

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

**NORTH-WEST
NOORD WES**

**PROVINCIAL GAZETTE
PROVINSIALEKOERANT**

Price R1,20

Prys R1,20

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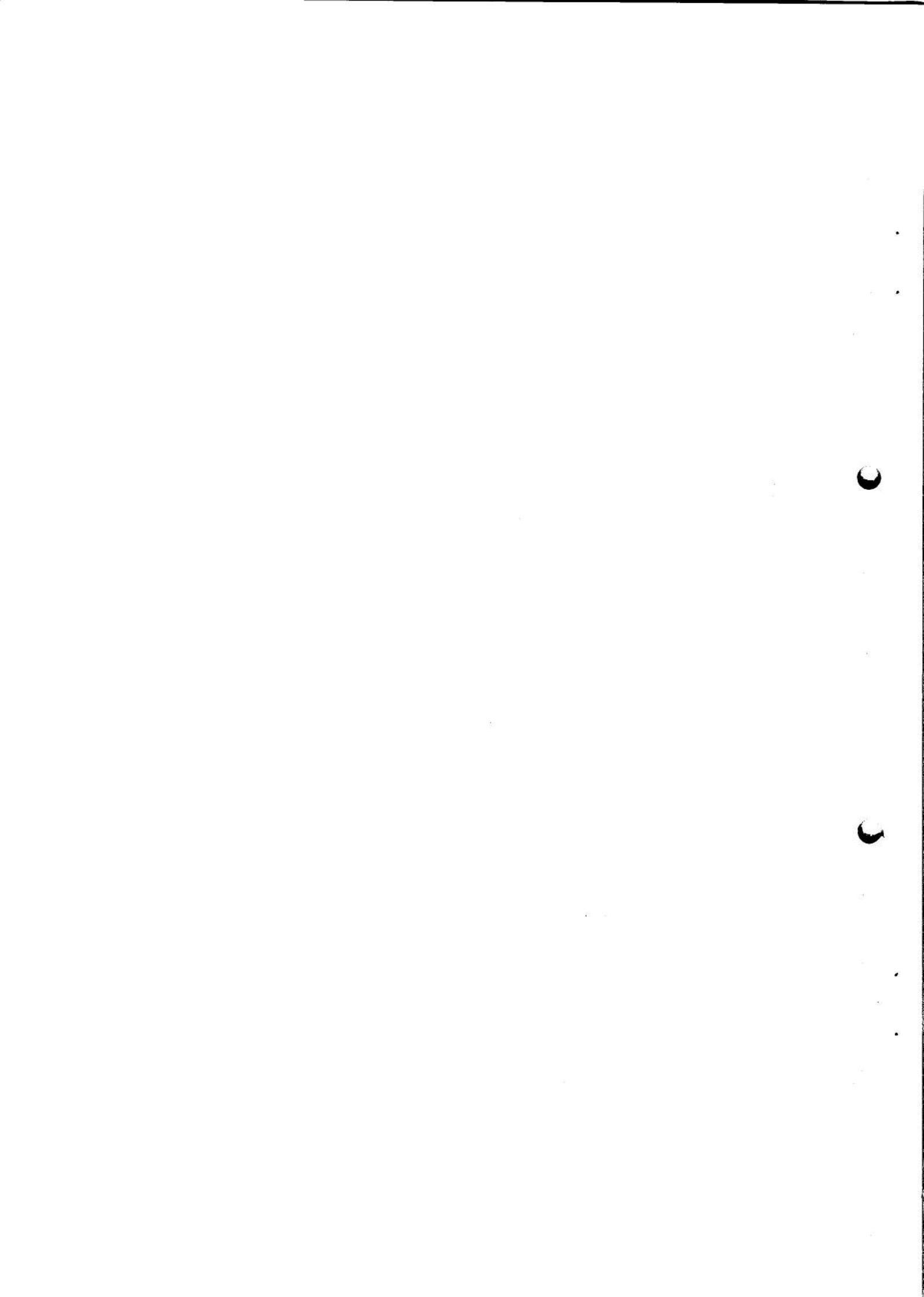
No.

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information.

