the principal Act), is hereby amended—
 (a) by the substitution in paragraph (b) of the definition of “Administrator” for the expression “sections 17 and 17A” of the expression “sections 7F, 17, 17A and 17B”; and
 (b) by the insertion after the definition of “co-ordinating council” of the following definition:
“demarcation board” means the Demarcation Board for Local Government Areas established by section 7A;”.

Insertion of Chapter 1A in Act 91 of 1983.

2. The following Chapter is hereby inserted in the principal Act after Chapter I:

“CHAPTER IA**DEMARCATION BOARD FOR LOCAL GOVERNMENT AREAS**

Establishment of Demarcation Board for Local Government Areas.

7A. (1) There is hereby established a board, to be called the Demarcation Board for Local Government Areas, which shall exercise the powers and perform the functions entrusted or assigned to it in terms of this Act.

(2) The demarcation board shall consist of not more than seven members appointed by the Minister after consultation with the action committee of the co-ordinating council and with the concurrence of the Ministers referred to in section 3 (2) (aB).

(3) The Minister shall designate one of the members of the demarcation board as chairman of that board and another member as vice-chairman thereof.

(4) Whenever the chairman is absent or unable to fulfil any of his functions, the vice-chairman may act in his stead.

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ALGEMENE VERDUIDELIKENDE NOTA:

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

Tot wysiging van die Wet op die Bevordering van Plaaslike Owerheidsangeleenthede, 1983, ten einde voorsiening te maak vir die instelling van 'n Afbakeningsraad vir Plaaslike Owerheidsgebiede, en vir die opdra van bykomende regte, bevoegdhede, werksaamhede, pligte en verpligtinge aan sekere bestuursliggame; tot wysiging van die Wet op Swart Plaaslike Besture, 1982, ten einde die instelling van stadsrade en dorpsbesture verder te reël; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 4 September 1985.)*

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

1. Artikel 1 van die Wet op die Bevordering van Plaaslike Owerheidsangeleenthede, 1983 (hieronder die Hoofwet genoem), word hierby gewysig—
- (a) deur in paragraaf (b) van die omskrywing van "Administrator" die uitdrukking "artikels 17 en 17A" deur die uitdrukking "artikels 7F, 17, 17A en 17B" te vervang; én
 - 10 (b) deur na die omskrywing van "Administrator" die volgende omskrywing in te voeg:
"afbakeningsraad" die Afbakeningsraad vir Plaaslike Owerheidsgebiede ingestel by artikel 7A;".
- Wysiging van artikel 1 van Wet 91 van 1983, soos gewysig deur artikel 1 van Wet 116 van 1984 en artikel 1 van Wet 45 van 1985.

2. Die volgende Hoofstuk word hierby in die Hoofwet na Hoofstuk 1 ingevoeg:

Invoeging van Hoofstuk 1A in Wet 91 van 1983.

"HOOFSTUK 1A"

AFBAKENINGSRAAD VIR PLAASLIKE OWERHEIDSGBIEDE

- Instelling van Afbakeningsraad vir Plaaslike Owerheidsgebiede.
- 20 7A. (1) Daar word hierby 'n raad met die naam die Afbakeningsraad vir Plaaslike Owerheidsgebiede ingestel, wat die bevoegdhede kan uitoefen en die werksaamhede moet verrig wat ingevolge hierdie Wet aan hom verleen of opgedra word.
- (2) Die afbakeningsraad bestaan uit hoogstens sewe lede wat die Minister na oorlegpleging met die aksiekomitee van die koördinerende raad en met die instemming van die Ministers bedoel in artikel 3 (2) (aB) aanstel.
- 25 (3) Die Minister wys een van die lede van die afbakeningsraad as voorzitter van dié raad en 'n ander lid as ondervoorsitter daarvan aan.
- (4) Wanneer die voorzitter afwesig is, of nie in staat is om enige van sy werksaamhede te verrig nie, kan die ondervoorsitter in sy plek optree.