**Act No. 7 of 1994 : North-West Tourism Council
Amendment Act, 1994.**

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

**Wet No. 7 van 1994 : Noord-Wes Toerismeraad
Wysigingswet, 1994.**



ACT

To amend the Bophuthatswana Tourism Council Act, 1989; so as to change the name of that body to "North West Tourism Council" and, with the view to giving effect to such change, to effect such amendment to that Act (including the short title) as may be necessary; to change the designation of "Minister" to "responsible Member"; in section 2 so as to change composition of the Council; in section 5 to further empower the responsible Member to remove a director from office; in section 23 to require the Member of the Executive Council for Finance and Provincial Expenditure to guarantee a loan subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa, 1993; to insert a new section 30A providing for the extension of the application of this Act to the whole territory of North West; and to provide for incidental matters.

(English text signed by the Premier on the 25 August 1994).

BE IT ENACTED by the Premier and the Legislature of the North West Province as follows:-

Substitution of section 1 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

1. The following section is hereby substituted for section 1 of the Bophuthatswana Tourism Council Act, 1989 (hereinafter referred to as the Principal Act):

- "Definition. 1. In this Act, unless inconsistent with the context -
- 'appointed director' means a director contemplated by section 3(1)(b);
- 'Council' means the North West Tourism Council established by section 2;
- 'director' means any one of the members of the Council referred to in section 3(1);
- 'head of the department' means the administrative head of the department of Economic Affairs;
- 'Managing Director' means the Managing Director appointed for the Council under section 19;
- 'Province' means the Province of North West as contemplated in section 124(1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993);
- 'responsible Member' means the Member of the Executive Council responsible for Economic Affairs."

Substitution of section 2 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

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

Principal Act:

"Establishment
and objects of
North West
Tourism
Council.

2.(1) There is hereby established the North West Tourism Council which shall under that name be a body corporate and, for the purpose of exercising and performing its powers, functions and duties under this Act, be capable in law of instituting or defending or opposing legal proceedings, of purchasing or otherwise acquiring and holding and alienating movable or immovable property, of entering into contracts and concluding agreements and, generally, of performing such other acts and doing such other things as bodies corporate may by law perform, subject to the provisions of this Act.

(2) The objects of the Council shall be to promote, develop and co-ordinate the tourist industry of the province and, without in any way placing any limitation on the foregoing objects of the Council -

- (a) to encourage persons to visit the Province from elsewhere and to travel about within the Province;
- (b) to encourage and promote the development and improvement of travel services and facilities to and within the Province for which purpose the Council may liaise with any department of State; and
- (c) to encourage the inhabitants of the Province to travel about therein,

and shall, in addition, include the objects as stated in section 3 of the North West Hotels Act, 1980 (Act 13 of

1980).".

Substitution of section 3 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

3.(1) The following section is hereby substituted for section 3 of the Principal Act:

"Composition of North West Tourism Council. 3.(1) Notwithstanding anything to the contrary contained in this Act, the Council shall consist of the following directors -

- (a) two officers designated from time to time by the responsible Member of whom one shall be an officer in the Public Service and the other an officer in the employment of Council; and
- (b) not more than eleven and not fewer than five other directors appointed by the responsible Member from time to time.

(2) The directors of the Council referred to in paragraph (b) of subsection (1) (hereinafter referred to as appointed directors), shall be appointed by the responsible Member on such terms and conditions and for such period (not exceeding five years) as the responsible Member may determine either generally or in respect of each individual director which he or she shall cause to be specified in the letter of appointment to be issued in respect of each such director.

(3) Each director shall on the expiration of his or

her term of office be eligible for re-appointment.".

(2) This section shall be deemed to have come into operation on the twenty-seventh day of April, 1994 and the Council constituted in terms of the provisions of this Act prior to that date shall be deemed to have been dissolved.

Substitution of section 4 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

4. The following section is hereby substituted for section 4 of the Principal Act -

"Disqualifi-
cations for
membership
of Council.

4. A person shall be disqualified from being appointed or remaining a member of the Council if -

- (a) he or she is subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936 (Act 24 of 1936), or if his or her estate is sequestrated in terms of the laws of any other country or territory by a competent court or authority of such a country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;
- (b) he or she is subject to an order of a competent court declaring him or her to be of unsound mind or mentally disordered or defective;
- (c) he or she has been convicted of any offence for which he or she was sentenced to imprisonment without the option of a fine for a period of not less than six months, irrespective of whether

such imprisonment was wholly or partially suspended or not, unless he or she has received a grant of amnesty or a free pardon, or unless the period of such imprisonment or suspension has expired at least ten years before the date of his or her appointment as a member of the Council.

(d) he or she -

- (i) is nominated as a candidate for election as a member of the National Assembly or any Provincial Legislature;
- (ii) is nominated as a senator; or
- (iii) is a member of the Executive Council; or
- (iv) is a Minister or Deputy Minister of State."

Substitution of section 5 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

5. The following section is hereby substituted for section 5 of the Principal Act -

"Removal and resignation from office. 5.(1) Notwithstanding the provisions of section 3, the term of office of any appointed director may, before the expiration thereof, be terminated by the responsible Member (whereupon such director shall be removed from office) -

- (a) on account of misconduct;
- (b) for unfitness for the duties of his or her

office;

- (c) on a ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the duties of his or her office or discharging them properly;
- (d) if, in the opinion of the responsible Member, there are good and sufficient reasons for doing so;
- (e) if he or she is or has become disqualified in terms of section 4.

(2) An appointed director may at any time resign from the Council upon one month's written notice tendered to the responsible Member."

Amendment of section 20 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

6. Section 20 of the Principal Act is hereby amended by the substitution for subsection (4) of the following subsection -

"(4)(a) The provisions of this section shall not be construed so as to preclude the Council from procuring by way of agreement with the government of the Province, the services of any officer of the Public Service on secondment to the Council in terms of the Public Service Act, 1994.

(b) Any officer of the Public Service seconded for service with the Council shall, in regard to the performance of his or her services with the Council, for all purposes in law be deemed to have been appointed under this section as an officer of the Council.

(5) The Council may, in relation to any staff matter

provided for in section 17 or mentioned in this section, make by-laws not inconsistent with the provisions of this Act, which by-laws shall be binding on the officers and employees of the Council."

Substitution of section 23 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

7. The following section is hereby substituted for section 23 of the Principal Act -

"Financing of Council. 23.(1) The Council shall be financed and be provided with working capital out of -

- (a) such moneys as may from time to time be appropriated to the Council by the Provincial Legislature, together with such moneys which, upon the commencement of this Act, may from public funds be allocated to the Council by the responsible Member, of which he or she is hereby authorised to do;
- (b) loans granted to the Council by the government of the Province on such terms and conditions as the responsible Member in concurrence with the Member of the Executive Council for Finance and Provincial Expenditure may from time to time determine;
- (c) loans raised or overdrafts obtained from any bank or financial institution registered in the Republic;

- (d) loans negotiated by the Council with other states or with multi-national or international bodies, agencies, institutions or financiers;
- (e) all moneys payable to the Council pursuant to the carrying on of its business and operations in terms of this Act;
- (f) donations and bequests made to the Council and accepted by it;
- (g) interest derived from the investment or deposit of moneys by the Council in terms of section 25(a) or (b);
- (h) the proceeds derived by the Council from the realisation of any of its assets or property in accordance with the provisions of section 17(b); and
- (i) moneys paid to the Council by any authority, body corporate, association or person referred to in section 16(g) as contribution towards expenditure incurred by the Council for the purposes of any project which, in accordance with the provisions of the latter section, the Council and such authority, body corporate, association or person had jointly undertaken.

(2) No loan or overdraft referred to in subsection (1)(c) or (d) shall be raised or obtained without the prior written consent of the Member of the Executive Council for Finance and Provincial Expenditure.

(3) The Member of the Executive Council for Finance and Provincial Expenditure may, subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), on behalf of the Government of the Province and upon such terms and conditions as he or she deems fit, guarantee the repayment of any loan raised or negotiated by the Council in terms of subsection (1)(c) or (d) as well as the interest and any other charges payable in connection with such loan.

(4) An agreement entered into in pursuance of the provisions of subsection (3), may be signed on behalf of the Government of the Province by the Member of the Executive Council for Finance and Provincial Expenditure or any person authorised thereto in writing by him or her."

Substitution of section 24 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

8. The following section is hereby substituted for section 24 of the Principal Act -

"Banking
Account of
Council.