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- (5) A member of the demarcation board shall occupy his office for such period not exceeding five years as the Minister may determine at the time of his appointment, but shall, subject to the provisions of subsection (6) or (7), be eligible for reappointment.
- (6) The provisions of paragraphs (a) to (d) of section 3 (8) shall *mutatis mutandis* apply to a member of the demarcation board.
- (7) A member of the demarcation board may at any time be removed from office by the Minister if the Minister is of the opinion that there are sufficient reasons for doing so.
- (8) A member of the demarcation board who ceases to be a member in terms of subsection (6) or (7) shall not again be appointed as a member of that board.
- (9) If a member of the demarcation board dies or ceases to be a member in terms of subsection (6) or (7), the Minister may, subject to the provisions of subsection (2), appoint any person in the place of such member for the unexpired period of office of such member.
- (10) A member of the demarcation board who is not in the full-time employment of the State shall receive in respect of his services as such a member, out of moneys appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may with the concurrence of the Minister of Finance determine, either in general or in any particular case.
- (11) Save as otherwise provided in this Act, the conditions of service of a member of the demarcation board who is not an officer in the public service as defined in section 1 (1) of the Public Service Act, 1984 (Act No. 111 of 1984), shall be determined by the Minister.
- (12) The Minister shall appoint an officer in the Department to act as secretary of the demarcation board.
- 7B.** (1) The demarcation board may co-opt not more than three persons to serve on that board or to attend a particular meeting thereof in connection with a particular matter being considered by the said board.
- (2) A person co-opted under this section may participate in the proceedings of the demarcation board in connection with the matter or at the meeting in respect of which he was co-opted, and is entitled to vote in respect of any decision of that board.
- (3) A person so co-opted who is not in the full-time service of the State, may be paid such remuneration and allowances as the Minister may with the concurrence of the Minister of Finance determine either in general or in any particular case.
- 7C.** (1) There shall be an executive committee of the demarcation board consisting of the chairman, the vice-chairman and so many other members of that board as the Minister, with the concurrence of the Ministers referred to in section 3 (2) (aB), may determine.
- (2) The chairman and vice-chairman of the demarcation board shall be the chairman and vice-chairman, respectively, of the executive committee.
- (3) The executive committee may, subject to the direction of the demarcation board, exercise all the powers and perform all the functions of that board during periods between meetings of that board, but shall not have the power, save in so far as that board may otherwise direct, to set aside or vary any decision of that board.

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(5) 'n Lid van die afbakeningsraad beklee sy amp vir die tydperk van hoogstens vyf jaar wat die Minister ten tyde van sy aanstelling bepaal, maar kan, behoudens die bepaling van subartikel (6) of (7), weer aangestel word.

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(6) Die bepaling van paragrawe (a) tot (d) van artikel 3 (8) is *mutatis mutandis* op 'n lid van die afbakeningsraad van toepassing.

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(7) 'n Lid van die afbakeningsraad kan te eniger tyd deur die Minister van sy amp ontheft word indien die Minister van oordeel is dat daar gegronde redes is om dit te doen.

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(8) 'n Lid van die afbakeningsraad wat ingevolge subartikel (6) of (7) ophou om 'n lid te wees, kan nie weer as 'n lid van dié raad aangestel word nie.

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(9) Indien 'n lid van die afbakeningsraad te sterwe kom of ingevolge subartikel (6) of (7) ophou om 'n lid te wees, kan die Minister, behoudens die bepaling van subartikel (2), iemand in die plek van daardie lid aanstel vir die onverstreke ampstermyn van daardie lid.

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(10) 'n Lid van die afbakeningsraad wat nie in die heetydse diens van die Staat is nie, ontvang uit geld wat die Parlement vir dié doel bewillig, ten opsigte van sy dienste as sodanige lid die besoldiging en toelaes wat die Minister met die instemming van die Minister van Finansies of in die algemeen of in 'n besondere geval bepaal.

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(11) Behalwe waar in hierdie Wet anders bepaal word, word die diensvoorraades van 'n lid van die afbakeningsraad wat nie 'n in artikel 1 (1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), omskrewe beampte in die staatsdienst is nie, deur die Minister bepaal.

(12) Die Minister wys 'n beampte in die Departement aan om as sekretaris van die afbakeningsraad op te tree.

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Koöptasie
van persone
om in
afbakenings-
raad te dien.

7B. (1) Die afbakeningsraad kan hoogstens drie persone kooppteer om in dié raad te dien of om 'n bepaalde vergadering daarvan in verband met 'n bepaalde aangeleentheid wat deur genoemde raad oorweeg word, by te woon.

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(2) 'n Persoon kragtens hierdie artikel gekoöpteer, kan aan die verrigtinge van die afbakeningsraad in verband met die saak of op die vergadering ten opsigte waarvan hy gekoöpteer is, deelneem en is geregtig om ten opsigte van enige besluit van dié raad te stem.

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(3) Aan 'n persoon aldus gekoöpteer wat nie in die heetydse diens van die Staat is nie, kan die besoldiging en toelaes betaal word wat die Minister met die instemming van die Minister van Finansies of in die algemeen of in 'n besondere geval bepaal.

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Uitvoerende
komitee van
afbakenings-
raad:

7C. (1) Daar is 'n uitvoerende komitee van die afbakeningsraad wat bestaan uit die voorsitter, die ondervoorsitter en soveel ander lede van dié raad as wat die Minister, met die instemming van die Ministers bedoel in artikel 3 (2) (aB), bepaal.

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(2) Die voorsitter en ondervoorsitter van die afbakeningsraad is onderskeidelik die voorsitter en ondervoorsitter van die uitvoerende komitee.

(3) Die uitvoerende komitee kan, onderworpe aan die voorskrifte van die afbakeningsraad, gedurende tydperke tussen vergaderings van dié raad al die bevoegdhede van dié raad uitoefen en al sy werksamehede verrig, maar is, behalwe vir sover dié raad anders gelas, nie bevoeg om 'n besluit van dié raad ter syde te stel of te wysig nie.

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- (4) (a) The executive committee shall meet at such times and places as the chairman of that committee may direct.
- (b) A quorum for a meeting of the executive committee shall be three of the members thereof.
- Committees of demarcation board.**
- 7D.** (1) The demarcation board may appoint one or more committees consisting of one or more members of that board and such other persons as that board may co-opt as it deems fit to serve in any such committee, to hold an enquiry referred to in section 7F (1), and shall, where such committee consists of more than one member of that board, designate one such member to be chairman of such committee, and any such committee shall for the purposes of any such enquiry exercise all the powers conferred and perform all the duties imposed upon that board in respect of any such enquiry.
- (2) A committee appointed under this section shall submit to the demarcation board a written report in respect of any enquiry held by it in regard to any matter which the demarcation board is in terms of section 7F (1) required to investigate, and the board may thereupon act in regard to that matter as provided in the said section as if the board had itself held such enquiry.
- (3) A member of any such committee who is not in the full-time employment of the State shall, in respect of his services as a member of such committee, receive out of moneys appropriated by Parliament for that purpose, such remuneration and allowances as the Minister may, with the concurrence of the Minister of Finance, determine, either in general or in any particular case.
- General powers of demarcation board.**
- 7E.** (1) The provisions of sections 2, 3, 4, 5 and 6 of the Commissions Act, 1947 (Act No. 8 of 1947), shall *mutatis mutandis* apply to the demarcation board and its executive and other committees.
- (2) A member of the demarcation board or of any such committee of the demarcation board may, after due notice to the occupant, at all reasonable times enter upon and inspect any land or premises for the purposes of an enquiry being held, and the chairman of the demarcation board may authorize any other person so to enter upon and inspect any land or premises.
- Functions of demarcation board.**
- 7F.** (1) The demarcation board shall at the request of—
 (a) an Administrator hold an enquiry and advise him by means of a written report on the desirability or otherwise of demarcating, altering or withdrawing the demarcation of the area of jurisdiction of a local authority; or
 (b) the Minister, the Minister appointed to administer local government affairs in respect of Black communities, the Ministers referred to in section 3 (2) (aB) or an Administrator, hold an enquiry and advise the said Minister, Ministers or Administrator by means of a written report on any other particular demarcation, redemarcation or withdrawal of the demarcation of any area pertaining to local government affairs.
- (2) When the demarcation board advises an Administrator as contemplated in paragraphs (a) and (b) of subsection (1), any directions issued in terms of section 17A shall be taken into account.
- (3) Whenever a power conferred by or under any law upon an Administrator to determine or change the area of jurisdiction of a local authority, is exercised by the Administrator concerned, that power shall,