24. The Council shall open and maintain with a registered commercial or other bank in the Republic or with any other financial institution approved by the Member of the Executive Council for Finance and Provincial Expenditure, an account, to be known as the North West Tourism Council Current Account, in which

shall be deposited all the moneys received by it as contemplated by section 23(1) and from which all payments by or on behalf of the Council shall be made."

Amendment of section 26 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

9. Section 26 of the Principal Act is hereby amended -

- (a) in subsection (2), by the substitution for the word "him" wherever it occurs in that subsection of the words "him or her";
- (b) in subsection (3), by the substitution for the word "his" wherever it occurs in paragraph (a) of the words "his or her";
- (c) by the substitution for subsection (4) of the following subsection -

"(4) The Council shall, not later than thirty days after receipt of the auditor's report referred to in subsection (2), submit a copy of the audited financial statements of the Council, together with such report and the report referred to in subsection (3), to the responsible Member who shall, within fourteen days after receipt thereof, lay it on the table in the Provincial Legislature, if the Provincial Legislature is then in session, or, if the Provincial Legislature is not then in session, within fourteen days after the commencement of its next ensuing session."

Substitution of section 29 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

10. The following section is hereby substituted for section 29 of the Principal Act -

"Responsible Member's powers regarding difficulties arising from the application of Act 13 of 1980.

29.(1) If, in the application of this Act, there arises a conflict between the provisions of the North West Hotels Act, 1980, and this Act, or the provisions of the firstmentioned Act are ambiguous or give rise to any administrative difficulty, the responsible Member may by notice in the Provincial Gazette -

- (a) amend the said provisions in such a manner as to reconcile the conflicting provisions in the North West Hotels Act, 1980, with the provisions of this Act or remedy the ambiguous provisions of the firstmentioned Act; or
- (b) in the case of such administrative difficulty, determine the extent to which the provisions in question are to be applied, or adjust such provisions so as to remove such administrative difficulty.

(2) Every notice in terms of subsection (1) shall be laid on the table in the Provincial Legislature within fourteen days as from the date of publication of such notice in the Provincial Gazette, if the Provincial Legislature is then in session, or, if the Provincial Legislature is not then in session, within fourteen days

as from the commencement of its next ensuing session, and such notice shall cease to be of legal force and effect upon the expiration of a period of three months as from the date upon which it was so laid on the table in the Provincial Legislature or when a Law of the Provincial Legislature embodying the contents of such notice or making some other provision in regard to the offending provisions of the North West Hotels Act, 1980, as contemplated by subsection (1), becomes of force whichever occurs first."

Insertion of section 30A of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

11. The following section is hereby inserted as section 30A of the Principal Act:

"Application of Act to the North West territory. 30A. This Law and any amendment thereof shall apply in the whole territory of the North West Province as defined in Part I of Schedule 1 to the Constitution of the Republic of South Africa, 1993."

Substitution of section 32 of Act 7 of 1989 as of force in the North West Province on 27 April 1994.