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5	(4) (a) Die uitvoerende komitee kom byeen op die tye en plekke wat die voorsitter van dié komitee bepaal. (b) 'n Kworum vir 'n vergadering van die uitvoerende komitee is drie van die lede daarvan.
10	7D. (1) Die afbakeningsraad kan een of meer komitees bestaande uit een of meer lede van dié raad en die ander persone wat dié raad na goeddunke koop te om in so 'n komitee te dien, aanstel om enige in artikel 7F (1) bedoelde ondersoek in te stel, en moet, waar so 'n komitee uit meer as een lid van dié raad bestaan, een sodanige lid as die voorsitter van die komitee aanwys, en so 'n komitee oefen vir die doeleindes van so 'n ondersoek al die bevoegdhede uit wat aan dié raad verleen is en voer al die pligte uit wat aan dié raad opgelê is met betrekking tot so 'n ondersoek.
15	(2) 'n Kragtens hierdie artikel aangestelde komitee moet aan die afbakeningsraad 'n skriftelike verslag voorlê oor enige ondersoek deur hom onderneem met betrekking tot 'n aangeleenthed bedoel in artikel 7F (1) wat deur die raad ondersoek moet word, en die raad kan daarop volgens voorskrif van genoemde artikel met betrekking tot bedoelde aangeleenthed handel asof die raad self die ondersoek onderneem het.
20	(3) 'n Lid van so 'n komitee wat nie in die heeltydse diens van die Staat is nie, ontvang uit geld wat die Parlement vir dié doel bewillig, ten opsigte van sy dienste as lid van sodanige komitee die besoldiging en toelaes wat die Minister, met die instemming van die Minister van Finansies, of in die algemeen of in 'n besondere geval bepaal.
25	7E. (1) Die bepalings van artikels 2, 3, 4, 5 en 6 van die Kommissiewet, 1947 (Wet No. 8 van 1947), is <i>mutatis mutandis</i> op die afbakeningsraad en sy uitvoerende en ander komitees van toepassing.
30	(2) 'n Lid van die afbakeningsraad of van enige sodanige komitee van die afbakeningsraad kan, na gepaste kennisgewing aan die okkuperer, op alle redelike tye grond of 'n perseel betree en besigtig vir die doeleindes van 'n ondersoek wat ingestel word, en die voorsitter van die afbakeningsraad kan enige ander persoon magtig om grond of 'n perseel aldus te betree en te besigtig.
35	7F. (1) Die afbakeningsraad stel op versoek van— (a) 'n Administrateur ondersoek in na en dien deur middel van 'n skriftelike verslag hom van advies oor die wenslikheid of andersins van die afbakening, verandering of intrekking van die afbakening van die regsgebied van 'n plaaslike owerheid; of
40	(b) die Minister, die Minister aangestel om plaaslike owerheidsaangeleenthede ten opsigte van Swart gemeenskappe te administreer, die Ministers bedoel in artikel 3 (2) (aB) of 'n Administrateur ondersoek in na en dien deur middel van 'n skriftelike verslag genoemde Minister, Ministers of Administrateur van advies oor enige ander bepaalde afbakening, herafbakening of intrekking van die afbakening van 'n gebied wat betrekking het op plaaslike owerheidsaangeleenthede.
45	(2) Wanneer die afbakeningsraad 'n Administrateur van advies dien soos in paragrawe (a) en (b) van subartikel (1) beoog, moet enige voorskrifte uitgebreik ingevolge artikel 17A in ag geneem word.
50	(3) Wanneer 'n bevoegdheid by of kragtens wet aan 'n Administrateur verleen om die regsgebied van 'n plaaslike owerheid te bepaal of te verander deur die betrokke Administrateur uitgeoefen word, word daardie bevoegdheid, nieteenstaande die bepalings
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	notwithstanding the provisions of the law in accordance with which it is exercised, only be exercised—	
(a)	after consideration of a written report of the demarcation board in terms of subsection (1) which contains proposals regarding the demarcation, alteration or withdrawal of the demarcation of the area of jurisdiction concerned; and	5
(b)	after consultation with the Minister appointed to administer local government affairs in respect of Black communities or the Ministers referred to in section 3 (2) (aB), according to the population group which is directly affected by the demarcation.	10
	7G. (1) On receipt of a request for advice called for by an Administrator or a Minister as contemplated in section 7F (1) (a) or (b), the secretary of the demarcation board shall cause to be published in both official languages, once in the <i>Government Gazette</i> and in the <i>Official Gazette</i> of the province concerned and once in a newspaper circulating in the area concerned in the proposed demarcation, alteration or withdrawal of a demarcation, a notice stating that such a request for advice had been received, that it is open to inspection at the office of the secretary and at any other place or places, if any, mentioned in the notice and that objections against or representations in connection with the proposed demarcation, alteration or withdrawal of a demarcation may be lodged with the secretary of the demarcation board on or before a specific date, which shall not be less than 21 days after the date of the publication of the notice, and the secretary shall cause a copy of the notice to be served on every local authority directly affected by the proposed demarcation, alteration or withdrawal of a demarcation and on every Director-General referred to in section 3 (2) (e) or (eA), according to the population group concerned, and such service shall be effected by registered post or by hand.	15
	(2) On the expiration of the period within which objections or representations may be lodged in terms of the notice referred to in subsection (1), the secretary of the demarcation board shall refer the request together with all objections and representations and all relevant documents and particulars to the demarcation board for investigation and its recommendation: Provided that in the event of no objection or representations having been received in terms of the provisions of subsection (1), the demarcation board may dispense with any hearing or inspection if it is of the opinion that such hearing or inspection is not necessary.	20
	7H. (1) The meetings of the demarcation board shall, subject to the provisions of subsection (2), be held at such times and places as that board or, if authorized thereto by that board, the chairman of that board may determine.	25
	(2) The chairman may at any time call a special meeting of the demarcation board to be held at such time and place as he may direct.	30
	(3) A quorum for a meeting of the demarcation board shall be three of the members thereof.	35
	(4) In the absence from any meeting of the demarcation board of both the chairman and the vice-chairman, the members present at that meeting may elect one of their number to preside at that meeting.	40
	(5) The decision of the majority of the members present at a meeting of the demarcation board shall be the decision of that board, and in the event of an equality of votes, the person presiding at the meeting shall have a casting vote in addition to his deliberative vote.”.	45
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van die wet ingevolge waarvan dit uitgeoefen word,
slegs uitgeoefen—

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- (a) na die oorweging van 'n skriftelike verslag van die afbakeningsraad ingevolge subartikel (1) waarin voorstelle vervat is oor die afbakening, verandering of intrekking van die afbakening van die betrokke regsgebied; en
- (b) na oorlegpleging met die Minister aangestel om plaaslike owerheidsaangeleenthede ten opsigte van Swart gemeenskappe te administreer of die Ministers bedoel in artikel 3 (2) (aB), na gelang van die bevolkingsgroep wat regstreeks deur die afbakening geraak word.

15 Ondersoek
deur
afbakenings-
raad.

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7G. (1) By ontvangs van 'n versoek om advies, ge-
rig deur 'n Administrateur of Minister soos by artikel
7F (1) (a) of (b) beoog, laat die sekretaris van die
afbakeningsraad een keer in die *Staatskoerant* en in
die *Offisiële Koerant* van die betrokke provinsie en
een keer in 'n nuusblad wat in omloop is in die ge-
bied betrokke by die voorgestelde afbakening, ver-
andering of intrekking van 'n afbakening, 'n kennis-
gewing in albei amptelike tale publiseer, waarin
vermeld word dat so 'n versoek om advies ontvang
is, dat dit ter insae lê by die kantoor van die sekreta-
ris en die ander plek of plekke, indien daar is, wat in
die kennisgewing vermeld word, en dat besware teen
of vertoë in verband met die voorgestelde afbake-
ning, verandering of intrekking van 'n afbakening
by die sekretaris van die afbakeningsraad ingedien
kan word op of voor 'n bepaalde datum, wat min-
stens 21 dae na die datum van die publikasie van die
kennisgewing moet wees, en laat die sekretaris 'n af-
skrif van die kennisgewing bestel aan elke plaaslike
owerheid wat regstreeks deur die voorgestelde afbake-
ning, verandering of intrekking van 'n afbake-
ning geraak word en aan elke Directeur-generaal be-
doel in artikel 3 (2) (e) of (eA), na gelang van die
betrokke bevolkingsgroep, en sodanige bestelling
moet per aangetekende pos of per hand geskied.

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(2) By verstryking van die tydperk waarin besware
of vertoë ingevolge die in subartikel (1) bedoelde
kennisgewing ingedien kan word, verwys die sekreta-
ris van die afbakeningsraad die versoek tesame met
alle besware en vertoë en alle ter sake dienende doku-
mente en besonderhede na die afbakeningsraad vir
ondersoek en sy aanbeveling: Met dien verstande dat
ingeval geen beswaar of vertoë ingevolge subartikel
(1) ontvang is nie, en die afbakeningsraad van me-
ning is dat geen verhoor of inspeksie nodig is nie, die
raad van sodanige verhoor of inspeksie kan afsien.

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7H. (1) Die vergaderings van die afbakeningsraad
word, behoudens die bepalings van subartikel (2),
gehou op die tye en plekke wat dié raad of, indien
deur dié raad daartoe gemagtig, die voorsitter van
dié raad bepaal.

Vergaderings
van afbake-
ningsraad.

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(2) Die voorsitter kan te eniger tyd 'n spesiale ver-
gadering van die afbakeningsraad byeenroep, wat ge-
hou moet word op die tyd en plek wat die voorsitter
gelas.

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(3) 'n Kworum vir 'n vergadering van die
afbakeningsraad is drie van die lede daarvan.

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(4) Indien sowel die voorsitter as die ondervoorsitter
van 'n vergadering van die afbakeningsraad afwe-
sig is, kan die op daardie vergadering aanwesige lede
een uit hul midde kies om op daardie vergadering
voort te sit.

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(5) Die besluit van die meerderheid van die lede
wat op 'n vergadering van die afbakeningsraad aan-
wesig is, is die besluit van dié raad, en by 'n staking
van stemme het die persoon wat op die vergadering
voorsit, benewens sy beraadslagende stem ook 'n be-
slissende stem."

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Act No. 110, 1985**LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT, 1985**

Substitution of
section 15 of
Act 91 of 1983.

3. The following section is hereby substituted for section 15 of the principal Act:

"Delegation. **15.** The Minister may, subject to such conditions as he may determine, delegate to an officer in the Department (with a rank not lower than that of deputy director) any or all of the powers conferred upon him by sections 3 (12), 6 (1) (b), 7A (12) and 11 (2)."

Substitution of
section 16 of
Act 91 of 1983.

4. The following section is hereby substituted for section 16 of the principal Act:

"Performance of administrative work."

16. The administrative work connected with the performance of the functions of the co-ordinating council, a municipal development board, the demarcation board and any committee of the co-ordinating council, **[or]** a municipal development board or the demarcation board shall be performed by officers and employees of the Department.".

Insertion of
section 17B in
Act 91 of 1983.

5. The following section is hereby inserted in the principal Act after section 17A:

"Additional rights, powers, functions, duties and obligations of management bodies."

17B. (1) An Administrator may from time to time by notice in the *Official Gazette* concerned invest and charge management bodies generally or any particular management body specified in the notice, in respect of its area of jurisdiction, with any right, power, function, duty or obligation which by or under any law has been or may be assigned to any local authority within whose area of jurisdiction such a management body is situated.

(2) Unless a notice referred to in subsection (1) provides otherwise, the right, power, function, duty or obligation with which a management body is invested and charged under that notice, shall in respect of the area of jurisdiction of that management body devolve upon that management body to the exclusion of any local authority which immediately before the publication of the notice was invested and charged in respect of that area with that right, power, function, duty or obligation.