12. The following section is hereby substituted for section 32 of the Principal Act -

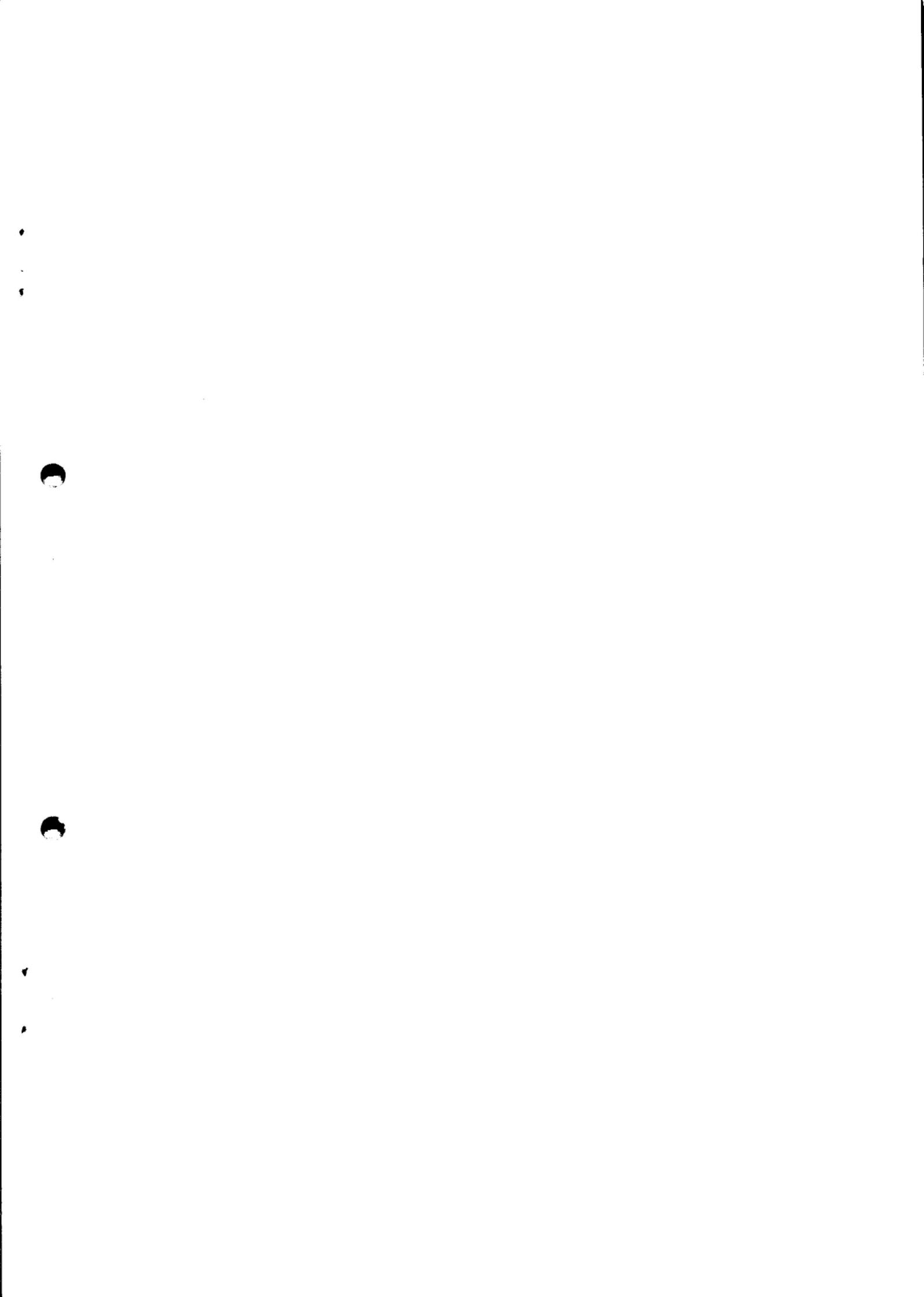
"Short title and date of commencement. 32. This Act shall be called the North West Tourism Council Act, 1989, and shall be deemed to have come into operation on the first day of April, 1989."

Amendment of Act 7 of 1989 as of force in the North West Province on 27 April 1994 by generally substituting the terms "Minister", Minister of Finance", "chairman", "vice-chairman", "Republic", "he", "his", "him" and "himself", for the terms "responsible Member", "Member of the Executive Council for Finance and Provincial Expenditure", "chairperson", "vice-chairperson", "Province", "he or she", "his or her", "him or her" and "himself or herself", respectively.

13. The Principal Act is hereby further amended, generally, by the substitution for the terms "Minister", "Minister of Finance", "chairman", "vice-chairman", "Republic", "he", "his", "him" and himself, wherever they remain in the Principal Act after the amendments effected by the preceding sections of this Act, of the terms "responsible Member", "Member of the Executive Council for Finance and Provincial Expenditure", "chairperson", "vice-chairperson", "Province", "he or she", "his or her", "him or her" and "himself or herself", respectively.

Short title.

14. This Act shall be called the North West Tourism Council Amendment Act, 1994.



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Vol. 1

02/09/1994

Nr. 33
No.

It is hereby notified that the Premier has assented to the following Act which is hereby published for general information.

Act No. 8 of 1994 : North-West Hotels Amendment Act, 1994.

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

Wet No. 8 van 1994 : Noord-Wes Hotelle Wysigingswet, 1994.