(3) A notice under subsection (1) may, in addition—

(a) contain directions regarding the manner in which, the conditions on which or the circumstances in which any such right, power, function, duty or obligation may be exercised or shall be performed or fulfilled by the management body;

(b) provide that a provision of any law creating, describing or determining any such right, power, function, duty or obligation shall be deemed to be amended in a manner specified in the notice in so far as that right, power, function, duty or obligation is exercised, performed or fulfilled by the management body;

(c) provide that any assets or obligations of the local authority as may be specified in the notice and as were vested in the local authority in connection with the exercise of any such power or the performance of any such function or duty before the management body was invested and charged with that power, function or duty shall devolve upon the management body, subject to such conditions as may be specified in the notice, includ-

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OWERHEIDSAAANGELEENTHEDE, 1985**

Wet No. 110, 1985

3. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

“Delegasie. 15. Die Minister kan, onderworpe aan die voorwaardes wat hy bepaal, enige van of al die bevoegdhede wat deur artikels 3 (12), 6 (1) (b), 7A (12) en 11 (2) aan hom verleen is, aan 'n beampete in die Departement (met 'n rang wat nie laer is nie as dié van adjunk-direkteur) deleger.”.

Vervanging van artikel 15 van Wet 91 van 1983.

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4. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verrigting van administratiewe werk. 16. Die administratiewe werk verbonde aan die verrigting van werksaamhede van die koördinerende raad, 'n munisipale ontwikkelingsraad, die afbakeningsraad en enige komitee van die koördinerende raad, [of] 'n munisipale ontwikkelingsraad of die afbakeningsraad word deur beampetes en werknemers van die Departement verrig.”.

Vervanging van artikel 16 van Wet 91 van 1983.

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5. Die volgende artikel word hierby in die Hoofwet na artikel 17A ingevoeg:

20 “Bykomende regte, bevoegdhede, werksaamhede, pligte en verpligtinge van bestuursliggame. 17B. (1) 'n Administrateur kan van tyd tot tyd by kennisgewing in die betrokke *Offisiële Koerant* bestuursliggame in die algemeen of 'n bepaalde bestuursliggaam in die kennisgewing vermeld ten opsigte van sy regsgebied beklee en belas met enige reg, bevoegdheid, werksaamheid, plig of verpligting wat by of kragtens 'n wet verleen of opgedra is of word aan 'n plaaslike owerheid binne wie se regsgebied die bestuursliggaam geleë is.

Invoeging van artikel 17B in Wet 91 van 1983.

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30 (2) Tensy 'n kennisgewing bedoel in subartikel (1) anders bepaal, gaan die reg, bevoegdheid, werksaamheid, plig of verpligting waarmee 'n bestuursliggaam kragtens daardie kennisgewing beklee en belas word, ten opsigte van die regsgebied van daardie bestuursliggaam op die bestuursliggaam oor tot uitsluiting van enige plaaslike owerheid wat ten opsigte van daardie gebied met daardie reg, bevoegdheid, werksaamheid, plig of verpligting beklee en belas was onmiddellik voor die publikasie van die kennisgewing.

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(3) 'n Kennisgewing kragtens subartikel (1) kan voorts—

40 (a) voorskrifte bevat betreffende die wyse of voorwaardes waarop of die omstandighede waarin so 'n reg, bevoegdheid, werksaamheid, plig of verpligting deur die bestuursliggaam uitgeoefen kan word of verrig of nagekom moet word;

45 (b) bepaal dat 'n bepaling van 'n wet waarin so 'n reg, bevoegdheid, werksaamheid, plig of verpligting geskep, beskryf of bepaal word, geag word gewysig te wees op 'n wyse in die kennisgewing vermeld vir sover daardie reg, bevoegdheid, werksaamheid, plig of verpligting deur die bestuursliggaam uitgeoefen, verrig of nagekom word;

50 (c) bepaal dat enige bates of verpligtinge van die plaaslike owerheid in die kennisgewing vermeld wat by die plaaslike owerheid in verband met die uitoefening van so 'n bevoegdheid of die verrigting van so 'n werksaamheid of plig berus het voordat die bestuursliggaam met daardie bevoegdheid, werksaamheid of plig beklee en belas was, op die bestuursliggaam oorgaan behoudens die voorwaardes in die kennisgewing vermeld, met inbegrip van voorwaardes (as daar

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- ing conditions (if any) regarding the payment of compensation by the management body;
- (d) provide for any officer or employee in the employment of the local authority to be transferred to or seconded to or that his services are placed at the disposal of the management body.
- (4) A notice referred to in subsection (1) may at any time be amended or substituted by the Administrator.
- (5) An Administrator shall direct the issue of a notice in terms of subsection (1) read with subsection (3) or the amendment or substitution of a notice in terms of subsection (4) only—
- (a) with the concurrence of the Ministers referred to in section 3 (2) (aB), according to the population group concerned;
- (b) after consultation with—
- (i) the local authority concerned; and
- (ii) the management body concerned.
- (6) Subject to the provisions of this section, the provisions of the Regional Services Councils Act, 1985, relating to the transfer or secondment to or placement of their services at the disposal of, of officers or employees and of the transfer or devolution of assets or obligations to a regional services council in terms of the said Act, shall *mutatis mutandis* apply in the case of the transfer or secondment to or placement of their services at the disposal of, or transfer or devolution of assets or obligations to a management body in terms of this section.
- (7) (a) A notice issued in terms of subsection (1) which provides that any law shall be deemed to be amended in a manner determined in subsection (3) (b), shall be Tabled in Parliament by the Minister within 14 days after the date thereof if Parliament is then in session or, if Parliament is then not in session, within 14 days after its ensuing session.
- (b) If Parliament disapproves of any such notice or of any provision in any such notice, such notice or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such notice or of such provision thereof up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such notice or such provision thereof.
- (8) A management body which—
- (a) is at the commencement of this Act not yet vested with corporate personality, is as from such commencement a juristic person under its existing name;
- (b) comes into existence after the commencement of this Act, is as from its coming into existence a juristic person under the name under which it so comes into existence.
- (9) For the purposes of this section 'management body' means a committee referred to in section 17 (1)."

Substitution of
long title of
Act 91 of 1983.

6. The following long title is hereby substituted for the long title of the principal Act:

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- is) betreffende die betaling van vergoeding deur die bestuursliggaam aan die plaaslike owerheid;

(d) bepaal dat enige beampete of werknemer in diens van 'n plaaslike owerheid vir diens oorgeplaas word na, afgestaan word aan of sy dienste tot die beskikking gestel word van 'n bestuursliggaam.

(4) 'n Kennisgewing in subartikel (1) bedoel, kan te eniger tyd deur die Administrateur gewysig of vervang word.

(5) 'n Administrateur gelas die uitreiking van 'n kennisgewing ingevolge subartikel (1) saamgelees met subartikel (3) of die wysiging of vervanging van 'n kennisgewing ingevolge subartikel (4) slegs—

(a) met die instemming van die Ministers in artikel 3 (2) (aB) bedoel, na gelang van die bevolkingsgroep wat betrokke is;

(b) na oorleg met—

 - (i) die betrokke plaaslike owerheid; en
 - (ii) die betrokke bestuursliggaam.

(6) Behoudens die bepальings van hierdie artikel, is die bepальings van die Wet op Streeksdiensterade, 1985, met betrekking tot die oorplasing, afstanddoening of beskikbaarstelling van hul dienste van beampetes of werknemers en van die oordrag of oorgang van bates of verpligte na 'n streeksdiensteraad ingevolge die bepальings van genoemde Wet *mutatis mutandis* van toepassing in die geval van 'n oorplasing, afstanddoening of beskikbaarstelling van hul dienste van beampetes of werknemers of die oordrag of oorgang van bates en verpligte na 'n bestuursliggaam ingevolge dié artikel.

(7) (a) 'n Kragtens subartikel (1) uitgevaardigde kennisgewing waarin bepaal word dat 'n Wet geag word gewysig te wees op 'n wyse soos in subartikel (3) (b) bepaal, moet binne 14 dae vanaf die datum daarvan deur die Minister in die Parlement ter Tafel gelê word indien die Parlement in sessie is of, indien die Parlement dan nie in sessie is nie, binne 14 dae na die aanvang van sy volgende sessie.

(b) Indien die Parlement so 'n kennisgewing of 'n bepaling van so 'n kennisgewing afkeur, verval die regskrag van die kennisgewing of die bepaling daarvan vir sover dit aldus afgekeur word, dog sonder om afbreuk te doen aan die geldigheid van enigiets wat ingevolge die kennisgewing of die bepaling daarvan tot die datum waarop die regskrag daarvan aldus verval het, gedoen is, of aan 'n reg, voorreg, verpligte of aanspreeklikheid wat op genoemde datum kragtens en uit hoofde van dié kennisgewing of dié bepaling daarvan verkry, opgeoloof of aangegaan is.

(8) 'n Bestuursliggaam wat—

(a) by die inwerkingtreding van hierdie Wet nog nie met regspersoonlikheid beklee is nie, is vanaf dié inwerkingtreding 'n regspersoon onder sy bestaande naam;

(b) na die inwerkingtreding van hierdie Wet tot stand kom, is vanaf sy totstandkoming 'n regspersoon onder die naam waaronder hy aldus tot stand kom.

(9) By die toepassing van hierdie artikel beteken 'bestuursliggaam' 'n komitee bedoel in artikel 17 (1)."

6. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

**Vervanging van
lang titel van
Wet 91 van 1983.**

Act No. 110, 1985

LOCAL GOVERNMENT AFFAIRS AMENDMENT ACT, 1985

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“To make provision for the co-ordination of functions of general interest to local authorities and of those functions of local authorities which should in the national interest be co-ordinated; the establishment of a co-ordinating council for that purpose; the establishment of committees in order to assist the co-ordinating council in the performance of its functions; the establishment of an action committee of the co-ordinating council; the establishment of a demarcation board in respect of certain areas; the establishment of an executive committee of the demarcation board; the establishment of committees to hold enquiries for the demarcation board; the rendering of development aid to local authorities; the establishment of municipal development boards for that purpose; the designation of persons or institutions for purposes of membership of the co-ordinating council; **[and]** the improvement of communication between certain committees and local authorities relating to certain matters; the exercise of certain powers by the Administrator in accordance with directives determined by the Minister; and the extension of the functions of the said committees; and to provide for incidental matters.”.