ACT

To generally amend the Hotels Act, 1980 so as to substitute the terms "Board", "Minister", "Minister of Finance" and "Gazette" for the terms "Council", "responsible Member", "Member of the Executive Council for Finance and Provincial Expenditure" and "Provincial Gazette" in section 29 to require the Member of the Executive Council for Finance and Provincial Expenditure to guarantee a loan subject to the provisions of section 157(3) of the Constitution of Republic of South Africa Act, 1993; to insert a new section 37A providing for the extension of the application of this Act to the whole territory of North West; and to provide for incidental matters.

(English text signed by the Premier on the 25 August 1994).

BE IT ENACTED by the Premier and the Provincial Legislature of North West as follows:-

Amendment of section 1 of Act 13 of 1980 as of force in the North West Province on 27 April 1994.

1. Section 1 of the Hotels Act, 1980 (hereinafter referred to as the Principal Act) is hereby amended -

(a) by the substitution for the proviso in the definition of "accommodation establishment" of the following proviso:

"Provided that the responsible Member may by notice in the Provincial Gazette declare that any establishment specified in the notice or any premises in or upon which a business contemplated in the definition of "accommodation

establishment" is conducted or is intended to be conducted shall for the purposes of this Act be deemed not to be an accommodation establishment";

(b) by the deletion of the definition of "Board";

(c) by the insertion immediately after the definition of "Certificate of registration" of the following definition:
" 'Council' means the North West Tourism Council established by section 2(1) of the North West Tourism Council Act, 1989;"

(d) by the deletion of the definition of "Minister";

(e) by the insertion immediately after the definition of "regulation" of the following definition:

" 'responsible Member' means the Member of the Executive Council for Economic Affairs;"

Substitution of section 29 of Act 13 of 1980 as of force in the North West Province on 27 April 1994.

2. The following section is hereby substituted for section 29 of the Principal Act -

"Borrowing Powers of the Council. 29.(1) The Council may from time to time with the approval of the responsible Member acting in consultation with the Member of the Executive Council for Finance and Provincial Expenditure, borrow monies in such amounts and in such manner and on such terms and conditions as may be authorised, for the purpose of -

(a) lending or advancing monies in respect of hotels on such terms and conditions as may

be determined by the board, with the approval of the responsible Member acting in consultation with the Member of the Executive Council for Finance and Provincial Expenditure;

- (b) repaying any monies borrowed by it under this Act or advanced to it by the Government of the Province;
- (c) paying interest in respect of any monies borrowed by it; or
- (d) acquiring any movable or immovable property.

(2) The Member of the Executive Council for Finance and Provincial Expenditure may on behalf of the Government of the Province, on such terms and conditions as he or she may deem fit, guarantee subject to the provisions of section 157(3) of the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993), the repayment of any monies borrowed by the board together with any interest thereon and any charge incurred in connection therewith."

Insertion of section 37A of Act 13 of 1980 as of force in the North West Province on 27 April 1994.

3. The following section is hereby inserted as section 37A of the Principal Act:

"Extension of Application of Act to the 37A. This Law and any amendment thereof shall apply in the whole territory of the North West Province as defined in Part I of Schedule 1 to the Constitution of the

North West Republic of South Africa Act, 1993."
territory.

Substitution of section 38 of Act 13 of 1980 as of force in the North West Province on 27 April 1994.