Amendment of
section 2 of
Act 102 of 1982,
as amended by
section 69 of
Act 4 of 1984.

7. Section 2 of the Black Local Authorities Act, 1982, is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) after consultation with the administrator of the province in which, and with the development board in the administration area of which, the area in question is situated, establish under a name mentioned in the notice a town council or a village council for an area **[defined in the notice consisting of one or more townships or a portion or portions of a township or townships]** referred to in subsection (1A);”;
- (b) by the deletion of paragraph (d) of subsection (1);
- (c) by the insertion after subsection (1) of the following subsection:
- “(1A) An administrator may by notice in the *Gazette* and after consultation with the Minister and with the development board in the administration area of which the area in question is situated—
- (a) define an area in the notice consisting of one or more townships or a portion or portions of a township or townships;
- (b) alter the area of jurisdiction of a town council or village council, after consultation with the town council or village council concerned, by excluding therefrom any portion thereof or by adding thereto a township or portion of a township.”.
- (d) by the substitution for subsection (5) of the following subsection:
- “(5) If **[the Minister]** an administrator intends to alter the area of jurisdiction of a local authority under subsection **[(1) (d)]** **(1A) (b)**, he may direct the local authority concerned to cause a survey by a land surveyor of any land determined by the **[Minister]** administrator to be carried out at its own expense, and if that local authority fails to comply with that direction within a reasonable period the **[Minister]** administrator may cause that survey to be carried out and may recover the costs thereof from the local authority.”.

Short title.

8. This Act shall be called the Local Government Affairs Amendment Act, 1985.

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OWERHEIDSAAANGELEENTHEDE, 1985

Wet No. 110, 1985

“Om voorsiening te maak vir die koördinering van werkzaamhede wat van algemene belang vir plaaslike owerhede is en van daardie werksaamhede van plaaslike owerhede wat in die nasionale belang gekoördineer behoort te word; die instelling van 'n koördinerende raad vir daardie doel; die instelling van komitees om die koördinerende raad by die verrigting van sy werksaamhede by te staan; die instelling van 'n aksiekomitee van die koördinerende raad; die instelling van 'n afbakeningsraad ten opsigte van sekere gebiede; die instelling van 'n uitvoerende komitee van die afbakeningsraad; die instelling van komitees om sekere ondersoek namens die afbakeningsraad in te stel; die verlening van ontwikkelingshulp aan plaaslike owerhede; die instelling van munisipale ontwikkelingsrade vir daardie doel; die aanwysing van persone of instellings vir doeleinnes van lidmaatskap van die koördinerende raad; [en] die verbetering van kommunikasie tussen sekere komitees en plaaslike owerhede betreffende sekere aangeleenthede; die uitoefening van sekere bevoegdhede deur die Administrateur ooreenkomsdig voorskrifte deur die Minister bepaal; en die uitbreiding van die werksaamhede van genoemde komitees; en om vir bykomstige aangeleenthede voorsiening te maak.”.

7. Artikel 2 van die Wet op Swart Plaaslike Besture, 1982, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) na oorlegpleging met die administrateur van die provinsie waarin, en met die ontwikkelingsraad in die administrasiegebied waarvan, die betrokke gebied geleë is, 'n stadsraad of 'n dorpsbestuur onder 'n naam in die kennisgewing vermeld, instel vir 'n gebied [in die kennisgewing omskryf wat bestaan uit een of meer dorpe of 'n gedeelte of gedeeltes van 'n dorp of dorpe] in subartikel (1A) bedoel;”;

(b) deur paragraaf (d) van subartikel (1) te skrap;

(c) deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) 'n Administrateur kan by kennisgewing in die Staatskoerant en na oorlegpleging met die Minister en met die ontwikkelingsraad in die administrasiegebied waarvan die betrokke gebied geleë is—

(a) 'n gebied in die kennisgewing omskryf wat bestaan uit een of meer dorpe of 'n gedeelte of gedeeltes van 'n dorp of dorpe;

(b) die regsgebied van 'n stadsraad of dorpsbestuur, na oorlegpleging met die betrokke stadsraad of dorpsbestuur, verander deur enige gedeelte daarvan uit te sluit of 'n dorp of gedeelte van 'n dorp daarby te voeg.”; en

(d) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Indien [die Minister] 'n administrateur die regsgebied van 'n plaaslike bestuur kragtens subartikel [(1) (d)] (1A) (b) wil verander, kan hy die betrokke plaaslike bestuur gelas om op eie koste die opmeting van grond wat die [Minister] administrateur bepaal, deur 'n landmeter te laat uitvoer, en indien die plaaslike bestuur versium om binne 'n redelike tydperk aan die lasgewing te voldoen, kan die [Minister] administrateur daardie opmeting laat uitvoer en die koste daarvan op die plaaslike bestuur verhaal.”.

8. Hierdie Wet heet die Wysigingswet op Plaaslike Owerheidsaangeleenthede, 1985. Kort titel.

Wysiging van
artikel 2 van
Wet 102 van 1982,
soos gewysig deur
artikel 69 van
Wet 4 van 1984.