4. The following section is hereby substituted for section 38 of the Principal Act -

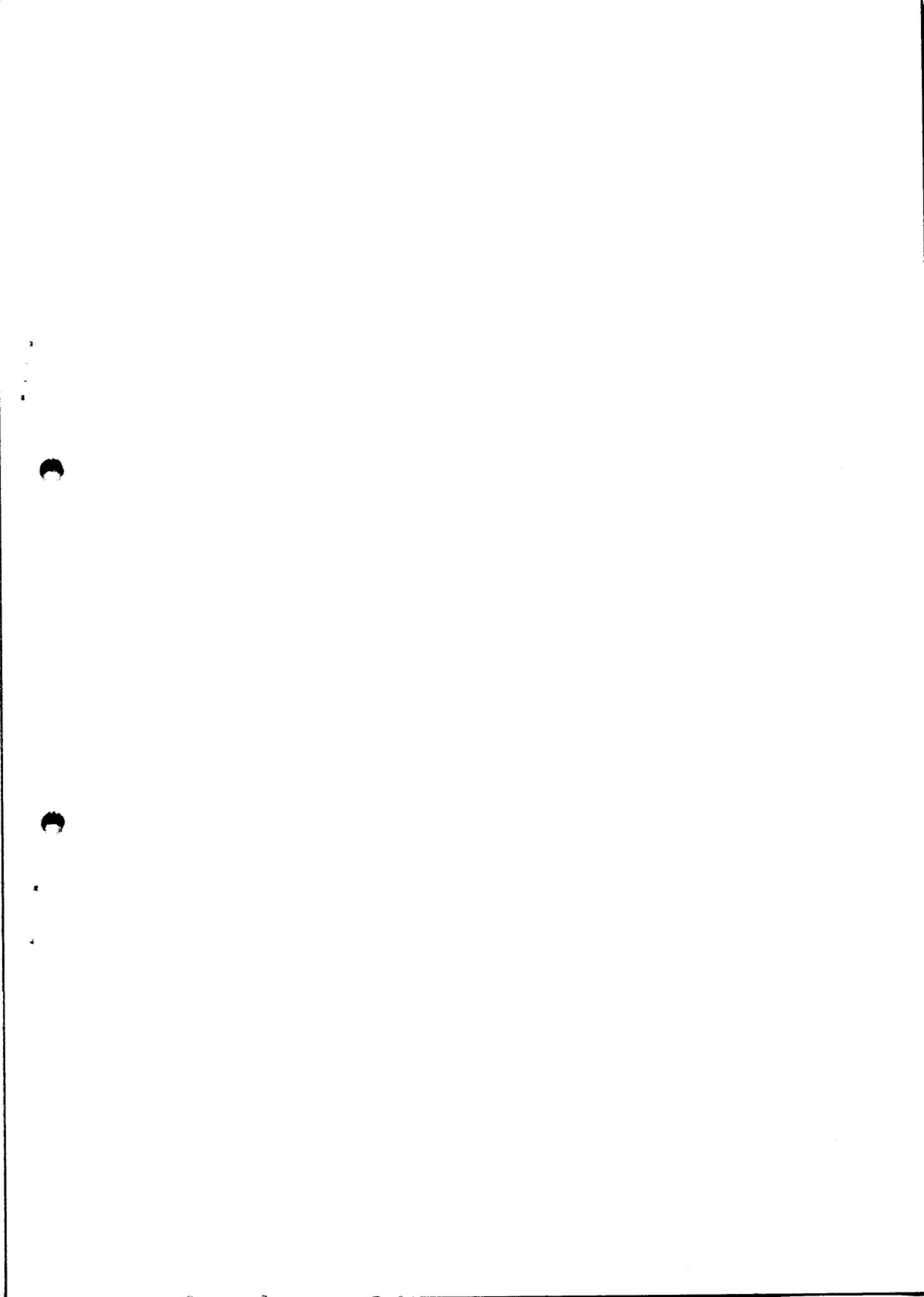
"Short title 32. This Act shall be called the North West Hotels Act,
and date of 1980, and shall come into operation on a date to be fixed
commencement. by the responsible Member by Proclamation in the
Provincial Gazette."

Amendment of Act 13 of 1980 by generally substituting the terms "board",
"he", "his", "him", "himself", "Minister", "Minister of Finance" and
Gazette" for the terms "Council", "he or she", "his or her", "him or her",
"himself" or "herself", "responsible Member", "Member of the Executive
Council for Finance and Provincial Expenditure" and "Provincial Gazette"
respectively.

5. The Principal Act is hereby further amended, generally by the
substitution for the terms "board", "he", "his", "him", "himself",
"Minister", "Minister of Finance" and "Gazette" wherever they remain in
the Principal Act after the amendments effected by the preceding sections
of this Act, of the terms "Council", "he or she", "his or her", "him or
her", "himself", "herself", "responsible Member", "Member of the Executive
Council for Finance and Provincial Expenditure" and "Provincial Gazette"
respectively.

Short title.

6. This Act shall be called the North West Hotels Amendment Act, 1994.



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